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SEA

SERVICE DATE – APRIL 3, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-33 (Sub-No. 233X)

Union Pacific Railroad Company – Abandonment Exemption – in Woodson County, KS

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad between milepost 385.45 to milepost 387.00, near Yates Center, in Woodson County, Kansas. The rail line proposed for abandonment extends 1.55 miles and is known as the Durand Industrial Lead. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (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.

ENVIRONMENTAL REVIEW

UP submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. UP served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) 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 no overhead traffic would be rerouted as a result of the abandonment. 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.

UP states that width of the right-of-way of the rail line is generally 100 feet. The right-of-way passes through a rural area of Woodson County, Kansas, and the City of Yates Center, Kansas.

The Kansas Department of Wildlife and Parks (KDWP) provided comments stating that the proposed abandonment would not significantly impact crucial wildlife habitats, public recreational areas, or state listed threatened or endangered species.¹ However, KDWP recommends implementing the following measures during salvage activities: standard erosion control Best Management Practices; temporary weed-free seeding/mulching to protect water quality; minimizing instream salvage activities; and using native grasses and forbs to revegetate all areas disturbed by salvage. Accordingly, we will recommend that a condition be imposed requiring UP to contact KDWP prior to beginning salvage activities to discuss and to implement appropriate recommendations during salvage activities.

The National Geodetic Survey (NGS) has submitted comments stating that 2 geodetic station markers have been identified that may be affected by the proposed abandonment and requests 90 days notification in advance of activities that will disturb or destroy these markers to plan for their relocation. Accordingly, we will recommend a condition requiring UP to notify NGS 90 days prior to beginning salvage activities to plan for the possible relocation of the station markers by NGS.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with 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, SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to the following agencies for review and comment: US. Army Corps of Engineers; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; Natural Resources Conservation Service;

¹ The Bald Eagle and the Neosho Madtom are the two Federally listed threatened species in Woodson County. These species are also state listed species. See <http://www.kdwp.state.ks.us/news/other_services/threatened_and_endangered_species/threatened_and_endangered_species/county_lists/woodson_county> and <<http://mountain-prairie.fws.gov/endspp/CountyLists/KANSAS.htm>>.

NGS; KDWP; Kansas Department of Health and the Environment; the Kansas State Bureau of Waste Management; and Kansas Department of Agriculture.

HISTORIC REVIEW

UP served the historic report on the Kansas State Historical Society (State Historic Preservation Officer or SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would have no adverse effect on historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(e), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the Osage Tribe of Oklahoma may have an interest in the proposed abandonment. Accordingly, SEA is sending a copy of this EA to this tribe for its review and comment.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. **Prior to beginning salvage activities, Union Pacific Railroad Company (UP) shall consult with the Kansas Department of Parks and Wildlife (KDPW) regarding its recommendations for implementing standard erosion control Best Management Practices, temporary weed-free seeding/mulching, minimizing instream salvage activities, and using native grasses and forbs to permanently revegetate all areas disturbed by salvage. Based on this consultation, UP shall implement the appropriate recommendations of KDPW during salvage activities.**
2. **Union Pacific Railroad Company shall notify the National Geodetic Survey (NGS) 90 days prior to beginning salvage activities to plan for the possible relocation of the station markers by NGS.**

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, 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 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 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice. UP states that it believes that the right-of-way proposed for abandonment is not suitable for other public purposes as the area is adequately served by existing roads and utility lines at the present time.

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 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-33 (Sub-No. 233X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions

regarding this Environmental Assessment, please contact Rini Ghosh, the environmental contact for this case, by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at ghoshr@stb.dot.gov.

Date made available to the public: April 3, 2006.

Comment due date: April 18, 2006.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment