

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 1252X**

**Eastern Idaho Railroad L.L.C. – Abandonment Exemption –  
in Fremont County, Idaho**

**BACKGROUND**

In this proceeding, Eastern Idaho Railroad L.L.C. (EIRR) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Fremont County, Idaho. The rail line proposed for abandonment extends 5 miles from milepost 28.80, at Egin, Idaho, to milepost 33.80, at Parker (the Line). A map depicting the 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**

EIRR 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. EIRR 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 C.F.R. § 1105.7(b)].<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

***Diversion of Traffic***

According to EIRR, no local traffic has moved over the Line for at least two years and all overhead traffic was rerouted years ago. 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.

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 1252X.

### ***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. EIRR states that it intends to remove the rail, track material, and crossties, but leave the culverts and ballast in place. EIRR may conduct salvage activities within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

### ***Land Use***

According to EIRR, the Line is in an area of primarily agricultural use, with light industrial and low-density residential areas adjacent to the right-of-way. The Fremont County Commission submitted comments stating that the proposed abandonment is consistent with existing land use plans.

EIRR states that the proposed abandonment should have no adverse effect on prime agricultural land. EIRR notified the United States Department of Agriculture, Natural Resource Conservation Service (NRCS), though has not yet received a reply. OEA will provide a copy of this EA to NRCS for its review and comment.

The National Geodetic Survey (NGS) submitted comments stating that one geodetic survey mark may be located within the project area (PID OX0457). Accordingly, OEA is recommending that a condition be included in any decision granting abandonment authority requiring EIRR to consult with NGS prior to conducting any salvage operations.

### ***Transportation and Safety***

The proposed abandonment would not result in the addition or removal of any road crossings or bridges, nor result in any freight traffic being diverted from rail to truck transportation. All appropriate structures, signage or signaling relating to safety in and near the Line or any road crossings would remain in place.

### ***Coastal Zone Compliance***

Idaho does not have any designated coastal zones or a coastal zone management program.

### ***Water Resources***

According to EIRR, there are two bridges that are over 50 years old in the right-of-way, and several culverts of unknown age. EIRR does not intend to alter, remove, or dispose of any bridge structures on the Line. EIRR plans to conduct abandonment activities by using the existing right-of-way for access, along with existing public and private road crossings. According to EIRR, abandonment activities would not cause sedimentation or erosion of the soil, and EIRR does not anticipate any dredging or use of fill when redeveloping or upgrading the track material.

According to EIRR, no in-stream work, dredging, or use of fill materials are contemplated. Additionally, EIRR does not contemplate any excavation or other ground-disturbance activity, or the need for related storm water mitigation measures. The Idaho Department of Environmental Quality (IDEQ) has not, to date, commented on the potential need for a permit under Section 402 of the Clean Water Act (33 U.S.C. § 1342). Because the proposed abandonment would not result in the discharge of wastewater or storm water, OEA concurs with EIRR that a Section 402 permit likely would not be required. Accordingly, OEA is not recommending any mitigation related to water quality impacts. OEA will provide a copy of this EA to IDEQ for review and comment.

The US Army Corps of Engineers (Corps), Idaho Falls Regulatory Office, Regulatory Division commented that the proposed abandonment would not involve an activity that the Corps regulates, and that the proposed rail abandonment would not involve a discharge of dredged or fill material below the ordinary high water mark, including wetlands of the Egin Canal, a Water of the U.S., which is regulated under Section 404 of the Clean Water Act (U.S.C. 1344). Therefore, a Department of Army authorization is not required.” OEA will provide a copy of this EA to the Corps for review and comment.

### *Hazardous Materials*

EIRR states that it is not aware of any releases of hazardous substances on or near the Line. OEA’s review has not found any federally-listed remediation sites near the Line. Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

### *Biological Resources*

EIRR submitted a letter dated May 8, 2018 from the U.S. Fish and Wildlife Service (USFWS), Eastern Idaho Field Office stating that USFWS has not identified any conflicts with any species listed as threatened or endangered, or proposed for listing, under the Endangered Species Act. Accordingly, OEA has determined that the proposed abandonment would have no effect on federally-listed threatened or endangered species in the project area.

## *Air Quality*

Because abandonment activities would be limited in scope and areal extent, and any air emissions associated with abandonment activities would be temporary, OEA believes that the proposed abandonment would not have a significant impact on air quality.

## *Noise*

OEA believes that any noise impacts from abandonment activities would be temporary and should not have a significant local impact.

## *Summary*

Based on all information available to date, OEA does not believe that abandonment activities 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 EA to the following agencies: NGS, Corps, USFWS, and IDEQ.

## **HISTORIC REVIEW**

EIRR served the Historic Report on the Idaho State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c).<sup>2</sup> The SHPO has submitted comments stating that the proposed abandonment would not affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). OEA has reviewed the report and the information provided by the SHPO and concurs with the SHPO's comments.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that no known historic properties listed in or eligible for inclusion in the National Register would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), 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 through posting on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov).

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<sup>2</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 on the Board's website at [https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

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.<sup>3</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: Shoshone Tribe of the Wind River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation; Confederated Tribes of the Warm Springs Reservation of Oregon; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; and the Nez Perce Tribe. Accordingly, OEA is sending a copy of this EA to these tribes for review and comment.

## **CONDITIONS**

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

- **The Eastern Idaho Railroad L.L.C. shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.**

## **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 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 Federal Register notice.

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<sup>3</sup> Tribal Directory Assessment Tool, <https://egis.hud.gov/TDAT> (last visited February 12, 2012).

## **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 C.F.R. § 1152.29).

## **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.

## **COMMENTS**

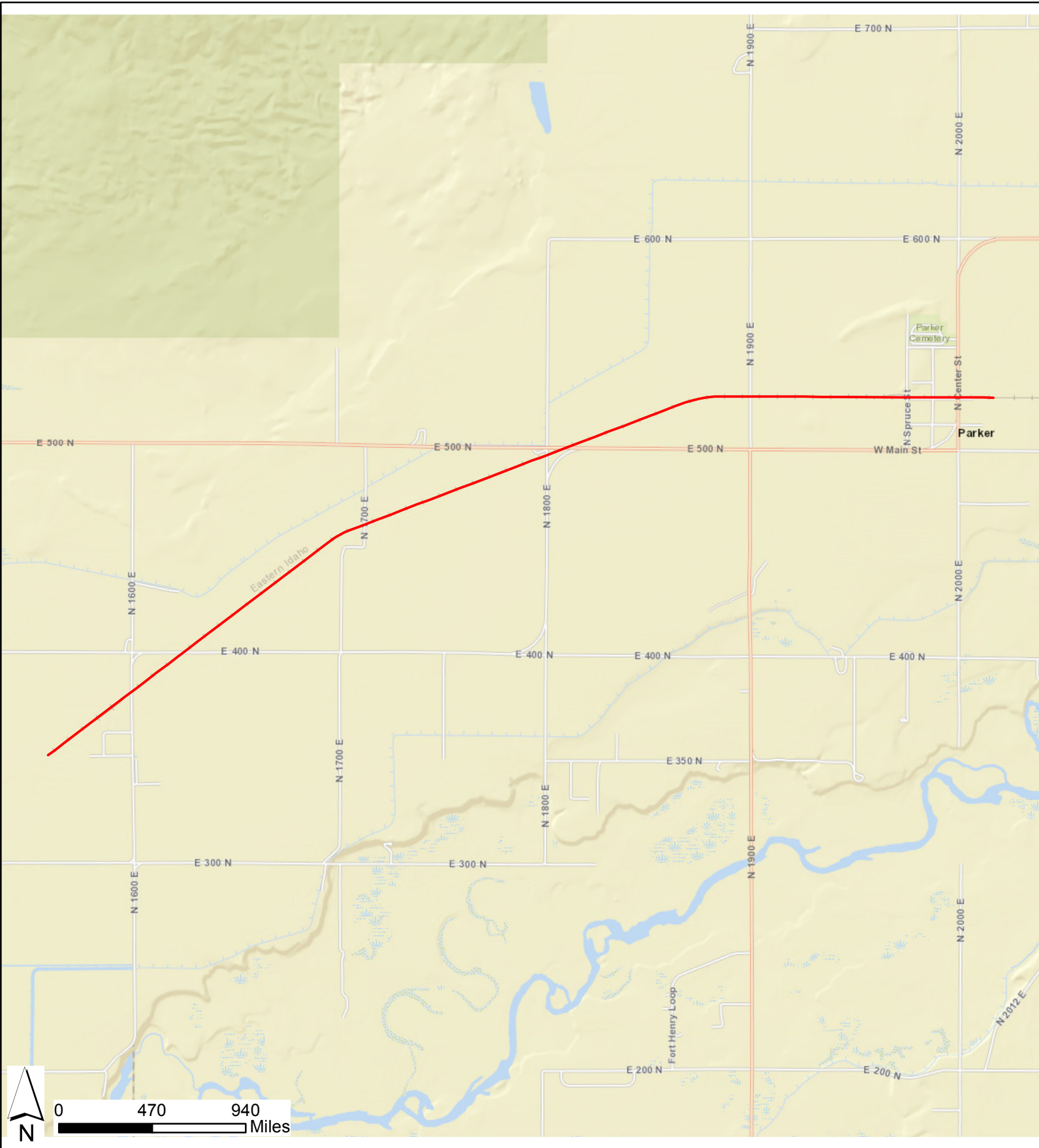
If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Adam Assenza, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.gov](http://www.stb.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1252X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at [adam.assenza@stb.gov](mailto:adam.assenza@stb.gov).

Date made available to the public: February 15, 2019.

**Comment due date: March 4, 2019.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment



**Docket No. AB 1252X**  
Eastern Idaho Railroad L.L.C.  
Abandonment Exemption  
Fremont County, Idaho

**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.

