

SERVICE DATE – OCTOBER 9, 2009

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-6 (Sub No. 468X)

**BNSF Railway Company – Abandonment Exemption –
in Kootenai County, ID**

BACKGROUND

In this proceeding, BNSF Railway Company (BNSF) has filed a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 seeking to abandon 6.23 miles of rail line, from milepost 6.10 at Port Falls, ID, to milepost 12.33 at Coeur d’Alene, in Kootenai County, ID (Line).¹ If the Surface Transportation Board (Board) should approve this abandonment, BNSF intends to sell the right-of-way to the City of Coeur d’Alene (City). If approved, the City would use the right-of-way to satisfy the Coeur d’Alene Education Corridor Master Plan, which contemplates the expansion of education institutions, commercial, wholesale, retail, and residential development, as well as the creation of parks and trails along the corridor.

If the Board should approve this abandonment, BNSF would salvage the rails, ties and bridge but would leave the ballast and culverts in place. According to BNSF, the Line does contain federally granted rights-of-way and traverses U.S. Postal Service Zip Codes 83814 and 83854. A map depicting the proposed abandonment in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

BNSF has submitted an environmental report that concludes that neither the proposed abandonment nor post-abandonment activities, such as salvage and disposition of the right-of-way, would significantly affect the quality of the human environment. BNSF served the environmental report on a number of appropriate Federal, state, and local agencies as required by

¹ SEA notes that in BNSF’s Environmental and Historic Reports submitted as part of its Petition for Exemption, BNSF states, “the milepost at the end of the Line is 12.34.” BNSF states that it subsequently determined that the Board has already approved the abandonment of the segment between Mileposts 12.34 and 12.33.

the Board's environmental rules [49 CFR 1105.7(b)].² The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

As explained above, BNSF seeks approval to abandon 6.23 miles of rail line, from milepost 6.10 at Port Falls, ID, to milepost 12.33 at Coeur d'Alene, in Kootenai County, ID. If the Board should approve this abandonment, BNSF intends to sell the property to the City for use in satisfying its Education Corridor Master Plan. The plan calls for the expansion of education institutions, commercial, wholesale, retail and residential development, as well as the creation of parks and trails along the corridor. According to BNSF, the Bureau of Land Management (BLM) has also reached a tentative agreement with the City to exchange the federally granted rights-of-way for land in the general area that is more suitable to BLM's use. The Line between milepost 8.66 and milepost 6.10 would be converted to industry track and used for storage of surplus rail cars.

BNSF states that there are no shippers on the Line and that the last remaining shipper, Stimson Lumber Company's DeArmond Mill, closed its operations on May 18, 2008. BNSF also states that there has been no overhead traffic for many years.

If approved, the abandonment would result in the closure of eight public and five private at-grade crossings.

Salvage Activities

If the petition becomes effective, BNSF would salvage the rails, ties and bridge but would leave the ballast and culverts in place. BNSF would salvage the tie and track materials via use of existing right-of-way access roads and at-grade crossings. BNSF does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil and does not anticipate any dredging or use of fill in the removal of the track materials.

BNSF states that it would separate the rail ties into three groups: 1) good quality ties that would be reused in rail service, 2) landscape quality ties that would be resold to lumber dealers and 3) scrap ties that would be transported by BNSF to an U.S. Environmental Protection Agency approved disposal site. BNSF further states that it would remove at-grade crossings and repave the crossings with gravel, asphalt, or concrete, as required by the governing authority. Any signals would also be dismantled and removed.

² The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-6 (Sub-No. 468X).

BNSF states that the proposed abandonment would be consistent with local land use plans as it has been in contact with the Coeur d'Alene Planning Commission and the Kootenai County Building and Planning Department.

In a letter dated June 16, 2009, Mr. Michael Gridley, Coeur d'Alene City Attorney, states: "The plans for this area include expansion of higher education institutions and civic uses as well as private redevelopment. We are excited to have this property available for new uses that will benefit the community."

In a letter dated May 26, 2009, the Natural Resources Conservation Service (NRCS) states that there are no prime agricultural lands within the area.

BNSF states that it is not aware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the Line.

BNSF does not believe that the abandonment, as proposed, would adversely affect endangered or threatened species or areas designated as critical habitat. In a letter dated May 28, 2009, BLM states that there are no known endangered or threatened species, wildlife sanctuaries or refuges, or areas designated as critical habitat adjacent to or near the Line and thus, there are no effects from the proposed action.

In a letter dated July 23, 2009, the U.S. Department of Interior, Fish and Wildlife Service, Idaho Field Office (USFWS), states portions of the Line are located adjacent to the Spokane River. Moreover, according to the USFWS, the Bull trout (*Salvelinus confluentus*), federally listed threatened species, is present in the Spokane River in the vicinity of the proposed abandonment. However, the Spokane River has not been designated as critical habitat for the species. Accordingly, SEA will recommend that a condition requiring BNSF to consult with the U.S. Department of Interior, Fish and Wildlife Service, Idaho Field Office, prior to the commencement of any salvage activities.

In a letter dated June 11, 2009, the Idaho Department of Environmental Quality, Remediation Section (ID-DEQ) recommends that a reconnaissance assessment of the rail bed and adjacent right-of-way be performed and that both a narrative report of materials historically shipped on this section of the Line and a sampling and analyses report on materials that would likely to have been spilled or sprayed along the right-of-way be submitted to ID-DEQ for review. SEA has not found any information indicating that either the rail bed or the right-of-way is contaminated. Accordingly, SEA will, at this time, not recommend that the Board require BNSF to conduct a full assessment of the Line prior to engaging in any salvage activities, but rather, will recommend a condition requiring BNSF to consult with the ID DEQ's Remediation Section prior to the commencement of any salvage activities.

The ID-DEQ also stated that the Surface Water Section had no comment on whether the proposed abandonment would be consistent with State Water Quality Standards or whether a Section 402 NPDES permit would be required.

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.

In an e-mail dated July 17, 2009, the U.S. Department of Commerce, National Geodetic Survey (NGS) identified five geodetic survey markers that may be disturbed by the proposed abandonment. Therefore, SEA will recommend that BNSF Railway Company consult with the NGS prior to the commencement of any salvage activities.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

In its Historic Report, BNSF states that the Chicago, Milwaukee, St. Paul and Pacific Railroad (MILW) acquired various parts of the right-of-way between 1875 and 1958. The MILW went bankrupt in 1980 and the former Burlington Northern Railroad (BN) purchased the former MILW trackage at Coeur d'Alene in 1981. In 1995, the former BN merged with The Atchison Topeka & Santa Fe Railway (ATSF) to become The Burlington Northern and Santa Fe Railway (BNSF). In 2005, BNSF changed its name to BNSF Railway Company.

The Coeur d'Alene & Spokane Railway purchased other parts of the right-of-way in 1903 but the company was later absorbed into the Spokane & Inland Empire Railway just three years later. Between 1906 and 1917, additional right-of-way was acquired and in 1919 the Spokane & Inland Empire Railway was split into the Spokane & Eastern Railway and the Inland Railway. In 1927, both former railroads were purchased by the Great Northern Railway (GN) and operated as the Spokane, Coeur d'Alene and Palouse Railway. The railroads were merged into GN in 1943. The GN was merged into BN in 1970.

Specific to the Coeur d'Alene area, J.J. Browne, an early Spokane, WA, entrepreneur, was interested in constructing a standard gauge railroad branching off from the Northern Pacific Railway and connecting by steamboat to Coeur d'Alene Lake. The railroad would then travel up the Coeur d'Alene River via a narrow gauge to Wallace, ID. Browne was unable to take his idea to fruition. Subsequently, Daniel Chase Corbin convinced the directors of the Northern Pacific Railway to work with him on the new railroad. Over the next 20 years, Mr. Corbin constructed seven feeder railroads, including the Spokane Falls and Northern, which connected with the Canadian Pacific in British Columbia, the Western Fruit Express, and Spokane, Portland and Seattle.³

³ Additional historical information found at: <http://www.discovery-school.org/1504108931827540/blank/browse.asp?a=383&BMDRN=2000&BCOB=0&c=54127>

According to BNSF, there is a single bridge on the Line that is 50 years old or older. BNSF states that according to its records the bridge was constructed in 1955 and is located at milepost 7.61. The bridge is a wood structure, sixteen feet long, three feet high and crosses a dry ditch. BNSF has no record of any significant alterations made to the bridge.

If the abandonment is approved, BNSF would salvage the rails, ties and bridge but would leave the ballast and culverts in place. Following salvage activities, BNSF would sell the right-of-way if the abandonment is approved. As discussed in detail above, the right-of-way would be used to expand the region's education corridor and for private redevelopment.

BNSF has submitted the historic report to the Idaho State Historical Society, Historic Preservation Office, (SHPO), pursuant to 49 CFR 1105.8(c).⁴ SEA has not heard from the SHPO and therefore has not been able to consider the SHPO's opinion before determining if the Line may be potentially eligible for listing on the National Register of Historic Places. Accordingly, we are 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 of Historic Places until completion of the Section 106 process.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd> to identify Federally recognized tribes, which may have ancestral connections to the project area. The database indicated that the following two Federally recognized tribe that may have ancestral connection to the project area: 1) Coeur D'Alene Tribe of the Coeur D'Alene Reservation and 2) Kalispel Indian Community of the Kalispel Reservation. SEA will ensure that the tribes receive a copy of this EA for its review and that the tribe be added to the service list for this proceeding.

Based on the information available to date, SEA does not believe that salvage activities would cause significant impacts to historic or cultural resources. SEA is providing a copy of this EA to the following agencies for review and comment: Idaho State Historical Society, Historic Preservation Office and the Museum of Northern Idaho.

CONDITIONS

SEA recommends that the following conditions be imposed on any decision granting abandonment authority.

- 1. BNSF Railway Company 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**

⁴ Guidance regarding the Board's historic preservation review process is available on the Board's web site at <http://www.stb.dot.gov/stb/environment/preservation.html>.

for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. BNSF Railway Company shall report back to the Section of Environmental Analysis (SEA) regarding any consultations with the Idaho State Historical Society, Historic Preservation Office and the public. BNSF Railway Company 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.

2. Prior to commencement of any salvage activities, BNSF Railway Company shall consult with the U.S. Fish and Wildlife Service, Idaho Field Office (USFWS) to assess potential impacts to the Bull trout (*Salvelinus confluentus*), a Federally listed threatened species, and identify any appropriate mitigation measures that may be warranted. BNSF Railway Company shall report the results of the USFWS consultations to the Board's Section of Environmental Analysis in writing prior to the onset of salvage operations.
3. Prior to commencement of any salvage activities, BNSF Railway Company shall consult with the Idaho Department of Environmental Quality, Remediation Section to ensure that any concerns regarding potential contamination of the right-of-way are addressed. BNSF Railway Company shall report the results of these consultations in writing to the Board's Section of Environmental Analysis prior to the onset of salvage operations.
4. BNSF Railway Company shall consult with the National Geodetic Survey at least 90 days prior to the beginning of salvage activities that will disturb or destroy any geodetic station markers.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if 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 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

If approved, BNSF intends to sell the Line to sell the property to the City of Coeur d'Alene (City) use in satisfying the Coeur d'Alene Education Corridor Master Plan which would include expansion of education institutions, commercial, wholesale, retail, and residential development, as well as the creation of parks and trails along the corridor.

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 Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC 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 Troy Brady, 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-6 Sub No. 468X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: October 9, 2009.

Comment due date: November 9, 2009.

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

Anne K. Quinlan
Acting Secretary

Attachment