

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 1237 (Sub-No. 1X)

**New Hampshire Department of Transportation—Abandonment Exemption—
between Littleton, N.H. and Bethlehem, N.H.**

BACKGROUND

In this proceeding, the New Hampshire Department of Transportation (NHDOT) filed a notice 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 railroad line in the Grafton County, New Hampshire. The rail line proposed for abandonment extends approximately 6.86 miles from milepost C113, station 995+66, at Industrial Drive in Littleton to milepost C119.86 station 1359+77, at a point approximately 3.35 miles east of the Littleton/Bethlehem town line (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, NHDOT would be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

ENVIRONMENTAL REVIEW

NHDOT submitted a combined Environmental and Historic Report that concludes that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. NHDOT served the Environmental and Historic Report on appropriate federal, state, and local agencies, as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

NHDOT states that there has been no rail traffic on the Line for at least two years and that there is no overhead traffic. Accordingly, the proposed abandonment would not adversely impact the development, use, or transportation of energy resources or of recyclable commodities;

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 1237 (Sub-No. 1X).

transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could significantly impact air quality or the local transportation network.

Salvage Activities

If abandonment is granted in this proceeding, NHDOT intends to remove rail, track material, and crossties from the rail right-of-way, but would leave culverts and ballast in place. Following abandonment, NHDOT intends to convert the rail right-of-way into a recreational trail.

Land Use

NHDOT states that it has consulted with the towns of Littleton and Bethlehem and that both towns have been fully involved in developing plans for post-abandonment use of the Line. Because salvage activities would be limited in scope and because the appropriate local governments have been consulted, OEA does not anticipate that the proposed abandonment would negatively affect local land uses. Therefore, no mitigation related to local land use is recommended. OEA is sending a copy of this EA to the towns of Littleton and Bethlehem and to Grafton County for review and comment.

NHDOT requested comments from the U.S. Natural Resource Conservation Service (NRCS) related to the potential for the proposed abandonment to affect agricultural land but has received no response to date from NRCS. Because salvage activities would be limited in scope and would take place within an existing rail corridor, OEA believes that the proposed abandonment would not result in any negative impacts to prime or unique farmland. Accordingly, no mitigation related to agricultural resources is recommended.

The National Geodetic Survey (NGS) submitted comments stating that nine geodetic survey marks are located in the project area. OEA is therefore recommending a mitigation condition requiring NHDOT to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers in order to plan for the possible relocation of the geodetic station markers by NGS.

NHDOT states, and OEA has confirmed, that the Line does not cross and is not immediately adjacent to any local, state, or federal forests, parks, wildlife sanctuaries or refuges, or other federally or state managed lands.² Accordingly, no mitigation related to public lands is recommended.

² U.S. Geological Survey, Protected Areas Database of the United States, <https://maps.usgs.gov/padus/> (last accessed April 8, 2019).

Coastal Zone Compliance

Grafton County, New Hampshire is located outside of the boundary of the New Hampshire Coastal Zone Management Program. Therefore, no mitigation related to coastal zone management is necessary or recommended.

Water Resources

Based on OEA's review of available satellite imagery and the U.S. Fish and Wildlife's (USFWS') National Wetlands Inventory, the Line crosses or is immediately adjacent to several areas classified as waterways or wetlands, including a freshwater pond, freshwater forested/shrub wetland habitat, lake habitat, riverine habitat (the Ammonoosuc River), and several small streams.³ Because salvage activities would be limited to the removal of rail, ties, and related track materials from the existing rail right-of-way, OEA does not anticipate that the proposed abandonment would result in discharges into waterways or wetlands or any other impacts to water resources.

The New Hampshire Department of Environmental Services (NHDES) submitted comments stating that the Line is located entirely within the Ammonoosuc Designated River Corridor. Salvage activities, though not involving in-stream work and not intended to result in discharges into any water resources, would take place within a designated river corridor. Therefore, OEA is recommending mitigation requiring NHDOT to consult with NHDES regarding potential impacts to the Ammonoosuc River and to follow the reasonable recommendations of that agency. OEA is sending a copy of this EA to NHDES for review and comment.

NHDOT provided a copy of the Environmental Report to the U.S. Army Corps of Engineers (the Corps) seeking comments related to the potential requirement for a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344). To date, the Corps has not provided comments. Although the Line crosses multiple waterways and wetlands that may qualify as waters of the United States under the jurisdiction of the Corps, OEA believes that the proposed abandonment would not result in any impacts to those waters because salvage activities would not involve in-stream work or discharges of dredge or fill materials. Therefore, OEA is not recommending any mitigation related to impacts to waters of the United States, including wetlands. OEA is sending a copy of this EA to the Corps for review and comment.

³ U.S. Fish and Wildlife Service, National Wetlands Inventory, <http://www.fws.gov/wetlands/Data/Mapper.html> (last accessed April 8, 2019).

Hazardous Materials

NHDOT states that there are no known hazardous waste sites or sites where hazardous material spills have occurred on or adjacent to the rail right-of-way. NHDOT states that a fuel distributorship was at one time located at Station 1145+00 and was subject to an investigation concerning sub-surface oil contamination some time prior to 1999. OEA's review of the area has confirmed that there are no federally-listed remediation sites within or immediately adjacent to the rail right-of-way.⁴ Because there are no known issues related to hazardous waste spills within the rail right-of-way and because no ground disturbance would occur during salvage, no mitigation related to hazardous waste sites or hazardous materials is necessary or recommended.

Biological Resources

NHDOT sent a copy of its Environmental Report to USFWS and requested that USFWS provide comments related to the proposed abandonment's potential to affect wildlife, including federally listed threatened and endangered species. To date, USFWS has not provided comments.

To identify federally listed threatened and endangered species that could be present in the project area, OEA conducted a search of the USFWS Information, Planning, and Conservation (IPaC) system.⁵ The table below shows the federally listed endangered and threatened species known or thought to occur in Grafton County, as identified by OEA's search. OEA notes that the project area does not contain critical habitat for any of the species identified.

Federally Listed Protected Species in Grafton County, New Hampshire	
Mammals	Status
Canada Lynx (<i>Lynx canadensis</i>)	Threatened
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Threatened
Clams	
Dwarf Wedgemussel (<i>Alasmodonta heterodon</i>)	Endangered
Flowering Plants	
Small Whorled Pogonia (<i>Isotria medeoloides</i>)	Threatened

Based on OEA's review of available satellite and aerial imagery, the Line largely crosses areas that are dominated by low-density commercial and residential use, including the downtown

⁴ Environmental Protection Agency, NEPAassist, <http://nepassisttool.epa.gov/nepassist/entry.aspx> (last accessed April 8, 2019).

⁵ U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac/> (last accessed April 9, 2019).

area of Littleton, New Hampshire. Moving east from Littleton, the line crosses the Ammonoosuc River and parallels a state highway (New Hampshire Route 116). Because the surrounding habitat is fragmented by roadways and development, OEA believes that it is unlikely that the Canada lynx would be present within the rail right-of-way. The Northern long-eared bat potentially could be present in some of the wooded areas adjacent to the rail right-of-way, but would not be affected by salvage activities, which would be limited to the removal of rails, ties, and related track materials and would not disturb forest habitat. The planned salvage activities would also not involve any in-stream work that could affect the dwarf wedgemussel. The small whorled pogonia is an orchid species typically found in older hardwood stands with an open understory and is therefore not likely to occur within the existing rail corridor where salvage activities would take place.

Based on the information provided by NHDOT and OEA's independent review, OEA has concluded that the proposed abandonment would have ***no effect*** on the species listed above or other federally listed threatened and endangered species, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1536). In order to ensure that no federally protected species are affected, OEA is recommending mitigation requiring NHDOT to notify and consult with USFWS if any federally listed threatened or endangered species are encountered during abandonment-related salvage activities. OEA is sending a copy of this EA to USFWS for review and comment.

Air Quality

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Therefore, no mitigation related to air quality is recommended.

Noise

Noise associated with salvage activities would be temporary and should not have a significant impact on the area surrounding the proposed abandonment. Therefore, no mitigation related to noise impacts is recommended.

Summary

Based on all information available to date, OEA believes that the proposed abandonment, including abandonment-related salvage activities, would not result in any significant environmental impacts. OEA is sending a copy of this EA to the following agencies for review and comment: Littleton, New Hampshire; Bethlehem, New Hampshire; Grafton County, New Hampshire; USFWS; NHDES; NGS; and the Corps.

HISTORIC REVIEW

Historical Background

Based on OEA's review of available historical railroad maps, the Line was constructed prior to 1882 as part of the White Mountains Railroad, a division of the Boston, Concord, & Montreal Railroad (BC&M) system.⁶ The BC&M merged with the Concord Railroad in 1889 to form the Concord & Montreal Railroad, which was taken over by the Boston & Maine Railroad in 1895.⁷ The Line later came under the control of the New Hampshire and Vermont Railroad and was acquired by NHDOT in 1999.

Initiation of Section 106 Process

The abandonment of a line of railroad is considered a federal undertaking under Section 106 of the National Historic Preservation Act (54 U.S.C. 306108). In this case, NHDOT initiated Section 106 consultation with the New Hampshire Division of Historic Resources (the New Hampshire State Historic Preservation Officer or NH SHPO) by providing the NH SHPO with a copy of its Historic Report prior to filing its notice of exemption with the Board, pursuant to 36 C.F.R. § 800.4(d)(1).⁸

Area of Potential Effects

Section 106 requires that federal agencies define an Area of Potential Effects (APE) in consultation with the appropriate SHPO for projects with the potential to affect historic properties listed in or eligible for listing in the National Register of Historic Places (National

⁶ Rand, Avery & Co. "Map of the Boston, Concord, Montreal & White Mountains Railroad and its principal connections." Map. 1882. Norman B. Leventhal Map & Education Center, <https://collections.leventhalmap.org/search/commonwealth:cj82kp23z> (last accessed April 9, 2019).

⁷ New Hampshire Division of Historic Resources, New Hampshire Historical Highway Markers, Marker Number 0163, "Boston, Concord, & Montreal Railroad," <http://nhdhr.maps.arcgis.com/apps/MapSeries/index.html?appid=7d6a4a690be84dcab2c8b2ce637111e3> (last accessed April 9, 2019).

⁸ 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 [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).

Register). The APE is the geographical area in which historic properties could be directly or indirectly affected by the federal undertaking. In this case, in keeping with OEA's typical practice, OEA has defined the APE as the rail right-of-way because it is the area in which any abandonment-related salvage activities would take place.

Identification of Historic Properties

By letter dated August 16, 2017, the NH SHPO commented that the White Mountains Railroad is eligible for listing in the National Register as a historic district under Criteria A and C for construction and engineering. The NH SHPO states that 50 extant historic elements located along the Line have been confirmed as contributing elements to the linear historic district. Those elements include a variety of posts, signs, switches, and other small features, as well as larger structures such as bridges.

Assessment of Effects

Because the federal undertaking in abandonment proceedings is the Board's decision whether to license the proposed abandonment, OEA's historic review under Section 106 considers only whether the diversion of rail traffic and salvage of the rail line would result in adverse effects to historic properties. OEA does not assess the potential effects to historic properties related to trails use or other future potential uses of an abandoned rail right-of-way.⁹

In this case, the NH SHPO has identified potential concerns related to both salvage of the Line, which is part of the federal undertaking in this proceeding, and conversion of the Line to a trail, which is beyond the scope of the federal undertaking. In regard to salvage, the NH SHPO's concern is that certain contributing elements to the White Mountains Railroad, such as posts, signs, switches, and open battery wells, could potentially be construed as hazards to future rail users and removed. OEA shares the NH SHPO's concern and believes that the removal of contributing elements to the White Mountains Railroad during salvage of the Line could potentially constitute an adverse effect to the National Register-eligible property.

The NH SHPO concludes that neither the proposed abandonment nor the post-abandonment conversion of the Line into a trail would have an adverse effect on the White Mountains Railroad or other historic properties listed in or eligible for listing in the National Register, provided that certain stipulations related to salvage and repurposing of the rail right-of-way into a trail are met. Those stipulations include providing the NH SHPO with a list of identified hazards and a hazard removal plan with a reasonable time for review and consultation to revise plans, if necessary. NHDOT states in its Environmental Report that it will voluntarily

⁹ See *Iowa Southern R. Co.—Exemption—Abandonment*, 5 I.C.C.2d 496 (1989), *aff'd* sub nom. *Goos v. ICC*, 911 F.2d 1283 (8th Cir. 1990).

comply with all of the NH SHPO's stipulations, including the stipulation related to the removal of hazards.

Based on the NH SHPO's comments and the information available to date, OEA concludes that, if NHDOT consults with the NH SHPO regarding the potential removal of hazards prior to undertaking salvage activities and implements the NH SHPO's reasonable recommendations for the treatment of the White Mountains Railroad and its contributing elements, the proposed abandonment would not adversely affect that National Register-eligible property. Accordingly, OEA is recommending a mitigation measure requiring NHDOT to consult with the NH SHPO regarding the removal of potential hazards prior to beginning salvage activities and to follow the reasonable recommendations of the NH SHPO.

OEA finds that, if the recommended mitigation measure is imposed, the proposed abandonment would have ***no adverse effect*** on historic properties listed in or eligible for listing in the National Register. The documentation for that 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 NH SHPO and made available to the public through posting on the Board's website at <http://www.stb.gov>.

Tribal Consultation

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development Tribal Directory Assessment Tool to identify federally recognized tribes that may have ancestral connections to the project area.¹⁰ The search did not identify any federally recognized tribes as potentially having knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment.

CONDITIONS

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

- 1. The New Hampshire Department of Transportation 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 in order to plan for the possible relocation of the geodetic station**

¹⁰ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat/> (last accessed April 8, 2019).

markers by NGS.

2. **Prior to the start of abandonment-related salvage activities, the New Hampshire Department of Transportation (NHDOT) shall consult with the New Hampshire Department of Environmental Services (NHDES) regarding the potential impact of the proposed abandonment to the Ammonoosuc Designated River Corridor and shall follow the reasonable recommendations of NHDES.**
3. **If any federally listed threatened or endangered species are encountered during salvage activities, the New Hampshire Department of Transportation (NHDOT) shall cease work and notify the U.S. Fish and Wildlife Service (USFWS). NHDOT shall consult with USFWS regarding the potential impacts to any encountered federally listed threatened and endangered species and shall follow the reasonable recommendations of USFWS.**
4. **Prior to beginning salvage activities, the New Hampshire Department of Transportation (NHDOT) shall consult with the New Hampshire Division of Historical Resources (the New Hampshire State Historic Preservation Officer or NH SHPO) regarding the removal of potential hazards to future trail users from the rail right-of-way and shall follow the NH SHPO's reasonable recommendations related to the treatment of rail-related historic properties during salvage. NHDOT shall report back to OEA the results of any consultations with the NH SHPO related to salvage of the rail line.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, if the conditions above are imposed, the proposed abandonment 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 would 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.

TRAILS USE

Requests for a notice of interim trail use (NITU) are 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.

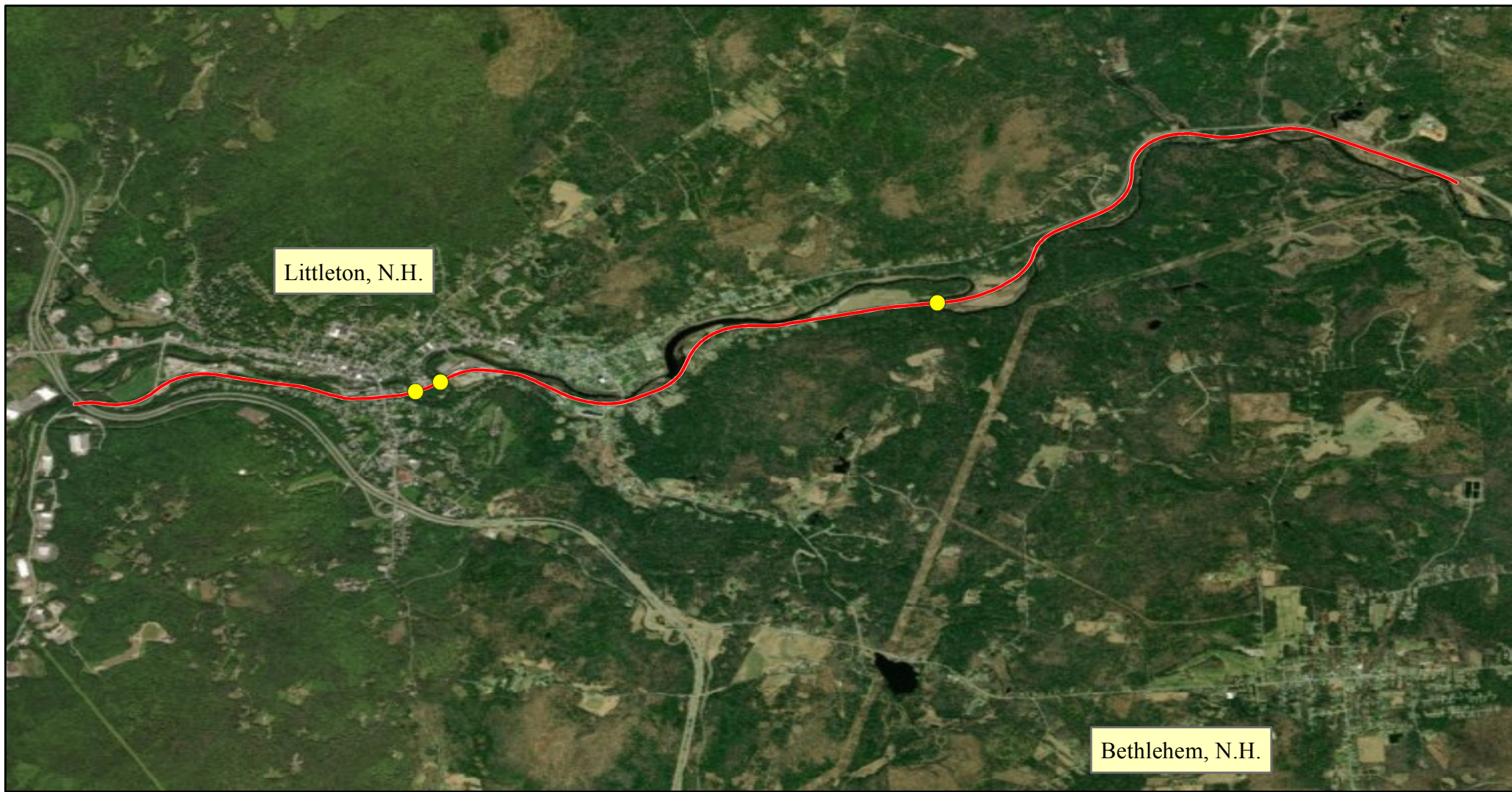
COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Josh Wayland, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1237 (Sub-No. 1X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Josh Wayland, the environmental contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at joshua.wayland@stb.gov.

Date made available to the public: April 12, 2019

Comment due date: April 29, 2019

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



AB 1237 (Sub-No. 1X)

New Hampshire Department of Transportation
Abandonment Exemption
Between Littleton, N.H. and Bethlehem, N.H.

Note: Maps produced by the Surface Transportation Board's Office of Environmental Analysis are based on information provided by the railroad applicant and are for general reference purposes only.

Legend

-  Rail line proposed for abandonment
-  Rail right-of-way (approximate)
-  Rail bridges on the line proposed for abandonment

