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SERVICE DATE - JULY 9, 2004

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-870X

Butler County, Kansas—Abandonment Exemption—in Butler County, KS

BACKGROUND

In the above entitled proceeding, Butler County, Kansas (County) has 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 10.6-mile line of the railroad located between milepost 483.62, at Augusta, and milepost 494.22, near Andover, in Butler County, Kansas. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The right-of-way is predominately 100 feet in width. The line crosses through predominately flat, rural areas. The County states that since December 2001, no local traffic has moved over the line. The line is stub-ended and, therefore, not capable of handling overhead traffic.

ENVIRONMENTAL REVIEW

The County 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. The County served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. Also consultations have been made with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included: the Department of Transportation; Kansas Corporation Commission; Military Traffic Management Command; U.S. Department of Interior - National Park Service; U. S. Department of Agriculture; Butler County Commissioners; Kansas State Conservationist, United States Department of

Agriculture Natural Resources Conservation Service; U.S. Fish and Wildlife Service; National Park Service - Recreational Resources Assistance Division; Kansas Department of Health and Environment; U.S. Environmental Protection Agency; U.S. Army Engineer District, Kansas City; The National Geodetic Survey; and the Kansas State Historical Society.

The National Geodetic Survey (NGS) has submitted comments stating that six geodetic station markers have been identified that may be affected by the proposed abandonment. We recommend that if there are planned activities which would disturb or destroy these markers, the County shall notify NGS not less than 90 days in advance of such activities in order to plan for relocation of the markers.

HISTORIC REVIEW

The County submitted a historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. The County served on the Richard Pankratz, Director Cultural Resources Division, Kansas State Historical Society (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. We reviewed the report and the information provided by 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 Register Preservation Act at 36 CFR 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not 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(d), consists of the County's historic report, all relevant correspondence, and this EA, which have been provided to SHPO and made available to the public.

CONDITIONS

We recommend that the following environmental condition be placed on any decision granting abandonment authority.

1. The County shall consult with the NGS and provide NGS with 90 days notice prior to disturbing or destroying any geodetic station markers.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude 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 this case, 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.

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, 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, 1925 K St., N.W., Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, 1925 K. St., N.W., Washington, DC 20423, to the attention of Ann Newman, 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 STB Docket No. AB-870X) in all correspondence, including e-filings addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ann Newman at (202) 565-1657, fax at (202) 565-9002, or e-mail at AnnNewman@STB.dot.gov.

Date made available to the public: July 9, 2004.

Comment due date: July 26, 2004.

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

Vernon A. Williams
Secretary

Attachment

