



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

E1-1934

17 FEB 2006

OFFICE OF
THE REGIONAL ADMINISTRATOR

Fritz R. Kahn, P.C.
1920 N Street, N.W. (Eighth Floor)
Washington D.C. 20036-1601

Dear Mr. Kahn:

RE: STB Docket No. 988X, Nebkota Railway, Inc – Abandonment Exemption – In Sheridan and Cherry Counties

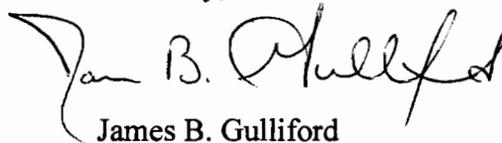
This correspondence responds to your inquiry of February 1, 2006, requesting the Environmental Protection Agency's (EPA) interest in this proposed abandonment. Environmental legacies of railway operations can include (but may not be limited to) product spills, maintenance activities-- where waste fuels and lubricants may have been discarded, wood preservative applications to ties and trestles, and rights-of-way maintenance with herbicides.

As is the case for all federal actions being reviewed through the National Environmental Policy Act (NEPA) process, it is the obligation of the lead federal agency to determine the environmental consequences of the action. The Environmental Assessment prepared by the Surface Transportation Board (STB) (Service Date – January 31, 2006) concludes that the "abandonment of the line will not significantly affect the quality of the human environment". Although EPA has no information that would refute STB's conclusion, we also did not find anything within the STB order that says that STB is withholding action on the abandonment application due to a lack of response by EPA. Please note that while we believe that this letter expresses our views on the impacts of the project based on the limited available information, it is up to the STB to determine what, if any, further consultation with EPA would be necessary to begin salvage operations.

Specific to the observation that EPA did not provide comments regarding potential Section 402 permitting requirements, please be advised that (with the exception of Tribal Reservation property) all EPA Region 7 states (Nebraska, Kansas, Iowa, and Missouri) have gained primacy for this program, and should be consulted for permit requirements whenever rail removal is specified.

For future abandonment proposals, if EPA can be of assistance within its jurisdiction or technical capabilities, please direct correspondence to the address below or contact Mr. Joseph Cothem, NEPA Team Leader at (913) 551-7148, or cothem.joe@epa.gov .

Sincerely,

A handwritten signature in black ink, appearing to read "James B. Gulliford". The signature is fluid and cursive, with a large initial "J" and "G".

James B. Gulliford
Regional Administrator

cc: ✓ Mr. Troy Brady, Surface Transportation Board, Washington, D.C.
Mr. James Gavin, Office of Federal Activities, Washington, D.C. (via e-mail)