

EO-440
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SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-33 (Sub-No. 236X)

March 16, 2007

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

Notice of Exemption Petition for Exemption Regulated Abandonment

NO NEW COMMENTS WERE RECEIVED

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On February 13, 2007, SEA served an Environmental Assessment (EA) for public review and comment. In the EA, SEA recommended two environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment. One comment was received during the comment period. That comment is addressed below.

Comments on the EA

As noted in the EA, the proposed abandonment could impact habitat of the Golden-cheeked Warbler, a Federally listed endangered species. Accordingly, SEA recommended that, prior to the commencement of any salvage activities, Union Pacific Railroad Company (UP) consult with the U.S. Fish and Wildlife Service (USFWS) and the Texas Parks and Wildlife Department (TPWD) to determine if avoidance or impact mitigation measures are necessary to protect habitat for the Golden-cheeked Warbler. SEA also recommended that UP report the results of this consultation in writing to SEA prior to the onset of salvage activities.

In a March 13, 2007 telephone call, Allison Arnold with the USFWS contacted SEA. In addition to the earlier comments, USFWS stated that salvage should not take place during the Golden-cheeked Warbler nesting season, which is between March and September. In the alternative, USFWS stated that UP could hire a consultant to determine if the species is present in the proposed project area. If the species is not present, then salvage could take place at any time of the year. If it is determined that the species is present in the proposed project area, then SEA recommends that UP consult with USFWS and TPWD to determine if avoidance or impact mitigation measures are necessary to protect habitat for the Golden-cheeked Warbler. SEA also recommends that UP report the results of any surveys or consultations in writing to SEA prior to the onset of salvage activities.

Conclusions

The EA comment period has ended. Accordingly, SEA recommends that the conditions recommended in the EA, as modified by the recommendations in this document should be imposed upon any decision granting abandonment authority. The conditions are:

1. Union Pacific Railroad Company shall notify the National Geodetic Survey (NGS) at

least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the geodetic station markers by NGS.

2. The Golden-cheeked Warbler, a Federally endangered species, may occur in the project area. Accordingly, Union Pacific Railroad Company (UP) shall not conduct salvage activities during the nesting season, which is between March and September. If salvage is planned for that time period, UP shall hire a consultant to determine if the species is present in the proposed project area. If the species is not present in the project area, UP may conduct salvage activities. If the species is present in the project area, then UP shall consult with the U.S. Fish and Wildlife Service and the Texas Parks and Wildlife Department to determine if avoidance or impact mitigation measures are necessary to protect habitat for the Golden-cheeked Warbler. UP shall report the results of any surveys or consultations in writing to SEA prior to the onset of salvage activities.

If the above conditions are imposed, SEA believes that the proposed action will not significantly affect the quality of the human environment.

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