

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 294X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN CANYON COUNTY, IDAHO  
(STODDARD INDUSTRIAL LEAD)

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UPR-R-10-01

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Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr.  
Senior General Attorney  
101 North Wacker Drive, #1920  
Chicago, Illinois 60606  
312/777-2055 (Tel.)  
312/777-2065 (FAX)

Dated: November 24, 2010  
Filed: November 24, 2010

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SURFACE TRANSPORTATION BOARD**

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**UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
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**Combined Environmental and Historic Report**

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of the Stoddard Industrial Lead in Nampa, from Milepost 0.9 to Milepost 1.75, a distance of 0.85 miles in Canyon County, Idaho (the "Line"). The Line traverses U.S. Postal Service Zip Code 83686. UP anticipates that it will file a Notice of Exemption to abandon the Line on or after December 14, 2010.

A map of the Line (**Attachment No. 1**), and UP's letter to federal, state and local government agencies (**Attachment No. 2**) are attached to this EHR. Responses received thus far to UP's letters are also attached.

ENVIRONMENTAL REPORT  
49 C.F.R. ' 1105.7(e)

**(1) Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

**Response:** The proposed action involves an exempt abandonment of UP's Stoddard Industrial Lead. The Line proposed for abandonment extends from Milepost 0.9 to Milepost 1.75 in Nampa, in Canyon County, Idaho, a total distance of 0.85 miles. A map of the Line is attached as **Attachment No. 1**.

The Line was originally constructed in 1897 by the Boise, Nampa & Owyhee Railway Company. It is currently constructed primarily with 133 pound second hand jointed rail put in place in 1969.

Based upon information in UP's possession, the right-of-way is reversionary and the Line does not contain any federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

This line runs through southeastern portions of Nampa. After abandonment, the rail service will continue to be provided at Nampa by UP's Nampa and Huntington Subdivisions. The Nampa area is also served by UP lessee Boise Valley Railroad.

Numerous local streets access the area served by the line and provide a route to Interstate 84 in the northern portion of Nampa.

There has been no local traffic moved over the line in at least two years, and there is no overhead traffic. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant during the two year period.

**(2) Transportation System.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger

or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

**Response:** Given that no traffic uses the Line, the proposed abandonment will have no impact on area transportation systems and patterns.

**(3) Land Use.**

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

**Response:**

(i) UP is unaware of any adverse effects on local and existing land use plans. The Canyon County Board of Commissioners has been contacted. To date, UP has received no response. The Idaho Public Utilities Commission ("IPUC") held a public hearing on October 13, 2010 to determine whether the proposed abandonment would adversely affect the area being served, impair access of Idaho shippers to goods and markets and whether the Line has a potential for profitability. No report by the IPUC finding that the proposed abandonment would adversely affect the area has been filed with the Board. (See Attachment No. 3)

(ii) The Natural Resources Conservation Service ("NRCS") has been contacted. Their response, dated September 13, 2010, states that they

will provide data input. UP is of the opinion that no significant portion of Prime or Important Farm Land will be adversely impacted in that the Line is adjacent to residential property. UP will coordinate with the named NRCS Idaho contact. (See Attachment No. 4)

(iii) Not Applicable.

(iv) The right-of-way proposed for abandonment could be suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. However, due to the limited population base in the area, there appears to be no need to use the right-of-way for any of these purposes. UP believes the highest and best use of the property would be to dispose of UP's interests through sales to adjacent property owners.

**(4) Energy.**

(i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

**Response:** (i) There are no effects on the transportation of energy resources.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no change in energy consumption from the proposed action.

(iv)(A)(B) UP does not anticipate that there will be any rail-to-motor diversion.

(5) **Air.** (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. §10901 (or §10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

**Response:** UP does not anticipate any such effects.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. §10901 (or 49 U.S.C. §10505), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

**Response:** Due to the line having no traffic, the proposed action will not cause any change in rail activity, or diversion to motor carrier, at a level sufficient to trigger comments and calculations about effects on energy use, air quality, or noise levels.

**(5) Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

**Response:** The proposed action will not affect the transportation of ozone depleting materials.

**(6) Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

**Response:** Not applicable.

**(7) Safety.**

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

**Response:** (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

**(8) Biological resources.**

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

**Response:** (i) The U.S. Fish and Wildlife Service has been contacted. To date, UP has not received a response.

(ii) The National Park Service has been contacted. To date, UP has not received a response.

**(9) Water.**

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)



**Response:** (i) The U. S. Environmental Protection Agency Regional Office and Idaho Department of Environmental Quality have been contacted. To date, UP has received no response.

(ii) The U. S. Army Corps of Engineers has been contacted. To date, UP has not received a response.

(iii) UP does not anticipate that there will be any requirements for Section 402 permits.

**(10) Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

**Response:** There are no known adverse environmental impacts.

**HISTORIC REPORT**  
**49 C.F.R. § 1105.8(d)**

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action. There are no structures located on the Line.

**Response:** See Attachment No. 1.

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

**Response:** The topography is generally level. The Line runs adjacent to residential property. The real property in the right-of-way is approximately 7.88 acres. The right-of-way width generally varies from 66 to 99 feet, although it is wider in some locations. The National Geodetic Survey ("NGS") was contacted. The NGS responded on September 22, 2010 with a finding that no geodetic survey marks would be adversely impacted by the proposed abandonment. (See Attachment No. 5)

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

**Response:** The Idaho State Historic Society has been provided with a map of the proposed abandonment. There are no structures on the Line, therefore there are no structures 50 years old or older. To date UP has not received a response.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

**Response:** Not applicable.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

**Response:** See UP's response to question (1) in the Environmental Report for a brief history and description.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

**Response:** UP does not have any relevant documentation.

(7) An opinion (based on readily available information in the UP's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

**Response:** At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area. UP is of the opinion that there is nothing in the scope of the proposed abandonment or discontinuance of service that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction and maintenance of the Line.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

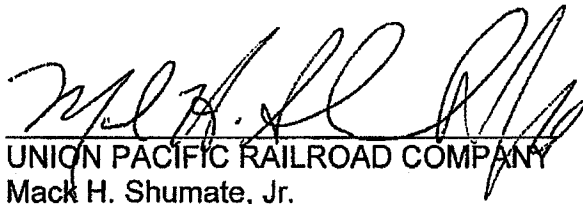
**Response:** UP does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified non-railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

**Response:** Not applicable.

Dated this 24th day of November, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written over a horizontal line.

UNION PACIFIC RAILROAD COMPANY  
Mack H. Shumate, Jr.  
Senior General Attorney  
101 North Wacker Drive, #1920  
Chicago, Illinois 60606  
312/777-2055 (Tel.)  
312/777-2065 (FAX)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 294X), the Stoddard Industrial Lead in Canyon County, Idaho was served by First Class U.S. Mail, postage prepaid, on the 24th day of November, 2010, on the following parties:

**State Clearinghouse (or alternate):**

Idaho Transportation Department  
3311 W. State Street  
P.O. Box 7129  
Boise, ID 83707-1129

**U.S. Fish and Wildlife:**

National Park Services  
221 North State Street  
Hagerman, ID 83332

**State Environmental Protection Agency:**

Idaho Department of Environmental  
Quality  
1410 N. Hilton  
Boise, ID 83706

**U.S. Army Corps of Engineers:**

U.S. Army Corps of Engineers  
Walla Walla District  
201 North 3<sup>rd</sup> Avenue  
Walla Walla, WA 99632 – 1876

**Head of each County:**

Canyon County Board of Commissioners  
1115 Albany Street  
Caldwell, ID 83605

**National Park Service:**

Canyon County Board of Commissioners  
1115 Albany Street  
Caldwell, ID 83605

**Environmental Protection Agency  
(Regional Office):**

U.S. Environmental Protection Agency,  
Region 10  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

**U.S. Natural Resources Conservation  
Service:**

National Resource Conservation Service  
9173 W. Barnes Drive, Suite C  
Boise, ID 83709 – 1574

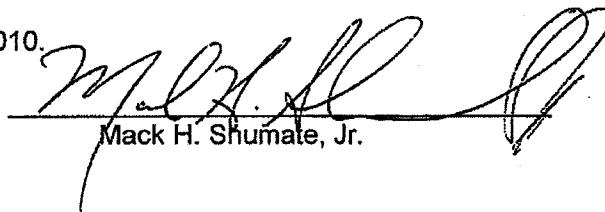
**State Historic Preservation Office:**

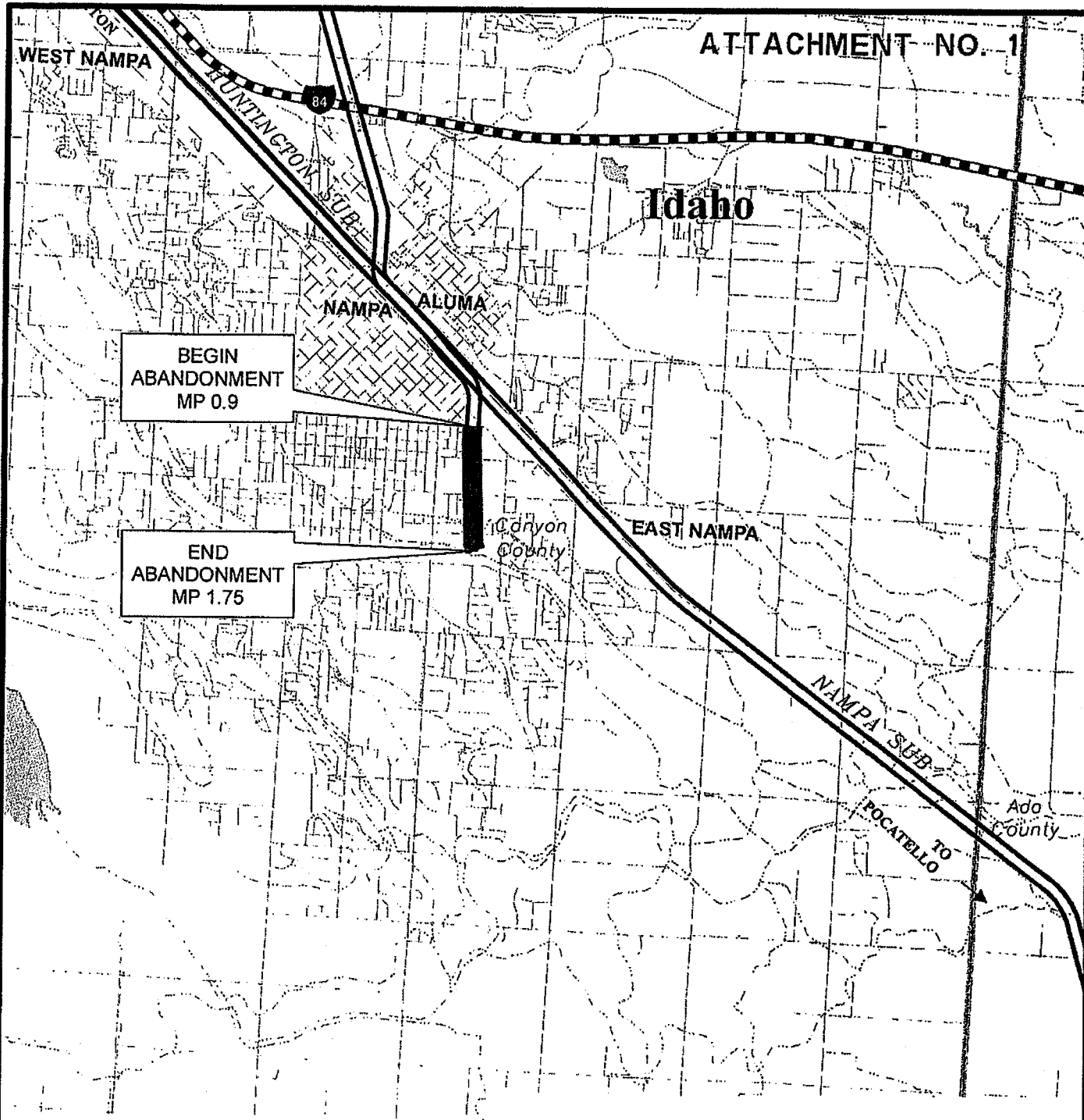
State Historical Society Library and  
Archives  
2205 Old Penitentiary Road  
Boise, ID 83712

**National Geodetic Survey:**

National Geodetic Survey  
Geodetic System Division  
Information Services  
NOAA/NGS12  
1315 E-W Highway  
Silver Spring, MD 20910-3282

Dated this 24th day of November, 2010.





  
Mack H. Shumate, Jr.



BEGIN  
ABANDONMENT  
MP 0.9

END  
ABANDONMENT  
MP 1.75

**Legend**

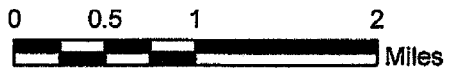
-  abandonment.csv Events
-  OTHER UPRR LINES
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

**STODDARD INDUSTRIAL LEAD**

MP 0.9 TO MP 1.75  
TOTAL OF 0.85 MILES IN CANYON COUNTY  
IN IDAHO

**UNION PACIFIC RAILROAD CO.  
STODDARD INDUSTRIAL LEAD  
IDAHO**

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES





Law Department

August 30, 2010

**State Clearinghouse (or alternate):**

Idaho Transportation Department  
3311 W. State Street  
P.O. Box 7129  
Boise, ID 83707-1129

**State Environmental Protection Agency:**

Idaho Department of Environmental Quality  
1410 N. Hilton  
Boise ID 83706

**Head of each County:**

Canyon County Board of Commissioners  
1115 Albany Street  
Caldwell, ID 83605

**Environmental Protection Agency  
(Regional Office):**

U.S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

**State Historic Preservation Office**

State Historical Society Library and Archives  
2205 Old Penitentiary Road  
Boise, ID 83712

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service  
1987 S. Vinnell Way, Suite 368  
Boise, ID 83709

**U.S. Army Corps of Engineers:**

U. S. Army Corps of Engineers,  
Walla Walla District  
201 North 3<sup>rd</sup> Avenue  
Walla Walla, WA 99632-1876

**National Park Service:**

National Park Service  
221 North State Street  
Hagerman, ID 83332

**U.S. Natural Resources Conservation Service:**

Natural Resource Conservation Service  
9173 W. Barnes Drive, Suite C  
Boise, ID 83709-1574

**National Geodetic Survey:**

National Geodetic Survey  
Geodetic Services Division  
Information Services  
NOAAINGS12  
1315 E-W Highway  
Silver Spring, MD 20910-3282

Re: Proposed Abandonment of the Stoddard Industrial Lead in Nampa, from Milepost 0.9 to Milepost 1.75, a total distance of 0.85 miles in Canyon County, Idaho; STB Docket No. AB-33 (Sub-No. 294X)

**To Whom It May Concern:**

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Stoddard Industrial Lead in Nampa, from Milepost 0.9 to Milepost 1.75, a total distance of 0.85 miles in Canyon County, Idaho. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts.

However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.



LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to the undersigned.

Sincerely,

A handwritten signature in cursive script that reads "Colleen K. Graham".

Colleen K. Graham  
Paralegal  
Union Pacific Railroad  
Law Department  
1400 Douglas St., Stop 1580  
Omaha, NE 68179  
(w) 402-544-1643  
cgraham@up.com

CKG/

Enclosure(s)



Gerard Sullivan  
Senior General Attorney



Idaho

BEGIN  
ABANDONMENT  
MP 0.9

END  
ABANDONMENT  
MP 1.75




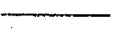
Canyon  
County

EAST NAMPA

NAMPA SUBDIVISION  
POCATELLO TO  
IDAHO

Ada  
County

**Legend**

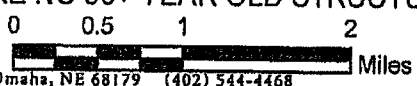
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**STODDARD INDUSTRIAL LEAD**

MP 0.9 TO MP 1.75  
TOTAL OF 0.86 MILES IN CANYON COUNTY  
IN IDAHO

**UNION PACIFIC RAILROAD CO.  
STODDARD INDUSTRIAL LEAD  
IDAHO**

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES



ATTACHMENT NO. 3

Office of the Secretary  
Service Date  
September 24, 2010

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION	)	
OF UNION PACIFIC RAILROAD	)	CASE NO. UPR-R-10-01
COMPANY FOR APPROVAL TO	)	
ABANDON AN .85 MILE SECTION OF ITS	)	NOTICE OF INTENT TO
STODDARD INDUSTRIAL LEAD IN	)	ABANDON A RAIL LINE
NAMPA, IDAHO	)	
	)	NOTICE OF HEARING
	)	
	)	ORDER NO. 32073

On September 14, 2010, Union Pacific Railroad Company ("UP" or "Company") notified the Idaho Department of Transportation ("ITD") that it intends to request authority from the Surface Transportation Board ("STB") to abandon and discontinue service from Milepost (MP) 0.9 to MP 1.75 of the "Stoddard Industrial Lead" in Nampa, Idaho. The STB is the entity of the U.S. Department of Transportation authorized to grant or deny rail line abandonments. UP's action before the STB is referenced as Docket No. AB-33 (Sub-No. 294X).

NOTICE OF INTENT TO ABANDON

YOU ARE HEREBY NOTIFIED that UP intends to file a Petition for Exemption with the STB requesting an exemption from the federal prior-approval requirements found in 49 U.S.C. §§ 10903-10905 to abandon a 0.85 mile section of its rail line in Canyon County, Idaho.

YOU ARE FURTHER NOTIFIED that UPR intends to abandon a portion of its rail line located between MP 0.9 and MP 1.75 in Nampa, Canyon County, Idaho (the "Line"). The approximate physical location of the relevant portion of the Line UP intends to abandon begins near the intersection of 16<sup>th</sup> Avenue South and Front Street and extends nearly a mile to the south near East Florida Avenue.

YOU ARE FURTHER NOTIFIED that the exemption process allows railroads to abandon rail lines if the abandonment is of limited scope and it does not adversely affect national rail policy. 49 U.S.C. §§ 10502 and 10101. Under STB procedures, once the exemption is filed, the STB must publish a notice in the Federal Register within 20 days. Unless stayed, the railroad may then abandon the rail line 30 days after the notice is published in the Federal Register.

YOU ARE FURTHER NOTIFIED that UP is requesting assistance in identifying potential environmental effects associated with the proposed abandonment of the Line. UP is

NOTICE OF INTENT TO ABANDON  
NOTICE OF HEARING  
ORDER NO. 32073

required by federal law and STB regulations to submit an Environmental Report analyzing the potential environmental impact caused by the proposed abandonment.

### NOTICE OF HEARING

YOU ARE FURTHER NOTIFIED that the authority to grant or deny abandonment rests with the STB and is governed by federal law. However, "the public utilities commission shall schedule a public hearing on the proposed abandonment." *Idaho Code* § 62-424(1). The purpose of the hearing is for the Commission to determine whether the abandonment would: (1) adversely affect the area being served; (2) impair the access of Idaho shippers to vital goods and markets; and (3) whether the rail line has a potential for profitability. *Id.* If the Commission finds that the abandonment would adversely affect the area being served and the line has the potential for profitability, then it shall submit a report of its findings to the STB on behalf of the people of the State of Idaho. *Id.* The Commission "shall continue to intervene in federal surface transportation board abandonment proceedings when necessary to protect the state's interest." *Idaho Code* § 62-424(2).

YOU ARE FURTHER NOTIFIED that the Commission has scheduled a public hearing in this matter to commence at 7:00 P.M. ON OCTOBER 13, 2010, IN THE NAMPA CITY HALL BUILDING, 411 THIRD STREET SOUTH, NAMPA, IDAHO. The purpose of the hearing is to take public testimony as to whether UP's proposed abandonment of an approximately 0.85 mile section of its Stoddard Industrial Lead rail line in Canyon County, Idaho would be adverse to Idaho's public interest. The railroad, any shipper, local government leaders, and any other interested persons are encouraged to testify.

YOU ARE FURTHER NOTIFIED that all hearings will be conducted in accordance with the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

YOU ARE FURTHER NOTIFIED that UP's letter, with attachment, has been filed with the Commission and is available for public inspection during regular business hours at the Commission offices. The letter is also available on the Commission's web site at [www.puc.idaho.gov](http://www.puc.idaho.gov) by clicking on "File Room" and then "Rail Cases."

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be held in facilities meeting the accessibility requirements of the Americans with Disabilities Act (ADA). Persons needing the help of a sign language interpreter or other assistance in order to participate

in or to understand testimony and argument at a public hearing may ask the Commission to provide a sign language interpreter or other assistance at the hearing. The request for assistance must be received at least five (5) working days before the hearing by contacting the Commission Secretary at:

IDAHO PUBLIC UTILITIES COMMISSION  
PO BOX 83720  
BOISE, IDAHO 83720-0074  
(208) 334-0338 (Telephone)  
(208) 334-3762 (FAX)  
E-Mail: [secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov)


YOU ARE FURTHER NOTIFIED that the Commission has jurisdiction over this matter pursuant to *Idaho Code* § 62-424.

### ORDER

IT IS HEREBY ORDERED that the Commission shall convene a public hearing in this matter as set out above.

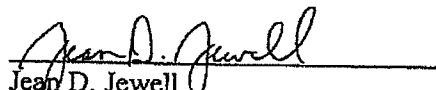
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 24<sup>th</sup> day of September 2010.

  
JIM D. KEMPTON, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

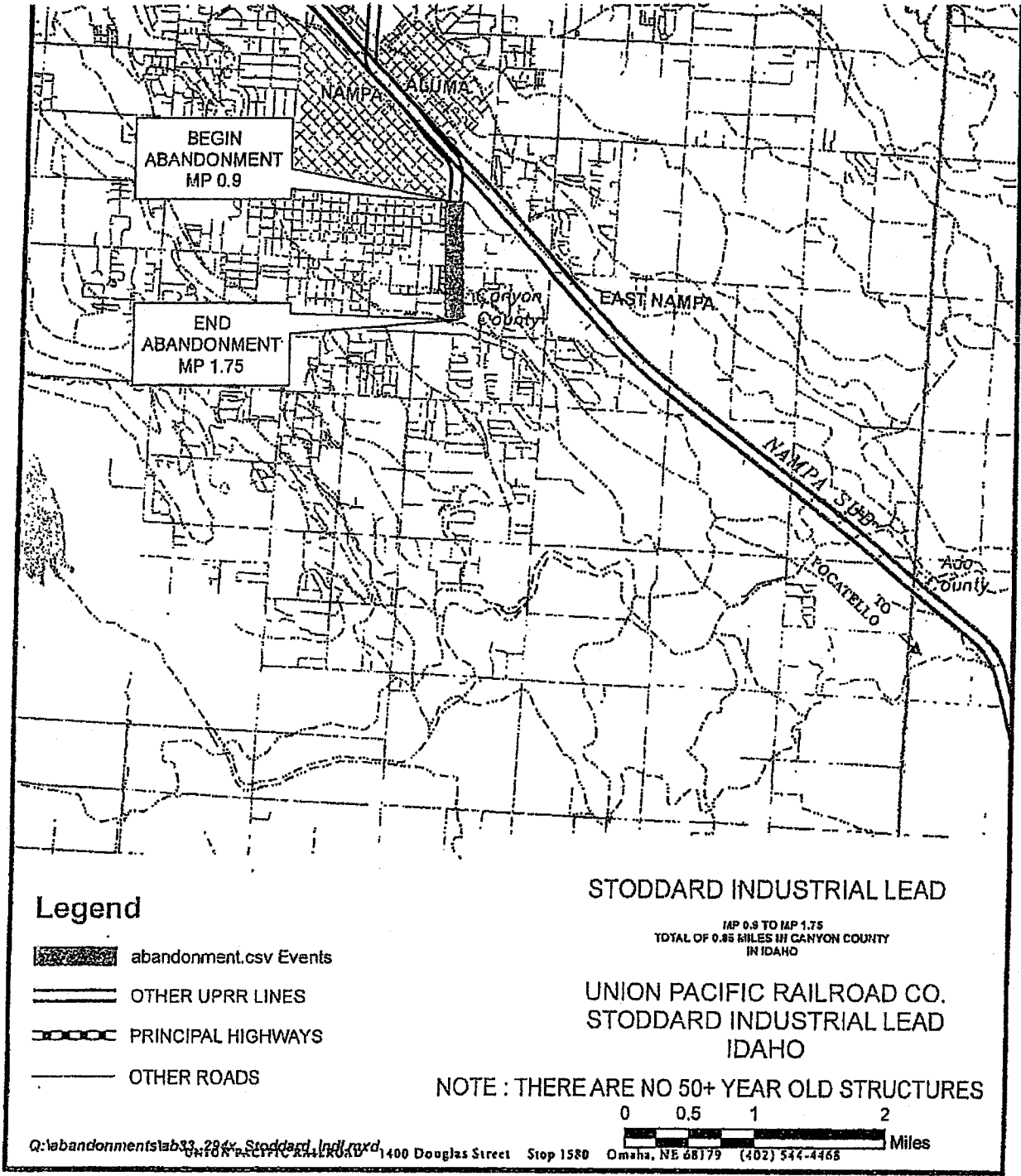
  
MACK A. REDFORD, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

O:UPR-R-10-01\_np

NOTICE OF INTENT TO ABANDON  
NOTICE OF HEARING  
ORDER NO. 32073

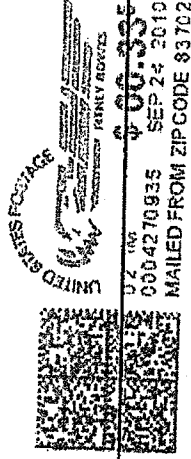


ATTACHMENT  
 ORDER NO. 32073  
 CASE NO. UPR-R-10-01



IDAHO  
PUBLIC UTILITIES  
COMMISSION

P.O. BOX 83720, BOISE, IDAHO 83720-0074



FIRST CLASS

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1400 DOUGLAS ST  
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OMAHA NE 68179-1580

EXH0551 88179

United States Department of Agriculture



Natural Resources Conservation Service  
9173 W. Barnes Dr., Ste C  
Boise, Idaho 83709  
Phone: 208-378-5700  
Fax: 208-378-5735

---

September 13, 2010

Colleen K. Graham  
Union Pacific Railroad  
Law Department  
1400 Douglas St., Stop 1580  
Omaha, NE 68179

**Re: Proposed Abandonment of the Stoddard Industrial Lead in Nampa, from Milepost 0.9 to Milepost 1.75, a total distance of 0.85 miles in Canyon County, Idaho; STB Docket No. AB-33 (Sub-No. 294X)**

Ms. Graham

This letter is in response to your August 30, 2010 request for information and comments on the above referenced project.

The resource impacts that the Natural Resources Conservation Service (NRCS) typically reviews and provides comments for, if necessary, include the following:

- Soil Suitability and Limitations
- Erosion, Sediment and Dust Control
- Water discharge from project area to off-site locations – Impact to water quality and irrigation systems
- Effects of disruption to natural drainage patterns
- Consideration for soil and water conservation management systems and measures on project and adjacent lands; and, Impacts on previously installed soil and water conservation management systems
- Prime and Unique Farmland
- Impacts on Ecosystems
- Impacts on other NRCS-related projects

As allowed in CEQ Regulations 1501, Idaho NRCS will provide input tailored to the area of interest and jurisdiction of Prime and Important Farmland designations and potential effects on privately owned lands. This input may include evaluation of the existing soil information, determination of Prime or Important Farmland status for private lands within

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the impact area, and potential for the proposed project to have an effect on these soil resources.

Soils information is readily available online at <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>. Leah Juarros, West Area Resource Soil Scientist, will be the lead NRCS Idaho contact for this project and can provide assistance with this web application. Please coordinate with Leah for information as needed. Her contact information is: 132 S.W. 5<sup>th</sup> Ave., Suite 102; Meridian, ID 83642-2774; (208)888-1890 ext. 114; [Leah.Juarros@id.usda.gov](mailto:Leah.Juarros@id.usda.gov).

If you have any questions, please contact Leah Juarros at the address above or Darin Vrem in the NRCS State Office at 208-685-6995 or e-mail at [Darin.Vrem@id.usda.gov](mailto:Darin.Vrem@id.usda.gov).

Sincerely,



**JEFF BURWELL**  
State Conservationist

cc:  
Bob Tribelhorn, Assistant State Conservationist - Operations West, NRCS, Moscow, ID  
Darin Vrem, Cultural Resource Specialist/Archaeologist, NRCS, Boise, ID  
Rod Kyar, State Resource Soil Scientist, NRCS, Boise, ID  
Leah Juarros, Resource Soil Scientist, NRCS, Meridian, ID  
Jeff Bohr, District Conservationist, NRCS, Caldwell, ID



UNITED STATES DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE  
9173 W BARNES DR STE C  
BOISE ID 83708-1574

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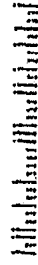
09/15/2010

Mailed From 83709

US POSTAGE



Colleen Graham  
Union Pacific Railroad  
Law Department  
1400 Douglas St., Stop 1580  
Omaha, NE 68179



ATTACHMENT NO. 5

Simon Monroe  
<Simon.Monroe@noaa.gov>  
>  
09/22/2010 10:01 AM  
To cgraham@up.com  
cc Jim Richardson <Jim.Richardson@noaa.gov>, Surface  
Transportation Board <sea@stb.dot.gov>, Surveyorlady@yahoo.com, Gilbert Mitchell  
<Gilbert.Mitchell@noaa.gov>, Simon Monroe  
<Simon.Monroe@noaa.gov>  
Subject [ NGS Response, STB Docket AB-33 (SUB NO. 294X)]  
t

Thank you for sharing your railroad abandonment environmental report for Nampa, Canyon County, IDAHO.

Approximately 00 geodetic survey marks may be located in the area described.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall consult with the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic station

marks are described on the attached file. Additional advice is provided at

<http://geodesy.noaa.gov/marks/railroads/>

|-----|-----|-----|-----|-----|-----|-----|-----|

No Stations Found.