

40221
SEA

SERVICE DATE – SEPTEMBER 21, 2009

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-57 (Sub-No. 57X)

Soo Line Railroad Company D/B/A Canadian Pacific Railway Company-Abandonment
Exemption-in Hennepin County, MN

BACKGROUND

In this proceeding, Soo Line Railroad Company (Soo) 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 line of railroad in Hennepin County, Minnesota. The rail line proposed for abandonment extends 0.32 miles (1710 feet) from milepost 3.79 east of Girard Avenue N. to milepost 4.09 west of Colfax Avenue N. (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, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

Soo 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. Soo served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to Soo, the track had been out of service and no local traffic has moved over the Line for at least two years. Soo also states that any overhead traffic can be and has already been rerouted over other lines. The proposed abandonment would, therefore, not adversely impact the development, use, and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and re-grading of the right-of-way.

According to Soo, the right-of-way varies across the Line. From Gerard Avenue up to 2nd Avenue it is approximately 65 to 70 feet, and then abruptly narrows to 55 feet. North of 2nd Avenue the right-of-way is approximately 55 feet and then appears to be reduced to the width of the track at some adjacent properties. The Line is located in a primarily industrial area of the city of Minneapolis. The surrounding properties are a combination of industrial and commercial land use. The topography is flat. There is one at-grade road crossing at 2nd Avenue N.

Soo states following abandonment, it would remove any remaining ties and rails, either recycling or disposing of the materials in an appropriate manner. Soo would also remove the road crossing at 2nd Avenue N. as shown on Appendix B in its Historical Report.

On June 19th, 2009, Soo contacted various parties by letter advising them that Soo was considering abandonment of the line and requesting their input regarding an abandonment action.

Soo contacted the Clearinghouse for the State of Minnesota (the Clearinghouse) who responded by telephone confirming receipt of Soo's June 19th letter. The Clearinghouse indicated that no other response would be forthcoming.

Soo received an e-mail response to its June 19th mailing from the National Geodetic Survey (NGS). NGS stated that no geodetic survey marks appear to be located in the area of the Line.

Soo states that the right-of-way may be suitable for alternative public use. Neither the City of Minneapolis nor Hennepin County has responded to Soo's June 19th inquiry.

Soo contacted the Minnesota Pollution Control Agency (the MPCA). The MPCA responded, referring Soo to its website regarding storm water discharge permitting requirements should the action disturb one or more acres of land. MPCA also recommended against giving railroad ties to landowners due to the risk of exposure to harmful chemicals. MPCA cited additional resources of information concerning precautions for handling, using, and disposing of treated wood, and the requirements of Minnesota's hazardous waste rules.

Soo contacted the U.S. Environmental Protection Agency (the EPA). The EPA has not responded to Soo's inquiry. Based on the maps supplied in Soo's Environmental and Historic Reports and other publically available maps, it appears that Bassett Creek runs roughly parallel to the track but at the rear of adjacent property owners' properties, the nearest point being approximately 170 feet from the centerline of the track. Additionally, it is at this nearest point

where the abandonment begins and more importantly where the track and stream begin to diverge from each other. Soo states that no in-stream salvage activities are contemplated. It is anticipated that no permits under Section 402 of the Clean Water Act (CWA) would be required.

Soo contacted the U.S. Army Corps of Engineers (the Corps). Although the Corps has not responded to Soo, Soo states that no permits under Section 404 of the Clean Water Act would be required as no wetlands or 100-year flood plains will be adversely affected.

Soo further states that it believes the abandonment is consistent with applicable federal, state, and local water quality standards and that it will take proper care during salvage activities to prevent any impact on water quality.

Soo contacted, and subsequently served the Environmental Report on, the U.S. Department of Agriculture Natural Resource Conservation Service. No response to either mailing has been received. Maps of the area of the abandonment and photos accompanying the Historical Report indicate that no agriculture land is present nor subject to an impact by the abandonment as the line is located within Minneapolis city limits in a highly developed industrial/commercial area.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, SEA is providing a copy of this EA to the following agencies for review and comment: Minnesota State Historic Preservation Office.

HISTORIC REVIEW

Soo submitted an Historic Report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Minnesota Historical Society (Minnesota State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). In the Historic Report, Soo states that there are no structures on the line. Site photographs provided in the Report indicate this to be the case. It is Soo's opinion that the line would not meet the criteria for listing in the National Register of Historic Places. At the time of this EA, the SHPO had not submitted comments and, therefore, SEA has not been able to consider the SHPO's opinion before determining whether the proposed project could affect historic properties. Accordingly, we are recommending a condition requiring Soo to retain its interest in and take no steps to alter the historic integrity of all properties including any sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

SEA conducted a search of the Tribal Directory Assessment Tool at <http://www.hud.gov/offices/cpd/environment/tribal/index.cfm> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the following seven Federally recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment: the Flandreau Santee Sioux Tribe of South Dakota, the Lower Sioux Indian Community in the State of Minnesota, the Prairie Island Indian Community, the Santee Sioux Nation, the Sisseton-Wahpeton Oyate of the Lake Traverse, the Spirit Lake Tribe, and the Upper Sioux Community. Accordingly, SEA is sending a copy of this EA to those tribes for review and comment.

CONDITIONS

We recommend that the following condition be imposed on any decision granting abandonment authority:

1. Soo Line Railroad Company (Soo) shall retain its interest in and shall take no steps to alter the historic integrity of all properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. Soo shall report back to the Board's Section of Environmental Analysis regarding any consultations with the Minnesota Historical Society (Minnesota State Historic Preservation Office or SHPO) and the public. Soo may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes 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 any of these cases, 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, 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 CFR 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 Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Alan Cassidy, 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-57 (Sub-No. 57X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Alan Cassidy, the environmental contact for this case, by phone at (202) 245-0308, fax at (202) 245-0454, or e-mail at alan.cassiday@stb.dot.gov.

Date made available to the public: September 21, 2009.

Comment due date: October 5, 2009.

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

Anne K. Quinlan
Acting Secretary

Attachment