

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 1043 (Sub-No. 2X)**

**Montreal, Maine & Atlantic Railway, Ltd.—Abandonment Exemption—  
in Aroostook County, Me.**

**BACKGROUND**

On March 29, 2011, Montreal, Maine & Atlantic Railway, Ltd. (MMA) filed a petition under 49 U.S.C § 10502 seeking exemption from the provisions of 49 U.S.C. § 10903 to abandon a 0.4 mile rail line extending between milepost V 23.72 at Bridge Street and milepost V 24.12 at Main Street, in Van Buren, Aroostook County, ME (Line). A map depicting the Line in relationship to the area served is attached to this Environmental Assessment (EA).

According to MMA, if the abandonment is approved, MMA intends to sell the Line and its associated transload yard to the U.S. General Services Administration (GSA). In turn, GSA plans to use the property, together with other property that it has acquired, to construct a new land port of entry facility for the U.S. Customs and Border Protection Agency. GSA would acquire the Line and all MMA property located including rail, ties and other track materials. MMA states that approval would also result in the relocation of its existing transload yard, at GSA expense, to a new location along the Van Buren Subdivision, located approximated 0.7 miles from its current location. Therefore, if the abandonment is approved, MMA would not engage in any salvage activities.

According to MMA, it currently operates a transload yard that receives approximately 8 truck loads per week (Monday through Friday) carrying lumber from Canada which is loaded onto rail cars for distribution throughout the U.S. Existing truck traffic currently enters MMA's existing transload yard via Bridge Street immediately after crossing the St. Leonard – Van Buren International Bridge. If the Board should approve the abandonment, truck traffic would travel an additional 0.7 miles down Main Street to access the proposed new transload yard.

**DESCRIPTION OF THE RAIL LINE**

The Line is located in northeastern Maine in the town of Van Buren. The Line extends four-tenths of a mile from the end of the international highway bridge over the St. John River connecting Van Buren, Maine and Saint Leonard, New Brunswick, Canada. Van Buren is a small town with a population of approximately 2,631. The area adjacent to the Line is flat with a mix of residential and commercial uses. According to MMA, it currently operates a reload

center located adjacent to the Line where lumber from Canada is transferred from truck to rail for transport to destination in the U.S.

The width of the right-of-way is generally 66 feet wide with some minor variations. MMA notes that the Line traverses United States Postal Service Zip Code 04785.

As noted above, if the Board should approve this proposed abandonment, MMA would sell the Line to the GSA and would not engage in any salvage activities.

## **ENVIRONMENTAL REVIEW**

MMA submitted an Environmental Report that concludes that 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. MMA 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 C.F.R. § 1105.7(b)).<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

According to MMA, GSA prepared an EA under the National Environmental Policy Act that assessed the potential environmental impacts of its plans to acquire the MMA Line, including rail ties and track materials, and construct a new land port of entry facility for the U.S. Customs and Boarder Protection Agency. GSA also assessed the relocation of MMA's existing transload yard approximately to a new location along the Van Buren Subdivision, located approximated 0.7 miles from its current location. GSA issued the EA on January 2010. MMA has incorporated relevant information from GSA's EA into its Environmental and Historic Report.

In 2010, MMA states that its existing transload yard handled approximately 2,000 trucks loaded with lumber from Canada that translated into approximately 675 rail cars departing its transload yard. MMA states that it does not anticipate any additional new truck traffic utilizing its planned new transload yard. All existing truck traffic would be rerouted 0.7 miles down Main Street to access the new transload yard.

According to MMA, the only alternative to abandonment would be to continue with current operations which would preclude construction of the proposed new land port facility for the U.S. Customs and Boarder Protection Agency.

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 1043 (Sub-No. 2X).

According to MMA, the proposed abandonment would not result in any adverse effect to existing customers. There would be no increase in rail traffic, rail yard activity, or truck traffic. MMA also states that abandonment of the Line would have no effect on regional transportation systems but would result in a minor impact to local transportation systems. In addition, there would be no diversion of traffic to other transportation systems or modes.

### ***Salvage Activities***

As stated above, if the Board should approve the proposed abandonment, MMA would sell the Line to the GSA and would not engage in any salvage activities.

### ***Comments***

The Maine State Planning Office (ME-SPO), states that the Town of Van Buren currently has an existing comprehensive land use plan. Therefore, the ME-SPO recommends that the Town of Van Buren be contacted to determine whether or not the proposed action is consistent with existing land use plans.

MMA believes that based on communications with the GSA, that the Town of Van Buren is fully supportive of the proposed abandonment and relocation of the transload yard. On May 26, 2011, via telephone, OEA learned from the Town of Van Buren's Town Manager (Town Manager) that it supports the abandonment and relocation of the MMA transload yard.

According to MMA, the Line does not pass through a designated coastal zone. MMA also notes that the Line, in conjunction with additional lands acquired by GSA, are suitable for use as the U.S. Customs and Border Protection Agency's land port facility. However, due to the Line's short length, it does not appear suitable for any other public use.

MMA believes that if the Board should approve the abandonment, that there would be no increase or decrease in overall energy efficiency. If approved, trucks would travel 0.7 miles further while trains would travel 0.7 miles less than they each travel today. On May 26, 2011, via telephone, OEA confirmed with the Town Manager that it has no concerns regarding the rerouting of the truck traffic down Main Street. The Town Manager also stated that Main Street is a State owned roadway and that all truck traffic would meet roadway weight limits.

According to MMA, there are no known hazardous waste sites or sites where known hazardous material spills have occurred on or along the right-of-way.

The Natural Resources Conservation Service (NRCS) has not responded to MMA's environmental report.

The U.S. Fish and Wildlife Service, Maine Field Office, Ecologic Services (USFWS) has responded and notes the following:

- 1) the proposed abandonment is within the range of the Canada lynx, but not within the designated critical habitat. Moreover, the USFWS states that the Canada lynx prefers to use regenerating spruce-fir habitats;
- 2) the USFWS concludes that no other federally-listed species under its jurisdiction are known to occur within the project area;
- 3) the USFWS notes that occasional transient bald eagles may occur within the proposed project area; and
- 4) the USFWS notes that they did not review the proposed project for state-threatened and endangered wildlife and recommends that the Maine Department of Inland Fisheries and Wildlife (ME-IFW) be contacted.

OEA notes that the proposed abandonment is located in the Town of Van Buren and therefore would not disturb any known Canada lynx habitat. Moreover, because MMA would not undertake any salvage activities, OEA does not believe that the proposed abandonment would result in any adverse effects to any federally or state threatened and/or endangered species. The ME-IFW, in a letter dated March 1, 2011, states that it finds no endangered or threatened species or significant habitats within the area of the proposed abandonment. OEA has provided a copy of this EA to the USFWS for review and comment.

MMA believes that the Line is not located near any wildlife sanctuaries or refuges, or any National or State parks or forests and would therefore not result in any adverse impacts.

MMA believes that the proposed abandonment is consistent with applicable Federal, State and local water quality standards and would not require a permit under Section 402 of the Clean Water Act.

The U.S. Environmental Protection Agency, Region 1 (USEPA), states that the Maine Department of Environmental Protection (ME-DEP) has been delegated authority to implement the National Pollutant Discharge Elimination System (NPDES) and asks that we contact ME-DEP to determine if any permits are required. Because MMA would not undertake any salvage activities, OEA does not believe that any NPDES permits would be required. OEA has provided a copy of this EA to ME-DEP for review and comment.

In an email dated April 27, 2011, the U.S. Department of Commerce, National Geodetic Survey (NGS) states that no geodetic survey markers are located in the area of the proposed abandonment.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts.

## **HISTORIC REVIEW**

In its Historic Report, MMA states that the right-of-way is generally 66 feet wide with some minor variations and does not contain any structures that are 50 years old or older. As a result of the land disturbance during original construction and maintenance of the Line, MMA believes that any archaeological resources that may have been located in the area of the proposed abandonment would have been affected at that time.

According to MMA, the Line was formerly part of a rail line, which was owned and operated by Bangor & Aroostook Railroad (BAR). In 1891, the lines were incorporated to combine the lines of the former Bangor and Piscataquis Railroad and the Bangor and Katahdin Iron Works Railway. The BAR was based in Bangor and constructed several lines. The line was extended from Houlton to Fort Fairfield and Caribou in 1895. A parallel branch line was extended from Oakfield to Ashland in 1896. A branch was built from Caribou to Limestone in 1897, and the main line extended from Caribou to Van Buren in 1899. An international bridge was constructed over the St. John River between Van Buren and St. Leonard, New Brunswick, Canada in 1915 to connect with the Canadian Pacific Railway and National Transcontinental Railway (later merged into the Canadian National Railway).

BAR began hauling potatoes in heated boxcars in 1895. Potatoes provided a stable income source through the great depression, and provided 50% of the railroad's revenue following World War II. BAR had the 2nd largest United States railroad-owned refrigerated boxcar fleet (reefers) during the 1950s. BAR arranged with Pacific Fruit Express to ship Maine potatoes during winter months and BAR reefers carried California produce during the summer and autumn. Potatoes started moving by truck following completion of the Interstate Highway System into northern Maine in the 1960s, but it was severe weather and the Penn Central Transportation Company (PC) that brought an end to BAR's potato shipments. During the winter of 1969-70, PC's interchange service was so badly affected that a large portion of the 1969 potato crop was spoiled by freezing when car heaters ran out of fuel. PC declared bankruptcy the following June. As a result, several potato farms went out of business; and those that survived distrusted rail service and did not return to using the railroad.

Several Aroostook County segments were abandoned when potato traffic disappeared in the 1970s. In 1995, Iron Road Railways acquired the BAR. In 2002, the company was declared bankrupt, and in 2003, its lines were sold to Rail World, Inc., which incorporated them into the MMA.

MMA served the Historic Report as required by the Board's environmental rules (49 C.F.R. § 1105.8(a)) and served the report on the Maine Historic Preservation Commission (SHPO) pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO, in a letter dated March 2, 2011, concludes that there will be no historic properties affected and that no further Section 106 consultation is required. Guidance regarding the Board's historic preservation review process is available on the Board's Web site at: <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's Web site at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.<sup>2</sup> The database indicated that there are 2 federally-recognized tribes, may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment. Accordingly, OEA is sending a copy of this EA to the Aroostook Band of Micmac Indians and the Houlton Band of Miliseet Indians for review and comment.

### **CONDITIONS**

We recommend that no conditions be imposed on any decision granting abandonment authority:

### **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, that 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 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

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<sup>2</sup> Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited May 21, 2011).

## **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 C.F.R. § 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 original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1043 (Sub-No. 2X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at [Troy.Brady@stb.dot.gov](mailto:Troy.Brady@stb.dot.gov).

Date made available to the public: May 27, 2011.

**Comment due date: June 27, 2011.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment