

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 6 (Sub-No. 474X)**

**BNSF Railway Company – Abandonment Exemption –  
in Washington County, Minn.**

**BACKGROUND**

In this proceeding, BNSF Railway Company (BNSF) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Washington County, Minnesota. The rail line proposed for abandonment extends approximately 0.51 miles from milepost 15.59 to milepost 16.10 at Hugo (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**

BNSF submitted an Environmental Report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. BNSF 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)<sup>2</sup> has reviewed and investigated the record in this proceeding.

According to BNSF, no local or overhead traffic has been handled on the Line for at least two years. The line is currently under lease to Minnesota Commercial Railway (MCR). MCR

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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 6 (Sub-No. 474X).

<sup>2</sup> OEA was formerly known as the Board's Section of Environmental Analysis (SEA). The name change from SEA to OEA became effective on September 1, 2010.

has filed with the Board to discontinue its lease operations over the Line.<sup>3</sup> The Line traverses predominantly suburban/urban areas. The average width of the right-of-way is 100 feet. BNSF states that there is little likelihood that the rail corridor would be needed for transit purposes, but that it may be suitable for recreational trails. BNSF indicates that some of the property underlying the right-of-way is reversionary, which could affect the transfer of the property for other than rail or rail-banking purposes. Based on information in BNSF's possession, the Line does not contain federally granted rights-of-way.

### *Diversion of Traffic*

According to BNSF, no local traffic has moved over the Line for at least 2 years and any overhead traffic has been rerouted over other lines. Accordingly, the proposed abandonment would 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 regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

BNSF states that the proposed abandonment would include the removal of the rails and ties, but the railroad right-of-way, ballast and culverts would remain in place. There are no bridges on the Line. BNSF salvage work for abandonments is performed by experienced rail material salvagers. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Board in its final decision. Completed work is independently inspected by BNSF to ensure compliance with BNSF standards of quality and all contractual obligations, including any Board imposed conditions.

BNSF salvage contractors would use specialized machinery placed on the railroad right-of-way in the salvage process. The culverts, ballast and right-of-way would remain intact so as not to alter the prevailing water flows along the Line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and not to place fill or other material in water bodies, including inland waterways. When the salvage process is complete, water flows in the area should not be disrupted. Road crossings would be removed and

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<sup>3</sup> This transaction is related to a concurrently filed notice of exemption in Docket No. AB 882 (Sub-No. 3X), Minnesota Commercial Railway Company—Discontinuance of Service Exemption—in Washington County, Minnesota, in which MCR seeks an exemption to discontinue its lease operations over the same 0.51-mile rail line.

remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals would also be dismantled and removed.

The City of Hugo (City) has indicated that it supports the proposed abandonment and that the abandonment would be consistent with its land use plans. The City states that there are no existing planned uses in this area of the City that require rail use. The abandonment would allow for a connection to be made between two significant regional trails: the Hardwood Creek Regional Trail and the Glacial Hills Regional Trail.

The Washington County Public Works Department has indicated that the proposed abandonment would be consistent with the Washington County 2030 Comprehensive Plan that identifies the area as a future extension of the Hardwood Creek Regional Trail and provides a future corridor for multi-modal transportation opportunities. The Washington County Regional Railroad Authority has indicated that it would like to railbank the line for use as a trail until such time it may be needed for multi-modal transportation opportunities.

BNSF states that there are two public at-grade crossings on the Line. There are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way.

The U.S. Department of Agriculture, Natural Resources Conservation Service has indicated that the proposed abandonment does not appear to permanently affect agricultural land, precluding the need for further action by BNSF as required by the Farmland Policy Protection Act.

The National Geodetic Survey has advised OEA that no geodetic station markers have been identified that may be affected by the proposed abandonment.

BNSF does not believe the proposed abandonment would adversely affect endangered or threatened species or areas designated as critical habitat. BNSF indicates that the proposed abandonment would not affect any wildlife sanctuaries or refuges, or any National or State parks or forests. The U.S. Fish and Wildlife Service (USFWS) in Fort Snelling, Minnesota has researched its ownerships in the vicinity and has determined that it does not own any lands or interests in land in the vicinity of the proposed abandonment. USFWS does not have any concerns regarding real estate matters in the abandonment.

BNSF indicates that the proposed abandonment would not affect designated wetlands or 100-year flood plains. BNSF also indicates that the proposed abandonment is not located within a designated coastal zone. BNSF believes that the proposed abandonment is consistent with applicable federal, state and local water quality standards and that the proposed abandonment would not require any permits under Section 402 of the Clean Water Act.

U.S. Department of the Army Corps of Engineers, St. Paul District (Corps), has indicated that the proposed abandonment is not within the regulatory jurisdiction of the Corps. No work would be done in a navigable water of the United States, and no dredged or fill material,

including that associated with mechanical land clearing, will be discharged in any water of the United States, including wetlands. Therefore, no Corps permits are required for the proposed abandonment and related salvage activities.

OEA 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, OEA does not believe that salvage activities would cause significant environmental impacts

## **HISTORIC REVIEW**

BNSF submitted an historic report as required by the Board's environmental rules (49 C.F.R. § 1105.8(a)) and served the report on the Minnesota Historical Society, State Historic Preservation Office (SHPO) pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

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 website 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>4</sup> The database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment: Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Bois Forte Band of the Minnesota Chippewa Tribe, Flandreau Santee Sioux Tribe of South Dakota, Fond du Lac Band of the Minnesota Chippewa Tribe, Grand Portage Band of the Minnesota Chippewa Tribe, Keweenaw Bay Indian Community, Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin, Lac Vieux Desert Band of Lake Superior Chippewa Indians, Leech Lake Band of the Minnesota Chippewa Tribe, Lower Sioux Indian Community in the State of Minnesota, Mille Lacs Band of

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<sup>4</sup> Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited July 11, 2011).

the Minnesota Chippewa Tribe, Minnesota Chippewa Tribe, Prairie Island Indian Community in the State of Minnesota, Minnesota Chippewa Tribe, Prairie Island Indian Community in the State of Minnesota, Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin, Santee Sioux Nation, Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, Sokaogon Chippewa Community, Spirit Lake Tribe, St. Croix Chippewa Indians of Wisconsin, Upper Sioux Community, and the White Earth Band of Minnesota Chippewa Tribe. Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

### **CONDITIONS**

We recommend that no environmental 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, abandonment of the line would 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.

### **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 Kenneth Blodgett, 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 6 (Sub-No. 474X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at [blodgetk@stb.dot.gov](mailto:blodgetk@stb.dot.gov).

Date made available to the public: July 19, 2011.

**Comment due date: August 3, 2011.**

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

Attachment