

39160  
SEA

SERVICE DATE – JULY 11, 2008

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-577 (Sub-No. 1X)**

**Mohall Railroad, Inc. – Abandonment Exemption –  
in Walsh County, ND**

**BACKGROUND**

In this proceeding, Mohall Railroad, Inc. 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 Walsh County, North Dakota. The rail line proposed for abandonment extends 7.06 miles from milepost 137.09 at Voss, North Dakota to milepost 130.03 at Forest River, North Dakota. 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**

Mohall 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. Mohall 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 Mohall, no local traffic has originated or terminated on the Line for at least seven years, the line having not been operated since prior to acquisition by Mohall on April 6, 2001. The Line has not conveyed overhead traffic since the Burlington Northern merger in 1970. 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.

Mohall states that it intends to dismantle the Line and transfer the salvaged rail for use in repairing other portions of the Mohall rail system. The vacated right-of-way would then be made available for sale or other use.

Mohall states that no contemplated action is known to be inconsistent with Federal, state, and/or local water quality standards. It will also obtain any necessary permits and comply with any conditions or procedures required by regulatory agencies. Mohall does not anticipate that any permits under Section 404 will be required or that any designated wetlands or 100-year flood plains will be affected.

The North Dakota Department of Health, Environmental Health Section (Department of Health) submitted comments stating that it believes the environmental impacts from the proposed abandonment would be minor and can be controlled by proper salvage and disposal methods. The Department of Health recommended that Mohall: 1) follow best management practices to prevent material from entering a storm drainage system or water body, 2) report any releases of petroleum products, hazardous materials, or chemicals that may impact human health or the environment, known to have occurred in the past or discovered during abandonment operations, to the Department of Health, 3) minimize adverse effects on bodies of water as noted in the Department's guidelines "Construction and Environmental Disturbance Requirements", and 4) obtain a storm water runoff discharge permit during the period of site destabilization. The Department of Health also believes that the activities anticipated by Mohall are consistent with the State Implementation Plan for the Control of Air Pollution. Accordingly, we will recommend that a condition be imposed requiring the railroad to comply with the Department of Health's specific recommendations pertaining to salvage and disposal activities on this proposed project.

According to Mohall, the entire area traversed by the line is agricultural except for two small towns, Voss, unincorporated, and Forest River, population 154. No comments have been received from the County Commissioner of Walsh County relative to the proposed abandonment or current land use plan for the areas the right-of-way traverses.

The U.S. Fish and Wildlife Service (USFWS) was served a copy of the Environmental and Historical Report by Mohall. To date, USFWS has not commented on the proposed abandonment. SEA has included the USFWS on the service list for this proceeding to ensure that it receives a copy of this EA.

Mohall contacted the U.S. Army Corp of Engineers (Corps), Washington DC office. The Corps instructed Mohall to coordinate directly with its Omaha District and the North Dakota Department of Health, Division of Water Quality. However, it appears that the abandonment falls within the Mississippi Valley Division, St. Paul District of the Corps. Accordingly, prior to commencement of any salvage activities, we recommend that Mohall consult with the St. Paul District of the Corps regarding its requirements and, if applicable, comply with all reasonable requirements of the Corps. SEA has included the St. Paul District of the Corps on the service list for this proceeding to ensure that it receives a copy of this EA.

Additionally, it is unknown at this time what salvage activities, if any, are to occur in conjunction with the two bridges on the rail line. From the pictures supplied in the Environmental Report, it cannot be determined if the bridges span standing bodies of water or simple drainage swales and depressions of the natural topography. We recommend that a condition be imposed requiring the railroad to comply with the reasonable requirements of the Corps' pertaining to any salvage or disposal activities associated with the two bridges on the line.

Mohall served a copy of the Environmental and Historic Report to the regional office of the U.S. Environmental Protection Agency (EPA). No comments were received from the EPA on the proposed abandonment.

SEA believes 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: USFWS; Corps' St. Paul District; U.S. Environmental Protection Agency; North Dakota Department of Health, Environmental Health Section; and the North Dakota Department of Health, Division of Water Quality.

## **HISTORIC REVIEW**

Mohall served the Historic Report on the State Historic Preservation Office, State Historical Society of North Dakota (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that a "No Historic Properties Affected" determination was made for the proposed abandonment.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 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.

SEA conducted a search of the Native American Consultation Database at <http://www.cr.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the following 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: the Red Lake Band of Chippewa Indians, Minnesota and the Turtle Mountain Band of Chippewa Indians of North Dakota. 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. Prior to commencement of any salvage activities, Mohall Railroad, Inc. shall consult with the St. Paul District of the U.S. Army Corps of Engineers (Corps) regarding its requirements and, if applicable, shall comply with the reasonable requirements of the Corps.
2. To address the concerns of the North Dakota Department of Health, Environmental Health Section (Department of Health) regarding matters such as salvage and disposal activities, Mohall Railroad, Inc. shall coordinate with the Department of Health to ensure that appropriate measures are implemented during the proposed salvage activities.

### **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 L. Cassidy, 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-577 (Sub-No. 1X) 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](mailto:alan.cassiday@stb.dot.gov).

Date made available to the public: July 11, 2008.

**Comment due date: July 25, 2008.**

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

Anne K. Quinlan  
Acting Secretary

Attachment