

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 1003 (Sub-No. 1X)

**Mohall Central Railroad, Inc. – Abandonment Exemption –
in Cavalier County, N.D.**

BACKGROUND

In this proceeding, Mohall Central Railroad, Inc. (MCR) 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 Cavalier County, North Dakota. The rail line proposed for abandonment extends 5.4 miles from milepost 67.5 near Calvin to milepost 72.9 at Sarles (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

MCR 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. MCR 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)].¹ The Board's Office of Environmental Analysis (OEA)² has reviewed and investigated the record in this proceeding.

According to MCR, the Line was constructed around 1905 to encourage settlement and development of agriculture in the region. The Line was built and subsequently operated by the Great Northern Railway. The Line has primarily been used to move grain from farm to market and to move inbound commodities needed for agricultural production. There is one bridge on the Line located at milepost 70.77.

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 1003 (Sub-No. 1X).

² 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.

Diversion of Traffic

According to MCR, no local traffic has moved over the Line for at least 2 years and there is no overhead traffic that would have to be 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.

MCR intends to salvage rail, ties and track materials from the Line. The rail bed and subgrade of the Line would not be disturbed. The Line is located in a primarily rural area. MCR states that no prime agricultural land would be affected by the proposed abandonment. MCR indicates that the Line does not appear to contain federally granted right-of-way.

According to MCR, at least 17 at-grade crossings (both public and private) would be removed as a result of the proposed Line abandonment. MCR states that, during any salvage operations, precautions would be taken to ensure public safety.

MCR does not anticipate that the proposed abandonment or related salvage activities would involve discharge of dredged or fill material into any existing wetlands. Therefore, no permits under Section 402 of the Clean Water Act would be required for salvage activities related to this abandonment. MCR believes that the abandonment would be consistent with applicable water quality standards. Salvage activities should not impact any 100-year floodplain if no additional fill is placed in any floodplain. There are no coastal zones found in North Dakota.

The National Geodetic Survey (NGS) has advised OEA that 6 geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, we will recommend a condition requiring that MCR consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

The North Dakota Department of Health's Environmental Health Section (DOH) has indicated that it believes that environmental impacts from the proposed railroad abandonment would be minor and could be controlled by proper salvage and disposal methods. DOH recommends that MCR follow Best Management Practices during salvage activities to prevent dirt, construction debris, and waste material from entering a storm drainage system or water

body. DOH further indicated that any releases of petroleum products, hazardous materials, or chemicals that may impact human health or the environment, which are known to have occurred in the past or are discovered in the project area during abandonment and salvage operations, must be reported to DOH. MCR is not aware of any hazardous waste sites located on the Line. According to MCR, no hazardous commodities have been handled on this Line for at least two years, if ever. OEA will recommend a condition requiring that MCR follow Best Management Practices during salvage activities and report any hazardous materials releases which are discovered in the project area during abandonment and salvage activities to DOH.

MCR does not believe that any national or state parks, forests or refuges would be affected by the proposed abandonment.

The U. S. Fish and Wildlife Service's North Dakota Field Office (USFWS) indicates that it is not aware of federally listed species in the area of the proposed Line abandonment. The proposed abandonment would have no effect on listed species or designated critical habitat. USFWS states that there are no USFWS property interests in the area of the proposed abandonment. USFWS review of the national Wetland Inventory (NWI) maps and photographs indicates that a number of wetland basins lie adjacent to the proposed abandonment. To minimize disturbance to fish and wildlife habitat in the project area during salvage activities, USFWS provides the following recommendations:

- Install and maintain appropriate erosion control measures to reduce sediment transport to and water quality degradation of wetlands and streams near the project area.
- Make no stream alterations or changes in drainage patterns.
- Defer the timing of abandonment related construction activities to late summer (after July 15) or fall so as not to disrupt waterfowl or other wildlife during the nesting season and to avoid high water conditions.
- Reseed disturbed areas with a mixture of native grasses and forbes.

MCR has indicated that it would salvage only rail, ties and track material. MCR would leave the rail bed and subgrade undisturbed. MCR does not believe that this abandonment or related salvage activities would affect the wetlands or disturb fish and wildlife habitats that may be present in the area. OEA will recommend a condition requiring that, prior to beginning any salvage activities, MCR consult with USFWS to discuss the implementation, if appropriate, of measures to minimize any adverse impacts on fish and wildlife resources.

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

MCR served the Historic Report on the State Historical Society of North Dakota (SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has submitted comments stating that it would concur with a “No Historic Properties Affected” determination, provided the rail removal proceeds in the location described and with no ground disturbance.

Pursuant to the Advisory Council on Historic Preservation’s regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 C.F.R. § 800.5(c) and 36 C.F.R. § 800.8, we have determined that the proposed abandonment will not adversely affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places. 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.

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.³ 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: Red Lake Band of Chippewa Indians and Turtle Mountain Band of Chippewa Indians. Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

CONDITIONS

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

- 1. Mohall Central Railroad, Inc. shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.**
- 2. Prior to beginning any salvage activities, Mohall Central Railroad, Inc. shall consult with the U.S. Fish and Wildlife Service to discuss the implementation, if**

³ Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited December 3, 2010).

appropriate, of measures to minimize any adverse impacts on fish and wildlife resources.

- 3. Mohall Central Railroad, Inc. (MCR) shall report any releases of petroleum products, hazardous materials, or chemicals that may impact human health or the environment which are discovered in the project area during abandonment and salvage operations to the North Dakota Department of Health. MCR shall follow Best Management Practices during salvage activities to prevent dirt, construction debris, and waste material from entering a storm drainage system or water body.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA 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 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, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1003 (Sub-No. 1X) 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 blodgettk@stb.dot.gov.

Date made available to the public: December 21, 2010.

Comment due date: January 5, 2011.

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

Attachment