

39324
SEA

SERVICE DATE – SEPTEMBER 12, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-57 (Sub-No. 56X)

**Soo Line Railroad Company d/b/a Canadian Pacific Railway Company - Abandonment
Exemption – in Bottineau, Rolette, and Towner Counties, ND**

BACKGROUND

In this proceeding, the Soo Line Railroad Company, (Soo Line) d/b/a Canadian Pacific Railway 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 Bottineau, Rolette, and Towner Counties, North Dakota. The rail line proposed for abandonment extends approximately 60.5 miles from milepost 535.0 in Kramer to milepost 474.5 in Bisbee, North Dakota (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 Line 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 Line 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 Line, no local traffic has moved over the Line for over eight years and any overhead traffic over this line has already 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 re-grading 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.

Soo Line states that it intends to remove the remaining ties and rails. The vacated right-of-way would consist of approximately 964 acres, 31 being conveyed to Soo Line by right-of-way deed. Soo Line is not aware of any restriction on title to the remaining approximately 933 acres, including any reversionary interest, which would affect the transfer of title or the use of the property for other than rail purposes. Properties along the line include cropland, residential, commercial, and vacant land. Commercial areas include elevators, anhydrous storage, a gas station, and warehouses. They are predominately within the station limits of Gardena, Overly, Rolette, and Agate.

Soo Line states that the proposed abandonment is consistent with applicable federal, state, or local water quality standards and that it will take care during salvage activities to prevent any impact on water quality. No in-stream salvage activities are contemplated. It anticipates no adverse effect to the environment or necessary mitigation. Additionally, the State of North Dakota is not within a designated coastal zone.

Soo Line contacted the local and regional planning agencies through which the Line runs. To date, no responses have been received on the proposed abandonment.

Soo Line states that no designated wetland or 100-year flood plains will be adversely affected. As such, no permits under Section 404 of the Clean Water Act would be required.

Soo Line contacted the U.S. Army Corps of Engineers (Corps) Omaha District office by letter on June 13. The Corps informed Soo Line that the project was in the St. Paul District office's boundaries and forwarded the correspondence to the St. Paul office by e-mail on June 19, 2008. To date no response has been received from the St. Paul District office. Accordingly, prior to commencement of any salvage activities, we recommend that Soo Line 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.

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 Soo Line: 1) follow best management practices to prevent material from entering a storm drainage system or water body, 2) minimize adverse effects on bodies of water as noted in the Department's guidelines "Construction and Environmental Disturbance Requirements", 3) 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, and 4) obtain a storm water runoff discharge permit, if required, during the period of site destabilization. The Department of Health also believes that the activities anticipated by Soo Line 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.

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

The U.S. Fish and Wildlife Service (USFWS) submitted comments stating that the proposed abandonment would have no significant impact on fish and wildlife resources and that no endangered or threatened species are known to occupy the project area. USFWS was served a copy of the Report by Soo Line.

Soo Line consulted with the Natural Resources Conservation Service (NRCS) in preparation of the Report. NRCS responded that the proposed abandonment will have no effect on farmland but offers the following comments: 1) natural drainage patterns should be maintained, 2) spoil should not be placed in wetlands or natural water courses, and 3) the project should have no significant impact on existing soil and water conservation practices in the area. Soo Line has stated it will take care during salvage activities to prevent any impact on water quality and that no in-stream activities are contemplated.

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: U.S. Army Corps of Engineers' St. Paul District; U.S. Environmental Protection Agency; and the North Dakota Department of Health, Environmental Health Section.

HISTORIC REVIEW

Soo Line 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. We have reviewed the comments provided by the SHPO and concur.

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 www.home.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 Turtle Mountain Band of Chippewa Indians of North Dakota. Accordingly, SEA is sending a copy of this EA to that tribe for review and comment.

CONDITIONS

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

1. Prior to commencement of any salvage activities, Soo Line Railroad Company 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, Soo Line Railroad Company 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 conditions are 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. 56X) 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 12, 2008.

Comment due date: September 26, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment