

SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423

## ENVIRONMENTAL ASSESSMENT

NO. AB-330 SUB-NO. 3X)

**Otter Tail Valley Railroad Company  
Abandonment Exemption  
(Between Foxhome and French)  
In Wilkin and Otter Tail Counties, Minnesota**

### BACKGROUND

In this proceeding, Otter Tail Valley Railroad Company (OTVR) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a 2.65-mile rail line between milepost 58.8 near French, and milepost 61.45 at Foxhome, in Wilkin and Otter Tail Counties, MN. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

### DESCRIPTION OF THE LINE

OTVR states in its application that the subject rail line has been embargoed due to an unsafe bridge since May 1, 2000. OTVR further states that with little potential traffic and significant expenditures needed to restore the line to operating standards it has decided to seek abandonment. Prior to the embargo, OTVR states that it transported 31 carloads for Foxhome Elevator in 1999 and 12 carloads through April 30, 2000.

### ENVIRONMENTAL REVIEW

The railroad has 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. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated and reviewed the record in this proceeding.

The Minnesota State Historic Preservation Officer has advised us that the line may be eligible for listing on the National Register of Historic Places and that the bridge may a contributing element. Based on this information, and in order to fulfill the mandates of Section 106 of the National Historic Preservation Act, we will recommend a condition, if abandonment authority is granted, prohibiting the railroad from performing any salvage until completion of the Section 106 process.

Likewise, the National Geodetic Survey has advised us that three geodetic markers may be adversely affected by the abandonment and we will recommend a condition protecting these markers.

## **CONDITIONS**

In response to the concerns expressed by the Minnesota State Historic Preservation Officer and the National Geodetic Survey, we recommend that the following conditions be imposed on any decision granting abandonment authority:

**Because of outstanding historic resources concerns, OTVR shall consult with the Minnesota State Historic Preservation Officer and shall retain its interest in and take no steps to alter the historic integrity of the line until completion of the Section 106 process of the National Historic Preservation Act, 16, U.S.C. 470f.**

**The National Geodetic Survey (NGS) has identified three geodetic station markers that may be affected by the proposed abandonment. Therefore, OTVR shall notify NGS at least 90 days prior to any salvage activities that may disturb or destroy these markers so that plans can be made for their relocation.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, and subject to the recommended mitigation measures, 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 the petition for 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 Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Dana White, who prepared this environmental assessment. **Please refer to Docket No. AB- 330 (Sub No. 3X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Dana White at (202) 565-1552.

Date made available to the public: **October 2, 2001.**

**Comment due date: November October 31, 2001. (30 Days)**

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

Vernon A. Williams  
Secretary

Attachment

MAP TO BE SCANNED