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SERVICE DATE – NOVEMBER 22, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-57 (Sub-No 54X)

SOO LINE RAILROAD COMPANY–ABANDONMENT EXEMPTION–
IN RAMSEY AND BENSON COUNTIES, ND

Decided: November 19, 2004

The Soo Line Railroad Company (Soo Line) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 28.35 +/--mile line of railroad between milepost 446.0 +/- in Devils Lake, Ramsey County, ND, and milepost 474.35 +/- in Harlow, Benson County, ND. Notice of the exemption was served and published in the Federal Register on October 22, 2004 (69 FR 62117-18). The exemption is scheduled to become effective on November 23, 2004.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on October 29, 2004. In the EA, SEA states that the National Geodetic Survey (NGS) has advised that two geodetic station markers, TE1997 and TE1259, have been identified that may be affected by the proposed abandonment and has requested 90 days' notification in advance of any activities that may disturb or destroy these markers to plan for their relocation. Therefore, SEA recommends that Soo Line be required to consult with NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers to plan for their relocation.

SEA states that the North Dakota Historic Preservation Officer (SHPO) has requested that Soo Line prepare a Class I Cultural Resources Inventory of the Area of Potential Effect and submit it to its office for consultation. The SHPO recommends that the file search include a short report detailing all cultural resources and a 7.5' topographic map with the cultural resource locations and previously inventoried areas plotted and marked on it. The SHPO also recommends that any unrecorded railway bridges and/or stations with standing structures over 50 years of age that are to be abandoned should be recorded, and the recordings should be completed by a state-permitted cultural resource firm. Therefore, SEA recommends that Soo Line be required to retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

SEA also states that the United States Department of the Interior, Fish and Wildlife Service (FWS) has indicated that the line proposed for abandonment crosses or borders three Waterfowl Production Areas (WPA) and numerous FWS wetland easements. The FWS states that the wetland

easements along the right-of-way are held in private property, but are considered a part of the National Wildlife Refuge System. The FWS recommends that, when removing track material in a WPA, no fill be placed in the wetland and no hydrologic alterations occur that may drain the wetland. Therefore, SEA recommends that Soo Line be required to consult with FWS if any track material or fill is placed in the wetlands or if any hydrologic alterations occur that could drain or otherwise affect wetlands on the property.

SEA further states that FWS has requested that the track material, such as the rails and ties, be removed from the sections of the line that cross a WPA. Accordingly, SEA recommends that Soo Line be required to remove all track material, such as the rails and ties, from the portions of the line that cross a WPA.

Finally, SEA states that the North Dakota Department of Health (Department) advises that the environmental impacts from proposed salvage activities would be minor and could be controlled by using proper salvage methods. The Department recommends that, during salvage activities, care should be taken near any water of the state to minimize adverse effects on a body of water. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after completion of the work. Therefore, SEA recommends that Soo Line consult with the Department to ensure that care is taken during salvage activities near any water of the State to minimize adverse effects on the water body, including minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after completion of the work.

The Department also recommends that caution must be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Therefore, SEA recommends that Soo Line be required to ensure that caution is taken to prevent such spills of oil and grease.

Comments to the EA were due by November 18, 2004. No comments were received by the due date. Accordingly, the environmental conditions recommended by SEA in the EA will be imposed.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that Soo Line: (1) consult with NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers to plan for their relocation; (2) retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until completion of the section 106 process of the NHPA; (3) consult with FWS if any track material or fill is placed in the wetlands or if any hydrologic alterations occur that could drain or otherwise affect wetlands on the property; (4) remove all track material, such as the rails and ties, from the portions of the line that cross a WPA; (5) during salvage activities, consult with the Department to ensure that care is taken near any water of the State to minimize adverse effects on the body of water, including minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after completion of the work; and (6) ensure that caution is taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary