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SERVICE DATE - OCTOBER 29, 2004

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

AB-57 (Sub No. 54X)

**Soo Line Railroad Company - Abandonment Exemption - In Ramsey and Benson Counties,
ND**

BACKGROUND

The Soo Line Railroad Company (Soo) has filed a notice of exemption under 49 CFR 1152 to abandon all freight operations over approximately 28.35 miles of rail line and adjacent properties located between Devils Lake, Ramsey County, North Dakota and Harlow, Benson County, North Dakota, which traverses through United States Postal Zip codes 58301, 58325, 58351 and 58362. 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.

CONTACTS AND PROCEDURES

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 the record in this proceeding. Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included Natural Resources Conservation Service, State Historic Preservation Officer, National Park Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Department of Agriculture, and National Geodetic Survey.

ENVIRONMENTAL REVIEW

Soo states that there has been no overhead traffic and no local traffic on the rail line for over two years. The proposed abandonment should have no effect on regional or local transportation systems and patterns. All activities associated with the proposed abandonment would be confined to the rail line right-of-way (ROW) and would not affect adjacent land use or any important farmland along the line. North Dakota does not have a State Division of Coastal Zone Management. Soo believes that the proposed abandonment would not be inconsistent with

local or regional land use plans.

The proposed action would not result in an increase in local or regional truck traffic, air emissions, or noise levels because the line is out of service. The proposed action should have no adverse effect on health or public safety. Soo states that during salvage operations on the line, if required, precautions would be taken to ensure public safety, and its contractors would be required to satisfy all applicable health and safety laws and regulations. Soo states that there is no evidence of known hazardous waste sites or hazardous materials spills sites on the right-of-way.

Soo maintains that no work is proposed within any jurisdictional waters, including wetlands, and the proposed salvage activities would not involve the discharge of dredged or full material in waters of the United States and an Army Corps of Engineers (CORPS) permit would not be required. The CORPS agrees with Soo that a permit would not be required for salvage activities as long as the railroad does not dredge or fill waters of the United States.

The North Dakota Department of Health (Department) advises that environmental impacts from the proposed salvage activities would be minor and can be controlled by proper salvage methods. With respect to salvage, the Department recommends that care is taken during salvage activity near any water of the state to minimize adverse effects on a water body. 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 work has been completed. 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.

The United States Department of the Interior, Fish and Wildlife Service (FWS) states that the line crosses or borders numerous FWS wetland easements and three Waterfowl Production Areas (WPA). Wetland easements along the right-of-way are held in private property, but are considered part of the National Wildlife Refuge System. When removing track material in WPA's, FWS recommends that no fill be placed in the wetland, and there should be no hydrologic alterations that may drain the wetland, including the removal of culverts. Draining, filing or burning the wetlands may constitute an easement violation on behalf of the landowner or a WPA violation on behalf of the railroad. FWS requests that the track material, such as the rails and ties be removed from portions of the line that cross WPA's.

Soo states that any salvage operations that may result from abandonment would be in accordance with Soo's general practice of requiring its private contractors to comply with all federal, state, and local laws and regulations pertaining to the environment, including, but not limited to noise, air, quality, water quality, and items of archaeological significance.

Cultural and Historic Resources

The railroad submitted a historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. The railroad served the report on the State Historic Preservation Officer (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments recommending that a Class I Cultural Resources Inventory of the Area of Potential

Effect be prepared and submitted to its office for consultation. The file search should 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. Also, any unrecorded railway bridges and/or stations with standing structures over 50 years of age that are to be abandoned should be recorded. The recording should be completed by a state permitted cultural resource firm.

The National Geodetic Survey reviewed this proposed project and determined that 2 geodetic station markers may be affected by the proposed abandonment: TE1997 and TE1259. If there are any planned activities which would disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

CONDITIONS

SEA recommends that the following conditions be placed on any decision granting abandonment authority:

1. The National Geodetic Survey has determined that 2 geodetic station markers may be affected by the proposed abandonment: TE1997 and TE1259. If there are any planned activities which would disturb or destroy these markers, Soo should contact NGS not less than 90 days in advance of such activities in order to plan for their relocation.
2. Soo shall 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 the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
3. Soo shall consult with the US Fish and Wildlife Service if any track material or fill is placed in the wetlands, or any if hydrologic alterations occur that could drain or otherwise affect wetlands on the property.
4. As requested by FWS, Soo shall remove all track material, such as the rails and ties from portions of the line that cross Waterfowl Production Areas's.
5. Soo shall consult with the North Dakota Department of Health to ensure that care is taken during salvage activities near any water of the state to minimize adverse effects on the water body. 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 work has been completed.
6. Soo shall 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.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, 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 any 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 (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Phillis Johnson-Ball, who prepared this environmental assessment. **Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov by clicking on the "E-Filing" link. Please refer to Docket No. AB 57 (Sub No. 54X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Phillis Johnson-Ball at (202) 565-1530.

Date made available to the public: 10/29/04.

Comment due date: 11/18/04.

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

Vernon A. Williams
Secretary

Attachment

EXHIBIT 1

