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SERVICE DATE - OCTOBER 2, 1997
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

NO. AB-497 (SUB-NO. 2X)

Minnesota Northern Railroad, Inc.
- Abandonment Exemption -
in Polk County, Minnesota

BACKGROUND

In this proceeding, the Minnesota Northern Railroad, Inc. 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 its railroad line known as the Fertile Branch located between milepost 65.7 at Redland Junction and milepost 45.1 at Fertile, a distance of 20.6 miles in Polk County, Minnesota. 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

MNN acquired the line from the Burlington Northern Railroad (BN) 1996. The line at that time carried in bound fertilizer and out bound grain. Because of an unusually severe winter, MNN was forced to embargo the line after acquiring it from the BN in 1996. MNN has since lifted the embargo and moves traffic once each week.

In 1995, BN moved 237 carloads. In 1996, 96 cars have moved on the line (since MNN acquired the line and began operations from December 28, 1996 to June 26, 1997). MNN anticipates that these carloads would be trucked to other rail lines on the MNN system.

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 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 the U.S. Fish and Wildlife Service, National Park Service, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, Minnesota Department of Natural Resources, the Minnesota State Historic Preservation Office, and Polk County.

CONDITIONS

The Minnesota Department of Natural Resources advises that a general construction storm water permit would be required for track removal. Therefore, **we recommend that a condition be placed on any decision granting abandonment authority prohibiting the railroad from salvaging or disposing of the right-of-way until Minnesota Northern Railroad, Inc. obtains a general construction storm water permit from the Minnesota Department of Natural Resources.**

CONCLUSIONS

Based on the information provided from all sources to date, and subject to the recommended condition, 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 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 Vernon A. Williams, Office of the Secretary, Suite 700, Washington, DC 20423, to the attention of Victoria Rutson, who prepared this environmental assessment. **Please refer to Docket No. AB-497 (Sub No. 2X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ms. Rutson at (202) 565-1545.

Date made available to the public: September 29 , 1997.

Comment due date: October 28, 1997.

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary