

SERVICE DATE – MAY 11, 2007

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-6 (Sub-No. 455X)

**BNSF Railway Company – Abandonment Exemption –
in Stearns County, MN**

BACKGROUND

In this proceeding, the BNSF Railway Company (BNSF) 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 Stearns County, Minnesota. The rail line proposed for abandonment extends 0.79 miles from milepost 16.21 to milepost 17.00 near Cold Springs (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

BNSF 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. BNSF 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)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to BNSF, no local traffic has moved over the Line for at least two years, and there is no overhead traffic to be rerouted. 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.

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-6 (Sub-No. 455X).

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 regrading 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.

As part of the proposed abandonment, BNSF states that it would salvage all rail and rail ties from the Line. There are no bridges or other structures on the Line proposed for abandonment. According to BNSF, salvage activities would begin with the removal of the rails and metal parts of the track structure. Thereafter, wooden ties would be removed and separated into second hand ties, landscape quality ties, and scrap ties; any scrap ties would be disposed of at an appropriate site. Culverts and rail embankments located along the Line would remain intact to maintain the existing water conveyance within the right-of-way. BNSF further indicates that any concrete abutments and piers would be left intact, and that contractors would not be allowed to place fills or other material into waterbodies, including inland waterways.

BNSF indicates that there is one public crossing and no private crossings on the Line. During salvage operations, BNSF states that precautions would be taken to ensure public safety, and contractors would be required to satisfy all applicable health and safety laws and regulations. BNSF is not aware of any hazardous waste sites or sites where there have been hazardous material spills on the right-of-way.

The City of Cold Springs (City) has indicated that the proposed abandonment is consistent with its land use plans. The City stated it has been involved in the effort to establish the 12.2 mile “Rocori Trail” and that it is the City’s expectation that the railroad corridor would become part of the recreational facility. Additionally, the Rocori Trail Committee and the Stearns County Parks expressed interest in converting the right-of-way into a recreational trail.

The Natural Resources Conservation Service (NRCS) has indicated that the proposed abandonment would not impact agricultural lands, and a Federal Farmland Policy Protection Act site assessment is not required. However, NRCS noted that, if impacts to wetlands owned or operated by participants of the Wetlands Reserve Program are anticipated, BNSF should contact the county Farm Service Agency office (FSA) to consider an application for a third party exemption.² Accordingly, we recommend that a condition be imposed requiring BNSF to consult with the Beltrami County FSA office, the FSA office suggested by NRCS, prior to commencement of any salvage activities regarding potential impacts to wetlands owned or

² NRCS administers the Wetlands Reserve Program, which is a voluntary program to restore and protect wetlands on private property. See Natural Resources Conservation Service, Wetlands Reserve Program at www.nrcs.usda.gov/PROGRAMS/wrp/.

operated by participants of the Wetlands Reserve Program and to comply with its reasonable requirements.

The U.S. Fish and Wildlife Service, Division of Realty reviewed the proposed project and stated that it does not own any lands in the vicinity of the proposed abandonment, and it does not have any concerns regarding real estate matters.

The National Park Service reviewed the project and determined that the project poses no conflict with the Land and Water Conservation Fund and the Urban Park and Recreational Programs.

The Bureau of Land Management (BLM) stated that there are no federal lands administered by BLM along the rail line. However, BLM indicated that some of the original railroad line grants were “limited fee” rights-of-way³ and may be subject to federal laws such as the National Trails System Improvement Act. SEA notes that BNSF has indicated that there are no federally granted rights-of-way within the rail corridor. No mitigation measures were recommended by BLM.

The U.S. Army Corps of Engineers (Corps) stated that the proposed abandonment would not likely require a permit from the Corps based on the information provided by BNSF. The City provided BNSF with maps depicting flood plain locations in the vicinity of the proposed abandonment. Based on the maps provided, it does not appear that the proposed abandonment would affect any 100-year flood plains.

The U.S. Environmental Protection Agency’s Region 5 Office (USEPA) has not submitted comments regarding this proposed abandonment. Accordingly, SEA will provide a copy of this EA to USEPA for its review and comment.

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 Beltrami County FSA and USEPA for their review and comment.

HISTORIC REVIEW

BNSF served the historic report on the Minnesota State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register).

We have reviewed the report and the information provided by the SHPO and concur with the

³ As opposed to ownership in “fee simple,” which allows unlimited control over a property.

SHPO's comments.

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 <http://www.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the following tribes may have an interest in the proposed abandonment: the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; the Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota; Flandreau Santee Sioux Tribe of South Dakota; Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota; Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan; Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; Lower Sioux Indian Community in the State of Minnesota; Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota; Minnesota Chippewa Tribe, Minnesota; Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Santee Sioux Nation, Nebraska; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Upper Sioux Community, Minnesota; and White Earth Band of Minnesota Chippewa Tribe, Minnesota. Accordingly, SEA is sending a copy of this EA to these tribes for their review and comment.

CONDITIONS

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

BNSF Railway Company shall consult with the Beltrami County Farm Service Agency Office prior to commencement of any salvage activities regarding potential impacts to wetlands owned or operated by U.S. Department of Agriculture participants and shall comply with its reasonable requirements.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is 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 Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, 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, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Danielle Gosselin, 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-6 (Sub-No. 455X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental

contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.dot.gov.

Date made available to the public: May 11, 2007.

Comment due date: May 25, 2007.

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

Vernon A. Williams
Secretary

Attachment