

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

## **ENVIRONMENTAL ASSESSMENT**

**STB Docket NO. AB-6 (Sub-No. 393X)**

**The Burlington Northern and Santa Fe Railway Company–  
Abandonment Exemption–in Nelson and Eddy Counties, ND**

### **BACKGROUND**

In the above entitled proceeding, the Burlington Northern and Santa Fe Railway Company (BNSF) has 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 and discontinuance of service over a 6.00-mile line of railroad between milepost 92.00 in Tolna and milepost 98.00 in Hamar, in Nelson and Eddy Counties, ND. 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**

The BNSF line connects the rural communities of Tolna and Hamar through an unincorporated rural area of Nelson and Eddy counties in North Dakota. Much of the adjoining land consists of farmland and produces edible grains. Wheat is the primary agricultural crop in this area. The rail line corridor is irregular in width varying from 100 to 300 feet wide. In its application BNSF states that there has been no traffic on the line during the past 2 years.

### **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 and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. 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 Bureau of Land Management, Department of the Interior; Eddy County Board of Commissioners; National Geodetic Survey; Nelson County Board of Commissioners; National Park Service; North Dakota Department of Health, Water Quality Division; North Dakota Department of

Health, Environmental Health Section; North Dakota Parks and Recreation; North Dakota Public Service Commission; North Dakota Dept. Of Transportation; State Historic Society of North Dakota; State Water Commission; U.S. Army Corps of Engineers; USDA Natural Resources Conservation Service; U.S. Environmental Protection Agency-Region 8; and the U.S. Fish and Wildlife Service.

### **CONDITIONS**

We recommend the following environmental condition be placed on any decision granting abandonment authority.

The North Dakota Department of Health (NDDH) has expressed concerns regarding the proposed abandonment. We recommend that NYC consult with the NDDH prior to salvage activities.

### **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 this case, the existing quality of the human environment and energy consumption should not be affected.

### **PUBLIC USE**

If abandonment and salvage of the rail line does not take place, 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. However, 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, 1925 K St., N.W., Office of Public Services, Washington, DC 20423.

## **ENVIRONMENTAL 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 Ann E. Newman, who prepared this environmental assessment. **Please refer to Docket No. AB-6 (Sub-No. 393X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ann Newman at (202) 565-1629, fax at (202) 565-9002, or e-mail at Ann.Newman@STB.dot.gov.

Date made available to the public: May 14, 2002.

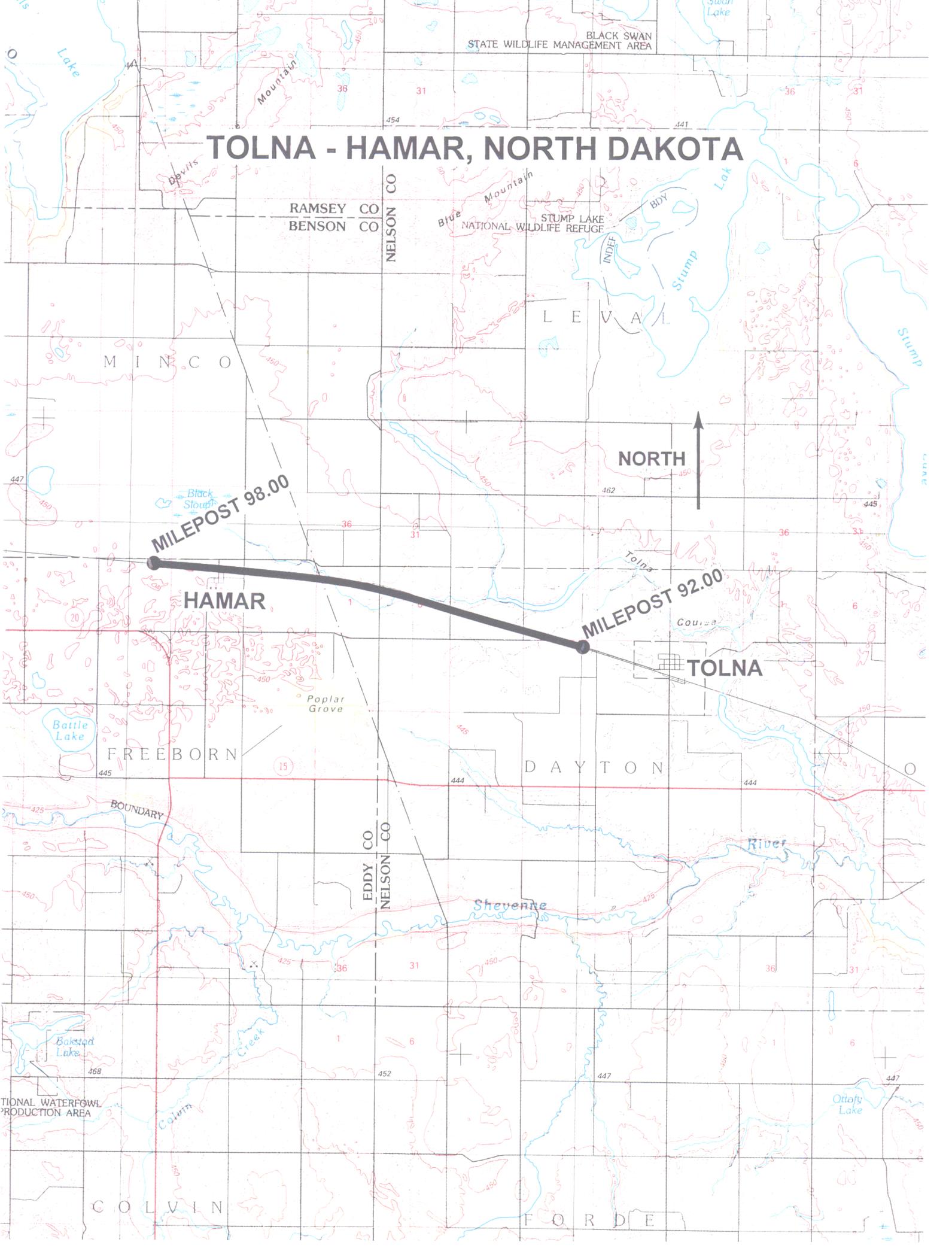
**Comment due date: May 29, 2002.**

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

Vernon A. Williams  
Secretary

Attachment

# TOLNA - HAMAR, NORTH DAKOTA



MILEPOST 98.00

HAMAR

MILEPOST 92.00

TOLNA

NORTH