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SERVICE DATE – LATE RELEASE JANUARY 13, 2011

SURFACE TRANSPORTATION BOARD

Docket No. AB 1003 (Sub-No. 1X)

DECISION

MOHALL CENTRAL RAILROAD, INC.—ABANDONMENT EXEMPTION—
IN CAVALIER COUNTY, N.D.

Decided: January 13, 2011

Mohall Central Railroad, Inc. (MCR) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a 5.4-mile line of railroad extending between milepost 67.5 near Calvin, N.D., and milepost 72.9 at Sarles, N.D. Notice of the exemption was served on December 16, 2010, and published in the Federal Register on December 17, 2010 (75 Fed. Reg. 79,086). The exemption is scheduled to become effective on January 15, 2011.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on December 21, 2010. In the EA, OEA states that the National Geodetic Survey (NGS) has identified 6 geodetic station markers that may be affected by the proposed abandonment. Therefore, OEA recommends that MCR be required to consult with and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers.

OEA states that the North Dakota Department of Health's Environmental Health Section (DOH) believes that environmental impacts from the proposed railroad abandonment would be minor and could be controlled by proper salvage and disposal methods. DOH recommends that MCR follow the Best Management Practices during salvage activities to prevent dirt, construction debris, and waste material from entering a storm drainage system or a body of water. DOH indicates that any releases of petroleum products, hazardous materials, or chemicals that may impact human health or the environment, which are known to have occurred in the past or are discovered in the project area during abandonment and salvage operations, must be reported to DOH. Accordingly, OEA recommends that MCR be required to report any releases of petroleum products, hazardous materials or chemicals that may impact human health or the environment that are discovered in the project area during abandonment and salvage operations to DOH and follow Best Management Practices during salvage activities to prevent dirt, construction debris, and waste material from entering a storm drainage system or a body of water.

OEA notes that the U. S. Fish and Wildlife Service's North Dakota Field Office (USFWS) review of the national Wetland Inventory maps and photographs indicates that there are a number of wetland basins that lie adjacent to the proposed abandonment. To minimize

disturbance to fish and wildlife habitat in the project area during salvage activities, USFWS recommends that MCR: (1) install and maintain appropriate erosion control measures to reduce sediment transport to and water quality degradation of wetlands and streams near the project area; (2) make no stream alterations or changes in drainage patterns; (3) defer the timing of abandonment related construction activities to late summer (after July 15) or fall so as not to disrupt waterfowl or other wildlife during the nesting season and to avoid high water conditions; and (4) reseed disturbed areas with a mixture of native grasses and forbes. Accordingly, OEA recommends that, prior to beginning any salvage activities, MCR be required to consult with USFWS to discuss the implementation, if appropriate, of measures to minimize any adverse impacts on fish and wildlife resources.

Pursuant to 36 C.F.R. § 800.2, OEA notes that it conducted a search of the Native American Consultation Database to identify federally recognized tribes that may have ancestral connections to the project area. According to OEA, the database indicated that the following federally recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way for the proposed abandonment: Red Lake Band of Chippewa Indians and Turtle Mountain Band of Chippewa Indians. OEA states in the EA that it was sending a copy of the EA to these tribes for review and comment.

No comments to the EA were received by the January 5, 2011 due date. Accordingly, the conditions recommended by OEA 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 notice served on December 16, 2010, and published in the Federal Register on December 17, 2010, exempting the abandonment of the line described above is subject to the conditions that MCR shall: (a) consult with and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers; (b) (1) report any releases of petroleum products, hazardous materials, or chemicals that may impact human health or the environment that are discovered in the project area during abandonment and salvage operations to DOH; and (2) follow Best Management Practices during salvage activities to prevent dirt, construction debris, and waste material from entering a storm drainage system or a body of water; and (c) prior to beginning any salvage activities, consult with USFWS to discuss the implementation, if appropriate, of measures to minimize any adverse impacts on fish and wildlife resources.
3. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.