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OEA

SERVICE DATE – DECEMBER 17, 2013

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-497 (Sub-No. 6X)

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

BACKGROUND

In this proceeding, Minnesota Northern Railroad, Inc. (MNN or railroad) filed a petition under 49 C.F.R. § 1152.20 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Polk County, Minnesota (MN). The rail line proposed for abandonment is a 2.8-mile segment near Beltrami, MN, between Milepost 66.8 and Milepost 64.0 (the Line). A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If the petition becomes effective, the railroad would be able to dispose of the Line and right-of-way.

DESCRIPTION OF THE LINE

The Line is located in northwestern Minnesota. The right-of-way is generally 100 feet wide and traverses a generally rural, agricultural area. The Line also passes through the small town of Beltrami, population 107. According to the railroad, an unspecified number of bridges on the Line are thought to be more than 50 years old. However, MNN does not believe that the bridges meet the criteria for listing on the National Register of Historic Places.

The Great Northern Railway originally constructed the Line. The BNSF Railway Company (BNSF) acquired the Line through a series of mergers, and in 1997, MNN acquired the Line from BNSF. Currently, the sole shipper on the Line is West Central Ag Services (WCAS), which moves grain from its elevators at Beltrami. WCAS has made improvements to the elevator enabling the origination of 100-car trains of grain.

If the proposed abandonment is approved, MNN intends to convey the Line to WCAS for use as private industry track. MNN would continue to operate over the private industry track pursuant to a trackage agreement and would move the trains between Beltrami and Crookston, MN where MNN would interchange the trains to BNSF for long-haul transportation.

ENVIRONMENTAL REVIEW

MNN submitted an environmental report that concludes the quality of the human environment would not be affected significantly because of the abandonment. MNN 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 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) reviewed and investigated the record in this proceeding.

Diversion of Traffic

Because rail traffic would continue to move over the Line, 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.

Salvage Activities

Under the proposed abandonment, rail traffic would continue to move over the Line, and therefore, rail, ties and other track materials would remain in place and would not be salvaged.

The railroad believes that the proposed abandonment would not be inconsistent with local or regional land use plans. The Natural Resources Conservation Service has not responded to the railroad's environmental report. However, because salvaging activities and changes in right-of-way land use would not occur under the proposed abandonment, OEA concludes that prime farmland soils would not be impacted.

The U.S. Fish and Wildlife Service, Twin Cities Ecological Services Field Office (USFWS) states that there are no federally listed or proposed species and/or designated or proposed habitat with the vicinity of the proposed abandonment. Considering the absence of federally listed or proposed species or their habitat, and the proposed status quo for rail activities, OEA concludes that the proposed abandonment would have no effect on threatened and endangered species.

The U.S. Army Corps of Engineers, St. Paul District (Corps) states that the decommissioning of a bridge on the Line under the proposed abandonment and the placement of fill into the stream crossed by the bridge would require a Clean Water Act, Section 404 permit.

¹ The railroad's environmental and historic reports are available for viewing on the Board's web site at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-497 (Sub-No. 6X).

However, OEA notes that salvage activities (including bridge removal) are not components of the proposed abandonment. If the abandonment is approved, MNN states that it would convey the Line to WCAS for continued rail use as private industry track. Thus, the proposed abandonment would remove the Line from the interstate rail network and regulation by the Board, but would not entail bridge removal or the placement of fill into waters of the United States. Therefore, a Section 404 permit should not be needed for the proposed abandonment. OEA has provided the Corps with a copy of this EA to clarify the nature of the proposed abandonment.

The National Geodetic Survey (NGS) states that approximately three geodetic station markers have been identified and the markers could be affected by the proposed abandonment. OEA notes, however, that the markers should not be impacted by the proposed abandonment because typical salvage activities are not components of the proposed abandonment. OEA has provided NGS with a copy of this EA to clarify the nature of the proposed abandonment.

HISTORIC REVIEW

The railroad submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Minnesota State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). In its response (MN SHPO No. 2013-2734), the SHPO states that the railroad, historically known as the St. Paul, Minneapolis and Manitoba Railway, has been determined eligible for listing in the National Register of Historic Places. However, based on the fact that the rails and tracks would not be removed and that rail service would continue on the Line, the SHPO concludes that the proposed abandonment would have no adverse effect on historic properties.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 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 through posting on the Board's website at <http://www.stb.dot.gov>.

OEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify federally recognized tribes that may have ancestral connections to the project area. The database identified the following 22 tribes for Polk County:

- Bad River Band of the Lake Superior Tribe of Chippewa Indians;
- Bois Forte Band of Chippewa;
- Flandreau Santee Sioux Tribe;
- Minnesota Chippewa Tribe, Minnesota Fond du Lac Band Reservation;
- Minnesota Chippewa Tribe, Minnesota, Grand Portage Band Reservation;

- Keweenaw Bay Indian Community, Michigan;
- Lac Courte Oreilles Band of Lake Superior Chippewa;
- Lac du Flambeau Band of Lake Superior Chippewa Indians;
- Lac Vieux Desert Band of Lake Superior Chippewa Indians;
- Leech Lake Band of Minnesota Chippewa Tribe, Minnesota;
- Lower Sioux Indian Community of Minnesota;
- Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota;
- Minnesota Chippewa Tribe, Minnesota;
- Prairie Island Indian Community of Minnesota;
- Red Cliff Band of Lake Superior Chippewa Indians;
- Red Lake Band of Chippewa Indians, Minnesota;
- Santee Sioux Nation, Nebraska;
- Sokaogon Chippewa Community, Wisconsin;
- St. Croix Chippewa Indians of Wisconsin;
- Turtle Mountain Band of Chippewa Indians of North Dakota;
- Upper Sioux Community of Minnesota; and
- White Earth Band of Minnesota Chippewa Tribe, Minnesota.

A copy of this EA has been provided to each tribe for review and comment.

CONDITIONS

OEA does not recommend any environmental conditions for this abandonment proceeding.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, abandonment of the Line would 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 and no salvage activities), 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 C.F.R. § 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 the time specified in the Federal Register notice. 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 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at 202-245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, please send an **original and one copy** to Surface Transportation Board, 395 E Street SW, Washington, DC 20423, to the attention of Dave Navecky, 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-497 (Sub-No. 6X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294, or e-mail at david.navecky@stb.dot.gov.

Date made available to the public: December 17, 2013.

Comment due date: January 15, 2014.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment