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OEA

SERVICE DATE – OCTOBER 21, 2016

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 57 (Sub-No. 64X)**

**Soo Line Railroad Company – Abandonment Exemption –  
in Burleigh County, North Dakota**

**BACKGROUND**

In this proceeding, the Soo Line Railroad Company (Soo Line) d/b/a Canadian Pacific filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Burleigh County, North Dakota. The rail line proposed for abandonment extends 0.9 miles from approximately milepost 417.99 to approximately milepost 418.89 (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**

Soo Line submitted an Environmental Report that concludes that the quality of the human environment would not be affected significantly as a result of the proposed abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. Soo Line 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)].<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

***Diversion of Traffic***

According to Soo Line, no local traffic has moved over the Line for at least two years and all overhead traffic was rerouted years ago. 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

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 57 (Sub-No. 64X).

to truck traffic that could result in significant impacts to air quality or the local transportation network.

*Salvage Activities*

Salvage and disposal of a rail line typically include the 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.

Soo Line states that the Line does not cross and is not immediately adjacent to any waterway. Soo Line plans to conduct salvage activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. According to Soo Line, salvage activities would not cause sedimentation or erosion of the soil, and Soo Line does not anticipate any dredging or use of fill when removing the track material. Soo Line states that debris would not be discarded along the right-of-way and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials.

According to Soo Line, the Line is in the southeast portion of Bismarck, North Dakota, and adjoining land is limited to commercial and industrial uses; no residential properties exist adjoining the Line. Soo Line states that the Line adjoins Canadian Pacific's Bismarck to Max line to the northwest and ends at a connection with Burlington Northern Santa Fe Railway (BNSF) at the southeast end of the Line; an approximately one-mile line extending beyond this connection will be retained by Soo Line and continue to connect existing customers to the national rail network. Burleigh County is not within a designated coastal zone.

Comments on the Environmental Report were submitted by several federal and state agencies. The U.S. Fish and Wildlife Service states that the proposed abandonment would not affect federal trust resources under its jurisdiction and currently protected by the Endangered Species Act. The North Dakota Game and Fish Department states that the proposed abandonment would not result in significant adverse effects on wildlife or habitat.

The National Geodetic Survey (NGS) states that one geodetic survey mark may be near the Line (i.e., mark number RR0286), but upon further review of NGS mapping resources by OEA, it was determined that the mark is outside of the right-of-way and would not be affected by proposed salvage activities.

The North Dakota Department of Transportation (ND DOT) states that the proposed abandonment should have no adverse effect on ND DOT highways, but advised Soo Line to obtain appropriate permits and prepare appropriate risk management documents should any work need to be done within highway right-of-way.

The North Dakota Department of Health (ND DOH) states that environmental impacts associated with the proposed abandonment would be minor and mitigated during salvage operations by properly controlling fugitive dust, asbestos removal, erosion and spills, runoff, and noise levels, as well as appropriately handling any newly discovered releases. In response, OEA recommends a condition requiring Soo Line to consult with ND DOH prior to commencement of salvage operations regarding reasonable mitigation measures.

Because salvage operations would be limited in scope and areal extent, and any air emissions associated with salvage operations would be temporary, OEA believes that salvage operations would not have a significant impact on air quality. OEA also believes that any noise impacts from salvage activities would be temporary and should not have a significant local impact because of the industrial and commercial nature of adjacent land uses.

Based on all information available to date, OEA 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, OEA is providing a copy of this EA to the North Dakota Department of Health.

## **HISTORIC REVIEW**

Soo Line served the Historic Report on the North Dakota State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 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). OEA has reviewed the report and the information provided by the SHPO, and we concur with the SHPO's comments.

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, we have determined that no known historic properties listed in or eligible for inclusion in the National Register within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment would be affected by the proposed abandonment. 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 [www.stb.gov](http://www.stb.gov).

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally recognized tribes that may have ancestral connections to the project area.<sup>2</sup> The database indicated that the following federally recognized

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<sup>2</sup> Native American Consultation Database, <http://grantsdev.cr.nps.gov/Nagpra/NACD> (last visited October 19, 2016).

tribes may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment: Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Oglala Sioux Tribe; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Standing Rock Sioux Tribe of North and South Dakota; and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota. Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

### **CONDITIONS**

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

- 1. The Soo Line Railroad Company shall consult with the North Dakota Department of Health prior to beginning any salvage activities regarding state regulations for fugitive dust emissions and asbestos removal; proper control of runoff, sedimentation, and spills; and noise level concerns, and shall comply with DOH's reasonable requirements.**

### **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, 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), 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 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 C.F.R. § 1152.29).

**PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office 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, comments may be mailed to the Surface Transportation Board, Washington, DC 20423, to the attention of Adam Assenza, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.gov](http://www.stb.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 57 (Sub-No. 64X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at [adam.assenza@stb.gov](mailto:adam.assenza@stb.gov).

Date made available to the public: October 21, 2016.

**Comment due date: November 7, 2016.**

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

Attachment