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SERVICE DATE – AUGUST 5, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-577 (Sub-No. 1X)

MOHALL RAILROAD, INC.–ABANDONMENT EXEMPTION–IN  
WALSH COUNTY, ND

Decided: August 4, 2008

Mohall Railroad, Inc. (MRI) filed a verified notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 7.06-mile line of railroad known as the Voss line, extending from milepost 137.09 at Voss to milepost 130.03 at Forest River, in Walsh County, ND. Notice of the exemption was served and published in the Federal Register on July 7, 2008 (73 FR 38499). The exemption is scheduled to become effective on August 6, 2008.

The Board’s Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on July 11, 2008. In the EA, SEA states that MRI contacted the U.S. Army Corp of Engineers (Corps), Washington, DC office, and the Corps instructed MRI to coordinate directly with its Omaha District and the North Dakota Department of Health, Division of Water Quality. SEA states that it appears that the abandonment falls with the Mississippi Valley Division, St. Paul District of the Corps. SEA also states that two bridges on the line may span standing bodies of water. Accordingly, SEA recommends that, prior to commencement of any salvage activities, MRI be required to consult with the St. Paul District of the Corps regarding its requirements and, if applicable, comply with the reasonable requirements of the Corps.

SEA states that the North Dakota Department of Health, Environmental Health Section (Department of Health) submitted comments stating that it believes the environmental impacts from the proposed abandonment would be minor and could be controlled by proper salvage and disposal methods. The Department of Health recommended that MRI: (1) follow best management practices to prevent material from entering a storm drainage system or water body; (2) report any releases of petroleum products, hazardous materials, or chemicals that may impact human health or the environment, known to have occurred in the past or discovered during abandonment operations, to the Department of Health; (3) minimize adverse effects on bodies of water as noted in the Department’s guidelines “Construction and Environmental Disturbance Requirements”; and (4) obtain a storm water runoff discharge permit during the period of site destabilization. The Department of Health also maintained that the activities anticipated by MRI are consistent with the State Implementation Plan for the Control of Air Pollution. Accordingly, SEA recommends that, to address the concerns of the Department of Health regarding matters such as salvage and disposal activities, MRI be required to coordinate with the Department of

Health to ensure that appropriate measures are implemented during the proposed salvage activities.

Comments in response to the EA were submitted by the Natural Resources Conservation Service (NRCS), stating that the proposed abandonment should have no significant impact on existing soil and water conservation practices in the area. The NRCS also submitted comments relating to existing drainage patterns, the preservation of wetlands and natural watercourses, and the disturbance of native prairie. By letter dated July 22, 2008, MRI responded to the Board regarding NRCS's comments, stating that MRI will: (1) during salvage, maintain all drainage patterns; (2) during salvage, not place any soil into wetlands or natural watercourses and be mindful of erosion control measures; and (3) not be doing any construction through wetlands in salvaging the track and ties. MRI does not believe that it will disturb any native prairie as it will only remove the track and ties, leaving the ballast and underlying roadbed undisturbed. SEA concurs with MRI that the proposed work meets all guidelines requested by the NRCS, and does not recommend that any conditions be imposed to ensure that measures are taken to prevent soil erosion. Therefore, only the two conditions previously recommended by SEA in the EA will be imposed.

Based on SEA's recommendation, the proposed abandonment, if implemented as conditioned, 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 exemption of the abandonment of the line described above is subject to the conditions that MRI shall: (1) prior to commencement of any salvage activities, consult with the St. Paul District of the Corps regarding its requirements and, if applicable, comply with the reasonable requirements of the Corps; and (2) to address the concerns of the Department of Health regarding matters such as salvage and disposal activities, coordinate with the Department of Health to ensure that appropriate measures are implemented during the proposed salvage activities.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan  
Acting Secretary