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SERVICE DATE - MAY 28, 2004

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-6 (Sub. No. 417X)

**The Burlington Northern and Santa Fe Railway Company – Abandonment Exemption –
in Clay County, MN**

BACKGROUND

In this 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 for BNSF to abandon 15.91 miles of rail line located between M.P. 18.09 near Glyndon and M.P. 34.00 near Felton, in Clay County, Minnesota. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, BNSF will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to BNSF, the line proposed for abandonment was constructed as part of the St. Vincent Extension of the St. Paul and Pacific Railroad, begun in 1872, providing a line to Winnipeg via the Canadian Pacific Railway. The right-of-way was acquired by the St. Paul Minneapolis and Manitoba Railway Company in 1899. The St. Paul Minneapolis and Manitoba Railway Company was a predecessor to the Great Northern Railway Company. In 1970, the Great Northern Railway Company merged with other railroads to become the Burlington Northern Railroad. In 1995, the Burlington Northern Railroad merged with the Atchison Topeka and Santa Fe Railway to become BNSF.

The Glyndon to Felton line connects the rural communities of Glyndon and Felton. The 2002 population figure for Glyndon is 1,119 and 217 for Felton. Most of the adjoining land is generally flat and is used for agricultural purposes growing grain and beans. Some sugar beets are grown in the surrounding area. No local traffic has moved over the line for at least two years and any overhead traffic on the line can be rerouted over other lines. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment. The rail line corridor is 150 feet wide. On part of the properties involved, title considerations may affect the conveyance of the land for use other than railroad purposes. Based on information in BNSF's possession, the line does contain federally granted rights-of-way. There are seventeen public and eight private railroad crossings on the line.

BNSF states that any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. There are 20 bridge structures (deck plate girder, open deck pile trestle, RCT, and ballast deck pile trestle) on the line varying in length between 26 feet and 286 feet that are 50 years old or older.

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 report 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)]. We have reviewed and investigated the record in this proceeding.

BNSF indicates that they have leased approximately 9,000 square feet of property near the line in Felton to Fevig Oil Company as a bulk oil facility for petroleum products. Elevated levels of gasoline range hydrocarbons, and diesel range organics are known to exist at the lease site. Brian Nettles of BNSF has informed SEA that this site is removed from the right-of-way and is not part of the proposed abandonment. Salvage activities related to this abandonment should have no impact on the Fevig Oil Company lease site.

The United States Department of Agriculture, Natural Resources Conservation Service in Fergus Falls, Minnesota, has advised us that the impact to farmland as a result of the proposed abandonment should be minimal. The abandonment activity will be confined to the removal of rails and ties and other rail type material. The actual railroad grade, bridges and culverts will remain and very little soil disturbance will occur.

The United States Department of the Interior, Bureau of Land Management, Milwaukee Field Office (BLM) has advised us that there are no Federal lands administered by BLM along the railroad line proposed for abandonment. BLM has indicated that some of the original railroad grants were limited fee rights-of-way and may be subject to the Railroad Right-of-Way Forfeiture and Abandonment Act of March 8, 1922, and the National Trails System Improvement Act of October 4, 1988.

The United States Department of the Interior, Fish and Wildlife Service in Fort Snelling has determined that they do not own any lands or interests in land in the vicinity of the proposed rail line abandonment, and they do not have any concerns regarding real estate matters in the abandonment.

The Department of the Army, Corps of Engineers, St. Paul District has indicated that the proposed abandonment is not within their regulatory jurisdiction, and no Department of the Army permit is required.

The National Geodetic Survey has advised us that eleven geodetic station markers have been identified that may be affected by the proposed abandonment.

The Minnesota Pollution Control Agency (MPCA) has indicated that possible impacts to streams, rivers, lakes, and wetlands from erosion and stormwater runoff should be avoided where possible or mitigated as much as possible to lessen any potential adverse impacts. Mulching, seeding, and sodding should be done to establish permanent ground cover and to stabilize soil disturbed by construction activities in the vicinity of surface water (lakes, streams, wetlands, and drainage ways), and implemented without the use of fertilizers containing phosphorus. MPCA further indicates that the site erosion control plan should be designed by the United States Department of Agriculture Soil Conservation Service and/or the County Soil and Water Conservation District. If there are any switching areas located in the project area, MPCA recommends that a thorough inspection of those areas for possible oil spills be conducted. Information on the disposal of the railroad ties that are to be removed from the abandoned line should be provided. We will recommend a consultation condition requiring that BNSF contact MPCA prior to commencement of any salvage activities on this project to address MPCA's concerns.

The U.S. Environmental Protection Agency (EPA), Region 5, has expressed concerns about the removal and salvage methods to be used by BNSF during the proposed abandonment, the final disposition of crossties preserved with creosote, procedures for storing and fueling of construction equipment, procedures for the prevention and/or control of spills from construction equipment, soil erosion and stormwater runoff mitigation practices to be utilized during abandonment activities, revegetation methods, and bridge and culvert maintenance activities following abandonment. Accordingly, we will recommend a consultation condition requiring that BNSF contact EPA, Region 5, prior to commencement of any salvage activities on this project.

HISTORIC REVIEW

BNSF submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. BNSF served the report on the Minnesota Historical Society (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has indicated that, based on their review of the documentation submitted, there do not appear to be any individually eligible buildings or structures along this line. As for the line itself, its construction as the St. Vincent Extension of the St. Paul and Pacific Railroad, begun in 1872, provided a link to Winnipeg via the Canadian Pacific Railway by 1879. Thus, it may have significance as an important early rail link. We, therefore, recommend a condition to address this concern.

CONDITIONS

We recommend that the following four environmental conditions be placed on any decision granting abandonment authority:

1. The National Geodetic Survey (NGS) has identified eleven geodetic station markers that may be affected by the proposed abandonment. Therefore, BNSF shall notify NGS 90 days prior to salvage activities in order to plan for their relocation.
2. BNSF shall, prior to any salvage activities, consult with the Minnesota Pollution Control Agency to address possible adverse impacts to surface waters and wetlands, inspection of any switching areas for contaminated soils, and the handling and disposal of railroad ties.
3. To address the concerns raised by the U.S. Environmental Protection Agency, Region 5, BNSF shall, prior to commencement of any salvage activities on this project, contact the U.S. Environmental Protection Agency, Region 5 (Kathleen Kowal, 312-353-5206), concerning removal and salvage methods, final disposition of crossties preserved with creosote, procedures for storing and fueling of construction equipment, procedures for the prevention and/or control of spills, stormwater runoff mitigation practices to be utilized during abandonment activities, revegetation methods, and bridge and culvert maintenance activities following abandonment.
4. BNSF shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, 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 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 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. 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 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, 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 Kenneth Blodgett, 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-6 (Sub No. 417X) in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: May 28, 2004.

Comment due date: **June 14, 2004 (15 days).**

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

Vernon A. Williams
Secretary

Attachment

