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SERVICE DATE – NOVEMBER 8, 2004

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-391 (Sub-No. 10X)

Red River Valley & Western Railroad Company – Abandonment Exemption – in Foster and Wells Counties, ND

BACKGROUND

In this proceeding, Red River Valley & Western Railroad Company (RRVW) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Foster and Wells Counties, North Dakota. The line extends about 27.76 miles from approximately milepost 1.4 in or near Carrington, North Dakota to the end of the line at approximately milepost 29.16 in or near Bowdon, North Dakota. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances.

DESCRIPTION OF THE LINE

According to RRVW, there has been no local rail traffic on the line for the past two years, and the line is a stub-ended branch line without overhead traffic. RRVW states that the line contains Federally granted rights-of-way. RRVW states that it has an exclusive easement from the Burlington Northern and Santa Fe Railway Company to perform rail service over the line, which would terminate after the proposed abandonment.

The area of the proposed rail line contains rolling hills, used primarily for agricultural or ranching activities, according to RRVW. RRVW states that the line passes through sparsely populated towns and the width of the right-of-way is generally 50 feet on each side.

ENVIRONMENTAL REVIEW

RRVW 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. RRVW served the environmental and historical reports 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.

RRVW states that it plans to hire a contractor to remove the rail and other track materials from the line and to perform related cleanup activities. Materials would be recycled and used on other parts of RRVW's system, where possible, and the contractor would purchase or appropriately dispose of unusable materials. RRVW plans to remove the two bridges on the line but to leave the culverts in place.

The Natural Resources Conservation Service (NRCS) submitted comments stating that although important farmlands are in the area, the proposed abandonment would have minimal impacts on these farmlands and no significant impact on existing soil and water conservation practices in the area. NRCS recommends that, to the extent possible, all natural drainage patterns be maintained and that land use affected during salvage should be returned to the original land use cover. NRCS also states that if the railroad road bed is removed, spoil should not be placed in wetlands or natural watercourses and that erosion control measures should be in effect during these removal activities. Accordingly, we will recommend a condition requiring RRVW to consult with NRCS regarding its recommendations prior to beginning salvage activities.

The National Geodetic Survey (NGS) has submitted comments stating that the proposed abandonment could affect 13 geodetic station markers, and requests notification in advance of activities that could disturb or destroy these markers. Accordingly, we will recommend a condition requiring RRVW to consult with NGS.

The U.S. Army Corps of Engineers, North Dakota Regulatory Office (Corps-Regulatory) orally informed RRVW that a Corps permit pursuant to Section 404 of the Clean Water Act could be required for removal of the bridges on the line. RRVW states that it will work with Corps-Regulatory to obtain any necessary permit in connection with the proposed abandonment. Accordingly, we will recommend a condition requiring RRVW to consult with Corps-Regulatory prior to beginning salvage activities regarding its permitting requirements.

The U.S. Army Corps of Engineers Omaha District (Corps-Omaha) submitted comments stating that Federal properties in close proximity to the line include the North Country National Scenic Trail (administered by the National Park Service) and a wildlife refuge (administered by the U.S. Fish and Wildlife Service). Accordingly, we have included the National Park Service and the U.S. Fish and Wildlife Service on the service list for this proceeding to ensure that these agencies receive a copy of this Environmental Assessment.

The North Dakota Department of Health, Environmental Health Section (NDDH), submitted comments stating that the environmental impacts from the proposed abandonment would be minor and recommends the following: follow Best Management Practices during salvage activities to prevent dirt, construction debris, and waste material from entering a storm drainage system or water body; report 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, to the NDDH; and avoid spills of any materials that may have an adverse effect on groundwater quality, report all spills to the NDDH, and take remedial action to clean up any spills. NDDH also notes that the line proposed for abandonment overlies the Carrington aquifer. Accordingly, we will recommend a condition requiring RRVW to consult with the NDDH regarding its recommendations prior to beginning salvage activities.

The North Dakota State Water Commission (NDSWC) has submitted comments recommending that all waste material associated with the proposed abandonment be disposed of properly and not be placed in identified floodway areas. Accordingly, we will recommend a condition requiring RRVW to consult with NDSWC regarding its recommendation prior to beginning salvage activities.

The U.S. Fish and Wildlife Service has submitted comments stating that the proposed abandonment would have no significant impacts on fish and wildlife resources and that no endangered or threatened species are known to occupy the project area.

HISTORIC REVIEW

RRVWF submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the State Historical Society of North Dakota (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). RRVW states that there are two bridges on the line with unknown dates of construction. There are also two grain elevators on the line that are 50 years old or older. One of the elevators is on the west edge of the city of Sykeston and the other is on the west side of the city of Bowdon. RRVW states that it does not own the grain elevators and has no plans to alter or remove the grain elevators during salvage activities associated with the proposed abandonment. At the time this environmental assessment was prepared, the SHPO had not completed its assessment of the proposed abandonment. The SHPO has requested additional information from RRVW, including a Class I Cultural Resources Inventory¹ of the Area of Potential Effect (APE) be prepared and submitted to its office for consultation. The SHPO also recommended that any structure over 50 years old that would be abandoned be recorded by a state-permitted cultural resource firm/architectural historian. Pending completion of the SHPO's review, we recommend a condition to ensure compliance with the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

¹ For the Class I Cultural Resources Inventory, RRVW is required to perform a files search. RRVW shall submit the results of the files search in: 1) a short report detailing all cultural resources (including potential or actual historic properties) in the legal sections of the APE and 2) 7.5' topographic maps with the cultural resource locations and previously inventoried areas plotted and marked.

CONDITIONS

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

1. **Red River Valley & Western Railroad Company shall consult with the Natural Resources Conservation Service prior to beginning salvage activities regarding its recommendations for maintenance of natural drainage patterns, returning land use affected during salvage to the original land use cover, the placement of spoil from railroad road bed removal, and erosion control measures.**
2. **Red River Valley & Western Railroad Company shall consult with the National Geodetic Survey (NGS) and provide NGS with 90 days notice prior to disturbing or destroying any geodetic station markers .**
3. **Red River Valley and Western Railroad Company shall consult with U.S. Army Corps of Engineers North Dakota Regulatory Office (Corps-Regulatory) prior to beginning salvage activities regarding Corps-Regulatory permitting requirements.**
4. **Red River Valley & Western Railroad Company shall consult with the North Dakota Department of Health, Environmental Health Section (NDDH) prior to beginning salvage activities regarding the following recommendations: follow Best Management Practices during salvage activities to prevent dirt, construction debris, and waste material from entering a storm drainage system or water body; report 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, to the NDDH; and avoid spills of any materials that may have an adverse effect on groundwater quality, report all spills to the NDDH, and take remedial action to clean up any spills.**
5. **Red River Valley & Western Railroad Company shall consult with the North Dakota State Water Commission regarding its recommendations for waste material disposal prior to beginning salvage activities.**
6. **Red River Valley & Western Railroad Company 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 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.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Rini Ghosh, 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-391 (Sub-No. 10X) in all correspondence**

addressed to the Board. If you have questions regarding this environmental assessment, you should contact Rini Ghosh, the environmental contact for this case, by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at ghoshr@stb.dot.gov.

Date made available to the public: **November 8, 2004.**

Comment due date: November 22, 2004.

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

Vernon A. Williams
Secretary

Attachment

