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SEA

SERVICE DATE – OCTOBER 13, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-6 (Sub-No. 445X)

BNSF Railway Company - Abandonment Exemption - in Cascade County, MT

BACKGROUND

In this proceeding, BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152.20 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Cascade County, Montana (MT). The rail line proposed for abandonment extends approximately 1.67 miles from Milepost 194.61 to Milepost 196.28, in Great Falls (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 would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way (ROW).

DESCRIPTION OF THE LINE

The Line generally runs west to east and is located within the city limits of Great Falls. The western limit of the Line is located near 26th Street North and the eastern limit of the Line is roughly 1,200 feet west of 52nd Street North. Land use south of the Line is largely residential. Land uses north of the line include a golf course on the western half of the Line and industrial sites on the eastern half of the Line. Great Falls had a population of approximately 56,690 in 2000. The ROW of the Line is 100 feet wide. According to BNSF, there are no bridges or other structures on the Line, but there are two public crossings and one private crossing on the Line. BNSF states that the proposed abandonment could include the removal of all rails and ties, but that the roadbed would be left intact.

In an August 1, 2006 comment letter from the City of Great Falls on the proposed abandonment, Benjamin Rangel, Planning Director, noted that “BNSF has already removed a railroad bridge, a roadway at-grade crossing and the rails and ties. Additionally, the City of Great Falls has purchased a portion of the right of way from BNSF and has installed an underground sewer main.” The Board’s Section of Environmental Analysis (SEA) contacted Mr. Rangel to verify his comments. Mr. Rangel stated that it is his understanding that all the rails and ties have been removed from the Line from approximately 38th Street North east to the

end of the Line, and that portion of the ROW had been sold off as industrial parcels. For the section of the Line from 26th Street North to 38th Street North, Mr. Rangel noted that much of the Line had also been salvaged, and that the city purchased a portion of the ROW to construct a sewer line. SEA has reviewed 2006 aerial photographs of the proposed abandonment area and SEA's findings substantiate Mr. Rangel's statements that much of the Line has already been salvaged.

The ROW was acquired by the Chicago Milwaukee St. Paul & Pacific Railroad (MILW) in 1913. In 1980, Burlington Northern Railroad (BN) acquired certain assets of the MILW including the Line. In 1995, BN merged with the Atchison, Topeka and Santa Fe Railway Company to become The Burlington Northern and Santa Fe Railway Company. The Burlington Northern and Santa Fe Railway Company changed its name to BNSF Railway Company in 2005.

BNSF has provided a verified statement indicating that no local traffic has moved on the Line for at least two years and that there is no overhead traffic handled on the Line to be rerouted. Accordingly, the proposed abandonment would not result in the diversion of rail traffic to other modes. BNSF is not aware of any hazardous waste sites or sites where there have been known hazardous materials spills on the ROW.

ENVIRONMENTAL REVIEW

BNSF submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. BNSF 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 CFR 1105.7(b)]. The Board's Section of Environmental Analysis reviewed and investigated the record in this proceeding.

According to BNSF, no local traffic has moved over the Line for at least two years and no overhead traffic would need to be rerouted as a result of the abandonment. 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 to truck traffic that could result in significant impacts to air quality or the local transportation network.

BNSF states that the proposed abandonment should not be inconsistent with local or regional land use plans. The City of Great Falls commented that the proposed abandonment would not be inconsistent with any local land use plans. The Montana Department of Transportation also noted that it has no plans for alternate public uses of the ROW at this time.

The Natural Resources Conservation Service stated that the proposed abandonment would have no impact on important farmland because the subject land is considered to be previously converted farmland. Therefore, the proposed abandonment does not involve the Federal Farmland Protection Policy Act (7 U.S.C. 4201).

The U.S. Fish and Wildlife Service commented that the proposed abandonment, as characterized by BNSF, should not result in any adverse impacts to Federally listed threatened, endangered, candidate or proposed species. Montana Fish, Wildlife & Parks does not foresee any impacts to valuable wildlife habitats or threatened or endangered species because of the Line's location within the city limits. The National Park Service reviewed the proposed abandonment and determined that no parks would be affected.

The U.S. Army Corps of Engineers (Corps) has stated that the proposed abandonment would not likely require a permit from the Corps based on the limited information provided by BNSF. The Corps added that if BNSF identifies waterways and/or wetlands along the Line and these areas would be disturbed by salvaging activities, then BNSF should contact the Corps to determine the necessity of obtaining a Corps permit. Because uncertainties remain on whether waterways and/or wetlands are present on the Line, we recommend a condition for further consultation pending additional field review by BNSF.

The Montana Department of Environmental Quality (DEQ) stated that it was unable to determine what permits would be necessary for the proposed abandonment based on the limited information provided by BNSF. Accordingly, we recommend a condition for further consultations with the Montana DEQ to clarify permitting requirements for the proposed abandonment.

The Floodplain Administrator for the City of Great Falls noted that the Line is not located in a Special Flood Hazard Area.

HISTORIC REVIEW

BNSF 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 Montana Historical Society (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c).

The SHPO replied that there are a few previously designated sites within the project area including Site 24FH0350, which is the historic Milwaukee St. Paul and Pacific Railroad (MT SHPO Ref.: 2006051510). The SHPO stated that this railroad is eligible for listing on the National Register of Historic Places and that the proposed abandonment and removal of track materials may have an adverse effect on this historic site. However, much of the track materials may have already been removed by BNSF according to comments supplied by the City of Great Falls. Nonetheless, SEA recommends a condition that would prohibit BNSF from conducting any further abandonment or salvage activities until completion of the Section 106 process under the National Historic Preservation Act (16 U.S.C. 470f).

SEA 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 two tribes within Cascade County that may have an interest in the proposed abandonment:

- Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and
- Fort Belknap Indian Community of the Fort Belknap Reservation of Montana.

A copy of this EA has been provided to both tribes for review and comment.

CONDITIONS

In order to mitigate the potential environmental impacts from the proposed abandonment, SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. Prior to any remaining salvaging activities, BNSF Railway Company shall determine if waters of the United States (U.S.) including wetlands are present on the line proposed for abandonment. If waters of the U.S. are present and these areas would be disturbed by proposed abandonment activities, BNSF Railway Company shall consult with the U.S. Army Corps of Engineers regarding potential permitting requirements under Section 404 of the Clean Water Act (33 U.S.C. 1344).
2. Prior to any remaining salvaging activities, BNSF Railway Company shall consult with the Montana Department of Environmental Quality to determine potential permitting requirements for the proposed abandonment.
3. BNSF Railway Company shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. BNSF Railway Company shall report back to the Section of Environmental Analysis regarding any consultations with the Montana Historical Society and any other Section 106 consulting parties. BNSF Railway Company may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of the tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are 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 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 ROW 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 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 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS 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, please send an **original and two copies** to Surface Transportation Board, Case Control Unit, 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-6 (Sub-No. 445X) 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 202-565-1593, fax at 202-565-9000, or e-mail at naveckyd@stb.dot.gov.

Date made available to the public: October 13, 2006.

Comment due date: October 27, 2006.

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

Vernon A. Williams
Secretary

Attachment