

37844  
SEA

SERVICE DATE – APRIL 9, 2007

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-6 (Sub No. 449X)**

**BNSF Railway Company – Abandonment Exemption –  
In Swift County, Minnesota**

**BACKGROUND**

In this proceeding, the BNSF Railway Company (BNSF) filed a notice of exemption under 49 U.S.C. 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Swift County, Minnesota (the Line). The Line extends 0.54 miles between Engineering Station 0 + 00 and Engineering Station 28 + 61, near the City of Appleton (City) in Swift County, Minnesota. BNSF also states that no federally granted rights-of-way are a part of the proposed abandonment.

A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If approved, BNSF states that abandonment may include removal of the rails and ties, including the single bridge and associated structures, and three at-grade crossings.

**ENVIRONMENTAL REVIEW**

BNSF has submitted an environmental and historic report that concludes that the quality of the human environment would not be significantly affected as a result of the abandonment or any post-abandonment activities. BNSF has served the environmental and historic report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules at 49 CFR 1105.7(b). The Board's Section of Environmental Analysis (SEA) has investigated and reviewed the record in this proceeding.

**Transportation**

BNSF states that no local rail traffic has moved over the Line in more than two years and that there is no overhead traffic to be rerouted.

**Land Use**

In a letter dated September 8, 2006, Mr. Robert Rickert, State Rail Bank Program Manager, Minnesota Department of Transportation (MN DOT), states that he has discussed the proposed abandonment with several government officials representing Swift County, the City, Minnesota Department of Natural Resources (MN DNR), and the Minnesota Regional

Development Coordinator. Mr. Rickert states that there is no interest among local businesses to utilize rail service and because of the Line's location, it does not lend itself to the establishment of a recreational trail. Therefore, no alternative public uses will be proposed by the State and local entities set forth alone. Nonetheless, BNSF states that the proposed abandonment should be suitable for alternative public use.

In a letter dated August 28, 2006, Mr. William Lorenzen, Environmental Review/Justice Coordinator, Natural Resources Conservation Service, states that because the proposed abandonment will not affect agricultural lands, this precludes the need for further action as required by the Farmland Policy Protection Act.

## **Safety**

BNSF states that there are two (2) public and one (1) private at-grade crossings that would be eliminated.

BNSF also states that there are no known hazardous wastes sites or known spills along the right-of-way.

## **Biological Resources**

In a letter dated October 2, 2006, Mr. Robert Maydwell, Grants Management Assistant, National Park Service, states that the proposed abandonment has been reviewed in relation to any potential conflicts with the Land and Water Conservation Fund and the Urban Park Recreation Recovery Program and no conflict has been found.

In a letter dated August 28, 2006, Ms. Marcia Sieckman, Supervisor, Lands and Renewable Resources Team, Milwaukee Field Office, Bureau of Land Management (BLM), states that the Line does not involve any Federal lands administered by BLM.

## **Water Resources**

BNSF states that the right-of-way varies from between 30 to 50 feet in width and crosses the Pomme de Terre River. As part of the salvage process, BNSF states that the track and ties and the single bridge would be removed. All culverts, including the rail line embankment would remain intact so as not to alter the prevailing waterflows along the Line. Following removal of the bridge, BNSF states that any bridge pilings would be pulled, cut off at ground level, or broken off at or below the mud line. Any concrete abutment or piers may be left intact. Furthermore, BNSF states that the salvage contractor would be required not to place fills or other material in water bodies, including inland waterways. The salvage contractors would also be required to limit their activities to the width of the right-of-way.

In a letter dated September 5, 2006, Mr. Robert Whiting, Chief, St. Paul District Corps of Engineers (Corps), states that because the proposed abandonment is not anticipated to result in the placement of dredged or fill material in any waterways, a permit is not required. The Corps also notes that information pertaining to the 100-year floodplain can be obtained by contacting

the City.

In a letter dated January 16, 2007, Mr. Kenneth Westlake, Chief, NEPA Implementation Section, U.S. Environmental Protection Agency, Region 5 (U.S. EPA), makes the following comments: (1) all present and former bridge pilings should be removed, not cut or broken off, to avoid the possibility of future accidents; (2) the riverbank on each side of the bridge are designated as a special flood plain. Therefore, the U.S. EPA recommends that both banks be returned to a natural aesthetic and functional state by removal of rail embankment fill material to reestablish a natural grading, followed by planting with appropriate species consistent with adjacent areas; and 3) the final disposition of crossties and pilings preserved with creosote should be buried in a non-hazardous waste landfill unless otherwise permitted/required by the State of Minnesota.

Therefore, SEA will recommend that the Board impose a condition requiring the BNSF to comply with the U.S. EPA Region 5's recommendations regarding salvage activities, particularly regarding: (1) removal of all bridge pilings; (2) removal of the rail embankment and appropriate revegetation of the stream banks; and (3) proper disposal of all creosote treated materials.

In a letter dated October 5, 2006, Mr. Steven Colvin, Environmental Review Supervisor, Minnesota Department of Natural Resources (MN DNR), states that a portion of the proposed abandonment would extend into a floodplain. Therefore, salvage activities must comply with the floodplain ordinances administered by the City.

In an e-mail dated November 30, 2006, Mr. Roman Fidler, Clerk/Treasurer, City of Appleton, MN, provided a copy of the City's Flood Plain Zoning Ordinances to BNSF.

To ensure that the 100-year floodplain is not adversely affected, SEA will recommend that the Board impose a condition requiring the BNSF to consult with City prior to initiating any salvage activities.

In a letter dated January 24, 2007, Mr. Skip Wright, Area Hydrologist, MN DNR, states that a Public Waters Permit is not required provided that the original cross-section and bed conditions are restored, and provided that the structure is completely removed, is not located on an officially designated trout stream, and does not function as a water level control device. Finally, MN DNR requests a copy of BNSF's bridge removal and bank restoration plans. SEA will recommend that the Board impose a condition requiring the BNSF to consult with Mr. Skip Wright, Area Hydrologist, MN DNR, prior to initiating any salvage activities.

## **HISTORIC REVIEW**

BNSF submitted a historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Minnesota Historical Society (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). BNSF states that there is one bridge near the City of Appleton, MN. The bridge was built in 1974 and is 235 feet long, 12 feet high, and is of an open pile trestle construction with 14 foot panels. BNSF states that it is not

known whether there has been significant alteration to the bridge since its construction. BNSF also states that it has possession of alignment maps showing the right-of-way and/or station maps that will be made available upon request.

BNSF states that the right-of-way was acquired by the Great Northern Railway (GN) between 1925 and 1948. The GN merged with other railroads to become part of the Burlington Northern Railroad (BN) in 1970. BN and the Atchison Topeka and Santa Fe Railway merged in 1995 to become the Burlington Northern and Santa Fe Railway Company. In 2005, The Burlington Northern and Santa Fe Railway Company changed its name to BNSF Railway Company.

In a letter dated November 17, 2006, Ms. Britta Bloomberg, Deputy State Historic Preservation Officer, Minnesota Historical Society, states that it concludes that the project, as proposed, will not affect any properties listed or eligible for listing on the National Register of Historic Places.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.4(d)(1), we have determined, in consultation with the SHPO that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the BNSF'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 web site at <http://www.stb.dot.gov>.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that there are seven tribes: the Flandreau Santee Sioux Tribe of South Dakota; the Lower Sioux Indian Community, Minnesota; the Prairie Island Indian Community, Minnesota; the Santee Sioux Nation, Nebraska; the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; the Spirit Lake Tribe, North Dakota; and the Upper Sioux Community, Minnesota, that may have an interest in the proposed abandonment. SEA will ensure that each tribe receives a copy of this EA for its review and that each tribe is added to the service list for this proceeding.

In an e-mail dated March 9, 2007, Mr. Simon Monroe, U.S. Department of Commerce, National Geodetic Survey (NGS) stated that two geodetic station markers may be located in the area of the proposed abandonment.

Therefore, SEA will recommend that the Board impose a condition requiring BNSF to notify the NGS at least 90 days prior to the initiation of any salvage activities.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts.

## **CONDITIONS**

1. The BNSF Railway Company shall comply with the recommendations of U.S. Environmental Protection Agency, Region 5, regarding (1) removal of all bridge pilings; (2) removal of railroad embankment and appropriate revegetation measures along the stream banks; and (3) proper disposal of all creosote treated materials.
2. The BNSF Railway Company shall consult with the City of Appleton, Minnesota, regarding compliance with its Flood Plain Zoning Ordinances prior to initiation of any salvage activities regarding potential impacts to the 100-year floodplain and shall comply with all reasonable requirements.
3. The BNSF Railway Company shall consult with the Minnesota Department of Natural Resources (Mr. Skip Wright, Area Hydrologist) regarding removal of the bridge prior to initiation of any salvage activities and shall comply with all reasonable requirements.
4. The BNSF Railway Company shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the two geodetic station markers identified by NGS.

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, that discontinuance of service on the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed discontinuance would include denial (and therefore no change in operations) or 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**

BNSF states that the proposed abandonment should be suitable for alternative public use. However, MN DOT states that no alternative public uses would be sought.

A request containing the requisite four-part showing for imposition of a public use condition 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.

### **COMMENTS**

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to the Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-Filing" link. **Please refer to STB Docket No. AB- 6 (Sub No. 449X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at [Troy.Brady@stb.dot.gov](mailto:Troy.Brady@stb.dot.gov).

Date made available to the public: **April 9, 2007.**

**Comment due date: April 24, 2007.**

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

Vernon A. Williams  
Secretary

Attachment