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SERVICE DATE - JUNE 10, 2004

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-6 (Sub-No. 420X)

**The Burlington Northern and Santa Fe Railway Company – Abandonment Exemption – In
Mercer County, ND**

BACKGROUND

In this proceeding, the Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 in connection with the abandonment of a line of railroad in Mercer County, North Dakota. The line to be abandoned extends 3.36 miles from milepost 77.14 near Antelope Valley Station to milepost 80.50 near Zap. 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, no local traffic has moved over the line for at least two years and there is no overhead traffic to be rerouted. BNSF states that the line crosses three public roads and two private roads.

BNSF states that Antelope Valley Station and Republic are the stations along the line, and the line also passes through the town of Zap (population 231). The main agricultural crop grown along the line is wheat; coal deposits and mines occur in the general area of the line. The right-of-way of the line is mainly 100 feet wide. The right-of-way of the station grounds vary in width.

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.

The North Dakota Parks and Recreation Department (NDPRD) submitted comments recommending that any areas impacted by salvage activities be revegetated with species native to the project area. We will recommend a condition based on NDPRD's recommendations.

The North Dakota Department of Health, Environmental Health Section (NDDH) has submitted comments stating that though a North Dakota Pollution Discharge Elimination System permit would not be required, NDDH recommends that Best Management Practices be followed during salvage activities to prevent dirt, construction debris and waste material from entering a storm drainage system or water body. We will recommend a condition based on NDDH's recommendations.

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

The U.S. Army Corps of Engineers (Corps) submitted comments stating that a Corps permit would not be required for the proposed abandonment.

The Mercer County Office of Emergency Services (OES) also submitted comments stating that the proposed abandonment would not adversely affect any 100-year floodplains in the area, provided that: (1) the roadbed along with drainage culverts and structures are left in place; (2) if the wood timber bridge spanning Spring Creek within the City of Zap is removed, components be removed to ground level above the water line and to the stream bed below the water line. No bridge components should be left in place that may catch ice, debris, or in any manner restricts the natural flow of the stream. BNSF states that it plans to leave the roadbed, along with the drainage culverts and structures, in place, and if the wood timber bridge within the City of Zap were to be removed, all components would be removed. In order to ensure that salvage activities associated with the proposed abandonment do not impact safety by affecting any 100-year floodplains, we will recommend a condition requiring BNSF to comply with OES's recommendations.

The City of Zap has submitted to the Board a statement of willingness to assume financial responsibility for establishing interim trail use and rail banking along the line.

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 State Historical Society of North Dakota (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). BNSF states that there are two bridges in the immediate area that are 50 years old or older. 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

BNSF, 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 the two bridges be recorded and preliminarily evaluated by a state-permitted cultural resource firm. 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.

CONDITIONS

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

1. Based on the comments of the North Dakota Parks and Recreation Department we recommend that **Burlington Northern and Santa Fe Railway Company shall revegetate areas impacted by salvage activities with species native to the area.**
2. Based on the comments of the North Dakota Department of Health, Environmental Health Section we recommend that **Burlington Northern and Santa Fe Railway Company follow Best Management Practices during salvage activities to prevent dirt, construction debris and waste material from entering a storm drainage system or water body.**
3. The State Historical Society of North Dakota has requested that a Class I Cultural Resources Inventory of the Area of Potential Effect be prepared and submitted to its office for consultation and recommended that the two bridges over 50 years of age along the line be recorded and preliminarily evaluated by a state-permitted cultural resource firm. **Accordingly, Burlington Northern Santa Fe Railway 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.**
4. Based on the comments of the Mercer County Office of Emergency Services, we recommend that **Burlington Northern Santa Fe Railway Company shall conduct salvage activities in the following manner: (1) leave the roadbed along with drainage culverts and structures in place; (2) if the wood timber bridge spanning Spring Creek within the City of Zap is removed,**

¹ For the Class I Cultural Resources Inventory, BNSF is required to perform a files search. BNSF 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.

components shall be removed to ground level above the water line and to the stream bed below the water line. No bridge components shall be left in place that may catch ice, debris, or in any manner restricts the natural flow of the stream.

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-6 (Sub-No. 420X) in all correspondence, including e-filings 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: **June 10, 2004.**

Comment due date: June 28, 2004.

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

Vernon A. Williams
Secretary

Attachment

ID No. 34742 Strip / Mines
AB-6 (Sub-No. 420X)

ANTELOPE VALLEY STATION - ZAP, NORTH DAKOTA

