

31326
DO

SERVICE DATE - LATE RELEASE SEPTEMBER 18, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-77 (Sub-No. 11X)

BANGOR & AROOSTOOK RAILROAD COMPANY--
ABANDONMENT EXEMPTION--IN AROOSTOOK COUNTY, ME

Decided: September 18, 2000

Bangor & Aroostook Railroad Company (Applicant) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 0.4-mile portion of its St. Francis line between milepost 0.0 and milepost R-0.40 in Fort Kent, Aroostook County, ME. Notice of the exemption was served and published in the Federal Register on August 18, 2000 (65 FR 50586-87). The exemption is scheduled to become effective on September 19, 2000.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on August 25, 2000. In the EA, SEA states that the Maine Historical Commission has indicated that it has reviewed information submitted on the trestle built over the Fish River in 1910, and has determined that although there is not enough information presented to comment on the eligibility of this structure to be listed in the National Register of Historic Places, the proposed transfer of the subject bridge to the Town of Fort Kent should result in no adverse effect on this unevaluated resource. Therefore, SEA recommends that a condition be imposed requiring Applicant to retain its interest in and take no steps to alter the historic integrity of the trestle over the Fish River until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, pending transfer of the trestle to the town.

SEA further states that the U.S. Army Corps of Engineers (Corps) has not completed its review of the proposed abandonment. Therefore, SEA recommends that a condition be imposed requiring Applicant to consult with the Corps prior to salvage operations to determine if the proposed project is consistent with applicable Federal, state and local water quality standards, and if permits are required under section 404 of the Clean Water Act.

SEA initially recommended that Applicant be required to consult with the Maine Department of Environmental Protection (DEP) to: (1) determine whether wells exist within 1000 feet of the proposed abandonment area; and (2) develop a remediation or response action plan with state clean-up regulations prior to any salvage activity within the right-of-way. By facsimile dated September 6, 2000, however, Applicant submitted a

letter from the DEP stating that the contamination site previously referenced in the EA is not within the right-of-way proposed for abandonment and that further investigation or remediation planning is no longer required. Therefore, according to SEA, the DEP condition need not be imposed.

The section 106 and the Corps conditions will be imposed. This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that Applicant shall: (a) retain its interest in and take no steps to alter the historic integrity of the trestle built over the Fish River until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, pending transfer of the trestle to the Town of Fort Kent; and (b) consult with the Corps to determine if the proposed abandonment is consistent with applicable Federal, state and local water quality standards, and if permits are required under section 404 of the Clean Water Act.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary