

34789
DO

SERVICE DATE - JULY 2, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 419X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
–ABANDONMENT EXEMPTION–IN GRIGGS AND BARNES COUNTY, ND

Decided: July 1, 2004

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon and discontinue service over a 4.69-mile line of railroad between milepost 22.00 near Walum, and milepost 17.31 near Dazey, in Griggs and Barnes Counties, ND. Notice of the exemption was served and published in the Federal Register on June 4, 2004 (69 FR 31655-56). The exemption is scheduled to become effective on July 6, 2004.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on June 10, 2004. In the EA, SEA states that the State Historic Preservation Officer (SHPO) has reviewed the proposed project and recommended that a Class I Culture Resources Inventory (i.e., files search) of the Areas of Potential Effect be prepared and submitted to the SHPO for consultation. The SHPO recommends that the one bridge on the line over 50 years of age be formally recorded on North Dakota Cultural Resource Survey site forms. The SHPO also requests that the recording be completed by a state cultural resource firm/architectural historian, and include preliminary evaluations. Therefore, SEA recommends that BNSF retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

SEA also states that the U.S. Fish and Wildlife Service (USFWS) advised that approximately one mile of the line crosses its wetland easements in T. 143 N., R. 59 W., Section 19, NE1/4SE1/4, and Section 30. However, USFWS recommends that when removing track material, no fill should be placed in the wetlands, and there should be no hydrologic alterations that may drain or otherwise affect the wetlands. USFWS states that draining, filling or burning the wetlands may constitute an easement violation. Therefore, SEA recommends that BNSF consult with the USFWS if, when removing track material, any fill is placed in the wetlands, or if any hydrologic alterations occur that could drain or otherwise affect the wetlands on the property.

SEA further states that the North Dakota Parks and Recreation (NDPR) advised that the proposed abandonment does not affect the state park lands or Land and Water Conservation

Fund Recreation projects. However, NDPR recommends that any impacted areas be revegetated with species native to the project area.

Finally, SEA states that the National Geodetic Survey (NGS) has identified six geodetic station markers (H 53, D 295, H 205, G 53, W 449, and F 53) that may be affected by the proposed abandonment. Therefore, SEA recommends that BNSF be required to notify NGS at least 90 days prior to any salvage activities to plan for the relocation of the identified geodetic station markers.

Comments to the EA were due by June 25, 2004. No comments were received by the due date. Accordingly, the conditions recommended by SEA in the EA will be imposed.

As conditioned, this action 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 BNSF: (1) retain its interest in and take no steps to alter the historic integrity of the line and all sites and structure on the line until completion of the section 106 process of the NHPA; (2) prior to beginning salvage activities, consult with USFWS if, when removing track material, any fill is placed in the wetlands, or if any hydrologic alterations occur that could drain or otherwise affect the wetlands on the property; (3) revegetate any impacted areas with species native to the project area; and (4) notify NGS at least 90 days prior to any salvage activities to plan for the relocation of the identified geodetic station markers.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary