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OEA

SERVICE DATE – SEPTEMBER 18, 2015

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 57 (Sub-No. 62X)**

**Soo Line Railroad Company d/b/a Canadian Pacific**  
**Abandonment Exemption**  
**Hennepin County, Minn.**

**BACKGROUND**

In this proceeding, Soo Line Railroad Company (Soo Line) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Hennepin County, Minnesota. The rail line proposed for abandonment extends 0.4 miles from milepost 0.59 +/- and milepost 0.99 +/- (East Side Spur) just south of I-94 in Minneapolis (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 will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**ENVIRONMENTAL REVIEW**

Soo Line 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, including salvage and disposition of the right-of-way. Soo Line 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 C.F.R. § 1105.7(b)].<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 57 (Sub-No. 62X).

## ***Diversion of Traffic***

According to Soo Line, no local traffic has moved over the line for at least two years and all overhead traffic was rerouted years ago. 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.

## ***Salvage Activities***

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, and dismantling of structures that may be present on the rail right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

Soo Line plans to conduct salvage activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. Soo Line states that the line does not cross and is not immediately adjacent to any waterway. According to Soo Line, salvage activities would not cause sedimentation or erosion of the soil, and Soo Line does not anticipate any dredging or use of fill when removing the track material. Soo Line states that no debris would be discarded along the right-of-way and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials.

According to Soo Line, the line is in a residential and former light-industrial area east of the main business district of Minneapolis, Minnesota, with relatively flat topography. According to Soo Line, the bridge that spans I-94 on the southern end of the Line is owned by the Minnesota Department of Transportation and would not be removed during salvage operations. According to Soo Line, the western terminus of the Line is stub-ended, and the previous rail corridor has been converted to residential use beyond the endpoint in this abandonment; the connected rail line past the eastern terminus of the Line in this proceeding continues to be operated by Soo Line as part of the national freight network.

According to Soo Line, Hennepin County is not located in a designated coastal zone; OEA contacted Minnesota's Lake Superior Coastal Program, who confirmed that federal consistency review pursuant to the Coastal Zone Management Act, 16 U.S.C. § 1451 *et seq.* is not required. The National Geodetic Survey submitted comment that one geodetic survey mark (PP1059) could be affected by the proposed abandonment, however, the mark is set in a bridge abutment of the bridge crossing I-94, which would remain in place. Accordingly, OEA believes that the mark would not be adversely affected by salvage activities as Soo Line states that the bridge would remain in place.

The U.S. Fish and Wildlife Service (USFWS) submitted comments stating that though two endangered clams (higgins eye and Snuffbox mussel) and one threatened bat (northern long-

ered bat) may be present within the project area, OEA's determination of No Affect would be appropriate, as no sedimentation of clam habitat or felling of trees is contemplated in this proceeding, and no formal concurrence by USFWS under the Endangered Species Act is required.

According to Soo Line, a Phase I Environmental Site Assessment of the project area published June 24, 2015, identified one on-site recognized environmental condition; at least 20 tires, pieces of railroad track, railroad ties, and a shopping cart were observed. In the executive summary of this report, the authors identified a potential for surficial or buried impacts related to the disposal of materials containing hazardous substances or petroleum products with the area of uncontrolled dumping at the north end of the site. Soo Line commented to OEA that it plans to remove and dispose of debris encountered within the right-of-way in accordance with applicable laws.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

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

## **HISTORIC REVIEW**

Soo Line served the Historic Report on the Minnesota State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO has informed OEA that additional information was requested from the railroad in order for the office to evaluate potential impacts to historic and archaeological resources, and therefore, OEA has not been able to consider the SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register of Historic Places. Accordingly, we are recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally recognized tribes that may have ancestral connections to the project area.<sup>2</sup> The database indicated that the following federally recognized

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<sup>2</sup> Native American Consultation Database, <http://grantsdev.cr.nps.gov/Nagpra/NACD> (last visited September 17, 2015).

tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment: Flandreau Santee Sioux Tribe of South Dakota; Lower Sioux Indian Community in the State of Minnesota; Prairie Island Indian Community in the State of Minnesota; Santee Sioux Nation, Nebraska; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; and Upper Sioux Community, Minnesota. Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

## **CONDITIONS**

We recommend that the following condition be imposed on any decision granting abandonment authority:

- 1. Soo Line shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. Soo Line shall report back to OEA regarding any consultations with the Minnesota Historical Society and the public. Soo Line may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of 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, OEA concludes that, as currently proposed, and if the recommended condition is 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), 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 C.F.R. § 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 C.F.R. § 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Adam Assenza, 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 Docket No. AB 57 (Sub-No. 62X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at [adam.assenza@stb.dot.gov](mailto:adam.assenza@stb.dot.gov).

Date made available to the public: September 18, 2015.

**Comment due date: October 5, 2015.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment