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SERVICE DATE - SEPTEMBER 17, 2001

SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-101 (Sub-No. 16X)

Duluth, Missabe and Iron Range Railway Company - Abandonment Exemption - In St.  
Louis County, Minnesota

### **BACKGROUND**

In this proceeding, the Duluth, Missabe and Iron Range Railway Company (DM&IR) has filed a petition for exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of approximately 1.3 miles of switching track located between Station MP 14.8 and Station MP 16.1 in the City of Hibbing, Minnesota. The line is located in St. Louis County, Minnesota. A map depicting the rail line in relationship to the area served is appended to the report. 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.

### **DESCRIPTION OF THE LINE**

According to DM&IR, the proposed line is located in an area composed of a mix of residential and light industrial development. The right-of-way extends 75 feet on each side of the tracks. The portion of the Hull Rust Line proposed for abandonment is the final 1.3 miles of trackage located in Hibbing, Minnesota. Edwards Oil is the only shipper or receiver of materials on this segment of trackage, receiving approximately 12 tank cars of brine per year. Edwards Oil supports the abandonment of the line, indicating that abandonment will have no detrimental effect on their business and that they desire the removal of tracks from the vicinity. Track materials only will be removed from the subject right-of-way following abandonment. Track removal will take place in an urban area culminating with the close-out of three at-grade crossings. The line does not contain Federally granted rights-of-way.

### **ENVIRONMENTAL REVIEW**

DM&IR 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. DM&IR served the environmental and historical reports 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 National Geodetic Survey has advised us that one geodetic station markers has been identified that may be affected by the proposed abandonment.

The Minnesota Historical Society (MN SHPO) has advised us that the line to be abandoned is located in close proximity to the Hull Rust Mahoning Mine, which is listed on the National Register of Historic Places and has also been designated as a National Historic Landmark. The use of the line appears to be historically related to the development of the landmark mine. Although the Historic Report indicates that there are no structures on the line, according to the MN SHPO there does appear to be on bridge (#R16-A), built in 1920, that carries the tracks over St. Louis County highway 63. The MN SHPO also believes that the railroad line itself needs to be evaluated to determine the historical significance of the relationship between the railway and the development of the landmark mining operations.

The Minnesota Pollution Control Agency (MPCA) has indicated that the environmental impacts from the project will be largely dependent upon the extent of land disturbing activity that will occur during the project, and there may be some potential to negatively affect water quality. In addition, appropriate management of the expended ties needs to be considered.

## **CONDITIONS**

We recommend that the following three environmental conditions, addressing the environmental concerns discussed above, be placed on any decision granting abandonment authority:

1. The National Geodetic Survey (NGS) has identified one geodetic station marker that may be affected by the proposed abandonment. Therefore, DM&IR shall notify NGS 90 days prior to salvage activities in order to plan their relocation.
2. The Minnesota Historical Society has indicated that there appears to be one bridge built in 1920 on the line to be abandoned. In addition, they have indicated that the line may have historical significance in the development of the landmark mining operations. Pending resolution of these issues, DM&IR shall retain its interest in and take no steps to alter the historic integrity of all sites or structures on the right-of-way until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
3. To address the concerns raised by the Minnesota Pollution Control Agency, DM&IR shall, prior to any salvage, consult with the Minnesota Pollution Control Agency.

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed and subject to the recommended mitigation measures, 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**

If abandonment and salvage of the rail line does take place, 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 Surface Transportation 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 Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. 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 (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

### **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this environmental assessment. **Please refer to Docket No. AB-101 (Sub No. 16X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to Kenneth Blodgett at (202) 565-1554.**

Date made available to the public: September 17, 2001.

Comment due date: **October 17, 2001 (30 days).**

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

Vernon A. Williams  
Secretary

Attachment

MAP TO BE SCANNED