

34706
SEA

SERVICE DATE - MAY 28, 2004

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-6 (Sub-No. 415X)

**The Burlington Northern and Santa Fe Railway Company – Abandonment Exemption – in
Cavalier 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 Cavalier County, North Dakota. The line to be abandoned extends 20.93 miles from milepost 74.07 near Langdon to milepost 95.00 near Hannah. 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 there are 33 public road crossings and 11 private road crossings along the right-of-way.

BNSF states that the line passes through the towns of Langdon (population 2,101), Dresden (unincorporated), Wales (population 30), and Hannah (population 20), and much of the adjoining land is generally flat. The agricultural crops in the area are primarily wheat and barley, and 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.

BNSF states that there is a known petroleum and hydrocarbons spill on a bulk oil lease site located north of the tracks and 300 feet east of the Langdon Depot, but this site is not located within the limits of the proposed abandonment.

The National Geodetic Survey (NGS) submitted comments stating that 1 geodetic station marker has been identified that may be affected by the proposed abandonment, and requests that NGS receive at least 90 days notification in advance of any activities that will disturb or destroy the marker.

The Natural Resources Conservation Service (NRCS) has submitted comments stating that there are areas of prime farmland and wetlands along the right-of-way of the proposed abandonment. NRCS recommends that in all areas listed as prime farmland or prime farmland if drained, an attempt should be made to minimize adverse impacts if these areas are to be disturbed. NRCS also recommends that an effort should be made to protect any disturbed areas from soil erosion by wind or water, and that impacts to potential wetland areas should be minimized as much as possible. According to NRCS, some fields in the area may be enrolled in the Conservation Reserve Program and BNSF should take precautions to prevent damage to the cover on these fields. NRCS advises that if cover on these fields is damaged, BNSF would need to work with the local Farm Service Agency office. Based on NRCS's recommendations, we will recommend a condition be imposed requiring BNSF to consult with NRCS prior to beginning salvage activities.

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 Cavalier County Water Resource Board also submitted comments stating that the proposed abandonment would have no effect on any 100-year floodplains in the area.

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 three 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 three 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. **Burlington Northern and Santa Fe Railway Company shall consult with the National Geodetic Survey and provide the National Geodetic Survey with 90 days notice prior to disturbing or destroying any geodetic station markers.**
2. Based on the comments of the Natural Resources Conservation Service (NRCS) we recommend that **Burlington Northern and Santa Fe Railway Company shall consult with NRCS prior to beginning salvage activities regarding measures to minimize impacts to prime farmlands and wetlands.**
3. 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.**
4. 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.**

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.

5. The State Historical Society of North Dakota (the State Historic Preservation Office or SHPO) 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 three 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.**

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. 415X) 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: **May 28, 2004**

Comment due date: June 14, 2004.

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

Vernon A. Williams
Secretary

Attachment

