

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 6 (Sub-No. 481X)**

**BNSF Railway Co.—Abandonment Exemption—  
in Walsh and Pembina Counties, N.D.**

**BACKGROUND**

In this proceeding, BNSF Railway Company (BNSF) 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 an approximately 18.12-mile rail line in Walsh and Pembina Counties, North Dakota.<sup>1</sup> The line extends between milepost 42.08 at Grafton and milepost 60.20 at Glasston. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). 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.

**ENVIRONMENTAL REVIEW**

The applicant 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. The applicant 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>2</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> In 2010, the Board granted Dakota Northern Railroad the authority to discontinue service over the same line segment that BNSF now seeks to abandon. See Dakota Northern Railroad, Inc.—Discontinuance of Service Exemption—In Walsh and Pembina Counties, N.D., AB 1041X (STB served Jan. 22, 2010).

<sup>2</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 6 (Sub-No. 481X).

## *Diversion of Traffic*

BNSF states that no local traffic has moved over the line for at least two years, and because the line is stub-ended, there is no overhead traffic on the line.<sup>3</sup> 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*

If abandonment authority is granted in this proceeding, BNSF indicates that it plans to convert the portion of the line between milepost 42.08 and milepost 52.50 to industry track. For the remaining portion of the line, BNSF plans to remove the rails, ties, and bridges. However, the right-of-way, ballast, and culverts would remain in place, and BNSF states that water flows located within the project area should not be disrupted.

BNSF provided a description of the typical salvage process in its Environmental Report, which states that salvaged ties may be reused in rail service, sold to lumber dealers for landscaping purposes, or loaded into railcars and shipped to an Environmental Protection Agency-approved site. In addition, salvage contractors are required to limit their activities to the right-of-way and are not allowed to place fill or other materials in water bodies, including inland waterways.

The land that the line traverses is predominantly a rural area. The Natural Resources Conservation Service and Bureau of Land Management's North Dakota Field Office submitted letters stating that they have no comments or concerns regarding the proposed abandonment. Accordingly, no mitigation regarding prime agricultural land or public land resources is recommended.

At the time of this EA, the U.S. Army Corps of Engineers' St. Paul District (Corps) had not submitted any comments. However, one of the bridges that BNSF plans to remove as part of this proposed abandonment is located at milepost 52.90, which crosses Willow Coulee.<sup>4</sup> Accordingly, we are recommending that, prior to commencement of any salvage activities, BNSF consult with Corps' regarding the project's potential impacts to waters of the United States, and, if applicable, comply with the reasonable requirements of the Corps.

The North Dakota State Water Commission (SWC) reviewed the proposed project and submitted comments stating that the abandonment would have no effect on any identified floodplains or sole-source aquifers. Nevertheless, SWC expressed concern regarding identified

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<sup>3</sup> According to BNSF, the line has been embargoed since 2009.

<sup>4</sup> A coulee is a ravine that was formed by running water. In addition, a coulee may be an intermittent stream that is dry at certain times of the year.

floodway areas and requested that BNSF properly dispose of all waste material associated with the project. To ensure that SWC's concerns are addressed, we are recommending that BNSF consult with SWC regarding salvaging and abandonment procedures prior to commencement of any salvage activities.

The Environmental Report states that there are no known hazardous waste sites or sites where known hazardous material spills have occurred on the right-of-way. Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is necessary.

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

## **HISTORIC REVIEW**

BNSF served the Historic Report on the State Historical Society of North Dakota (the State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). There are eight bridges on the line that are 50 years old or older.<sup>5</sup> BNSF states that seven of these bridges are of an open deck timber trestle design and the remaining bridge is a plate girder bridge.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that no known historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. The SHPO has reviewed the proposed project and submitted comments stating that it concurs with the determination that the proposed abandonment would not affect historic properties. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

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>6</sup> The database indicated that the following tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way for the proposed abandonment: Red Lake Band of Chippewa Indians, Minnesota, and Turtle Mountain Band of Chippewa Indians of North Dakota. Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

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<sup>5</sup> The bridges were constructed between 1909 and 1969.

<sup>6</sup> Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited April 24, 2012).

## **CONDITIONS**

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

1. Prior to commencement of any salvage activities, BNSF Railway Company shall consult with the U.S. Army Corps of Engineers' St. Paul District (Corps) regarding potential impacts to waters of the United States and, if applicable, shall comply with the reasonable requirements of the Corps.
2. To address the North Dakota State Water Commission's (SWC) concerns regarding identified floodway areas and the proper disposal of waste material associated with the proposed abandonment, BNSF Railway Company (BNSF) shall consult with SWC regarding salvaging and abandonment procedures prior to commencement of any salvage activities.

## **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 not necessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations and no salvage activities), 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 4-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.

## **TRAIL 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 regulations at 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 EA, send **one original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Dean, who prepared this EA. 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 6 (Sub-No. 481X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Christa Stuebner, the environmental contact for this case, by phone at (202) 245-0299, fax at (202) 245-0454, or e-mail at [christa.stuebner@stb.dot.gov](mailto:christa.stuebner@stb.dot.gov).

Date made available to the public: May 11, 2012.

**Comment due date: May 29, 2012.**

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

Attachment