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SEA**

SERVICE DATE – DECEMBER 8, 2006

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

**STB DOCKET NO. AB-33 (SUB-NO. 234X), UNION PACIFIC RAILROAD COMPANY—
ABANDONMENT EXEMPTION—IN WASHINGTON COUNTY, MINNESOTA**

BACKGROUND

On November 14, 2006, the Union Pacific Railroad Company (UP) filed a notice of exemption pursuant to 49 C.F.R. 1152.50 to abandon its line of railroad known as the Stillwater Industrial Lead from Milepost 4.69 to Milepost 5.50, a distance of 0.81 mile, near Stillwater in Washington County, Minnesota. The line traverses United States Postal Service Zip Codes 55082 and 55083. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA).

The land underlying the right-of-way was sold to the community of Stillwater on December 15, 2000 with UP retaining an operating easement of 10 feet on either side of the centerline of the track. If the notice becomes effective, pursuant to the sale agreement, UP will salvage track, ties, and other railroad appurtenances.

ENVIRONMENTAL REVIEW

UP submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of abandonment, including salvage and disposition of the right-of-way. UP served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the environmental record in this proceeding.

According to UP, the line has been out of service for more than two years. There is no overhead traffic on the line. UP states that after abandonment, Stillwater and the adjacent community of Bayport will continue to receive rail service. The connecting rail line to the south of the Stillwater Industrial Lead is an active UP main line.

Because the line has handled no local traffic during the last two years, and alternative rail service is available in the community, the proposed abandonment would not adversely affect the transportation of energy resources or recyclable commodities, and would not result in an increase in overall energy efficiency.

UP states that it is aware of no inconsistencies of the proposed actions with existing land use plans. The line does not cross any agricultural land. The line is not located in a designated coastal zone. UP explains in its notice of abandonment that salvage activities would not result in earthmoving or disturbance of the land on the right-of-way or surrounding the line.

UP maintains that any 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.

According to UP, there are no wildlife sanctuaries or refuges, National or state parks or forests in the vicinity of the proposed abandonment. UP states that the proposed abandonment would be handled in a manner that is consistent with the applicable Federal, state, and local water quality standards. To the best of UP's knowledge, the proposed abandonment would have no effect on wetlands or 100-year flood plains. In response to a comment by the United States Environmental Protection Agency (EPA) that relates to the presence of potentially hazardous materials along the right-of-way, UP explains that it does not own the right-of-way and assumes no responsibility for potential contamination in the vicinity of the right-of-way or at the Aiple Marine Company hazardous waste site. SEA has added the EPA to the service list in this proceeding to ensure that they receive a copy of the EA for review and comment. UP sent the notice of abandonment in this proceeding to the United States Army Corps of Engineers (CORPS) and the United States Fish and Wildlife Service (USFWS). No response has been received from either agency. SEA has added the CORPS and the USFWS to the service list in this proceeding to ensure that they receive a copy of the EA for review and comment.

The National Geodetic Survey (NGS) has identified five geodetic survey markers that may be located in the area of the proposed abandonment. If the markers will be disturbed by abandonment activities, NGS requests a 90-day advance notice to attempt their formal relocation. Accordingly, we recommend a condition requiring the UP to notify NGS not less than 90 days in advance of any activities on the line that would disturb or destroy the station marker.

HISTORIC REVIEW

The railroad submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Minnesota State Historic Preservation Office (SHPO), pursuant to 49 CFR 1105.8(c). At the time this environmental assessment was prepared, the SHPO had not completed its assessment of the proposed abandonment. Pending completion of the SHPO's review, we recommend a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process has been completed.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area. The database identified 24 tribes that may have an interest in the proposed abandonment. Accordingly, SEA is sending a copy of this EA to the following tribes for their review and comment: Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota; Flandreau Santee Sioux Tribe of South Dakota; Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota; Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan; Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; Lower Sioux Indian Community in the State of Minnesota; Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota; Minnesota Chippewa Tribe, Minnesota; Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Santee Sioux Nation, Nebraska; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Upper Sioux Community, Minnesota; White Earth Band of Minnesota Chippewa Tribe, Minnesota; Lake Superior Chippewas; Sisseton & Wahpeton Tribe of Sioux of the Sisseton Reservation, South Dakota and Sisseton & Wahpeton Tribe of the Fort Totten Reservation, South Dakota.

CONDITIONS

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

- The Union Pacific Railroad Company shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the five geodetic station markers identified by NGS on the subject line.
- The Union Pacific Railroad Company (UP) shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. UP shall report back to the Section of Environmental Analysis regarding any consultations with the Minnesota State Historic Preservation Officer and any other Section 106 consulting parties. UP 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, SEA concludes that, as currently proposed, abandonment 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, discontinuance of service and salvage of the rail line, a portion of 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 is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the class 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 right-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 Surface Transportation Board, Office of Public Services, 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 Phillis Johnson-Ball, 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-33 (Sub-No. 234X)**. If you have any questions regarding this environmental assessment, please contact

Phillis Johnson-Ball, the environmental contact for this case, by phone at (202) 565-1530, fax at (202) 565-9000, or e-mail johnson-ballp@stb.dot.gov.

Date made available to the public: December 8, 2006.

Comment due date: December 26, 2006.

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

Vernon A. Williams
Secretary

Attachment