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SEA

SERVICE DATE - OCTOBER 29, 2004

SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423

## ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-6 (Sub. No. 418X)

**Burlington Northern and Santa Fe Railway Company - Abandonment Exemption -  
in Grand Forks County, ND**

### BACKGROUND

In this proceeding, the Burlington Northern and Santa Fe Railway Company (BNSF) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for BNSF to abandon a 6.50 mile rail line between Hannah Junction and McCanna in Grand Forks County, North Dakota. The line begins at milepost 0.00 near Hannah Junction, and ends at milepost 6.50 near McCanna. A map depicting the entire 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, the right-of-way for the line proposed for abandonment was initially acquired by the St. Paul Minneapolis and Manitoba Railway Company in 1884. The St. Paul and Minneapolis and Manitoba Railway Company preceded the Great Northern Railway (GN) which merged into the Burlington Northern Railroad (BN) in 1970. In 1995, BNSF was formed as a result of the merger between BN and the Atchison Topeka and Santa Fe Railway. BNSF states that there is now no demand for or prospect of rail service over the line, and that no traffic has originated, terminated, or moved overhead on this line segment for at least two years. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

According to BNSF, the line passes through a mostly flat, rural farming area that is planted in wheat and some beans. The right-of-way width is 50 feet on each side of the main track centerline, though this varies in the vicinity of the station grounds at McCanna. BNSF has indicated that the rail line may be suitable for public use such as a trail. To date, BNSF has not received any inquires about public use of the right-of-way. In a letter to BNSF, the County of Grand Forks writes that it has no interest in an alternate public use for the corridor once the line is abandoned. BNSF has indicated that for part of the properties involved, title considerations may affect the conveyance of land for purposes other than railroad uses. Based on information in the possession of BNSF, the line does not contain any Federally granted rights-of-way.

The rail line crosses through 100-year flood plains. However, the County of Grand Forks states that the abandonment will not affect the flood-plains as long as the elevation of the roadbed remains unchanged. BNSF states that it does not intend to appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. The areal extent of disturbed areas will be kept to a minimum and limited to the right-of-way wherever possible. There are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment. Since the geometry of the roadbed will not be significantly altered, no discernible effects on either 100-year flood plains or adjacent farmlands are expected in connection with the proposed abandonment.

## **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 (Board) environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey (NGS) has advised us that one geodetic station marker has been identified that may be affected by the proposed abandonment and requests 90 days notification in advance of any activities that may disturb or destroy these markers. SEA is recommending a condition to address the removal of the geodetic station marker prior to the commencement of salvage operations.

According to the United States Department of Agriculture, Natural Resources Conservation Service, the rail line is located in an area of prime farm land. However, the agency does not believe that the proposed abandonment activities will have any effect on the farmlands.

The U.S. Fish and Wildlife Service indicated to BNSF that the proposed abandonment will not have any significant impacts on fish and wildlife resources. The North Dakota Parks and Recreation Department (NDPRD), who has jurisdiction over rare species and ecological communities in North Dakota, has recommended that areas impacted as a result of the proposed abandonment be revegetated with native species. SEA is recommending a consultation condition to address the concerns raised by NDPRD.

The Bureau of Land Management (BLM) states that there are no wildlife sanctuaries or refuges, nor any National or State Parks that would be affected by the proposed abandonment. However, BLM asks that it be kept informed of any new developments as the abandonment process moves forward.

## **HISTORIC REVIEW**

BNSF submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)]. BNSF served the report on the State Historical Society of North Dakota (SHPO) pursuant to Section 106 of the National Historic Preservation Act (NHPA). In response to the report, the SHPO indicated the need for a survey of the rail corridor in order to identify any National Register listed or eligible historic properties located within the project's area of potential affect (APE). (SHPO Reference Number 04-0287.) A subsequent survey of the area conducted by BNSF indicated no significant historic properties within the APE for the proposed abandonment.

The results of the survey are summarized in the report, *Burlington Northern Santa Fe Railway Company Abandonment at Four Locations in North Dakota, Class I and Class II Cultural Resources Inventories.*, August 2004. (SEA has copy of the report on file). BNSF submitted the cultural resources report to the SHPO on September 1, 2004. Based on their review, the SHPO has recommended a "No Historic Properties Affected" determination for the proposed abandonment, provided the project will take place as specified by BNSF in previous reports and correspondence to the SHPO. SEA concurs with the SHPO "No Historic Properties Affected" determination for the proposed abandonment and concludes that the Section 106 process for this proceeding has been completed.

## **CONDITIONS**

We recommend that the following two environmental conditions be placed on any decision granting abandonment authority:

1. The National Geodetic Survey has identified one geodetic station marker that may be affected by the proposed abandonment. Therefore, BNSF shall notify the National Geodetic Survey 90 days prior to salvage activities in order to plan for its relocation.
2. The North Dakota Parks and Recreation Department recommends that any areas impacted by the proposed abandonment be revegetated with species native to the project area. Therefore, BSNF shall contact the North Dakota Parks and Recreation Department (Kathy Duttonhefner, 701-328-5370) prior to the commencement of salvage activities regarding the revegetation of any impacted areas.

## **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 the petition for 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.

### **ENVIRONMENTAL 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 Catherine Glidden, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, [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. 418X) in all correspondence, including e-filings, addressed to the Board. If you have any questions regarding this environmental assessment, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 565-1542, fax at (202) 565-9000, or e-mail at [gliddenc@stb.dot.gov](mailto:gliddenc@stb.dot.gov)

Date made available to the public: October 29, 2004.

Comment due date: **November 15, 2004 (15 days)**.

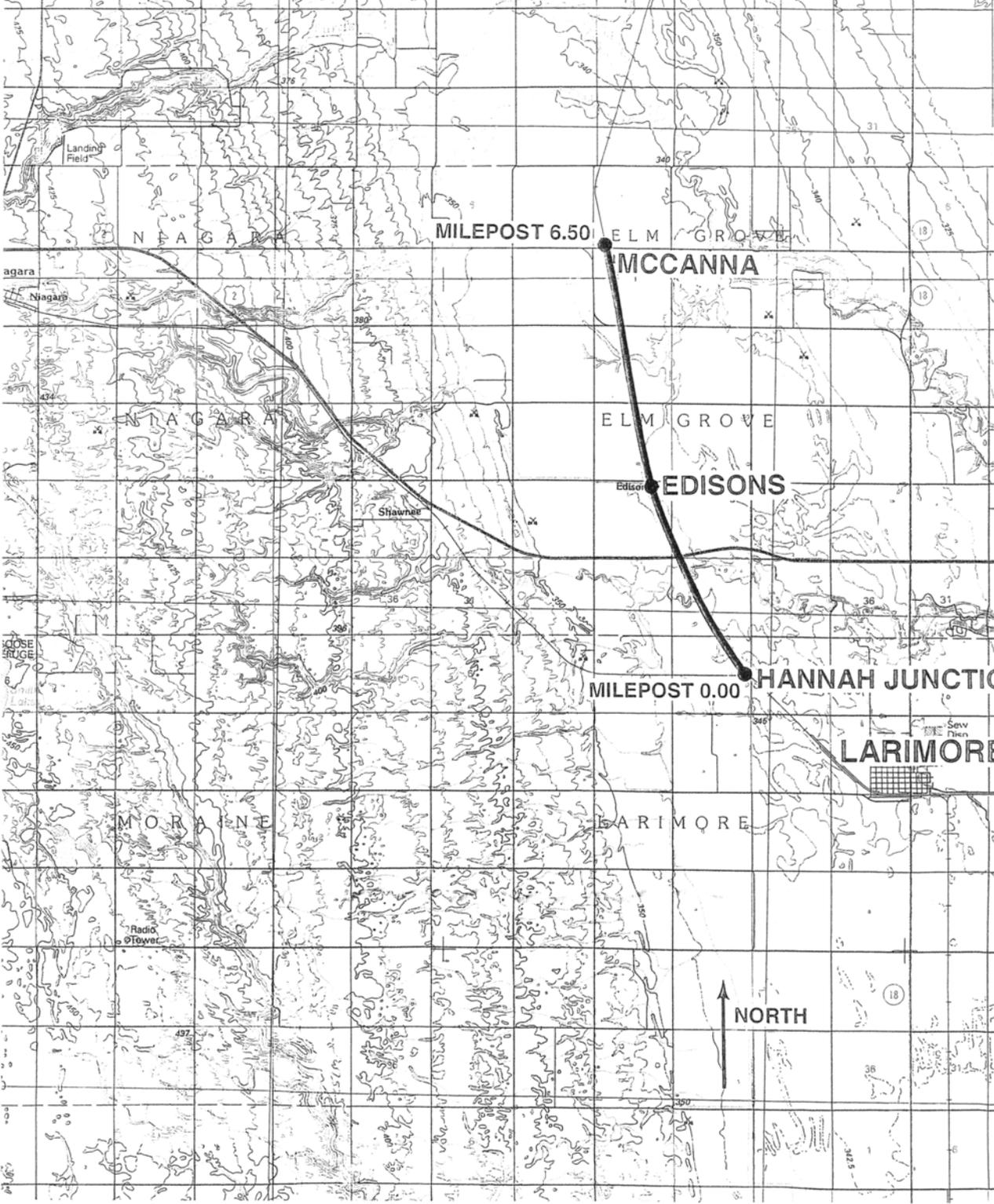
By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment

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