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SERVICE DATE - JULY 5, 2002

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-6 (Sub-No. 394X)

**The Burlington Northern and Santa Fe Railway Company - Abandonment Exemption - in
Burke and Williams Counties, ND**

BACKGROUND

In this proceeding, the Burlington Northern and Santa Fe Railway Company (BNSF) 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 portion of line in Burke and Williams counties in North Dakota (ND). The portion of rail line proposed for abandonment spans 60.51 miles from Milepost 26.59 in Powers Lake, Burke County, ND to Milepost 87.10 in Grenora, Williams County, ND. A map depicting the rail line in relationship to the area served is appended to this report. If the notice becomes effective, BNSF would be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way (ROW).

DESCRIPTION OF THE LINE

The rail line is located in Burke and Williams counties in northwestern North Dakota. According to BNSF, there has been no originating or terminating rail traffic on the subject line for the past 2 years. BNSF has also stated that there is no overhead rail traffic on the line.

Land use in the vicinity of the ROW is largely agricultural and open space. Powers Lake and Grenora are the only towns along the ROW. The populations of these two communities are approximately 300 and 200, respectively. The town of Williston with a population of approximately 12,500 is located approximately 40 miles south of the ROW. Stations along the line include Powers Lake, Battleview, McGregor, Hamlet, Wildrose, Corinth, Alamo, Zahl, Hanks, and Grenora. There are 64 public crossings and 35 private crossings along the ROW.

The width of the ROW typically ranges from 100 to 150 feet but increases to approximately 300 feet in the vicinity of stations. Most of the ROW was originally acquired between 1909 and 1917 by the former Great Northern Railway Company (GN), and came under the control of BNSF in 1995 following an extended series of railroad mergers, acquisitions and consolidations. Portions of the ROW may be subject to reversionary interests if abandonment occurs.

The U.S. Fish and Wildlife Service (USFWS), Wetland Acquisition Office in Bismarck, North Dakota has indicated that there are three areas along the ROW that occur within Waterfowl Production Areas administered by the USFWS. The USFWS did not identify any concerns associated with the proposed abandonment, but it did express an interest in purchasing the three specified areas of the ROW.

There are no structures other than bridges on the ROW that are 50 years of age or older. Twenty-eight bridges are 50 years of age or older.

ENVIRONMENTAL REVIEW

The applicant submitted environmental and historical reports that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. The applicant served these 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)]. We have reviewed and investigated the record in this proceeding.

The State Conservationist at the U.S. Department of Agriculture, Natural Resources Conservation Service has stated that prime agricultural land is not present in the immediate vicinity of the rail line.

The U.S. Army Corps of Engineers, Omaha District stated that the proposed abandonment would not impact jurisdictional waters of the United States including wetlands.

The U.S. Fish and Wildlife Service, Ecological Service, North Dakota Field Office has stated that the project would not have a significant impact on fish and wildlife, and that threatened or endangered species are not known to be present in the rail line area.

The U.S. Department of Interior, Bureau of Land Management stated that there are no wildlife sanctuaries or refuges, or National or state parks or forests in the rail line area.

The U.S. Department of Commerce's National Geodetic Survey (NGS) has identified 17 geodetic station markers that may be affected by the proposed abandonment.

The North Dakota Office of the State Engineer has stated that the rail line is not located in an identified floodplain.

The North Dakota Department of Health, Environmental Health Section requested that a Phase I/II environmental audit be completed for ROW areas where activities may have impacted soils or

groundwater. However, BNSF has stated that to the best of its knowledge, there have been no hazardous material spills on the subject ROW.

The State Historical Society of North Dakota (the State Historic Preservation Office or SHPO) has concluded that the proposed abandonment would not affect historic properties.

CONDITIONS

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

1. The NGS has identified 17 geodetic markers that could be affected by the proposed abandonment. Therefore, the applicants shall notify NGS 90 days prior to salvage activities in order to plan for their potential removal.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line 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

If abandonment and salvage of the rail line does take place, the ROW 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 20 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 ROWs 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 Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of David Navecky, who prepared this environmental assessment. **Please refer to Docket No. AB-6 (Sub-No. 394X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to David Navecky at 202-565-1593 (naveckyd@stb.dot.gov).**

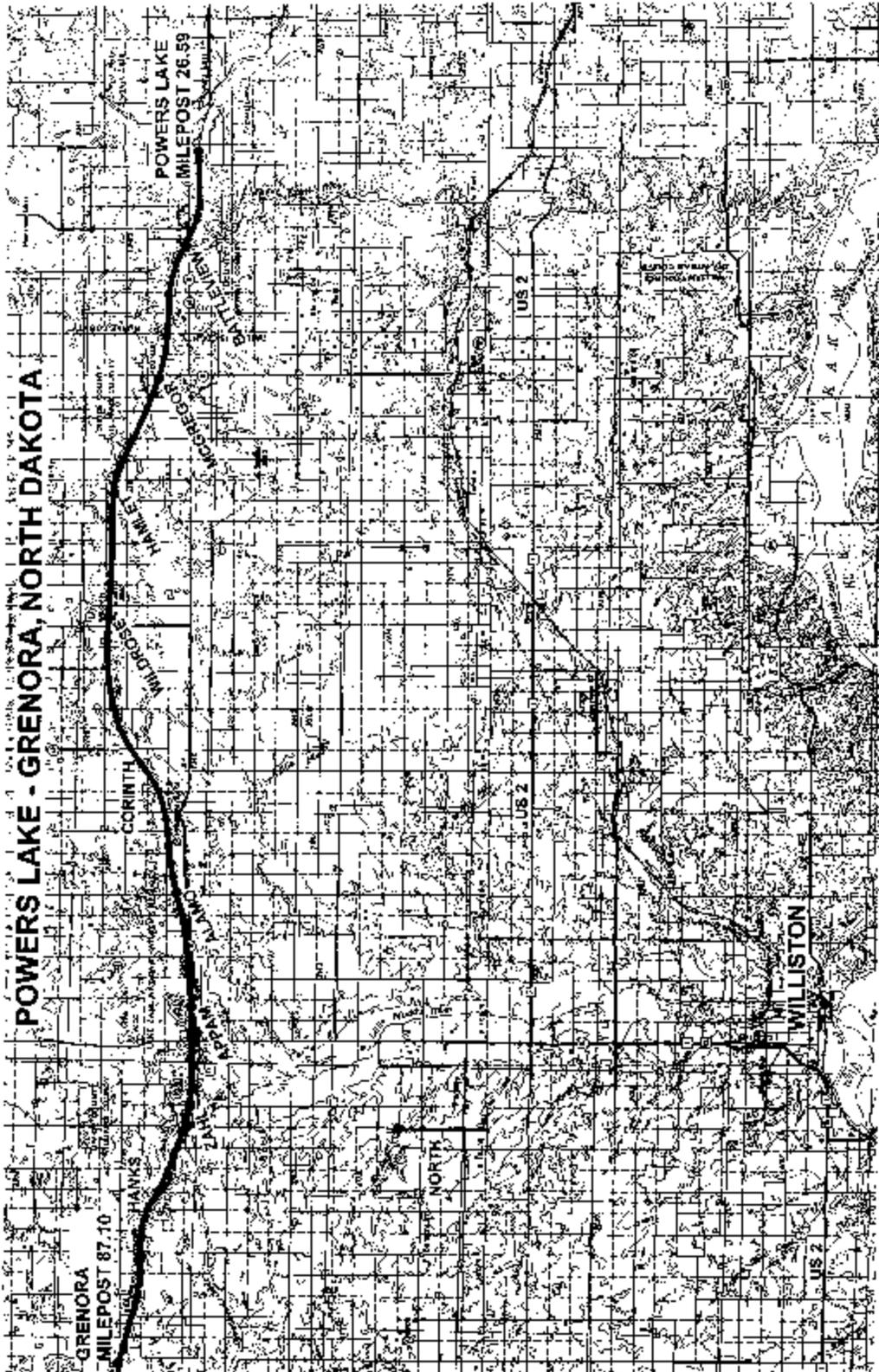
Date made available to the public: July 5, 2002.

Comment due date: **July 19, 2002**

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

Vernon A. Williams
Secretary

Attachment



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Decision ID 32841

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