

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-260 (Sub-No. 2X)

RARUS RAILWAY COMPANY–ABANDONMENT EXEMPTION–
IN DEER LODGE COUNTY, MT

Decided: July 21, 2008

Rarus Railway Company (Rarus) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon its Anaconda/West Valley Line, an approximately 4.7-mile line of railroad, extending between a point at Pennsylvania Avenue west of the West Anaconda Yard in Anaconda, MT, and a point at North Cable Road approximately 4.2 miles west of Anaconda, in Deer Lodge County, MT. Notice of the exemption was served and published in the Federal Register on June 20, 2008 (73 FR 35201-02). The exemption is scheduled to become effective on July 22, 2008.

The Board’s Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on June 27, 2008. In the EA, SEA, based on the information available to date, consultations with appropriate agencies, and extensive environmental analysis, developed preliminary environmental mitigation measures to address the potential environmental impacts of the proposed abandonment. As agreed to by Rarus, SEA recommended that Rarus be required to: (1) comply with the Environmental Protection Agency Action Remedial Design Unit (RDU) 5 Anaconda Active Railroad Beds, Remedial Action Work Plan/Final Design Report (RAWP/FDR), Anaconda Regional Water, Waste & Soils Operable Unit, Anaconda Smelter Superfund Site, Anaconda, MT (Final RAWP/FDR); (2) ensure that Best Management Practices are implemented to minimize fugitive dust emissions during construction transport activities; (3) use Best Management Practices to control any erosion, runoff, and surface instability during construction, including seeding, fiber mats, straw mulch, plastic liners, slope drains, and other erosion control devices; and (4) consult with all necessary Federal, state, and local agencies, and comply with all reasonable requirements of the consulting agency, if salvage activities require the alteration of wetlands, ponds, lakes or streams or if these activities would cause soil or other materials to wash into these water resources.

Comments to the EA were due by July 14, 2008. No comments were received by the due date. Accordingly, the conditions that SEA recommended in the EA will be imposed.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the notice served and published in the Federal Register on June 20, 2008, exempting the abandonment of the line described above is subject to the conditions that Rarus shall: (1) comply with the Environmental Protection Agency Action Remedial Design Unit (RDU) 5 Anaconda Active Railroad Beds, Remedial Action Work Plan/Final Design Report (RAWP/FDR), Anaconda Regional Water, Waste & Soils Operable Unit, Anaconda Smelter Superfund Site, Anaconda, MT (Final RAWP/FDR); (2) ensure that Best Management Practices are implemented to minimize fugitive dust emissions during construction transport activities; (3) use Best Management Practices to control any erosion, runoff, and surface instability during construction, including seeding, fiber mats, straw mulch, plastic liners, slope drains, and other erosion control devices; and (4) consult with all necessary Federal, state, and local agencies, and comply with all reasonable requirements of the consulting agency, if salvage activities require the alteration of wetlands, ponds, lakes or streams or if these activities would cause soil or other materials to wash into these water resources.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary