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SEA

SERVICE DATE – OCTOBER 14, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-497 (Sub-No. 4X)

**Minnesota Northern Railroad, Inc. – Abandonment Exemption –
in Norman County, MN**

BACKGROUND

In this proceeding, Minnesota Northern Railroad, Inc. (MNN) filed a petition for exemption under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Norman County, MN. The rail line extends approximately 19.2 miles from milepost 40.2 to milepost 21.0 (the Line). A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the petition becomes effective, MNN will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

MNN indicates that the Line was originally part of a line of the Great Northern Railway between the Canadian border near Noyes, MN and Minneapolis, MN via Moorhead, MN. The Line came under the ownership of BNSF Railway Company through a series of mergers. It was acquired by MNN in 1997. MNN states that it has used the Line to transport corn, soybeans, wheat, sunflower, coil steel and fertilizer to and from customers located near Perley, Halstad and Hendrum, MN.

ENVIRONMENTAL REVIEW

MNN submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. MNN served the environmental report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board's) environmental rules [49 CFR 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-497 (Sub-No. 4X).

Diversion of Traffic

MNN believes that the proposed abandonment would have minimal effect on regional or local transportation systems and patterns. MNN indicates that 508 carloads of freight moved over the Line in 2007 and that U.S. highway 75, which parallels the Line, is in adequate condition to accommodate the increase in diverted truck traffic.

Using a rail-to-truck conversion factor of four trucks per railcar,² SEA calculates that on a per day basis, the abandonment would generate an estimated 2,032 new trucks per year (4,064 truck trips assuming an empty backhaul). This equates to an estimated 9 trucks per day being added to area roads during a 240 workday year.³ This increase in truck traffic will not exceed the Board's thresholds of an increase of more than 10 percent of the average daily traffic or 50 vehicles on any affected road segment. See 49 CFR 1105.7 (e).

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

The Natural Resources Conservation Service (NRCS) has indicated that the proposed abandonment would not impact agricultural lands, and a Federal Farmland Policy Protect Act site assessment/land evaluation would not be required. Additionally, NRCS stated that the proposed abandonment would have no effect on any prime agricultural cropland.

The U.S. Fish and Wildlife Service, Division of Realty stated that it does not own any lands in the vicinity of the proposed abandonment and does not have any concerns regarding real estate matters.

The Minnesota Department of Agriculture (MDA) submitted comments stating that its Incident Response Unit (IRU) has concerns regarding the proposed abandonment because MNN has not determined if there are any known hazardous material spills along the right-of-way. Furthermore, MDA indicated that IRU has concerns about wood treated compounds that may have seeped out of the wood used in bridges on the Line and about the waste that would be generated after the Line is abandoned. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring MNN to consult with MDA to address its concerns about hazardous waste on the right-of-way.

² The conversion factor is an estimate used to calculate the rail to truck conversion of varied commodities.

³ 240 workdays result when weekends and holidays are subtracted from a 365 day year.

The Minnesota Pollution Control Agency (MPCA) submitted comments stating that it has not conducted an in-depth review of the proposed abandonment. MPCA indicated that it is the responsibility of MNN to secure any required permits and included in its comment a checklist, identifying permits that the project may require. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring MNN to consult with MPCA regarding any required permits.

The U.S. Army Corps of Engineers (Corps) reviewed the proposed abandonment and stated that the project area is not within the regulatory jurisdiction of the Corps. Therefore, a Department of the Army permit is not required.

The U.S. Fish and Wildlife Service (USFWS) indicated that it has no comments because the proposed abandonment would not affect any fish and wildlife resources for which USFWS has responsibility.

The National Geodetic Survey (NGS) stated that sixteen geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, we recommend that a condition be imposed requiring MNN to notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

The U.S. Environmental Protection Agency's Region 5 Office (USEPA) has not submitted comments regarding this proposed abandonment. Accordingly, SEA will provide a copy of this EA to USEPA for its review and comment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, SEA is providing a copy of this EA to USEPA, MDA and MPCA for their review and comment.

HISTORIC REVIEW

MNN submitted an historic report to the Minnesota State Historic Preservation Office (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the information submitted by MNN discusses the National Register of Historic Places (National Register) eligibility of the bridges on the Line but does not address the significance of the Line itself. The SHPO stated that an evaluation of the significance of the Line is needed in order to complete the Section 106 review. Accordingly, we are recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the Section 106 process.

SEA conducted a search of the Native American Consultation Database at <http://www.nps.gov/nacd/> to identify federally recognized tribes that may have ancestral

connections to the project area. The database indicated that the following tribes may have an interest in the proposed abandonment: the Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; the Minnesota Chippewa Tribe, Minnesota; the Red Lake Band of Chippewa Indians, Minnesota; the Turtle Mountain Band of Chippewa Indians of North Dakota; and the White Earth Band of Minnesota Chippewa Tribe, Minnesota.

CONDITIONS

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

1. Prior to commencement of any salvage activities, Minnesota Northern Railroad, Inc. shall consult with the Minnesota Department of Agriculture to address its concerns about hazardous waste on the right-of-way.
2. Prior to commencement of any salvage activities, Minnesota Northern Railroad, Inc. shall consult with the Minnesota Pollution Control Agency regarding permitting and comply with its reasonable requirements.
3. Minnesota Northern Railroad, Inc. shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.
4. Minnesota Northern Railroad, Inc. (MNN) 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. MNN shall report back to the Section of Environmental Analysis regarding any consultations with the SHPO and any other Section 106 consulting parties. MNN 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, 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 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 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 environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Danielle Gosselin, the environmental contact for this case. 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-497 (Sub-No. 4X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Danielle Gosselin by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.dot.gov.

Date made available to the public: October 14, 2008.

Comment due date: November 11, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment