

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

MEMORANDUM

December 13, 2010

TO : Rachel D. Campbell, Director
Office of Proceedings

FROM : Victoria Rutson, Director 
Office of Environmental Analysis

SUBJECT : **Docket No. AB 1043 (Sub-No. 1), Montreal, Maine & Atlantic Railway, Ltd.—Discontinuance of Service and Abandonment – In Aroostook and Penobscot Counties, ME**

On December 9, 2010, the Montreal, Maine & Atlantic Railway, Ltd. (MMA) and the State of Maine filed a joint petition asking the Board to grant the abandonment sought by MMA subject to the environmental conditions (consisting of eight salvage conditions and one Section 106 historic preservation condition) recommended in the Final EA issued on July 19, 2010. These conditions would only be necessary if the sale of the rail lines from MMA to the State of Maine, which is still very much contemplated, should fail to close.

In light of the joint petition, we now recommend that the nine environmental conditions set forth in the Final EA be imposed on MMA with this caveat: These conditions are effective only in the event that the sale of the MMA rail lines to the State of Maine fails to close and the abandonment proceeds.

- 1. Prior to commencement of any salvage activities on the rail segments authorized to be abandoned, the Montreal, Maine & Atlantic Railway, Ltd. (MMA) shall consult with the Maine Department of Conservation's Natural Areas Program regarding potential impacts to rare species and/or significant natural communities and shall comply with its reasonable requirements.**
- 2. MMA shall consult with the National Geodetic Survey (NGS) prior to beginning salvage activities on the rail segments authorized for abandonment. If NGS identifies geodetic station markers that might be affected by the authorized abandonment, MMA shall notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers in order to plan for the possible relocation of the geodetic station markers by NGS. MMA shall report the results of these**

consultations in writing to the Board's Section of Environmental Analysis (SEA) prior to initiating salvage activities.

- 3. Prior to commencement of any salvage activities on the rail segments authorized for abandonment, MMA shall consult with the United States Army Corps of Engineers (Corps) to determine if a Section 404 permit under the Clean Water Act (33 U.S.C. 1344) would be required during salvage activities for any potential impacts to waters of the United States, including wetlands, and if applicable, shall comply with the reasonable requirements of the Corps. MMA shall report the results of its consultation back to SEA in writing.**
- 4. Prior to commencement of any salvage activities on the rail segments authorized for abandonment, MMA shall prepare a salvage plan in consultation with SEA, U.S. Fish and Wildlife Service, Maine Department of Conservation, and the Maine Department of Inland Fisheries and Wildlife. MMA shall consider the potential impacts from salvaging activities to listed threatened and endangered species that may occur in the vicinity of the rail segments proposed to be abandoned. MMA shall report the results of these consultations in writing to SEA prior to initiating salvage activities.**
- 5. Prior to commencement of any salvage activities on the rail segments authorized for abandonment, MMA shall prepare a salvage plan in consultation with SEA and the U.S. Fish and Wildlife Service to minimize potential impacts from salvaging activities to Federally listed threatened and endangered species that may occur in the vicinity of the rail segments proposed to be abandoned.**
- 6. Prior to commencement of any salvage activities on the rail segments authorized for abandonment, MMA shall consult with the United States Environmental Protection Agency (EPA) or the appropriate state designee, to ensure that any concerns regarding applicable stormwater management requirements are addressed. MMA shall report the results of these consultations in writing to SEA prior to initiating salvage activities.**
- 7. To control sedimentation and prevent spills and fugitive emissions, including dust and other applicable particulate matter during salvage activities on the rail segments authorized for abandonment, MMA shall implement the following best management practices:**
 - MMA shall utilize appropriate techniques, such as silt fences, to minimize soil erosion during salvage.**
 - MMA shall disturb the smallest area possible around streams and wetlands, and shall immediately revegetate any areas it disturbs during salvage.**

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- **Prior to consummating the authorized abandonment, MMA shall regularly maintain and inspect culverts, bridge abutments and bridges left in place to avoid degradation to wetland and wildlife habitat areas.**
 - **During the performance of salvage activities on the rail segments authorized to be abandoned, MMA shall comply with all applicable Federal, state, and local regulations regarding fugitive dust. MMA shall minimize fugitive emissions created during salvage by using such control methods as water spraying and wind barriers.**
 - **MMA shall observe all applicable Federal, state and local regulations regarding handling and disposal of any waste materials, including hazardous waste, encountered during salvage.**
- 8. To reduce noise generated while conducting salvage activities on the rail segments authorized for abandonment, MMA shall to the extent possible, employ best management practices, such as limiting salvage activities to appropriate daytime hours.**
- 9. MMA shall retain its interest in and take no further steps to alter the historic integrity of the rail segments authorized for abandonment, as well as buildings and structures within the project right-of-way (area of potential effects) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470(f), has been completed. MMA shall report back to SEA regarding any consultations with the Maine State Historic Preservation Office. MMA may not file its consummation notice or initiate any salvage activities related to abandonment until the Section 106 process has been completed and the Board has removed this condition.**