

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 497 (Sub-No. 7X)

**Minnesota Northern Railroad, Inc. – Abandonment Exemption
In Norman and Polk Counties, Minn.**

BACKGROUND

In this proceeding, Minnesota Northern Railroad, Inc. (MNN) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 USC § 10903 in connection with the abandonment of a line of railroad in Norman and Polk Counties, Minnesota. The rail line proposed for abandonment extends approximately 5.8 miles between Milepost 40.2 at the north end of the Marsh River Bridge south of Shelly and Milepost 46.0 at Second Street in Nielsville, (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad would be able to salvage remaining track, ties, and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

MNN submitted a combined Environmental and Historic Report that concludes that the quality of the human environment would not be affected significantly from the proposed abandonment. MNN seeks to consummate the abandonment and salvage the Line. MNN served the Environmental and Historic Report on appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to MNN, the Line has been out of service and embargoed since December 14, 2015, due to a defective bridge at Milepost 43.8. No local or overhead traffic has moved over the Line for more than two years. Therefore, no traffic would need to be rerouted if the proposed abandonment were approved. Accordingly, the proposed abandonment would not adversely impact the development, use, and transportation of energy resources or recyclable commodities;

¹ The Environmental and Historic Report is available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 487 (Sub-No. 7X).

adversely impact the transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Salvage and disposal of a rail line typically include the 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. MNN states that, if abandonment were authorized, it would remove remaining track materials such as rails and ties, leaving the right-of-way, ballast, bridges, and culverts in place. MNN states that no soil disturbance would occur. MNN would remove and remediate any road crossings and signaling, working with governing road authorities. Several comments on the Environmental Report were submitted by state and federal agencies and are discussed in the corresponding sections below.

Land Use

According to MNN, the right-of-way along the Line is approximately 100 feet wide. Adjacent land use consists primarily of farmland, low-density housing, and light industry. If abandonment were approved, MNN would remove any remaining road crossings and restore them in accordance with governing transportation authorities. The City of Nielsville states that it has no objection to the proposed abandonment. Though neither MNN or OEA have received comment from the United States Department of Agriculture, Natural Resource Conservation Service, based on OEA's review of the environmental and historic report, the proposed abandonment would not cause any impacts to prime, unique, or important agricultural lands.

The National Geodetic Survey (NGS) identified seven geodetic station markers that may be located within the area of the proposed abandonment. Accordingly, OEA recommends adding a condition to any decision granting abandonment authority that requires MNN to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

Transportation and Safety

The proposed abandonment would result in the removal of the remaining road crossings. There are three bridges: one at MP 41.7, one at MP 42.8, and a defective one at MP 43.8. According to MNN, the bridge at MP 43.8 cannot support train traffic, but is still structurally sound. Because the Line is out of service, no freight traffic would be diverted from rail to truck transportation.

Coastal Zone Compliance

According to MNN, Norman and Polk counties are not in Minnesota's designated coastal zones or included in Minnesota's coastal zone management program.

Water Resources

According to MNN, there are several bridges and/or stream crossings on the Line. MNN intends to leave the right-of-way, culverts, and ballast intact so as not to alter prevailing waterflows along the Line.

MNN plans to conduct abandonment activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. According to MNN, abandonment activities would not cause sedimentation or erosion of the soil, and MNN does not anticipate any dredging or use of fill when conducting salvage activities. MNN states that debris would not be discarded along the right-of-way and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants, or any other pollutant materials.

According to MNN, no in-stream work, dredging, or use of fill materials is contemplated. Additionally, MNN does not anticipate any excavation or other ground-disturbance activity, or the need for related storm water mitigation measures. The Minnesota Department of Natural Resources (DNR) has not, to date, commented on the potential need for a permit under Section 402 of the Clean Water Act (33 U.S.C. § 1342). Because the proposed abandonment would not result in the discharge of wastewater or storm water, OEA concurs with MNN that a Section 402 permit likely would not be required. Accordingly, no mitigation related to impacts to water quality is recommended. OEA will provide a copy of this EA to DNR for review and comment.

OEA has not received comment from the US Army Corps of Engineers (Corps) on the potential impact of the proposed abandonment to waterways and wetlands or the potential need for a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344). Because abandonment activities would be limited and not involve alterations of any bridges over waterways, OEA concurs with MNN that the proposed abandonment would likely not result in the discharge of any dredge or fill material into waters of the United States, including wetlands, and that these activities would therefore not require a Section 404 permit. Accordingly, no mitigation related to impacts to waterways or wetlands is recommended. OEA will provide a copy of this EA to the Corps for review and comment.

Hazardous Materials

MNN states that it is not aware of any releases of hazardous substances on or near the Line. OEA's review has not found any federally-listed remediation sites near the Line. Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

Biological Resources

MNN included in its report a letter from the U.S. Fish and Wildlife Service (USFWS) indicating that the proposed abandonment, if approved, would have no effect to threatened or

endangered species, any designated critical habitat, or lands owned or secured by easements with USFWS.

Air Quality

Because abandonment activities would be limited in scope and areal extent, and any air emissions associated with abandonment activities would be temporary, OEA believes that these activities would not have a significant impact on air quality.

Noise

OEA believes that any noise impacts from abandonment activities would be temporary and should not have a significant local impact.

Summary

Based on all information available to date, OEA does not believe that abandonment activities would cause significant environmental impacts. OEA is providing a copy of this EA to the following agencies: Corps and DNR.

HISTORIC REVIEW

MNN served the Historic Report on the Minnesota State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). According to MNN, 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. MNN acquired the Line in 1997. An adjacent segment between Shelly and Perley, MN, was abandoned in 2009.² According to MNN, the bridges on the Line do not meet any criteria for listing on the National Register of Historic Places (NRHP). SHPO confirmed, in a letter, that even though the Great Northern Railway may be considered to have historic significance meeting the NRHP criteria, this segment does not retain sufficient integrity to be eligible for listing in the NRHP. Considering information provided by MNN and SHPO, OEA concludes that the no historic properties would be affected by the proposed undertaking. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Consultation with Federally-Recognized Tribes

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the United States Department of Housing and Urban Development (HUD) Tribal Directory Assessment Tool (TDAT) to

² See Docket No. AB-497 (Sub-No. 4X), *Minnesota Northern Railroad, Inc. – Abandonment Exemption – in Norman County, MN*.

identify federally recognized Tribes that may have ancestral connections to the project area.³ The database identified eleven federally-recognized Tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment: Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Leech Lake Band of the Minnesota Chippewa Tribe; Menominee Indian Tribe of Wisconsin; Minnesota Chippewa Tribe; Red Lake Band of Chippewa Indians, Minnesota; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Community, Minnesota; and the White Earth Band of the Minnesota Chippewa Tribe. Accordingly, OEA is forwarding these Tribes a copy of this EA for their review and comment.

CONDITIONS

OEA recommends that the following condition be imposed on any decision granting abandonment authority:

- **The 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.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, 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

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 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

³ <https://egis.hud.gov/TDAT> (visited October 10, 2018).

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 exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests if 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 C.F.R. § 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, 395 E. Street SW, Washington, DC 20423.

COMMENTS

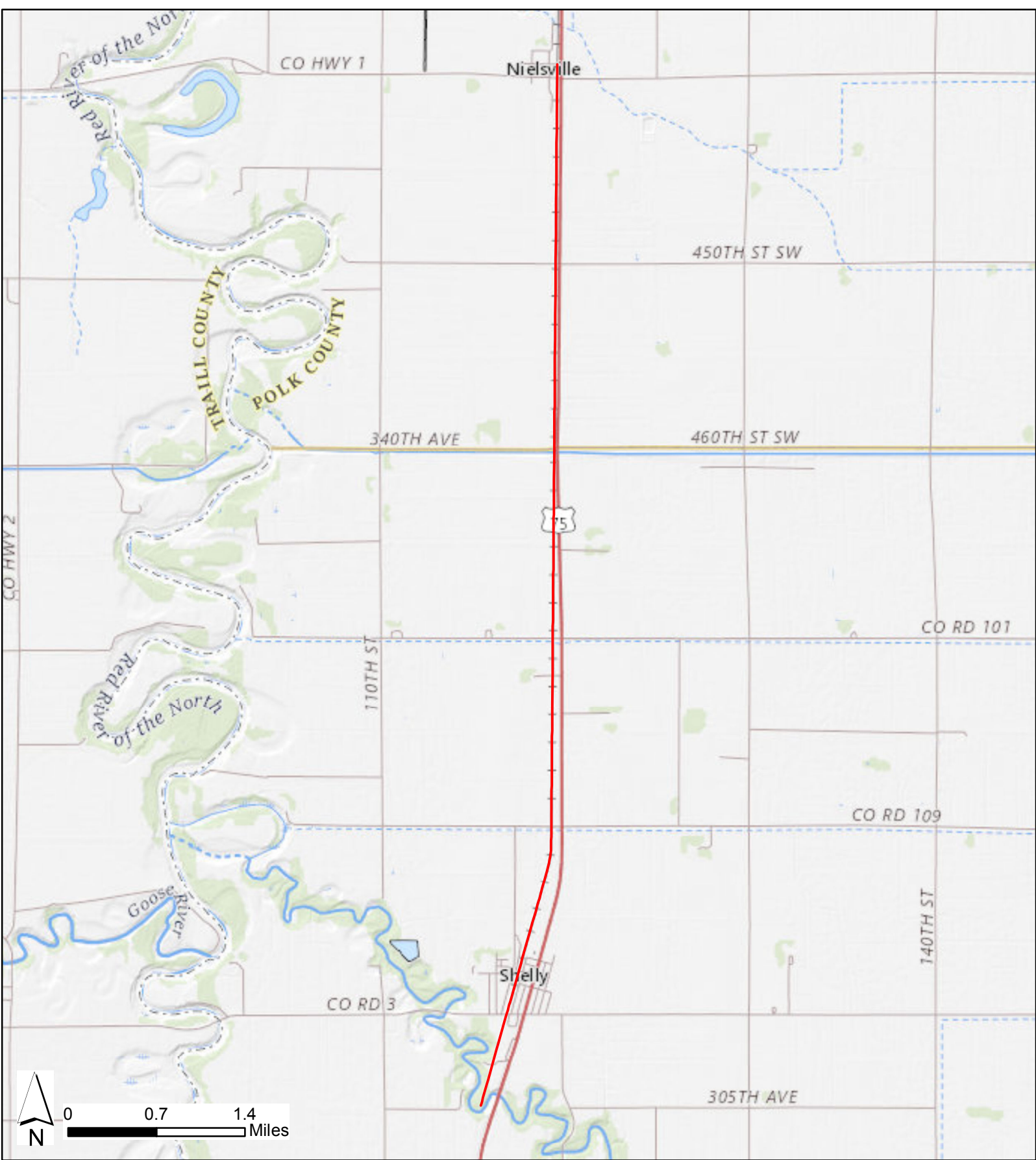
If you wish to file comments regarding this Environmental Assessment, comments may be mailed to the Surface Transportation Board, 395 E. Street SW, Washington, DC 20423, to the attention of Adam Assenza, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 497 (Sub-No. 7X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at adam.assenza@stb.gov.

Date made available to the public: October 12, 2018.

Comment due date: October 29, 2018.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment

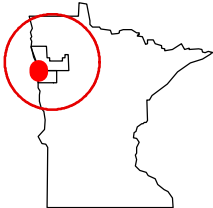


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 Norman and Polk Counties, MN
 Between Shelly and Nielsville

Legend

— The Line

Note: Maps produced by the STB's Office of Environmental Analysis are based on information provided by the applicant and are for reference purposes only.



Location in State