

**SURFACE TRANSPORTATION BOARD DECISION DOCUMENT****Decision Information**Docket Number: **AB\_1003\_0\_X**Case Title: **MOHALL CENTRAL RAILROAD, INC.--ABANDONMENT EXEMPTION--  
-IN NELSON, RAMSEY, AND CAVALIER COUNTIES, ND**Decision Type: **Environmental Review**Deciding Body: **Chief Of Section Of Environmental Analysis****Decision Summary**Decision Notes: **CONCLUDED THAT THE ENVIRONMENTAL IMPACT STATEMENT  
PROCESS IS UNNECESSARY AND INVITED PUBLIC COMMENT.****Full Text of Decision**38471 SERVICE DATE – NOVEMBER 2, 2007  
SEA**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423****ENVIRONMENTAL ASSESSMENT****STB Docket No. AB-1003X****Mohall Central Railroad, Inc. – Abandonment Exemption –  
in Nelson, Ramsey and Cavalier Counties, North Dakota****BACKGROUND**

In this proceeding, Mohall Central Railroad, Inc. (MHC) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Nelson, Ramsey and Cavalier Counties, North Dakota. The rail line proposed for abandonment extends 44.44 miles from milepost 3.75 to milepost 48.19 (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 will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

According to MHC, Great Northern Railway, now part of BNSF Railway Company (BNSF), constructed the Line approximately 100 years ago. MHC acquired the Line from BNSF on October 18, 2005. The right-of-way is at least 100 feet wide and in the vicinity of towns, the right-of-way is as wide as 200 feet or even 300 feet. The topography of the entire length of the Line is extremely flat with no noticeable hills or gradients. The surrounding area is rural, mostly cultivated farmland, and the primary industry is agriculture, primarily small grains and oilseeds. Finally, the towns along the right-of-way have small populations.

**ENVIRONMENTAL REVIEW**

MHC submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. MHC served the environmental report 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)].<sup>[1]</sup> The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

According to MHC, no traffic has moved over the Line since June of 2005, and the overhead traffic formerly carried by the Line is now being moved via a different route. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; 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***

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.

As part of the proposed abandonment, MHC states that it intends to dismantle the Line and transfer the salvaged rail for use in rebuilding and upgrading the mainline. Furthermore, MHC indicates that the vacated right-of-way would be made available for sale to adjacent farmers. MHC states that it has already received phone calls from people interested in purchasing the railroad land. MHC also indicates that the proposed abandonment would result in the elimination of grade crossings between Lakota, ND, and Alsen Junction. MHC states that it is not aware of any hazardous waste sites on the Line or sites where there have been hazardous material spills on the right-of-way.

The U.S. Fish and Wildlife Service (USFWS) reviewed the proposed abandonment and stated that MHC's environmental and historic report did not identify three parcels of land in the project area located in Ramsey County, North Dakota, that are part of the National Wildlife Refuge System. USFWS indicated that these lands are traversed by the Line and are critical breeding and nesting habitat for waterfowl and other water dependant bird species. If the Line is abandoned, USFWS states that it is critical that the land is sold to USFWS to avoid an inholding situation<sup>[2]</sup> within the Waterfowl Production Areas. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring MHC to consult with USFWS regarding the sale of these lands.

The North Dakota Department of Health (NDDH) reviewed the proposed abandonment and stated that it believes that the environmental impacts would be minor and could be controlled by proper salvage and disposal methods. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring MHC to consult with NDDH and to comply with its reasonable requirements regarding proper salvage and disposal.

The U.S. Environmental Protection Agency's Region 8 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 for its review and comment.

## **HISTORIC REVIEW**

MHC served the historic report on the North Dakota State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known historic properties. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register of Historic Places. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

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: Lower Sioux Indian Community in the State of Minnesota; Prairie Island Indian Community in the State of Minnesota; Red Lake Band of Chippewa Indians, Minnesota; Spirit Lake Tribe, North Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; Flandreau Santee Sioux Tribe of South Dakota; Santee Sioux Nation, Nebraska; and Upper Sioux Community, Minnesota. Accordingly, SEA is sending a copy of this EA to these tribes for their review and comment.

## **CONDITIONS**

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. Prior to commencement of any salvage activities, Mohall Central Railroad, Inc. shall consult with the United States Fish and Wildlife Service regarding the sale of lands in the area of the proposed abandonment that fall within the National Wildlife Refuge System.
2. Prior to commencement of any salvage activities, Mohall Central Railroad, Inc. shall consult with the North Dakota Department of Health to ensure that it follows proper salvage and disposal methods and shall comply with its reasonable requirements.

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is 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 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 rights-of-way 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) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, 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, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1003X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at [danielle.gosselin@stb.dot.gov](mailto:danielle.gosselin@stb.dot.gov).

Date made available to the public: November 2, 2007.

**Comment due date: November 16, 2007.**

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

Vernon A. Williams  
Secretary

Attachment

[1] The railroad's environmental and historic reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB-1003X.

[2] Inholdings can result in uses that cause Waterfowl Production Areas to be less attractive to waterfowl for breeding and nesting purposes, resulting in less production in those areas.

#### **Decision Attachments**

<a href="#">38471.pdf</a>	23 KB
<a href="#">mapattachment#38471.pdf</a>	80 KB

Approximate download time at 28.8 kb: **73** Seconds

① Note:

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