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SERVICE DATE - AUGUST 4, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 416X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY  
COMPANY—ABANDONMENT EXEMPTION—IN BOTTINEAU COUNTY, ND

Decided: August 3, 2004

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon and discontinue service over a 15.50-mile line of railroad between milepost 52.00 near Souris, to milepost 67.50 near Westhope, in Bottineau County, ND. Notice of the exemption was served and published in the Federal Register on May 25, 2004 (69 FR 29782). The exemption became effective on June 24, 2004.

By decision served June 23, 2004, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the conditions that BNSF: (1) notify the National Geodetic Survey (NGS) at least 90 days prior to any salvage activities to plan for the relocation of the geodetic station markers that may be affected by the abandonment; (2) remove track materials, including rail and ties, from the portion of the line that crosses the J. Clark Salyer National Wildlife Refuge; (3) consult with U.S. Department of the Interior, Bureau of Land Management (BLM), prior to commencement of any salvage activities; (4) revegetate areas impacted by salvage activities with species native to the areas; (5) prior to beginning salvage activities, submit to the State Historical Society of North Dakota site forms for any bridges that are 50 years old or older, as well as for any historical sites, and the final cultural resources report.

Additionally SEA states that, on July 13, 2004, a comment was received from the North Dakota Department of Health, Environmental Health Section (NDDH), recommending that Best Management Practices be followed during salvage activities to prevent dirt, construction debris, and waste material from entering a storm drainage system or water body, and that any release of petroleum products, hazardous materials, or chemicals that may impact human health or environment, which are known to have occurred in the past or are discovered in the project area during abandonment and salvage operations, be reported to NDDH. Therefore, based on this letter comment, SEA recommends that BNSF be required to follow Best Management Practices during salvage activities to prevent dirt, construction debris, and waste material from entering a storm drainage system or water body, and to consult with NDDH regarding any release of petroleum products, hazardous materials, or chemicals that may impact human health or the

environment, which are known to have occurred in the past or are discovered in the project area during salvage activities.

The recommended condition 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 following additional environmental condition is added: BNSF shall follow Best Management Practices during salvage activities to prevent dirt, construction debris, and waste material from entering a storm drainage system or water body, and consult with NDDH regarding any release of petroleum products, hazardous materials, or chemicals that may impact human health or the environment, which are known to have occurred in the past or are discovered in the project area during salvage activities.
3. All other provisions and environmental conditions imposed in the June 23, 2004 decision in this proceeding will remain in effect.
4. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary