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OEA

SERVICE DATE – JUNE 3, 2022

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

FINAL ENVIRONMENTAL ASSESSMENT

Docket No. AB 391 (Sub-No. 11X)

**Red River Valley and Western Railroad Company
–Abandonment Exemption – In Cass County, N.D.**

ABANDONMENT TYPE

The time for comments on the Draft Environmental Assessment (Draft EA) has expired in this:
(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

In this proceeding, the Red River Valley and Western Railroad Company (RRVW), filed a notice of exemption under 49 U.S.C. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Cass County, North Dakota. The rail line proposed for abandonment is a 2.29-mile rail line that runs between milepost 9.36 to milepost 11.65. Six public road crossings and one private road crossing would likely be closed. The Office of Environmental Analysis (OEA) served a Draft EA for this proceeding on May 13, 2022, for public review and comment. In the Draft EA, OEA recommended two environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

The Draft EA comment period has ended. OEA received one comment after issuance of the Draft EA. RRVW submitted a letter to the North Dakota Public Service Commission (PSC) dated May 27, 2022 addressing PSC's concerns as part of the consultation process. Because OEA recommended a self-executing consultation condition in the Draft EA, no additional mitigation is recommended.

Accordingly, OEA recommends that the following conditions previously recommended in the Draft EA be imposed upon any decision granting abandonment authority:¹

¹ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with these conditions is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

- 1) Red River Valley & Western Railroad Company (RRVW) shall 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) 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, 54 U.S.C. § 306108, has been completed. RRVW shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historic Preservation Office, Tribal Historic Preservation Office (if on tribal lands), and any other Section 106 consulting parties that have been identified and the public. RRVW 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.
- 2) Prior to the commencement of any abandonment-related salvage activities, Red River Valley & Western Railroad Company shall consult with the North Dakota Public Service Commission to determine any compliance requirements related to the potential sale or transfer of the real property and the extent of salvage.

If the above conditions are imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.