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SERVICE DATE - OCTOBER 25, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 419X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY
COMPANY—ABANDONMENT EXEMPTION—IN GRIGGS AND BARNES COUNTIES, ND

Decided: October 21, 2004

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR Subpart F-Exemption Abandonments to abandon and discontinue service over a 4.69-mile line of railroad between milepost 22.00 near Walum, and milepost 17.31 near Dazey, in Griggs and Barnes Counties, ND. Notice of the exemption was served and published in the Federal Register on June 4, 2004 (69 FR 31655-56).

By decision served July 2, 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 condition that BNSF retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. SEA has now determined that, based on a letter received on October 5, 2004, and consultation with the North Dakota Historical Society, it has concluded that no historic properties would be affected by the proposed abandonment. SEA, therefore, recommends that the section 106 condition imposed in the July 2, 2004 decision be removed.

Accordingly, the proceeding will be reopened, and the previously imposed historic preservation condition will be removed.¹

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ The July 2 decision also imposed three other conditions that required BNSF to: (1) consult, prior to salvage activities, with the U.S. Fish and Wildlife Service if, when removing track material, any fill is placed in the wetlands, or if any hydrologic alterations occur that could drain or otherwise affect the wetlands on the property; (2) revegetate any impacted areas with species native to the project area; and (3) notify the National Geodetic Survey at least 90 days prior to any salvage activities to plan for the relocation of the identified geodetic station markers. Those conditions remain.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the July 2, 2004 decision is removed.
3. This decision is effective on its date of service.

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

Vernon A. Williams
Secretary