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SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

Mr. Dennis Gimmestad
Minnesota Historical Society
345 Kellogg Blvd.
St. Paul, MN 55102-1906

July 21, 2006

RE: STB Docket No. AB-6 (Sub-No. 433X), BNSF Railway Company –
Abandonment Exemption – in Clay and Norman Counties, MN

Dear Mr. Gimmestad:

The Surface Transportation Board's Section of Environmental Analysis (SEA) has completed its review of BNSF Railway Company's (BNSF) proposed abandonment of a 5.4-mile line of railroad in Clay and Norman Counties, Minnesota, pursuant to Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

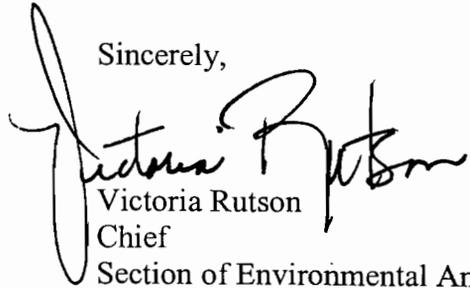
As you know, the line was found to be eligible for listing in the National Register of Historic Places. After consultation with the Minnesota Historical Society and the railroad, SEA has concluded that the proposed abandonment would likely have an adverse effect on this historic resource. However, there is general agreement among all the consulting parties that no mitigation measures are necessary. As a result of the Section 106 consultation process, SEA developed a Memorandum of Agreement (MOA), which I have enclosed for your review and signature. If agreed upon, the MOA will be signed by the signatory parties, and the NHPA review will be complete. Thereafter, the Section 106 condition imposed in this proceeding would be removed. If no agreement is reached by the signatory parties, the consultation may be terminated, and the agency must request and take into account the Advisory Council on Historic Preservation's formal comments prior to issuing a final decision. See 36 CFR 800.6 and 800.7.

I have enclosed four copies of the MOA for your review and signature. In the interest of completing the Section 106 process in a timely manner, I would greatly appreciate your response within 20 days after receipt of this letter. In addition, please reference STB Docket No. AB-6 (Sub-No. 433X) in all correspondence for this proceeding. If you agree to the terms of the MOA, please sign all four copies at the appropriate line and return the originals to:

Surface Transportation Board
Section of Environmental Analysis
Attn: Christa Dean, Attorney
1925 K Street, N.W., Suite 500
Washington D.C. 20423-0001

If you have questions regarding the MOA or require further information, please do not hesitate to contact me or Christa Dean at (202) 565-1606. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with a large initial "V" and "R".

Victoria Rutson

Chief

Section of Environmental Analysis

Enclosure

cc: Sidney Strickland, BNSF
SEA Chron

MEMORANDUM OF AGREEMENT

**BETWEEN THE SURFACE TRANSPORTATION BOARD,
THE BNSF RAILWAY COMPANY, AND
THE MINNESOTA HISTORICAL SOCIETY**

**REGARDING AB-6 (SUB-NO 433X)
BNSF RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN CLAY AND NORMAN COUNTIES, MINNESOTA**

WHEREAS, on February 16, 2006, BNSF Railway Company (BNSF) filed a notice of exemption with the Surface Transportation Board (Board) under 49 CFR 1152 Subpart F – Exempt Abandonments to abandon an approximately 5.4-mile rail line between BNSF milepost 15.60 and BNSF milepost 21.00, in Clay and Norman Counties, Minnesota, in STB Docket No. AB-6 (Sub-No. 433X); and

WHEREAS, in a decision served on April 6, 2006, the Board imposed a condition for the proposed abandonment that requires BNSF to retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or that are listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA), has been completed. In addition, the Board made it clear that BNSF must not file its consummation notice or initiate any salvage activities related to abandonment until the Section 106 process has been completed and the Board has removed this condition; and

WHEREAS, based on consultation with the Minnesota Historical Society (State Historic Preservation Office or SHPO), the Board's Section of Environmental Analysis (SEA) determined that the line is eligible for the National Register of Historic Places (National Register); and

WHEREAS, the Board has consulted with the SHPO, pursuant to 36 CFR Part 800, regulations implementing Section 106 of the NHPA, and has determined that the proposed abandonment will have an effect on the above mentioned historic resource, which is either listed in or eligible for listing in the National Register; and

WHEREAS, the Board has consulted with the SHPO and BNSF pursuant to Section 36 CFR 800.6 regarding ways to avoid, minimize, or mitigate effects to the historic resource as a result of the abandonment and disposition of BNSF's assets and all have determined that no such measures are necessary;

NOW THEREFORE, the Board, BNSF, and SHPO agree that the execution of this Memorandum of Agreement (MOA) by the parties hereto and its subsequent submission to the Advisory Council on Historic Preservation (Council) in accordance with 36 CFR 800.6(b)(1)(iv), shall, pursuant to 36 CFR 800.6(c), be considered to be an agreement

with the Council for the purposes of Section 110(1) of the NHPA. Execution and submission of the MOA, and implementation of its terms, evidences that the Board has afforded the Council an opportunity to comment on the proposed action relating to the line, and that the Board has taken into account the effects of the abandonment on historic properties and is satisfying the requirements of Section 106 of the NHPA.

ACCEPTED AND AGREED

SIGNATORY PARTIES:

SURFACE TRANSPORTATION BOARD

BY: 
Victoria Rutson
Chief, Section of Environmental Analysis

DATE: July 21, 2006

MINNESOTA HISTORICAL SOCIETY

BY: _____
State Historic Preservation Officer

DATE: _____

THE BNSF RAILWAY COMPANY

BY: _____
Sidney L. Strickland

DATE: _____