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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

February 7, 2007

RE: STB Docket No. AB-6 (Sub-No. 438X), BNSF Railway Company –
Abandonment Exemption – in Morrison County, 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 an approximately .58-mile rail line in Morrison County, Minnesota, pursuant to Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

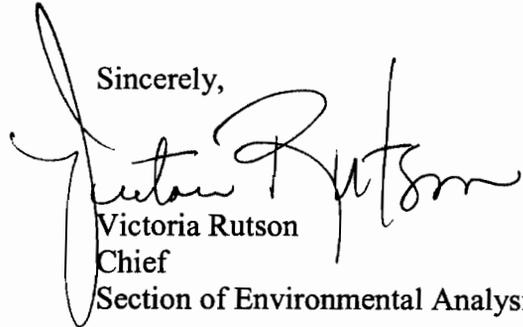
As you know, the line was found to be eligible for listing in the National Register of Historic Places. After consultation with your office and the railroad, SEA has concluded that the proposed abandonment would likely have an adverse effect on this historic resource. However, there is general agreement 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. 438X) 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 all four originals to:**

Surface Transportation Board
Section of Environmental Analysis
Attn: Christa Dean, Attorney
Washington D.C. 20423

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 written in a cursive style 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 438X) BNSF RAILWAY COMPANY - ABANDONMENT EXEMPTION - IN MORRISON COUNTY, MINNESOTA

WHEREAS, on March 27, 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 .58-mile rail line between BNSF milepost 113.44 and BNSF milepost 114.02, in Morrison County, Minnesota, in STB Docket No. AB-6 (Sub-No. 438X); and

WHEREAS, in a decision served on May 15, 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 listing on the National Register of Historic Places under Criterion A, for its association with events that have made a significant contribution to the broad patterns of our history. The line is significant in Minnesota railroad history because it was part of the Brainerd Branch of the Northern Pacific Railroad, which provided a critical connection to St. Paul, the hub of railroad traffic in Minnesota in the late nineteenth century; and

WHEREAS, it was discovered that the track materials had already been salvaged and the right-of-way sold to the Minnesota Department of Transportation (Minnesota DOT) for a road improvement project involving Trunk Highway 371, several years prior to filing the Notice of Exemption, Environmental Report, and Historic Report with the Board and other Federal and state agencies;¹ and

¹ The Federal Highway Administration previously reviewed the Trunk Highway 371 project pursuant to Section 106 and developed a Memorandum of Agreement with the SHPO, Minnesota DOT, and the U.S. Army Corps of Engineers in April 2002 (2002

WHEREAS, the Board has consulted with the SHPO pursuant to 36 CFR Part 800, and has determined that the proposed abandonment will have an adverse effect on the above mentioned historic resource; and

WHEREAS, the Board has consulted with the SHPO and BNSF pursuant to 36 CFR 800.6 regarding ways to avoid, minimize, or mitigate potential effects to the historic resource as a result of 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 (ACHP) 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 ACHP for purposes of the NHPA. Execution and submission of the MOA, and implementation of its terms, evidences that the Board has afforded the ACHP 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.

The National Environmental Policy Act of 1969, 42 U.S.C. 4321-43 (NEPA), requires the Board to consider the environmental consequences of actions such as its authorization of the abandonment of railroad lines. In conducting the environmental review in abandonment cases, the Board looks at the anticipated impacts of the abandonment proposal before the agency, such as the potential environmental impacts of diversion of traffic from rail to other modes and of salvage, that is, removing the track and related structures.

In light of the timing of salvage and sale of the rail line prior to Board approval, BNSF has voluntarily agreed to provide historic preservation training to staff involved with BNSF railroad abandonment projects. This one-day training course is scheduled for April 3, 2007, and will educate BNSF staff regarding the Section 106 historic preservation process under the NHPA. BNSF will ensure that staff involved with railroad abandonment projects will attend this historic preservation training. The training selected by BNSF has been approved by SEA.

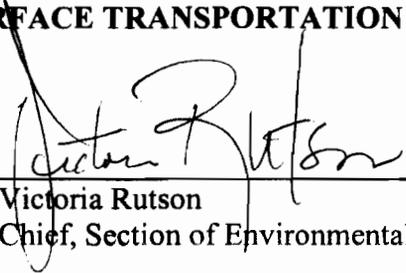
This agreement shall be in effect until completion of its terms.

MOA); however, the SHPO has indicated that the 2002 MOA does not pertain to the .58-mile segment of rail line that is the subject of this proposed abandonment.

ACCEPTED AND AGREED

SIGNATORY PARTIES:

SURFACE TRANSPORTATION BOARD

BY:  _____
Victoria Rutson
Chief, Section of Environmental Analysis

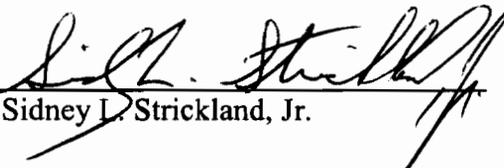
DATE: Feb. 6, 2007

MINNESOTA HISTORICAL SOCIETY

BY: _____
State Historic Preservation Officer

DATE: _____

THE BNSF RAILWAY COMPANY

BY:  _____
Sidney L. Strickland, Jr.

DATE: 2/5/2007