

**SURFACE TRANSPORTATION BOARD**  
Washington, DC 20423

OFFICE OF ECONOMICS, ENVIRONMENTAL ANALYSIS, AND ADMINISTRATION

October 27, 2004

Mr. Don Klima, Director  
Office of Planning and Review  
Advisory Council on Historic Preservation  
1100 Pennsylvania Avenue, NW, Suite 809  
Washington, DC 20004

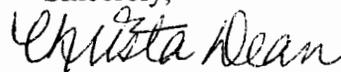
**Re: STB Docket No. AB-6 (Sub-No. 413X), The Burlington Northern and Santa Fe Railway Company - Abandonment Exemption - in Washington County, Minnesota**

Dear Mr. Klima:

In this proceeding, the Burlington Northern and Santa Fe Railway Company (BNSF) filed a Notice of Exemption with the Surface Transportation Board (Board) to abandon and discontinue service over a .99-mile line of railroad in Washington County, Minnesota. In response to BNSF's notification regarding this planned abandonment, the Minnesota Historical Society (the State Historic Preservation Office or SHPO) wrote to BNSF on February 27, 2004, stating that the line is partially located in the Stillwater Historic District, which is listed on the National Register of Historic Places (National Register), and is located within the Stillwater Cultural Historic District, which has been determined eligible for listing on the National Register. In addition, the line is adjacent to individually listed National Register Properties. Accordingly, it was determined that the abandonment would have an effect on these historic resources.

The Section of Environmental Analysis (SEA) is the office within the Board responsible for conducting the environmental review process pursuant to the National Environmental Policy Act, including the National Historic Preservation Act (NHPA). Please find enclosed a copy of the Memorandum of Agreement (MOA) which resulted from the consultation process pursuant to the regulations implementing Section 106 of NHPA. The filing of this MOA with the Council completes our compliance responsibilities under Section 106 of NHPA.

Sincerely,



Christa Dean  
Attorney Adviser  
Section of Environmental Analysis

cc: Mr. John Sims, BNSF  
Mr. Dennis Gimmestad, Minnesota Historical Society  
Mr. Jeff Johnson, City of Stillwater Historic Preservation Commission  
Secretary's Office  
SEA Chron

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**MEMORANDUM OF AGREEMENT  
BETWEEN THE SURFACE TRANSPORTATION BOARD,  
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY,  
THE MINNESOTA HISTORICAL SOCIETY, AND  
THE STILLWATER HISTORIC PRESERVATION COMMISSION  
REGARDING STB DOCKET NO. AB-6 (SUB-NO. 413X)  
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY  
-ABANDONMENT EXEMPTION-  
IN WASHINGTON COUNTY, MINNESOTA**

**WHEREAS**, the Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption with the Surface Transportation Board (STB) under 49 CFR 1152 Subpart F - Exempt Abandonments to abandon a .99-mile rail line between BNSF Milepost 11.81 and BNSF Milepost 12.80, in Stillwater, Washington County, Minnesota (map attached as Appendix A) – STB Docket Number AB- 6 (Sub-No. 413X); and

**WHEREAS**, in a decision served on June 4, 2004, the STB imposed a condition for the proposed abandonment that BNSF must retain its interest in and take no steps to alter the historic integrity of all historic properties within the right-of-way that are eligible for listing in the National Register of Historic Places (National Register) until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA); and

**WHEREAS**, based on consultation with the Minnesota Historical Society (State Historic Preservation Office or SHPO) and the Stillwater Historic Preservation Commission (Stillwater HPC), SEA has determined that the line is partially located within the Stillwater Commercial Historic District, which is listed on the National Register of Historic Places (National Register) and is located within the Stillwater Cultural Landscape Historic District, which has been determined eligible for listing on the National Register. Additionally, the line is adjacent to individually listed National Register properties, including the Stillwater Lift Bridge, the Territorial/State Prison Warden’s House, and the Chicago, Milwaukee and St. Paul Railroad Depot and Freight House (together the historic districts and properties are referred to as the “historic resources”); and

**WHEREAS**, the STB 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 resources, which are either listed in or eligible for listing in the National Register; and

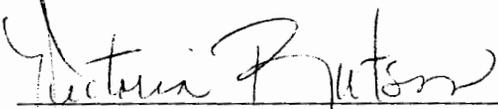
**WHEREAS**, the STB has consulted with the SHPO, BNSF, and the Stillwater HPC, pursuant to Section 36 CFR 800.6 regarding ways to avoid, minimize or mitigate effects to historic resources as a result of the abandonment and disposition of BNSF’s assets and all have determined that no such measures are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

NOW THEREFORE, the STB, 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 the NHPA. Execution and submission of the MOA, and implementation of its terms, evidences that the STB has afforded the Council an opportunity to comment on the proposed action relating to the line, and that STB 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**

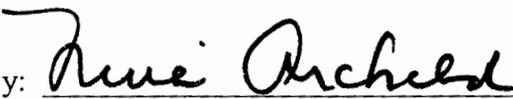
**SIGNATORY PARTIES:**

**SURFACE TRANSPORTATION BOARD**

By:   
Victoria Rutson  
Chief, Section of Environmental Analysis

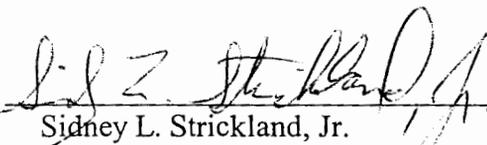
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**MINNESOTA HISTORICAL SOCIETY**

By:   
Nina Archabal  
State Historic Preservation Officer

Date: 10/15/04

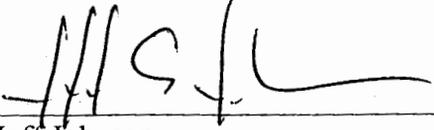
**THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY**

By:   
Sidney L. Strickland, Jr.  
Associate General Counsel

Date: 10/22/04

CONCURRING PARTY:

**CITY OF STILLWATER HISTORIC PRESERVATION COMMISSION**

By:   
Jeff Johnson  
Vice Chair

Date: 9/2/04