

***SURFACE TRANSPORTATION BOARD***  
Washington, DC 20423  
**Office of Economics, Environmental Analysis and Administration**

July 23, 2007

Don Klima, Director  
Advisory Council on Historic Preservation  
1100 Pennsylvania Avenue NW  
Suite 809  
Old Post Office Building  
Washington DC 20004

RE: STB Docket No. AB 497 (Sub-No. 3X), Minnesota Northern Railroad, Inc. —  
Abandonment Exemption in Polk and Norman Counties, Minnesota

Dear Mr. Klima:

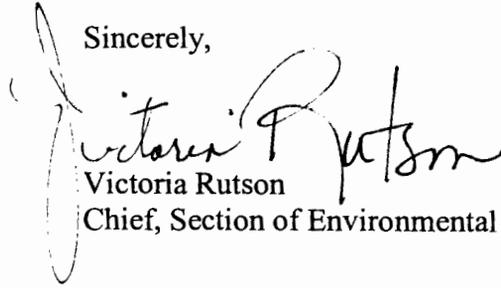
The Minnesota Northern Railroad, Inc. (MNR) filed a petition with the Surface Transportation Board (Board) on August 16, 2006, seeking to abandon a 17 mile rail line in Polk and Norman Counties, Minnesota (captioned above). On September 6, 2006, the Minnesota State Historic Preservation Officer (SHPO) wrote to MNR stating that the rail line may meet the criteria for inclusion in the National Register of Historic Places.

In response to the SHPO's correspondence, the Board's Section of Environmental Analysis (SEA), which is responsible for conducting the environmental review process pursuant to the National Environmental Policy Act, including the National Historic Preservation Act (NHPA), consulted with the SHPO and others and determined that the rail line is eligible for listing in the National Register. SEA notified you that it had made this determination and that the potential rail line abandonment would constitute an adverse effect. You thanked us for the notification and replied that ACHP declined to participate in the development of a Memorandum of Agreement (MOA).

SEA has consulted, consistent with Section 106 of NHPA, with the SHPO, MNR, and others, and has developed an MOA. The MOA has been executed by SEA, the SHPO, and MNR and is enclosed for your reference. The filing of the MOA with ACHP completes our compliance responsibilities under Section 106 of NHPA.

Thank you for your assistance in the proceeding. Please feel free to contact me or Troy Brady of my staff at (202) 245-0301 or at [bradyt@stb.dot.gov](mailto:bradyt@stb.dot.gov) if you have any questions.

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".

Victoria Rutson  
Chief, Section of Environmental Analysis

Enclosure

cc: Mr. Thomas McFarland, MNR  
Mr. Dennis Gimmestad, Minnesota Historical Society

**MEMORANDUM OF AGREEMENT**

**BETWEEN THE SURFACE TRANSPORTATION BOARD,  
MINNESOTA NORTHERN RAILROAD, INC. AND  
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE**

**REGARDING AB-497 (SUB-NO. 3X)  
MINNESOTA NORTHERN RAILROAD, INC.  
-- ABANDONMENT EXEMPTION --  
IN POLK AND NORMAN COUNTIES, MINNESOTA**

**WHEREAS**, on August 16, 2006, MINNESOTA NORTHERN RAILROAD, INC. (MNR) filed a petition for exemption with the Surface Transportation Board (Board) under 49 CFR 1152 Subpart F - Exempt Abandonments to abandon an approximately 17-mile rail line between Milepost 64.0 south of Beltrami and end of track at Milepost 47.0 south of Ada, in Polk and Norman Counties, Minnesota, in STB Docket No. AB-497 (Sub-No. 3X); and

**WHEREAS**, in a Decision served on December 4, 2006, the Board's Section of Environmental Analysis (SEA) recommended that the Board impose two environmental conditions to the proposed abandonment that would require MNR to: (1) retain its interest in and take no steps to alter the historic integrity of the rail right-of-way itself (excluding the tracks and ties) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. MNR shall report back to the Section of Environmental Analysis regarding any consultations with the SHPO and any other Section 106 consulting parties. MNR may not file its consummation notice until the Section 106 process has been completed and the Board has removed this condition and (2) that in the event that any archaeological sites, human remains, funerary items or associated artifacts are discovered during Minnesota Northern Railroad, Inc. (MNR), salvage activities, it will immediately cease all work and notify the Surface Transportation Board's Section of Environmental Analysis (SEA), potentially affected Federally recognized tribes, and Minnesota Historical Society (SHPO). The Section of Environmental Analysis, SHPO, potentially affected Federally recognized tribes, and the MNR shall then consult to determine whether any mitigation measures are necessary; and

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

**WHEREAS**, the Board's SEA 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's SEA has consulted with the SHPO and MNR 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 MNR's assets and all have determined that no such measures are necessary;

**NOW THEREFORE**, the Board, MNR, 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 23, 2007

**MINNESOTA HISTORICAL SOCIETY**

BY: \_\_\_\_\_

State Historic Preservation Officer

DATE: \_\_\_\_\_

**INVITED SIGNATORIES:**

**MINNESOTA NORTHERN RAILROAD, INC.**

BY: \_\_\_\_\_

Thomas F. McFarland

DATE: \_\_\_\_\_

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**ACCEPTED AND AGREED**

**SIGNATORY PARTIES:**

**SURFACE TRANSPORTATION BOARD**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Victoria Rutson  
Chief, Section of Environmental Analysis

**MINNESOTA HISTORICAL SOCIETY**

BY: Kevin D. Archibald DATE: 5/22/07  
State Historic Preservation Officer

**INVITED SIGNATORIES:**

**MINNESOTA NORTHERN RAILROAD, INC.**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Thomas F. McFarland

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**SIGNATORY PARTIES:**

**SURFACE TRANSPORTATION BOARD**

**BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
Victoria Rutson  
Chief, Section of Environmental Analysis

**MINNESOTA HISTORICAL SOCIETY**

**BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
State Historic Preservation Officer

**INVITED SIGNATORIES:**

**MINNESOTA NORTHERN RAILROAD, INC.**

**BY:** Thomas F. McFarland **DATE:** 5-9-07  
Thomas F. McFarland