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SERVICE DATE - JUNE 20, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-101 (Sub-No. 15X)

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY—ABANDONMENT
EXEMPTION—IN ST. LOUIS COUNTY, MN

Decided: June 14, 2002

Duluth, Missabe and Iron Range Railway Company (DM&IR) filed a notice of exemption under 49 CFR 1152.50 Subpart F—Exempt Abandonments and Discontinuances to abandon and discontinue service over a 0.63-mile line of railroad known as the Virginia Branch, extending from milepost B5.5 to milepost B6.1, in St. Louis County, MN. Notice of the exemption was served and published in the Federal Register on March 6, 2002 (67 FR 10254-55).

By decision served April 4, 2002, a condition was imposed requiring DM&IR to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470(f) (NHPA). The Minnesota Historical Society (MN SHPO) has informed the Board's Section of Environmental Analysis (SEA) that no historic properties eligible for or listed in the National Register of Historic Places would be affected by the abandonment. Therefore, SEA recommends that the historic preservation condition imposed in the April 4, 2002 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 April 4 decision imposed two other conditions that required DM&IR to: (1) notify the National Geodetic Survey at least 90 days prior to salvage activities in order to plan the potential relocation of the geodetic station marker; and (2) consult with the Minnesota Pollution Control Agency regarding permitting requirements under section 402 of the Clean Water Act. Those conditions remain in effect.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the decision served April 4, 2002, is removed.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary