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SERVICE DATE - MAY 16, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-330 (Sub-No. 3X)

OTTER TAIL VALLEY RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN WILKIN AND OTTER TAIL COUNTIES, MN

Decided: May 13, 2002

On August 3, 2001, Otter Tail Valley Railroad Company (OTVR) filed a petition seeking an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a 2.65-mile line of railroad known as the Foxhome Branch, extending between milepost 58.8 near French, MN, and milepost 61.45, near Foxhome, MN (the end of the line), in Wilkin and Otter Tail Counties, MN. Notice of the filing was served and published in the Federal Register on August 23, 2001 (66 FR 44436).

In a decision served November 21, 2001, the petition for exemption was granted, subject to standard employee protective conditions and the following environmental conditions: (1) OTVR shall consult with the Minnesota State Historic Preservation Officer (MSHP) because of outstanding historic resources concerns, and retain its interest in and take no steps to alter the historic integrity of the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA); and (2) OTVR shall notify the National Geodetic Survey (NGS) at least 90 days prior to any salvage activities that may disturb or destroy three geodetic station markers that may be affected by the proposed abandonment so that plans can be made for their relocation.

By memorandum dated April 18, 2002, the Board's Section of Environmental Analysis (SEA) forwarded to the Board a copy of a Memorandum of Agreement (MOA) executed by SEA, MSHP, and OTVR concerning the section 106 historic preservation condition imposed in this proceeding. SEA indicates that the MOA, which has been signed by all parties, concludes the process implementing the section 106 process of the NHPA. SEA therefore recommends that the condition be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.¹

¹ The NGS condition imposed in the November 21 decision remains in effect.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the decision served November 21, 2001, 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