

40584
DO

SERVICE DATE – MARCH 11, 2010

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 468X)

BNSF RAILWAY COMPANY — ABANDONMENT EXEMPTION —
IN KOOTENAI COUNTY, ID

Decided: March 10, 2010

By decision served on November 27, 2009, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by BNSF Railway Company (BNSF) of a 6.23-mile rail line between milepost 6.10, near Port Falls, and milepost 12.33, at Coeur d'Alene, in Kootenai County, ID, subject to public use, employee protective, and certain environmental conditions.

The environmental conditions state that BNSF: (1) prior to the commencement of any salvage activities, consult with the U.S. Department of Interior, Fish and Wildlife Service, Idaho Field Office (USFWS) to assess potential impacts to the Bull trout (*Salvelinus confluentus*), a Federally listed threatened species, and identify any appropriate mitigation measures that may be warranted, and to report the results of the USFWS consultations to SEA in writing prior to the onset of salvage operations; (2) prior to the commencement of any salvage activities, consult with the Idaho Department of Environmental Quality, Remediation Section to ensure that any concerns regarding potential contamination of the right-of-way are addressed, and report the results of these consultations in writing to SEA prior to the onset of salvage operations; (3) notify NGS at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of 5 station markers; and (4) (a) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places (National Register) until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed, (b) report to SEA regarding any consultations with the Idaho State Historical Society, Historic Preservation Office (SHPO) and the public, and (c) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the section 106 process has been completed and the Board has removed the condition.

By letter filed on January 21, 2010, BNSF requests removal of the section 106 historic preservation condition imposed in the November 27, 2009 decision. BNSF attaches to its letter correspondence dated November 12, 2009, from the SHPO wherein the SHPO indicates that neither the rail line nor the bridge at milepost 7.61 meets the eligibility criteria for the National Register. Therefore, based on the information provided, SEA recommends that the section 106 historic preservation condition imposed in the November 27, 2009 decision be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed. However, the salvage conditions recommended by SEA in the November 27, 2009 decision remain 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 November 27, 2009 decision is removed.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.