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SERVICE DATE – LATE RELEASE MAY 3, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 330 (Sub-No. 4X)

OTTER TAIL VALLEY RAILROAD COMPANY, INC.–ABANDONMENT EXEMPTION–
IN OTTER TAIL COUNTY, MINN.

Decided May 3, 2011

Otter Tail Valley Railroad Company, Inc. (OTVR) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F–Exempt Abandonments to abandon a 0.822-mile line of railroad between milepost 48.422 near Fergus Falls, and milepost 47.60 near Hoot Lake, in Otter Tail County, Minn. Notice of the exemption was served and published in the Federal Register on October 8, 2010 (75 Fed. Reg. 62,445-46). The exemption became effective on November 10, 2010.

By decision served November 9, 2010 (November 2010 decision), the proceeding was reopened at the request of the Board’s Office of Environmental Analysis (OEA) and the exemption was made subject to an historic preservation condition. The condition required OTVR to 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 (the Area of Potential Effects) that are eligible for listing or listed 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. § 470(f) (NHPA), report back to OEA regarding any consultations with the Minnesota Historical Society (SHPO) and the public, and 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 this condition.

OEA has received a letter dated April 5, 2011, from the SHPO regarding the Section 106 review process. Based on the additional information provided by OTVR, the SHPO states that it concurs with the Board’s determination that the abandonment would have no adverse effect on the Northern Pacific Railroad Wadena to Breckenridge Segment or on the Hoot Lake Project Power Plant, both of which have been determined eligible for listing in the National Register. The SHPO states that this should conclude the Section 106 review for this project.

OEA states that, pursuant to the Section 106 regulations of the NHPA at 36 C.F.R. § 800.5(c) and 36 C.F.R. § 800.8, it has now determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. OEA concludes, therefore, that the Board has satisfied its responsibilities under Section 106 of the NHPA in this proceeding and recommends that the Section 106 historic preservation condition imposed in the November 2010 decision be removed. Accordingly, the proceeding

will be reopened and the previously imposed Section 106 historic preservation condition will be removed.

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 9, 2010 decision is removed.
3. This decision is effective on its date of service.

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