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SERVICE DATE - APRIL 23, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-497 (Sub-No. 1X)

MINNESOTA NORTHERN RAILROAD, INC.--ABANDONMENT EXEMPTION--IN
RED LAKE AND POLK COUNTIES, MN

Decided: April 16, 1998

In a decision served November 28, 1997, Minnesota Northern Railroad, Inc. (MNN), was granted an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a line of railroad known as the Red Lake Falls-Strata Line, extending from milepost 59.00 near Strata, MN, to milepost 69.14 near Red Lake Falls, MN, a distance of 10.14 miles, in Red Lake and Polk Counties, MN.¹ The exemption became effective on November 29, 1997.

In the November 28 decision, a condition was imposed prohibiting MNN from salvaging or disposing of the portion of the right-of-way designated as Southeast Section 26 until completion of the section 7 process of the Endangered Species Act, 16 U.S.C. 1531. In a letter filed April 6, 1998, MNN states that it has complied with the section 7 condition. It attaches a letter, dated February 11, 1998, from the U.S. Fish and Wildlife Service (F&WS), in which F&WS states that there are no federally-listed threatened or endangered species within the proposed abandonment project area and that this precludes further action as required under section 7 of the Endangered Species Act. Therefore, the Board's Section of Environmental Analysis recommends that the section 7 condition be removed.

Accordingly, this proceeding will be reopened and the previously imposed section 7 condition will be removed.

This decision 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 condition imposed in the November 28 decision to implement the section 7 process of the Endangered Species Act is removed.

¹ Notice of the filing of the petition for exemption was published in the Federal Register on August 18, 1997 (62 FR 44031).

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3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary