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SERVICE DATE – JANUARY 11, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 446X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN BELTRAMI
COUNTY, MN

Decided: January 10, 2008

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 5.29-mile line of railroad between milepost 90.87 and milepost 95.15, including the 1.01-mile depot spur between milepost 94.78 and milepost 93.77, near Bemidji in Beltrami County, MN. Notice of the exemption was served and published in the Federal Register (72 FR 12960) on January 12, 2007. The exemption was scheduled to become effective on February 14, 2007.

By decision served on February 14, 2007 (February 2007 decision), the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the conditions that BNSF shall: (1) prior to completing any remaining salvage activities and consummating abandonment, contact the U.S. Fish and Wildlife Service (USFWS) to discuss potential impacts to any Federally listed endangered or threatened species, report the results of this consultation to SEA in writing, and, should any potential impacts be identified, consult with SEA and USFWS to develop appropriate mitigation measures; (2) retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way 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, report back to SEA regarding any consultations with the Minnesota Historical Society (SHPO) and any other section 106 consulting parties, and not initiate any remaining salvage activities related to abandonment (including removal of the tracks and ties) or file its consummation notice until the section 106 process has been completed and the Board has removed this condition; and (3) notify the National Geodetic Survey (NGS) at least 90 days prior to beginning any remaining salvage activities to permit NGS to plan for the possible relocation of the geodetic station markers.

On November 12, 2007, BNSF submitted a letter from the SHPO dated November 8, 2007. The letter states that no properties listed, or eligible for listing, in the National Register are affected by the proposed abandonment. Therefore, based on the information provided, SEA recommends that the section 106 historic preservation condition be removed.

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

As conditioned, 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 section 106 historic preservation condition imposed in the February 2007 decision is removed.
3. The decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary