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SERVICE DATE – SEPTEMBER 10, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 439X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN BOTTINEAU  
COUNTY, ND

Decided: September 7, 2007

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon approximately 11.90 miles of rail line, extending from milepost 40.10, near Bottineau, to milepost 52.00, near Souris, in Bottineau County, ND. Notice of the exemption was served and published in the Federal Register on July 14, 2006 (71 FR 40190-01). The exemption became effective on August 15, 2006.

By decision served on August 14, 2006 (August 2006 decision), the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to nine conditions, including a condition that, prior to the commencement of any salvage activities, BNSF shall consult with the U.S. Fish and Wildlife Service (USFWS) to determine possible impacts to species of Federal concern, and to report the results of this consultation in writing to SEA (Consultation Condition).

On August 7, 2007, BNSF submitted written documentation to SEA that it had completed the required consultation with USFWS. As a result of the consultation, USFWS stated that the proposed abandonment would have no significant impact on fish and wildlife resources, and that no threatened species are known to occupy the proposed abandonment area. Therefore, SEA recommends that the Consultation Condition be removed.

Accordingly, the proceeding will be reopened and the previously imposed Consultation 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 Consultation Condition imposed in the August 2006 decision is removed. The other conditions imposed in the August 2006 decision remain in effect.

3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary