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May 8, 2013

Karl Morell
Of Counsel
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E-FILED

Ms. Victoria Rutson, Esq.
Environmental Analysis Chief
Surface Transportation Board
395 E Street, SW, Room 1106
Washington, DC 20423

Re: Docket No. AB 6 (Sub-No. 485X), BNSF Railway Company --
Abandonment Exemption -- In McKinley County, California

Dear Ms. Rutson:

By decision served October 18, 2012, in the above-captioned proceeding, the Surface Transportation Board ("Board") ordered BNSF Railway Company ("BNSF") to consult with the New Mexico Historic Preservation Division of the Department of Cultural Affairs ("SHPO"), the Navajo Nation Historic Preservation Department ("THPO") and the Navajo Nation Natural Heritage Program ("NNNHP").

On April 18, 2013, BNSF forwarded to the Board: (1) the response BNSF received from the SHPO finding that no historic properties will be affected by the proposed abandonment; and (2) the response BNSF received from the Fish and Wildlife Department of the NNNHP agreeing to the dismantling of the bridge structure subject to one condition.

Attached is the response BNSF received from the THPO finding that the line is not of archaeological interest.



Ms. Victoria Rutson, Esq.
May 8, 2013
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If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Karl Morell". The signature is written in a cursive style with a large, sweeping "K" and "M".

Karl Morell
Of Counsel

Enclosure

THE NAVAJO NATION



Historic Preservation Department

Ben Shelly
President

Rex Lee Jim
VICE-PRESIDENT

May 2, 2013

Karl Morell, Of Counsel
Ball Janik
655 Fifteenth Street, NW, Suite 225
Washington, DC 2005

RE: STB Docket No. AB-6 (Sub No. 485X), BNSF Railway Company – Abandonment Exemption—IN McKinley County, NM

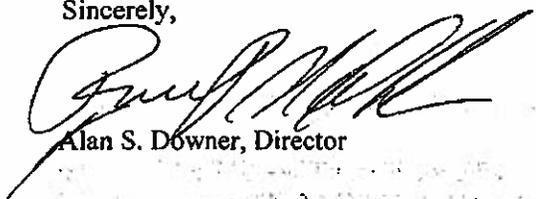
Dear Mr. Morell;

The Cultural Resource Compliance Section of the Navajo Nation Historic Preservation Department (HPD) has reviewed your request for archaeological approval for compliance with National Historic Preservation Act of 1966, 36 CFR Part 800, Section 106 for STB Docket No. AB-6 (Sub No. 485X), BNSF Railway Company – Abandonment Exemption—IN McKinley, County, NM. The line to be abandoned is 5.11 miles long, and is located between mile post 14.50 and 19.61, north of Defiance, McKinley County, New Mexico. It is our determination that no further work is warranted. The line is not of archaeological interest. Accordingly, we recommend that the proposed undertaking be authorized to proceed.

As agent of the Bureau of Indian Affairs (pursuant to Public Law 93-638, Archaeological Service Contract), the NNHPD, with this letter, hereby documents compliance with the Navajo Nation Cultural Resource Protection Act (19 NNC 1021) and Consultation with the Navajo Nation Historic Preservation Officer pursuant to Sections 101(a & d), 106(a & d) and 110(a), 2(e)ii of the National Historic Preservation Act.

Should any previously unidentified or incorrectly identified cultural resources including, but not limited to, archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices be discovered, all operations in the immediate vicinity must cease and the Navajo Nation Historic Preservation Department must be notified. If you have any questions regarding this matter, please call Ron Maldonado at (928) 871-7139.

Sincerely,


Alan S. Downer, Director

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Cultural Resources Compliance Section PO Box 4950, Window Rock, AZ 86515