

SERVICE DATE – OCTOBER 1, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-497 (Sub-No. 3X)

MINNESOTA NORTHERN RAILROAD, INC.–
ABANDONMENT EXEMPTION–IN POLK AND NORMAN COUNTIES, MN

Decided: September 28, 2007

By decision and notice of interim trail use or abandonment (NITU) served on December 4, 2006 (December 4 decision), the Board granted a petition for exemption filed by Minnesota Northern Railroad, Inc. (MNN), for abandonment of a line of railroad in its Ada Subdivision extending from milepost 64.0, south of Beltrami, to the end of the line at milepost 47.0, south of Ada, a distance of 17.0 miles, in Polk and Norman Counties, MN. A 180-day period was authorized for the Agassiz Recreation Trail, Joint Powers Board (ART), to negotiate an agreement with MNN for interim trail use/rail banking.¹ The exemption was also made subject to historic, environmental, and standard employee protective conditions.

The environmental conditions imposed in the December 4 decision and notice required that MNN: (1) immediately cease all salvage work and notify SEA, potentially affected Federally recognized tribes and the Minnesota Historical Society, in the event any archaeological artifacts are discovered; (2) notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of geodetic station markers identified by NGS; and (3) retain its interest in, and take no steps to alter, the historic integrity of the right-of-way (ROW) (excluding tracks and ties) until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA), has been completed, report back to SEA regarding any consultations with the Minnesota State Historic Preservation Officer (SHPO) and other section 106 consulting parties, and seek removal of this condition before filing a consummation notice or initiating any salvage activities.

SEA states that, pursuant to the Advisory Council on Historic Preservation's (Council) regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800, it has reviewed the proposed abandonment and determined that the ROW itself is eligible for inclusion in the National Register of Historic Places. SEA also states that it has consulted with MNN and SHPO pursuant to 36 CFR 800.6 regarding ways to avoid, minimize, or mitigate effects to the historic resource as a result of the abandonment and disposition of

¹ The Board also imposed a 180-day public use condition. The NITU negotiating period and the public use condition expired on June 2, 2007.

MNN's assets, and that all parties have determined that no such measures are necessary.² 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.³

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 December 4, 2006 decision and notice is removed.
3. This decision is effective on its date of service.

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

Vernon A. Williams
Secretary

² A Memorandum of Agreement, signed by the Board, MNN, and SHPO demonstrates that the Board has taken into account the effects of the abandonment on historic properties in satisfaction of the requirements under NHPA. Therefore, in accordance with 36 CFR 800.4(d), the Board's responsibilities under section 106 are fulfilled.

³ The other environmental conditions imposed in the December 4 decision and notice remain in effect.