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OEA

SERVICE DATE – JUNE 14, 2022

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

Docket No. AB 391 (Sub-No. 11X)

Red River Valley and Western Railroad Company
–Abandonment Exemption – In Cass County, N.D.

ABANDONMENT TYPE

The time for comments on the Draft Environmental Assessment (Draft EA) has expired in this:
(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

On May 10, 2022, the Red River Valley and Western Railroad Company (RRVW), filed a notice of exemption with the Surface Transportation Board (Board) under 49 U.S.C. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Cass County, North Dakota. The rail line proposed for abandonment is a 2.29-mile rail line that runs between milepost 9.36 to milepost 11.65 (the Line). By decision served on June 8, 2022, the Board imposed a historic preservation condition pursuant to Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108. The Board also imposed a consultation condition with the North Dakota Public Service Commission.

On June 6, 2022, RRVW submitted a letter from the North Dakota State Historical Society (SHPO). The letter was addressed to the North Dakota Public Service Commission dated May 17, 2022. In that letter, the SHPO determined that no historic properties would be affected by the proposed abandonment. Accordingly, OEA has determined that RRVW's proposed abandonment would have no effect on historic properties listed in or eligible for inclusion in the National Register of Historic Places.¹ Accordingly, the Board has satisfied its responsibilities under Section 106 of the NHPA in this proceeding, and OEA is recommending that the Board remove the Section 106 condition.

¹ The documentation for this finding, as specified at 36 C.F.R. § 800.11(e), consists of RRVW's Historic Report, all relevant correspondence, and the Environmental Assessment, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.stb.gov.

Conclusions

For the reasons stated above, OEA recommends that the Board remove the Section 106 condition imposed in its June 8, 2022 decision.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.