

EO-1397

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB- 6 (Sub No. 468X)

February 2, 2010

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

() Notice of Exemption (X) Petition for Exemption () Regulated Abandonment

() NO NEW COMMENTS WERE RECEIVED

(X) NEW COMMENTS WERE RECEIVED

SEA served an Environmental Assessment (EA) for this proceeding on October 9, 2009, for public review and comment. In the EA, SEA recommended four environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Summary

By decision served on November 27, 2009, the Board granted a petition for exemption for BNSF Railway Company (BNSF), to abandon 6.23 miles of rail line between milepost 6.10, near Post Falls, and milepost 12.33, at Coeur d' Alene, in Kootenai County, ID, subject to certain conditions. One environmental condition imposed in the decision required BNSF to retain its interest in, and take no steps to alter, the historic integrity of all historic properties, including sites, buildings, structures, and objects within the project right-of-way (Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places, until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. The condition would also require BNSF to report to SEA regarding any consultations with the SHPO and the public, and would prohibit BNSF from filing its consummation notice or initiating any salvage activities (including removal of tracks and ties) until the section 106 process has been completed and the Board has removed the condition.

BNSF submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Idaho State Historical Society (SHPO) pursuant to 49 CFR 1105.8(c). In a letter dated November 12, 2009, the SHPO states that neither the railroad nor the single bridge located at milepost 7.61 meet the eligibility criteria for the National Register of Historic Places (National Register). We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(e), consists of the railroad's historic report, all relevant

correspondence, and this Environmental Assessment, which have been provided to the SHPO and made available to the public.

Therefore, in accordance with 36 CFR 800.4(d), the Board's responsibilities under Section 106 are fulfilled.

Accordingly, we recommend that the Section 106 condition be removed. Please feel free to contact me if you have any questions.

SEA CONTACT: Troy Brady can be reached via phone at 610.793.4301 or e-mail at Troy.Brady@stb.dot.gov.

Cc Original to Ann Newman, Office of Proceedings
Ms. Susan Pengilly, Deputy State Historic Preservation Officer
Ms. Kristy D. Clark, General Attorney, BNSF Railway Company
Copies furnished to SEA Chron and ECT



Kristy D. Clark
General Attorney

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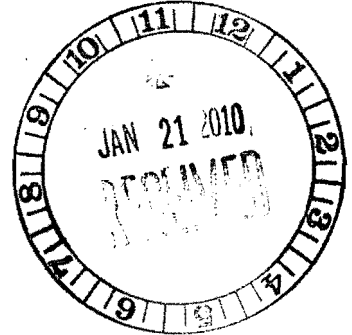
Kristy.Clark@BNSF.com

VIA UPS OVERNIGHT MAIL

January 20, 2010

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings
JAN 21 2010
Part of
Public Record



**Re: STB Docket No. AB-6 (Sub. No. 468X); BNSF Railway Company—Abandonment
Exemption – in Kootenai County, ID**

Dear Ms. Brown:

Please reference the STB decision served on November 27, 2009, in the above-referenced docket. Pursuant to the condition requiring BNSF to retain its interest in the line until completion of the Section 106 process, enclosed is a letter from the Idaho State Historical Society ("SHPO") stating its finding of "no effect" for purposes of compliance with Section 106 Review (36CFR800).

Therefore, BNSF requests that the Section 106 condition of the National Historic Preservation Act, 16 U.S.C. 470f, be removed.

If you have any questions, please call me at (817) 352-3394.

Sincerely,

Kristy D. Clark
General Attorney

KDC/js

cc: Victoria Rutson, STB
Susan Pengilly, SHPO
Susan Odom

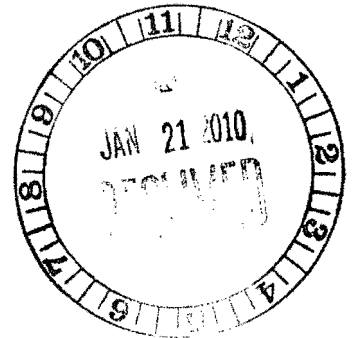


John Sims

REC'D LAW DEPT.

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FORT WORTH



"The History and Preservation People" November 12, 2009

Our mission: to educate through the identification, preservation, and interpretation of Idaho's cultural heritage.
www.idahohistory.net

C.L. "Butch" Otter
Governor of Idaho

Janet L. Gallimore
Executive Director

Kristy D. Clark, General Attorney
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PO Box 961039
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RE: STB Docket No. AB-6 (Sub-No. 468); BNSF Railway Company –
Abandonment Exemption – Kootenai County, Idaho.

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Archaeological Survey of Idaho
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Public Archives and
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Public Archives
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Research Library
Office: (208) 334-3356
Fax: (208) 334-3198

Oral History
Office: (208) 334-3863
Fax: (208) 334-3198

Dear Ms. Clark,

Thank you for your letter of July 17, 2009, and the follow-up information and historic report regarding the abandonment of the 6.24 mile rail line in Coeur d'Alene, Idaho. Based on that information, neither the railroad route, nor the bridge at milepost 7.61, meet the eligibility criteria for the National Register of Historic Places. The proposed abandonment, therefore, constitutes a finding of "no effect" for purposes of compliance with Section 106 Review (36CFRPart800).

Thank you for the opportunity to comment. If you have any questions, please contact us.

Sincerely,

for Susan Pengilly
Deputy State Historic Preservation Officer



The Idaho State Historical Society is an Equal Opportunity Employer.