



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

January 27, 2004

Mr. Alan Stanfill
Western Office of Federal Agency Programs
Advisory Council on Historic Preservation
12136 West Bayaud Avenue, #330
Lakewood, CO 80226

Re: AB-6 (Sub-No. 384X) - The Burlington Northern and Santa Fe Railway Company
- Abandonment Exemption - in Sioux Falls, Minnehaha County, South Dakota

Dear Mr. Stanfill:

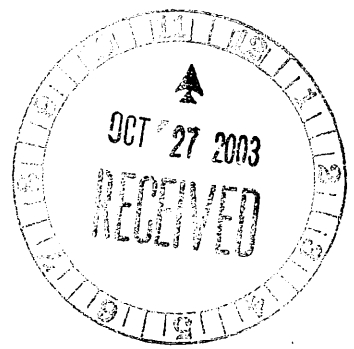
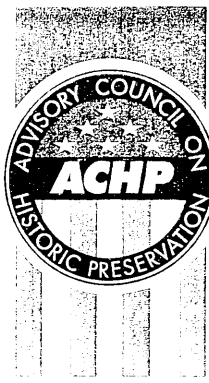
Pursuant to 36 CFR 800.6(b)(iv), and as requested in an October 14, 2003 letter from your office (see attached), please find enclosed the executed Memorandum of Agreement (MOA) for the above undertaking. In addition, I have enclosed a copy of a letter from the South Dakota State Historical Society (i.e., State Historic Preservation Office or SHPO) stating that the requirements outlined in the MOA have been met. The filing of this material with the Advisory Council of Historic Preservation completes the Board's requirements under Section 106 of the National Historic Preservation Act.

If I can be of further assistance, please contact me at 202-565-1593.

Sincerely,

David C. Navecky
Environmental Protection Specialist
Section of Environmental Analysis

Enclosures



Preserving America's Heritage

October 14, 2003

David C. Navecky
Environmental Protection Specialist
Surface Transportation Board
Washington, DC 20423

RE: *Abandonment Exemption, The Burlington Northern and Santa Fe Railway Company, SD.*

We received your notification and supporting documentation regarding the adverse effects of the referenced project, a property eligible for inclusion in the National Register of Historic Places. Based upon the information you provided, we do not believe that our participation in consultation to resolve adverse effects is needed. However, should circumstances change, please notify us so we can re-evaluate if our participation is required. Pursuant to 36 CFR 800.6(b)(iv), you will need to file the Memorandum of Agreement, and related documentation at the conclusion of the consultation process. The filing of this Agreement with the ACHP is necessary to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions, please contact Alan Stanfill at 303/969-5110 or via eMail at astanfill@achp.gov.

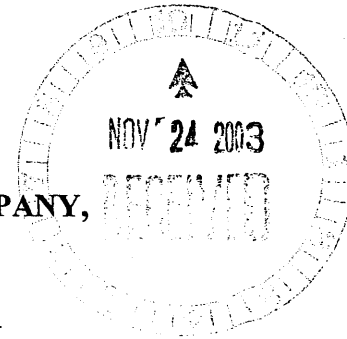
Sincerely,

Nancy Kochan
Office Administrator/Technician
Western Office of Federal
Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

12136 West Bayaud Avenue, Suite 330 • Lakewood, Colorado 80228
Phone: 303-969-5110 • Fax: 303-969-5115 • achp@achp.gov • www.achp.gov

**MEMORANDUM OF AGREEMENT
BETWEEN THE SURFACE TRANSPORTATION BOARD,
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY,
AND THE SOUTH DAKOTA STATE HISTORICAL SOCIETY
REGARDING PROPOSED ABANDONMENT OF TRACKAGE
IN SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA
STB DOCKET NO. AB-6 (SUB-NO. 384X)**



WHEREAS, the Surface Transportation Board (STB) has determined that the abandonment and/or discontinuance of The Burlington Northern and Santa Fe Railway Company's (BNSF) 2.98 mile line of railroad in the vicinity of Sioux Falls, in Minnehaha County, SD, may potentially have an effect upon properties eligible for listing in the National Register of Historic Places; and

WHEREAS, in STB Docket No. AB-6 (Sub-No. 384X), by decision served September 9, 1999, the STB imposed a condition in the docket that BNSF must retain its interest in and take no steps to alter the historic integrity of the line in its entirety until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed; and

WHEREAS, BNSF has consulted with the South Dakota State Historical Society (SHPO) in order to develop a plan to mitigate potential harm to historic resources as a result of the discontinuance of service and disposition of BNSF's assets.

NOW THEREFORE, the parties hereto agree that the planned disposition of the assets pursuant to the authority granted in Docket AB-6 (Sub-No. 384X) shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

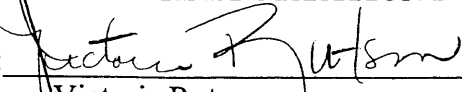
1. BNSF shall have two sets of 8" x 10" black and white photographs prepared on archival paper of which the first set, eight photographs and negatives, will be provided to SHPO and the second set, photographs only, will be delivered to the Minnehaha County Historical Society. (The Historical Society will in turn present these photographs to the Old Court House Museum, in Sioux Falls, SD). Photographs shall be taken, per the attached guidelines, before any of the proposed alterations to the railroad take place. See Exhibit A.
2. In consultation with SHPO, BNSF shall have prepared a brief narrative history of the line. This narrative includes references to the effects of the railroad line on the communities and economy along the corridor. A copy of this narrative was previously provided to SHPO.
3. BNSF shall provide a 24"x18" bronze marker, to be placed on the right-of-way or near the historical depot at 503 E. 8th Street, Sioux Falls. The sign will be placed in

consultation with the Minnehaha County Historical Society. The marker will have 36 lines total, allowing 28 letters and spaces per line, plus a caption. The narrative was provided to SHPO.

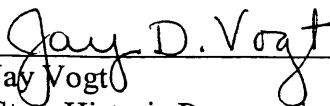
4. BNSF shall provide 150 copies of a pamphlet to the Minnehaha County Historical Society. The text was provided to SHPO for its prior approval.
5. Any party to this agreement may request that it be amended, whereupon the proposed changes shall be submitted to the other parties and the Advisory Council on Historic Preservation (Council) in accordance with 36 CFR 800.
6. Failure to carry out the terms of this agreement requires that the STB request the comments of the Council in accordance with 36 CFR Part 800. If the STB and/or BNSF cannot carry out the terms of the agreement within two years, this agreement shall be null and void. The STB shall not take or sanction any action or make any irreversible commitment that may affect historic properties until such time as the Council has been given the opportunity to comment on the full range of project alternatives which might avoid or mitigate any adverse effects.
7. Execution of the Memorandum of Agreement by the parties hereto and its subsequent acceptance by the Council, and implementation of its terms, evidences that the STB afforded the Council an opportunity to comment on the proposed action relating to the line, and that STB has taken into account the effects of the project on historic properties, in accordance with Section 106 of the National Historic Preservation Act.

ACCEPTED AND AGREED:

SURFACE TRANSPORTATION BOARD

By:  Date: Oct. 27, 2003
Victoria Rutson
Chief, Section of Environmental Analysis

SOUTH DAKOTA STATE HISTORICAL SOCIETY

By:  Date: 11-03-2003
Jay Vogt
State Historic Preservation Officer

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

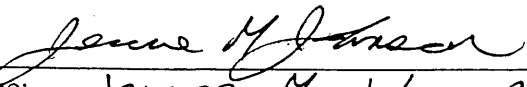
By:  Date: 11/12/03
Name: Jerome M. Johnson
Title: Asst. Vice President

Exhibit "A"

Photo guidelines

Black and white archivally stable film, no Polaroid and no one-hour processing films. No film made to be developed through a color process, such as Process C-41.

Photos must be processed as per manufacturer's instructions and prints must be on fiber-based (preferred) or resin coated Black and White paper.

Prints should be a minimum of 4X5

Photos must be taken of each historic building, including outbuildings.

Views required

1. General overall view showing landscape
2. One view of each elevation. This can be accomplished with one photo taken from two opposite corners of the building, i.e. northwest corner and southeast corner.
3. One view showing front façade
4. Representative interior views

Extra views

Other photos will be needed of detail elements such as architectural details, decorative elements, or any outstanding feature.

Non-Architectural sites should be photographed from a variety of angles to show context, landscape, etc. Any special features should have closer views.

Do not place labels on photos. Photos should be numbered with soft pencil and a separate photo log, corresponding to the photo numbers must be produced.

 SOUTH
DAKOTA STATE
HISTORICAL SOCIETY

Department of Tourism and State Development

REF-46
R91
Cultural Heritage Center
900 Governors Drive
Pierre, SD 57501-2217
(605)773-3458 fax (605)773-6041
www.sdhistory.org

January 8, 2004

Victoria Rutson
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

RECEIVED
JAN 13 2004
MAIL
MANAGEMENT
STB

Dear Ms. Rutson:

The Office of the State Historic Preservation Officer (SHPO) is currently in receipt of the following documentation; one set of black and white photographs, photographic log, negatives, and a historical narrative. The documentation was submitted in fulfillment of the Memorandum of Agreement (MOA) between the Surface Transportation Board, the Burlington Northern and Santa Fe Railway Company, and the South Dakota State Historical Society, regarding proposed abandonment of trackage in Sioux Falls, Minnehaha County, South Dakota, STB Docket No. AB-6(Sub-No.384X).

Upon review of the documentation and provided Stipulations 3 and 4 have been completed, it appears that the requirements as outlined within the MOA have been met. Thank you for the opportunity to review the documentation. Should you require additional information, please do not hesitate to contact Paige Hoskinson, Review & Compliance Coordinator, at (605) 773-6004. Your concern for the non-renewable cultural heritage of our state is appreciated.

Sincerely,

Jay D. Vogt
State Historic Preservation Officer


Paige Hoskinson
Review and Compliance Coordinator

Cc: John Sims, BNSF
Alice M. O'Donnell, Rail Property Management