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SERVICE DATE – AUGUST 28, 2012

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1099X

SUNFLOUR RAILROAD, INC.—ABANDONMENT EXEMPTION—IN ROBERTS AND
MARSHALL COUNTIES, S.D.

Decided: August 27, 2012

Sunflour Railroad, Inc. (SRI), filed a notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon 8.1 miles of rail line between milepost 228.2 at the east property line of 454th Avenue, located approximately one mile west of Claire City, and milepost 236.3 located at the western terminus of the line at Washington Avenue in Veblen, in Roberts and Marshall Counties, S.D. Notice of the exemption was served and published in the Federal Register on June 28, 2012 (77 Fed. Reg. 38,711). The exemption was scheduled to become effective on July 28, 2012.

By decision served on July 27, 2012, the Board imposed an environmental condition recommended by the Board's Office of Environmental Analysis (OEA), requiring that SRI 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 (the Area of Potential Effect) that are eligible for listing or listed on the National Register of Historic Places (National Register) until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f; report to OEA regarding any consultations with the South Dakota State Historical Society (SHPO) and the public; and not file its consummation notice or initiate any salvage activities related to abandonment until the Section 106 process has been completed and the Board has removed the condition.

In a supplemental final environmental assessment dated August 2, 2012, OEA states that comments to the environmental assessment were received from the SHPO concluding that the line proposed for abandonment does not appear to meet any of the National Register criteria.¹ Therefore, OEA recommends that the Section 106 condition be removed.

Based on OEA's recommendation, the proceeding will be reopened and the previously imposed Section 106 historic preservation condition will be removed.

¹ The SHPO also recommended that the Board submit a determination of "No Historic Properties Effected" to the SHPO for concurrence. The Board, through OEA, has complied with that request.

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 July 27, 2012 decision is removed.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.