

Submitted on: **1/31/2014**
Managing Entity: **Hunter/Arthur JPA Park Board
PO Box 98
Arthur, ND 58006**
Contact Information: **Bridgette Readel
PO Box 98
Arthur, ND 58006
PHONE : 701-799-4906
Email: bmreadel@dow.com**

**Bridgette Readel
PO Box 98
Arthur, ND 58006
PHONE :
Email:**

Trail Project Name: **Northern Cass Pass**

Description of Proposed Project:

Rails to trails project between the communities of Hunter and Arthur, North Dakota. The trail will be developed upon the existing abandoned railroad line. It is a 6 mile non-motorized trail that would be open to equestrian traffic.

Property Location Information

Urban or Rural Development: **Rural**

Address Line 1: **PO Box 98**

Address Line 2:

City: **Arthur**

County: **Cass**

State: **ND**

Zip Code: **58006**

Township: N **142.00**

Range: W **52.00**

Township Section: **24**

Length of New Trail: **6.00**

Length of Total Trail if Project is an Extension: **0.00**

General Funding and Property Information

Total Cost: **83,256.00**

Fund Amount: **66,606.00**

Is this Project an Extension to an Existing Trail Project?

Who Holds the Title to the Project Land?

Hunter/Arthur JPA Park Board

Estimated Start Date: **6/1/2014**

Estimated End Date: **10/1/2015**

Classification of Land:

State Federal Local Private

Check all of the uses the Project impacts:

Walking/Hiking Bicycling Horseback Riding Cross-Country Skiing

In-line Skating Snowmobiling ATV Riding Off-road Motorcycling

4x4 Trucking Other:

Does the Project fall substantially within a federal highway right-of-way? **No**

Federal Funding Sources

Local Funding Sources

Source Name	Amount
Hunter/Arthur JPA Park Board	\$16,650.00

PROJECT DESCRIPTION

Ultimately, it is the vision of the JPA Park Board to develop a rails to trails project (new development) between the communities of Hunter and Arthur, North Dakota. The trail corridor, which is approximately 6-miles in length would be a hard surface trail suitable for non-motorized diverse use (walking, running, biking and occasional equestrian usage). This application is intended to be the first phase of a multi-phase project.

The communities of Hunter, North Dakota and Arthur, North Dakota have combined their Park Boards into a Joint Powers Authority specifically for the development of this project. The Hunter/Arthur JPA has acquired the abandoned BNSF Railway corridor between the two communities by utilizing the Rail-Trails concept.

The first step is the acquisition of funding and proceeding with Phase 1. Phase 1 will be the structural inspection and reconditioning of the three railway bridges that are present on the corridor. Of significance is the long span bridge that spans the Elm River in Hunter, ND. These bridges need to have new decking installed as well as railings constructed.

Following the work on the three bridges (Phase 1), future phases will consist of designing, bidding and construction of an improved surface on the length of the corridor.

RESPONSE TO REQUIREMENTS

Project Description: Ultimately, it is the vision of the JPA Park Board to develop a rails to trails project (new development) between the communities of Hunter and Arthur, North Dakota. The trail corridor, which is approximately 6-miles in length would be a hard surface suitable for non-motorized diverse use (walking, running, biking and occasional equestrian usage). This application is intended to be the first phase of a multi-phase project.

Goals of Phase One: The current acquired railroad has had the steel rails and the railroad cross ties removed as part of the purchase agreement between the Hunter/Arthur JPA Park Board and BNSF Railway Company. What remains is an aggregate raised rail bed (existing ballast) with two low level, short span bridges and one elevated long span bridge. The purpose of this Phase is to provide adequate safety rails on all three structures. In conjunction with the safety rails, proper decking will be required to be added to the existing bridge surfaces in order for the bridges to be passable for pedestrian, bicycle and equestrian traffic.

All user groups would benefit from this phase. The current status of the corridor could allow pedestrian, mountain biking and equestrian usage, but with no current safety rails (nor adequate decking) in place at the three bridges, the corridor is to be closed to all usage.

Costs of Phase One: The Hunter bridge (spanning the South Branch of the Elm River) will require 304 lineal feet of bridge railing and 173 lineal feet of approach railing. The remaining 2 bridges will require a total of 140 lineal feet of bridge railing and 80 lineal feet of approach railing. Signing of the bridges, as well as signing of the Rail to Trail corridor will also be included in Phase One costs. Structural bridge inspection and repairs must be completed on all three bridges to evaluate the footings, the superstructure and the approaches. Improved bridge surfacing must also be added to provide a safe and accepted crossing. Finally, design/construction/administrative engineering services for the items listed above must be included. The following is an itemization:

Bridge Railing, F&I	444 l.f.	@ \$28.00/l.f.	\$12,432.00
Bridge Approach Railing, F&I	253 l.f.	@ \$28.00/l.f.	\$ 7,084.00
Signing	40 s.f.	@ \$26.00/s.f.	\$ 1,040.00
Bridge Decking, F&I	2770 s.f.	@ \$10.00/s.f.	\$27,700.00
Bridge repairs	Lump Sum	@ \$10,000	\$10,000.00
Structural Bridge Inspections	Lump Sum	@ \$15,000	\$15,000.00
Engineering (design, inspec, admin)	Lump Sum	@ \$10,000	\$10,000.00
TOTAL COST PHASE ONE			\$83,256.00

Local/Area Support: The Park Boards of the Cities of Hunter and Arthur have formed a Joint Powers Authority (Hunter/Arthur JPA Park board). This JPA has acquired the BNSF rail corridor through the Rails to Trails program for this project specifically. The Hunter/Arthur area is outside of the Fargo-Moorhead MPO area.

Local 20% Match Availability: The Hunter/Arthur JPA Park Board has committed funds for this project and a resolution regarding availability of funds will be forwarded once this grant is approved.

Project Sponsor: The Hunter/Arthur JPA Park Board is the project sponsor as listed below:

Hunter/Arthur JPA Park Board
PO Box 98
Arthur, ND 58006

Applicant Capability: The Park Boards of the Cities of Hunter and Arthur, North Dakota have joined forces and entered into a Joint Power Authority to ensure that the development of the former BNSF Rail Corridor between the two cities takes place.

Written Assurances: Attached to this application is the Surface Transportation Board Docket No. AB-6 (Sub-No. 478X), BNSF Railway Company – Abandonment Exemption – In Cass County, North Dakota. This document clearly spells out the efforts and accompanying documentation of the assurances that this project will be open and available for public use.

EVALUATION CRITERION

Site and Project Quality: The location of the existing BNSF Railway bed is approximately 100 feet west of North Dakota Highway 18, yet the two R-O-W's are immediately adjacent to each other. This provides a comfortable distance from the highway, yet, it allows convenient access to the trail throughout the entire corridor. This location would allow users to utilize sections of the trail, without having to navigate the entire 6-mile length. Please see attached figures which indicate the location of the trail in relation to North Dakota highway 18, the towns of Hunter and Arthur, bridges, driveways, culverts and general layout of the surrounding area.

Public Need/Project Benefit: With the close proximity of the two communities (Hunter and Arthur), the location of their school (Northern Cass), and the opportunity of developing a non-motorized transportation corridor between Hunter and Arthur, this project has the following benefits: 1) the project will preserve the BNSF corridor (including the Hunter bridge) which could be considered historically valuable, 2) the establishment of a dedicated non-motorized trail will encourage physical fitness and healthy lifestyles and 3) the project will create new opportunities for outdoor recreation. This project will also move pedestrians off State Highway 18 (with the close proximity of Northern Cass Public School, high school activities such as Track will be able to utilize the dedicated improved route for training without putting the athletes in harm's way that occurs when pedestrians and motorized highway traffic share the same roadway).

The ability to utilize a grant funding source will greatly enhance the ability of these two communities to accomplish their dream of creating a trail corridor. This grant in particular will provide funds so the three bridges along the route will be made safe, and future phases can be moved forward.

Project Relationship to Bigger Plan: As the 2013-2017 ND SCORP states, the Statewide Facility Priorities indicate the Primary Needs include Non-Motorized Trails (specifically in Region 5 where 58% of the households have interest in this type of project). This area is outside of the Fargo Moorhead MPO so Cass County is the planning organization involved. The Cass County Comprehensive Plan specifically lists encouragement of development in creating pedestrian friendly designs as an objective. The Cass County Comprehensive plan also has an objective of using the corridor along the rivers as public greenways to allow for a future recreational trail system. This objective could very easily be transferred to the preservation of abandoned railways to allow for a future recreational trail system.

Environmental Impacts/Mitigation Plan: The usage of the former BNSF Railway with bicycles, pedestrians and occasional equestrian traffic is a significant improvement to the corridor when relating to noise, odor and dust. In fact, it is anticipated that there will be no impacts associated with these three items. The attached STB Docket (as previously referenced) includes an Environmental Report on the abandonment and salvage operations of the railway corridor. These abandonment and salvage operations were not intrusive to surface erosion, fish and wildlife populations, damage to wetlands, ecologically sensitive natural resources and/or historical/archeological remains (The following letters have been received, and state no further actions required for abandonment and salvage operations, and are attached as part of the attached STB Docket: US Dept of Agriculture, NRCS; US Fish & Wildlife Service, Ecological Services – ND Office; North Dakota State Water Commission; US EPA; ND State Historical

Society). The construction of Phase 1 and all subsequent phases of this project will remain completely within the existing railway bed and will not impact any adjoining lands or waters. Of course, all local, county, state and federal agencies will be notified of any future work and plans and specifications will be submitted for review (and comment) by all involved.

Landowner Impacts: Adverse impacts to adjoining landowners include the possibility of trespassing by users of the trail system. Users include mountain bikes, pedestrians and equestrian users. Methods of mitigation for trespassing include installing (in future phases) dedicated parking/drop off sites, installation of trees/vegetation along the west side of the trail and installation educational kiosks along the trail. This trail project will provide improved conditions for adjacent landowners by installation of trees/vegetation along their property lines and maintenance of the corridor right of way (i.e. mowing and noxious weed control).





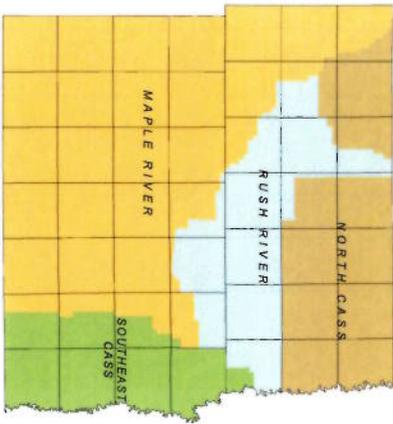
Cass County

North Dakota

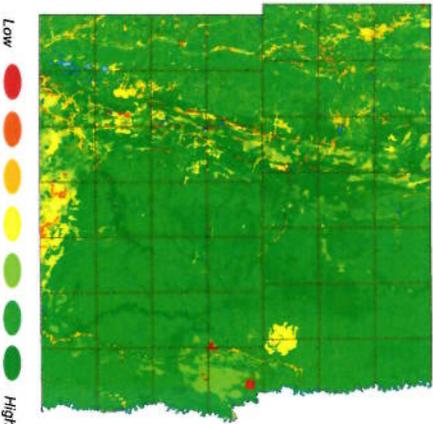
Official Highway Map

- Interstates
- US Routes
- State
- County
- Villages
- Interstate Exits
- City Limits
- Fargo
- West Fargo
- County Roads
- Paved
- Gravel
- Railway
- Drain/CooleyDitch
- Intermittent Stream
- Perennial Stream
- Lake
- Bridge

Water Resource Districts



Soil Productivity



Low High

Jason Benson
County Engineer, P.E.

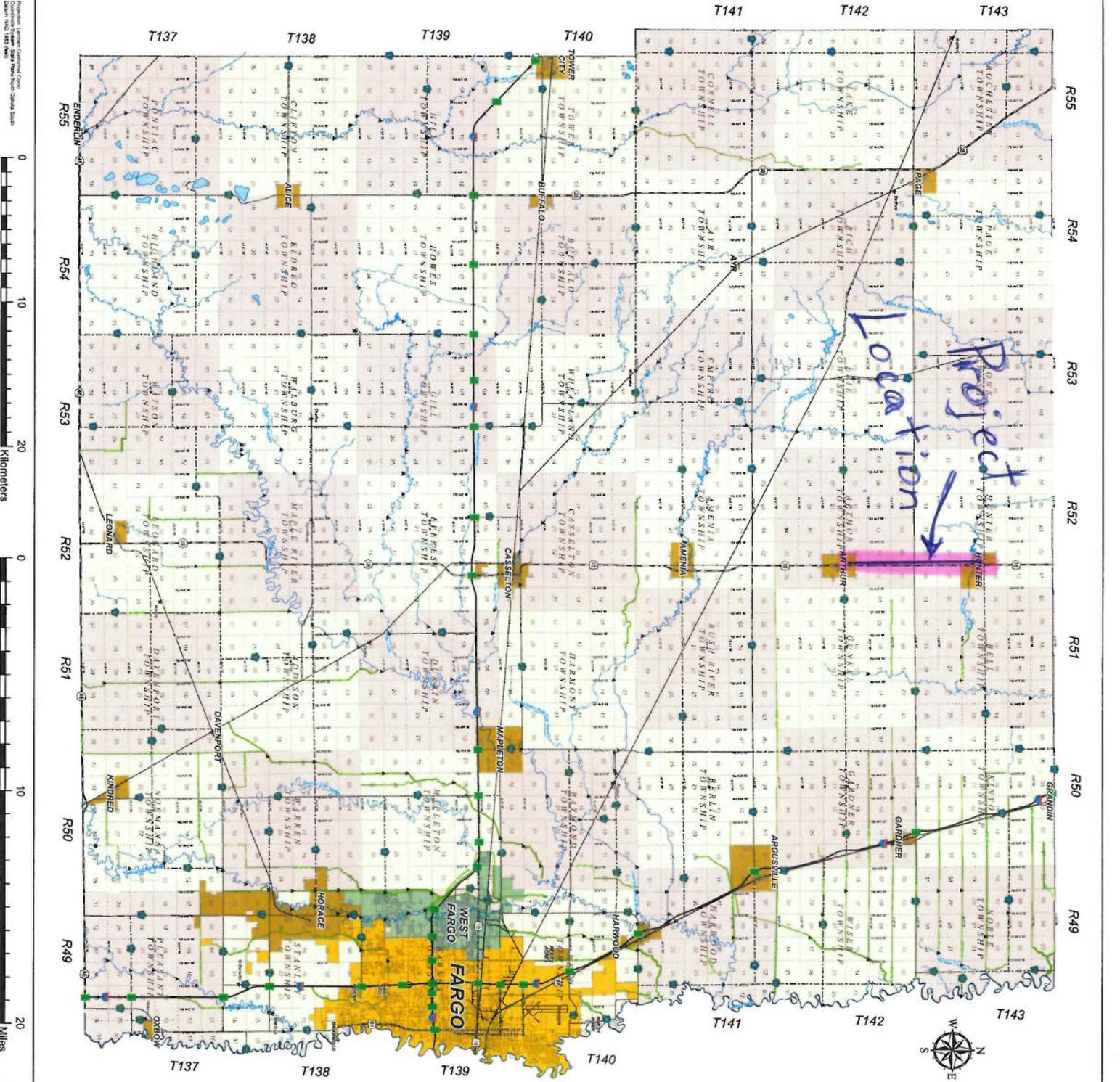
Richard Sieg
Highway Superintendent

DATE: February, 2017



Cass County Hwy Dept.
1201 West Main Ave.
West Fargo, ND 58078
(701) 298-3210

Disclaimer: Any use of public information derived from available sources. This map may contain errors or omissions. Cass County is not responsible for any errors or omissions. It is recommended that users verify the information shown on this map with the appropriate authorities. This map is not to be used for any other purpose than the one for which it was prepared.





655 Fifteenth Street, NW Suite 225
 Washington, DC 20005
 balljanik.com
 t 202.638.3307
 f 202.783.6347

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Part of
 Public Record

November 2, 2011

Karl Morell
 Of Counsel
 kmorell@balljanik.com

BY HAND DELIVERY

Cynthia Brown
 Chief, Section of Administration
 Surface Transportation Board
 Office of Proceedings
 395 E Street, SW
 Washington, DC 20423

FILED

NOV 2 - 2011

**SURFACE
 TRANSPORTATION BOARD**

Re: STB Docket No. AB-6 (Sub-No. 478X), BNSF Railway
 Company -- Abandonment Exemption -- In Cass County,
 North Dakota

Dear Ms. Brown:

Attached for filing are the original and ten copies of a Notice of
 Exemption under 49 C.F.R. § 1152.50. Also attached is a check
 covering the \$3,600 filing fee.

If you have any questions, please call me.

Sincerely,

Karl Morell

Karl Morell
 Of Counsel

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NOV 2 - 2011

**SURFACE
 TRANSPORTATION BOARD**

Enclosures

23/227

BEFORE THE
SURFACE TRANSPORTATION BOARD

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BNSF RAILWAY COMPANY)
ABANDONMENT EXEMPTION)
IN CASS COUNTY,)
NORTH DAKOTA)

DOCKET NO. AB-6
(SUB-NO. 478X)

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NOTICE OF EXEMPTION

NOV 2 - 2011

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**SURFACE
TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

Courtney Biery Estes
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

Karl Morell
Of Counsel
BALL JANIK LLP
Suite 225
655 Fifteenth Street
Washington, D.C. 20005
(202) 638-3307

Dated: November 2, 2011

BEFORE THE
SURFACE TRANSPORTATION BOARD

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MANAGEMENT
STB

BNSF RAILWAY COMPANY)
ABANDONMENT EXEMPTION)
IN CASS COUNTY,)
NORTH DAKOTA)

DOCKET NO. AB-6
(SUB-NO. 478X)

NOTICE OF EXEMPTION

ENTERED
Office of Proceedings

NOV 2 - 2011

Part of
Public Record

BNSF Railway Company ("BNSF") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon 7.40 miles of rail line located between Milepost 68.10 at Arthur and Milepost 75.50 at Hunter in Cass County, North Dakota (the "Line").

1. *Proposed consummation date.*

The proposed consummation date is December 22, 2011.

2. *Certification required by 49 C.F.R. § 1152.50(b).*

The required certification is attached hereto as Exhibit A.

3. *Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7) and (8) and (e)(4).*

(a) *General.*

(1) *Exact name of applicant.*

BNSF Railway Company

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SURFACE
TRANSPORTATION BOARD

- (2) ***Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.***

BNSF is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) ***Relief sought.***

BNSF seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon 7.40 miles of rail line located between Milepost 68.10 at Arthur and Milepost 75.50 at Hunter, in Cass County, North Dakota. There has been no local freight rail traffic on the Line since October, 2005. The Line is stub-ended and, therefore, not capable of handling overhead traffic. Arthur and Hunter are the only stations on the Line.

- (4) ***Map.***

A map of the Line is attached as **Exhibit B**.

- (7) ***Name, title and address of representative of applicant to whom correspondence should be sent.***

Karl Morell
Ball Janik LLP
655 Fifteenth Street
Suite 225
Washington, D.C. 20005

- (8) ***List of all United States Postal Service ZIP codes that the line proposed for abandonment traverses.***

The Line traverses U.S. ZIP codes: 58006 and 58048.

- (e) ***Rural and community impact.***

- (4) ***Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation,***

conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The Line traverses predominantly suburban/urban areas with more than adequate road and highway networks. therefore, there is little or no likelihood that the rail corridor is needed for transit purposes. The right-of-way, however, is suitable for recreational trails. Some of the property underlying the right-of-way is reversionary, which would affect the transfer of the property for other than rail or rail-banking purposes.

4. *The level of labor protection.*

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. – Abandonment – Goshen*. 360 I.C.C. 91 (1979).

5. *Certification.*

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12 are attached as **Exhibit C**.

6. Environmental Report.

The Environmental Report containing information required by 49 C.F. R. § 1105.7(e) is attached hereto as **Exhibit D**. Based on information in our possession, the Line does contain federally granted rights-of-way. Any documentation in BNSF's possession will be made available promptly to those requesting it.

7. Historic Report.

The Historic Report containing information required by 49 C.F.R. § 1105.8 is attached hereto as **Exhibit D**.

Respectfully submitted,



Courtney Biery Estes
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

Karl Morell
Of Counsel
BALL JANIK LLP
Suite 225
655 Fifteenth Street
Washington, D.C. 20005
(202) 638-3307

Dated: November 2, 2011

EXHIBIT A

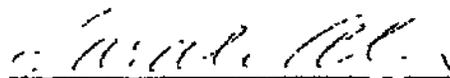
**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF TEXAS)
) ss.
TARRANT COUNTY)

I, Farah Ali, being duly sworn depose and state that I am Manager Network Studies for BNSF Railway Company ("BNSF"), that I am authorized to make this verification and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information and belief.

I hereby certify that no local traffic has been handled to or from any customer over the rail line located between Milepost 68.10 at Arthur and Milepost 75.50 at Hunter, in Cass County, North Dakota ("the Line") since October, 2005. The Line is stub-ended and, therefore, not capable of handling overhead traffic. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant since October, 2005.

The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information and belief of the undersigned.



Parah Ali
Manager Network Studies

SUBSCRIBED AND SWORN TO before me this 1st day of November, 2011.

My Commission Expires: _____





Notary Public

Arthur - Hunter, ND

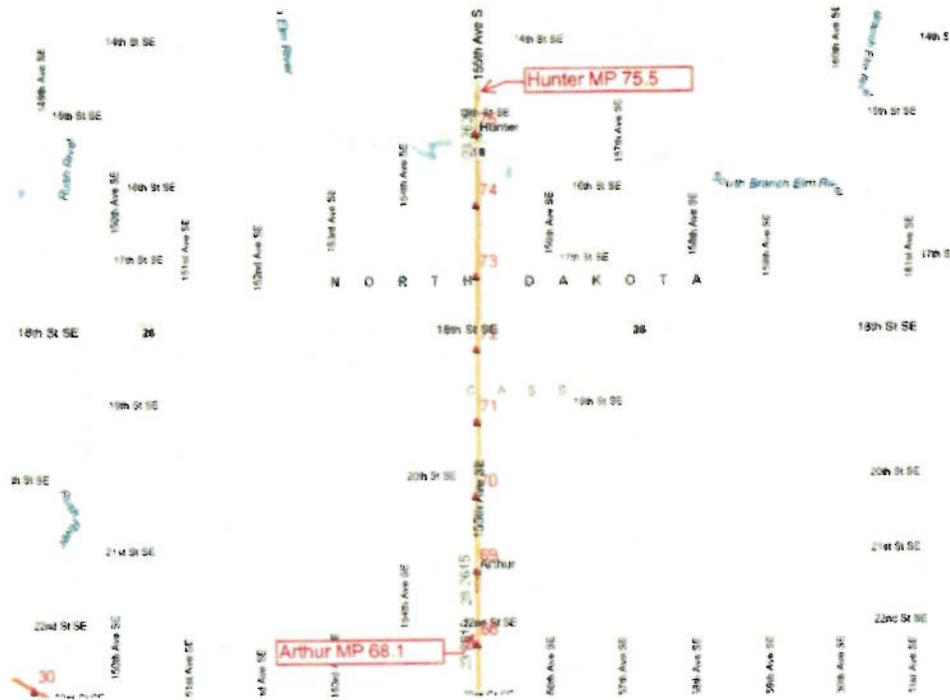


EXHIBIT B

EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in STB Docket No. AB-6 (Sub-No. 478X) was mailed via first class mail on October 18, 2011, to the following parties:

State Public Service Commission

North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

State Single Point of Contact
Governor's Office
600 East Boulevard, Dept 101
Bismarck, ND 58505-3001

Military Traffic Management Command

MTMCTEA
ATTN: SDTE-SE
Railroads for National Defense
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

National Park Service

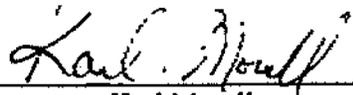
U.S. Department of the Interior
National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

National Park Service
RTCA Program
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Yates Building
201 14th Street, SW
Washington, DC 20250

Dated: November 2, 2011


Karl Morell

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in STB Docket No. AB-6 (Sub-No. 478X) was published on October 19, 2011, in the Cass County Reporter, a newspaper published weekly in Cass County, North Dakota as required by 49 C.F.R. § 1105.12.

Dated: November 2, 2011



Karl Morell

**CERTIFICATE OF SERVICE
ENVIRONMENTAL AND HISTORIC REPORTS**

The undersigned hereby certifies that, in STB Docket No. AB-6 (Sub-No. 474X), the transmittal letter required by 49 C.F.R. § 1105.11, was mailed to all agencies listed in 49 C.F.R. § 1105.7(b), via first class mail on October 11, 2011.

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 1105.8, the undersigned hereby certifies that copies of the foregoing Environmental and Historic Reports were mailed via first class mail on October 11, 2011 to the following agencies:

Ms. Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423-0001

U.S. Department of the Interior
Bureau of Land Management
North Dakota Field Office
99 23rd Avenue West, Suite A
Dickinson, ND 58601

Mr. Tim Solberg
Cass County Planner
Planning Office
1201 Main Avenue West
West Fargo, ND 58078

Honorable Steven Perry
Mayor City of Arthur
Community Hall
Main Street
Arthur, ND 58006

Hunter City Hall
116 Main St
Hunter, ND 58048

The National Geodetic Survey
Department of Commerce/NOAA
SSMC3
Station 9356
1315 East West Highway
Silver Spring, MD 20910

Mr. Larry Knudtson
North Dakota State Water Commission
900 East Boulevard Avenue, Dept. 770
Bismarck, ND 58505-0850

Mr. Emilio Llamozas
U.S. Environmental Protection Agency
Region 8
1595 Wynkoop St.
Denver, CO 80202-1129

Mr. Jeffrey K. Towner
U.S. Fish and Wildlife Service
Mountain-Prairie Region
134 Union Blvd.
Lakewood, CO 80228

Mr. Ernie Quintana, Regional Director
U.S. Department of the Interior
National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226

Mr. Jerome M. Schaar
Natural Resources Conservation Service
P.O. Box 1458
Bismarck, ND 58502-2828

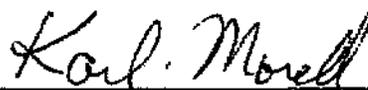
Mr. Merlan E. Paaverud, Jr.
State Historical Society of North Dakota
612 East Boulevard Ave.
Bismarck, ND 58505

U.S. Army Corps of Engineers
St. Paul District
180 5th St. East, Suite 700
St. Paul, MN 55101-1678

North Dakota Department of Transportation
ATTN: Rail Planner
608 East Boulevard Avenue
Bismarck, ND 58505-0700

North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

Date: November 2, 2011



Karl Morell

EXHIBIT D

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY)	
ABANDONMENT EXEMPTION)	DOCKET NO. AB-6
IN CASS COUNTY,)	(SUB-NO. 478X)
NORTH DAKOTA		

ENVIRONMENTAL AND HISTORIC REPORTS

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

Courtney Biery Estes
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131-2828

Karl Morell
Of Counsel
BALL JANIK LLP
Suite 225
655 Fifteenth Street, N.W.
Washington, D.C. 20005
(202) 638-3307

Service Date: October 11, 2011

ENVIRONMENTAL REPORT

(49 C.F.R. § 1105.7)

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF Railway Company ("BNSF") proposes to abandon the 7.40-mile rail line located between Milepost 68.10, at Arthur, and Milepost 75.50, at Hunter, in Cass County, North Dakota (the "Line"). A map of the project area is attached as Exhibit A.

BNSF's salvage process as it relates to this project is as follows:

The proposed abandonment will include the removal of the rails, ties, and bridges. The railroad right-of-way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right-of-way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit

their activities to the width of the right-of-way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis ("OEA") and imposed by the Surface Transportation Board ("STB") in the final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

The Line has had no local traffic since prior to October, 2005. The Line is stub-ended and, therefore, not capable of handling overhead traffic. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

The only alternative to abandonment would be to not abandon the Line and forego the opportunity costs from salvaging the Line.

(2) Transportation System Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger

or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There will be no passenger or freight traffic diverted to other transportation systems as a result of the proposed abandonment. There has been no local or overhead traffic on this line since prior to October, 2005 and the line has been embargoed since that time.

(3) Land Use

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The proposed action is consistent with existing land use plans. BNSF contacted the City of Arthur, Community Hall, the Hunter City Hall, and the Cass County, Planning Office.

Mr. Steven Perry, Mayor of the City of Arthur, ND, replied in an e-mail dated September 13, 2011, stating that the City of Arthur has no objections to the abandonment. A copy of the e-mail is attached as Exhibit B. Mr. Tim Solberg, Cass County Planner, replied in a letter dated September 9, 2011, stating that the proposed abandonment is consistent with the adopted 2005 Cass County Comprehensive Plan. A copy of the letter is attached as Exhibit C. Hunter City Hall has not commented as of the date of this report. A copy of the letter is attached as Exhibit D.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

BNSF does not believe that the proposed abandonment will have an adverse effect on prime agriculture land. BNSF sent a letter to the North Dakota NRCS State

Office, Natural Resources Conservation Service. Mr. Jerome M. Schaar, State Soil Scientist/MO 7 Leader, replied in a letter dated August 30, 2011, stating "Your proposed project appears to be within the existing railroad right-of-way; therefore, FPPA (Farmland Protection Policy Act) has previously been addressed and no further action is required." A copy of the letter is attached as **Exhibit E**.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

Not applicable.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

The proposed abandonment may be suitable for alternative public use. BNSF contacted the City of Arthur, Community Hall, the Hunter City Hall, and the Cass County, Planning Office. BNSF currently intends to railbank the Line.

(4) Energy

(i) Describe the effect of the proposed action on transportation of energy resources.

The proposed abandonment will have no effect on the transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

The proposed abandonment will not adversely affect the movement or recovery of recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

The proposed action will not result in an increase or decrease in overall energy efficiency as there has been no traffic on the line since prior to October, 2005.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

The proposed abandonment will not result in a diversion of rail to motor carriage.

(5) Air

(i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line affected by the proposal, or

(B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or

(C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The proposed action will not result in meeting or exceeding the specified thresholds for increased rail or truck traffic as outlined in (i) (A), (B) or (C) above.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,

(B) an increase in rail yard activity of at least 20 percent (measured

by carload activity), or

(C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed action will not result in meeting or exceeding the specified thresholds in (ii) (A), (B) or (C) above.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and Freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise *If any of the thresholds identified in item (5) (i) of this section are surpassed, state whether the proposed action will cause:*

(i) an incremental increase in noise levels of three decibels Ldn or more; or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable.

(7) Safety

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety.

There are three (3) private at-grade crossings and thirteen (13) public at-grade crossings on the Line.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

The abandonment will not result in the transportation of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way.

(8) Biological Resources

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

BNSF does not believe that the proposed abandonment will have an adverse effect on endangered or threatened species or areas designated as a critical habitat. BNSF contacted the U.S. Fish and Wildlife Service, Mountain-Prairie Region, in reference to this proposed abandonment. Mr. Jeffrey K. Towner, Field

Supervisor, replied on August 30, 2011, that the project as described will have no significant impact on fish and wildlife resources. No endangered or threatened species are known to occupy the project area. A copy of the letter is attached as Exhibit F.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

BNSF does not believe that any wildlife sanctuaries or refuges, National or State parks or forests will be adversely affected by the proposed abandonment. By letters dated August 18, 2011, BNSF contacted the U.S. Department of the Interior, Bureau of Land Management (North Dakota Field Office), and the U.S. Department of the Interior, National Park Service in reference to the proposed abandonment. As of the date of this Environmental Report, neither agency has responded to our inquiries. Copies of the letters are attached as Exhibit G.

(9) Water

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

By letter dated August 18, 2011, BNSF contacted the North Dakota State Water Commission ("NDSWC"). Mr. Larry Knudtson, Research Analyst for NDSWC replied on September 23, 2011. According to Mr. Knudtson the proposed action will not affect an identified floodplain, all waste material associated with the project must be disposed of properly, and no sole-source aquifers have been designated in North Dakota. A copy of the reply is attached as Exhibit H. By e-mail dated September 1, 2011, Emilio Llamozas, with the U.S. Environmental

Protection Agency, Region 8, responded that a Section 402 permit would be required if stormwater discharges from construction activities disturb one or more acres. The e-mail is attached as **Exhibit I**.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

BNSF is confident that no designated wetlands or 100-year flood plains will be adversely affected by the proposed abandonment. By letter dated August 18, 2011, BNSF contacted the St. Paul District of the U.S. Army Corps of Engineers in reference to the proposed abandonment. As of the date of this Environmental Report, the Corps has not responded to our inquiry. A copy of the letter is attached as **Exhibit J**. According to Mr. Knudtson of NDSWC, the Line is not located in a floodplain. See **Exhibit H**.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).

According to Mr. Knudtson of NDSWC, all waste material associated with the project must be disposed of properly and no sole-source aquifers have been designated in North Dakota. A copy of the reply is attached as **Exhibit H**. By e-mail dated September 1, 2011, Emilio Llamozas, with the U.S. Environmental Protection Agency, Region 8, responded that a Section 402 permit would be required if stormwater discharges from construction activities disturb one or more acres. The e-mail is attached as **Exhibit I**.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

BNSF does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. BNSF will, of course, consult (as required) with any recipients of this Environmental Report regarding appropriate mitigation actions and will comply with those mitigation actions required by the Board.

HISTORIC REPORT

(49 C.F.R. § 1105.8)

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF Railway Company ("BNSF") proposes to abandon the 7.40-mile rail line located between Milepost 68.10 at Arthur and Milepost 75.50 at Hunter in Cass County, North Dakota (the "Line").

BNSF's salvage process as it relates to this project is as follows:

The proposed abandonment will include the removal of the rails, ties, and bridges. The railroad right-of-way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right-of-way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit

their activities to the width of the right-of-way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis ("OEA") and imposed by the Surface Transportation Board ("STB") in the final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

The Line has had no local traffic since prior to October, 2005. The Line is stub-ended and, therefore, not capable of handling overhead traffic. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

The only alternative to abandonment would be to not abandon the Line and forego the opportunity costs from salvaging the Line.

HISTORIC REPORT

1. ***A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.***

The required topographic map is attached to this Report as Exhibit A.

2. ***A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area***

The subject Line extends approximately 7.40 miles from Milepost 68.10 at Arthur to Milepost 75.50 at Hunter in Cass County, North Dakota. The average width of the right-of-way is generally 100 feet across, 50 feet on each side of the centerline of the Line, in rural areas and widens to 200 feet in station grounds. There are federally granted rights of way involved.

3. ***Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.***

There are three bridges on the Line. They are as follows:

- 1) Milepost 70.00 – 28' long, 6' high, open pile trestle, built in 1955 (drainage ditch)
- 2) Milepost 73.60 – 28' long, 6' high, open pile trestle, built in 1945 (drainage ditch)
- 3) Milepost 74.80 – 152' long, 18' high, open pile trestle, built in 1955 (Elm River)

See Exhibit K, attached photographs.

4. ***The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.***

There are three bridges on the Line. They are as follows:

- 1) Milepost 70.00 – 28' long, 6' high, open pile trestle, built in 1955 (drainage ditch)
- 2) Milepost 73.60 – 28' long, 6' high, open pile trestle, built in 1945 (drainage ditch)
- 3) Milepost 74.80 – 152' long, 18' high, open pile trestle, built in 1955 (Elm River)

See Exhibit K, attached photographs.

5. ***A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.***

On May 23, 1879, the St. Paul, Minneapolis and Manitoba Railway Company ("SPMM") was incorporated by Special Act of Minnesota Legislature. On November 1, 1907, SPMM sold the Line to the Great Northern Railway Company ("GN"). In 1970, GN merged with Northern Pacific Railway Company, Pacific Coast Railroad Company and Chicago, Burlington & Quincy Railroad Company to become Burlington Northern Inc. The latter changed its name to Burlington Northern Railroad Company ("BNRR") in 1981. BNRR merged with The Atchison, Topeka and Santa Fe Railway Company in 1996 to become The Burlington Northern and Santa Fe Railway Company, which name was changed to BNSF Railway Company in 2005.

6. ***A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.***

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. These documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

7. ***An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities).***

BNSF contacted the State Historical Society of North Dakota ("SHPO") in reference to the proposed abandonment. By letter dated August 25, 2011, Merlan E. Paaverud, Jr., State Historic Preservation Officer (North Dakota) stated, "We do not know of any structures eligible for listing in the National Register of Historic Places along this segment." The letter is attached as Exhibit L.

8. *A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.*

The Line was disturbed during original construction by cuts and fill and any archaeological resources that may have been located in the proposed project area would have been affected at that time. Our records do not indicate any environmental conditions that might affect the archaeological recovery of resources.

9. *Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e. prehistoric or native American).*

If any additional information is requested, BNSF will promptly supply the necessary information.

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Sims, John A

From: Steven Perry <sperry@arthurcompanies.com>
Sent: Tuesday, September 13, 2011 7:50 AM
To: Sims, John A
Subject: Railroad abandonment in Arthur, ND

Dear Mr. Sims:

The City of Arthur has no objections to the abandonment. The City was wondering what will happen to the ownership of the abandon line. If you could let us know that would be appreciated.

Thank you for informing us on this matter.

Sincerely

Steven Perry
Mayor
City of Arthur, ND
701-371-5413

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**Highway
Department**

Leon Jensen
County Engineer

Richard S. Stier
Superintendent

Thomas B. Solberg, P.E.
Assistant Construction
Engineer

September 9, 2011

John A. Sims, CP
BNSF Railway Company
2500 Lou Menk Drive AOB-3
Fort Worth, Texas 76131-2828

**SUBJECT: STB Docket No. AB-6 (Sub-No. 478X) BNSF Railway
Company – Abandonment Exemption – in Cass County, North Dakota**

Dear Mr. Sims:

In response to the above referenced letter from your office dated August 18, 2011 the proposed abandonment is consistent with the adopted 2005 Cass County Comprehensive Plan. I would however note that in discussions with the North Dakota Department of Transportation (ND DOT) Fargo District Office Engineer, Mr. Bob Walton, it was brought up that the State Highway adjacent to this proposed abandonment does not have adequate right of way to accommodate proper drainage. Therefore I would recommend that discussions with the ND DOT take place prior to the abandonment process.

Furthermore, in consequence of this letter, I have been contacted by a local group that is interested in options that may exist for developing this rail line into a trail. They are in the process of researching these options and would like that to be known at this time.

Thank you for the opportunity to comment. If you have any further questions please feel free to contact me at 701-298-2375 or solbergt@casscountynd.gov.

Sincerely,

Tim Solberg
Cass County Planner

1201 Main Avenue West
West Fargo, North Dakota
58178-1301

701-298-2370
Fax 701-298-2395

cc: Oli Anderson, Arthur Paul Brand, Jason Benson, Cass County Engineer, Bob Walton, ND DOT Fargo District Engineer

D

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John A. Sims, CP
Paralegal
Law Department

BNSF Railway Company
2500 Lo. Merck Drive - AOB-3
Fort Worth, Texas 76131-2628
tel 817-352-2376
fax 817-352-2367
Email - john.sims@bnsf.com

August 18, 2011

Hunter City Hall
116 Main St
Hunter, ND 58048

**Re: STB Docket No. AB-6 (Sub-No. 478X) BNSF Railway Company –
Abandonment Exemption – in Cass County, North Dakota**

BNSF Railway Company ("BNSF") anticipates filing in a few weeks a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 7.40 miles of rail line in Cass County, North Dakota, beginning at Milepost 68.10 in Arthur and ending at the end of the line at Milepost 75.50 in Hunter.

As part of the environmental report, BNSF is required to contact you to determine if the proposed abandonment is consistent with existing land use plans. If applicable, please describe any inconsistencies.

Your assessment and comments are respectfully requested. For your reference a map of the subject railroad line is enclosed. Please provide your response to me at the address above, if at all possible, by September 16, 2011. You may contact me by email or phone with any questions or concerns. Thank you in advance for your time and contribution.

Sincerely,

John A. Sims, CP
Paralegal

Enclosure as stated

cc via email: Courtney Estes – BNSF – courtney.estes@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Susan Odom – BNSF susan.odom@bnsf.com
Mark Norton – BNSF – mark.norton@bnsf.com

United States Department of Agriculture



Natural Resources Conservation Service
P O Box 1458
Bismarck, ND 58502-1458

August 30, 2011

John A. Sims
BNSF Railway Company
2500 Lou Menk Drive - AOB-3
Fort Worth, Texas 76131-2828

RE: STB Docket No. AB-6 (Sub-No. 478X) BNSF Railway Company
Abandonment Exemption - in Cass County, North Dakota

Dear Mr. Sims:

The Natural Resources Conservation Service (NRCS) has reviewed your letter dated August 18, 2011, regarding abandoning 7.40 miles of rail line in Cass County, North Dakota.

NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., prime, statewide, and local importance) to non-agricultural use when federal funding is used. Your proposed project appears to be within the existing railroad right-of-way; therefore, FPPA has previously been addressed and no further action is required.

If you have additional questions pertaining to FPPA, please contact Steve Sieler, State Soil Liaison, at (701) 530-2019.

Sincerely,


JEROME M. SCHAAR
State Soil Scientist/MO 7 Leader

Helping People Help the Land

An Equal Opportunity Provider and Employer

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John A. Sims, CP
Paralegal
Law Department

BNSF Railway Company
2500 Lou Monk Drive - AOB-3
Fort Worth, Texas 76131-2828
tel 817-362-2378
fax 817-362-2397
Email - john.sims@bnsf.com

August 18, 2011

U.S. Fish and Wildlife Service
Mountain-Prairie Region
134 Union Blvd.
Lakewood, CO 80228

**Re: STB Docket No. AB-6 (Sub-No. 478X) BNSF Railway Company -
Abandonment Exemption - in Cass County, North Dakota**

BNSF Railway Company ("BNSF") anticipates filing in a few weeks a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 7.40 miles of rail line in Cass County, North Dakota, beginning at Milepost 68.10 in Arthur and ending at the end of the line at Milepost 75.50 in Hunter.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges, or areas designated as critical habitat adjacent to or near the line, and 2) if so, what effects the proposed action may have on same.

For your reference I have enclosed a map of the subject railroad line. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The proposed abandonment will include the removal of the rails, ties and bridges; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping, and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by ~~September 15, 2011~~. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP
Paralegal

Enclosure as stated

cc via email: Courtney Estes – BNSF – courtney.estes@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Susan Odom – BNSF susan.odom@bnsf.com
Mark Norton – BNSF – mark.norton@bnsf.com

U.S. FISH AND WILDLIFE SERVICE

ECOLOGICAL SERVICES
ND FIELD OFFICE

Project as described will have no significant impact on fish and wildlife resources. No endangered or threatened species are known to occupy the project area. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT PLANS FOR REVIEW.

8/30/11
Date

Jeffrey K. Turner
Jeffrey K. Turner
Field Supervisor

G



John A. Siets, CP
Paralegal
Law Department

BNSF Railway Company
2500 Lou Merk Drive - AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-2378
fax 817-352-2397
Email - john.a.siets@bnsf.com

August 18, 2011

U.S. Department of the Interior
Bureau of Land Management
North Dakota Field Office
99 23rd Avenue West, Suite A
Dickinson, ND 58601

**Re: STB Docket No. AB-6 (Sub-No. 478X) BNSF Railway Company –
Abandonment Exemption – in Cass County, North Dakota**

BNSF Railway Company ("BNSF") anticipates filing in a few weeks a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 7.40 miles of rail line in Cass County, North Dakota, beginning at Milepost 68.10 in Arthur and ending at the end of the line at Milepost 75.50 in Hunter.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges, or areas designated as critical habitat adjacent to or near the line, and 2) if so, what effects the proposed action may have on same.

For your reference I have enclosed a map of the subject railroad line. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The proposed abandonment will include the removal of the rails, ties and bridges; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

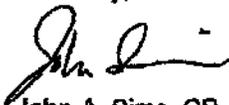
Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by September 16, 2011. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP
Paralegal

Enclosure as stated

cc via email: Courtney Estes – BNSF – courtney.estes@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Susan Odom – BNSF susan.odom@bnsf.com
Mark Norton – BNSF – mark.norton@bnsf.com



John A. Sims, CP
Paralegal
Law Department

BNSF Railway Company
2500 Lou Mark Drive - AOB-3
Fort Worth, Texas 76131-2828
tel: 817-362-2376
fax: 817-362-2397
Email: john.sims@bnsf.com

August 18, 2011

Mr. Ernie Quintana, Regional Director
U.S. Department of the Interior
National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226

**Re: STB Docket No. AB-6 (Sub-No. 478X) BNSF Railway Company –
Abandonment Exemption – in Cass County, North Dakota**

BNSF Railway Company ("BNSF") anticipates filing in a few weeks a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 7.40 miles of rail line in Cass County, North Dakota, beginning at Milepost 68.10 in Arthur and ending at the end of the line at Milepost 75.50 in Hunter.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not there are any wildlife sanctuaries or National or State parks or forests adjacent to or near the line, and 2) if so, what effects the proposed action may have on same.

For your reference I have enclosed a map of the subject railroad line. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The proposed abandonment will include the removal of the rails, ties and bridges; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by September 16, 2011. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP
Paralegal

Enclosure as stated

cc via email: Courtney Estes – BNSF – courtney.estes@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Susan Odom – BNSF susan.odom@bnsf.com
Mark Norton – BNSF – mark.norton@bnsf.com

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North Dakota State Water Commission

909 EAST BURLINGHAM AVENUE DEPT 770 • BISMARCK NORTH DAKOTA 58505-0860
701 328 2750 • TDD 701-328-2750 • FAX 701 328 3886 • INTERNET <http://swc.nd.gov>

September 23, 2011

John Sims
BNSF Railway
2500 Lou Menk Drive - AOR 3
Fort Worth, TX 76131-2828

Dear Mr. Sims:

This is in response to your request for review of environmental impacts associated with the STB Docket No. AB-6 (Sub-No 478X) BNSF Railway Company, Abandonment Exemption - Cass County ND.

The proposed project has been reviewed by State Water Commission staff and the following comments are provided.

- The property is not located in an identified floodplain and it is believed the project will not affect an identified floodplain.
- It is the responsibility of the project sponsor to ensure that local, state and federal agencies are contacted for any required approvals, permits, and easements.
- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.
- No sole-source aquifers have been designated in ND.

There are no other concerns associated with this project that affect State Water Commission or State Engineer regulatory responsibilities.

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 328-4969.

Sincerely,

Larry Knudson
Research Analyst

LJK:dp/1570

Sims, John A

From: Llamozas.Emilio@epamail.epa.gov
Sent: Thursday, September 01, 2011 12:56 PM
To: Sims, John A
Cc: Bracht, Gary D.; Oconnor.Darcy@epamail.epa.gov; Clark.Amy@epamail.epa.gov
Subject: Re: STB Docket: No AB-6 (Sub-No. 478X) BNSF Railway Company - Abandonment Exemption - in Cass County, North Dakota
Attachments: Document.pdf

John,

Per our telephone conversation on August 31, 2011, I am writing to answer the question in your letter received by EPA Region 8 on August 24, 2011. In your letter you ask whether or not a Section 402 National Pollutant Discharge Elimination System (NPDES) permit is required for performance of railroad salvage activity by BNSF Railway Company in Cass County, North Dakota.

Stormwater discharges from construction activities (such as clearing, grading, excavating, and stockpiling) that disturb one or more acres, or smaller sites that are part of a larger common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater program. Prior to discharging stormwater, construction operators must obtain coverage under a NPDES Stormwater Construction General Permit (CGP). The CGP requires compliance with effluent limits and other permit requirements, such as the development of a stormwater pollution prevention plan (SWPPP). Construction operators intending to seek coverage under a CGP must submit a Notice of Intent (NOI) certifying that they have met the permit's eligibility conditions and that they will comply with the permit's effluent limits and other requirements. To submit the NOI, the operator should contact the appropriate permitting authority which in this case, is the State of North Dakota Department of Health.

The NPDES Program Manager for North Dakota Department of Health is Gary Bracht. He can be reached at 701-328-5227 or by email at gbracht@nd.gov.

The address for North Dakota Department of Health is:

918 E. Divide Ave., 4th floor
Bismarck, ND 58501

I am cc: Gary Bracht in this email and attaching a copy of your letter.

Please feel free to give me a call if you have additional questions.

Thanks,

Emilio Llamozas
(303) 312-6407 phone
(303) 312-7202 fax

To report an environmental violation, please visit EPA's website at
<http://www.epa.gov/compliance/complaints/index.html>



John A. Sims, CP
Paralegal
Law Department

BNSF Railway Company
2500 Lou Menk Drive - AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-2376
fax 817-352-2397
Email - john.sims@bnsf.com

August 18, 2011

U.S. Army Corps of Engineers
St. Paul District
180 5th St. East
Suite 700
St. Paul, MN 55101-1678

**Re: STB Docket No. AB-6 (Sub-No. 478X) BNSF Railway Company --
Abandonment Exemption -- in Cass County, North Dakota**

BNSF Railway Company ("BNSF") anticipates filing in a few weeks a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 7.40 miles of rail line in Cass County, North Dakota, beginning at Milepost 68.10 in Arthur and ending at the end of the line at Milepost 75.50 in Hunter.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not Section 404 permits will be required for the performance of salvage activity, and 2) if the proposed abandonment will affect any 100-year floodplains or any designated wetlands. Your assessment and comments are respectfully requested. In addition, if it is your determination that floodplains will be affected please furnish, if available, 8½" x 11" black and white maps of each designated floodplain area. Please note: **BNSF does not anticipate any potential impacts to waters of the U.S. as a result of the proposed abandonment.**

For your reference a map of the subject railroad line is enclosed. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The proposed abandonment will include the removal of the rails, ties and bridges; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

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fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted. Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

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Please provide your assessment and comments to me at the address above, if at all possible, by September 16, 2011. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP
Paralegal

Enclosure as stated

cc via email: Courtney Estes – BNSF – courtney.estes@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Susan Odom – BNSF susan.odom@bnsf.com
Mark Norton – BNSF – mark.norton@bnsf.com

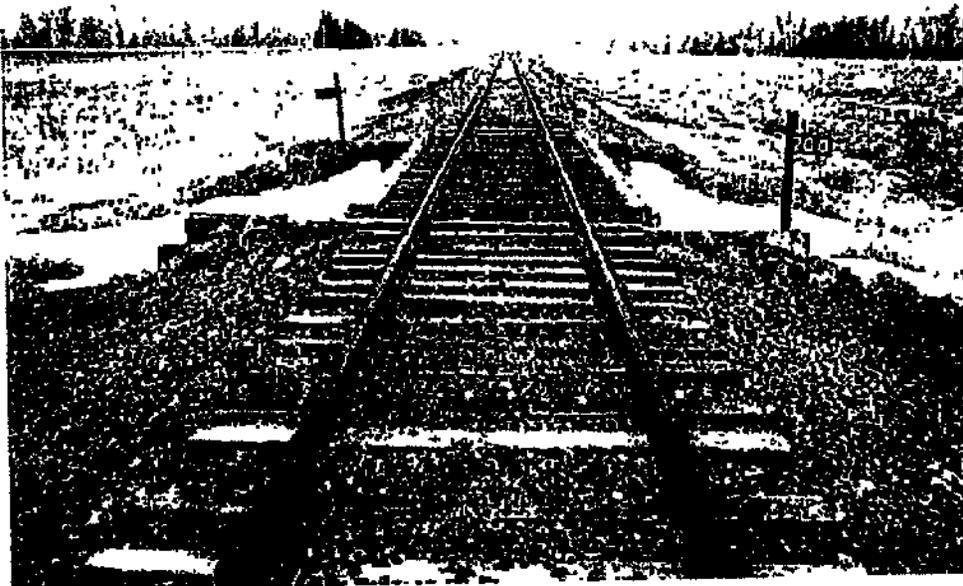
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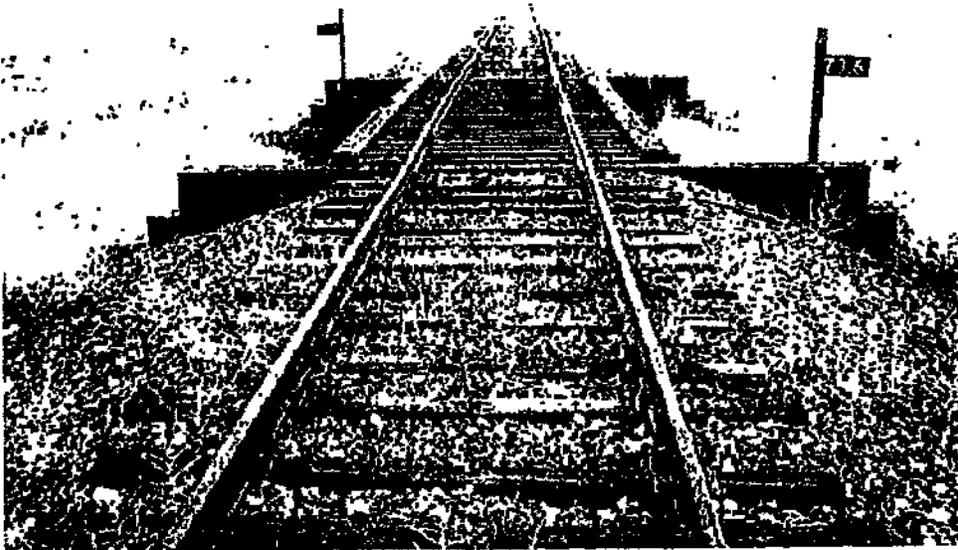


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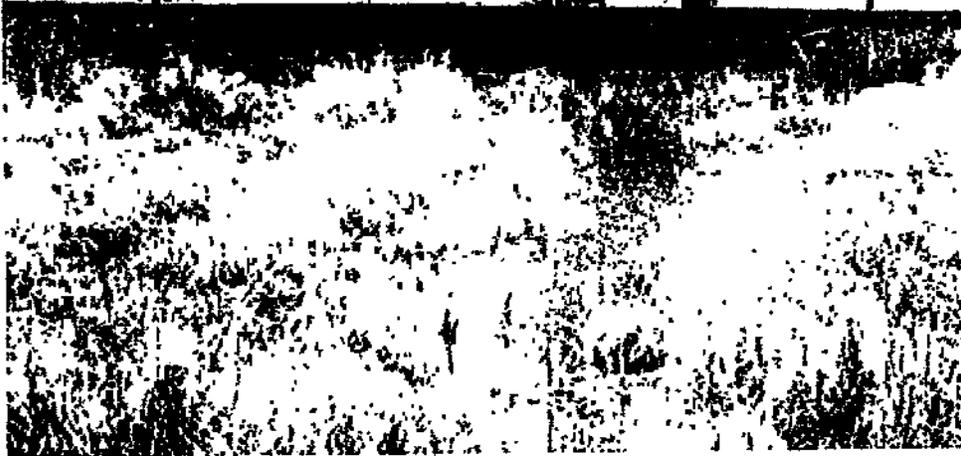


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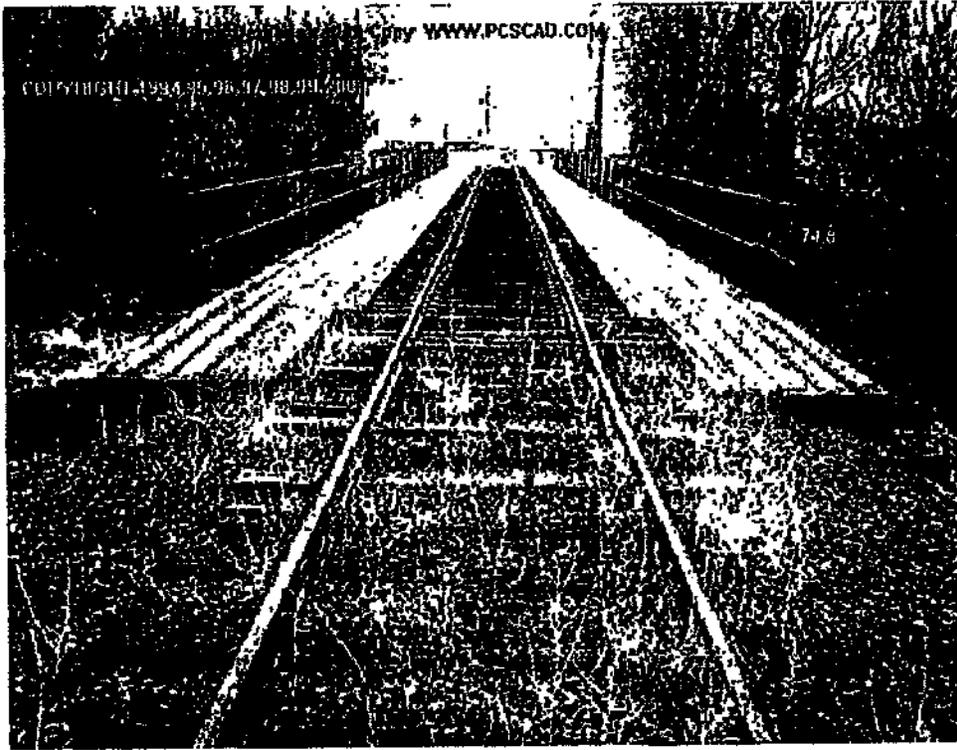
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**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

Jack Dalrymple
Governor of North Dakota

August 25, 2011

North Dakota
State Historical Board

Mr. John A Sims CP
BNSF Railway Company
2500 Lou Menk Drive - AOB-3
Fort Worth TX 76131-2828

Gerald Gertholz
Valley City - President

Calvin Orinnell
New Town - Vice President

ND SHPO Ref.:11-2496 STB Docket No. AB-6 (Sub No. 478X) BNSF
Railway Company Abandonment Exemption Hunter to Arthur, MP 75.50 to
68.10 in portions of [T143N R52W Sections 13, 14, 23-26, 35, 36 and T142N
R52W Sections 1, 2, 11-14, 23-26] Cass County, North Dakota

A. Ruric Todd III
Jamestown - Secretary

Albert I. Berger
Grand Forks

Dear Mr. Sims,

Richard Kloubec
Fargo

Diane K. Larson
Bismarck

We received ND SHPO Ref.:11-2496 STB Docket No. AB-6 (Sub No. 478X)
BNSF Railway Company Abandonment Exemption Hunter to Arthur, MP
75.50 to 68.10 in portions of [T143N R52W Sections 13, 14, 23-26, 35, 36 and
T142N R52W Sections 1, 2, 11-14, 23-26] Cass County, North Dakota. We do
not know of any structures eligible for listing in the National Register of Historic
Places along this segment.

Chester E. Nelson, Jr.
Bismarck

Sara Oate Coleman
Director
Tourism Division

Thank you for the opportunity to review this action to date. We look forward to
review of the historic report on this action. Please include the ND SHPO
Reference number listed above in further correspondence for this specific
project. If you have any questions please contact Susan Quinnell at (701) 328-
3576, or squinnell@nd.gov.

Kelly Schmidt
State Treasurer

Alvin A. Jagger
Secretary of State

Mark Zimmerman
Director
Parks and Recreation
Department

Sincerely,

Francis Ziegler
Director
Department of Transportation

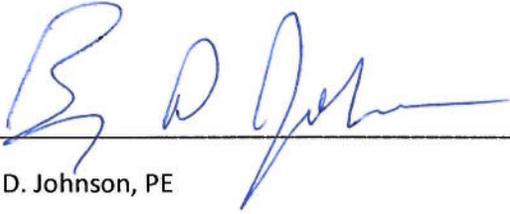
Merlan E. Paaverud, Jr.
State Historic Preservation Officer
(North Dakota)

Merlan E. Paaverud, Jr.
Director

and
Director, State Historical Society of North Dakota

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CERTIFICATION(S) SIGNATURE PAGE



1/31/14

Barry D. Johnson, PE

As the authorized certifying official, I hereby certify that the above specified certifications are true.