



**North Dakota Parks and Recreation Department
Recreation Division – 701-328-5357 – parkrec@nd.gov**

Recreational Trails Program(RTP) Grant Application

Recreational Trail Program (RTP) grants are available to the State of North Dakota, political subdivisions, and nonprofit organizations in order to assist in the development, maintenance, or rehabilitation of recreational trails. The RTP is an assistance program of the U.S. Department of Transportation's Federal Highway Administration (FHWA). The program is administered by the Recreation Division of the North Dakota Parks and Recreation Department (NDPRD).

Project proposals must be approved at the state and federal levels. A Recreational Trails Program Advisory Committee (RTPAC) made up of private, state, and federal individuals evaluates and ranks the projects. Projects selected at the state level are submitted to the FHWA for final review and approval.

RTP grants reimburse up to 80 percent of the cost for development, maintenance, or rehabilitation of recreational trails. Engineering fees exceeding more than 20% of total project cost are not eligible for reimbursement. Project sponsors cannot be reimbursed for funds that are incurred before an application is approved and a local grant agreement is signed.

The application cycle is open from December 1, 2014 to January 30, 2015 at 1:00 P.M. CST.

Date:

CONTACT INFORMATION

Project Sponsor:

(Must be political subdivision)

Project Name:

Primary Contact

Name:	<input type="text" value="Bridgette Readel"/>
Title:	<input type="text" value="Secretary"/>
Address:	<input type="text" value="PO Box 98"/>
City, State, Zip:	<input type="text" value="Arthur, ND 58006"/>
E-Mail:	<input type="text" value="bmreadel@dow.com"/>
Phone:	<input type="text" value="701-799-4906"/>
County:	<input type="text" value="Cass"/>

Alternate Contact

Name:	<input type="text" value="Ola Andersson"/>
Title:	<input type="text" value="President"/>
Address:	<input type="text" value="PO Box 98"/>
City, State, Zip:	<input type="text" value="Arthur, ND 58006"/>
E-Mail:	<input type="text" value="oandersson@arthurcompanies.com"/>
Phone:	<input type="text" value="701-967-8312"/>
County:	<input type="text" value="Cass"/>

REIMBURSEMENT CONTACT INFORMATION

Name and address for where reimbursement payments should be sent to.
If same as Primary/Alternate Contact, please state "Same as Primary or Alternate Contact"

Same as Primary Contact If not, please fill out below.

Reimbursement Contact

Name: []
Title: []
Address: []
City, State, Zip: []
E-Mail: []
Phone: []
County: []

Estimated Start Date: Jun 1, 2016 Estimated Completion Date: Oct 30, 2016

(Grant recipients have 18 months to complete projects)

*All RTP projects must meet accessibility guidelines in compliance with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973 and the Architectural Barriers Act. For more information refer to the U.S. Access Board at www.access-board.gov. Look for the Reg Neg Committee 1999 Report: Accessibility Guidelines for Outdoor Developed Areas.

Does the proposed project meet requirements of the American with Disabilities Act and Architectural Barriers Act? Yes

Briefly Explain.

The Hunter Arthur JPA Park Board became Title VI certified in 2014 as part of a previous ND RTP Grant.

PROJECT LOCATION

Property Name:

Northern Cass Pass

Physical Address: Former BNSF railway corridor situated west of ND State Highway 18 between the cities of Hunter

County: Cass

Legal Description: The attached Quit Claim Deed contains the extensive Legal Description.

Township: 142 Range: 52 Section: 24

Latitude (in decimal degrees): example: 46.785690 47.1047N(Arthur, ND) 47.1903N (Hunter, ND)

Longitude (in decimal degrees): example: -100.622172 97.2167W(Arthur, ND) 97.2167 W (Hunter, ND)

Please use Google Maps to find your latitude and longitude.

PROJECT INFORMATION

1. Based on the State Comprehensive Outdoor Recreation Plan (SCORP), please identify the following:

["http://www.parkrec.nd.gov/information/department/attachments/scorp-2013-2017.pdf"](http://www.parkrec.nd.gov/information/department/attachments/scorp-2013-2017.pdf)

Region

Primary: Secondary: Tertiary:

2. Is the scope of the project:

- Construction of New Recreation Trails *Number of miles
- Restoration of Existing Trails *Number of miles
- Trail Extension *Number of miles
- Purchase and Lease of Recreational Trail Construction and Maintenance Equipment
- Development and Rehabilitation Trailhead Facilities and Trail Linkages
- Land Acquisition/Easements
- Trail Accessibility Assessment

*Based on the above checked box, the total mileage of your trail is now:

3. Check all uses the project impacts:

- Walking/Hiking
- Cross-Country Skiing
- ATV Riding
- Bicycling
- In-Line Skating
- Off-Road Motorcycling
- Horseback Riding
- Snowmobiling
- Other

4. Classification of Land:

- State
- Federal
- Local
- Private

Who holds the title to the project land?

Hunter Arthur JPA Joint Park Board

5. Does any of the project fall within a federal highway right-of-way? Yes No

["http://www.parkrec.nd.gov/recreation/grants/rtp/rtpprojectselection.html"](http://www.parkrec.nd.gov/recreation/grants/rtp/rtpprojectselection.html), click on North Dakota National Highway System Map.

6. Does your project take place within the jurisdiction of one of the three Metropolitan Planning Organizations (MPO): Bismarck-Mandan, Fargo, or Grand Forks? If yes, which one?

- Bismarck-Mandan
- Fargo
- Grand Forks
- No, this project is not within an MPO

Has your project received approval from the MPO? Yes No

BUDGET INFORMATION

Total project cost: \$120,000.00

Total grant amount requested: \$100,000.00

Would partial funding affect the completion of the grant? Yes No

If yes, briefly explain.

BUDGET INFORMATION WORKSHEET

Total Project Cost	\$120,000.00	
Total Grant Amount Requested	\$100,000.00	
Cost Category	Amount	
Land, structures, rights-of-ways, etc.		
Relocation expenses and payments		
Architectural and engineering fees	\$20,000.00	
Demolition and removal		
Construction	\$11,000.00	
Equipment		
Materials	\$84,000.00	
Miscellaneous		
Signing	\$2,000.00	
Traffic Control	\$3,000.00	
TOTAL	\$120,000.00	
Matching Funds		
Source	Amount	Description
Cash Match	\$20,000.00	
Documentation of Donated Equipment Value, SFN 59169		
Documentation of Donated Labor, SFN 59170		
Documentation of Force Account Labor, SFN 59171		
Documentation of Donated Material, SFN 59172		
TOTAL MATCHING FUNDS	\$20,000.00	

Requirement:

Each application must address each of the following requirements in the order they appear below:

1. A project description sufficient to understand the project. Indicate prominently whether this is primarily construction of new recreation trails; restoration of existing trails; development and rehabilitation of trailside and trailhead facilities and trail linkages; purchase and lease of recreational trail construction and maintenance equipment; land acquisition/easements; or trail accessibility assessment. Please explain if the application is for one or more phases of a multi-phase project.

The Northern Cass Pass is a six mile abandoned railway corridor that connects Hunter and Arthur, North Dakota and purchased by the Hunter Arthur JPA as part of a Rails to Trails Program. Due to the extent of the project limits, coupled with the rural nature of the communities, this application is for a phase of a multi-phase project. Ultimately, it is the vision of the JPA Park Board to develop this rails to trails project between the two communities. The six mile trail corridor, will be hard surfaced suitable for non-motorized diverse use (walking, running, biking, roller blading, and the occasional equestrian use). Previous phases have included 1) the inspection and rehabilitation of the existing three bridges (inspection was for the evaluation of the structural integrity and safety of the bridges, the rehabilitation included the addition of bridge decking and safety railings) and 2) the massaging of the existing railroad ballast to produce a usable base, the development of trail heads on both ends of the project as well as the middle of the project, and the addition of natural tree groves along the trail to provide wildlife sanctuaries as well as educational opportunities to the project.

This particular phase of the project will be to begin the phasing of construction of a section of finished hard surfaced trail beginning at County Road 34 in Arthur, ND and proceeding north approximately 2600 feet. This phase is starting at County Road 34 since the ND DOT TAP Grant application was submitted for 2016 funds and included the portion of the project from County Road 34 south approximately one mile to the beginning of the project.

2. Clearly defined goals for the project (with a delineation of which user groups would benefit from the project).

ND RTP Grant Phase One included the rehabilitation of the three bridges on the corridor. The Outdoor Heritage Fund grant included the development of the trailhead facilities, the addition of corridor trees and the grading of the railway ballast. The ND DOT TAP Grant that was submitted includes the completion of the Northern Cass Pass facility through the City of Arthur, ND (beginning at the southern Trail Start point and ending at County Road 34). This ND RTP Grant is classified as Phase 2 and includes the paving of the Trail from County Road 34 (the end point of the ND DOT TAP project) and proceeding north along the trail facilities. It is the desire to pave between 1/2 and 1 mile of the trail (depending upon bids received).

This project will allow all user groups to enjoy a paved pedestrian trail that would be approximately 2 miles in length.

3. Costs associated with the project (with estimates of the following components: material/service purchases including hardware, paint, lumber, sand/gravel concrete, landscape materials, signs, design/engineering services, contractor services, equipment rates, equipment costs, and land lease payments). Please reference budget information worksheet, as necessary.

Item No.	Item	Unit	Unit Price	Quantity	Total
1	Mobilization	LSUM	\$1,000	1	\$ 1,000
2	Common Excav	CY	\$ 8.00	750	\$ 6,000
3	Topsoil Borrow	CY	\$ 4.00	125	\$ 500
4	Aggregate Base	Ton	\$30.00	750	\$ 22,500
5	Hot Bit Pavement	Ton	\$85.00	700	\$ 59,500
6	Bit Tack Coat	Gal	\$ 2.50	200	\$ 500
7	Seeding-Hydro	AC	\$5000	0.5	\$ 5,000
8	Traffic Control	LSUM	\$3,000	1	\$ 3,000
9	Signing	SF	\$25.00	80	\$ 2,000
TOTAL					\$100,000
20% Engineering					\$ 20,000
GRAND TOTAL					\$120,000

4. Evidence of local/area support (council resolutions, minutes of public meetings, letters of support, etc.). Evidence of MPO support must be included if applicable.

See attached documents

5. Availability/access to 20% match for eligible elements of the project proposal. Matching funds must not be from other federal sources such as Transportation Enhancement (TE) or Transportation Alternatives Program (TAP) through the Department of Transportation. A resolution from the sponsor of the project regarding the availability of funds will be required prior to any award of a grant.

The Hunter Arthur JPA Park Board has been applying for and receiving local area endowment grants for the sole purpose for local matching funds. The JPA Board also has assessment powers if so needed.

A resolution from the JPA Park Board would be forthcoming in event of an award.

6. Evidence of applicant capability to carry out project. For development projects, applicant capability to operate, maintain, and protect trail and facilities when completed).

The Joint Park Board (Hunter and Arthur Park Boards) is a Joint Power Authority which ensures that the development, maintenance and operation of the Northern Cass Pass Trail takes place.

Evaluation Criterion:

All applications must address the following criteria in the order that they appear.

1. Site and project quality: consideration of the needs of the intended trail user group(s); aesthetic quality of the trail location; appropriateness of the trail for the intended or existing uses; clarity, detail, and quality of project plan/design; quality of existing development (if any) on site or in corridor; attention to safety, accessibility and health considerations.

The location of the existing BNSF Railway corridor is approximately 100 feet west of ND 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 allows usage by user groups during all phases of the ultimate development of the Northern Cass Pass project (without having to navigate the entire six mile corridor). The Northern Cass Pass vision utilizes the corridor not only to satisfy the Primary Needs (as listed in the 2013-2017 ND SCORP) and the Cass County Comprehensive Plan, but also provides educational needs by developing a natural prairie trail that will identify trees, vegetation, wildlife and natural ecosystems by the use of kiosks.

2. Public need for and benefit of project: safety concerns, urgency of action, potential to lose the opportunity, number of people who would benefit from the project when compared to cost. Why should this project be funded? How many people could be expected to use the trail over the course of the year as a result of funding the project?

With the close proximity of the two communities (Hunter and Arthur, ND), the location of Northern Cass Public School, and the development of this non-motorized transportation corridor between the two communities, this project provides the following benefits: 1) the project will preserve the BNSF/Great Northern Railway corridor which is considered historically valuable to the region, 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 Schools, athletic activities such as Track/Cross Country will be able to utilize the dedicated improved route for training without putting athletes in harm's way...a situation that occurs when pedestrians and motorized highway traffic share the same roadway).

The continued use of a grant source (ND RTP) greatly enhances the ability of these two communities to accomplish their dream of creating this trail corridor. It is expected that a significant percentage of the citizens will utilize this project.

3. Attention to the potential environmental impact of the project and efforts to mitigate adverse effects: Possible areas of consideration include but are not limited to: noise, odors, dust, surface erosion, fish and wildlife populations, damage to wetlands, or other ecologically sensitive natural resources or historical/archeological remains. All applications are subject to review by the State Historical Society. If sponsor has a recent cultural review letter or document, please include with the application attachments.

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 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.

4. Impact on adjoining landowners in the vicinity of the project:

Identify adverse impacts that might be realized as a result of completing the project, and how the project design attempts to mitigate adverse impacts. How might the project improve conditions for adjacent landowners?

Adverse impacts to adjoining landowners include the possibility of trespassing by users of the trail system. Users include mountain bikes, pedestrians and equestrian. 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).

ATTACHMENTS

- * A legible copy of the Warranty Deed (project sponsor must have clear title to the project lands through Warranty Deed).
- * Project location map. NOTE: Map should be an aerial view that allows project site and its location to be easily identified. Include street names, entrance site, marked trail and mile markers (use Google Maps).
- * Site Development Plans.
- * Written assurances/leases that confirm the project will be open for public use.
- * If applicable, recent past cultural review letters or documents.

Certifications Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying

Persons submitting this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Primary Covered Transactions – The prospective primary participant further agrees by submitting this proposal that it will include the clause titles, “Certification Regarding Debarment, Suspension, Ineligibility and voluntary Exclusion – Lower Tier Covered Transaction,” provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. See below for language to be used; use this form for certification and sign; Certification Regarding Drug- Free Workplace Requirements-Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) – (See Appendix C of Subpart D of 43 CFR Part 12)

Checking the boxes on this form and submitting it provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the funding agency determines to award the covered transaction, grant, cooperative agreement or loan.

PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Primary Covered Transactions

CHECK IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default
2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Part B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions

CHECK IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

- Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Part C: Certification Regarding Drug-Free Workplace Requirements

CHECK IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL

Alternate I. (Grantees Other Than Individuals)

- The grantee certifies that it will or continue to provide a drug-free workplace by:
 - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing an ongoing drug-free awareness program to inform employees about-
 - The dangers of drug abuse in the workplace;
 - The grantee's policy of maintaining a drug-free workplace;
 - Any available drug counseling, rehabilitation, and employee assistance programs; and
 - The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
 - Abide by the terms of the statement; and
 - Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - (e) Notifying the agency in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification numbers (s) of each affected grant;
 - (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—
 - Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a),(b),(c),(d),(e) and (f).
- The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code)

Address Line 1:	<input type="text"/>
Address Line 2:	<input type="text"/>
City:	<input type="text"/>
State:	<input type="text"/>
Zip:	<input type="text"/>

Check if there are workplaces on file that are not identified here

Part D: Certification Regarding Drug-Free Workplace Requirements

CHECK IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL

Alternate II. (Grantees Who Are Individuals)

1. The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
2. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number (s) of each affected grant.

Part E: Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative

CHECK IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT; SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

CHECK IF CERTIFICATION IS FOR THE AWARD OF A FEDERAL LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true and that all information in this application is accurate to the best of my knowledge:

For information of how to digitally sign this document, click on this link: ["http://kb.its.psu.edu/node/2127"](http://kb.its.psu.edu/node/2127)

Responsible Official's Signature

Political Subdivision (Project Sponsor)

Responsible Official's Title

Date

Please submit one electronic copy by 1:00 P.M. CST on January 30, 2015 to:

Electronic Copy:

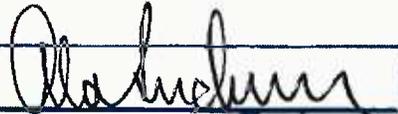
If you have any questions, please contact Kevin Stankiewicz at 701-328-5364 or kstankiewicz@nd.gov

ATTACHMENTS

- * A legible copy of the Warranty Deed (project sponsor must have clear title to the project lands through Warranty Deed).
- * Project location map. NOTE: Map should be an aerial view that allows project site and its location to be easily identified. Include street names, entrance site, marked trail and mile markers (use Google Maps).
- * Site Development Plans.
- * Written assurances/leases that confirm the project will be open for public use.
- * If applicable, recent past cultural review letters or documents.
- * If applicable, written confirmation of MPO approval.

As the authorized certifying official, I hereby certify that the above specified certifications are true and that all information in this application is accurate to the best of my knowledge:

For information of how to digitally sign this document, click on this link: "<http://kb.its.psu.edu/node/2127>"


Responsible Official's Signature

Hunter Arthur Park Board JPA
Political Subdivision (Project Sponsor)

President
Responsible Official's Title

1/30/2015
Date

Please submit one electronic copy by 1:00 P.M. CST on January 30, 2015 to:

Electronic Copy: [Press to submit by e-mail](#)

If you have any questions, please contact Kevin Stankiewicz at 701-328-5364 or kstankiewicz@nd.gov

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- * If applicable, written confirmation of MPO approval.

QUIT CLAIM DEED

WHEN RECORDED MAIL TO:

Joint Arthur and Hunter Park District
P.O. Box 98
Arthur, North Dakota 58006

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this 26th day of September, 2013, by and between **BNSF RAILWAY COMPANY**, a Delaware corporation, with its principal office at 2500 Lou Menk Drive, Fort Worth, Texas 76131-2830 ("**BNSF**"), and **JOINT ARTHUR AND HUNTER PARK DISTRICT**, a North Dakota 501(c) 3 organization, with its principal office at P.O. Box 98, Arthur, North Dakota 58006 ("**Grantee**").

WITNESSETH: That BNSF, for THIRTY EIGHT THOUSAND AND NO/100 DOLLARS (\$38,000.00) and other good and valuable consideration, to it in hand paid, the receipt of which is hereby acknowledged, does hereby REMISE, RELEASE and FOREVER QUITCLAIM, without any covenants of warranty whatsoever and without recourse to BNSF, its successors and assigns, unto Grantee, its successors and assigns, all of its right, title and interest, if any, in real estate and its rights under any leases related to such real estate, if any, subject however to all existing interests, including but not limited to all reservations, rights-of-way, leases, easements and other encumbrances, of record or otherwise, located in the County of Cass, State of North Dakota, more particularly described on the attached **EXHIBIT "A"**, pages 1-3 of 3, which is fully incorporated herein by reference (the "**Property**").

SUBJECT, to the terms of that certain Railbanking and Sale Contract, dated September 26, 2013 ("**Contract**"), which terms shall be incorporated herein, this quitclaim is dependent upon and pursuant to the issuance of a Notice of Interim Trail Use ("**NITU**") in Surface Transportation Board ("**STB**") Docket No. AB-6 (Sub-No. 478X), BNSF Railway Company – Abandonment Exemption in Cass County, North Dakota, in accordance with 16 U.S.C. Section 1247(d), the STB's rules and regulations pertaining to interim trails use, and other applicable authorities, all as amended from time to time;

SUBJECT, to interpretation pursuant to and in conformity with Section 8(d) of the National Trails Systems Act, 16 U.S.C. Section 1247(d), and the rules and regulations of the STB related thereto, all as may be amended from time to time. Grantee shall assume, indemnify, defend, and hold harmless BNSF from all financial, managerial and legal responsibility for the Property, including without limitation any liabilities and responsibilities assumed by or placed upon Grantee pursuant to and in accordance with the NITU, Grantee's Statement of Willingness to Assume Financial Responsibility filed with the STB, any applicable STB orders related to this quitclaim and any leases affecting the Property. Grantee acknowledges that any interim trail use by Grantee or its assigns shall be subject to the possibility of future restoration of rail service and/or BNSF's retained interests pursuant to the Contract and/or federal law. Grantee shall take all steps necessary, at no expense to BNSF, to comply with any and all state and federal requirements relating to such interim trail use and/or restoration. **Grantor shall not be liable for any penalties or direct, indirect, or consequential damages or costs, losses, or expenses arising out of the reactivation and restoration of rail service on the Property;**

SUBJECT, to Grantee's obligation that interim trail use by Grantee shall not impair future restoration of rail service pursuant to the National Trails Systems Act, as amended.

RESERVING, unto BNSF, all rail, ties, spikes, tie plates, rail anchors, ballast, signaling and communications equipment, crossings and crossing equipment, signage, roundhouses, depots, and other support facilities, track materials and supplies, whether or not same are deemed affixed to the Property ("**Salvage Materials**"). BNSF shall have a continuing right of entry on the Property for a period of 365 days from the date of Closing ("**Salvage Period**") in order to allow BNSF and its contractors to salvage said Salvage Materials. BNSF shall have the right, but not the obligation, to salvage all or a part of said Salvage Materials. Any Salvage Materials remaining on the Property after the Salvage Period shall be deemed abandoned and relinquished unto Grantee; provided, however, to the extent any such Salvage Materials remaining are owned by any third party (e.g., crossing equipment owned in whole or in part by a governmental authority), said interests shall not be quitclaimed unto Grantee.

ALSO RESERVING, unto BNSF, the right to reactivate and restore rail service on the Property. Should BNSF or any such assignee of BNSF exercise this right at any time, Grantee or its assignee shall allow reactivation of rail service on the terms and conditions set forth in the Contract. Upon BNSF's notice of intent to restore rail service, Grantee shall reconvey the Property to BNSF free and clear of any encumbrances or liens not in effect prior to the date of this Deed at no cost to BNSF except to the extent expressly provided otherwise in the Contract.

ALSO RESERVING, unto BNSF, BNSF's licensees, permittees and other third parties, all rights and interests in and to all existing utilities, fiber optic lines, wires and easements of any kind whatsoever on the Property whether owned, operated, used or maintained by BNSF, BNSF's licensees, permittees or other third parties and whether or not of public record. BNSF shall have a perpetual easement on the Property for the use of such existing utilities, fiber optic lines, wires and easements by BNSF and BNSF's licensees, permittees and customers. BNSF shall have a non-exclusive easement for the construction, maintenance and operation of one or more fiber optic lines and any and all communications facilities as may be located in the future on the Property within 60 feet of the center line of any main track on or adjacent to the Property and as may be presently located on the Property.

Grantee has been allowed to make an inspection of the Property and has knowledge as to the past use of the Property. Based upon this inspection and knowledge, Grantee is aware of the condition of the Property and **GRANTEE SPECIFICALLY ACKNOWLEDGES THAT THE PROPERTY IS BEING QUITCLAIMED ON AN "AS-IS WITH ALL FAULTS" BASIS WITH ANY AND ALL PATENT AND LATENT DEFECTS, INCLUDING THOSE RELATING TO THE ENVIRONMENTAL CONDITION OF THE PROPERTY, AND THAT GRANTEE IS NOT RELYING ON ANY REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, OF ANY KIND WHATSOEVER FROM BNSF AS TO ANY MATTERS CONCERNING THE PROPERTY**, including, without limitation, the physical condition of the Property; zoning status; tax consequences of this transaction; utilities; operating history or projections or valuation; compliance by the Property with Environmental Laws (defined below) or other laws, statutes, ordinances, decrees, regulations and other requirements applicable to the Property; the presence of any Hazardous Substances (defined below), wetlands, asbestos, lead, lead-based paint or other lead containing structures, urea formaldehyde, or other environmentally sensitive building materials in, on, under, or in proximity to the Property; the condition or existence of any of the above ground or underground structures or improvements, including tanks and transformers in, on or under the Property; the condition of title to the Property; and any leases, easements, reservations, permits, orders, licenses, or other rights or agreements, affecting the Property. **BNSF EXPRESSLY DISCLAIMS ANY WARRANTIES FOR THE**

PROPERTY OR APPURTENANCES THERETO, INCLUDING, WITHOUT LIMITATION, WARRANTIES AS TO TITLE, MERCHANTABILITY, HABITABILITY, FITNESS FOR ANY PARTICULAR PURPOSE, OR CONFORMITY OF THE PROPERTY TO ITS INTENDED USE.

Grantee acknowledges and represents to BNSF that Grantee is aware of the risk that Hazardous Substances may be present on, under, in or about the Property and that Grantee has conducted such investigations of the Property, including but not limited to, the physical and environmental conditions thereof, that Grantee deemed necessary to satisfy itself as to the condition of the Property and will rely solely upon same and not upon any information provided by or on behalf of BNSF or its agents or employees with respect thereto. **GRANTEE ASSUMES THE RISK THAT ADVERSE MATTERS MAY NOT HAVE BEEN REVEALED BY GRANTEE'S INVESTIGATIONS, AND GRANTEE SHALL INDEMNIFY, HOLD HARMLESS AND HEREBY WAIVES, RELEASES AND DISCHARGES FOREVER BNSF (AND BNSF'S AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES, AGENTS, LICENSEES AND INVITEES) FROM ANY AND ALL PRESENT OR FUTURE, KNOWN OR UNKNOWN, CLAIMS, DEMANDS, CAUSES OF ACTION (INCLUDING, BUT NOT LIMITED TO, THOSE IN CONTRACT, TORT AND STRICT LIABILITY), DAMAGES (INCLUDING, WITHOUT LIMITATION, CONSEQUENTIAL AND PUNITIVE), LOSSES, INJURIES, LIABILITIES, COSTS (INCLUDING, BUT NOT LIMITED TO, FINES, PENALTIES, COURT COSTS AND ATTORNEYS' FEES) ARISING FROM OR IN ANY WAY RELATED TO (I) ANY LATENT OR PATENT CONDITIONS OF THE PROPERTY, (II) ANY BODILY INJURY OR DEATH OR LOSS OR DAMAGE TO THE PROPERTY OF ANY PERSON OR PERSONS WHOMEVER, INCLUDING THE PARTIES HERETO, IN ANY MANNER ARISING FROM OR GROWING OUT OF THE ACTS OR OMISSIONS, NEGLIGENT OR OTHERWISE, OF GRANTEE OR ITS OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES, AGENTS, LICENSEES AND INVITEES IN CONNECTION WITH THE ENTRY UPON, OCCUPATION OR USE OF THE PROPERTY, AND/OR (III) ANY ALLEGED OR ACTUAL PRESENCE, USE, STORAGE, GENERATION, MANUFACTURE, TRANSPORT, RELEASE, LEAK, SPILL, DISPOSAL OR OTHER HANDLING OF ANY HAZARDOUS SUBSTANCES IN, ON, UNDER OR ABOUT THE PROPERTY.** As used herein, the term "Environmental Law" means any federal, state or local statute, regulation, code, rule, ordinance, order, judgment, decree, injunction or common law pertaining in any way to the protection of human health, occupational safety, natural resources, plant or animal life or the environment, including without limitation, principles of common law and equity, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act, the Toxic Substances Control Act, and any similar or comparable state or local law. As used herein, the term "Hazardous Substance" means any hazardous, toxic, radioactive or infectious substance, material, contaminant or waste as defined, listed or regulated under any Environmental Law, and includes without limitation, petroleum oil and any of its fractions.

If any of the terms under this quitclaim deed shall be unlawful or void for violation of (a) the rule against perpetuities or some analogous statutory provision, or (b) any other statutory or common law rules imposing like or similar time limits, then such terms shall continue only for the period of twenty-one (21) years after the death of the last survivor of the lineal descendants of Elizabeth II, Queen of England, living as of the date hereof.

Grantee acknowledges that, according to BNSF's records, BNSF's interest in the Property may be subject to reversion upon abandonment of use for railroad purposes or cessation of interim trail use, and that this Deed releases and quitclaims only BNSF's interest, if any, it may have in the Property.

Grantee also acknowledges that a material consideration for this quitclaim, without which it would not be made, is the agreement by Grantee, for itself and for its successors and assigns, that BNSF, its predecessors, successors, and assigns shall be in no manner responsible to Grantee, any subsequent owner, purchaser, or any person for any claims, demands, damages, causes of action, including loss of access, or suits regarding the quiet and peaceable possession of the Property, title thereto, or condition thereof.

The covenants and agreements set forth herein above, shall be binding upon Grantee and its heirs, successors and assigns, and shall be covenants running with the land benefiting Grantor and its heirs, successors and assigns.

TO HAVE AND TO HOLD the Property unto the said Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the said BNSF has caused this instrument to be signed by its authorized representative, attested by its Assistant Secretary, and its corporate seal to be affixed hereto on the day and year first above written.

BNSF:

BNSF RAILWAY COMPANY,
a Delaware corporation

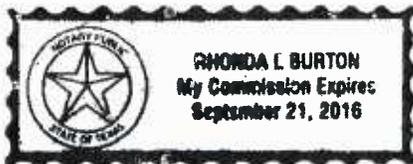
By: *Kurt Geringer*
Kurt Geringer
Its: General Director Real Estate

STATE OF TEXAS

COUNTY OF TARRANT

§
§ ss.
§

On this 21th day of September, 2013, before me, Rhonda Burton, a Notary Public in and for said County and State, personally appeared Kurt Geringer, to me known to be the General Director Real Estate of **BNSF RAILWAY COMPANY**, a Delaware corporation, the corporation that is described in and that executed the foregoing instrument and acknowledged to me that such corporation executed the same.



Rhonda L. Burton
Notary Public
My commission expires: 9/21/2016

Accepted:

GRANTEE:

JOINT ARTHUR AND HUNTER PARK DISTRICT,
a North Dakota 501(c)3 organization

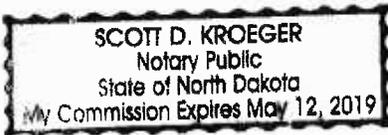
By: *[Signature]*
Print Name: OLA ANDERSON
Title: President

I certify that the requirement for a report or statement of full consideration paid does not apply because this deed is for one of the transactions exempted by subdivision i as it relates to quitclaim deeds of the subsection 7 of N.D. Cent. Code, § 11-18-02.2(1999).

Signed: *[Signature]* Date: 10-22-13
Grantee or Agent

STATE OF NORTH DAKOTA §
 § ss.
COUNTY OF CASS §

On this 22 day of October, 2013, before me, Scott KROEGER, a Notary Public in and for said County and State, personally appeared OLA ANDERSON to me known to be the President of **JOINT ARTHUR AND HUNTER PARK DISTRICT**, a North Dakota 501(c)3 organization that is described in and that accepted the foregoing instrument and acknowledged to me that such organization accepted the same.



[Signature]
Notary Public
My commission expires: 5-12-19

This Instrument Prepared by:

BNSF Railway Company
LAW Department
2500 Lou Menk Drive, AOB 3
Fort Worth, Texas 76131-2830

EXHIBIT "A"
(Property)

Nine tracts of land in the County of Cass, State of North Dakota, being that portion of BNSF Railway Company's (formerly Great Northern Railway Company) Arthur (MP 68.1) to Hunter (MP 74.91), North Dakota Branch Line right of way, varying in width on each side of said Railway Company's Main Track centerline, as originally located and constructed, described as follows:

Tract 1

That portion of said Railway Company's 150.0 foot wide Branch Line right of way, being 100.0 foot wide on the Easterly side and 50.0 feet wide on the Westerly side of said Main Track centerline upon, over and across the $W\frac{1}{2}NW\frac{1}{4}$ of Section 25, and the $E\frac{1}{2}NE\frac{1}{4}$ of Section 26, Township 142 North, Range 52 West, Fifth Principal Meridian, bounded Southerly by a line perpendicular to said Main Track centerline, distant 1313 feet Southerly of the North line of said Section 25, as measured along said Main Track centerline, and bounded Northerly by the North lines of said Section 25 and said Section 26;

Tract 2

That portion of said Railway Company's 150.0 foot wide Branch Line right of way, being 50.0 foot wide on the Easterly side and 100.0 feet wide on the Westerly side of said Main Track centerline upon, over and across the $W\frac{1}{2}SW\frac{1}{4}$ of Section 24, and the $E\frac{1}{2}SE\frac{1}{4}$ of Section 23, Township 142 North, Range 52 West, Fifth Principal Meridian, bounded on the North and South by the North and South lines of said $W\frac{1}{2}SW\frac{1}{4}$ of Section 24 and said $E\frac{1}{2}SE\frac{1}{4}$ of Section 23;

Tract 3

That portion of said Railway Company's 160.0 foot wide Arthur, North Dakota Station Ground property, being 60.0 foot wide on the Easterly side and 100.0 foot wide on the Westerly side of said Main Track centerline upon, over and across the $W\frac{1}{2}NW\frac{1}{4}$ of Section 24 and the $E\frac{1}{2}NE\frac{1}{4}$ of Section 23, Township 142 North, Range 52 West, Fifth Principal Meridian, bounded on the North and South by the North and South lines of said $W\frac{1}{2}NW\frac{1}{4}$ of Section 24 and said $E\frac{1}{2}NE\frac{1}{4}$ of Section 23. **EXCEPTING THEREFROM**, that portion of said 160.0 foot wide Arthur Station Ground property lying Westerly of a line parallel with and distant 25.0 feet Westerly from, measured at right angles to said Railway Company's Main Track centerline as now located and constructed, and Southerly of a line perpendicular to said Main Track centerline, distant 2000 feet Northerly of the South line of said $W\frac{1}{2}NW\frac{1}{4}$ of Section 24, as measured along said Main Track centerline.

Tract 4

That portion of said Railway Company's 200.0 foot wide Branch Line right of way, being 100.0 foot wide on each side of said Main Track centerline upon, over and across the $W\frac{1}{2}SW\frac{1}{4}$ of Section 13 and the $E\frac{1}{2}SE\frac{1}{4}$ of Section 14, Township 142 North, Range 52 West, Fifth Principal Meridian, bounded on the North and South by the North and South lines of said $W\frac{1}{2}SW\frac{1}{4}$ of Section 13 and said $E\frac{1}{2}SE\frac{1}{4}$ of Section 14;

Tract 5

That portion of said Railway Company's Branch Line right of way, upon, over and across the $W\frac{1}{2}NW\frac{1}{4}$ of Section 13, Township 142 North, Range 52 West, Fifth Principal Meridian, bounded as follows:

On the North by the North line of said Section 13; On the East by a line parallel with and distant 100.0 feet Easterly from, measured at right angles to said Railway Company's Main Track centerline as originally located and constructed; On the South by the South line of said $W\frac{1}{2}NW\frac{1}{4}$ of Section 13, and on the West by the West line of said Section 13.

Tract 6

That portion of said Railway Company's 100.0 foot wide Branch Line right of way, being 50.0 foot wide on each side of said Main Track centerline upon, over and across the $W\frac{1}{2}W\frac{1}{2}$ of Section 12, Township 142 North, Range 52 West, Fifth Principal Meridian, bounded on the North and South by the North and South lines of said Section 12.

Tract 7

That portion of said Railway Company's 200.0 foot wide right of way, being 100.0 foot wide on each side of said Main Track centerline upon, over and across the $W\frac{1}{2}W\frac{1}{2}$ of Section 1, Township 142 North, Range 52 West, the $W\frac{1}{2}W\frac{1}{2}$ of Section 36, and the $W\frac{1}{2}W\frac{1}{2}$ of Section 25, Township 143 North, Range 52 West, Fifth Principal Meridian bounded on the North by the North line of said Section 25, and bounded on the South by the South line of said Section 1;

Tract 8

That portion of said Railway Company's 150.0 foot wide Branch Line right of way, being 50.0 foot wide on the Easterly side and 100.0 foot wide on the Westerly side of said Main Track centerline upon, over and across the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 24 and the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 23, Township 143 North, Range 52 West, Fifth Principal Meridian, bounded on the North and South by the North and South lines of said W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 24 and of E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 23;

Tract 9

That portion of said Railway Company's Hunter, North Dakota Station Ground property, upon, over and across the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, Township 143 North, Range 52 West, Fifth Principal Meridian, bounded as follows:

On the North by the North line of 1st Avenue West, in the City of Hunter, North Dakota; On the East by a line parallel with and distant 150.0 feet Easterly from, measured at right angles to said Railway Company's Main Track centerline as originally located and constructed; On the South by the South line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, and on the West by the West line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24;

EXCEPTING THEREFROM, that certain tract or parcel of land described in deed dated July 22, 1959 from Great Northern Railway Company to Carl Haugen and Venadis H. Haugen, said tract or parcel being described as that portion of said Station Ground property lying Southerly of a line perpendicular to said Main Track centerline, distant 170.0 feet Northerly from said South line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, as measured along said Main Track centerline, and Easterly of a line parallel with and distant 50.0 feet Easterly from, measured at right angles to said Railway Company's Main Track centerline, as now located and constructed.

**"THE LEGAL DESCRIPTION WAS PREPARED BY JONES LANG LASALLE, 4300 AMON
CARTER BLVD., SUITE 100, FORT WORTH, TEXAS 76155-2685"**

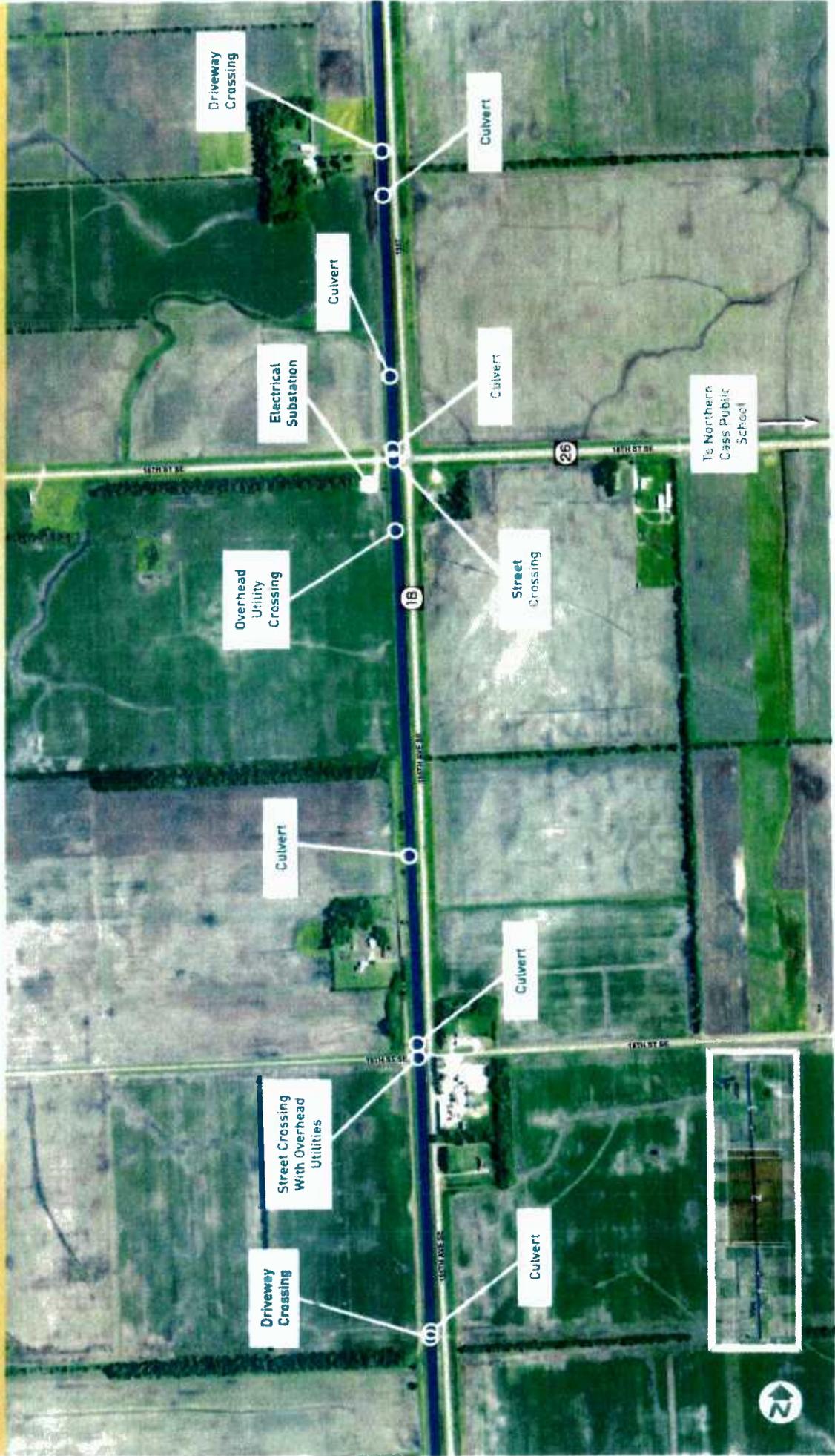
LOCATION MAPS



Project Overview

- Approximately 6 Miles of Paved Shared-Use Trail
- Open to Equestrian Traffic, Closed to Motorized Traffic
- Conversion from abandoned BNSF Railroad to Shared-Use Trail
- 3 Existing Bridges, 7 At Grade Street or Highway Crossings
- Project Organized by Hunter/Arthur JPA Park Board





STB DOCKET



655 Fifteenth Street, NW Suite 225
Washington, DC 20005
balljanik.com
t 202.638.3307
f 202.783.6947

231227

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STB

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Office of Proceedings

NOV 2 - 2011

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
Of Counsel

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**SURFACE
TRANSPORTATION BOARD**

Enclosures

23/227

BEFORE THE
SURFACE TRANSPORTATION BOARD

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STB

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

FILED

NOTICE OF EXEMPTION

NOV 2 - 2011

SURFACE
TRANSPORTATION BOARD

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NOV 2 - 2011

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

RECEIVED
NOV 2 2011
MANAGEMENT
STB

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

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

FEE RECEIVED

NOV 2 - 2011

**SURFACE
TRANSPORTATION BOARD**

FILED

NOV 2 - 2011

**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**.

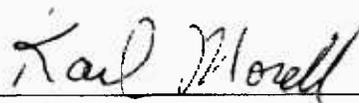
6. Environmental Report.

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

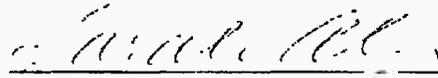
VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)

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

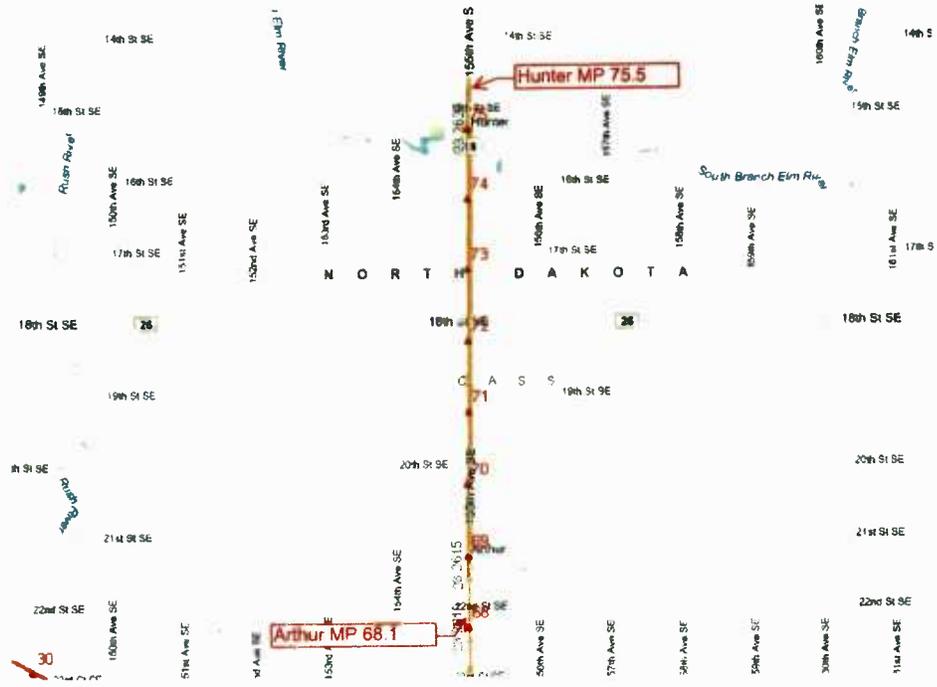


EXHIBIT B

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

A handwritten signature in cursive script that reads "Karl Morell". The signature is written in black ink and is positioned above a horizontal line.

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

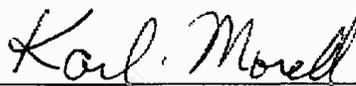
Mr. Merlan E. Paaverud, Jr.
State Historical Society of North Dakota
612 East Boulevard Ave.
Bismarck, ND 58505

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

**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.

A

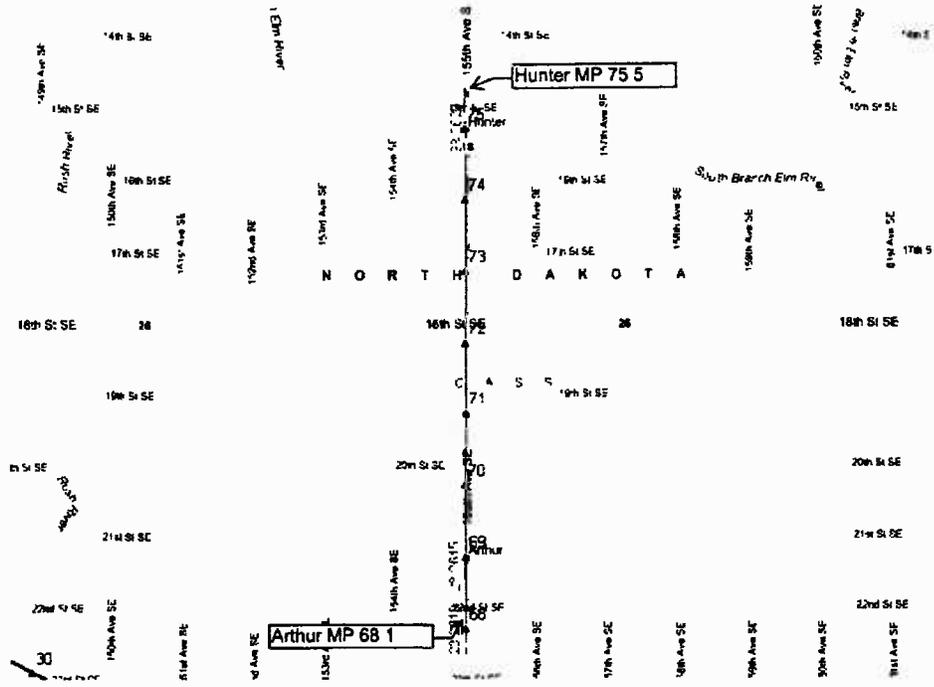
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Arthur - Hunter, ND



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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

C

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Highway Department

Jason Benson
County Engineer

Richard S. Siez
Superintendent

Thomas E. Sauer, P.E.
Asst. and 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
58078-1301

701-298-2375
Fax: 701-298-2305

cc: Ole Andersson, Arthur Park Board; 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 Lou Marck Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-2376
fax 817-352-2397
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

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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

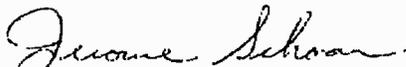
Dear Mr. Sims:

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



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. 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 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

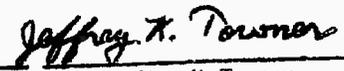
Enclosure as stated

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

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. Towner
Field Supervisor



John A. Sims, 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.sims@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**

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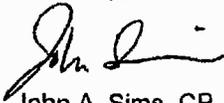
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Thank you in advance for your time and contribution.

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 817-352-2376
fax 817-352-2397
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.

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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,

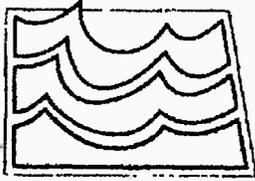


John A. Sims, CP
Paralegal

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

H



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
701 328 2750 • TDD 701-328-2750 • FAX 701 328 3896 • INTERNET <http://swc.nd.gov>

September 23, 2011

John Sims
BNSF Railway
2500 Lou Menk Drive – AOB 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 Knudtson
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:

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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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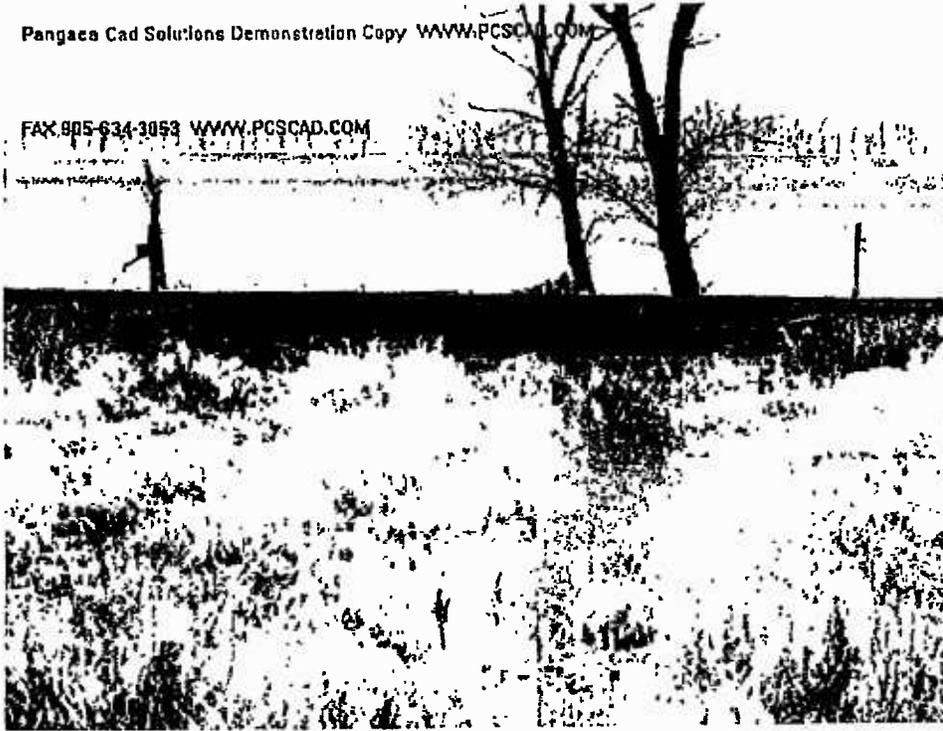
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**STATE
HISTORICAL
SOCIETY**
OF NORTH DAKOTA

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

Gereid Gemholz
Valley City - President

Calvin Grinnell
New Town - Vice President

A. Ruric Todd III
Jamestown - Secretary

Albert I. Berger
Grand Forks

Richard Kloubec
Fargo

Diane K. Larson
Bismarck

Chester E. Nelson, Jr.
Bismarck

Sam Otte Coleman
Director
Tourism Division

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Mark Zimmerman
Director
Parks and Recreation
Department

Francis Ziegler
Director
Department of Transportation

Merlan E. Paaverud, Jr.
Director

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of Museums since 1986

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

Dear Mr. Sims,

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.

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

Sincerely,

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

and
Director, State Historical Society of North Dakota

**LOCAL SUPPORT
DOCUMENTATION**

April 4th, 2014

**North Dakota Industrial Commission
Outdoor Heritage Fund
State Capitol 14th Floor
600 E. Boulevard Ave. Dept. 405
Bismarck, ND 58505-0840**

RE: Outdoor Heritage Fund Grant Application

Northern Cass Pass

Dear Sir/Madam:

On behalf of the Athletic Department of Northern Cass School District #97, please accept this letter in support of the Northern Cass Pass Rails to Trails project. The improvement of this corridor will be used as a valuable asset and recreational opportunity for the surrounding communities and our school district.

This trail will provide for a safe pedestrian corridor between the communities of Arthur and Hunter and will help preserve the natural environment that has been utilized and developed over the past 100 years.

Please on our behalf accept this letter as an endorsement of the Northern Cass Pass project.

Thank you.

Sincerely,

Dale Nordick, Activities Director
Northern Cass High School District #97

CITY OF HUNTER

P.O. BOX 56 • HUNTER, NORTH DAKOTA 58048

March 31, 2014

North Dakota Industrial Commission
Outdoor Heritage Fund
State Capitol 14th Floor
600 E. Boulevard Ave. Dept. 405
Bismarck, ND 58505-0840

RE: Outdoor Heritage Fund Grant Application
Northern Cass Pass

Dear Sir/Madam:

On behalf of the City of Hunter, ND, please accept this letter as our support for the Northern Cass Pass Rails to Trails project. The improvement of this corridor will provide unique recreational opportunities for the citizens of Hunter and surrounding areas. Not only will the trail provide a safe pedestrian corridor between the communities of Arthur and Hunter, it will preserve the natural environment that has been developed over the past 100 years with the Railway Right of Way.

Again, please accept this letter as whole hearted endorsement of the Northern Cass Pass project.

Thank you.

Sincerely,



Mayor Ben Olson
City of Hunter, ND



Board of County Commissioners

Scott Wagner April 16, 2012
Fargo, North Dakota

Vern Bennett
Fargo, North Dakota

Ken Pawluk
Fargo, North Dakota

Darrell W. Vanyo
West Fargo, North Dakota

Robyn Sorum
Horace, North Dakota

Shari Murray, President
Hunter Park Board
PO Box 301
Hunter ND 58048-0301

Dale Shields, President
Arthur Park Board
PO Box 72
Arthur ND 58006-0072

RE: Rails to Trails Project

Dear Ms. Murray and Mr. Shields:

The Cass County Park Board met on April 2, 2012, and heard a presentation from Bridgette Readel regarding the Rails to Trails project being pursued by your park boards.

The county applauds your efforts to improve your city parks with the addition of a recreational trail. The Cass County Commission and Cass County Park Board support the Hunter Park Board and Arthur Park Board in your pursuit of this opportunity.

Sincerely,


Scott Wagner, Chairman
Cass County Commission


Chad Peterson, Chairman
Cass County Park Board

Heather Worden
Commission Assistant

Box 2806
211 Ninth Street South
Fargo, North Dakota 58108

701-241-5609
Fax 701-241-5728
www.casscountynd.gov