

MILLER & HARANTS
ATTORNEYS AT LAW
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P.O. Box 332
NEW HAVEN, IN 46774
PHONE: 260-749-5858
FACSIMILE: 260-493-7619

SEP 19 2012
R...

232997

CARL M. MILLER
CMILLER1@CHOICEONEMAIL.COM

STEPHEN J. HARANTS
SHARANTS1@CHOICEONEMAIL.COM

September 18, 2012

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

ENTERED
Office of Proceedings

SEP 19 2012

Part of
Public Record

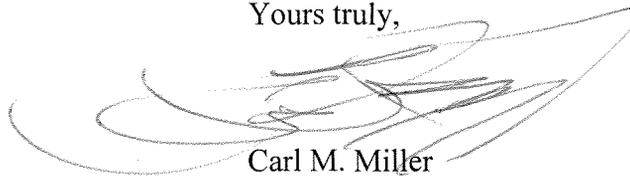
Re: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St.
Joseph Counties, Michigan, Docket: AB-1102X

Dear Ms. Brown:

Enclosed for filing in the above-referenced proceeding are an original and ten (10) copies of the Verified Notice of Exemption of the Indiana Northeastern Railroad Company, pursuant to 49 C.F.R. §1152.50. Also enclosed is our check in the amount of \$3,700 to cover the filing fee for this proceeding.

Please acknowledge receipt of this letter by date-stamping the enclosed acknowledgment copy and returning it in the envelope provided.

Yours truly,



Carl M. Miller

CMM/dks
enclosure

FEE RECEIVED
SEP 19 2012
SURFACE
TRANSPORTATION BOARD

FILED
SEP 19 2012
SURFACE
TRANSPORTATION BOARD

232997

SEP 19 2012
RECEIVED

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-1102X

**INDIANA NORTHEASTERN RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN BRANCH AND ST. JOSEPH COUNTIES, MICHIGAN**

**ENTERED
Office of Proceedings**

VERIFIED NOTICE OF EXEMPTION

SEP 19 2012

**Part of
Public Record**

FEE RECEIVED

SEP 19 2012

**SURFACE
TRANSPORTATION BOARD**

INDIANA NORTHEASTERN RAILROAD COMPANY

Carl M. Miller
MILLER & HARANTS
618 Professional Park Drive
New Haven, Indiana 46774
Telephone: 260-749-5858
Facsimile: 260-493-7619
cmiller1@choiceonemail.com

Dated: September 18, 2012

FILED

SEP 14 2012

**SURFACE
TRANSPORTATION BOARD**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-1102X

**INDIANA NORTHEASTERN RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN BRANCH AND ST. JOSEPH COUNTIES, MICHIGAN**

VERIFIED NOTICE OF EXEMPTION

Pursuant to 49 CFR § 1152.50, Indiana Northeastern Railroad Company (“IN”) files this Verified Notice of Exemption (“Notice”) from the prior approval requirements of 49 U.S.C. § 10903 for the abandonment of approximately 19.37 miles of a rail line located in Branch County and St. Joseph County, Michigan (the “Line”). The Line runs from milepost 81.32 near Coldwater in Branch County, Michigan to milepost 100.69 near Sturgis in St. Joseph County, Michigan. A map of the Line is attached hereto as Exhibit A.

In support of its Notice, IN provides the following:

1. ***Proposed Consummation Date:***

The abandonment by IN of the Line will not be consummated before December 1, 2012.

2. ***Certification Required in 49 CFR § 1152.50(b):***

The required certification is provided as Exhibit B to this Notice.

3. ***Information Required in 49 CFR § 1152.22(a)(1) – (4), (7) and (8), and e(4).***

(a)(1) *Name of Applicant.*

Indiana Northeastern Railroad Company

(a)(2) *Common Carrier Status.*

IN is a class III common carrier by railroad, subject to 49 U.S.C. Subtitle IV, chapter 105.

(a)(3) *Relief Sought.*

IN seeks exemption from the Board's regulations to abandon the Line.

(a)(4) *Map of Line.*

A map showing the location of the Line is attached hereto as Exhibit A.

(a)(7) *Representative of Applicant.*

Carl M. Miller
Miller & Harants
618 Professional Park Drive
New Haven, Indiana 46774
(260) 749-5858

(a)(8) *Postal Service Zip Codes.*

The Line runs through United States Postal ZIP Codes 49036, 49028, 49030 and 49091.

(e)(4) *Suitability for Public Purposes and Restrictions on Title.*

The Line, once the track structure is removed, may be suitable for other public purposes, such as a recreational trail. IN believes the real estate title may be subject to some reversionary interests that would affect the transfer of title or the use of property for other than rail purposes.

Based on information in IN's possession, the Line does not contain federally granted rights-of-way. Any documentation in IN's possession will be made available promptly to those requesting it.

4. ***Labor Protection.***

No employees should be adversely affected as a result of the abandonment; however, IN anticipates that the Board will impose the conditions set forth in *Oregon Short Line R. Co. – Abandonment – Goshen Branch*, 360, I.C.C. 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed abandonment.

5. ***Environmental and Historic Report.***

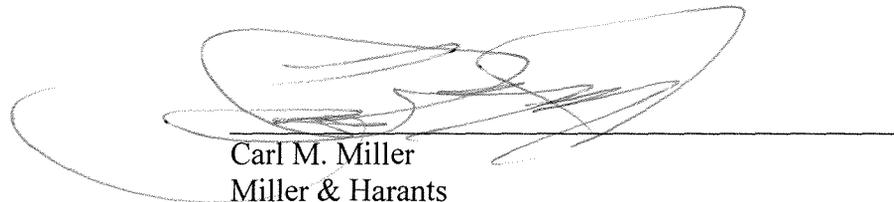
On June 29, 2012, IN sent a notice of the proposed abandonment of the Line (the “Initial Letter”) to appropriate federal and state agencies and county commissioners (the “Agencies”). On August 13, 2012, IN filed its Combined Environmental and Historic Report with the Board’s Office of Environmental Analysis and sent a copy to each of the Agencies. The Report included correspondence received from the Agencies through that date. A copy of the Report (which included a certificate of Service), as well as a sample transmittal letter, is attached hereto as Exhibit C.

Subsequent to filing its report, IN has received correspondence from the Michigan Department of Agriculture and Rural Development and the United States Department of Agriculture, copies of which are attached as Exhibit D.

6. ***Notice Requirements.***

A Certificate of Publication is attached hereto as Exhibit E.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Carl M. Miller', is written over a horizontal line. The signature is somewhat stylized and loops around the line.

Carl M. Miller
Miller & Harants
618 Professional Park Drive
New Haven, Indiana 46774
(260) 749-5858

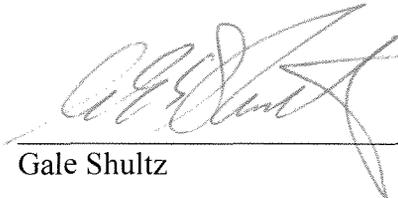
Dated: September 18, 2012

VERIFICATION

STATE OF INDIANA)
) SS:
COUNTY OF LaGRANGE)

I, Gale Shultz, President of Indiana Northeastern Indiana Railroad Company, declare under the penalties of perjury, that I have read the foregoing Verified Notice of Exemption, that I am familiar with the matters presented therein and that its assertions are true and correct to the best of my knowledge, information and belief.

Dated this 13 day of September, 2012.



Gale Shultz

SUBSCRIBED AND SWORN TO
before me this 13 day of September, 2012



Rose M. Oberley Notary Public
Resident of Allen County

My Commission expires: 11-15-2015

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

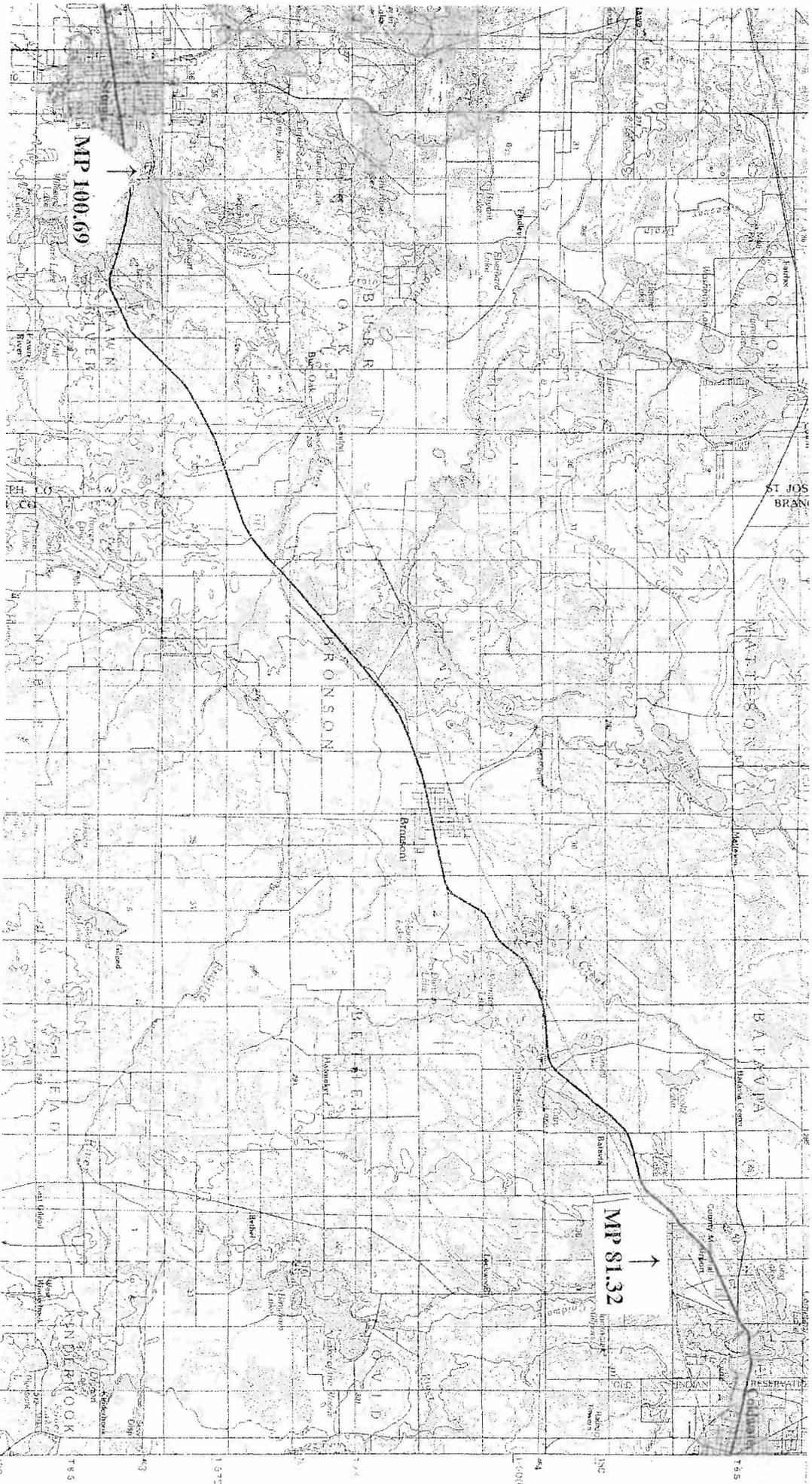
Docket No. AB-1102X

**INDIANA NORTHEASTERN RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN BRANCH AND ST. JOSEPH COUNTIES, MICHIGAN**

EXHIBIT A

MAP OF LINE

Indiana Northeastern Railroad Company
M.P. 81.32 - M.P. 100.69



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-1102X

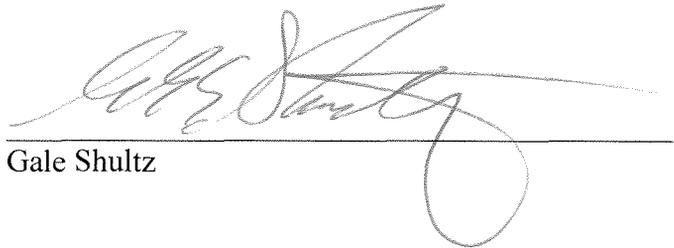
**INDIANA NORTHEASTERN RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN BRANCH AND ST. JOSEPH COUNTIES, MICHIGAN**

EXHIBIT B

CERTIFICATION REQUIRED BY 49 CFR § 1152.50(b)

CERTIFICATION REQUIRED BY 49 CFR § 1152.50(b)

In accordance with 49 CFR § 1152.50(b), I, Gale Shultz, President of Indiana Northeastern Indiana Railroad Company, hereby certifies to the best of his knowledge, information and belief, that, with respect to the rail line subject to this Verified Notice of Exemption in Docket No. AB-1102X: (1) no local traffic has moved over the line for at least two years prior to the date hereof; (2) overhead traffic on the line, if any, can be rerouted over other lines; and (3) 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 the complainant within the two-year period preceding the date hereof.



Gale Shultz

Dated: September 13, 2012

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-1102X

**INDIANA NORTHEASTERN RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN BRANCH AND ST. JOSEPH COUNTIES, MICHIGAN**

EXHIBIT C

**ENVIRONMENTAL AND HISTORIC REPORT
INCLUDING TRANSMITTAL LETTERS
AND CERTIFICATE OF SERVICE**

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-1102X
INDIANA NORTHEASTERN RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN BRANCH AND ST. JOSEPH COUNTIES, MICHIGAN

Combined Environmental and Historic Report

INDIANA NORTHEASTERN RAILROAD COMPANY

Carl M. Miller
MILLER & HARANTS
618 Professional Park Drive
New Haven, Indiana 46774
Telephone: 260-749-5858
Facsimile: 260-493-7619
cmiller1@choiceonemail.com

Dated: August 13, 2012
Filed: August 14, 2012

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1102X

INDIANA NORTHEASTERN RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN BRANCH AND ST. JOSEPH COUNTIES, MICHIGAN

ENVIRONMENTAL/HISTORIC REPORT

The Indiana Northeastern Railroad Company (“IN”) submits this Environmental/Historic Report in compliance with the reporting requirements of 49 C.F.R. §§ 1105.7 and 1105.8.

Supporting correspondence and certifications are attached. It is the conclusion of this Report that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources. A map showing the location of the line to be abandoned is attached hereto as Appendix A.

In preparation of this Report, IN has consulted with each of the agencies listed in Appendix B, attached hereto.

Appendix C-1 through C-21 contains a copy of all written correspondence between IN and the agencies listed in Appendix B.

ENVIRONMENTAL REPORT – 49 C.F.R. § 1105.7(e)

1. Proposed Action and Alternatives. IN seeks to abandon its line of railroad extending from milepost 81.32 near Coldwater in Branch County, Michigan, to MP 100.69 near Sturgis in St. Joseph County, Michigan (the “Line”). The Line is situated in Branch and St. Joseph Counties in Michigan and extends a total distance of approximately 19.37 miles.

The Line has not been required to serve any customer in many years. There have been no rail shipments of any kind on the Line in the last two years, and no reasonable possibility for the development of new rail traffic exists.

Following abandonment, IN intends to salvage rail, ties and track materials from the Line. All salvage activities will occur on top of the railbed only. The railbed, subgrades and all structures, culverts and related items will remain in place and not be disturbed. IN believes that state or local parties may be interested in potential trails use of the Line.

No alternatives to the proposed abandonment have been considered. The only alternative is retention of the Line in its current, unused state, which would have an indirectly deleterious impact upon the environment in that it would deny IN the ability to re-allocate resources necessary to upgrade its North-South line. That upgrade to 286,000 lb. capacity will allow IN to divert traffic from highway to rail.

2. Transportation System. IN does not anticipate that existing regional or local transportation systems or patterns will be affected by the proposed abandonment. No rail service is currently provided on the Line; thus, no traffic will be diverted to other transportation systems or modes as a result of the proposed abandonment. Alternative rail service will continue to be available from IN at available side tracks in Coldwater immediately adjacent to the abandonment site. There is no overhead traffic on the Line, and no passenger trains are operated over the Line.

Abandonment of the Line will allow removal of twenty-three (23) public grade crossings, twenty-two (22) private grade crossings and one (1) highway overpass. A log of the affected crossings and overpass is attached hereto as Appendix D.

3. Land Use.

(i) IN does not foresee any inconsistency with regional and/or local land use plans, but has contacted and requested comments from the National Geodetic Survey. The N.G.S. has responded that no survey monuments are endangered.

(ii) The proposed abandonment will have no effect on prime agricultural land.

(iii) This track does not lie within a designated Coastal Zone Management Area and, accordingly, the proposed abandonment will not affect any land or water uses in such an area or result in any coastal impacts.

(iv) IN does not believe the right-of-way is suitable for use as a highway, other form of mass transit, conservation, energy production or transmission. IN is aware of interest in the right-of-way for trail use.

4. Energy.

(i) The proposed abandonment will have no negative effect on the transportation of energy resources. No energy resource commodities move on the Line and IN foresees little or no possibility that any such traffic would develop in the future.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by this abandonment. No such commodities move on this line and IN foresees little or no possibility that any such traffic would develop in the future.

(iii) Abandonment will not result in an increase or decrease in overall energy efficiency. There is no freight traffic on the Line and thus there will be no changes in existing transportation patterns or energy usage as a result of the proposed abandonment.

(iv) Abandonment of the Line will not cause the diversion of more than 1,000 rail carloads per year or an average of 50 rail carloads per mile per year to motor carriers.

5. Air.

(i) Abandonment will not result in (A) a minimum increase in real traffic of 100% or eight trains per day on any segment of rail line, (B) an increase in rail yard activity of at least 100%, or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles per day on any road segment.

(ii) Abandonment of the Line will not result in traffic increases which exceed the thresholds specified in 49 C.F.R. § 1105.7(e)(5)(ii)(A), (B) or (C).

(iii) No ozone depleting materials are transported on the Line, thus no shipments of ozone-depleting materials will be diverted or transported as a result of this abandonment.

6. Noise. None of the thresholds identified in 49 C.F.R. § 1105.7(e)(5)(i) will be exceeded as a result of the abandonment.

7. Safety.

(i) The proposed action will have no adverse effect upon public health or safety. During any salvage operations on the track, precautions will be taken to ensure public safety.

(ii) No hazardous commodities are handled on this Line. Accordingly, the proposed abandonment will have no effect on the transportation of hazardous materials.

(iii) There are no known hazardous waste sites or any hazardous waste materials involved. Therefore, this abandonment will not have any adverse impact on any sites.

8. Biological Resources.

(i) IN is not aware that any endangered or threatened species are present in the area or would be adversely affected. Salvage operations will be handled within the right-of-way using existing access routes. The Michigan Department of Natural Resources concluded that there are no known occurrences of federal or state listed endangered, threatened or otherwise significant species, natural plant communities or natural features in the proposed abandonment area.

(ii) The Line does not pass through and is not adjacent to any wildlife sanctuaries or refuges or any national or state parks or forests and, accordingly, none will be adversely affected.

9. Water.

(i) The proposed action is consistent with applicable federal, state and local water quality standards. IN will not alter the contour of the roadbed underlying this Line in connection with the proposed abandonment and will not alter or remove any structures in, over or under any water, wetland or 100 year flood plain.

(ii) IN does not anticipate discharge of any materials into navigable waters that would require permits under Sections 402 and 404 of the Clean Water Act.

(iii) No activity will occur which would require permits under Section 402 of the Clean Water Act.

10. Proposed Mitigation. As no adverse impact is anticipated, IN does not propose any mitigation activities.

HISTORIC REPORT – 49 C.F.R. § 1105.8(d)

1. Map. A map of the Line is attached hereto as Appendix A.

2. Description of Line. The line to be abandoned extends from milepost 81.32 near Coldwater in Branch County, Michigan to milepost 100.69 near Sturgis in St. Joseph County, Michigan and extends a total distance of approximately 19.37 miles. The Line is 100 feet wide, including a total of 234.76 acres.

3. Photographs. Attached as Appendix E-1 through E-5 are photographs of all bridges on the Line. These photographs have been provided to the State Historic Preservation Officer. There are a number of small culverts on the Line which are not believed to be within the definition of “structures”.

4. Information on Structures. There are no other buildings, structures or bridges within the proposed Line abandonment. The bridges are all believed to be over fifty (50) years old. Other than age, no historical significance is known to attach to any of the bridges.

5. History of Operations. The Line was originally built by the Michigan Southern Railroad in about 1849. With completion of its East-West mainline in about 1858, the Lake Shore & Michigan Southern Railway relegated the Line to secondary status. The Line serviced local customers throughout its ownership by the New York Central and Penn Central. The Line was designated for transfer to Conrail, was abandoned by it and acquired by the Branch and St. Joseph County Rail Users Association. The Line was acquired by IN in 2004. There have been no rail shipments of any kind on the Line in the last two years, and no reasonable possibility for the development of new rail traffic exists.

6. Engineering Documents. The engineering documents in IN’s possession are limited, but it will make such documents as it has available to any interested party.

7. Historic Criteria. Based on readily available information in its possession, IN believes that no site or structure listed in or meeting the criteria for listing in the Natural Register of Historical Places is located on the Line or will be affected by the abandonment. IN also believes that no culturally significant locations, archaeological sites or unique landforms will be affected by the abandonment.

8. Ground Disturbances. In is unaware of any possibility that archaeological resources may be in the area. The abandonment activities should have no impact as IN simply intends on removing the rail and ties and leaving the right-of-way intact for possible trail-conversion purposes. Access to the line is generally good.

Dated August 13, 2012

Respectfully submitted,



Carl M. Miller
MILLER & HARANTS
Attorneys for Indiana Northeastern Railroad Company
618 Professional Park Drive
New Haven, Indiana 46774
Telephone: (260) 749-5858
Facsimile: (260) 493-7619

P. O. BOX 262 • 50 MONROE ST. • HILLSDALE, MICHIGAN 49242



INDIANA NORTHEASTERN RAILROAD COMPANY

Railroad System Map

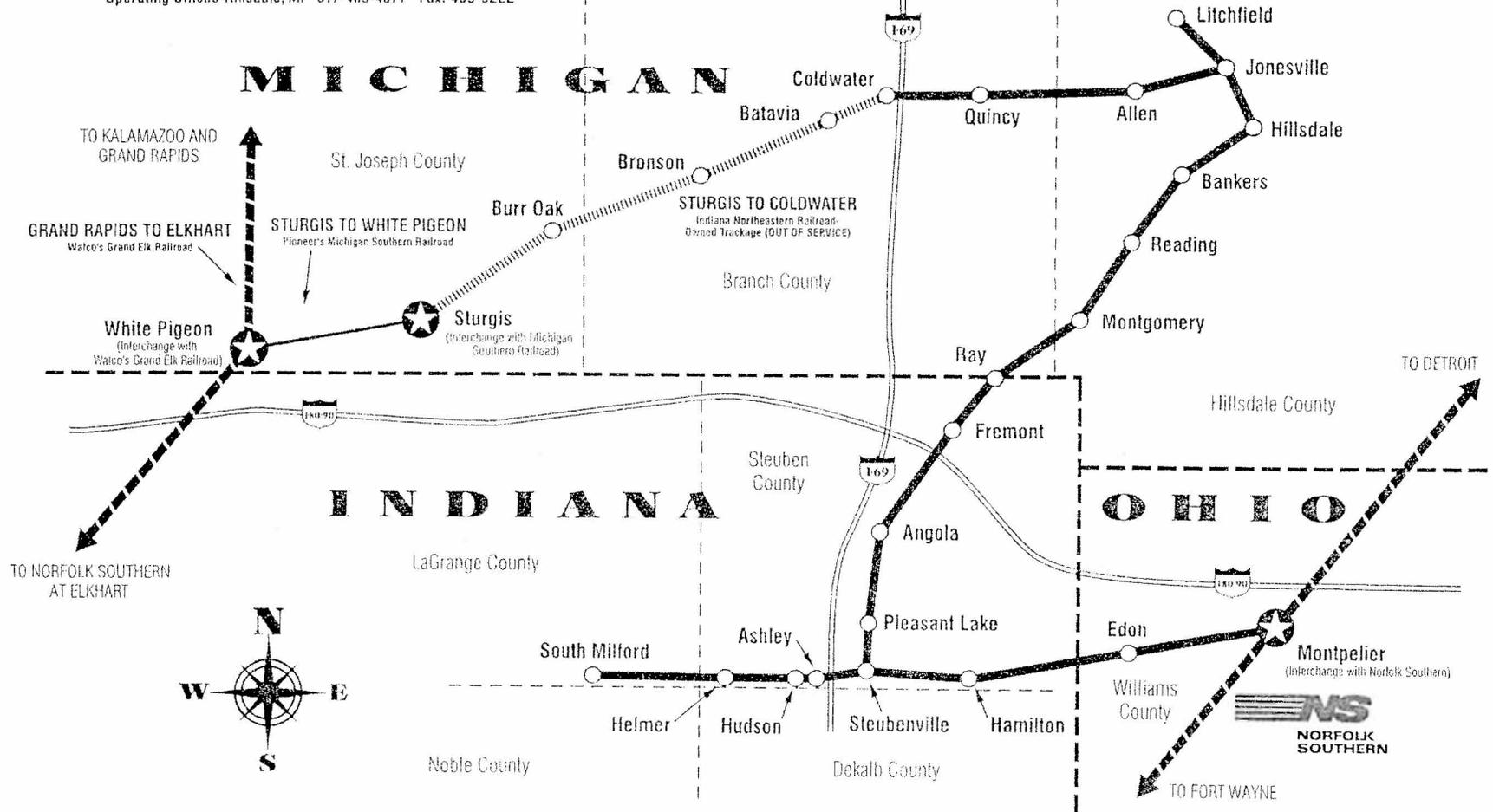
—●— Indiana Northeastern Trackage

Approx. Scale 0 1 2 3 4 5
Distance In Miles

Mainline Rail Network Extending Over 120 Miles

Administrative Offices-South Milford, IN 260-351-2421 Fax: 351-3350
Operating Offices-Hillsdale, MI 517-439-4677 Fax: 439-0222

MAP NOT TO EXACT SCALE



APPENDIX A

Bill O'Neill, Acting Chief
Michigan Department of Natural Resources
Forest Management Division
530 West Alleghan Street,
PO Box 30452
Lansing, Michigan 48909-7952

Dave Rigney, NOAA
MDOT/Design Survey Section
425 W. Ottawa Street
Lansing, Michigan 48933

Patty Birkholz, Director
Department of Environmental Quality
Office of Great Lakes
PO Box 30473
Lansing, Michigan 48909-7973

Natural Resources Conservation Service
Coldwater Service Center
387 N. Willowbrook Road, Suite F
Coldwater, Michigan 48936-8852

Natural Resources Conservation Service
Centreville Service Center
693 E. Main Street
Centreville, Michigan 49032-9603

U.S. Geological Survey
Michigan Water Science Center
6520 Mercantile Way, Suite 5
Lansing, Michigan 48911-5911

Rodney A. Stokes, Director
Department of Natural Resources
Stevens T. Mason Bldg.
PO Box 30028
Lansing, Michigan 48909-7528

Lt. Col. Michael C. Derosier
U.S. Army Corps of Engineers
Detroit District
477 Michigan Avenue
Detroit, Michigan 48231-1027

MI Department of Environmental Quality
Kalamazoo District Office
7953 Adobe Road
Kalamazoo, Michigan 49009-5025

National Park Service
9922 W. Front Street
Empire, Michigan 49630

Scott Hicks, Field Supervisor
Fish and Wildlife Services
East Lansing Field Office
2651 Coolidge Road, Suite 101
East Lansing, Michigan 48823-6316

US EPA, Region 5
77 W. Jackson Blvd.
Chicago, Illinois 60604

Branch County Board of Commissioners
Courthouse
31 Division Street
Coldwater, Michigan 49036

St. Joseph County Board of Commissioners
125 W. Main Street
PO Box 277
Centreville, Michigan 49032

Jamie Clover Adams, Director
MI Dept. Agriculture and Rural Development
PO Box 30017
Lansing, Michigan 48909

Mr. Brian D. Conway
MI State Historic Preservation Office
702 West Kalamazoo Street
PO Box 30740
Lansing, Michigan 48909-8240

MILLER & HARANTS
ATTORNEYS AT LAW
618 PROFESSIONAL PARK DRIVE
P.O. Box 332
NEW HAVEN, IN 46774
PHONE: 260-749-5858
FACSIMILE: 260-493-7619

CARL M. MILLER
CMILLER1@CHOICEONEMAIL.COM

STEPHEN J. HARANTS
SHARANTS1@CHOICEONEMAIL.COM

June 29, 2012

Mr. Brian D. Conway
MI State Historic Preservation Office
702 West Kalamazoo Street
PO Box 30740
Lansing, Michigan 48909-8240

Re: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph
Counties, Michigan, Docket AB-1102X

Dear Mr. Conway:

The Indiana Northeastern Railroad company intends to file a Notice of Abandonment with the United States Department of Transportation, Surface Transportation Board for the portion of its Old Road Branch between MP 81.32 near Coldwater and MP 100.69 near Sturgis. We have attached both a System Diagram Map and a USCS topographical map identifying the line segment to be abandoned.

The Indiana Northeastern Railroad Company has identified five (5) railroad structures, all bridges, which appear to be more than fifty (50) years old; these bridges are located at: MP 85.68, MP 86.82; MP 94.12, MP 95.43 and MP 96.18.

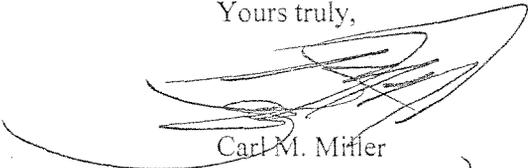
A photograph of each bridge is attached for your information.

The Indiana Northeastern Railroad Company anticipates that all bridges will remain in place after consummation of the abandonment and removal of track structures and that the line will thereafter be dedicated to trail use.

On or about August 1, 2012, we will file an Environmental/Historic Report with the Surface Transportation Board.

The purpose of this letter is to solicit any comments your office may have that might assist in the preparation of this Report.

Yours truly,



Carl M. Miller

CMM/dks
enclosures



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
STATE HISTORIC PRESERVATION OFFICE

GARY HEIDEL
EXECUTIVE DIRECTOR

July 10, 2012

CARL MILLER
MILLER & HARANTS
618 PROFESSIONAL PARK DRIVE
P O BOX 332
NEW HAVEN IN 46774

RE: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph Counties,
Michigan, Docket AB-1102X

Dear Mr. Miller:

The State Historic Preservation Officer (SHPO) received your correspondence regarding the above-cited undertaking. It appears that you are initiating consultation with the State Historic Preservation Office (SHPO) under Section 106 of the National Historic Preservation Act of 1966, as amended. The Section 106 regulations specify what is required for a Section 106 review [36 CFR § 800.11].

Section 106 requires federal agencies to take into account the effect of their undertakings on historic properties. The Section 106 regulations specify what is required for a Section 106 review [36 CFR § 800.11]. It is the responsibility of the federal agency, *not the SHPO*, to fulfill the requirements of Section 106. In some instances, the federal agency may delegate legal responsibility to a state, local, or tribal government. Thus, it is *the federal agency's* responsibility to apply the criteria for listing on the National Register of Historic Places to properties within the project's area of potential effects and *provide the SHPO* with a determination regarding the impact on historic properties.

The mandatory application form and instructions for submitting projects for review under Section 106 may be downloaded in MS Word format from our website at www.michigan.gov/shposection106. If at this time, you are merely seeking information on above-ground historic resources that are listed in the National Register of Historic Places or in the State Register of Historic Sites, please refer to the Michigan Sites Online website at: <http://www.mcgi.state.mi.us/hso/>, or on the National Register Information System database at: <http://www.nr.nps.gov/>. The SHPO cannot conduct such research on your behalf. For information regarding archaeological sites, please contact the State Archaeologist, Dr. Dean Anderson, at (517) 373-1618.

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking. If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.

If you have any questions, please contact Brian Grennell, Cultural Resource Management Specialist, at (517) 335-2721/241-6062 or by email at grennellb@michigan.gov. **Please reference our project number in all communication with this office regarding this undertaking.** Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,

Brian G. Grennell
Cultural Resource Management Specialist

for Brian D. Conway
State Historic Preservation Officer

BGG

Enclosure(s)

APPENDIX C-2



MILLER & HARANTS
ATTORNEYS AT LAW
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CARL M. MILLER
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STEPHEN J. HARANTS
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June 29, 2012

Lt. Col. Michael C. Derosier
U.S. Army Corps of Engineers
Detroit District
477 Michigan Avenue
Detroit, Michigan 48231-1027

Re: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph
Counties, Michigan, Docket: AB-1102X

Dear Lt. Col. Derosier:

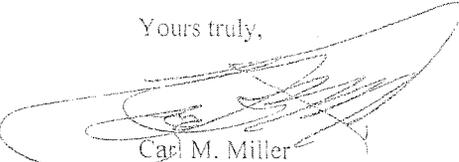
The Indiana Northeastern Railroad Company ("IN") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 19.37 miles of railroad line starting at MP 81.32 near Coldwater and ending MP 100.69 near Sturgis in Branch and St. Joseph Counties, Michigan. We have attached a map for your reference. IN is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

1. Water quality;
2. Designated wetlands;
3. 100-year-old flood plains;
4. Endangered or threatened species;
5. Critical habitats;
6. Wildlife sanctuaries or refuges;
7. National or state parks or forests;
8. Coastal zone management;
9. Soil and natural resource conservation;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

IN anticipates that all structures will remain intact after removal of the rail and other track material due to the suitability of the line for trail purposes; accordingly, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the Environmental Report, which we anticipate filing with the STB on or about August 1, 2012.

Thank you for your assistance.

Yours truly,



Carl M. Miller
MILLER & HARANTS
Counsel for Indiana Northeastern Railroad Company



DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
477 MICHIGAN AVENUE
DETROIT MI 48226-2550

July 9, 2012

REPLY TO
ATTENTION OF:

Engineering & Technical Services
Regulatory Office
File No. LRE-2012-00395-212-A12

Carl Miller
Miller and Harants Attorneys At Law
P.O. Box 332
New Haven, Indiana 46774

Dear Mr. Miller:

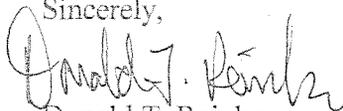
This is in response to your recent correspondence regarding Department of the Army jurisdiction on proposed rail abandonment along 19.37 miles of railroad line starting at MP 81.32 near Coldwater, Branch County, Michigan and ending at MP 100.69 near Sturgis, St. Joseph County, Michigan. Thank you for giving the Corps of Engineers the opportunity to review this project.

In 1984 a portion of the Corps' regulatory responsibilities was assumed by the Michigan Department of Environmental Quality (MDEQ). This project site is within the assumed area. Unless otherwise notified, a separate authorization from the Corps is not required; however, you may need to obtain a permit from the MDEQ. Therefore, we recommend that you contact Mr. Kameron Jordan of the MDEQ, 7953 Adobe Road, Kalamazoo, Michigan, 49009-5026, telephone number (269) 567-3565 for a determination of State permit requirements.

If you have any questions please contact Robert Stout of this office at the above address, telephone (313) 226-6804 or E-Mail Robert.J.Stout@usace.army.mil. Please refer to File No. LRE-2012-00395-212-A12 in all future communications with this office.

We are interested in your thoughts and opinions concerning your experience with the Detroit District, Corps of Engineers Regulatory Program. If you are interested in letting us know how we are doing, you can complete an electronic Customer Service Survey from our web,site at: <http://per2.nwp.usace.army.mil/survey.html>. Alternatively, you may contact us and request a paper copy of the survey that you may complete and return to us by mail or fax. Thank you for taking the time to complete the survey, we appreciate your feedback.

Sincerely,



Donald T. Reinke
Chief, Compliance and Enforcement Branch
Regulatory Office

Copy Furnished

Indiana Northeastern Railroad Company
MDEQ, Kalamazoo District Office
USACE, Environmental Analysis Branch

MILLER & HARANTS
ATTORNEYS AT LAW
616 PROFESSIONAL PARK DRIVE
P.O. BOX 332
NEW HAVEN, IN 46774
PHONE: 260-749-5858
FACSIMILE: 260-493-7619

CARL M. MILLER
CMILLER1@CHOICEONEMAIL.COM

STEPHEN J. HARANTS
SHARANTS1@CHOICEONEMAIL.COM

June 29, 2012

MI Department of Environmental Quality
Kalamazoo District Office
7953 Adobe Road
Kalamazoo, Michigan 49009-5025

Re: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph
Counties, Michigan, Docket: AB-1102X

Dear Sir or Madam:

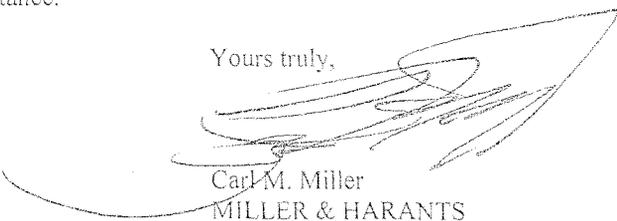
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12. The need for permits under Sections 402 or 404 of the Clean Water Act.

IN anticipates that all structures will remain intact after removal of the rail and other track material due to the suitability of the line for trail purposes; accordingly, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the Environmental Report, which we anticipate filing with the STB on or about August 1, 2012.

Thank you for your assistance.

Yours truly,



Carl M. Miller
MILLER & HARANTS
Counsel for Indiana Northeastern Railroad Company



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
KALAMAZOO DISTRICT OFFICE



DAN WYANT
DIRECTOR

July 16, 2012

Mr. Carl M Miller
Miller & Harants
P.O. Box 332
New Haven, Indiana 46774

Dear Mr. Miller:

Thank you for your June 29, 2012, letter with regard to the proposed abandonment of a railroad line between MP 81.32 and MP 100.69 in Branch and St. Joseph Counties, Michigan.

I shared your letter with my counterparts in Water Resources, Remediation and Air Quality Divisions and staff from the Office of Oil, Gas and Minerals. We did not identify any concerns with regard to water quality, designated wetlands or 100 year flood plains. Similarly we did not identify any required permits.

The remainder of the 12 issues that you identified as areas of potential concerns is not in our area of expertise or authority and should be directed to the appropriate Department such as Department of Natural Resources, or the Department of Agriculture and Rural Development.

I hope this response will meet your needs. If you have additional questions please contact me at 269-567-3595.

Sincerely,

Fred L. Sellers
District Coordinator
Kalamazoo District Office

FLS:CWD

APPENDIX C-6

MILLER & HARANTS
ATTORNEYS AT LAW
618 PROFESSIONAL PARK DRIVE
P.O. BOX 332
NEW HAVEN, IN 46774
PHONE: 260-749-5858
FACSIMILE: 260-493-7619

CARL M. MILLER
CMILLER1@CHOICEONEMAIL.COM

June 29, 2012

STEPHEN J. HARANTS
SHARANTS1@CHOICEONEMAIL.COM

Dave Rigney, NOAA
MDOT/Design Survey Section
425 W. Ottawa Street
Lansing, Michigan 48933

Re: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph
Counties, Michigan, Docket: AB-1102X

Dear Mr. Rigney:

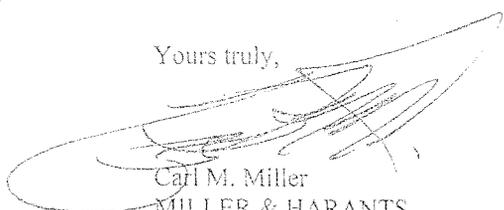
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Thank you for your assistance.

Yours truly,



Carl M. Miller
MILLER & HARANTS
Counsel for Indiana Northeastern Railroad Company



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NOAA, NOS, NATIONAL GEODETIC SURVEY
Lansing, Michigan 48933 (517-335-1916)

July 9, 2012

MEMORANDUM FOR: Carl M. Miller
Counsel for Indiana Northeastern Railroad Company

FROM:  John D. Rigney, Jr.
NGS Geodetic Advisor to Michigan

SUBJECT: Railroad Abandonment Docket: AB-1102X

Dear Mr. Miller,

I have reviewed and drove the length of railroad that is to be abandon and have found that none of our survey monuments are in danger of being destroyed when the rails removed.

The Mission of NOAA's National Geodetic Survey (NGS) is "to define, maintain and provide access to the National Spatial Reference System to meet our nation's economic, social, and environmental needs."

www.ngs.noaa.gov/

The following is a link to the National Geodetic Survey's Railroad Abandonment page:

www.ngs.noaa.gov/marks/railroads/

Thank you for the notice.



MILLER & HARANTS
ATTORNEYS AT LAW
618 PROFESSIONAL PARK DRIVE
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NEW HAVEN, IN 46774
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FACSIMILE: 260-493-7619

CARL M. MILLER
CMILLER1@CHOICEONEMAIL.COM

June 29, 2012

STEPHEN J. HARANTS
SHARANTS1@CHOICEONEMAIL.COM

Bill O'Neill, Acting Chief
Michigan Department of Natural Resources
Forest Management Division
530 West Alleghen Street,
PO Box 30452
Lansing, Michigan 48909-7952

Re: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph
Counties, Michigan, Docket: AB-1102X

Dear Acting Chief O'Neill:

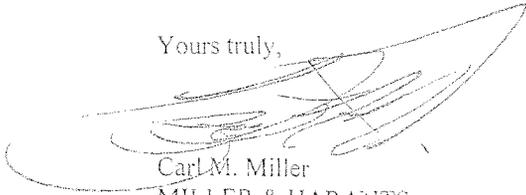
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Thank you for your assistance.

Yours truly,



Carl M. Miller
MILLER & HARANTS
Counsel for Indiana Northeastern Railroad Company

Carl Miller

From: Nelson, Cheryl (DNR) <NELSONC@michigan.gov>
Sent: Tuesday, July 17, 2012 12:08 PM
To: 'cmiller1@choiceonemail.com'
Subject: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph Counties, Michigan, Docket: AB-1102X
Attachments: Dir15071_Miller_Incoming_7.3.pdf

Dear Mr. Miller;

We have reviewed the proposed railroad abandonment (copy attached) specific to items 2,4,5,6,7, and there is no wildlife resource concerns related to the proposal. The rail way does cross numerous streams and lies adjacent to some small ponds and lakes, but the activity of pulling up track will have no negative effects. There are no hits on the Threatened or Endangered species or critical habitats database through the entire length of the proposed abandonment. Finally, there are no state or federal public lands that are affected.

Should you have any questions, please contact Mr. Steve Chadwick, Acting Southwest Region Supervisor, at 269-685-6851.

*Cheryl Nelson
Executive Assistant
Wildlife Division
Michigan Department of Natural Resources
530 W. Allegan
Lansing, MI 48909
517-373-9311
nelsonc@michigan.gov*

Don't let your summer slip away. Get outdoors and explore Michigan's wetland wonders. Visit a managed waterfowl area, the ultimate water garden and wildlife viewing opportunity.

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2179 / Virus Database: 2437/5136 - Release Date: 07/16/12

MILLER & HARANTS
ATTORNEYS AT LAW
618 PROFESSIONAL PARK DRIVE
P.O. BOX 332
NEW HAVEN, IN 46774
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CARL M. MILLER
CMILLER1@CHOICEONEMAIL.COM

STEPHEN J. HARANTS
SHARANTS1@CHOICEONEMAIL.COM

June 29, 2012

St. Joseph County Board of Commissioners
125 W. Main Street
PO Box 277
Centreville, Michigan 49032

Re: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph
Counties, Michigan, Docket: AB-1102X

Dear Commissioners:

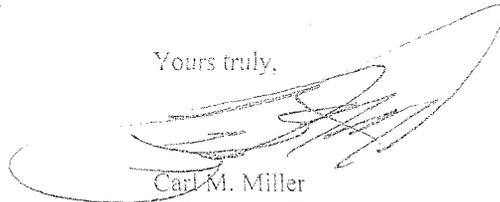
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Thank you for your assistance.

Yours truly,



Carl M. Miller
MILLER & HARANTS
Counsel for Indiana Northeastern Railroad Company

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CARL M. MILLER
CMILLER1@CHOICEONEMAIL.COM

STEPHEN J. HARANTS
SHARANTS1@CHOICEONEMAIL.COM

June 29, 2012

Branch County Board of Commissioners
Courthouse
31 Division Street
Coldwater, Michigan 49036

Re: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph
Counties, Michigan, Docket: AB-1102X

Dear Commissioners:

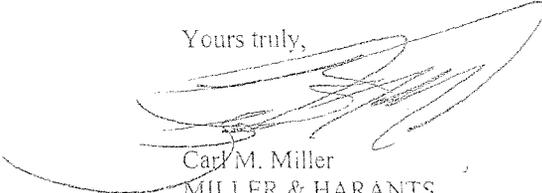
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Counsel for Indiana Northeastern Railroad Company

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CARL M. MILLER
CMILLER1@CHOICEONEMAIL.COM

STEPHEN J. HARANTS
SHARANTS1@CHOICEONEMAIL.COM

June 29, 2012

Patty Birkholz, Director
Department of Environmental Quality
Office of Great Lakes
PO Box 30473
Lansing, Michigan 48909-7973

Re: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph
Counties, Michigan, Docket: AB-1102X

Dear Director Birkholz:

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CARL M. MILLER
CMILLER1@CHOICEONEMAIL.COM

STEPHEN J. HARANTS
SHARANTS1@CHOICEONEMAIL.COM

June 29, 2012

Natural Resources Conservation Service
Coldwater Service Center
387 N. Willowbrook Road, Suite F
Coldwater, Michigan 48936-8852

Re: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph
Counties, Michigan, Docket: AB-1102X

Dear Sir or Madam:

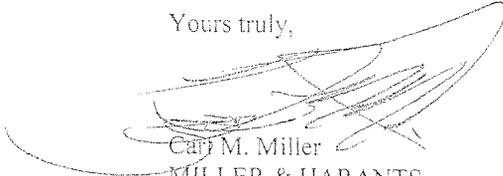
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MILLER & HARANTS

Counsel for Indiana Northeastern Railroad Company

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STEPHEN J. HARANTS
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June 29, 2012

Natural Resources Conservation Service
Centreville Service Center
693 E. Main Street
Centreville, Michigan 49032-9603

Re: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph
Counties, Michigan, Docket: AB-1102X

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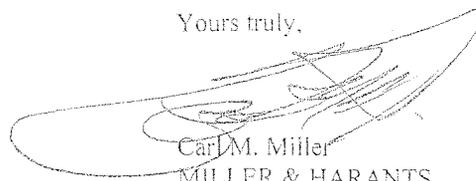
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Counsel for Indiana Northeastern Railroad Company

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June 29, 2012

U.S. Geological Survey
Michigan Water Science Center
6520 Mercantile Way, Suite 5
Lansing, Michigan 48911-5911

Re: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph
Counties, Michigan, Docket: AB-1102X

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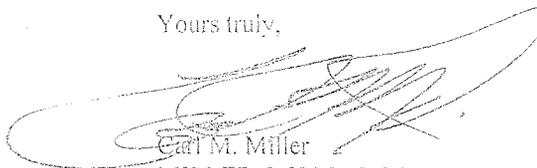
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NEW HAVEN, IN 46774
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CARL M. MILLER
CMILLER1@CHOICEONEMAIL.COM

STEPHEN J. HARANTS
SHARANTS1@CHOICEONEMAIL.COM

June 29, 2012

Rodney A. Stokes, Director
Department of Natural Resources
Stevens T. Mason Bldg.
PO Box 30028
Lansing, Michigan 48909-7528

Re: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph
Counties, Michigan, Docket: AB-1102X

Dear Director Stokes:

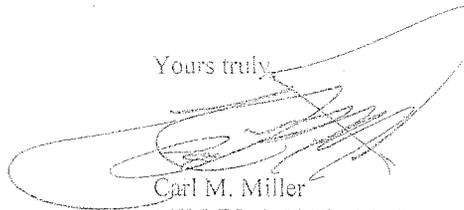
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STEPHEN J. HARANTS
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June 29, 2012

National Park Service
9922 W. Front Street
Empire, Michigan 49630

Re: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph
Counties, Michigan, Docket: AB-1102X

Dear Sir or Madam:

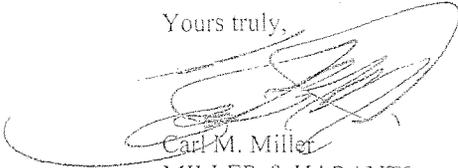
The Indiana Northeastern Railroad Company ("IN") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 19.37 miles of railroad line starting at MP 81.32 near Coldwater and ending MP 100.69 near Sturgis in Branch and St. Joseph Counties, Michigan. We have attached a map for your reference. IN is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

1. Water quality;
2. Designated wetlands;
3. 100-year-old flood plains;
4. Endangered or threatened species;
5. Critical habitats;
6. Wildlife sanctuaries or refuges;
7. National or state parks or forests;
8. Coastal zone management;
9. Soil and natural resource conservation;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

IN anticipates that all structures will remain intact after removal of the rail and other track material due to the suitability of the line for trail purposes; accordingly, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the Environmental Report, which we anticipate filing with the STB on or about August 1, 2012.

Thank you for your assistance.

Yours truly,



Carl M. Miller

MILLER & HARANTS

Counsel for Indiana Northeastern Railroad Company

MILLER & HARANTS
ATTORNEYS AT LAW
618 PROFESSIONAL PARK DRIVE
P.O. Box 332
NEW HAVEN, IN 46774
PHONE: 260-749-5858
FACSIMILE: 260-493-7619

CARL M. MILLER
CMILLER1@CHOICEONEMAIL.COM

STEPHEN J. HARANTS
SHARANTS1@CHOICEONEMAIL.COM

June 29, 2012

Scott Hicks, Field Supervisor
Fish and Wildlife Services
East Lansing Field Office
2651 Coolidge Road, Suite 101
East Lansing, Michigan 48823-6316

Re: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph
Counties, Michigan, Docket: AB-1102X

Dear Mr. Hicks:

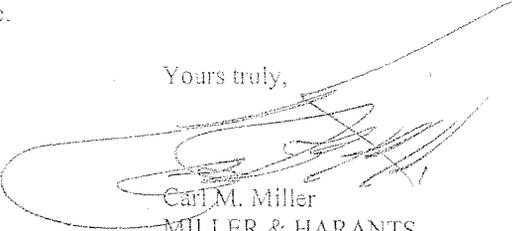
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Thank you for your assistance.

Yours truly,


Carl M. Miller
MILLER & HARANTS
Counsel for Indiana Northeastern Railroad Company

MILLER & HARANTS
ATTORNEYS AT LAW
618 PROFESSIONAL PARK DRIVE
P.O. BOX 332
NEW HAVEN, IN 46774
PHONE: 260-749-5858
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CARL M. MILLER
CMILLER1@CHOICEONEMAIL.COM

STEPHEN J. HARANTS
SHARANTS1@CHOICEONEMAIL.COM

June 29, 2012

US EPA, Region 5
77 W. Jackson Blvd.
Chicago, Illinois 60604

Re: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph
Counties, Michigan, Docket: AB-1102X

Dear Sir or Madam:

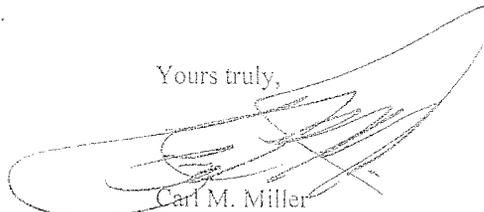
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Thank you for your assistance.

Yours truly,



Carl M. Miller
MILLER & HARANTS
Counsel for Indiana Northeastern Railroad Company

MILLER & HARANTS
ATTORNEYS AT LAW
618 PROFESSIONAL PARK DRIVE
P.O. BOX 332
NEW HAVEN, IN 46774
PHONE: 260-749-5858
FACSIMILE: 260-493-7619

CARL M. MILLER
CMILLER1@CHOICEONEMAIL.COM

STEPHEN J. HARANTS
SHARANTS1@CHOICEONEMAIL.COM

July 6, 2012

Jamie Clover Adams, Director
MI Dept. Agriculture and Rural Development
PO Box 30017
Lansing, Michigan 48909

Re: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph
Counties, Michigan. Docket: AB-1102X

Dear Ms. Adams:

The Indiana Northeastern Railroad Company ("IN") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 19.37 miles of railroad line starting at MP 81.32 near Coldwater and ending MP 100.69 near Sturgis in Branch and St. Joseph Counties, Michigan. We have attached a map for your reference. IN is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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Thank you for your assistance.

Yours truly,



Carl M. Miller
MILLER & HARANTS
Counsel for Indiana Northeastern Railroad Company

APPENDIX D

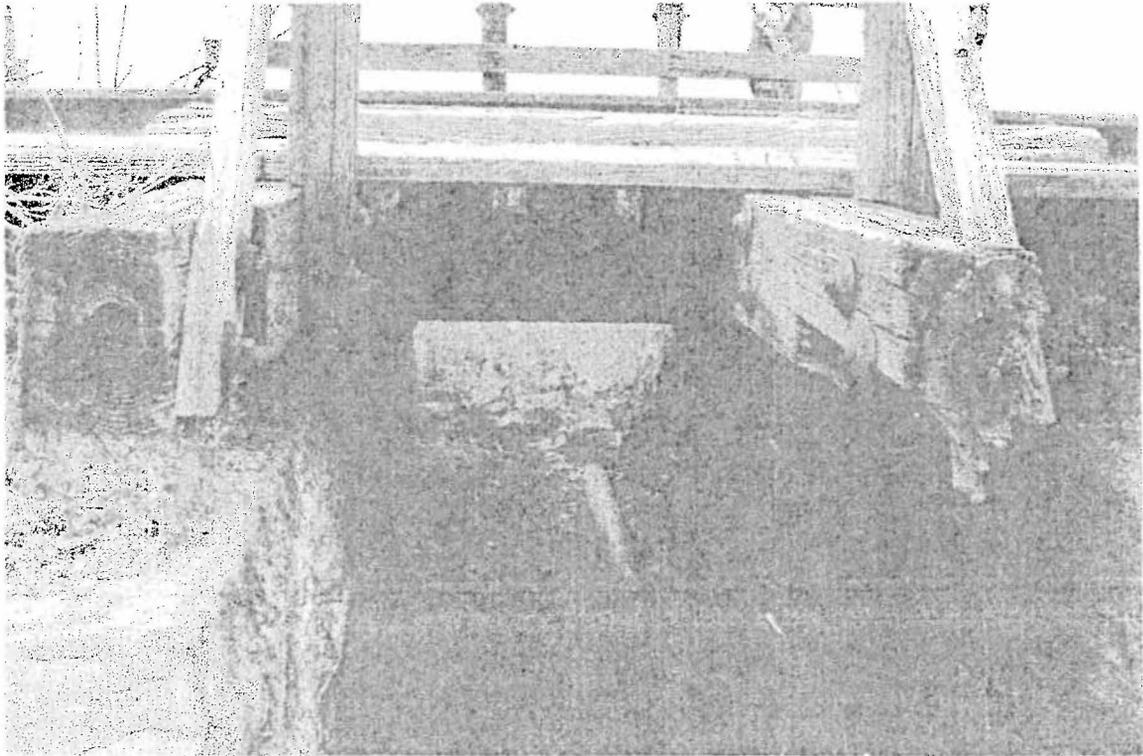
DOCKET NO. AB-1102X

LOG OF AFFECTED HIGHWAY CROSSINGS

Road	Mile Post	Information	Nat. Inv. No.
Garfield Road	81.32	signals, paved road	510 186 Y
private crossing	81.77		923 740 E
private crossing	81.81		923 741 L
private crossing	82.18		509 708 X
private crossing	82.63		509 707 R
Wheeler Road	82.74	gravel road	510 185 S
private crossing	83.16		509 706 J
Batavia Road	83.57	signals, paved road	510 184 K
US Highway 12 Overpass	84.11	bridge over railroad	510 183 D
private crossing	84.39		509 705 C
Snow Prairie Road	84.89	paved road	510 182 W
private crossing	85.34		509 704 V
Cavanaugh Road	85.50	paved road	510 181 P
private crossing	85.78		923 742 T
Wildlife Road	86.04	gravel road	510 180 H
Wildlife Road	86.56	gravel road	510 178 G
Parham Road	88.03	paved road	510 179 N
private crossing	88.45		923 743 A
private crossing	88.71		509 703 N
Matteson Street	89.11	signals, paved road, 2 tracks	510 177 A
Albers Road	89.63	paved road	510 176 T
private crossing	90.77	crosses between farm & barns	509 702 G
Prairie River Road	91.19	gravel road	510 175 L
Holmes Road	92.07	paved road	510 174 E
private crossing	92.32		509 699 B
private crossing	92.53		509 701 A
private crossing	92.95		509 700 T
Taggart Road	93.31	paved road	510 173 X
private crossing	94.11		509 698 U
private crossing	94.62		509 697 M
Deer Park Road	94.80	paved road	510 172 R
private crossing	94.87		509 696 F
private crossing	95.16		509 695 Y
Burr Oak Road	95.56	paved road	510 171 J
Second Street	95.82	signals, paved road, 2 tracks	510 170 C
Sixth Street	96.01	signals (bells only), paved road	510 169 H
Halfway Road	96.11	signals, paved road	510 168 B
private crossing	96.66		509 694 S
private crossing	97.21		509 693 K
Robinson Road	97.51	paved road	510 167 U
Witt Lake Road	98.46	paved road	510 166 M
private crossing	99.56	driveway to homes on nearby lake	509 692 D
private crossing	99.81		923 744 G
Lafayette Road	99.72	paved road	510 165 F
Big Hill Road	100.50	gravel road	510 164 Y

APPENDIX E-1

MILEPOST 85.68

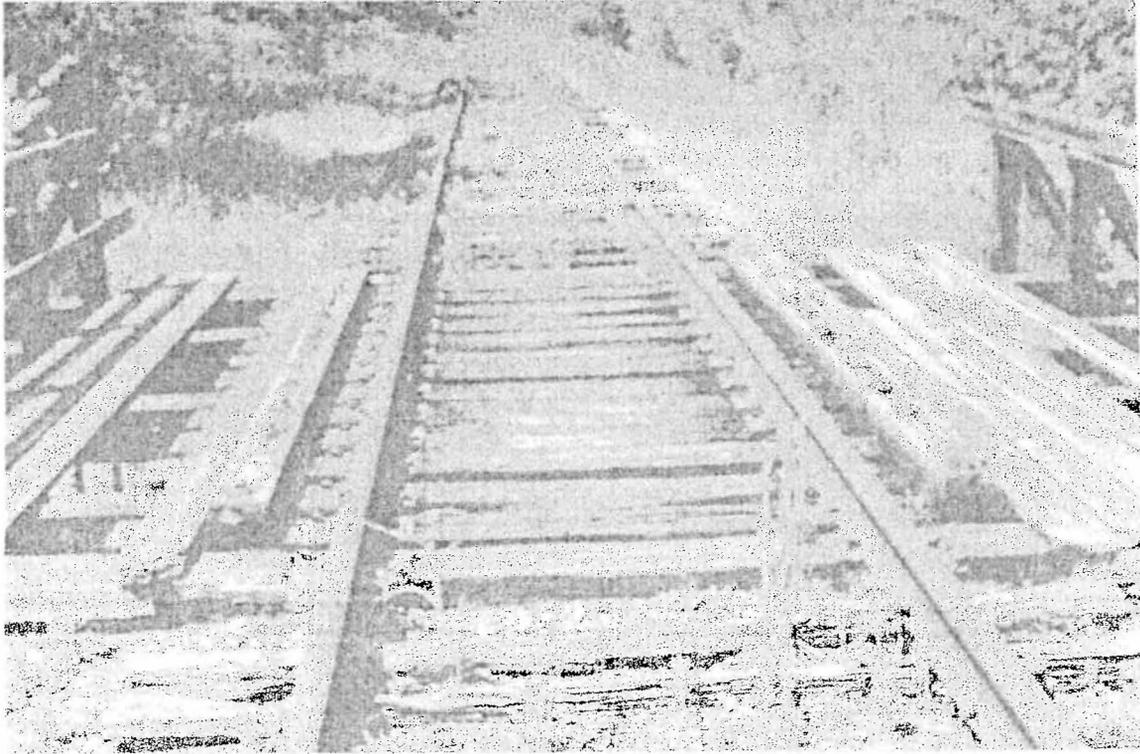


APPENDIX E-2
MILEPOST 86.82



APPENDIX E-3

MILEPOST 94.12



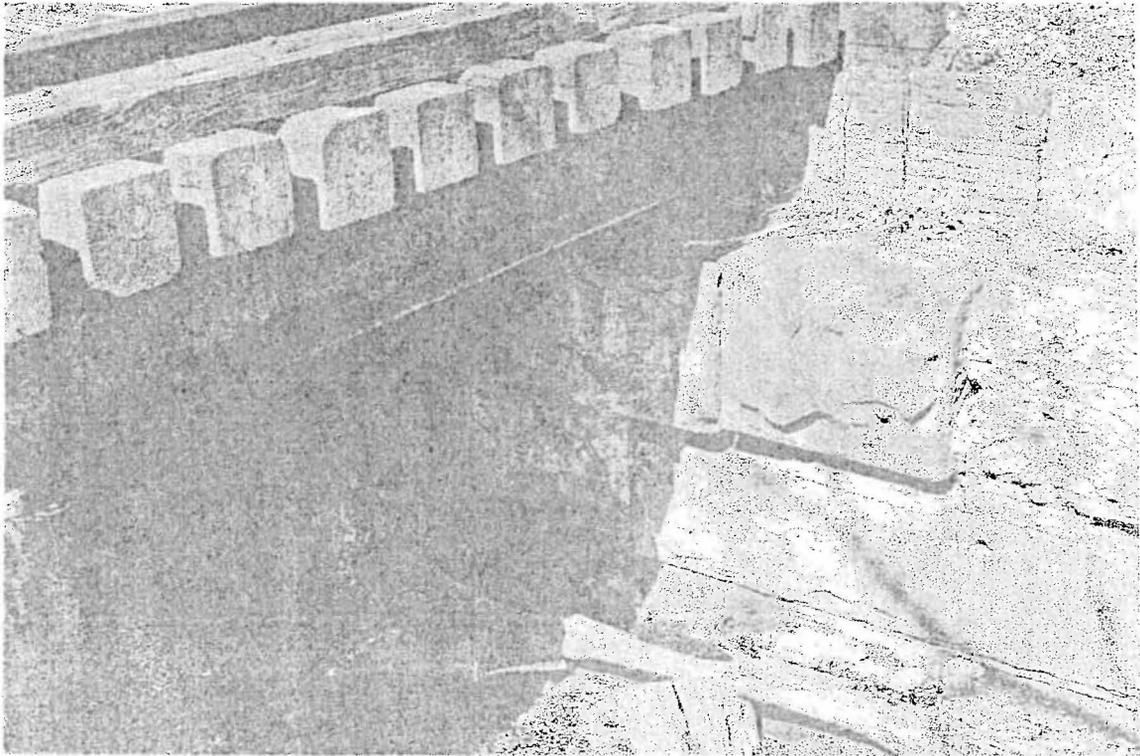
APPENDIX E-4

MILEPOST 95.43



APPENDIX E-5

MILEPOST 96.18



MILLER & HARANTS
ATTORNEYS AT LAW
618 PROFESSIONAL PARK DRIVE
P.O. BOX 332
NEW HAVEN, IN 46774
PHONE: 260-749-5858
FACSIMILE: 260-493-7619

CARL M. MILLER
CMILLER1@CHOICEONEMAIL.COM

STEPHEN J. HARANTS
SHARANTS1@CHOICEONEMAIL.COM

August 13, 2012

Bill O'Neill, Acting Chief
Michigan Department of Natural Resources
Forest Management Division
530 West Alleghan Street,
PO Box 30452
Lansing, Michigan 48909-7952

Re: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph
Counties, Michigan, Docket: AB-1102X

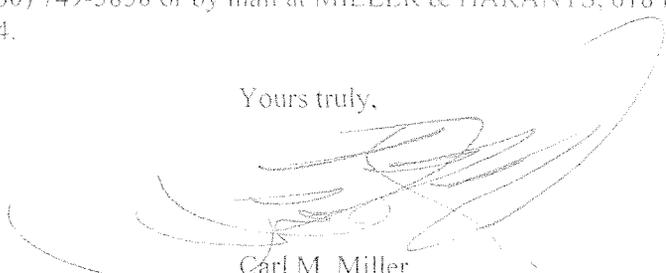
Dear O'Neill:

On or after September 14, 2012, the Indiana Northeastern Railroad Company expects to be filing with the Surface Transportation Board a Notice of Exemption seeking authority to abandon a line of railroad from Milepost 81.32 near Coldwater in Branch County, Michigan to Milepost 100.69 near Sturgis in St. Joseph County, Michigan. Attached is an Environmental Report (and Historic Report) describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, telephone (202) 245-0454 and refer to the above Docket No. AB-1102X. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within three (3) weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Carl M. Miller who may be contacted by telephone at (260) 749-5858 or by mail at MILLER & HARANTS, 618 Professional Park Drive, New Haven, IN 46774.

Yours truly,



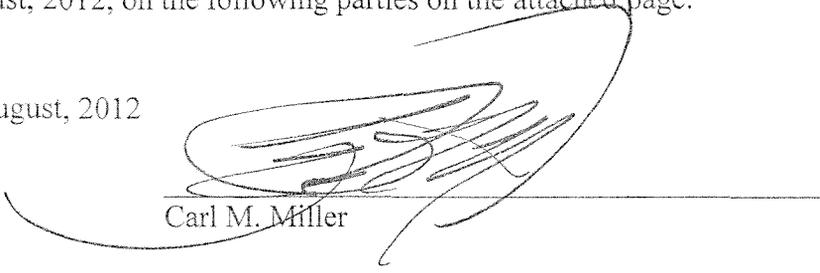
Carl M. Miller

CMM/dks

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-1102X, was served by First Class U.S. Mail, postage prepaid, on the 13th day of August, 2012, on the following parties on the attached page:

Dated this 13th day of August, 2012



Carl M. Miller

Bill O'Neill, Acting Chief
Michigan Department of Natural Resources
Forest Management Division
530 West Alleghan Street,
PO Box 30452
Lansing, Michigan 48909-7952

Dave Rigney, NOAA
MDOT/Design Survey Section
425 W. Ottawa Street
Lansing, Michigan 48933

Patty Birkholz, Director
Department of Environmental Quality
Office of Great Lakes
PO Box 30473
Lansing, Michigan 48909-7973

Natural Resources Conservation Service
Coldwater Service Center
387 N. Willowbrook Road, Suite F
Coldwater, Michigan 48936-8852

Natural Resources Conservation Service
Centreville Service Center
693 E. Main Street
Centreville, Michigan 49032-9603

U.S. Geological Survey
Michigan Water Science Center
6520 Mercantile Way, Suite 5
Lansing, Michigan 48911-5911

Rodney A. Stokes, Director
Department of Natural Resources
Stevens T. Mason Bldg.
PO Box 30028
Lansing, Michigan 48909-7528

Lt. Col. Michael C. Derosier
U.S. Army Corps of Engineers
Detroit District
477 Michigan Avenue
Detroit, Michigan 48231-1027

MI Department of Environmental Quality
Kalamazoo District Office
7953 Adobe Road
Kalamazoo, Michigan 49009-5025

National Park Service
9922 W. Front Street
Empire, Michigan 49630

Scott Hicks, Field Supervisor
Fish and Wildlife Services
East Lansing Field Office
2651 Coolidge Road, Suite 101
East Lansing, Michigan 48823-6316

US EPA, Region 5
77 W. Jackson Blvd.
Chicago, Illinois 60604

Branch County Board of Commissioners
Courthouse
31 Division Street
Coldwater, Michigan 49036

St. Joseph County Board of Commissioners
125 W. Main Street
PO Box 277
Centreville, Michigan 49032

Jamie Clover Adams, Director
MI Dept. Agriculture and Rural Development
PO Box 30017
Lansing, Michigan 48909

Mr. Brian D. Conway
MI State Historic Preservation Office
702 West Kalamazoo Street
PO Box 30740
Lansing, Michigan 48909-8240

Communications and Outreach Branch, NOAA,
N/NGS12
National Geodetic Survey, SSMC3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282

Michigan Department of Transportation
State Transportation Building
425 W. Ottawa Street
PO Box 30050
Lansing, Michigan 48909

Jonathan W. Hempel, Director
National Soil Survey Center
100 Centennial Mall North, Room 152
Mailstop 32
Lincoln, Nebraska 68508-3866

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-1102X

**INDIANA NORTHEASTERN RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN BRANCH AND ST. JOSEPH COUNTIES, MICHIGAN**

EXHIBIT D

**SUBSEQUENT CORRESPONDENCE
REGARDING ENVIRONMENTAL
OR HISTORIC IMPACT**

United States Department of Agriculture



Natural Resources Conservation Service
National Soil Survey Center
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866

Phone: (402) 437-5499
FAX: (402) 437-5336

September 4, 2012

Carl M. Miller
Miller & Harants
Attorneys at Law
618 Professional Park Drive
P. O. Box 332
New Haven, IN 46774

Dear Mr. Miller:

This letter acknowledges receipt of your letter dated August 13, 2012, requesting expert opinion and comment on the Indiana Northeastern Railroad Company Proposed Abandonment in Branch and St. Joseph Counties, Michigan, Docket: AB-1102X. Upon consultation with the United States Department of Agriculture (USDA) Office of Ethics, it has been determined that, since the report is being sent to a federal entity: the Office of Environmental Analysis (OEA) of the Surface Transportation Board (STB), providing the information you have requested would be in violation of the provisions of 5 C.F.R. §2635.805(a) which states that: "An employee shall not serve, other than on behalf of the United States, as an expert witness, with or without compensation, in any proceeding before a court or agency of the United States in which the United States is a party or has a direct and substantial interest..."

As a consequence, neither I nor any of my staff are able to provide comments in response to your request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jonathan W. Hempel".

ACTING

JONATHAN W. HEMPEL
Director
National Soil Survey Center



STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

RICK SNYDER
GOVERNOR

JAMIE CLOVER ADAMS
DIRECTOR

September 4, 2012

Mr. Carl M. Miller
Miller & Harants
618 Professional Park Drive
New Haven, IN 46774

RE: Indiana Northeastern Railroad Company Proposed Abandonment in Branch and
St. Joseph Counties, Michigan, Docket: AB-1102X

Dear Mr. Miller:

I received your request for review and comment on the Indiana Northeastern Railroad
Company Proposed Abandonment in Branch and St. Joseph Counties.

Our primary concern, as it relates to this project, would be potential impacts the project
could have on properties enrolled under Part 361 of NREPA (formerly PA 116, the
Farmland and Open Space Preservation Act) and on established intra- and inter-county
drains. The area of the project is an established railway corridor and work towards
abandonment of the identified section of the railway line would be conducted within
existing right-of-ways. We find no potential impacts to Part 361 lands nor do we
anticipate any impacts on established county or intercounty drains.

We have no additional concerns regarding the issues identified in the Environmental
Report as they apply to the functions of this department. We appreciate being included
in this environmental review process. Feel free to contact me at 517/241-3933, if I can
be of further assistance on this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Abigail S. Eaton', with a long horizontal flourish extending to the right.

Abigail S. Eaton
Environmental Resource Specialist
Environmental Stewardship Division



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
STATE HISTORIC PRESERVATION OFFICE

GARY HEIDEL
EXECUTIVE DIRECTOR

September 11, 2012

VICTORIA RUTSON
SURFACE TRANSPORTATION BOARD
395 E STREET SW
WASHINGTON DC 20423

RE: ER-12-466 Indiana Northeastern Railroad Company Abandonment, STB Docket: AB-1102X, Branch and St. Joseph Counties (STB)

Dear Ms. Rutson:

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited undertaking s at the location s noted above. Based on the information provided for our review, it is the opinion of the State Historic Preservation Officer (SHPO) that no historic properties are affected within the area of potential effects of these undertaking s .

The views of the public are essential to informed decision making in the Section 106 process. Federal Agency Officials or their delegated authorities must plan to involve the public in a manner that reflects the nature and complexity of the undertaking, its effects on historic properties and other provisions per 36 CFR § 800.2(d). We remind you that Federal Agency Officials or their delegated authorities are required to consult with the appropriate Indian tribe and/or Tribal Historic Preservation Officer (THPO) when the undertaking may occur on or affect any historic properties on tribal lands. In all cases, whether the project occurs on tribal lands or not, Federal Agency Officials or their delegated authorities are also required to make a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties per 36 CFR § 800.2(c-f).

This letter evidences the STB's compliance with 36 CFR § 800.4 "Identification of historic properties", and the fulfillment of the STB's responsibility to notify the SHPO, as a consulting party in the Section 106 process, under 36 CFR § 800.4(d)(1) "No historic properties affected."

The State Historic Preservation Office is not the office of record for this these undertaking s . You are therefore asked to maintain a copy of this letter with your environmental review record for this these undertaking s . If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.

If you have any questions, please contact Brian Grennell, Cultural Resource Management Specialist, at (517) 335-2721 or by email at grennellb@michigan.gov. **Please reference our project number in all communication with this office regarding these undertaking s .** Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,

Brian G. Grennell
Cultural Resource Management Specialist

for Brian D. Conway
State Historic Preservation Officer

BGG:ROC:SAT:kah

Copy: Carl M. Miller, Miller & Harants



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-1102X

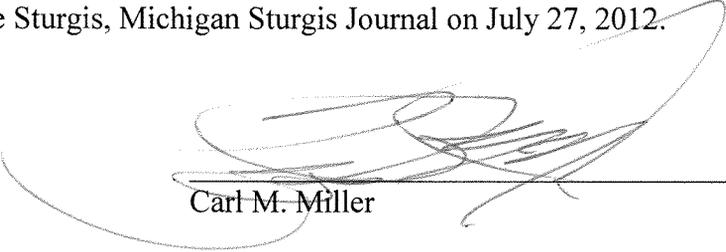
**INDIANA NORTHEASTERN RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN BRANCH AND ST. JOSEPH COUNTIES, MICHIGAN**

EXHIBIT E

CERTIFICATE OF PUBLICATION

CERTIFICATE OF PUBLICATION

Based on the attached Affidavits of Publication, I hereby certify that the Notice of Intent to Abandon Rail Line, appearing as Attachment 1 to this Exhibit, was published in the Coldwater, Michigan Daily Reporter on July 27, 2012, and that the Notice of Intent to Abandon Rail Line was published in the Sturgis, Michigan Sturgis Journal on July 27, 2012.



Carl M. Miller

***ATTACHMENT 1
AFFIDAVIT OF PUBLICATION***

Notice of Intent to Abandon Rail Line

The Indiana Northeastern Railroad Company gives notice that on or about September 14, 2012, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments permitting the abandonment of a 19.37 mile line of railroad between milepost 81.32 at Garfield Road near Coldwater, in Branch County, Michigan, and milepost 100.69, 1,000 feet west of Big Hill Road, near Sturgis in St. Joseph County, Michigan. The line traverses United States Postal Service Zip Codes 49036, 49028, 49030, and 49091. The proceeding will be docketed as No. AB-1102X.

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001, or by calling that office at 202-245-0304.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, or other offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423-0001 [See 49 CFR 1104.1(a), and 1104.3(a)], and one copy must be served on applicants' representative, Carl M. Miller, MILLER & HARANTS, 618 Professional Park Drive, New Haven, IN 46774; 260-749-5858 [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Carl M. Miller, MILLER & HARANTS, 618 Professional Park Drive, New Haven, IN 46774; 260-749-5858

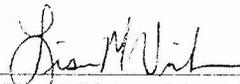
STATE OF MICHIGAN
COUNTY OF BRANCH

THE DAILY REPORTER

A Division of Liberty Group Publishing
15 W. Pearl Street
Coldwater, Michigan 49036
(517) 278-2318

a public newspaper, printed, published
and circulated in said County of Branch,
and that the annexed notice, taken from
said paper, has been published in said
paper at least once in each week
for 1 successive weeks,
and the first publication
was on the date of:

7-27-2012



Lisa M. Vickers, Advertising Manager

Sworn and subscribed before me
this 27th day
of July, 2012 A.D.



JOYCE A. FERRO
State of Michigan, County of Branch
My Commission Expires May 22, 2018

Affidavit of Publication – STURGIS JOURNAL

State of Michigan) s.s
County of St. Joseph) s.s

NOTICE OF INTENT TO ABANDON RAIL LINE

The Indiana Northeastern Railroad Company gives notice that on or about September 14, 2012, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments permitting the abandonment of a 19.37 mile line of railroad between milepost 81.32 at Garfield Road near Coldwater, in Branch County, Michigan, and milepost 100.69, 1,000 feet west of Big Hill Road, near Sturgis in St. Joseph County, Michigan. The line traverses United States Postal Service Zip Codes 49036, 49028, 49030, and 49091. The proceeding will be docketed as No. AB-1102X.

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001, or by calling that office at 202-245-0304.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, or other offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423-0001 [See 49 CFR 1104.1(a), and 1104.3(a)], and one copy must be served on applicants' representative, Carl M. Miller, MILLER & HARANTS, 618 Professional Park Drive, New Haven, IN 46774; 260-749-5858 [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Carl M. Miller, MILLER & HARANTS, 618 Professional Park Drive, New Haven, IN 46774; 260-749-5858

July 27, 2012

BRENDA KANE being duly sworn, deposes and says that she is Advertising Director of the STURGIS JOURNAL, a public newspaper printed and circulated in the County of St. Joseph and state of Michigan. That the annexed notice has been published in said newspaper at least once a week for 1 successive weeks, to wit:

July 27 A.D. 20 12

Advertising Director Brenda Kane
Brenda Kane

Subscribed and sworn to before me this 9 day of August A.D. 20 12

Gwen Donmyer
Gwen Donmyer

Notary Public of St. Joseph County,
Michigan

My Commission expires 12-11-18