

#E1-25376

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September 21, 2016

E-FILED

Ms. Victoria Rutson, Esq.  
Environmental Analysis Chief  
Surface Transportation Board  
395 E Street, SW, Room 1106  
Washington, DC 20423

Re: Docket No. AB 6 (Sub-No. 493X), BNSF Railway Company --  
Abandonment Exemption -- in Cook County, Illinois

Dear Ms. Rutson:

By decision served August 19, 2016, the Surface Transportation Board ("Board") exempted from the prior approval requirements the abandonment by BNSF Railway Company ("BNSF") of a 0.89-mile rail line in Chicago, Ill. In so doing, the Board imposed the environmental condition that BNSF contact the U.S. Fish and Wildlife Service ("USFWS") to discuss potential impacts to any federally listed, endangered, threatened, or candidate species that may occur in the vicinity of the right-of-way. BNSF is precluded from initiating salvage operations until the Board has removed that condition.

Attached please find a copy of the e-mail received from the USFWS finding that they "have no concerns about impacts to Federally listed species in the proposed abandonment area or within the immediate vicinity." In light of the finding by USFWS, BNSF respectfully urges the Board to remove the environmental condition concerning the USFWS.

Sincerely,

  
Karl Morell

Enclosure

## Karl Morell

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**From:** Thompson, Emily Jean <Emily.Thompson@BNSF.com>  
**Sent:** Friday, September 16, 2016 12:29 PM  
**To:** Karl Morell; Mecone, James M; Sims, John A; Norton, Mark A  
**Cc:** Thompson, Emily Jean  
**Subject:** FW: FW: BNSF Abandonment AB-6-493X Chicago, Cook County, IL

See email below. I talked to the USFWS and was able to clear the environmental condition in AB-6-493X.

Karl – please draft a letter to the STB and attach my email below showing that the USFWS has no concerns about impacts to federally listed species in the proposed abandonment. Thanks.

**From:** Cirton, Shawn [mailto:shawn\_cirton@fws.gov]  
**Sent:** Friday, September 16, 2016 11:25 AM  
**To:** Thompson, Emily Jean <Emily.Thompson@BNSF.com>  
**Subject:** Re: FW: BNSF Abandonment AB-6-493X Chicago, Cook County, IL

EXTERNAL EMAIL

Emily,

After reviewing the information provided, we have no concerns about impacts to Federally listed species in the proposed abandonment area or within the immediate vicinity.

Sincerely,

Shawn Cirton  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Chicago Illinois Field Office  
230 South Dearborn Street, Suite 2938  
Chicago, IL 60604  
(312)216-4728

On Mon, Sep 12, 2016 at 9:39 AM, Thompson, Emily Jean <Emily.Thompson@bnsf.com> wrote:

Hello Shawn,

Please see my email below to Louise Clemency and the attached documents. Are there any potential impacts to any federally listed, endangered, threatened, or candidate species that may occur in the vicinity of the right-of-way for the 0.89-mile rail line in Cook County, Illinois that we are seeking to abandon. Let me know if you have any questions or need additional information. Thank you.

Emily Thompson

**From:** Louise Clemency [[mailto:louise\\_clemency@fws.gov](mailto:louise_clemency@fws.gov)]  
**Sent:** Tuesday, August 23, 2016 10:23 AM  
**To:** Thompson, Emily Jean <[Emily.Thompson@BNSF.com](mailto:Emily.Thompson@BNSF.com)>  
**Subject:** Re: BNSF Abandonment AB-6-493X Chicago, Cook County, IL

EXTERNAL EMAIL

Emily,

I am assigning this request to Shawn Cirton (copied) who will be contacting you to follow up.

Thank you,

Sent from my iPhone

On Aug 23, 2016, at 9:31 AM, Thompson, Emily Jean <[Emily.Thompson@bnsf.com](mailto:Emily.Thompson@bnsf.com)> wrote:

Louise Clemency,

I am a paralegal for BNSF Railway and we are seeking to abandon 0.89-mile rail line in Cook County, Illinois. Attached please find the following STB filings in abandonment AB-6-493X in Chicago, Cook County, Illinois:

- 1) 11/3/2015 Official Species List which BNSF generated using USFWS's Information, Planning, and Conservation System (IPaC) for the project area
- 2) 3/3/2016 BNSF Environment and Historic Report
- 3) 8/19/2016 STB Decision imposing environmental condition

Per the 8/19/2016 Surface Transportation Board ("STB") Decision, the Office of Environmental Analysis ("OEA") states that "BNSF shall (a) contact USFWS to discuss potential impacts to any federally listed, endangered, threatened, or candidate species that may occur in the vicinity of the right-of-way, (b) should any protected species be identified that may be affected by salvage activities, identify the species and the potential impacts, (c) consult with OEA and USFWS to develop appropriate mitigation measures to avoid or reduce impacts to the protected species, and (d) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the

consultation process with USFWS and OEA is complete and the Board has removed this condition.”

BNSF is seeking to abandon approximately 0.89-mile rail line on BNSF's Lumber District Lead beginning just west of Laflin Street at Engineering Station 118+00 and proceeding east along West Cermak Road to the most easterly point at Engineering Station 157+65 and heading north along the Sangamon Street Lead at Engineering Station 163+50, including both legs of the wye, in Chicago, Cook County, Illinois. Our salvage activities for the 0.89-mile of railroad line will include the removal of the rails and ties and will be restricted to the railroad right-of-way. The railroad right-of-way, ballasts 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.

Please let me know who we need to consult with regarding the potential impacts to any federally listed, endangered, threatened, or candidate species that may occur in the vicinity of the right-of-way by **September 30, 2016**, as we would like to move forward with the salvage as soon as possible. Thank you.

**Emily Thompson**

**Paralegal III**

BNSF Law Department

2500 Lou Menk Dr. AOB-3

Fort Worth, Texas 76131-2898

Office 817-352-2376

[Emily.Thompson@BNSF.com](mailto:Emily.Thompson@BNSF.com)

This message may be confidential and should be read or retained only by the intended recipient. If you have received this transmission in error, please immediately notify the sender by replying to this message and then delete it from your system. Thank you.

<Ex F - 2015.11.03 U.S. Fish and Wildlife Official Species List.pdf>

<2016.03.03 Environmental and Historic Report AB-6-493X.pdf>

<2016.08.19 Decision - Imposing Environmental Conditions and Deadlines.pdf>