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239019

August 12, 2015

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August 12, 2015
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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. 491X), BNSF Railway Company --
Abandonment Exemption -- in Stearns County, Minnesota

Dear Ms. Rutson:

Attached please find BNSF Railway Company's Environmental and Historic
Reports in the above-referenced proceeding.

Sincerely,



Karl Morell

Enclosure

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY)	
ABANDONMENT EXEMPTION)	DOCKET NO. AB 6
IN STEARNS COUNTY,)	(SUB-NO. 491X)
MINNESOTA		

ENVIRONMENTAL AND HISTORIC REPORTS

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

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Karl Morell
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(202) 595-9045

Service Date: August 12, 2015

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 0.45 miles of rail line located between Milepost 80.66 and Milepost 81.11 in St. Joseph, Stearns County, Minnesota (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 and ties. 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 traffic since prior to 2005. There is no overhead traffic on the proposed abandonment portion of the Line. 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 2005.

(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 St. Joseph Planning Commission. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. Angie Berg, Land Use Division Supervisor, Stearns County Land Use Division replied in an email dated April 27, 2015, stating, "[t]he proposed area of abandonment is located within the City of St. Joseph, therefore they are the planning and zoning authority for this area. The unincorporated area of St. Joseph Township is located approximately 1000 feet to the east. This area is zoned Industrial or Commercial and is located in the Orderly Annexation Area of the City of St. Joseph and St. Joseph Township. Their Joint Planning Board is the official planning and zoning authority for this area. The County Comprehensive Plan has this area identified as Urban Expansion." A copy of the email and letter are attached as **Exhibit B**.

(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 Minnesota NRCS State Office. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit C**.

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

BNSF does not believe the proposed abandonment is located within a designated coastal zone. BNSF sent a letter to the Minnesota Department of Natural Resources. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit D**.

(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 St. Joseph Planning Commission.

(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 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 no private at-grade crossings and no 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 an 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, Ecological Services Field Office ("USFWS"), in reference to this proposed abandonment. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit E**. BNSF generated an official species list using USFWS's Information, Planning, and Conservation System (IPaC) for the project

area. BNSF reviewed the list of Endangered Species Act Species List for the project area and determined that the abandonment project will have “no effect” on the listed species, their habitats, or proposed or designated critical habitat as the project area is located in the city streets and salvage activities will be restricted to the railroad right-of-way.

(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. BNSF contacted the U.S. Department of the Interior, Bureau of Land Management (“BLM”) and the National Park Service, Midwest Region. As of the date of this Environmental Report, the BLM and the National Park Service have not replied to BNSF’s inquiry. Copies of the letters are attached as **Exhibit F**.

(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.

BNSF sent a letter to the Minnesota Department of Natural Resources. As of the date of this Environmental Report, the agency has not replied to BNSF’s inquiry. A copy of the letter is attached as **Exhibit D**.

BNSF also contacted the U.S. EPA Region 5 regarding the proposed abandonment. As of the date of this Environmental Report, the agency has not replied to BNSF’s inquiry. A copy of the letter is attached as **Exhibit G**.

(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. BNSF contacted the U.S. Army Corps of Engineers St. Paul District in reference to the proposed abandonment. Ryan Malterud, Senior Project Manager for the U.S. Army Corps of Engineers replied in a letter May 18, 2015, stating that "based on available information a Department of the Army (DA) permit may not be required for the proposed activity." A copy of the letter is attached as **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).

BNSF sent a letter to the Minnesota Department of Natural Resources. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit D**.

BNSF also contacted the U.S. EPA Region 5 regarding the proposed abandonment. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit G**.

(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 0.45 miles of rail line located between Milepost 80.66 and Milepost 81.11 in St. Joseph, Stearns County, Minnesota (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 and ties. 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 rail cars 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 traffic since prior to 2005. There is no overhead traffic on the proposed abandonment portion of the Line. 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 0.45 miles of rail line located between Milepost 80.66 and Milepost 81.11 in St. Joseph, Stearns County, Minnesota. The urban right-of-way is generally 100 feet wide. There are no 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.*

None.

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.*

None.

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.*

The Saint Paul and Pacific Railroad Company acquired the right of way in 1876. The Saint Paul and Pacific Railroad Company was sold to The Saint Paul, Minneapolis and Manitoba Railway Company in 1879. The Saint Paul, Minneapolis and Manitoba Railway Company was sold to Great Northern Railway Company in 1907. In 1970, Great Northern Railway Company merged into Great Northern Pacific and Burlington Lines, Inc. to become Burlington Northern Inc. In 1981, Burlington Northern Inc.'s named changed to Burlington

Northern Railroad Company. Burlington Northern Railroad Company 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 Minnesota Historical Society State Historic Preservation Office in reference to the proposed abandonment. By letter dated May 22, 2015, Sarah J. Beimers, Manager, Government Programs Compliance, stated, "this portion of rail line is a segment of the Great Northern Railroad: Collegeville Segment (SN-SJT-001) which was previously determined eligible for listing in the NRHP...For your information, we recently completed a Section 106 review for a federally-funded trail project which included a potential provision for acquiring this segment of abandoned rail line and incorporating it into the proposed trail design. We have included a copy of our December 2014 conditional "no adverse effect" letter to the Minnesota Department of Transportation's Cultural Resources Unit, which has been delegated to complete the Section 106 review for the Federal Highway Administration in our state." A copy of the letter is attached as **Exhibit I.**

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.

EXHIBIT A

EXHIBIT B

Karl Morell & Associates
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Washington, DC 20005
(202) 595-9045
karlm@karlmorell.com

April 13, 2015

St. Joseph Planning Commission
25 College Ave. N
P.O. Box 668
St. Joseph, MN 56374

**Re: STB Docket No. AB 6 (Sub-No. 491X); BNSF Railway Company –
Abandonment Exemption – in Stearns County, Minnesota**

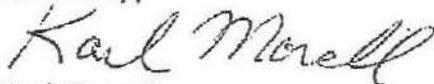
BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.45 miles of rail line in Stearns County, Minnesota, between Milepost 80.66 and Milepost 81.11 in St. Joseph.

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 at your earliest convenience.

You may contact me by email or telephone with any questions or concerns. Thank you in advance for your time and contribution.

Sincerely,

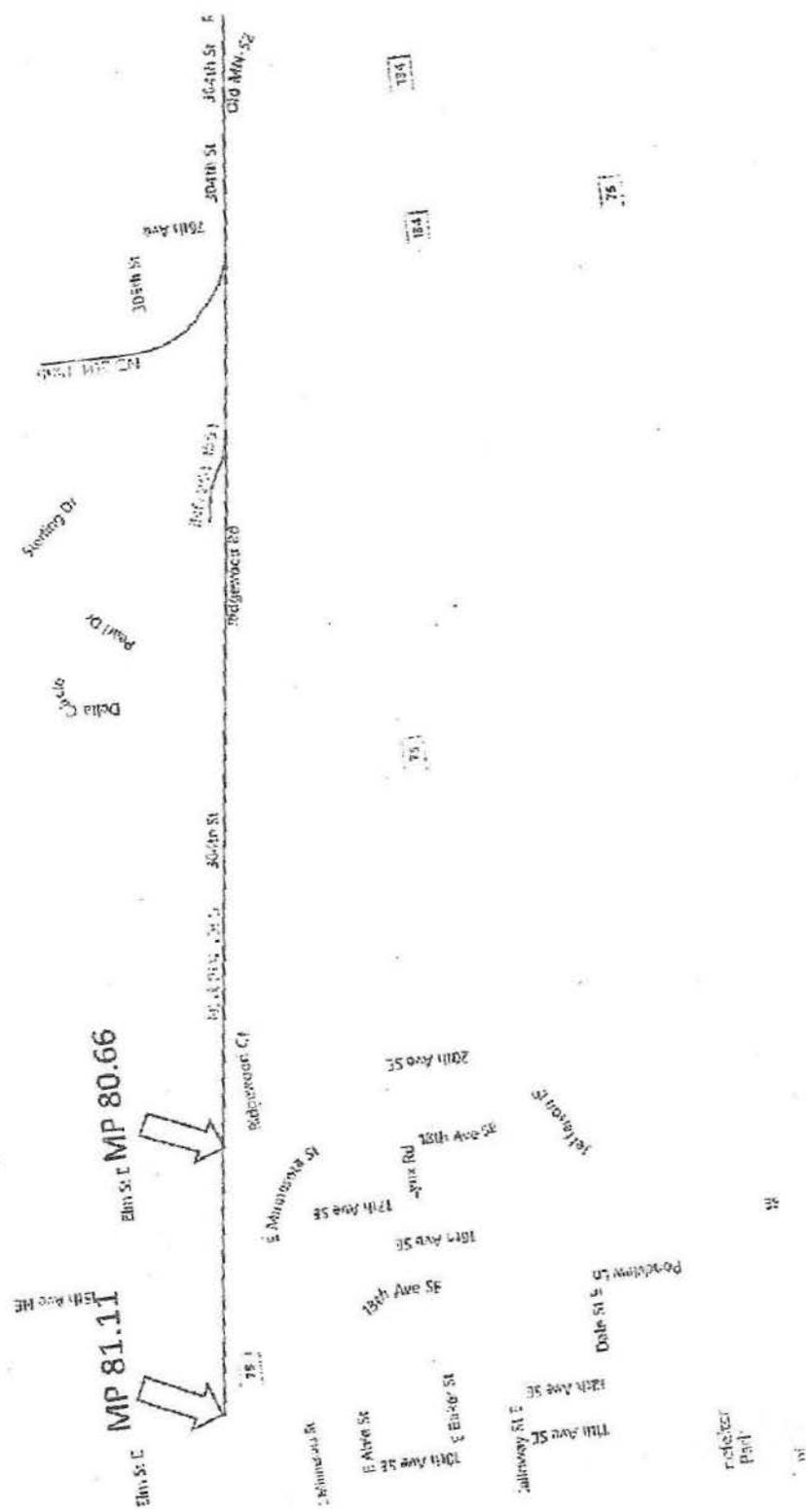


Karl Morell
Attorney for BNSF Railway Company

Enclosure

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Karl Morell

From: Berg, Angie <Angie.Berg@co.stearns.mn.us>
Sent: Monday, April 27, 2015 9:45 AM
To: Karl Morell
Cc: Rindelau, George; Benson, Chelle; Theismann, Pete; Teich, Jodi
Subject: STB Docket No. AB 6 (Sub-No. 491X) BNSF Railway Co. Abandonment Exemption

Karl- The purpose of this email is to respond to your request for comments on the consistency of the proposed abandonment with the County land use plans. The proposed area of abandonment is located within the City of St. Joseph, therefore they are the planning and zoning authority for this area. The unincorporated area of St. Joseph Township is located approximately 1000 feet to the east. This area is zoned Industrial or Commercial and is located in the Orderly Annexation Area of the City of St. Joseph and St. Joseph Township. Their Joint Planning Board is the official planning and zoning authority for this area. The County Comprehensive Plan has this area identified as Urban Expansion.

Feel free to contact me with any more questions.

Sincerely,

Angie Berg | Land Use Division Supervisor | angie.berg@co.stearns.mn.us
Stearns County | www.co.stearns.mn.us | 320-656-3613
705 Courthouse Square, Rm 343 | St. Cloud, MN 56303

EXHIBIT C

Karl Morell & Associates
655 15th Street, NW, Suite 225
Washington, DC 20005
(202) 595-9045
karlm@karlmorell.com

April 13, 2015

United States Department of Agriculture
Natural Resources Conservation Service
375 Jackson Street, Suite 600
Saint Paul, Minnesota 55101

**Re: STB Docket No. AB 6 (Sub-No. 491X); BNSF Railway Company -
Abandonment Exemption - in Stearns County, Minnesota**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.45 miles of rail line in Stearns County, Minnesota, between Milepost 80.66 and Milepost 81.11 in St. Joseph.

As part of the requisite environmental report, BNSF needs to know whether or not the proposed abandonment will have any effect on prime agricultural lands. Your assessment and comments are respectfully requested.

For your reference a map of the subject railroad line is enclosed. The following is information on BNSF's salvage process as it relates to this project:

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

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

dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and **not** to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted. Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

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

Please provide your assessment and comments to me at the address above at your earliest convenience. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in cursive script that reads "Karl Morell".

Karl Morell
Attorney for BNSF Railway Company

Enclosure

EXHIBIT D

Karl Morell & Associates
655 15th Street, NW, Suite 225
Washington, DC 20005
(202) 595-9045
karlm@karlmorell.com

April 13, 2015

Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4040

**Re: STB Docket No. AB 6 (Sub-No. 491X); BNSF Railway Company –
Abandonment Exemption – in Stearns County, Minnesota**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.45 miles of rail line in Stearns County, Minnesota, between Milepost 80.66 and Milepost 81.11 in St. Joseph.

As part of the environmental report, BNSF is required to contact your agency to determine if the proposed abandonment:

1. will affect land or water uses within a designated coastal zone;
2. is consistent with applicable Federal, State or local water quality standards (with a description of any inconsistencies identified); and
3. will require permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342).

For your reference I have enclosed a map of the subject railroad line. The following is information on BNSF's salvage process as it relates to this project:

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

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Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in cursive script that reads "Karl Morell".

Karl Morell
Attorney for BNSF Railway Company

Enclosure

EXHIBIT E

Karl Morell & Associates
655 15th Street, NW, Suite 225
Washington, DC 20005
(202) 595-9045
karlm@karlmorell.com

April 13, 2015

U.S. Fish and Wildlife Service
5600 American Blvd
West Suite 990
Bloomington, MN 55437-1173

**Re: STB Docket No. AB 6 (Sub-No. 491X); BNSF Railway Company -
Abandonment Exemption - in Stearns County, Minnesota**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.45 miles of rail line in Stearns County, Minnesota, between Milepost 80.66 and Milepost 81.11 in St. Joseph.

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. The following is information on BNSF's salvage process as it relates to this project:

The proposed abandonment will include the removal of the rails and ties; 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

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Please provide your assessment and comments to me at the address above at your earliest convenience. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Karl Morell
Attorney for BNSF Railway Company
Enclosure

EXHIBIT F

Karl Morell & Associates
655 15th Street, NW, Suite 225
Washington, DC 20005
(202) 595-9045
karlm@karlmorell.com

April 13, 2015

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

**Re: STB Docket No. AB 6 (Sub-No. 491X); BNSF Railway Company –
Abandonment Exemption – in Stearns County, Minnesota**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.45 miles of rail line in Stearns County, Minnesota, between Milepost 80.66 and 81.11 in ST. Joseph.

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. The following is information on BNSF's salvage process as it relates to this project:

The proposed abandonment will include the removal of the rails and ties; 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.

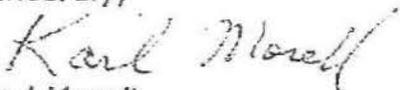
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Thank you in advance for your time and contribution.

Sincerely,



Karl Morell
Attorney for BNSF Railway Company
Enclosure

Karl Morell & Associates
655 15th Street, NW, Suite 225
Washington, DC 20005
(202) 595-9045
karlm@karlmorell.com

April 13, 2015

U.S. Department of the Interior
Bureau of Land Management
626 E. Wisconsin Ave., Suite 200
Milwaukee, Wisconsin 53202-4617

**Re: STB Docket No. AB 6 (Sub-No. 491X); BNSF Railway Company –
Abandonment Exemption – in Stearns County, Minnesota**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.45 miles of rail line in Stearns County, Minnesota, between Milepost 80.66 and Milepost 81.11 in St. Joseph.

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:

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Please provide your assessment and comments to me at the address above at your earliest convenience. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

Karl Morell

Karl Morell
Attorney for BNSF Railway Company

Enclosure

EXHIBIT G

Karl Morell & Associates
655 15th Street, NW, Suite 225
Washington, DC 20005
(202) 595-9045
karlm@karlmorell.com

April 13, 2015

U.S. EPA Region 5
Metcalf Building
Office of Strategic Environmental Analysis
77 West Jackson Boulevard
Mailcode B-19J
Chicago, IL 60604

**Re: STB Docket No. AB 6 (Sub-No. 491X); BNSF Railway Company –
Abandonment Exemption – in Stearns County, Minnesota**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.45 miles of rail line in Stearns County, Minnesota, between Milepost 80.66 and Milepost 81.11 in St. Joseph.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not this action will be consistent with Federal, State or local water quality standards, and 2) whether or not Section 402 and/or National Pollutant Discharge Elimination System ("NPDES") permits are required for performance of the salvage activity described below. Please note: **BNSF anticipates the proposed abandonment will not disturb more than one (1) acre of land.**

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:

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

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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 at your earliest convenience. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in cursive script that reads "Karl Morell".

Karl Morell
Attorney for BNSF Railway Company

EXHIBIT H



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MINNESOTA 55101-1678

MAY 18 2015

REPLY TO
ATTENTION OF

Operations
Regulatory (2015-01368-RMM)

Mr. Karl Morell
655 15th Street NW, Suite 225
Washington, DC 20005

Dear Mr. Morell:

We have received your letter regarding the STB Docket No. AB 6 (Sub-No. 491X); BNSF Railway Company – Abandonment Exemption – In Stearns County, Minnesota. The purpose of this letter is to inform you that based on available information a Department of the Army (DA) permit may not be required for the proposed activity. This letter also provides general information regarding the U.S. Army Corps of Engineers (Corps) regulatory program.

If the BNSF abandonment project involves a discharge of dredged or fill material into waters of the United States, a Clean Water Act (CWA) permit would be required. CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.

If a CWA permit is required, we would consider direct impacts to waters of the United States located within the project area, which may include aquatic resources such as wetlands and ditches, as well as any other aquatic resources that would be indirectly affected by the proposed direct impacts to waters of the United States. The Corps evaluation of a CWA permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

If the proposal requires a CWA permit, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.

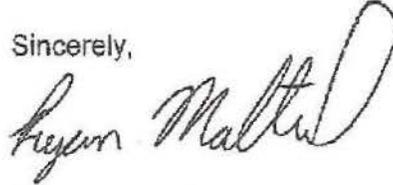
If, during the planning stages, it seems that a Corps permit may be needed for this project, we encourage the project proposer to request a pre-application consultation meeting with the Corps to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process.

Operations
Regulatory (2015-01368-RMM)

- 2 -

Thank you for the opportunity to review this information. For further information or to request a pre-application consultation meeting, please contact me at (651) 290-5286 or Ryan.M.Malterud@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Malterud". The signature is fluid and cursive, with a large, stylized initial "R" and "M".

Ryan Malterud
Senior Project Manager

EXHIBIT I

STATE HISTORIC PRESERVATION OFFICE

May 22, 2015

Mr. Karl Morell
Attorney for BNSF Railway Company
Karl Morell & Associates
655 15th St NW, Suite 225
Washington, DC 20005

RE: STB Docket No. AB 6 (Sub No. 491X)
BNSF Railway to abandon .45 miles of rail line (MP 80.66 to MP 81.11)
St. Joseph, Stearns County
SHPO Number: 2015-1785

Dear Mr. Morell:

Thank you for the opportunity to comment on the above project. Information received in our office on 20 April 2015 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by Section 106 of the National Historic Preservation Act of 1966 and implementing federal regulations at 36 CFR 800.

Your letter dated April 13, 2015 requests information regarding the presence of any structures which may be eligible for or listed in the National Register of Historic Places (NRHP) in the "project area."

We are able to provide information to you regarding the rail line itself. According to our files, this portion of rail line is a segment of the **Great Northern Railroad: Collegeville Segment (SN-SJT-001)** which was previously determined eligible for listing in the NRHP.

Without a definition of "project area" or the federal agency's determination and documentation of the area of potential effect (APE) for this project, we are unable to provide you with additional information regarding any other known historic properties as requested in your letter.

For your information, we recently completed a Section 106 review for a federally-funded trail project which included a potential provision for acquiring this segment of abandoned rail line and incorporating it into the proposed trail design. We have included a copy of our December 2014 conditional "no adverse effect" letter to the Minnesota Department of Transportation's Cultural Resources Unit, which has been delegated to complete the Section 106 review for the Federal Highway Administration in our state. We suggest that the Surface Transportation Board consider contacting this federal agency for potential coordination of their Section 106 review.

Please feel free contact me if you wish to discuss comments and recommendations included in this letter. I can be reached at 651-259-3456 or sarah.beimers@mnhs.org.

Sincerely,

SARAH J. BEIMERS

Sarah J. Beimers, Manager
Government Programs and Compliance

cc: Renee Hutter Barnes, MnDOT Cultural Resources Unit

Enclosure: SHPO letter to MnDOT CRU (12/19/2014)



Using the Power of History to Transform Lives
PRESERVING • SHARING • CONNECTING

STATE HISTORIC PRESERVATION OFFICE

December 19, 2014

Renee Hutter Barnes
Cultural Resources Unit
MN Dept. of Transportation
Transportation Building, MS 620
395 John Ireland Boulevard
St. Paul, MN 55155-1899

RE: SP 073-090-010, NRTP 0017-14-3A, DNR L019-13-13A
Wobegon Trail, St. Joseph to Waite Park
Stearns County
SHPO Number: 2015-0340

Dear Ms. Hutter Barnes:

Thank you for continuing consultation on the above project. Additional project information received on 24 November 2014 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing federal regulations at 36 CFR 800, and per the terms of the 2005 Programmatic Agreement between the Federal Highway Administration, the Minnesota Department of Transportation and the Minnesota State Historic Preservation Office.

On November 21st we provided concurrence with your no adverse effect determination for the proposed 3.6 mile trail project from St. Joseph to Rivers Edge Park in Waite Park. You have now informed us that the project scope has two segments and that the entirety of the trail project was not reviewed by our office:

- Segment 1: West ½ mile section of the trail extension, this segment has two (2) alternatives including trail construction on the former rail bed (with rails and ties removed) or an alignment south of the current railway corridor; and
- Segment 2: East 2 ½ mile section to be constructed approximately 30 feet south of the existing railroad centerline including a new bridge across the Sauk River.

Based upon information included in your November 21, 2014 letter, we agree with your determination that there is one historic property identified within the area of potential effect (APE) for this project, the Great Northern Railroad: Collegeville Segment which is eligible for listing in the National Register of Historic Places (NRHP). We agree that the APE for direct effects has no recorded archaeological sites and a low potential for sites being present. We agree that an archaeological survey is not necessary for this project.

Based upon information you have provided for our review, we concur with your determination that the project, as currently proposed, will have no adverse effect on the historic property provided that the following condition is met:

- If Segment 1 is constructed on the existing rail bed, necessitating removal of tracks and ties, then we recommend the new trail construction follow the historic rail corridor alignment as closely as feasible.

If subsequent project design changes are made for this project, we request that you please forward additional information to our office for further comment.

Please contact our Compliance Section at (651) 259-3455 if you have any questions regarding our review of this project.

Sincerely,

A handwritten signature in black ink that reads 'Sarah J. Beimers'.

Sarah J. Beimers, Manager
Government Programs & Compliance

Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, Minnesota 55102
651-259-3000 • 888-727-8386 • www.mnhs.org



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Twin Cities Ecological Services Field Office

4101 AMERICAN BLVD E

BLOOMINGTON, MN 55425

PHONE: (612)725-3548 FAX: (612)725-3609

URL: www.fws.gov/midwest/Endangered/section7/s7process/step1.html

Consultation Code: 03E19000-2015-SLI-0151

June 16, 2015

Event Code: 03E19000-2015-E-00172

Project Name: AB-6-491X Lake Wobegon, St. Joseph, MN

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the action area — the area that is likely to be affected by your proposed project. The list also includes designated and proposed critical habitat that overlaps with the action area. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representatives) must consult with the Service if they determine their project may affect listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains

step-by-step instructions that will help you determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all wind energy projects and projects that include installing towers that use guy wires or are over 200 feet in height, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within the action area.

Although no longer protected under the Endangered Species Act, be aware that bald eagles (*Haliaeetus leucocephalus*) are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*) and Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*), as are golden eagles (*Aquila chrysaetos*). Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near a bald eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html>. The information available at this website will help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: AB-6-491X Lake Wobegon, St. Joseph, MN

Official Species List

Provided by:

Twin Cities Ecological Services Field Office

4101 AMERICAN BLVD E

BLOOMINGTON, MN 55425

(612) 725-3548

<http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html>

Consultation Code: 03E19000-2015-SLI-0151

Event Code: 03E19000-2015-E-00172

Project Type: LAND - EASEMENT / RIGHT-OF-WAY

Project Name: AB-6-491X Lake Wobegon, St. Joseph, MN

Project Description: List of threatened and endangered species that may occur in your proposed project

location, and/or may be affected by your proposed project.

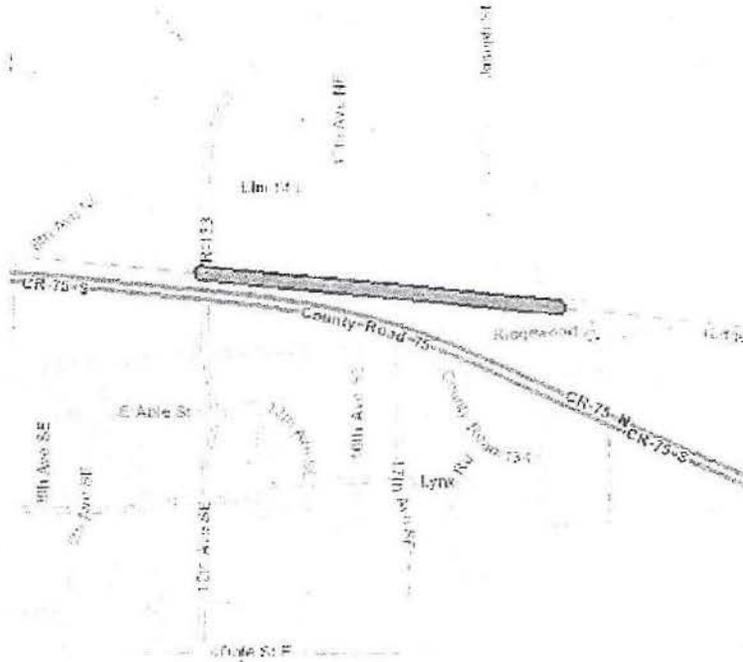
Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: AB-6-491X Lake Wobegon, St. Joseph, MN

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-94.29029117499675 45.56681467404045, -94.29019716395374 45.56676791801473, -94.29016374961056 45.56666838066586, -94.29021050563627 45.56657436962284, -94.29031004298514 45.566540955279656, -94.30084232472501 45.56726696678491, -94.30093633576803 45.56731372281063, -94.30096975011121 45.567413260159505, -94.3009229940855 45.56750727120252, -94.30082345673662 45.56754068554571, -94.29029117499675 45.56681467404045)))

Project Counties: Stearns, MN



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Endangered Species Act Species List

There are a total of 1 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Mammals	Status	Has Critical Habitat	Condition(s)
Northern long-eared Bat (<i>Myotis septentrionalis</i>)	Threatened		



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Critical habitats that lie within your project area

There are no critical habitats within your project area.