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January 25, 2013

Karl Morell
Of Counsel
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E-FILED

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

233718
ENTERED
Office of Proceedings
January 25, 2013
Part of
Public Record

Re: Docket No. AB 6 (Sub-No. 487X), BNSF Railway Company -
Abandonment Exemption - in Cook County, Illinois

Dear Ms. Rutson:

Enclosed for filing in Docket No. AB 6 (Sub-No. 487X) are BNSF
Railway Company's Environmental and Historic Reports.

BNSF anticipates filing a Notice of Exemption seeking authority to
abandon the 1.1-mile rail lines on or after February 14, 2013.

Sincerely,


Karl Morell
Of Counsel

Enclosure

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY)	
ABANDONMENT EXEMPTION)	DOCKET NO. AB 6
IN COOK COUNTY, ILLINOIS)	(SUB-NO. 487X)

ENVIRONMENTAL AND HISTORIC REPORTS

BNSF RAILWAY COMPANY
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Service Date: January 25, 2013

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: (1) approximately 0.50 miles of track (“Sangamon Street Line”) from south of Western Avenue Yard at 16th Street (Station 186+79) and extending to the red board south of Cullerton Street (Station 163+50) and (2) approximately 0.60 miles of track (“Lumber Street Line”) from West Cermak Road, at the Colonial Brick switch (Station 157+65), and extending to the end of the line on Lumber Street (Station 197+81), in Chicago, Cook County, Illinois (collectively, 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 and one bridge, but the railroad right-of-way, ballast, and culverts, if there are any on the Line, 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, if there are any on the Line, 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 historic 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 in over 10 years. The Line is stub-ended and, therefore, not capable of handling overhead traffic. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

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

(2) Transportation System Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There will be no passenger or freight traffic diverted to other transportation systems as a result of the proposed abandonment. There has been no local or overhead traffic on this Line for over 10 years.

(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 Chicago Plan Commission and Cook County, Planning and Development. As of the date of this report, BNSF has not received a reply from either agency. Copies of the letters 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 NRCS Illinois State Office.

Ivan N. Dozier, State Conservationist, NRCS, replied in a letter dated December 7, 2012, stating: "The proposed track abandonment would be confined to an existing urban rail corridor. It will have no impact on prime or important farmlands." 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.

Pursuant to 15 C.F.R. § 930.57, BNSF hereby certifies that the proposed activity complies with the enforceable policies of the State of Illinois approved management program and will be conducted in a manner consistent with such program. Attached as Exhibit F is a letter dated January 3, 2013, from Mr. James P. Casey, ICMP Federal Consistency Coordinator, Illinois Department of Natural Resources, Office of Water Resources stating: “We have reviewed your request and have determined that only a portion of the Lumber Street Line falls within the boundaries of the Illinois Coastal Management Program (ICMP) and that this portion is consistent with the enforceable policies of the ICMP.”

(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 right-of-way may be suitable for alternative public use. BNSF contacted the Chicago Plan Commission and Cook County, Planning and Development.

(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 for over 10 years.

(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).

The proposed abandonment should have no adverse effect on health or public

safety. There are twelve (12) active private at-grade crossings, twenty-three (23) active public at-grade crossings, and one (1) active public over rail crossing on the Line.

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

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

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

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

(8) Biological Resources

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

BNSF does not believe that the proposed abandonment will have an adverse effect on endangered or threatened species or areas designated as a critical habitat. BNSF contacted the U.S. Fish and Wildlife Service, Chicago Illinois Field Office ("USFWS"), in reference to this proposed abandonment.

Cathy Pollack, with USFWS, replied in an e-mail dated November 27, 2012, stating, "We have an on-line system where you will access our website, receive a list of federally listed species for the county where the proposed project is to

occur, and then using habitat information for the listed species, make an effects determination.” BNSF generated and reviewed the list of Federally Endangered, Threatened, and Candidate Species for Cook County, Illinois and determined that the abandonment project will have “no effect” on listed species, their habitats, or proposed or designated critical habitat. A copy of BNSF’s self-assessment is attached as **Exhibit D**.

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

BNSF does not believe that any wildlife sanctuaries or refuges, National or State parks or forests will be adversely affected by the proposed abandonment. By letters dated November 21, 2012, BNSF contacted the Bureau of Land Management, Eastern States Office and the National Park Service, Midwest Region in reference to the proposed abandonment. As of the date of this report, neither agency has replied to our inquiry. Copies of the letters are attached as **Exhibit E**.

(9) Water

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

By letters dated November 21, 2012, BNSF contacted the US EPA, Region 5, and the Illinois Office of Water Resources regarding this proposed abandonment.

James P. Casey, ICMP Federal Consistency Coordinator, Illinois Department of Natural Resources, Office of Water Resources, replied in a letter dated January 3, 2013, stating, “We have reviewed your request and have determined that only a

portion of the Lumber Street Line falls within the boundaries of the Illinois Coastal Management Program (ICMP) and that this portion is consistent with the enforceable policies of the ICMP.” As of the date of this report, the US EPA Region 5 has not responded to our inquiry. Copies of the letters are attached as **Exhibit F**.

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

BNSF is confident that no designated wetlands or 100-year flood plains will be adversely affected by the proposed abandonment. By letter dated November 21, 2012, BNSF contacted the U.S. Army Corps of Engineers, Chicago District in reference to the proposed abandonment. As of the date of this report, the agency has not responded to our inquiry. A copy of the letter is attached as **Exhibit G**.

(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).

By letters dated November 21, 2012, BNSF contacted the US EPA, Region 5, and the Illinois Office of Water Resources regarding this proposed abandonment.

James P. Casey, ICMP Federal Consistency Coordinator, Illinois Department of Natural Resources, Office of Water Resources, replied in a letter dated January 3, 2013, stating, “We have reviewed your request and have determined that only a portion of the Lumber Street Line falls within the boundaries of the Illinois Coastal Management Program (ICMP) and that this portion is consistent with the

enforceable policies of the ICMP.” As of the date of this report, the US EPA Region 5 has not responded to our inquiry. Copies of the letters are attached as **Exhibit F**.

(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: (1) approximately 0.50 miles of track ("Sangamon Street Line") from south of Western Avenue Yard at 16th Street (Station 186+79) and extending to the red board south of Cullerton Street (Station 163+50) and (2) approximately 0.60 miles of track ("Lumber Street Line") from West Cermak Road, at the Colonial Brick switch (Station 157+65), and extending to the end of the line on Lumber Street (Station 197+81), in Chicago, Cook County, Illinois (collectively, 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 and one bridge.

The railroad right-of-way, ballast and culverts will remain in place.

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

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

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

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

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

The Line has had no local traffic in over 10 years. The Line is stub-ended and, therefore, not capable of handling overhead traffic. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

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

HISTORIC REPORT

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

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

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

The subject Line extends: (1) approximately 0.50 miles ("Sangamon Street Line") from south of Western Avenue Yard at 16th Street (Station 186+79) to the red board south of Cullerton Street (Station 163+50) and (2) approximately 0.60 miles ("Lumber Street Line") from West Cermak Road, at the Colonial Brick switch (Station 157+65), to the end of the line on Lumber Street (Station 197+81), in Chicago, Cook County, Illinois. The right-of-way varies in width from 25 to 200 feet. 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.*

There is one bridge on the Line as follows:

- 1) Bridge at Station 186+79 – 108' long, 16' high, built in 1908

See **Exhibit H**, attached photographs.

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

There is one bridge on the Line as follows:

- 1) Bridge at Station 186+79 – 108' long, 16' high, built in 1908

See **Exhibit H**, attached photographs.

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

On February 12, 1849 – Incorporated (IL) as Aurora Branch Railroad Company.
June 22, 1852 – Name changed to Chicago and Aurora Railroad Company. July 9, 1856 – Consolidation of The Chicago, Burlington and Quincy Railroad Company and the Central Military Tract Railroad Company formed The Chicago, Burlington and Quincy Rail Road Company. June 24, 1864 – Consolidation of The Chicago, Burlington and Quincy Rail Road Company and the Peoria & Burlington Rail Road Company formed Chicago, Burlington & Quincy Railroad Company, also known as the “Burlington Route” (“CB&Q”).
1901 – Great Northern Railway Company and Northern Pacific Railway Company jointly acquired control of CB&Q. On March 2, 1970, CB&Q merged into the Great Northern Pacific and Burlington Lines, Inc., pursuant to an Agreement of Merger dated as of January 26, 1961 (“Burlington Merger Agreement”). A Certificate of Amendment of Certificate of Incorporation of Great Northern Pacific and Burlington Lines, Inc., dated February 12, 1970, was filed in the office of the Secretary of State of Delaware on March 2, 1970, and the name of the company changed to Burlington Northern Inc. (“BNI”). BNI changed its name to Burlington Northern Railroad Company (“BNRR”) in 1981. BNRR merged with The Atchison, Topeka and Santa Fe Railway Company in 1996 to become The Burlington

Northern and Santa Fe Railway Company, which name was changed to BNSF Railway Company in 2005.

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

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

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

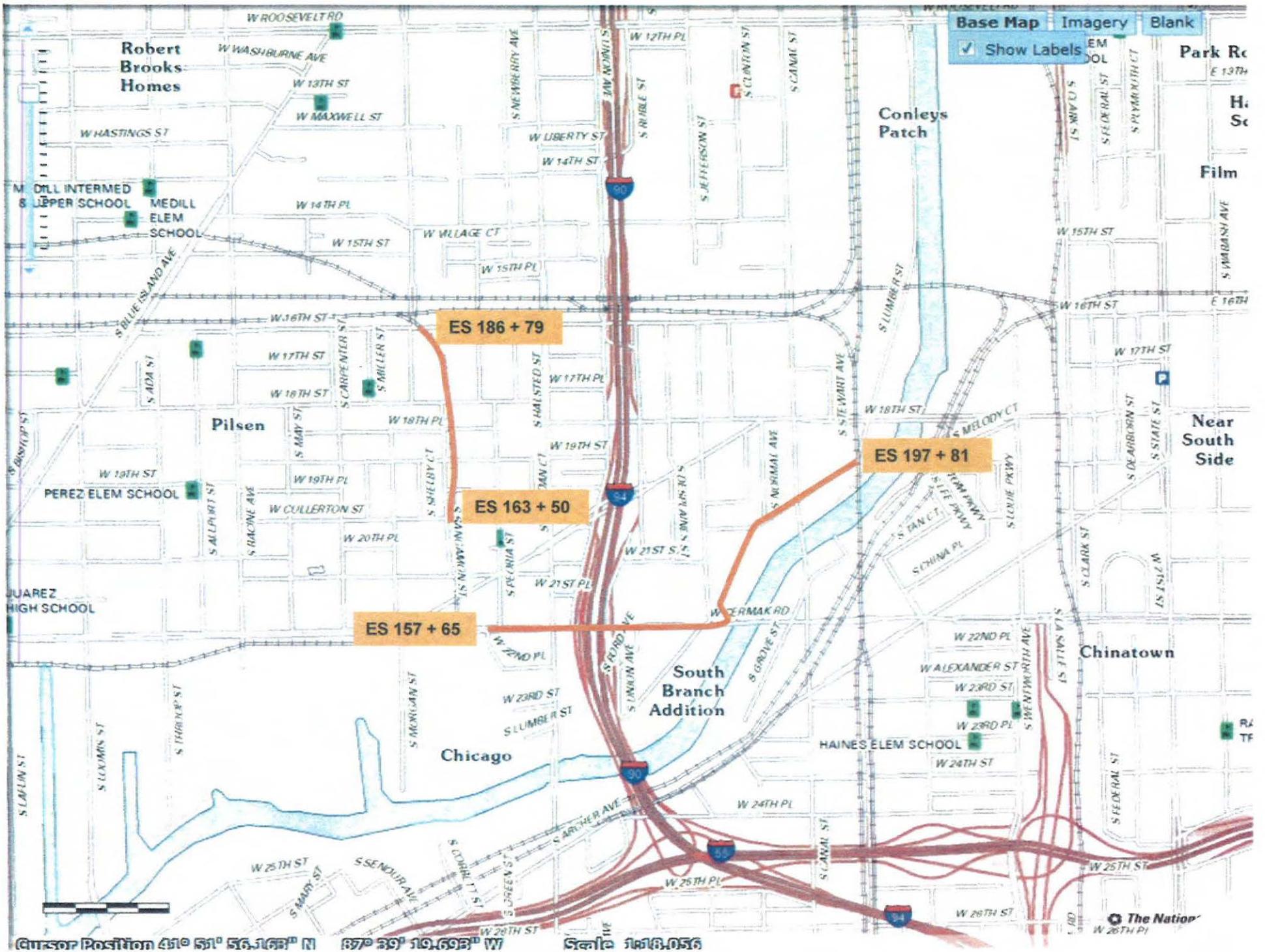
BNSF contacted the Illinois Historic Preservation Agency ("SHPO") in reference to the proposed abandonment. By letter dated September 5, 2012, Anne E. Haaker, Deputy State Historic Preservation Officer stated, "Based upon the information provided, no historic properties are affected. We, therefore, have no objection to the undertaking proceeding as planned." 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.



41° 56' 10.00" N 87° 39' 10.00" W



John A. Sims, CP
Paralegal
Law Department

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

November 21, 2012

Chicago Plan Commission
City Hall
121 N. LaSalle Street
Chicago, Illinois 60602

**Re: STB Docket No. AB 6 (Sub-No. 487X); BNSF Railway Company –
Abandonment Exemption – in Cook County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 0.50 miles of track ("Sangamon Street Line") beginning south of Western Avenue Yard at 16th Street (186+79) up to the red board south of Cullerton Street (163+50) and abandon approximately 0.60 miles of track ("Lumber Street Line") between Cermak Avenue, from the Colonial Brick switch (157+65), and the end of the line on Lumber Street (197+81), in Chicago, Cook County, Illinois.

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

Your assessment and comments are respectfully requested. For your reference a map of the subject railroad line is enclosed. Please provide your response to me at the address above, if at all possible, by January 18, 2013. You may contact me by email or phone with any questions or concerns. Thank you in advance for your time and contribution.

Sincerely,

John A. Sims, CP
Paralegal

Enclosure as stated

cc via email: Tyler White – BNSF – tyler.white2@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Mark Norton – BNSF – mark.norton@bnsf.com
Mike Yuen – BNSF – michael.yuen@bnsf.com



John A. Sims, CP
Paralegal
Law Department

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2500 Lou Menk Drive – AOB-3
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fax: 817-352-2397
Email: john.sims@bnsf.com

November 21, 2012

Cook County
Planning and Development
69 W. Washington, Suite 2900
Chicago, Illinois 60602

**Re: STB Docket No. AB 6 (Sub-No. 487X); BNSF Railway Company –
Abandonment Exemption – in Cook County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 0.50 miles of track ("Sangamon Street Line") beginning south of Western Avenue Yard at 16th Street (186+79) up to the red board south of Cullerton Street (163+50) and abandon approximately 0.60 miles of track ("Lumber Street Line") between Cermak Avenue, from the Colonial Brick switch (157+65), and the end of the line on Lumber Street (197+81), in Chicago, Cook County, Illinois.

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

Your assessment and comments are respectfully requested. For your reference a map of the subject railroad line is enclosed. Please provide your response to me at the address above, if at all possible, by January 18, 2013. You may contact me by email or phone with any questions or concerns. Thank you in advance for your time and contribution.

Sincerely,

John A. Sims, CP
Paralegal

Enclosure as stated

cc via email: Tyler White – BNSF – tyler.white2@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Mark Norton – BNSF – mark.norton@bnsf.com
Mike Yuen – BNSF – michael.yuen@bnsf.com

C

United States Department of Agriculture



Natural Resources Conservation Service
2118 West Park Court
Champaign, IL 61821
Phone: 217/353-6600
Fax: 217/353-6676

December 7, 2012

Mr. John A. Sims, Paralegal
BNSF Railway
2500 Lou Menk Drive—AOB-3
Fort Worth TX 76131-2828

RE: Prime Agricultural Land Impact Assessment, STB Docket No. AB-6 (Sub-No. 487X) –
BNSF Railway Company - Abandonment Exemption – in Cook County, IL

Dear Mr. Sims:

We have reviewed the proposed project as requested.

The proposed track abandonment would be confined to an existing urban rail corridor. It will have no impact on prime or important farmlands.

Sincerely,

A handwritten signature in black ink, appearing to read "Ivan N. Dozier".

IVAN N. DOZIER
State Conservationist

cc:

Don McCallon, ASTC, USDA-NRCS, 3605 N. IL Route 47, Suite C, Morris, IL 60450
W. Randy Edwards, DC, USDA-NRCS, 1201 S. Gougar Road, New Lenox, IL 60451
Dr. Sam Indorante, Acting SSS, USDA-NRCS, 148 East Pleasant Hill Road, Suite 105,
Carbondale, IL 62903
Tim Prescott, Resource Inventory Specialist, USDA-NRCS, 2118 W. Park Court, Champaign, IL
61821

TP:BNSFRailwayCompany-AbandonmentExemption_CookCounty

The Natural Resources Conservation Service provides leadership in a partnership effort to help people
conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

D

MEMO

TO: Surface Transportation Board, Office of Environmental Analysis

FROM: John Sims, Paralegal
BNSF Railway Company

DATE: November 29, 2012

RE: STB Docket No. AB 6 (Sub-No. 487X); BNSF Railway Company -
Abandonment in Cook County, Illinois
Section 7 Endangered Species Act Consultation

BNSF Railway Company ("BNSF") anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 0.50 miles of track ("Sangamon Street Line") beginning south of Western Avenue Yard at 16th Street (186+79) up to the red board south of Cullerton Street (163+50) and abandon approximately 0.60 miles of track ("Lumber Street Line") between Cermak Avenue, from the Colonial Brick switch (157+65), and the end of the line on Lumber Street (197+81), in Chicago, Cook County, Illinois.

As part of the requisite environmental report that is prepared and filed with the STB, 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.

BNSF sent a letter to the U.S. Fish and Wildlife Service ("FWS") and received a reply e-mail from Cathy Pollack with FWS, dated November 27, 2012 (attached). Ms. Pollack directed BNSF to FWS' Web site where BNSF could locate a list of federally listed species for the county where the proposed project is to occur and then using habitat information for the listed species make an effects determination.

The proposed abandonment will include the removal of the rails, ties and one bridge.

BNSF reviewed the FWS technical assistance Web site on November 29, 2012, for federally listed threatened and endangered species. BNSF generated a list of Federally Endangered, Threatened, and Candidate Species for Illinois County (see attached list, specifically Cook County).

The rails, ties, and one bridge that will be salvaged on this rail line are located within the city streets of downtown Chicago and there are no bodies of water located on this line. Therefore, BNSF concludes this abandonment project will have "no effect" on listed species, their habitats, or proposed or designated critical habitat.

Sims, John A

From: Pollack, Cathy <cathy_pollack@fws.gov>
Sent: Tuesday, November 27, 2012 1:56 PM
To: Sims, John A
Subject: STB Docket No. AB 6 (Sub-No. 487X);BNSF Railway Company - Abandonment Exemption in Cook County, Illinois
Attachments: Standard Operating Procedure Section 7.pdf; Flow chart.pdf; Basic Steps.pdf; NE_IL_County_&_Fed_Listed_Species.pdf; Sec_7_verbage_table.pdf; Website Breakdown.pdf; When to contact FWS.pdf; BA Format and checklist.pdf

Good Afternoon Mr. Sims,

We are in receipt of your letter dated November 21, 2012 requesting information regarding federally listed species and your proposed project. We have an on-line system where you will access our website, receive a list of federally listed species for the county where the proposed project is to occur, and then using habitat information for the listed species, make an effects determination. There are three possible determinations that you can make. 1) No effect, 2) may affect, but not likely to adversely affect..., or 3) may affect and is likely to adversely affect... Please review the attached documents along with our website. The first document provides information on how to access our website. If after your review of the attachments and our website, you believe you need further clarification or have any additional questions, feel free to call or email.

Thank you,
Cathy Pollack

Cathy Pollack
U.S. Fish and Wildlife Service
1250 South Grove, Suite 103
Barrington, Illinois 60010
847-381-2253, X28

AB6-487X Chicago, IL
(Lumber District)

Standard Operating Procedures

Determining If Your Proposed Project Will Have:

"No Effect" on Federal Listed Species or "May Affect" Federal Listed Species

- 1) Go to www.fws.gov
- 2) In the "Regional Boundaries" box select "Midwest (Region 3)"
- 3) In left hand menu select "Ecological Species"
- 4) In the next left hand menu select "Endangered Species"
- 5) Scroll down and select the green shaded box entitled "Section 7 Technical Assistance"
- 6) Here you can access any of the website contents:

Website Contents

- Step-by-step instructions for the section 7(a)(2) consultation process
 - Species' County Lists - all endangered, threatened, proposed, & candidate species, and proposed & designated critical habitat occurrences by county
 - Species life history information
 - Species-specific S7 guidance and conservation measures
 - Example letters for documenting "no effect" and requesting concurrence with a finding of "not likely to adversely affect."
- 7) Or at bottom of screen select "Proceed to step by step instructions"
 - 8) S7 Consultation Technical Assistance
Step-by-Step Instructions
Overview
 - 9) At bottom of screen select "Next"
 - 10) At bottom of screen select "Next (Step 1)"
 - 11) Select "Species List" to determine what may be present in your specific county

Basic Steps for Project Proponents

- 1) Determine which county your project is located.
- 2) Go to the "species list" for the county where the project is located.
- 3) Become familiar with the habitat for each species that may be located at your project site (from #2 above). Use the "Species Information Pages" on the website for this. Do not use the habitat description for species off of the "county list" (too limited).
- 4) Assess the habitat within the action area (sometimes, but not always, the same as the project area) of the proposed project and determine whether implementing this project would impact habitat of the species listed from the county. In other words, is there any habitat in the action area that could be habitat for the federal species listed from the county where the project is located.

Protection of Plants under the ESA		
	Endangered	Threatened
Section 9	<p>Unlawful to:</p> <ul style="list-style-type: none"> • Import into or export from the U.S. • Remove and reduce to possession from areas under Federal jurisdiction • Maliciously damage or destroy on areas under Federal jurisdiction • Remove, cut, dig up, or damage or destroy in knowing violation of any state law or regulation or in the course of any violation of a state criminal trespass law • Deliver, received, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity • Sell or offer for sale in interstate or foreign commerce <p><i>Ref: ESA, as amended, section 9(a)(2) 50 CFR 17.61</i></p>	<p>Unlawful to:</p> <ul style="list-style-type: none"> • Import into or export from the U.S. • Remove and reduce to possession from areas under Federal jurisdiction • Deliver, received, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity • Sell or offer for sale in interstate or foreign commerce <p><i>Ref: 50 CFR 17.71</i></p>
Section 7	<p>Subject to full consultation requirements for any Federal activity that may affect endangered or threatened species. Standard for jeopardy determination is identical to wildlife. However, no incidental take statement is provided (even for activities on Federal Land.) Use standard plant paragraph for biological opinions in Section 7 Handbook, page 4-47.</p>	
Section 10	<ul style="list-style-type: none"> • Section 10(a)(1)(A) permits (or State authorization under 50 CFR 17.61(c)(2) or 17.71(b)) needed for scientific or enhancement of survival activities that involve removal and reduction to possession from Federal lands. • Section 10(a)(1)(B) permits do not include listed plants. However, applicants are encouraged to consider impacts on plants because intra-Service section 7 consultation on the permit application must consider whether issuance of the permit will, directly or indirectly, jeopardize any listed plants. <i>Ref: HCP Handbook, page 3-8</i> 	

When to contact FWS?

If species or critical habitat may be affected, consultation with the Service is required.

Once a species list is obtained or verified as accurate, Federal agencies need to determine whether their actions may affect any of those species or their critical habitat. If no species or their critical habitat are affected, no further consultation is required. **If species or critical habitat may be affected, consultation with the Service is required.** This consultation will conclude either informally with written concurrence from the Service or through formal consultation with a biological opinion provided to the Federal agency.

From Step 1:

- If suitable habitat is present, and no other data indicate species or critical habitat are absent, conclude "species or critical habitat may be present" and proceed to Step 2.
- If suitable habitat is present, and no other data indicate species or critical habitat are absent, you may conduct a survey to determine whether listed species or critical habitat are present. Please contact the Ecological Services Field Office nearest the project for more information.

From Step 2 (contact FWS for half of Step 2 / may affect)

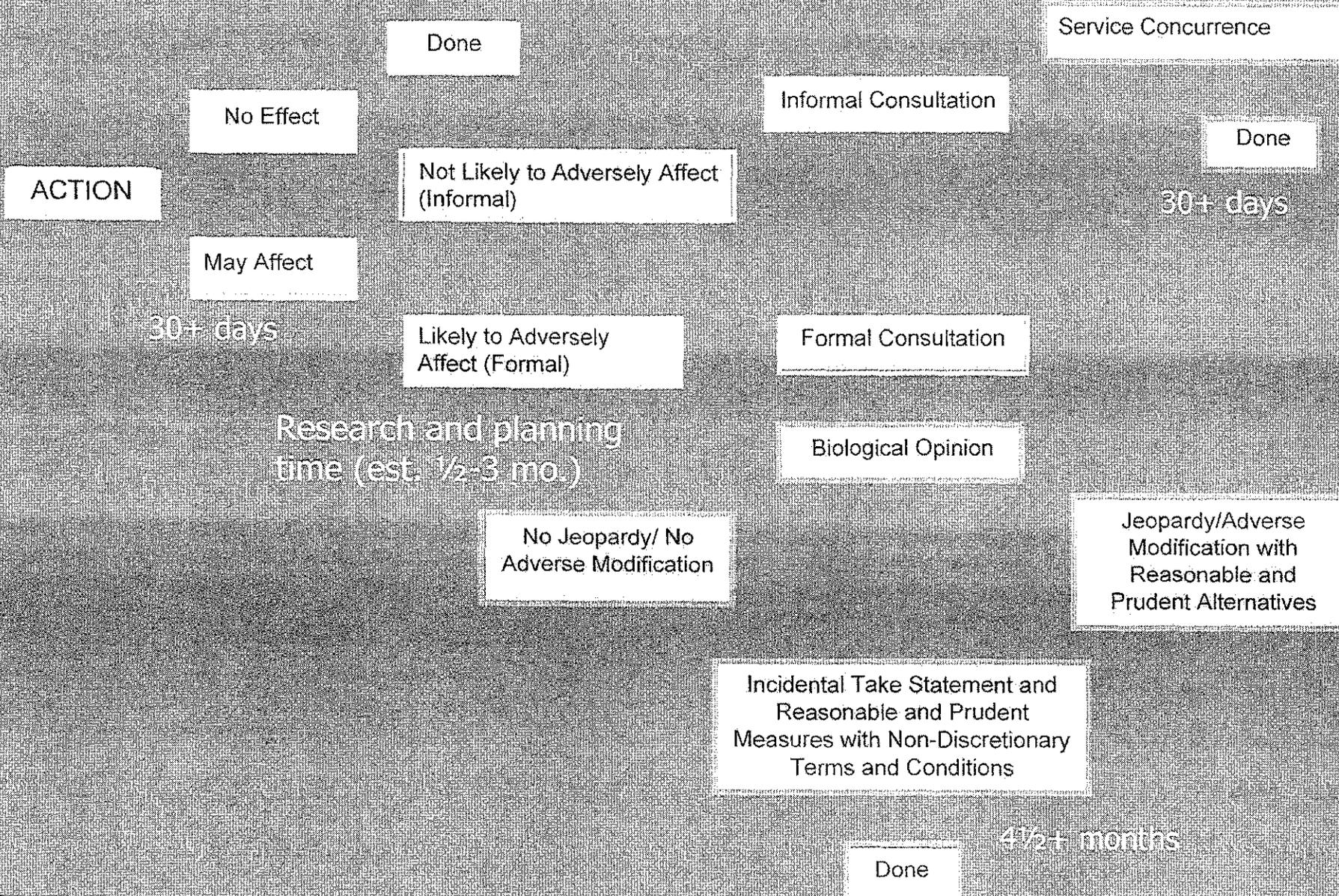
- If data indicate the species and habitat may respond upon exposure, or if data are equivocal or lacking to justify a determination of "no effect", conclude "may affect" and proceed to Step 3.
- If surveys are lacking, it may be appropriate to conduct surveys to determine whether listed species are present. Please contact the Ecological Services Field Office nearest the project for more information.

From Step 3: (contact FWS if you are at Step 3)

Specifically, you are assessing whether the species/critical habitat is "not likely to be adversely affected" or "likely to be adversely affected."

Using the website in no way precludes project proponents from receiving personal assistance from our Ecological Services Field Offices. If at anytime additional information is needed or you want personal assistance, you may contact me (cathy_pollack@fws.gov or 847-381-2253, ex. 28).

Section 7 Consultation Process



Northeastern Illinois Counties and the possible Federal Listed Species
(current as of 03/15/2011) Please check every 90 days

Cook County

Piping plover (*Charadrius melodus*) – endangered
Eastern Massasauga (*Sistrurus catenatus*) – candidate
Hine's emerald dragonfly (*Somatochlora hineana*) – endangered
Hine's emerald dragonfly (*Somatochlora hineana*) – critical habitat
Eastern prairie fringed orchid (*Platanthera leucophaea*) – threatened
Leafy-prairie clover (*Dalea foliosa*) – endangered
Mead's milkweed (*Asclepias meadii*) – threatened
Prairie bush clover (*Lespedeza leptostachya*) - threatened

DuPage County

Eastern Massasauga (*Sistrurus catenatus*) – candidate
Hine's emerald dragonfly (*Somatochlora hineana*) – endangered
Hine's emerald dragonfly (*Somatochlora hineana*) – critical habitat
Eastern prairie fringed orchid (*Platanthera leucophaea*) – threatened
Leafy-prairie clover (*Dalea foliosa*) – endangered
Mead's milkweed (*Asclepias meadii*) – threatened
Prairie bush clover (*Lespedeza leptostachya*) - threatened

Kane County

Eastern prairie fringed orchid (*Platanthera leucophaea*) – threatened
Sheepnose mussel (*Plethobasus cyphus*) - candidate

Lake County

Piping plover (*Charadrius melodus*) – endangered
Piping plover (*Charadrius melodus*) – critical habitat
Eastern Massasauga (*Sistrurus catenatus*) – candidate
Karner blue butterfly (*Lycæides melissa samuelis*) – endangered
Eastern prairie fringed orchid (*Platanthera leucophaea*) – threatened
Pitcher's thistle (*Cirsium pitcheri*) - threatened

McHenry County

Eastern prairie fringed orchid (*Platanthera leucophaea*) – threatened
Prairie bush clover (*Lespedeza leptostachya*) - threatened

Will County

Hine's emerald dragonfly (*Somatochlora hineana*) – endangered
Hine's emerald dragonfly (*Somatochlora hineana*) – critical habitat
Eastern Massasauga (*Sistrurus catenatus*) – candidate
Sheepnose mussel (*Plethobasus cyphus*) - candidate
Spectaclecase mussel (*Cumberlandia monodonta*) – candidate
Eastern prairie fringed orchid (*Platanthera leucophaea*) – threatened
Lakeside daisy (*Hymenopsis herbacea*) - threatened
Leafy-prairie clover (*Dalea foliosa*) – endangered
Mead's milkweed (*Asclepias meadii*) – threatened

Website Breakdown

Using the website in no way precludes project proponents from receiving personal assistance from our Ecological Services Field Offices. If at anytime additional information is needed or you want personal assistance, you may contact me at (cathy_pollack@fws.gov or 847-381-2253, ex. 28).

Step 1: "No effect" or "May affect" (90-95% / Most ruled out in Step 1)

-In this step you will determine whether a listed or proposed species or designated or proposed critical habitat may be present within the action area.

- Check the Illinois county species list
 - Check the species life history information pages
 - If you have a HUD, pipeline, telecommunication project, or your project is within a developed area, then...
-
- If suitable habitat is not present in the action area, conclude "species and critical habitat not present" and document your finding. No further consultation is required. This is a "no effect" determination.
 - If suitable habitat is present, but data (e.g. surveys) indicate species and critical habitat are absent from the action area, conclude "species and critical habitat not present" and document your finding. No further consultation required. This is a "no effect" determination
 - If suitable habitat is present, and no other data indicate species or critical habitat are absent, conclude "species or critical habitat may be present" and proceed to Step 2 (within FWS website). This is a "may affect" determination
 - If suitable habitat is present, and no other data indicate species or critical habitat are absent, you may conduct a survey to determine whether listed species or critical habitat are present. Please contact the Ecological Services Field Office nearest the project for more information.

Step 2: "No effect" or "May affect"

In step 1, you defined your action area and concluded that a listed resource "may be present."

In this step, you will determine whether your project "may affect" species or critical habitat. There are two possible determinations in this step: "no effect" or "may affect." To assist with making this determination, we suggest the following:

- Describe the proposed action. In your description, identify the timing, location, and when applicable, the frequency and intensity, of the proposed action.
- Determine whether listed resources will be exposed to the proposed action or to any of the **environmental changes** that are likely to occur. You should assess the potential for the action to affect any life stage of the species.
 - If species or critical habitat will not be exposed directly or indirectly to the proposed action or any resulting environmental changes, conclude "no effect" and document your finding. No further consultation required.

- If species or critical habitat may be exposed, continue.
- Determine if those species or critical habitat exposed will respond upon exposure. Review the pertinent species information page and review other relevant sources of information (e.g., conduct a literature search for the specific stressor or environmental change to which the species will be exposed).
 - If the best available data indicate that the species and critical habitat will not respond in any manner, conclude **"no effect"** and document your finding. No further consultation required.
 - If data indicate the species and habitat may respond upon exposure, or if data are equivocal or lacking to justify a determination of "no effect", conclude **"may affect"** and proceed to Step 3.

Step 3: Determine whether listed or proposed species or designated or proposed critical habitat may be adversely affected.

In Step 2, you determined that a species or critical habitat may be exposed and may respond in some way to the proposed action or the environmental changes likely to result from the proposed action. The next step is describing the manner in which the listed resources will respond. Specifically, you are assessing whether the species/critical habitat is **"not likely to be adversely affected"** or **"likely to be adversely affected."** Consider the following in making your finding:

- When you are basing your determination on effects to the species' habitat rather than to the species itself, you need to conduct a two-part assessment: (1) determine how the habitat will respond to the proposed action, for example, changes in habitat quality, quantity, availability or distribution; and (2) assess how the species is expected to respond to these habitat changes.
- Critical habitat analyses focus on how the proposed action will affect the constituent elements of the critical habitat.
- An action warrants a **"may affect, not likely to be adversely affected"** finding when its effects are wholly beneficial, insignificant or discountable. Note: The threshold for a **"likely to adversely affect"** determination is an adverse effect to one or more individuals. Adverse effects can occur even if take is unlikely.
 - If the listed resource is likely to respond in only a beneficial manner, conclude **"not likely to adversely affect"** and submit your finding and supporting rationale to the appropriate ES Field Office and request concurrence.
 - If the listed resource is likely to respond in a negative manner but such responses are expected to be **insignificant**, conclude **"not likely to adversely affect"** and submit your finding and supporting rationale to the appropriate ES Field Office and request concurrence.
 - If the listed resource is likely to respond in a negative manner but the likelihood of either exposure or such a response is **discountable**, then conclude **"not likely to adversely affect"** and submit your finding and supporting rationale to the appropriate ES Field Office and request concurrence.

- If you cannot conclude that the response will be wholly beneficial, insignificant, or discountable, check the Species-Specific Section 7 Guidance and Conservation Measures to determine whether there are any measures that may be implemented to avoid or minimize the negative effects.
 - If you modify your proposed action to include conservation measures to implement, assess how exposure and response are anticipated to change. Repeat Step 3 and document your conclusion, as appropriate. Be sure to identify the specific conservation measures you intend to incorporate and their associated biological consequences.
- If you cannot conclude that the response will be wholly beneficial or insignificant, or that the exposure or response is discountable, contact the appropriate ES Field Office for assistance.

Format for Biological Evaluations - NEPA Categorical Exclusions and EAs and Biological Assessments - NEPA EISs

The following is provided as a recommended guideline, although information should be presented in the order identified below. As projects vary in complexity, it is anticipated that the BE/BAs may vary. Development of the BE/BA may not occur in the format order. Rather, it is anticipated that as additional information becomes available during the crafting of the BE/BA, the appropriate sections will be modified. Federally funded or permitted exploratory activities that may affect listed species and take place prior to project implementation must undergo section 7 consultation.

Cover Page: Name of project, location (city, county, etc.), and date.

Table of Contents (all pages must be numbered)

A. Executive Summary

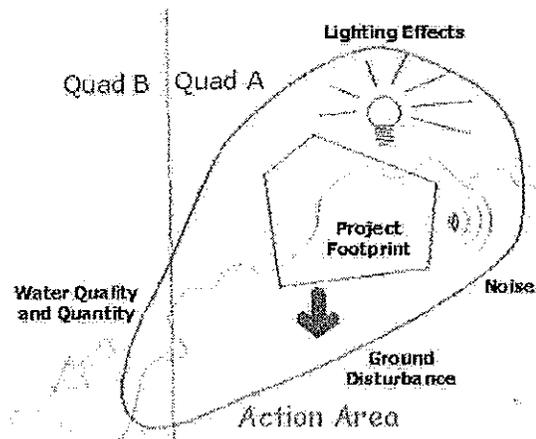
1. Brief summary of project (2 or 3 sentences)
2. In tabular format, identify the species, critical habitat, EFH, status, and effects determinations. If "no effect", include a brief paragraph for each species (these will not be addressed again.) For example:

SPECIES	LISTING STATUS	DETERMINATION
Eight-toed salamander	Endangered	Not likely to adversely affect
Eight-toed salamander critical habitat	Designated	Not likely to adversely affect
Salt marsh treefrog	Threatened	Likely to Adversely Affect
Speckled Thistle	Threatened	No effect

B. Project Description

1. Location: Describe construction boundary, mileposts, State, county, TRS (include GPS coordinates if available). Include vicinity map (all maps and photographs must be first generation copies, legible and at a scale to be meaningful to the description of the activity).

2. Definition of Action Area: All areas affected directly or indirectly by the Federal action and not merely the immediate area involved in the action. Include all off-site use areas (i.e. materials sources, waste sites, mitigation sites, stockpiling areas, staging) and locations. A map is helpful, overlaying the all-inclusive action area with species and habitat occurrences.



3. Proposed Action:

- a. Describe the anticipated steps involved in the action in expected or logical order and include diagrams that are useful. The intent of the proposed action section is to describe both what will be built and how it will be constructed. For example: 1. Dewater by.... 2. Remove old bridge by.... 3. Remove old abutments by... 4. Construct new abutments... 5. In-water equipment will be,..... 6. Order of magnitude of quantities... Include description of actions for the entire action area (including interrelated and interdependent actions). Describe criteria for off-site use areas which minimize potential effects. If the contractor proposes an alternative construction method other than that described in the BE/BA, concurrence from the Services is required.
- b. Identify Best Management Practices (BMPs), Erosion and Sediment Control, and other measures (i.e. work windows, construction techniques, avoidance) designed to minimize effects in this section.
- c. If sideboards are used for ancillary project components, either detail here or in an appendix.
- d. Describe mitigation, monitoring, and reporting plan, as well as conservation bank credits or mitigation sites.

(NOTE: If there are multiple alternatives, different impacts caused by each substantially different alternative must be surveyed and detailed. A matrix is often the best method of depicting multiple impacts and alternatives. If the impacts are the same for each alternative, explain why there is no difference. All alternatives must be addressed.)

C. Description of the species and their habitat

Identify each species and each critical habitat. Give brief rationales for "no effect" species if it was not included in Executive Summary. Include the following for species with other determinations (repeat for each listed species and listed habitat):

1. Consultation with local Fish and Game and/or Natural Heritage database
2. Literature reviews
3. Consultation with experts on species, as necessary
4. Descriptions of the species and general habitat requirements
5. Relationship of habitat in the project area to local populations
6. Map of the project area at an appropriate scale to show vegetation types and important biological features, such as habitat for sensitive species, wetlands or unique plant assemblages
7. Photographs keyed to locations labeled on the project map.
8. Species information in Action Area including survey protocol used, by whom, etc.
9. Identify designated or proposed critical habitat as separate listed entities. List the primary constituent elements and address the extent to which they are found in the action area.

D. Environmental Baseline

Describe the past and present effects of human actions on the species or critical habitat in the action-area. Describe existing habitat conditions and species trends in detail. Use watershed analysis from the BLM or Forest Service where available, Fish and Game, or any other available scientific or commercial databases or information.

E. Effects of the Action: Include discussion of direct and indirect effects relative to all species.

1. Direct Effects - Those effects caused directly by the proposed action (include those based on sideboards). Provide the rationale for each determination.
2. Indirect Effects - Caused by or will result from the proposed action and are later in time, but are still reasonably certain to occur.
3. Cumulative Effects - Those effects of future State or private activities, not Federal activities, that are reasonably certain to occur within the action area.

F. Determination of Effect

Must include a clear statement of effect for each species. Example: "We conclude that the Smith Road Bridge Project may affect, but will not likely adversely affect California red-legged frogs because...." For terrestrial species and plants, summarize with a clear explanation leading to a definitive statement of "may affect, but not likely to adversely affect" (or whatever your determination may be).

G. References and personal communications cited

Example of citations used in text:

The passive transport of males has also been observed by Leslie Brown (Santee Nature Center, personal communication) near Greenville, Oregon. Such a mating system would maintain genetic diversity in the population only as long as it remains connected (Smith 2001).

Example of Literature Cited:

Smith, D. M. 2001. Genetic subdivision and speciation in the western North American spotted snake complex, *Thamnophis punctatus*. *Evolution* 4:29-35.

Example of Personal Communications (must be documented):

Leslie Brown, Research Biologist
Smith Nature Center
4125 Willowtree Drive
Greenville, Oregon 85194
January 8, 2003 telephone communication (or email, site visit, etc)

BE/BA Checklist *(For your use in checking your work)*

Project _____ **Reviewer** _____ **Date** _____

_____ **Cover Page:** Name of project, project and key numbers, location (city, county)

_____ **Table of Contents** (all pages must be numbered)

A. Executive Summary

- _____ 1. Brief summary of project (2 or 3 sentences)
- _____ 2. Species Table with effect determinations

B. Project Description

- _____ 1. Location: description and vicinity map
- _____ 2. Definition of Action Area
 - _____ List of all off-site use areas and locations.
- _____ 3. Proposed Action:
 - _____ a. Detail how the action will occur (anticipated steps and diagrams).
 - _____ b. BMPs and other measures designed to minimize effects.
 - _____ c. Sideboards or project design criteria
 - _____ d. Monitoring and reporting plan/Mitigation/Conservation Banks.

C. Description of each species and their habitat

- _____ 1. Consultation with local Fish and Game and/or Natural Heritage database
- _____ 2. Literature reviews
- _____ 3. Consultation with experts on species, as necessary
- _____ 4. Descriptions of the species and general habitat requirements
- _____ 5. Relationship of habitat in the project area to local populations
- _____ 6. Map of the project area at an appropriate scale
- _____ 7. Photographs keyed to locations labeled on the project map.
- _____ 8. Species information in Action Area including survey protocol used, by whom, etc
- _____ 9. Identify designated or proposed critical habitat

D. Environmental Baseline

_____ Detailed descriptions

E. Effects of the Action

- _____ 1. Direct Effects
- _____ 2. Indirect Effects
- _____ 3. Cumulative Effects

F. Determination of Effect Project Description

_____ A clear statement of effect for each species

G. References and personal communications cited Project Description

_____ Correctly Annotated



Endangered Species

Midwest

S7 Consultation Technical Assistance

Step-by-Step Instructions

Overview

Context

The Endangered Species Act of 1973 (ESA) mandates all Federal departments and agencies to conserve listed species and to utilize their authorities in furtherance of the purposes of the ESA. The ESA provides specific mechanisms to achieve its purposes and Section 7 is one of those. Section 7 requires that Federal agencies develop a conservation program for listed species (i.e., Section 7(a)(1)) and that they avoid actions that will further harm species and their critical habitat (i.e., Section 7(a)(2)). The section 7 consultation process described here applies to the second requirement - Section 7(a)(2).

Section 7(a)(2) Mandate

Section 7(a)(2) directs all Federal agencies to insure that any action they authorize, fund, or carry out does not jeopardize the continued existence of an endangered or threatened species or designated or proposed critical habitat (collectively, referred to as protected resources). The implementing regulations, 50 CFR 402, specify how Federal agencies are to fulfill their section 7 consultation requirements.

Section 7(a)(2) Responsibilities

Under the implementing regulations (50 CFR 402), Federal agencies must review their actions and determine whether the action may affect federally listed and proposed species or proposed or designated critical habitat. To accomplish this, Federal agencies must request from the Service a list of species and critical habitat that may be in the project area or they can request our concurrence with their species list. The Service must respond to either request within 30 days.

Once a species list is obtained or verified as accurate, Federal agencies need to determine whether their actions may affect any of those species or their critical habitat. If no species or their critical habitat are affected, no further consultation is required. If they may be affected, consultation with the Service is required. This consultation will conclude either informally with written concurrence from the Service or through formal consultation with a biological opinion provided to the Federal agency.

[Back to Text](#)

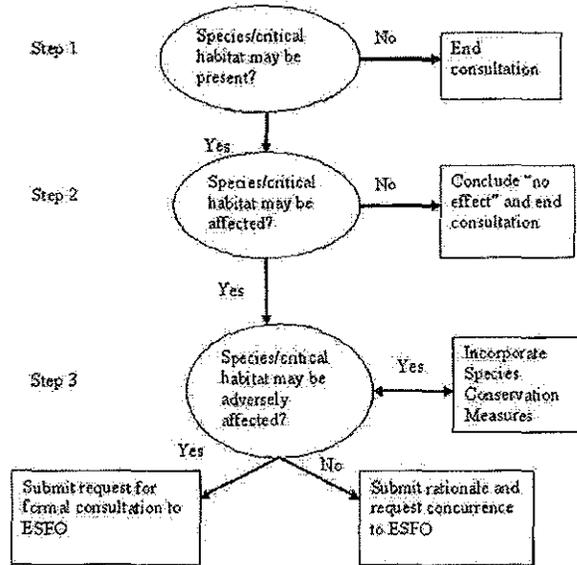


Endangered Species

Midwest

Section 7 Consultation Technical Assistance Step-by-Step Instructions S7 Process Flow Chart

The Section 7(a)(2) process consists of two phases: informal and formal consultation. This web site addresses the informal consultation phase. Informal consultation involves 3 steps.



NOTE: If at anytime additional information is needed or you want personal assistance, you may contact us. Using this site in no way precludes project proponents from receiving personal assistance from our Ecological Services (ES) Field Offices.

Previous - Next / Step 13

11/16/02



Endangered Species

Midwest

Section 7 Technical Assistance Step-by-Step Instructions - Step 1

For wind energy projects and projects installing towers that include use of guy wires or are over 200 feet in height, please contact the Ecological Services Field Office located in the state where the project would occur for assistance. For all other projects, continue with Step 1.

Step 1: Determine whether a listed or proposed species or designated or proposed critical habitat may be present within the action area.

A. Check the species list to determine whether any species or critical habitat may be present in the county(ies) of the proposed project.

- If no species or critical habitat is listed, conclude "no species present" and document your finding. No further consultation required.
- If any species or critical habitat is listed, print the species list and continue.

B. If your project is a HUD, pipeline, tunnel, utility, or telecommunication project, or your project is within a developed area, then click here to go to instructions specific to those types of projects. If not, continue.

C. Go to the pertinent species information pages, define your action area, and cross-reference the species information with your knowledge of the project site.

- If suitable habitat is not present in the action area, conclude "species and critical habitat not present" and document your finding. No further consultation is required.
- If suitable habitat is present, but data (e.g., surveys) indicate species and critical habitat are absent from the action area, conclude "species and critical habitat not present" and document your finding. No further consultation required.
- If suitable habitat is present, and no other data indicate species or critical habitat are absent, conclude "species or critical habitat may be present" and proceed to Step 2.
- If suitable habitat is present, and no other data indicate species or critical habitat are absent, you may conduct a survey to determine whether listed species or critical habitat are present. Please contact the Ecological Services Field Office located in the state where the project would occur for more information.

Previous - Home (S7a2.Z)

[Section 7 Technical Assistance Home](#)



Endangered Species

Midwest

Section 7 Technical Assistance Step-by-Step Instructions - Step 2

Step 2. Determine whether the proposed action may affect listed or proposed species or designated or proposed critical habitat.

In step 1, you defined your action area and concluded that a listed resource "may be present." In this step, you will determine whether your project "may affect" species or critical habitat. There are two possible determinations in this step: "no effect" or "may affect."

To assist with making this determination, we suggest the following:

- A. Describe the proposed action. In your description, identify the timing, location, and when applicable, the frequency and intensity, of the proposed action.
- B. Determine whether listed resources will be exposed to the proposed action or to any of the environmental changes that are likely to occur. You should assess the potential for the action to affect any life stage of the species.
 - If species or critical habitat will not be exposed directly or indirectly to the proposed action or any resulting environmental changes, conclude "no effect" and document your finding. No further consultation required. For your convenience, we provide an example of a "no effect" document for your use.
 - If species or critical habitat may be exposed, continue.
- C. Determine if those species or critical habitat exposed will respond upon exposure. Review the pertinent species information page and review other relevant sources of information (e.g., conduct a literature search for the specific stressor or environmental change to which the species will be exposed).
 - If the best available data indicate that the species and critical habitat will not respond in any manner, conclude "no effect" and document your finding. No further consultation required. For your use, an example of a "no effect" document is provided.
 - If data indicate the species and habitat may respond upon exposure, or if data are equivocal or lacking to justify a determination of "no effect", conclude "may affect" and proceed to Step 3.
 - If surveys are lacking, it may be appropriate to conduct surveys to determine whether listed species are present. Please contact the Ecological Services Field Office nearest the project for more information.

[Previous \(Step 1\)](#) - [Next \(Step 3\)](#)

[Section 7 Technical Assistance Home](#)



Endangered Species

Midwest

Section 7 Technical Assistance Step-by-Step Instructions - Step 3

Step 3. Determine whether listed or proposed species or designated or proposed critical habitat may be adversely affected.

In Step 2, you determined that a species or critical habitat may be exposed and may respond in some way to the proposed action or the environmental changes likely to result from the proposed action. The next step is describing the manner in which the listed resources will respond. Specifically, you are assessing whether the species/critical habitat is "not likely to be adversely affected" or "likely to be adversely affected." Consider the following in making your findings:

- A. When you are basing your determination on effects to the species' habitat rather than to the species itself, you need to conduct a two-part assessment: (1) determine how the habitat will respond to the proposed action (for example, changes in habitat quality, quantity, availability or distribution), and (2) assess how the species is expected to respond to these habitat changes.
- B. Critical habitat analyses focus on how the proposed action will affect the constituent elements of the critical habitat.
- C. An action warrants a "may affect, not likely to be adversely affected" finding when its effects are wholly beneficial, insignificant or discountable. Note: The threshold for a "likely to adversely affect" determination is an adverse effect to one or more individuals. Also, adverse effect is not synonymous with the term "take." Adverse effects can occur even if take is unlikely.
 - If the listed resource is likely to respond in only a beneficial manner, conclude "not likely to adversely affect" and submit your finding and supporting rationale to the appropriate ES Field Office and request concurrence.
 - If the listed resource is likely to respond in a negative manner but such responses are expected to be insignificant, conclude "not likely to adversely affect" and submit your finding and supporting rationale to the appropriate ES Field Office and request concurrence.
 - If the listed resource is likely to respond in a negative manner but the likelihood of either exposure or such a response is discountable, then conclude "not likely to adversely affect" and submit your finding and supporting rationale to the appropriate ES Field Office and request concurrence.

You may submit your request electronically to the ES Field Office nearest your project area. For your assistance, an example letter and template are provided.

[Icondate Word](#) - [Example Letter PDF](#)

D. If you cannot conclude that the response will be wholly beneficial, insignificant, or discountable, check the [Species-Specific Section 7 Guidance and Conservation Measures](#) to determine whether there are any measures that may be implemented to avoid or minimize the negative effects.

- If you modify your proposed action to include conservation measures to implement, assess how exposure and response are anticipated to change. Repeat Step 3 and document your conclusion, as appropriate. Be sure to identify the specific conservation measures you intend to incorporate and their associated biological consequences.

E. If you cannot conclude that the response will be wholly beneficial or insignificant, or that the exposure or response is discountable, contact the appropriate ES Field Office for assistance.

[Previous \(Step 2\)](#)

[Section 7 Technical Assistance Home](#)

Illinois County Distribution

Federally Endangered, Threatened, and Candidate Species

Revised October 2012

County	Species	Status	Habitat
Adams Field Office to Contact: U.S. Fish and Wildlife Service Rock Island Illinois Field Office 1511 47th Avenue Moline, Illinois 61265 (309) 757-5800 e:mail RockIsland@fws.gov FAX: 309-757-5807	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Higgins eye pearl mussel</u> (<i>Lampsilis higginsii</i>)	Endangered	Mississippi River; Rock River to Steel Dam
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Alexander Field Office to Contact: U.S. Fish and Wildlife Service Marlon Illinois Sub-Office 8588 Route 148 Marion, Illinois 62959 Phone: (618) 997-3344, ext. 340 FAX: (618) 997-8961 e:mail Marion@fws.gov	<u>Gray bat</u> (<i>Myotis grisescens</i>)	Endangered	Caves and mines; rivers & reservoirs adjacent to forests
	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Least tern</u> (<i>Sterna antillarum</i>)	Endangered	Bare alluvial and dredged spoil islands
	<u>Pallid sturgeon</u> (<i>Scaphirynchus albus</i>)	Endangered	Large rivers
	<u>Rabbitsfoot</u> (<i>Quadrula cylindrica cylindrica</i>)	Proposed as Threatened	Ohio River
	<u>Sheepnose mussel</u> (<i>Plethobasus cyphus</i>)	Endangered	Shallow areas in larger rivers and streams
Bond Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub-Office 8588 Route 148 Marion, Illinois 62959 Phone: (618) 997-3344, ext. 340 FAX: (618) 997-8961 e:mail Marion@fws.gov	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Piping plover</u> <i>Charadrius melodus</i>	Endangered	May be present in Bond County during migration.
	<u>Eastern massasauga</u> (<i>Sistrurus catenatus</i>)	Candidate	Graminoid dominated plant communities (fens, sedge meadows, peatlands, wet prairies, open woodlands, and shrublands)
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies

County	Species	Status	Habitat
Boone Field Office to Contact: U.S. Fish and Wildlife Service Rock Island Illinois Field Office 1511 47th Avenue Moline, Illinois 61265 (309) 757-5800 e:mail RockIsland@fws.gov FAX: 309-757-5807	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Brown Field Office to Contact: U.S. Fish and Wildlife Service Rock Island Illinois Field Office 1511 47th Avenue Moline, Illinois 61265 (309) 757-5800 e:mail RockIsland@fws.gov FAX: 309-757-5807	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Decurrent false aster</u> (<i>Boltonia decurrens</i>)	Threatened	
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Bureau Field Office to Contact: U.S. Fish and Wildlife Service Rock Island Illinois Field Office 1511 47th Avenue Moline, Illinois 61265 (309) 757-5800 e:mail RockIsland@fws.gov FAX: 309-757-5807	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Decurrent false aster</u> (<i>Boltonia decurrens</i>)	Threatened	
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Calhoun Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub-Office 8588 Route 148 Marion, Illinois 62959 Phone: (618) 997-3344, ext. 340 FAX: (618) 997-8961 e:mail Marion@fws.gov	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Decurrent false aster</u> (<i>Boltonia decurrens</i>)	Threatened	
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Carroll Field Office to Contact: U.S. Fish and Wildlife Service Rock Island Illinois	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)

County	Species	Status	Habitat
Field Office 1511 47th Avenue Moline, Illinois 61265 (309) 757-5800 e:mail RockIsland@fws.gov FAX: 309-757-5807	<u>Higgins eye pearl mussel</u> (<i>Lampsilis higginsii</i>)	Endangered	Mississippi River; Rock River to Steel Dam
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Cass Field Office to Contact: U.S. Fish and Wildlife Service Rock Island Illinois Field Office 1511 47th Avenue Moline, Illinois 61265 (309) 757-5800 e:mail RockIsland@fws.gov FAX: 309-757-5807	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Decurrent false aster</u> (<i>Boltonia decurrens</i>)	Threatened	
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
	<u>Prairie bush clover</u> (<i>Lespedeza leptostachya</i>) (<i>Lespedeza leptostachya</i>)	Threatened	Dry to mesic prairies with gravelly soil
Champalgn Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub- Office 8588 Route 148 Marion, Illinois 62959 Phone: (618) 997- 3344, ext. 340 FAX: (618) 997-8961 e:mail Marion@fws.gov	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
	<u>Prairie bush clover</u> (<i>Lespedeza leptostachya</i>)	Threatened	Dry to mesic prairies with gravelly soil
Christian Field Office to Contact: U.S. Fish and Wildlife Service Rock Island Illinois Field Office 1511 47th Avenue Moline, Illinois 61265 (309) 757-5800 e:mail RockIsland@fws.gov FAX: 309-757-5807	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Eastern prairie-fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Clark Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub- Office 8588 Route 148 Marion, Illinois 62959	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	Rabbitsfoot (<i>Quadrula cylindrica</i> <i>cylindrica</i>)	Proposed as Threatened	Wabash River

County	Species	Status	Habitat
Phone: (618) 997-3344, ext. 340 FAX: (618) 997-8961 e:mail Marion@fws.gov	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Clay Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub-Office 8588 Route 148 Marion, Illinois 62959 Phone: (618) 997-3344, ext. 340 FAX: (618) 997-8961 e:mail Marion@fws.gov	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Clinton Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub-Office 8588 Route 148 Marion, Illinois 62959 Phone: (618) 997-3344, ext. 340 FAX: (618) 997-8961 e:mail Marion@fws.gov	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Piping plover</u> <i>Charadrius melodus</i>	Endangered	May be present in Clinton County during migration.
	<u>Eastern massasauga</u> (<i>Sistrurus catenatus</i>)	Candidate	Graminoid dominated plant communities (fens, sedge meadows, peatlands, wet prairies, open woodlands, and shrublands)
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
	<u>Lakeside daisy</u> (<i>Hymenoxys acaulis</i> var. <i>glabra</i>)	Threatened	Dry rocky prairies
Coles Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub-Office 8588 Route 148 Marion, Illinois 62959 Phone: (618) 997-3344, ext. 340 FAX: (618) 997-8961 e:mail Marion@fws.gov	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Snuffbox</u> (<i>Epioblasma triquetra</i>)	Endangered	Small to medium-sized creeks and some larger rivers, in areas with a swift current
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Cook	<u>Piping plover</u> <i>Charadrius melodus</i>	Endangered	Lakeshore beaches

County	Species	Status	Habitat
Field Office to Contact: USFWS Chicago Illinois FO 1250 South Grove, Suite 103 Barrington, Illinois 60010 (847) 381-2253 e:mail Chicago@fws.gov Cathy_Pollack@fws.gov	<u>Eastern massasauga</u> (<i>Sistrurus catenatus</i>)	Candidate	Graminoid dominated plant communities (fens, sedge meadows, peatlands, wet prairies, open woodlands, and shrublands)
	Hine's emerald dragonfly (<i>Somatochlora hineana</i>)	Endangered	Spring fed wetlands, wet meadows and marshes
	Hine's emerald dragonfly (<i>Somatochlora hineana</i>)	Critical Habitat Designated	Go here for a map and written description of the areas designated as Critical Habitat (PDF)
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>) Go here for specific guidance on how to determine whether this species is present on a site.	Threatened	Moderate to high quality wetlands, sedge meadow, marsh, and mesic to wet prairie
	<u>Leafy-prairie clover</u> (<i>Dalea foliosa</i>)	Endangered	Prairie remnants on thin soil over limestone
	<u>Mead's milkweed</u> (<i>Asclepias meadii</i>)	Threatened	Late successional tallgrass prairie, tallgrass prairie converted to hay meadow, and glades or barrens with thin soil
Crawford Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub-Office 8588 Route 148 Marion, Illinois 62959 Phone: (618) 997-3344, ext. 340 FAX: (618) 997-8961 e:mail Marion@fws.gov	<u>Prairie bush clover</u> (<i>Lespedeza leptostachya</i>)	Threatened	Dry to mesic prairies with gravelly soil
	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	Rabbitsfoot (<i>Quadrula cylindrica cylindrica</i>)	Proposed as Threatened	Wabash River
Cumberland Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub-Office 8588 Route 148 Marion, Illinois 62959 Phone: (618) 997-3344, ext. 340 FAX: (618) 997-8961 e:mail Marion@fws.gov	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Snuffbox</u> (<i>Epioblasma triquetra</i>)	Endangered	Small to medium-sized creeks and some larger rivers, in areas with a swift current
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies



John A. Sims, CP
Paralegal
Law Department

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

November 21, 2012

Eastern States Office
Bureau of Land Management
7450 Boston Boulevard
Springfield, VA 22153-3121

**Re: STB Docket No. AB 6 (Sub-No. 487X); BNSF Railway Company -
Abandonment Exemption - in Cook County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 0.50 miles of track ("Sangamon Street Line") beginning south of Western Avenue Yard at 16th Street (186+79) up to the red board south of Cullerton Street (163+50) and abandon approximately 0.60 miles of track ("Lumber Street Line") between Cermak Avenue, from the Colonial Brick switch (157+65), and the end of the line on Lumber Street (197+81), in Chicago, Cook County, Illinois.

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

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

The proposed abandonment will include the removal of the rails, ties and one bridge.

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.

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 imposed by the Office of Environmental Analysis of 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 OEA-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by January 18, 2013. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP
Paralegal

Enclosure as stated

cc via email: Tyler White – BNSF – tyler.white2@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Mark Norton – BNSF – mark.norton@bnsf.com
Mike Yuen – BNSF – michael.yuen@bnsf.com



John A. Sims, CP
Paralegal
Law Department

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

November 21, 2012

Mr. Michael Reynolds, Regional Director
National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

**Re: STB Docket No. AB 6 (Sub-No. 487X); BNSF Railway Company –
Abandonment Exemption – in Cook County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 0.50 miles of track ("Sangamon Street Line") beginning south of Western Avenue Yard at 16th Street (186+79) up to the red board south of Cullerton Street (163+50) and abandon approximately 0.60 miles of track ("Lumber Street Line") between Cermak Avenue, from the Colonial Brick switch (157+65), and the end of the line on Lumber Street (197+81), in Chicago, Cook County, Illinois.

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

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

The proposed abandonment will include the removal of the rails, ties and one bridge.

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.

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 imposed by the Office of Environmental Analysis of 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 OEA-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by January 18, 2013. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP
Paralegal

Enclosure as stated

cc via email: Tyler White – BNSF – tyler.white2@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Mark Norton – BNSF – mark.norton@bnsf.com
Mike Yuen – BNSF – michael.yuen@bnsf.com

F



John A. Sims, CP
Paralegal
Law Department

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

November 21, 2012

US EPA Region 5
Attn: Ken Westlake
Ralph Metcalfe Federal Building
77 West Jackson Blvd.
Chicago, IL 60604-3590

**Re: STB Docket No. AB 6 (Sub-No. 487X); BNSF Railway Company –
Abandonment Exemption – in Cook County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 0.50 miles of track ("Sangamon Street Line") beginning south of Western Avenue Yard at 16th Street (186+79) up to the red board south of Cullerton Street (163+50) and abandon approximately 0.60 miles of track ("Lumber Street Line") between Cermak Avenue, from the Colonial Brick switch (157+65), and the end of the line on Lumber Street (197+81), in Chicago, Cook County, Illinois.

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 should 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 that should also be of use:

The proposed abandonment will include the removal of the rails, ties and one bridge.

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.

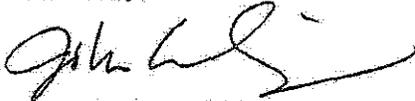
Road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

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 imposed by the Office of Environmental Analysis of 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 OEA-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by January 18, 2013. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP
Paralegal

Enclosure as stated

cc via email: Tyler White – BNSF – tyler.white2@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Mark Norton – BNSF – mark.norton@bnsf.com
Mike Yuen – BNSF – michael.yuen@bnsf.com



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Pat Quinn, Governor
Marc Miller, Director

Office of Water Resources, Michael A. Bilandic Building, 160 N. LaSalle Street, Suite S-703
Chicago, IL 60601 Phone: 312/793-3123 Fax: 312/793-5968

January 3, 2013

Mr. John Sims, CP
BNSF Railway
2500 Lou Merik Drive – AOB-3
Fort Worth, Texas 76131-2828

RE: Illinois Coastal Management Program, Federal Consistency Determination

Dear Mr. Sims:

According to your letter dated November 21, 2012 the BNSF Railway is proposing to abandon two stretches of track in the City of Chicago (Sangamon Street Line, Lumber Street Line). We have reviewed your request and have determined that only a portion of the Lumber Street Line falls within the boundaries of the Illinois Coastal Management Program (ICMP) and that this portion is consistent with the enforceable policies of the ICMP.

If you have any questions, feel free to contact me at (312) 793-5947 or james.casey@illinois.gov.

Sincerely,

James P. Casey
ICMP Federal Consistency Coordinator
IFC2013002

G



John A. Sims, CP
Paralegal
Law Department

BNSF Railway Company
2500 Lou Menk Drive - AOB-3
Fort Worth, Texas 76131-2628
tel 817-352-2376
fax 817-352-2397
Email - john.sims@bnsf.com

November 21, 2012

U.S. Army Corps of Engineers
Chicago District
111 N. Canal Street
Chicago, IL 60606-7206

**Re: STB Docket No. AB 6 (Sub-No. 487X); BNSF Railway Company -
Abandonment Exemption - in Cook County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 0.50 miles of track ("Sangamon Street Line") beginning south of Western Avenue Yard at 16th Street (186+79) up to the red board south of Cullerton Street (163+50) and abandon approximately 0.60 miles of track ("Lumber Street Line") between Cermak Avenue, from the Colonial Brick switch (157+65), and the end of the line on Lumber Street (197+81), in Chicago, Cook County, Illinois.

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

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

The proposed abandonment will include the removal of the rails, ties and one bridge.

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.

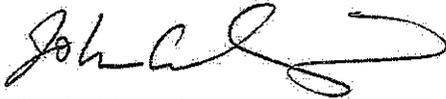
Road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

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 imposed by the Office of Environmental Analysis of 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 OEA-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by January 18, 2013. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

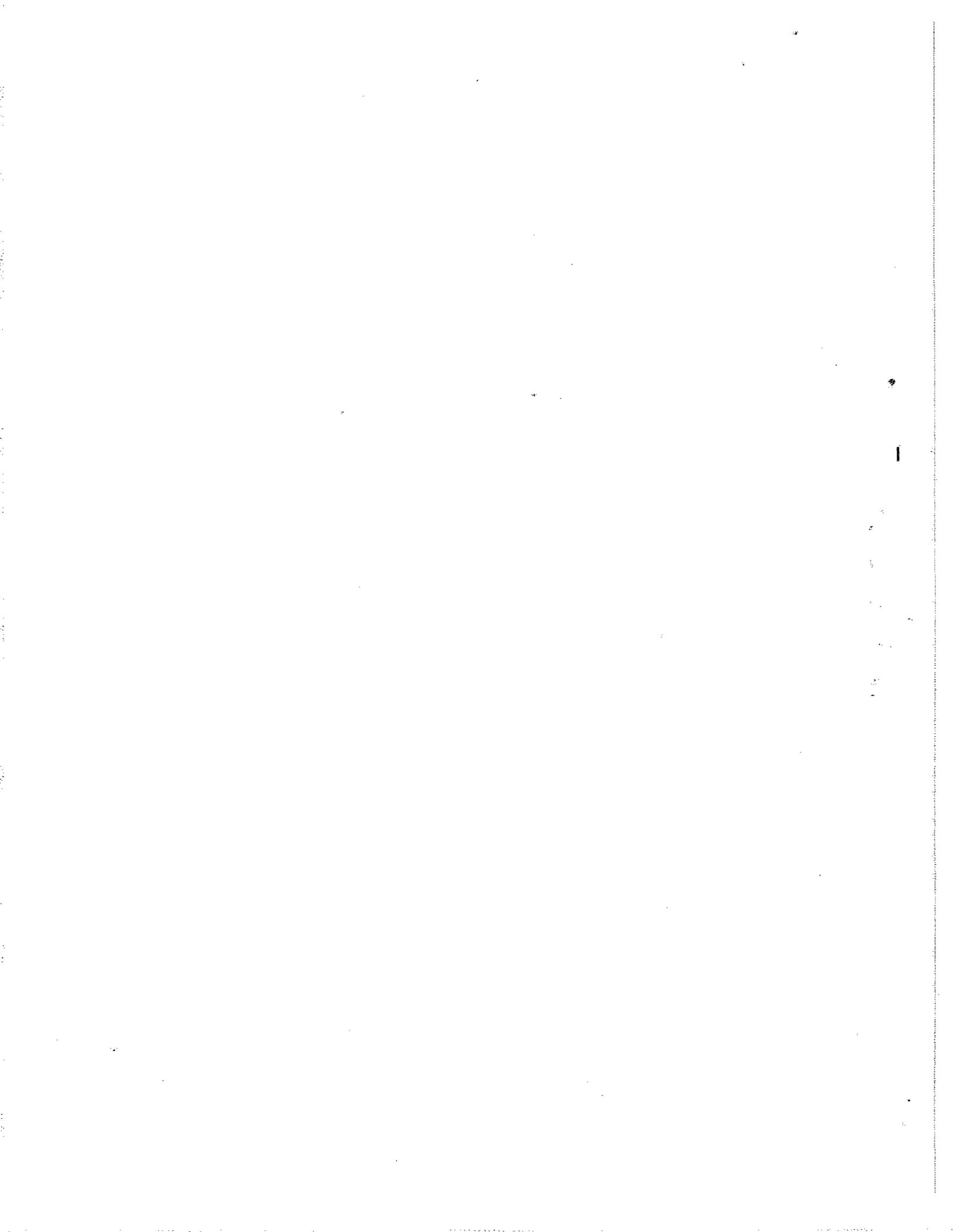


John A. Sims, CP
Paralegal

Enclosure as stated

cc-via email: Tyler White – BNSF – tyler.white2@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
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Illinois Historic
Preservation Agency

FAX (217) 782-8161

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Cook County
Chicago

Railway Abandonment

Sangamon St. between Western Ave. Yard (North of 16th St.) and the South side of
21st St., Cermak St. from Peoria St. to Lumber St., Lumber St. from Cermak St.
to South of 18th St.

IHPA Log #001090512

September 5, 2012

Susan Odom
BNSF Railway Company
2500 Lou Menk Drive - AOB3
Fort Worth, TX 76131

Dear Ms. Odom:

We have reviewed the documentation submitted for the referenced project in accordance with 36 CFR Part 800.4. The Sangamon St. portion and a section of the Cermak St. portion lie within the Pilsen Historic District, which was listed on the National Register of Historic Places. Based upon the information provided, no historic properties are affected. We, therefore, have no objection to the undertaking proceeding as planned.

Please retain this letter in your files as evidence of compliance with section 106 of the National Historic Preservation Act of 1966, as amended. This clearance remains in effect for two years from date of issuance. It does not pertain to any discovery during construction, nor is it a clearance for purposes of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440).

If you have any further questions, please contact me at 217/785-5027.

Sincerely,

Anne E. Haaker
Deputy State Historic
Preservation Officer