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ENTERED

Office of Proceedings

May 26, 2015

Part of Public Record

May 26, 2015

E-FILED

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

Re: Docket No. AB 6 (Sub-No. 489X), BNSF Railway Company --  
Abandonment Exemption -- in Kane County, Illinois

Dear Ms. Rutson:

Enclosed for filing in Docket No. AB 6 (Sub-No. 489X) are BNSF Railway Company's ("BNSF") Environmental and Historic Reports.

BNSF anticipates filing a Notice of Exemption seeking to abandon the 0.43 mile rail line on or after June 15, 2015.

Sincerely,



Karl Morell

Enclosure

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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<b>BNSF RAILWAY COMPANY</b>	)	
<b>ABANDONMENT EXEMPTION</b>	)	<b>DOCKET NO. AB 6</b>
<b>IN KANE COUNTY,</b>	)	<b>(SUB-NO. 489X)</b>
<b>ILLINOIS</b>		

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**ENVIRONMENTAL AND HISTORIC REPORTS**

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**BNSF RAILWAY COMPANY**  
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P.O. Box 96157  
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**Service Date:** May 26, 2015

## ENVIRONMENTAL REPORT

### (49 C.F.R. § 1105.7)

*(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

BNSF Railway Company (“BNSF”) proposes to abandon the 0.43-mile rail line located between Milepost 3.57 and Milepost 4.0 in North Aurora, in Kane County, Illinois (the “Line”). Maps of the project area are attached as **Exhibit A**.

In 1977, Line Segment 64 between Milepost 7.15 and Milepost 4.00 was abandoned. In 2007, an additional abandonment between Milepost 3.57 and Milepost 3.53 was completed to accommodate the expansion of Highway 88. These two abandonments left an island between Milepost 4.00 and Milepost 3.57.

It appears that the Line was inadvertently salvaged as part of the 2007 salvage operations to accommodate the Highway project. Accordingly, there will be no additional salvage operations as a result of this abandonment. BNSF is seeking abandonment authority to clean up an inadvertent error and to enable BNSF to sell a parcel of land along the Line to the Village of North Aurora. The Line has had no traffic since prior to 1988.

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

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

line since prior to 1988.

(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 Village of North Aurora – Village Hall and Kane County – Planning & Special Projects. As of the date of this Environmental Report, neither agency has responded as to whether the proposed action is consistent with existing land use plans. 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 USDA – Natural Resources Conservation Service. As of the date of this Environmental Report, the agency has not responded as to whether the proposed abandonment will have any effect on prime agricultural lands. A copy of the letter is attached as **Exhibit C**.

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

BNSF does not believe the proposed abandonment is located within a designated coastal zone. BNSF sent a letter to the Illinois DNR - Water Resources. Mr. James P. Casey, ICMP Federal Consistency Coordinator, replied in a letter dated June 24, 2014, stating, “We have reviewed your request and have determined that the proposed work falls outside the boundaries of the Illinois Coastal

Management Program (ICMP) and therefore, will not require a Federal Consistency Determination.” A copy of the letter is attached as **Exhibit D**.

*(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.*

The proposed abandonment may be suitable for alternative public use. BNSF contacted the Village of North Aurora – Village Hall and Kane County – Planning & Special Projects.

**(4) Energy**

*(i) Describe the effect of the proposed action on transportation of energy resources.*

The proposed abandonment will have no effect on the transportation of energy resources.

*(ii) Describe the effect of the proposed action on recyclable commodities.*

The proposed abandonment will not adversely affect the movement or recovery of recyclable commodities.

*(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.*

The proposed action will not result in an increase or decrease in overall energy efficiency as there has been no traffic on the Line since prior to 1988.

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than:*

*(A) 1,000 rail carloads a year, or*

*(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy*

*consumption and show the data and methodology used to arrive at the figure given.*

The proposed abandonment will not result in a diversion of rail to motor carriage.

(5) Air

(i) *If the proposed action will result in either:*

*(A) an increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line affected by the proposal, or*

*(B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or*

*(C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

The proposed action will not result in meeting or exceeding the specified thresholds for increased rail or truck traffic as outlined in (i) (A), (B) or (C) above.

(ii) *If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:*

*(A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,*

*(B) an increase in rail yard activity of at least 20 percent (measured by carload activity), or*

*(C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.*

The proposed action will not result in meeting or exceeding the specified

thresholds in (ii) (A), (B) or (C) above.

*(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and Freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.*

The proposed abandonment will not affect the transportation of ozone depleting materials.

*(6) Noise If any of the thresholds identified in item (5) (i) of this section are surpassed, state whether the proposed action will cause:*

*(i) an incremental increase in noise levels of three decibels Ldn or more; or*

*(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.*

Not applicable.

*(7) Safety*

*(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).*

This abandonment should have no adverse effect on health or public safety.

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

*accidental release of hazardous materials.*

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

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

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

**(8) Biological Resources**

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

BNSF does not believe that the proposed abandonment will have an adverse effect on endangered or threatened species or areas designated as a critical habitat. BNSF contacted the U.S. Fish and Wildlife Service, Chicago Ecological Service Field Office (“USFWS”) in reference to this proposed abandonment. BNSF received a phone call from USFWS requesting information about the proposed abandonment. BNSF will be contacting USFWS to explain that no salvage operations will be conducted on the Line. A copy of the letter to USFWS is attached as **Exhibit E**.

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

BNSF does not believe that any wildlife sanctuaries or refuges, National or State parks or forests will be adversely affected by the proposed abandonment. BNSF contacted the U.S. Department of the Interior, Bureau of Land Management

(Northeastern States Field Office) and the National Park Service, Midwest Region. As of the date of this Environmental Report, neither agency has replied to BNSF's inquiry. Copies of the letters are attached as **Exhibit F**.

(9) Water

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

BNSF sent a letter to the Illinois DNR - Water Resources. Mr. James P. Casey, ICMP Federal Consistency Coordinator, replied in a letter dated June 24, 2014, stating, "We have reviewed your request and have determined that the proposed work falls outside the boundaries of the Illinois Coastal Management Program (ICMP) and therefore, will not require a Federal Consistency Determination." A copy of the letter is attached as **Exhibit D**.

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

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

BNSF is confident that no designated wetlands or 100-year flood plains will be adversely affected by the proposed abandonment. BNSF contacted the U.S. Army Corps of Engineers ("Corps") in reference to the proposed abandonment. Mr. Keith L. Wozniak, Chief, West Section, Regulatory Branch, replied in a letter dated August 5, 2014, requesting additional information. BNSF will contact the

Corps to explain that no salvage operations will be conducted on the Line. A copy of the letter is attached as **Exhibit H**.

*(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).*

BNSF sent a letter to the Illinois DNR - Water Resources. Mr. James P. Casey, ICMP Federal Consistency Coordinator, replied in a letter dated June 24, 2014, stating, "We have reviewed your request and have determined that the proposed work falls outside the boundaries of the Illinois Coastal Management Program (ICMP) and therefore, will not require a Federal Consistency Determination." A copy of the letter is attached as **Exhibit D**.

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

*(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.*

BNSF does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. BNSF will, of course, consult (as required) with any recipients of this Environmental Report regarding appropriate mitigation actions and will comply with those mitigation actions required by the Board.

## HISTORIC REPORT

(49 C.F.R. § 1105.8)

- (1) ***Proposed Action and Alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

BNSF Railway Company (“BNSF”) proposes to abandon the 0.43-mile rail line located between Milepost 3.57 and Milepost 4.0 in North Aurora, in Kane County, Illinois (the “Line”). Maps of the project area are attached as **Exhibit A**.

In 1977, Line Segment 64 between Milepost 7.15 and Milepost 4.00 was abandoned. In 2007, an additional abandonment between Milepost 3.57 and Milepost 3.53 was completed to accommodate the expansion of Highway 88. These two abandonments left an island between Milepost 4.00 and Milepost 3.57.

It appears that the Line was inadvertently salvaged as part of the 2007 salvage operations to accommodate the Highway project. Accordingly, there will be no additional salvage operations as a result of this abandonment. BNSF is seeking abandonment authority to clean up an inadvertent error and to enable BNSF to sell a parcel of land along the Line to the Village of North Aurora. The Line has had no traffic since prior to 1988.

## **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 maps are attached to this Report as **Exhibit A**.

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

The subject Line extends approximately 0.43 miles between Milepost 3.57 and Milepost 4.0 in North Aurora, in Kane County, Illinois. The urban right-of-way is generally 100 feet wide. There are no federally granted rights of way involved.

3. *Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.*

None.

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

None.

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

The right of way was acquired in 1870 by the Ottawa Oswego & Fox River Valley Railroad Company (OO&FRV). The OO&FRV was incorporated in the State of Illinois on August 22, 1852. The OO&FRV assets were acquired by the Chicago Burlington & Quincy Railroad (CB&Q) on June 1, 1899. In 1970, the CB&Q merged with other railroads to become part of Burlington Northern Railroad (BN). BN and The Atchison Topeka & Santa Fe Railway Company merged in 1995 to become The Burlington Northern and Santa Fe Railway Company. In 2005, The Burlington Northern and Santa Fe Railway Company

changed its name to BNSF Railway Company.

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 July 8, 2014, Anne E. Haaker, Deputy State Historic Preservation Officer, stated, “We have reviewed the documentation submitted for the referenced project(s) in accordance with 36 CFR Part 800.4. 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**.

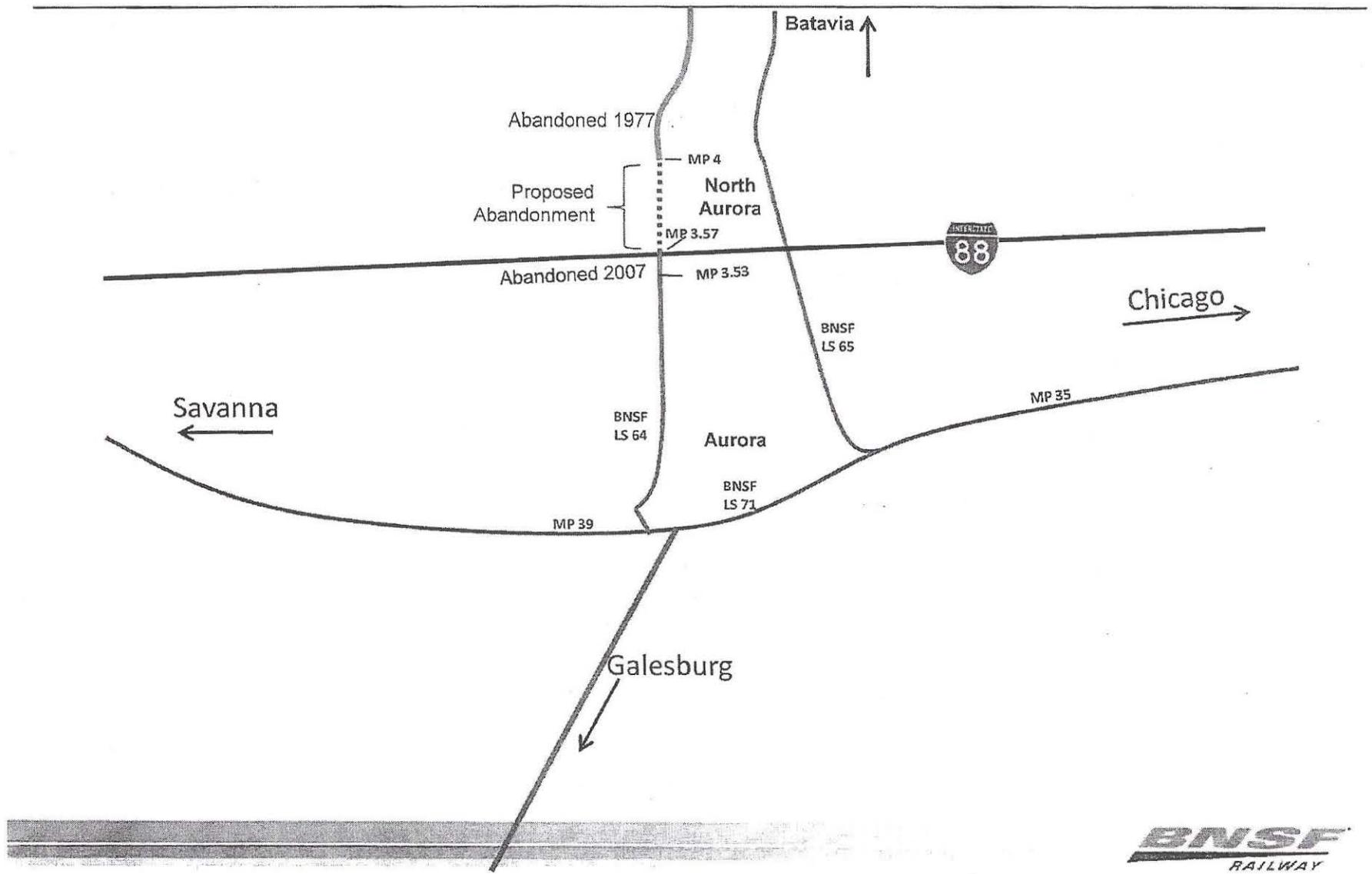
8. *A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.*

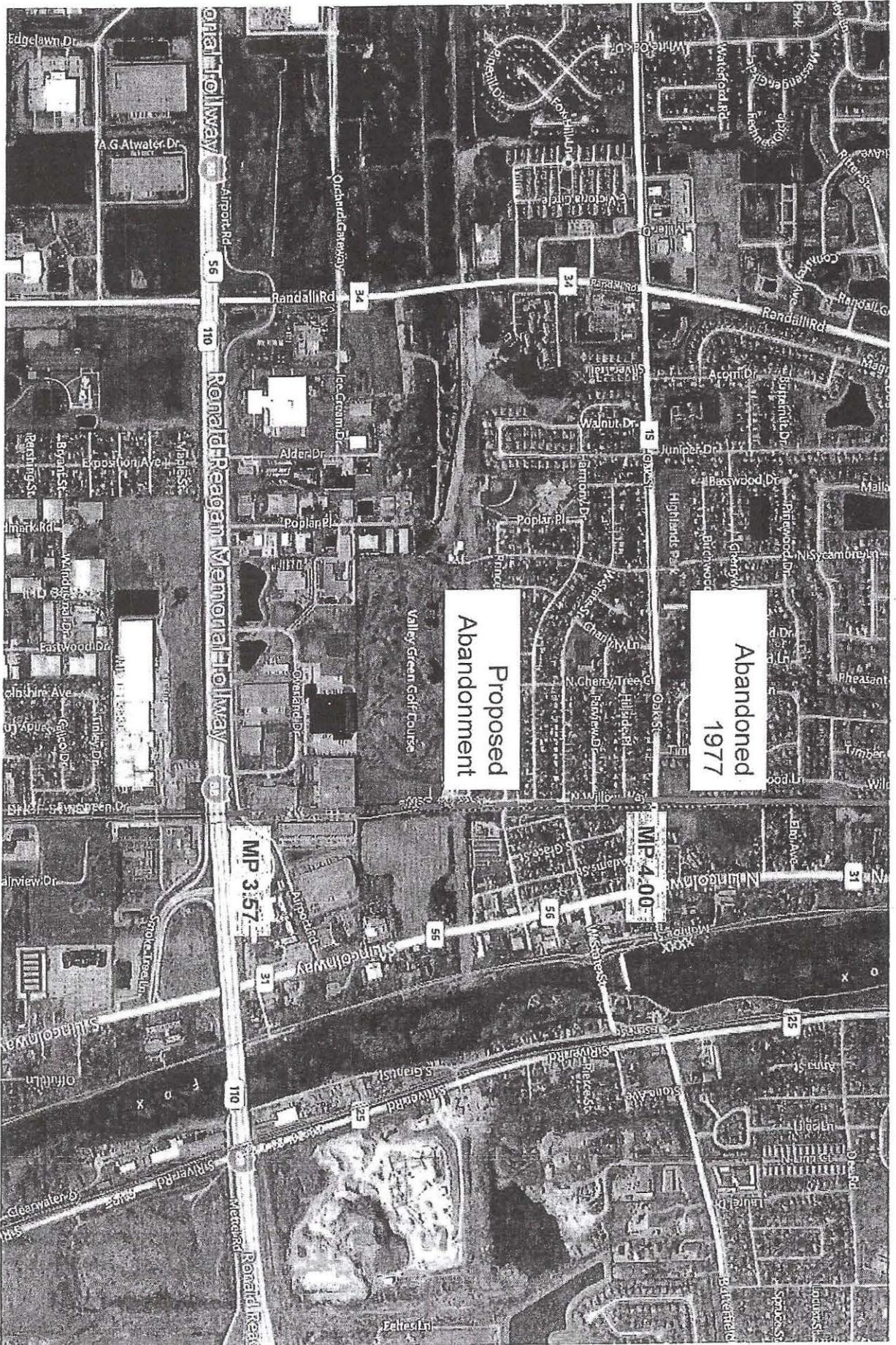
The Line was disturbed during original construction by cuts and fill and any archaeological resources that may have been located in the proposed project area would have been affected at that time. Our records do not indicate any environmental conditions that might affect the archaeological recovery of 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.

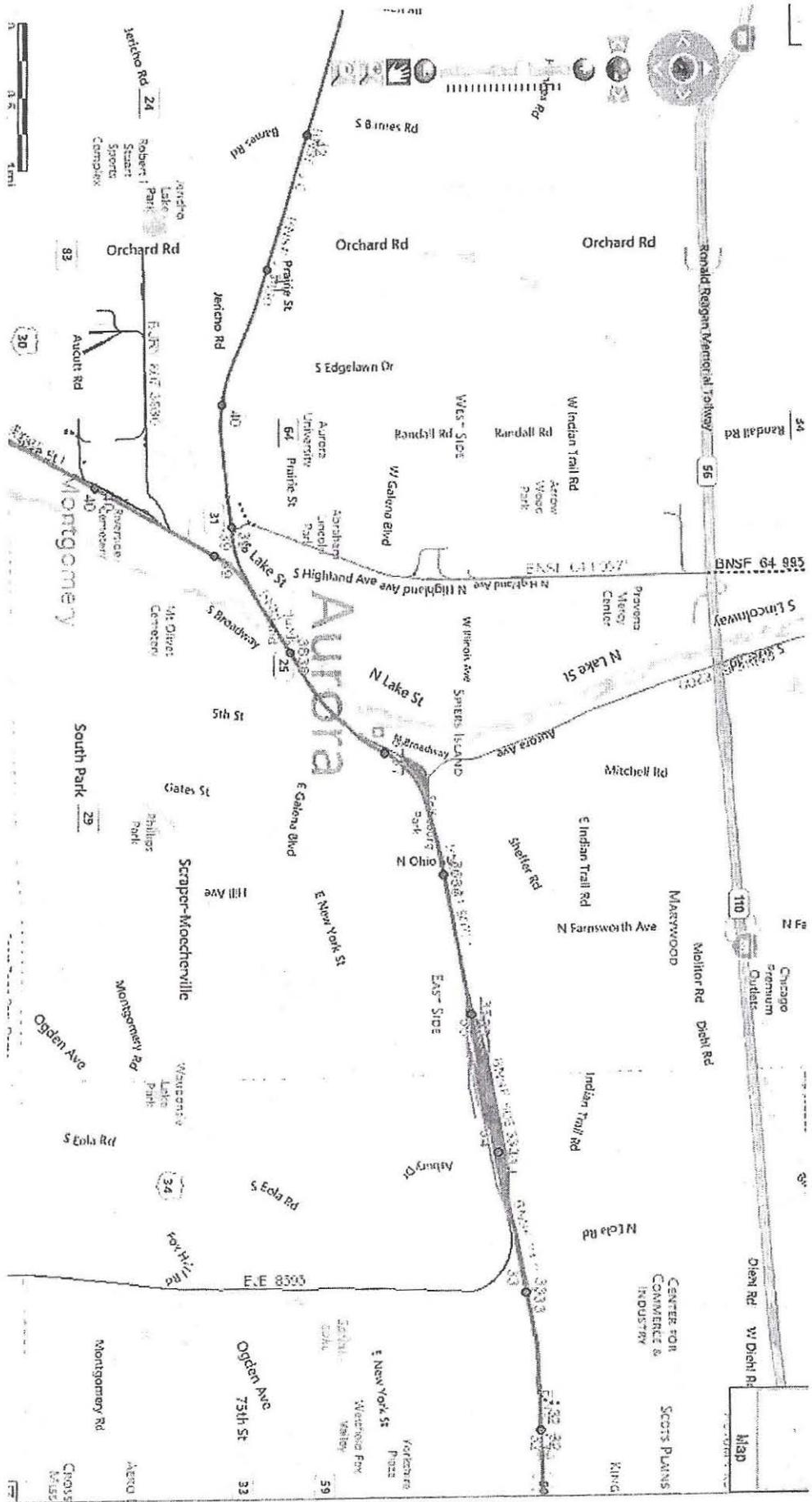






8/19/2014

**BNSF**  
RAILWAY



8/19/2014

**BNSF**  
RAILWAY





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

June 19, 2014

Village of North Aurora  
Village Hall  
25 East State Street  
North Aurora, IL 60542

**Re: STB Docket No. AB 6 (Sub-No. 489X); BNSF Railway Company –  
Abandonment Exemption – in Kane County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.43 miles of rail line in Kane County, Illinois, between Milepost 3.57 and Milepost 4.00 in North Aurora.

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 July 25, 2014. You may contact me by email or phone with any questions or concerns. Thank you in advance for your time and contribution.

Sincerely,

  
John A. Sims, CP  
Paralegal

Enclosure as stated

cc via email: Courtney Estes – BNSF – [courtney.estes@bnsf.com](mailto:courtney.estes@bnsf.com)  
Suzanne Wellen – BNSF – [suzanne.wellen@bnsf.com](mailto:suzanne.wellen@bnsf.com)  
Karl Morell – Ball Janik LLP – [kmorell@bjllp.com](mailto:kmorell@bjllp.com)  
Mark Norton – BNSF – [mark.norton@bnsf.com](mailto:mark.norton@bnsf.com)  
Brian Blevins – BNSF – [brian.blevins@bnsf.com](mailto:brian.blevins@bnsf.com)



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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

June 19, 2014

Kane County  
Planning & Special Projects  
719 Batavia Avenue  
Geneva, Illinois 60134

**Re: STB Docket No. AB 6 (Sub-No. 489X); BNSF Railway Company –  
Abandonment Exemption – in Kane County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.43 miles of rail line in Kane County, Illinois, between Milepost 3.57 and Milepost 4.00 in North Aurora.

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Sincerely,

  
John A. Sims, CP  
Paralegal

Enclosure as stated

cc via email: Courtney Estes – BNSF – [courtney.estes@bnsf.com](mailto:courtney.estes@bnsf.com)  
Suzanne Wellen – BNSF – [suzanne.wellen@bnsf.com](mailto:suzanne.wellen@bnsf.com)  
Karl Morell – Ball Janik LLP – [kmorell@bjllp.com](mailto:kmorell@bjllp.com)  
Mark Norton – BNSF – [mark.norton@bnsf.com](mailto:mark.norton@bnsf.com)  
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Email [john.sims@bnsf.com](mailto:john.sims@bnsf.com)

June 19, 2014

Mr. James Rospopo, District Conservationist  
USDA – Natural Resources Conservation Service  
2315 Dean Street, Suite 100  
St. Charles, IL 60175

**Re: STB Docket No. AB 6 (Sub-No. 489X); BNSF Railway Company –  
Abandonment Exemption – in Kane County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.43 miles of rail line in Kane County, Illinois, between Milepost 3.57 and Milepost 4.00 in North Aurora.

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

For your reference a map of the subject railroad line is enclosed.

Please provide your assessment and comments to me at the address above, if at all possible, by July 25, 2014. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

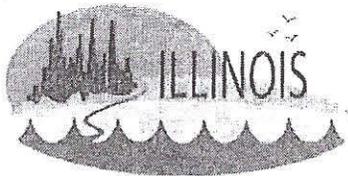
Sincerely,

John A. Sims, CP  
Paralegal

Enclosure as stated

cc via email: Courtney Estes – BNSF – [courtney.estes@bnsf.com](mailto:courtney.estes@bnsf.com)  
Suzanne Wellen – BNSF – [suzanne.wellen@bnsf.com](mailto:suzanne.wellen@bnsf.com)  
Karl Morell – Ball Janik LLP – [kmorell@bjllp.com](mailto:kmorell@bjllp.com)  
Mark Norton – BNSF – [mark.norton@bnsf.com](mailto:mark.norton@bnsf.com)  
Brian Blevins – BNSF – [brian.blevins@bnsf.com](mailto:brian.blevins@bnsf.com)





## Coastal Management Program

160 N. LaSalle Street, Suite S-700 • Chicago, Illinois 60601 • <http://www.dnr.illinois.gov/cmp>

June 24, 2014

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 June 19, 2014 BNSF Railway is proposing to abandon 0.43 miles of rail line in Kane County, Illinois, between Milepost 3.57 and Milepost 4.00 in North Aurora. We have reviewed your request and have determined that the proposed work falls outside the boundaries of the Illinois Coastal Management Program (ICMP) and therefore, will not require a Federal Consistency Determination.

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

Sincerely,

James P. Casey  
ICMP Federal Consistency Coordinator  
IFC2014009





John A. Sims, CP  
Paralegal  
Law Department

BNSF Railway Company  
2500 Lou Menk Drive – AOB-3  
Fort Worth, Texas 76131-2928  
tel 817-352-2376  
fax 817-352-2397  
Email - john.sims@bnsf.com

June 19, 2014

U.S. Fish and Wildlife Service  
Chicago Ecological Service Field Office  
1250 South Grove Avenue, Suite 103  
Barrington, Illinois 60010-5010

**Re: STB Docket No. AB 6 (Sub-No. 489X); BNSF Railway Company –  
Abandonment Exemption – in Kane County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.43 miles of rail line in Kane County, Illinois, between Milepost 3.57 and Milepost 4.00 in North Aurora.

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.

Please provide your assessment and comments to me at the address above, if at all possible, by July 25, 2014. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

John A. Sims, CP  
Paralegal

Enclosure as stated

cc via email: Courtney Estes – BNSF – [courtney.estes@bnsf.com](mailto:courtney.estes@bnsf.com)  
Suzanne Wellen – BNSF – [suzanne.wellen@bnsf.com](mailto:suzanne.wellen@bnsf.com)  
Karl Morell – Ball Janik LLP – [kmorell@bjllp.com](mailto:kmorell@bjllp.com)  
Mark Norton – BNSF – [mark.norton@bnsf.com](mailto:mark.norton@bnsf.com)  
Brian Blevins – BNSF – [brian.blevins@bnsf.com](mailto:brian.blevins@bnsf.com)





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fax 817-352-2397  
Email – john.sims@bnsf.com

June 19, 2014

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

**Re: STB Docket No. AB 6 (Sub-No. 489X); BNSF Railway Company –  
Abandonment Exemption – in Kane County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.43 miles of rail line in Kane County, Illinois, between Milepost 3.57 and Milepost 4.00 in North Aurora.

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.

Please provide your assessment and comments to me at the address above, if at all possible, by July 25, 2014. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

John A. Sims, CP  
Paralegal

Enclosure as stated

cc via email: Courtney Estes – BNSF – [courtney.estes@bnsf.com](mailto:courtney.estes@bnsf.com)  
Suzanne Wellen – BNSF – [suzanne.wellen@bnsf.com](mailto:suzanne.wellen@bnsf.com)  
Karl Morell – Ball Janik LLP – [kmorell@bjllp.com](mailto:kmorell@bjllp.com)  
Mark Norton – BNSF – [mark.norton@bnsf.com](mailto:mark.norton@bnsf.com)  
Brian Blevins – BNSF – [brian.blevins@bnsf.com](mailto:brian.blevins@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

June 19, 2014

Ms. Patty Trap, Acting Regional Director  
National Park Service  
Midwest Region  
601 Riverfront Drive  
Omaha, NE 68102-4226

**Re: STB Docket No. AB 6 (Sub-No. 489X); BNSF Railway Company –  
Abandonment Exemption – in Kane County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.43 miles of rail line in Kane County, Illinois, between Milepost 3.57 and Milepost 4.00 in North Aurora.

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.

Please provide your assessment and comments to me at the address above, if at all possible, by July 25, 2014. 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

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Karl Morell – Ball Janik LLP – [kmorell@bjllp.com](mailto:kmorell@bjllp.com)  
Mark Norton – BNSF – [mark.norton@bnsf.com](mailto:mark.norton@bnsf.com)  
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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

June 19, 2014

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

**Re: STB Docket No. AB 6 (Sub-No. 489X); BNSF Railway Company –  
Abandonment Exemption – in Kane County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.43 miles of rail line in Kane County, Illinois, between Milepost 3.57 and Milepost 4.00 in North Aurora.

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

For your reference I have enclosed a map of the subject railroad line.

Please provide your assessment and comments to me at the address above, if at all possible, by July 25, 2014. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

John A. Sims, CP  
Paralegal

Enclosure as stated

cc via email: Courtney Estes – BNSF – [courtney.estes@bnsf.com](mailto:courtney.estes@bnsf.com)  
Suzanne Wellen – BNSF – [suzanne.wellen@bnsf.com](mailto:suzanne.wellen@bnsf.com)  
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Brian Blevins – BNSF – [brian.blevins@bnsf.com](mailto:brian.blevins@bnsf.com)





REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
CHICAGO DISTRICT, CORPS OF ENGINEERS  
231 SOUTH LA SALLE STREET  
CHICAGO, ILLINOIS 60604-1437

August 5, 2014

Technical Services Division  
Regulatory Branch  
LRC-2014-00476

SUBJECT: Information Request for BNSF Kane County Rail Abandonment in North Aurora,  
Kane County, Illinois

John Sims  
Law Department  
BNSF Railway Company  
2500 Lou Menk Drive -AOB3  
Fort Worth, Texas 76131-2828

Dear Mr. Sims:

The U.S. Army Corps of Engineers, Chicago District, is in receipt of your letter regarding "STB Docket No. AB 6 (Sub-No. 489X); BNSF Railway Company – Abandonment Exemption – in Kane County, Illinois" addressed to US Army Corps of Engineers, Rock Island District. Your notification has been assigned number LRC-2014-00476. Please reference this number in all future correspondence concerning your proposed activity.

Following our initial review of your notification, it appears your activity may qualify for authorization under our Regional Permit Program (RPP). However, your notification is considered incomplete at this time. Please review the RPP requirements prior to submitting additional project information. The following information shall be submitted to this office to complete your notification:

1. A detailed description of the proposed activity as it relates to the discharge of dredge or fill material into waters of the U.S.;
2. The RP(s) to be used for the activity;
3. A map showing the location of the project site and the location given in decimal degrees;
4. The area (in acres) of waters of the U.S. to be impacted;
5. A statement indicating the applicant will comply with the terms and conditions of the RPP;

6. A completed joint application form signed by the applicant or agent. If the agent signs, notification must include a written statement from the applicant designating the agent as its representative;
7. A delineation of waters of the U.S., including wetlands, located at the project site. The delineation shall include a Floristic Quality Assessment (Swink and Wilhelm, 1994, Plants of the Chicago Region). You may submit photographs of all areas where work is to be performed, including equipment staging areas. The photographs shall be numbered and correspond to data points that are plotted onto a current legible aerial photograph of the site and accompany a detailed narrative of the findings;
8. Construction drawings (11"x 17") showing all aspects of the proposed activity, including existing and proposed contours, utilities, the location of wetlands/waters of the United States to be impacted and not impacted (color-coded for identification purposes), the Ordinary High Water Mark (OHWM) and/or the Normal Water Level (NWL) of all waters, and the observed outermost boundary of all wetlands. In addition, the drawings shall include a detailed plan and profile view of all structures to be installed in jurisdictional areas. The drawings shall also include landscaping plans that depict protective buffers to all remaining waters and wetlands that are planted in native vegetation. Include the most recent cover page for the construction drawings. Include the most recent cover page and index page(s) for the construction drawings disclosing current revision dates on all sheets;
9. Soil erosion and sediment control plan;
10. A Section 7 species list for the project area using the on-line application at the U.S. Fish & Wildlife Service website. The application will indicate whether resources (species and habitats) listed or designated under the Endangered Species Act of 1973, as amended (Act), may be present within areas affected (directly or indirectly) by the proposed project. You can access "U.S. Fish and Wildlife Service Endangered Species Program of the Upper Midwest" website at <http://www.fws.gov/midwest/Endangered> . Click on the Section 7 Technical Assistance and follow the instructions to completion. Print all documentation and forward the information to this office for review. Either a "no effect" determination will be made or a biological assessment/biological evaluation will need to be completed to determine if the proposed action is likely or not likely to adversely affect them. If the latter, the Corps will request initiation of Section 7 consultation with the U.S. Fish and Wildlife Service.
11. A determination of the presence or absence of any State threatened or endangered species. Please contact the Illinois Department of Natural Resources (IDNR) to determine if any State threatened and endangered species could be in the project area. You can access the IDNR's Ecological Compliance Assessment Tool (EcoCAT) at the following website: <http://dnrecocat.state.il.us/ecopublic/>. Once you complete the EcoCAT and consultation process, forward all resulting information to this office for consideration. The report shall also include recommended methods as required by the IDNR for minimizing potential adverse effects of the project.

12. A statement about the knowledge of the presence or absence of Historic Properties, which includes properties listed, or properties eligible to be listed in the National Register of Historic Places. A letter from the Illinois Historic Preservation Agency (IHPA) can be obtained indicating whether your project is in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended. The permittee shall provide all pertinent correspondence with the IHPA documenting compliance. The IHPA has a checklist of documentation required for their review located here: [www.illinoishistory.gov/PS/rcdocument.htm](http://www.illinoishistory.gov/PS/rcdocument.htm).

13. A discussion of the measures taken to avoid and minimize impacts to aquatic resources on the project site.

Please visit our website for a copy of the Regional Permit Program (RPP). You can access our website at: <http://www.lrc.usace.army.mil/Missions/Regulatory.aspx>. If you have any questions, please contact Mr. Ron Abrant of my staff by telephone at 312-846-5536, or email at [Ron.J.Abrant@usace.army.mil](mailto:Ron.J.Abrant@usace.army.mil).

Sincerely,



Keith L. Wozniak  
Chief, West Section  
Regulatory Branch





Illinois Historic  
Preservation Agency

1 Old State Capitol Plaza, Springfield, IL 62701-1512

FAX 217/524-7525

[www.illinoishistory.gov](http://www.illinoishistory.gov)

Kane County  
North Aurora  
Milepost 3.57 to 4.00, North of I-88  
STB-Docket #AB 6 (Sub#489X)  
Rail line abandonment - BNSF Railway Company

PLEASE REFER TO: IHPA LOG #008063014

July 8, 2014

John Sims  
BNSF Railway Company  
2500 Lou Menk Drive - AOB-3  
Ft. Worth, TX 76131-2828

Dear Mr. Sims:

We have reviewed the documentation submitted for the referenced project(s) in accordance with 36 CFR Part 800.4. 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 (2) 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 are an applicant, please submit a copy of this letter to the state or federal agency from which you obtain any permit, license, grant, or other assistance.

Sincerely,

*Anne E. Haaker*

Anne E. Haaker  
Deputy State Historic  
Preservation Officer