

229011



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Thomas J. Healey
Counsel - Regulatory

17641 S. Ashland Avenue
Homewood, IL 60430-1339

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March 17, 2011

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW,
Washington, DC 20424

**ENTERED
Office of Proceedings**

MAR 18 2011

**Part of
Public Record**

Re: Environmental Report, Historic Report and Required Certifications for
Docket No. AB-101 (Sub No. 18X)
Duluth, Missabe and Iron Range Railway Company — Notice of Exemption for
Abandonment in Duluth, St. Louis County, Minnesota

Dear Ms. Brown:

Duluth, Missabe and Iron Range Railway Company ("DMIR") intends to file a Notice of Exemption for the above-referenced proposed abandonment any time on or after April 28, 2011. Enclosed for the above-referenced Abandonment Exemption are the following documents, which are required by 49 C.F.R. Part 1105:

1. An original and ten copies of the Environmental/Historic Report;
2. An original and ten copies of the transmittal letter that accompanied the reports; and
3. An original and ten copies of a certificate demonstrating compliance with the requirements of 49 C.F.R. Part 1105.

Please stamp and return the duplicate copy of this letter to my attention to indicate that you received the items listed.

Feel free to call me if you have any questions.

Respectfully submitted,

Thomas J. Healey
Attorney for
Duluth, Missabe and Iron Range Railway Company

Encls.



Law

Thomas J. Healey
Counsel - Regulatory

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March 17, 2011

**Re: Duluth, Missabe and Iron Range Railway Company Notice of Exemption for Abandonment
- Duluth, St. Louis County, Minnesota - Docket AB-101 (Sub-No. 18X)**

To Whom It May Concern:

Any time on or after April 28, 2011, Duluth, Missabe and Iron Range Railway Company ("DMIR") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon a railroad line located between milepost 0.00 and milepost 1.96, a distance of 1.96 miles, in Duluth, St. Louis County, Minnesota. Enclosed is an Environmental Report and a Historic Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental and historic review process, please contact their Section of Environmental Analysis (SEA), at the Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423-0001, (202) 245-0245, and refer to the above docket number.

DMIR will file the Environmental Report and Historic Report with the STB on or about March 17, 2011. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (with a copy to the undersigned) would be appreciated within three weeks. Your comments will be considered by the STB in evaluating the environmental and historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (708) 332-4381 or by mail at the above address.

Sincerely,

Thomas J. Healey
Attorney for

Duluth, Missabe and Iron Range Railway Company

Encls.

Docket No. AB-101 (Sub-No. 18X)

**DULUTH, MISSABE AND IRON
RANGE RAILWAY COMPANY**

**NOTICE OF EXEMPTION FOR
ABANDONMENT IN DULUTH,
ST. LOUIS COUNTY, MINNESOTA**

To: Chief, Section of Administration
Surface Transportation Board (STB)
395 E. Street, SW
Washington, DC 20424

CERTIFICATE OF COMPLIANCE WITH 49 C.F.R. PART 1105

I hereby certify that on March 17, 2011, copies of the Environmental Report and Historic Report for the above-captioned proceeding were served on the agencies listed at 49 C.F.R. § 1105.7(b), all agencies consulted in preparing the reports, and on the Minnesota Historic Preservation Agency. A service list is attached and incorporated into this certificate as Attachment A. The reports have been sent within the time period specified, as Duluth, Missabe and Iron Range Railway Company intends to file its Notice of Exemption in the above-captioned matter no earlier than April 28, 2011. All appropriate agencies as listed in 49 C.F.R. § 1105.7(e) have been consulted well in advance of preparing the Environmental Report.

Dated this 17th day of March, 2011.



Thomas J. Healey

Attorney for Duluth, Missabe and Iron Range Railway Company

Ms. LaDawn Whitehead
US EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Mr. Pat Collins
Lake Superior Coastal Program Manager
DNR Waters
1201 East Highway 2
Grand Rapids, MN 55744

Mr. Jeff Anderson
City Council President
PO Box 385
Duluth, MN 55801

U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Mr. Patrick Carroll
US Fish & Wildlife Service
One Federal Drive
Fort Snelling, MN 55111

Aaron Snyder
US Army Corps of Engineers
St. Paul District
180 5th St. East
Suite 700
St. Paul MN 55101-1678

National Park Service
Suite 105
111 Kellogg Blvd E.
St. Paul, MN 55101-1256

Mr. Paul Flynn
Natural Resources Conservation Service
375 Jackson Street, Suite 600
Saint Paul, Minnesota 55101

Minnesota DNR
500 Lafayette Road
St. Paul, MN 55155

Ms. Roberta Dwyer
Minnesota Department of Transportation
Transportation Building
395 John Ireland Blvd
St. Paul, MN 55155

National Geodetic Survey Information Services
Simon Monroe <Simon.Monroe@noaa.gov>

Mr. David Montgomery
City of Duluth, Chief Adminis. Officer
411 W. First Street, Room 402
Duluth, MN 55802

Ms. Mary Ann Heidemann
Minnesota Historical Society
345 Kellogg Blvd. W.
St. Paul, MN 55102

Mr. Dixon Bastie
Western Lake Superior Sanitary District
2626 Courtland Street
Duluth, MN 55806-1894

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-101 (SUB-NO. 18X)

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY
-- NOTICE OF EXEMPTION FOR ABANDONMENT--
IN DULUTH, ST. LOUIS COUNTY, MINNESOTA

ENVIRONMENTAL/HISTORIC REPORT

Duluth, Missabe and Iron Range Railway Company ("DMIR") submits this Environmental/Historic Report in compliance with the reporting requirements of 49 C.F.R. §§1105.7 and 1105.8. Supporting correspondence and certifications are attached. It is the conclusion of this Report that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

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

1. Proposed Action and Alternatives. DMIR seeks to abandon its line of railroad starting at MP 0.00 and ending at MP 1.96, in Duluth, Minnesota (the "Line"). The Line is situated in St. Louis County, Minnesota and extends a total distance of approximately 1.96 miles.

This Environmental Report is submitted in anticipation of DMIR's Notice of Exemption to abandon the above-mentioned Line. This line has not been used in over two years. There are no rail customers on this portion of the Line. There is no overhead traffic to be rerouted to other lines.

Following abandonment, DMIR intends to sell its interest in the property to the St. Louis and Lake Counties Regional Railroad Authority to preserve the corridor for possible future use as a Duluth-Minneapolis intercity passenger rail line.

No alternatives to the proposed abandonment have been considered. A map showing the location of the Line is attached herein as **Appendix A**.

DMIR has contacted and requested comments from the City Council President. See correspondence attached herein as **Appendix B**. The Board forwarded their letter to the Western Lake Superior Sanitary District. The WLSSD forwarded aerial photographs depicting the alignment of a pipeline which is located to the proposed abandonment.

DMIR also received a letter from the City of Duluth, Chief Administrative Officer who is opposed to the abandonment. DMIR continues to work with the City of Duluth to resolve its concerns.

2. Transportation System. DMIR does not anticipate that existing regional or local transportation systems or patterns will be affected by the proposed abandonment. There is no overhead traffic on the Line, and no passenger trains are operated over the Line.

DMIR has contacted and requested comments from the Minnesota Department of Transportation. See correspondence attached herein as **Appendix C**. Mn/DOT forwarded our letter to the Duluth office for review. That office expressed concerns over future maintenance of the culverts and rail corridor.

3. Land Use.

(i) DMIR does not foresee any inconsistency with regional and/or local land use plans, but has contacted and requested comments from the National Geodetic Advisor. See correspondence attached herein as **Appendix D**. There are no markers located on this property.

(ii) The proposed abandonment lies entirely within the limits of St. Louis County, Minnesota. The Natural Resource Conservation Service has been contacted and

comments requested. See correspondence attached herein as **Appendix E**. The NRCS does not have an objection to the proposed abandonment.

(iii) DMIR has contacted and comments were requested from the Lake Superior Coastal Management Program. See correspondence attached as **Appendix F**. To date, no comments have been received.

(iv) DMIR is not aware of any alternative public use under 49 U.S.C. § 10905 for which the right-of-way of this track would be suitable other than as a possible intercity passenger rail line.

(v) DMIR has contacted and requested comments from the Minnesota DNR. See correspondence attached herein as **Appendix G**. To date, no comments have been received.

4. Energy.

(i) The proposed abandonment will not have any effect on the transportation of energy resources. No energy resource commodities move on the Line, and DMIR foresees little or no possibility that such on-line traffic would develop in the future.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by this abandonment. No such traffic has been handled on this line for many years (if ever), and DMIR foresees little or no possibility that any online recyclable commodity traffic would develop in the future.

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

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

5. Air.

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

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

(iii) Not applicable. There are no shipments of ozone-depleting materials on this line, thus nothing will be diverted as a result of this abandonment.

6. Noise. Not applicable. As indicated above, none of the thresholds identified in 49 C.F.R. § 1105.7(e)(5)(i) will be exceeded as a result of the abandonment.

7. Safety.

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

(ii) Not applicable. To the best of DMIR's knowledge, coal tar was previously transported across this line, approximately 40 years ago. No hazardous substances have been transported across this line since that time.

(iii) There are no known hazardous waste sites. Therefore, DMIR believes that its abandonment will not have any adverse impact on this site.

8. Biological Resources.

(i) The U.S. Fish and Wildlife Service have been contacted and we have requested comments. See correspondence attached as **Appendix H**. The Service does not own any land in the vicinity of the abandonment, therefore they do not have any concerns on the potential effects of the abandonment.

(ii) The Line does not pass through or adjacent to any wildlife sanctuaries or refuges or any national or state parks or forests and, accordingly, none will be adversely affected. DMIR has contacted and requested comments from the National Park Service. See correspondence attached herein as **Appendix I**. There have been no comments received to date.

9. Water.

(i) DMIR has contacted the US Environmental Protection Agency in Washington, DC to determine whether the proposed abandonment is consistent with applicable federal, state and local water and air quality standards. See correspondence attached hereto as **Appendix J**. There have been no comments to date.

(ii) The Army Corps of Engineers has been contacted to determine if the proposed abandonment requires permits under Section 404 of the Clean Water Act. See correspondence attached herein as **Appendix K**. The Corps has forwarded our correspondence to two separate offices that would handle this matter. On February 3, 2011, the Corp contacted Mr. Healey by telephone and advised they do not have any issues with the proposed abandonment.

DMIR also believes that removal of the rails will not affect any existing wetlands, if they are present. In addition, abandonment should not impact any 100-year floodplain if no additional fill is placed in any floodplain.

(iii) DMIR has contacted the US EPA, Office of Regional Counsel in Chicago. See correspondence attached herein as **Appendix L**. The Department has not responded to our correspondence.

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

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

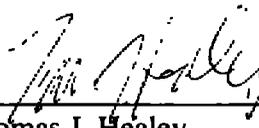
1. Map. A map of the Line is attached hereto as **Appendix A**.
2. Description of Line. DMIR seeks to abandon its line of railroad starting at MP 0.00 and ending at MP 1.96, in Duluth, Minnesota (the "Line"). The Line is situated in St. Louis County, Minnesota and extends a total distance of approximately 1.96 miles.
3. Photographs. This line does not contain any structures. Two bridges, each built in the early 1900's, are located on this line and photographs are attached. Both of these bridges will remain in place after the abandonment has been finalized.
4. Information on Structures. There are no structures located along this portion of the line. Photographs of the two bridges are attached.
5. History of Operations. DMIR did not have customers along this portion of the line. The line served as a connection between the DMIR and the Burlington Northern Railroad (before it became BNSF) to access their respective interchange yards. The last time commerce was ever done on line was approximately 40 years ago.
6. Engineering Documents. DMIR will make available any relevant engineering documents in its possession.
7. Historic Criteria. DMIR has contacted and given notice of the proposed abandonment to the Minnesota Historical Society. See correspondence attached as **Appendix M**.

The Society sent correspondence with additional questions. On February 25, 2011, Mr. Healey responded to those questions. No further comments have been received.

8. Ground Disturbances. DMIR is unaware of any possibility that archaeological resources may be in the area. Access to the line is generally good.

Dated: 3-17-11

Respectfully submitted,



Thomas J. Healey

Attorney for

Duluth, Missabe and Iron Range Railroad Company

17641 South Ashland Avenue

Homewood, IL 60430-1345

Telephone: 708-332-4381

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January 20, 2011

Mr. Jeff Anderson
City Council President
PO Box 385
Duluth, MN 55801

Re: Duluth, Missabe and Iron Range Railway Proposed Abandonment in Duluth, St. Louis County, Minnesota - AB-101 (Sub-No. 18X)

Dear Mr. Anderson:

Duluth, Missabe and Iron Range Railway ("DMIR") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.96 miles of railroad line starting at MP 0.00 and ending at MP 1.96 in St. Louis County, Duluth, Minnesota. For your convenience, we have attached a map for your reference. DMIR is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,

Thomas J. Healey
Counsel for Duluth, Missabe and Iron Range Railway
Encl.



2626 Courtland Street
Duluth, MN 55806-1894
phone 218 722 3336
fax 218 727 7471
www.wlssd.com



Western Lake Superior Sanitary District

February 1, 2011

Mr. Thomas J. Healey
Counsel – Regulatory
17641 S Ashland Avenue
Homewood, IL 60430-1339

Subject : Duluth, Missabe, and Iron Range Railway Proposed Abandonment – Duluth, St. Louis County, Minnesota – AB 101 (Sub-No. 18X)

Dear Mr. Healey:

WLSSD is in receipt of a copy of your letter to Jeff Anderson, President of the Duluth City Council, regarding the subject issue.

WLSSD is hereby submitting informational aerial photos depicting the alignment of an in-service ten inch diameter ductile iron pressure forcemain sewer pipeline we operate which is located relatively close to the proposed track right-of-way to be abandoned. It is our policy and practice to provide such information to the principals in situations such as this to insure our presence on the property is duly noted.

Please feel free to contact me if you require any additional detail or description of the WLSSD asset depicted on the aerial photos.

Very truly yours,

Dixon R. Bastie
Project Manager
Western Lake Superior Sanitary District
Office : 218-740-4779
Cellular : 218-348-2287
Email : dixon.bastie@wlssd.com

cc- Marianne Bohren
Jack Ezell
Caroline Clement

enclosures



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All Rights Reserved

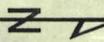
1 inch equals 300 feet

Map Document: T:\GIS\Collection System\Calculation Base\map\Map_Serial\Interceptor\Gary_Interceptor\Gary_2.mxd
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WILSSD 10" PORTILE IRON
FOR CERTAIN

Gary Interceptor

Gary 2



Map Legend	
	Pump Station
	Entry Points
	Streams
	Roads
	Railroad
	Standard
	Air Release
	Valve
	Abandon
	City Stations
	Lift Station
	Manholes
	Force Main
	Gravity
	Overflow
	Other
	Abandon Pipe
	City Sewers



CITY OF DULUTH
CHIEF ADMINISTRATIVE OFFICER
411 West First Street, Room 402
Duluth, Minnesota 55802
218/730-5370 FAX 218/730-5904
dmontgomery@duluthmn.gov

DAVID MONTGOMERY
Chief Administrative Officer

February 16, 2011

Mr. Thomas J. Healey
Canadian National
Counsel – Regulatory
17641 S. Ashland Avenue
Homewood, IL 60430-1339

Re: Duluth, Missabe and Iron Range (DMIR) Railway Proposed Abandonment in
Duluth, St. Louis County, Minnesota – AB-101 (Sub-No. 18X)

Dear Mr. Healey:

I am writing in response to your January 20, 2011, letter to our City Council President;
that letter was subsequently forwarded to me.

Your correspondence indicates that the DMIR is planning to file a proposed
abandonment with the Surface Transportation Board (STB) for railroad line in the Morgan
Park neighborhood of Duluth. You further indicate that an Environmental Report will be
filed with the STB, the purpose of which is to identify any potential effects of the
proposed abandonment.

The intent of this letter is to be on record with the STB as follows: The City of Duluth
believes that the proposed abandonment may have adverse effect upon local land use
plans. While we continue to explore this issue internally and with other community
partners, we request to be kept fully informed of all proceedings with the STB. My staff
contact is: Heidi Timm-Bijold, Manager of Business Resources; htimm@duluthmn.gov,
(218) 730-5324.

Thank you for your cooperation.

Sincerely,



David Montgomery
Chief Administrative Officer

C: Surface Transportation Board



Law

Thomas J. Healey
Counsel - Regulatory
17641 S Ashland Avenue
Homewood, IL 60430-1339

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tom.healey@cn.ca

January 20, 2011

Minnesota Department of Transportation Central Office
Transportation Building
395 John Ireland Blvd
St. Paul, MN 55155

Re: Duluth, Missabe and Iron Range Railway Proposed Abandonment in Duluth, St. Louis County, Minnesota - AB-101 (Sub-No. 18X)

Dear Sir or Madam:

Duluth, Missabe and Iron Range Railway ("DMIR") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.96 miles of railroad line starting at MP 0.00 and ending at MP 1.96 in St. Louis County, Duluth, Minnesota. For your convenience, we have attached a map for your reference. DMIR is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,

Thomas J. Healey
Counsel for Duluth, Missabe and Iron Range Railway

Encl.



Minnesota Department of Transportation

1123 Mesaba Avenue
Duluth, MN 55811-2798
Office Tel: 218/ 725-2700
Fax: 218/ 725-2800

101 N. Hoover Road
Virginia, MN 55792-3412
Office Tel: 218/ 742-1100
Fax: 218/ 742-1086

February 11, 2011

Thomas J. Healey, Counsel
CN Railway
17641 S. Ashland Avenue
Homewood, IL 60430-1339

Subject: Duluth , Messabe and Iron Range
Railway Proposed Abandonment
In Duluth, St. Louis County, MN
AB-101 (Sub-No. 18X)

Dear Mr. Healey:

Your letter to the Minnesota Department of Transportation (Mn/DOT) regarding the abandonment was forward to the Duluth office for review.

No Mn/DOT permits would be required for this work. However, Mn/DOT does have concerns about the future maintenance of culverts under the existing corridor. Any failure of culverts or eroded material filling culverts on the rail corridor could threaten Trunk Highway (T.H.) 23 (Grand/Commonwealth Avenues). With the topography of the Duluth area, drainage off the hillside passes under T.H. 23 then the rail corridor before reaching the St. Louis River/Lake Superior. What is the plan for maintenance of the drainage after abandonment?

If you require further information, I can be reached at (218) 725-2781 or roberta.dwyer@state.mn.us.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roberta P. Dwyer'.

Roberta P. Dwyer, P.E., P.T.O.E.
District Land Management Engineer



Law

Thomas J. Healey
Counsel - Regulatory
17641 S. Ashland Avenue
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tom.healey@cn.ca

January 20, 2011

National Geodetic Survey Information Services
Simon Monroe <Simon.Monroe@noaa.gov>

Re: Duluth, Missabe and Iron Range Railway Proposed Abandonment in Duluth, St. Louis
County, Minnesota - AB-101 (Sub-No. 18X)

Dear Mr. Monroe:

Duluth, Missabe and Iron Range Railway ("DMIR") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.96 miles of railroad line starting at MP 0.00 and ending at MP 1.96 in St. Louis County, Duluth, Minnesota. For your convenience, we have attached a map for your reference. DMIR is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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7. National or state parks or forests;
8. Coastal zone management;
9. Soil and natural resource conservation;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,

Thomas J. Healey
Counsel for Duluth, Missabe and Iron Range Railway

Encl.



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January 20, 2011

Don A. Baloun, State Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
375 Jackson Street, Suite 600
Saint Paul, Minnesota 55101

Re: Duluth, Missabe and Iron Range Railway Proposed Abandonment in Duluth, St. Louis
County, Minnesota - AB-101 (Sub-No. 18X)

Dear Mr. Baloun:

Duluth, Missabe and Iron Range Railway ("DMIR") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.96 miles of railroad line starting at MP 0.00 and ending at MP 1.96 in St. Louis County, Duluth, Minnesota. For your convenience, we have attached a map for your reference. DMIR is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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11. Regional and/or local use plans; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,

Thomas J. Healey
Counsel for Duluth, Missabe and Iron Range Railway

Encl.

United States Department of Agriculture



Natural Resources Conservation Service
375 Jackson Street, Suite 600
St. Paul, MN 55101-1854

March 10, 2011

Mr. Thomas J. Healy
Duluth, Missabe and Iron Range Railway
17641 S. Ashland Avenue
Homewood, Illinois 60430-1339

IN REPLY REFER TO: DMIP Abandonment, St. Louis County, MN

Dear Mr. Healy:

The Natural Resources Conservation Service (NRCS) has reviewed the above referenced Project. The project sponsors are not USDA program benefit recipients, thus the wetland conservation provisions of the 1985 Food Security act, as amended are not applicable. It should be noted, however, that actions by a non-USDA participant third party (project sponsor) which impact agricultural wetlands owned or operated by USDA participants, may jeopardize the owner/operator's USDA eligibility. If such impacts are anticipated, the owner/operator should contact the county Farm Service Agency (FSA) office to consider an application for a third party exemption.

The following agencies may have federal or state wetlands, floodplain delineation, cultural resources, water quality, air quality or threatened and endangered species jurisdiction in the proposed project, and should be consulted.

- Army Corps of Engineers (USACOE) – Clean Water Act
- US Fish and Wildlife Service (FWS) – Endangered Species Act
- Board of Water and Soil Resources (BWSR) - Minnesota Wetlands Conservation Act
- Minnesota Department of Natural Resources (MDNR)
- Minnesota Pollution Control Agency (MPCA)
- State Historic Preservation Officer/State Archaeologist (SHPO)

Finally, if as a result of your proposal you are affecting agricultural lands, and if any federal monies are involved, it is a requirement that a Farmland Policy Protection Act (FPPA) site assessment be appropriately filed. Since your project does not appear to permanently affect agricultural land, this precludes the need for further action on this project as required by the FPPA.

Our agency appreciates your thorough follow up on the environmental review requirements of this project. We complement your sincere efforts to have complied with all economic, social, and environmental review requirements when federal funds are part of project financing. We have no additional comments on your proposed project.

Sincerely,

A handwritten signature in black ink that reads "Paul A. Flynn" with a horizontal line extending to the right.

PAUL A. FLYNN
Environmental Review and Justice Program

cc:
Paul Sandstrom, Acting Assistant State Conservationist, (Field Operations), NRCS, Duluth, MN

Helping People Help the Land

An Equal Opportunity Provider and Employer



Law

Thomas J. Healey
Counsel - Regulatory
17641 S. Ashland Avenue
Homewood, IL 60430-1339

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T - 708-332-4381
F - 708-332-4361
tom.healey@cn.ca

January 20, 2011

Mr. Pat Collins
Lake Superior Coastal Program Manager
DNR Waters
1201 East Highway 2
Grand Rapids, MN 55744

Re: Duluth, Missabe and Iron Range Railway Proposed Abandonment in Duluth, St. Louis County, Minnesota - AB-101 (Sub-No. 18X)

Dear Mr. Collins:

Duluth, Missabe and Iron Range Railway ("DMIR") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.96 miles of railroad line starting at MP 0.00 and ending at MP 1.96 in St. Louis County, Duluth, Minnesota. For your convenience, we have attached a map for your reference. DMIR is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,

Thomas J. Healey
Counsel for Duluth, Missabe and Iron Range Railway

Encl.

Appendix F

25



Law

Thomas J. Healey
Counsel - Regulatory
17641 S. Ashland Avenue
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tom.healey@cn.ca

January 20, 2011

Minnesota DNR
500 Lafayette Road
St. Paul, MN 55155

Re: Duluth, Missabe and Iron Range Railway Proposed Abandonment in Duluth, St. Louis
County, Minnesota - AB-101 (Sub-No. 18X)

Dear Sir or Madam:

Duluth, Missabe and Iron Range Railway ("DMIR") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.96 miles of railroad line starting at MP 0.00 and ending at MP 1.96 in St. Louis County, Duluth, Minnesota. For your convenience, we have attached a map for your reference. DMIR is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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Thank you for your assistance.

Very truly yours,

Thomas J. Healey
Counsel for Duluth, Missabe and Iron Range Railway

Encl.



Law

Thomas J. Healey
Counsel - Regulatory
17641 S. Ashland Avenue
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F - 708-332-4361
tom.healey@cn.ca

January 20, 2011

US Fish & Wildlife Service
One Federal Drive
Fort Snelling, MN 55111

Re: Duluth, Missabe and Iron Range Railway Proposed Abandonment in Duluth, St. Louis
County, Minnesota - AB-101 (Sub-No. 18X)

Dear Sir or Madam:

Duluth, Missabe and Iron Range Railway ("DMIR") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.96 miles of railroad line starting at MP 0.00 and ending at MP 1.96 in St. Louis County, Duluth, Minnesota. For your convenience, we have attached a map for your reference. DMIR is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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Thank you for your assistance.

Very truly yours,

Thomas J. Healey
Counsel for Duluth, Missabe and Iron Range Railway

Encl.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

IN REPLY REFER TO:

FWS/NWRS-RE - General
Railroad Abandonments

January 27, 2011

Mr. Thomas J. Healey
Counsel for Duluth, Missabe and Iron Range Railway
17641 South Ashland Avenue
Homewood, Illinois 60430-1339

Dear Mr. Healey:

Thank you for the opportunity to comment on the proposed abandonment of service on 1.96 miles of railroad line between Milepost 0.00 Milepost 1.96 in St. Louis County, Duluth, Minnesota STB Docket No. AB-101 (Sub-No. 18X).

We have researched our ownerships in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonments. We do not have any concerns regarding real estate matters in the abandonments.

Sincerely,

PGC Patrick G. Carroll
Senior Realty Officer
Division of Realty

[Faint, illegible text]

[Faint, illegible text]



Law

Thomas J. Healey
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tom.healey@cn.ca

January 20, 2011

National Park Service
Suite 105
111 Kellogg Blvd E.
St. Paul, MN 55101-1256

Re: Duluth, Missabe and Iron Range Railway Proposed Abandonment in Duluth, St. Louis
County, Minnesota - AB-101 (Sub-No. 18X)

Dear Sir or Madam:

Duluth, Missabe and Iron Range Railway ("DMIR") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.96 miles of railroad line starting at MP 0.00 and ending at MP 1.96 in St. Louis County, Duluth, Minnesota. For your convenience, we have attached a map for your reference. DMIR is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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Thank you for your assistance.

Very truly yours,

Thomas J. Healey
Counsel for Duluth, Missabe and Iron Range Railway

Encl.

Appendix I



Law

Thomas J. Healey
Counsel - Regulatory
17641 S. Ashland Avenue
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tom.healey@cn.ca

January 20, 2011

U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Duluth, Missabe and Iron Range Railway Proposed Abandonment in Duluth, St. Louis
County, Minnesota - AB-101 (Sub-No. 18X)

Dear Sir or Madam:

Duluth, Missabe and Iron Range Railway ("DMIR") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.96 miles of railroad line starting at MP 0.00 and ending at MP 1.96 in St. Louis County, Duluth, Minnesota. For your convenience, we have attached a map for your reference. DMIR is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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Thank you for your assistance.

Very truly yours,

Thomas J. Healey
Counsel for Duluth Missabe and Iron Range Railway

Encl.



Law

Thomas J. Healey
Counsel - Regulatory
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tom.healey@cn.ca

January 20, 2011

US Army Corps of Engineers
St. Paul District
180 5th St. East
Suite 700
St. Paul MN 55101-1678

Re: Duluth, Missabe and Iron Range Railway Proposed Abandonment in Duluth, St. Louis County, Minnesota - AB-101 (Sub-No. 18X)

Dear Sir or Madam:

Duluth, Missabe and Iron Range Railway ("DMIR") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.96 miles of railroad line starting at MP 0.00 and ending at MP 1.96 in St. Louis County, Duluth, Minnesota. For your convenience, we have attached a map for your reference. DMIR is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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Thank you for your assistance.

Very truly yours,

Thomas J. Healey
Counsel for Duluth, Missabe and Iron Range Railway

Encl. .

Appendix K

31



Department of the Army

**ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MN 55101-1678**

January 26, 2011

**REPLY TO
ATTENTION OF**

**Programs and Project Management Division
Project Management and Development Branch**

SUBJECT: Duluth, Missabe and Iron Range Railway Proposed Abandonment in Duluth, St. Louis County, Minnesota – AB-101 (Sub-No. 18X)

**Mr. Thomas J. Healy
Counsel
Duluth, Missabe and Iron Range Railway
17641 South Ashland Avenue
Homewood, Illinois 60430-1345**

Dear Mr. Healy:

We are responding to your January 20, 2011, letter regarding the proposed abandonment of approximately 1.96 miles of railroad line in Duluth, St. Louis County, Minnesota.

The Detroit District, Corps of Engineers, has jurisdiction for civil works matters in the area of the proposed abandonment. Accordingly, we have forwarded your letter to the U.S. Army Corps of Engineers, Detroit District, ATTN: CELRE-PM, 477 Michigan Avenue, Detroit, Michigan 48226.

The Corps office that handles regulatory matters for St. Louis County is the St. Paul District's regulatory field office in Two Harbors, Minnesota. A copy of your notice has been sent to Mr. Daryl Wierzbinski of that office. He can be contacted at Two Harbors Regulatory Office, Corps of Engineers, 1554 Highway 2, Suite 2, Two Harbors, Minnesota 55616, telephone (218) 834-6630.

Sincerely,

Aaron M. Snyder

Chief, Project Management and

Development Branch



Law

Thomas J. Healey
Counsel - Regulatory
17641 S. Ashland Avenue
Homewood, IL 60430-1339

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tom.healey@cn.ca

January 20, 2011

Ms. LaDawn Whitehead
US EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Re: Duluth, Missabe and Iron Range Railway Proposed Abandonment in Duluth, St. Louis County, Minnesota - AB-101 (Sub-No. 18X)

Dear Ms. Whitehead:

Duluth, Missabe and Iron Range Railway ("DMIR") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.96 miles of railroad line starting at MP 0.00 and ending at MP 1.96 in St. Louis County, Duluth, Minnesota. For your convenience, we have attached a map for your reference. DMIR is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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Thank you for your assistance.

Very truly yours,

Thomas J. Healey
Counsel for Duluth, Missabe and Iron Range Railway

Encl.



Law

Thomas J. Healey
Counsel - Regulatory

17641 S. Ashland Avenue
Homewood, IL 60430-1339

T - 708-332-4381
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tom.healey@cn.ca

www.cn.ca

January 20, 2011

Ms. Britta Bloomberg
Deputy State Historic Preservation Officer
Minnesota Historical Society
345 Kellogg Blvd. W.
St. Paul, MN 55102-1903

Re: Duluth, Missabe and Iron Range Railway Proposed Abandonment in Duluth, St. Louis
County, Minnesota - AB-101 (Sub-No. 18X)

Dear Ms. Bloomberg:

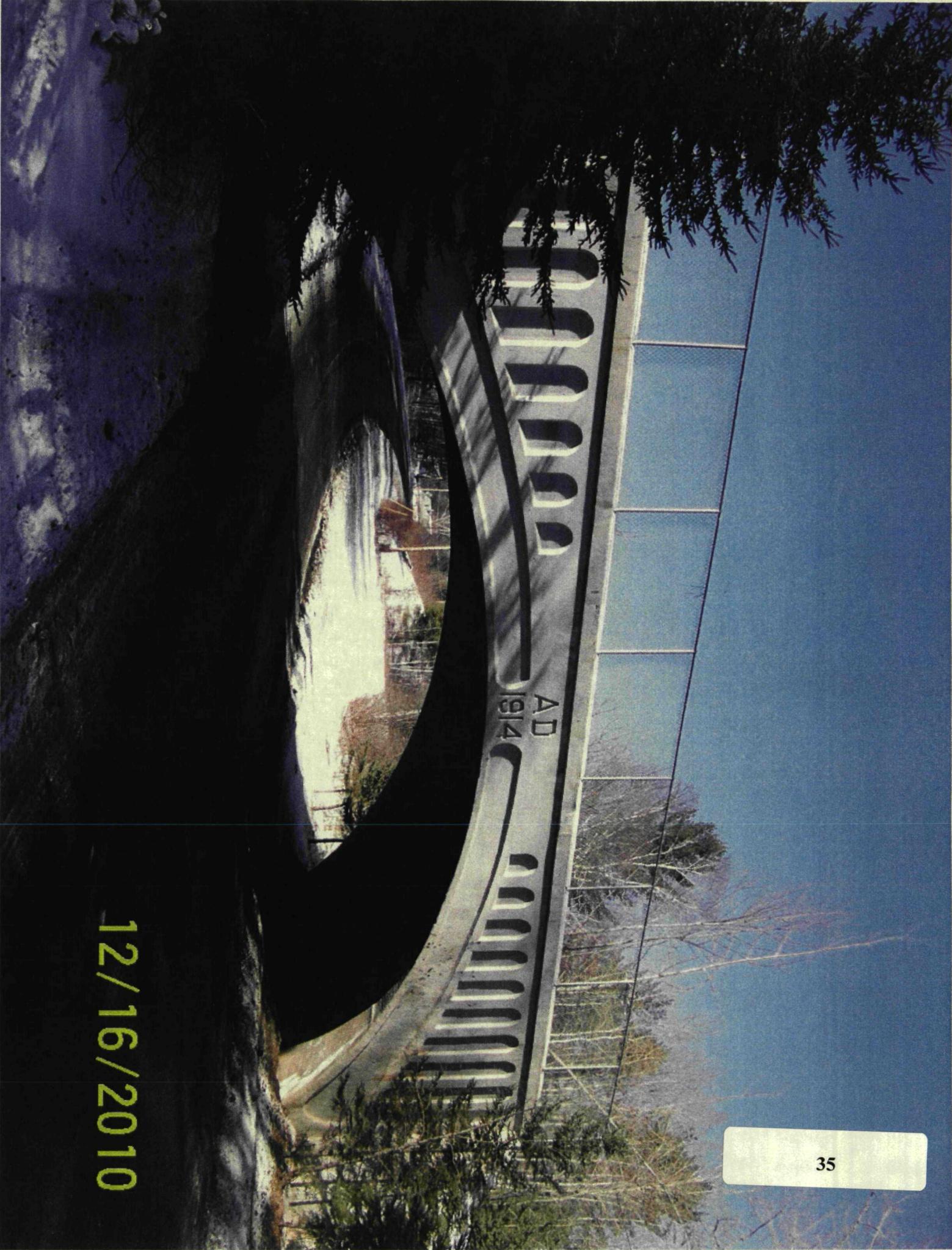
Duluth, Missabe and Iron Range Railway ("DMIR") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.96 miles of railroad line starting at MP 0.00 and ending at MP 1.96 in St. Louis County, Minnesota. We have attached a map as Exhibit A. DMIR is advising you of the proposed action so you may assist us in performing a historical review process. There are two bridges along this section of the proposed abandonment, see Exhibit B. Each bridge was built in the early 1900's. Both bridges will remain in place.

Thank you for your assistance. Please call me should you have questions.

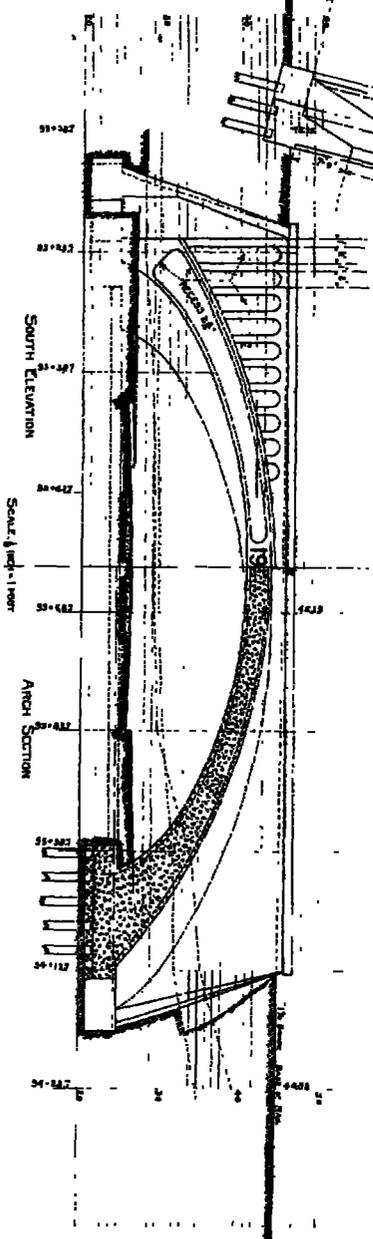
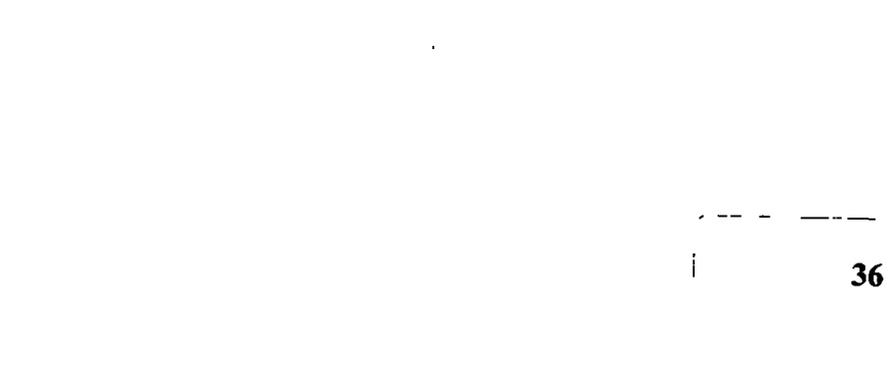
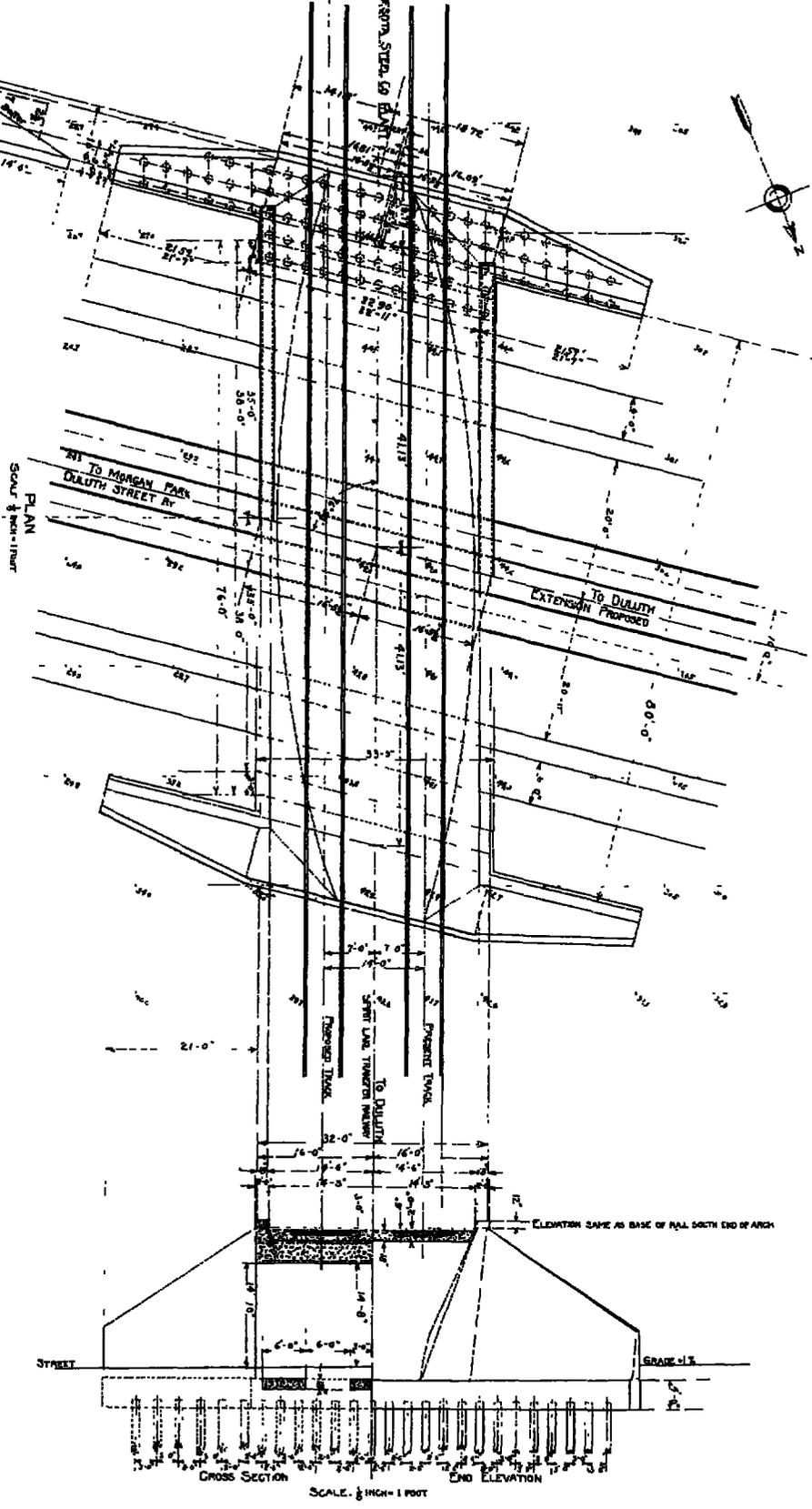
Very truly yours,

Thomas J. Healey
Duluth, Missabe and Iron Range Railroad

Enc.



12/16/2010

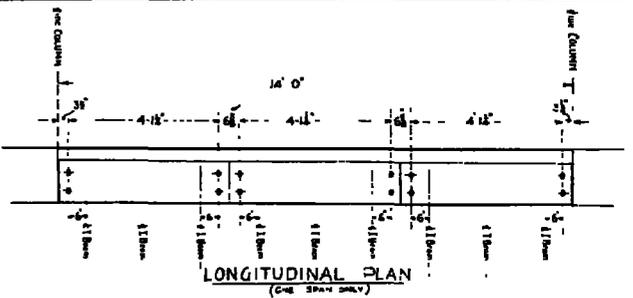


S. L. TR. RY.
REINFORCED CONCRETE ARCH
 OVER
FOURTH STREET NORTH
 TO
 MORGAN PARK
 MINNESOTA STEEL CO.
 SCALES AS NOTED
 OFFICE OF CHIEF ENGINEER
 DULUTH, MINN. MARCH 14, 1914
 Wm. F. H. Revised New 1513H

Harbor St
 1605-1



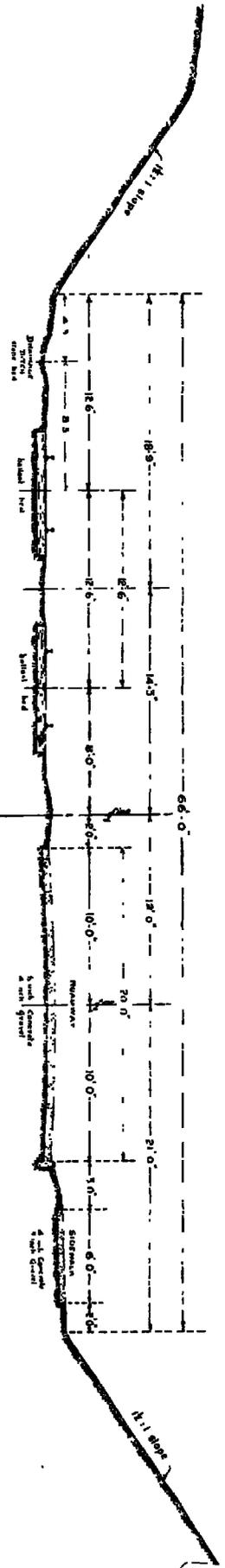
12/16/2010



NOTE
 For Elevation of Bridge Seat
 see Sheet No. 2

SECTION THROUGH OPEN CUT.
 (LOOKING WEST.)

NOTE: For details see Section through Abutment.



for of East Street

Top of Abut. Small Pier. Section through Abutment.

24" x 24" I-beam 24" x 24" I-beam

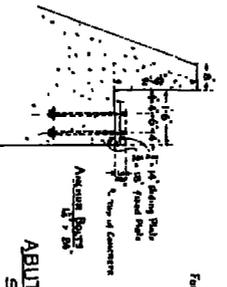
NOTE
 For Elevation of Bridge
 see Sheet No. 2

ABUTMENT PIER
 NORTH SIDE

SECTION

DETAIL OF BRIDGE SEAT
 SHOWING ANCHOR BOLTS

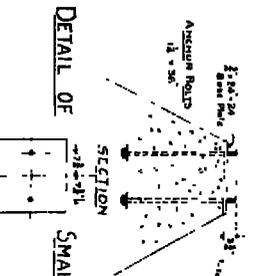
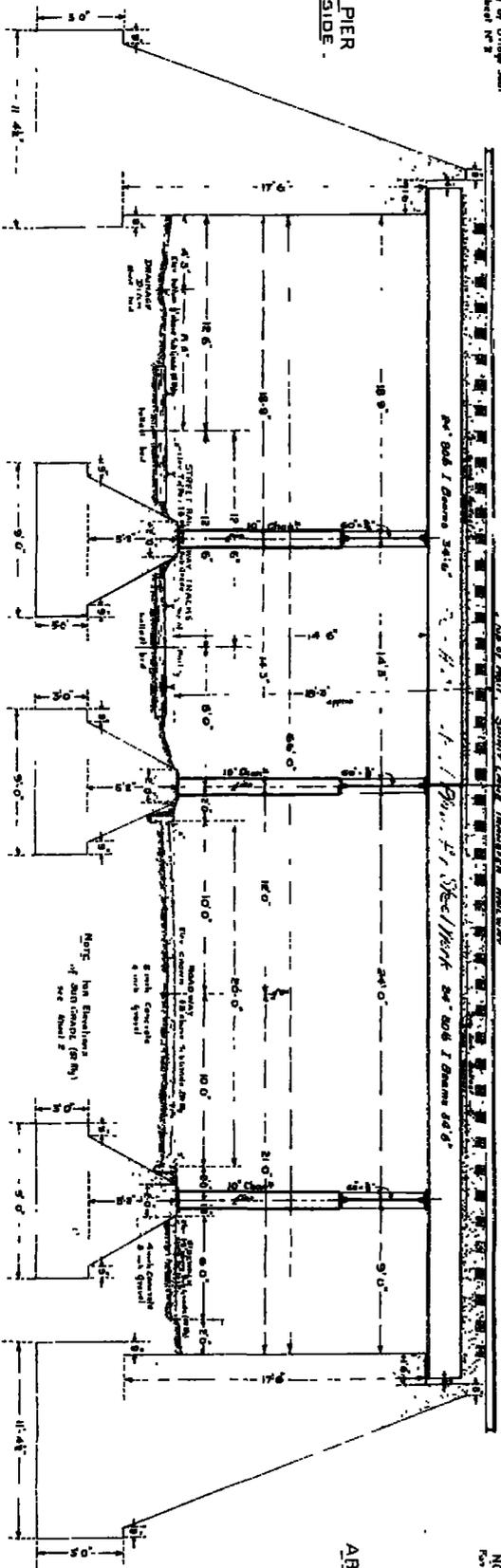
SCALE: 1" = 1'-0"



ABUTMENT PIER
 SOUTH SIDE

SECTION THROUGH SUBWAY.
 (LOOKING WEST)

NOTE: For details see Section through Abutment.



DETAIL OF SMALL PIER
 SCALE: 1" = 1'-0"

SECTIONS THROUGH
 SPIRIT LAKE TR2
 WEST BOULEVARD

OF PROPOSED
 FROM
 COMMONWEALTH
 TO
 JULY 27
 Scale: 1" = 1'-0"



STATE HISTORIC PRESERVATION OFFICE

February 22, 2011

Mr. Thomas Healey, Counsel
Duluth, Missabe and Iron Range Railroad
17641 South Ashland Avenue
Homewood, IL 60430-1339

RE: Abandon 1.96 mi. of Duluth, Missabe, and Iron Range Railway
Duluth, St. Louis County
SHPO Number: 2011-1135

Dear Mr. Healey:

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council on Historic Preservation (36CFR800).

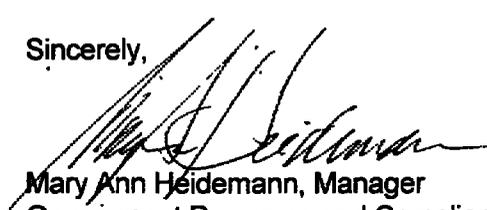
Bridge No. L6118 is a contributing element within the Morgan Park Historic District, which has previously been determined to meet the criteria for listing in the National Register of Historic Places. Furthermore, portions of the rail line you propose to abandon may be in the viewshed of portions of the Morgan Park Historic District. Because we would like to make sure that no adverse effects occur to Bridge No. L6118 or the Morgan Park Historic District as a result of the proposed abandonment, we need a few more details about the project.

Your letter mentions that Bridge No. L6118 will remain in place after abandonment. Who will own it at that time, and who will be responsible for maintaining it? Also, will any physical modifications be made to the rail segment proposed for abandonment? Please include the plans for disposition of the rails, ties, ballast materials and the rail grade itself. Finally, let me know if any adaptive re-use will occur as a result of this project, such as a rails-to-trails initiative.

Once we better understand the scope of your project, we will be in a better position to determine if the project is likely to have an adverse effect on Bridge No. L6118, or the Morgan Park Historic District.

Feel free to call me at (651) 259-3456 if you have any questions regarding our review of this project.

Sincerely,


Mary Ann Heidemann, Manager
Government Programs and Compliance

cc: Duluth Heritage Preservation Commission



www.cn.ca

Law

Thomas J. Healey
Counsel - Regulatory

17641 S. Ashland Avenue
Homewood, IL 60430-1339

T - 708-332-4381
F - 708-332-4361
tom.healey@cn.ca

February 25, 2011

Ms. Mary Ann Heidemann
Manager – Government Programs and Compliance
Minnesota Historical Society
345 Kellogg Boulevard West
Saint Paul, MN 55102

Re: AB-101, Sub No. 18X
Abandonment of DT Line Track

Dear Ms. Heidemann:

Thank you for your letter of February 22, 2011, regarding the referenced abandonment. At this time, Duluth, Missabe and Iron Range Railway Company is involved in discussions with the St. Louis and Lake Counties Regional Railroad Authority for the sale of all of DM&IR's interests in the property, bridges and track covered by the proposed abandonment. Thus, our current plans are not to make any changes to the bridges or track upon abandonment.

I trust this answers your questions. Please feel free to contact me if you have any more.

Very truly yours,



Thomas J. Healey

cc: Art Spiros
Rebecca Bott