



STINSON  
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241428

September 2, 2016

ENTERED  
Office of Proceedings  
September 2, 2016  
Part of  
Public Record

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

VIA E-FILE

Re: *Soo Line Railroad Company - Abandonment of Trackage in Burleigh County, ND*  
STB Docket No. AB-57 (Sub-No. 64X)

Dear Ms. Rutson:

Please find enclosed for filing a copy of Soo Line Railroad Company's Environmental and Historic Reports pursuant to 49 C.F.R. Part 1105. A copy of the transmittal letter pursuant to 49 C.F.R. § 1105.11 is also enclosed.

Soo Line anticipates filing a Notice of Exemption seeking authority to abandon the 0.9 mile line of railroad on or about September 23, 2016.

Please contact me if you have any questions.

Sincerely,

Stinson Leonard Street LLP

W. Karl Hansen

Enclosure

cc: Parties on the Attached Service List

Appropriate Regional Office(s) of the  
U.S. Environmental Protection Agency

U.S. EPA Region 7  
11201 Renner Blvd.  
Lenexa, KS 66219

U.S. Fish and Wildlife Service

U.S. Fish and Wildlife Service  
1849 C Street NW  
Washington, DC 20240

U.S. Fish and Wildlife Service – Mountain-Prairie Region

Anna Munoz, Assistant Regional Director  
U.S. Fish and Wildlife Service  
134 Union Boulevard, Suite 400  
Lakewood, CO 80228

U.S. Army Corps of Engineers

U.S. Army Corps of Engineers  
Omaha District  
1616 Capitol Ave., Ste. 9000  
Omaha, NE 68102

The National Park Service

Jon Jarvis, Director  
National Park Service  
1849 C Street NW  
Washington, DC 20240

The National Park Service – Midwest Region

Cam Sholly, Regional Director  
National Park Service - Midwest Region  
601 Riverfront Drive  
Omaha, NE 68102-4226

The U.S. Soil Conservation Service

Jason Weller, Chief  
USDA Natural Resources Conservation Service  
1400 Independence Ave. SW  
Room 5105-A  
Washington, DC 20250

The National Geodetic Survey (as designated agent for the National Geodetic Survey and the U.S. Geological Survey)

Juliana P. Blackwell, Director  
National Oceanic and Atmospheric Administration  
Geodetic Survey, SSMC3 #9340  
1315 East-West Highway  
Silver Spring, MD 20910-3282

Simon Monroe  
Geodetic Survey, SSMC3 #9202  
1315 East-West Highway  
Silver Spring, MD 20910-3282

State Clearinghouse

Rikki Roehrich  
Program Specialist  
North Dakota Department of Commerce  
1600 East Century Avenue, Suite 2  
Bismarck, North Dakota 58502-2057

North Dakota Environmental Protection Agency

David Glatt  
Chief of Environmental Health Department  
North Dakota Dep't of Health  
Environmental Health Section  
918 East Divide Avenue  
Bismarck, ND 58501-1947

North Dakota Department of Transportation

Grant Levi, P.E.  
Director  
North Dakota Department of Transportation  
608 East Boulevard Avenue  
Bismarck, ND 58505-0700

North Dakota Game and Fish Department

Terry Steinwand, Director  
North Dakota Game and Fish Department  
100 N. Bismarck Expressway  
Bismarck, ND 58501-5095

North Dakota Parks and Recreation Department

Mark Zimmerman, Director  
North Dakota Parks and Recreation Department  
1600 E. Century Ave. Suite 3  
PO Box 5594  
Bismarck, ND 58506-5594

State Historical Preservation Officer

Margaret Puetz, President  
North Dakota State Historical Board  
612 East Boulevard Avenue  
Bismarck, ND 58505-0830

The U.S. Soil Conservation Service – State Office

Mary E. Podoll  
State Conservationist  
220 East Rosser Avenue  
PO Box 1458  
Bismarck, ND 58502-1458

Burleigh County Commission

Brian Bitner, Chairman  
Burleigh County Commission  
751 80th St SE  
Bismarck, ND 58501

City of Bismarck

Keith Hunke  
City Administrator  
221 N. Fifth St.  
Fourth Floor  
Bismarck, ND 58506

September 2, 2016

To: Persons on the attached Service List

Re: *Soo Line Railroad Company - Abandonment of Trackage in Burleigh County, ND*  
STB Docket No. AB-57 (Sub-No. 64X)

Dear Sir/Madam:

On or about September 23, 2016, Soo Line Railroad Company ("Soo Line") expects to file with the Surface Transportation Board ("STB") a Verified Notice of Exemption seeking authority to abandon approximately 0.9 miles of rail line between Milepost 417.99 +/- and Milepost 418.89 +/- in Burleigh County, North Dakota. Attached are an Environmental Report and an Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Soo Line is providing this report so that you may review the information that will form the basis for the STB's independent environmental 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 Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, SW, Washington D.C. 20423, telephone (202) 245-0454 and refer to the above Docket No. AB-57 (Sub No. 64X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to the undersigned) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned directly.

Sincerely,

Stinson Leonard Street LLP



W. Karl Hansen

Enclosure

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C.

---

SOO LINE RAILROAD COMPANY – )  
ABANDONMENT OF TRACKAGE )  
LOCATED IN BURLEIGH COUNTY, ) DOCKET NO. AB-57  
NORTH DAKOTA ) (SUB-NO. 64X)  
)

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VERIFIED NOTICE OF EXEMPTION TO ABANDON PURSUANT TO 49 C.F.R. § 1152.50  
A 0.9 MILE LINE OF RAILROAD BETWEEN MILEPOST 417.99 +/- AND MILEPOST  
418.89 +/- WHICH TRAVERSES THROUGH UNITED STATES POSTAL SERVICE  
ZIP CODES 58501 AND 58504 IN BURLEIGH COUNTY, NORTH DAKOTA

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ENVIRONMENTAL AND HISTORIC REPORTS  
IN COMPLIANCE WITH  
49 C.F.R. PART 1105

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SOO LINE RAILROAD COMPANY

STINSON LEONARD STREET LLP  
W. Karl Hansen  
150 South Fifth Street, Suite 2300  
Minneapolis, Minnesota 55402  
Tel. (612) 335-7088  
Fax. (612) 335-1657

Attorneys for Soo Line Railroad Company

Service Date: September 2, 2016

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C.

---

SOO LINE RAILROAD COMPANY –	)	
ABANDONMENT OF TRACKAGE	)	
LOCATED IN BURLEIGH COUNTY,	)	DOCKET NO. AB-57
NORTH DAKOTA	)	(SUB-NO. 64X)
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VERIFIED NOTICE OF EXEMPTION TO ABANDON PURSUANT TO 49 C.F.R. § 1152.50  
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ENVIRONMENTAL AND HISTORIC REPORTS  
IN COMPLIANCE WITH  
49 C.F.R. PART 1105

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The following information is submitted to the Surface Transportation Board by Soo Line Railroad Company (“Soo Line”) d/b/a Canadian Pacific in accordance with the Board’s reporting requirements as set forth in 49 C.F.R. Section 1105.7, for the purpose of assisting the Board in its preparation of an environmental document regarding Soo Line’s Verified Notice of Exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903, permitting the abandonment of a 0.9 mile line of railroad between Milepost 417.99 +/- and Milepost 418.89 +/- (the "Line") which traverses through United States Postal Service ZIP Codes 58501 and 58504 in Burleigh County, North Dakota.

REQUIREMENTS OF 49 C.F.R. SECTION 1105.7

Section 1105.7(b)(1) – (11) Distribution:

- (b) At least 20 days prior to filing with the Board a notice of exemption, petition for exemption, or an application for abandonment or discontinuance the applicant must serve copies of the Environmental Report on:
- (1) The State Clearinghouse of each State involved (or other state equivalent agency if the State has no clearinghouse);
  - (2) The State Environmental Protection Agency of each State involved;
  - (3) The State Coastal Zone Management Agency for any state where the proposed activity would affect land or water uses within that State’s coastal zone;

- (4) The head of each county (or comparable political entity including any Indian reservation) through which the line goes;
- (5) The appropriate regional offices of the Environmental Protection Agency;
- (6) The U.S. Fish and Wildlife Service;
- (7) The U.S. Army Corps of Engineers;
- (8) The National Park Service;
- (9) The U.S. Soil Conservation Service;
- (10) The National Geodetic Survey (formerly known as the Coast and Geodetic Survey) as designated agent for the National Geodetic Survey and the U.S. Geological Survey; and;
- (11) Any other agencies that have been consulted in preparing the report.

See List of Parties Consulted and Certificate of Service, attached as Exhibit No. 1.

Section 1105.7(c) Certification of Service of Environmental Report: In its Environmental Report, the applicant must certify that it has sent copies of the Environmental Report to the agencies listed and within the time specified in paragraph (b) of this section and that it has consulted with all appropriate agencies in preparing the report. These consultations should be made far enough in advance to afford those agencies a reasonable opportunity to provide meaningful input.

See List of Parties Consulted and Certificate of Service, attached as Exhibit No. 1.

Section 1105.7(c) Publication of Newspaper Notice of Intent to Abandon: Finally, in every abandonment exemption case, applicant shall certify that it has published in a newspaper of general circulation in each county through which the line passes a notice that alerts the public to the proposed abandonment, to available reuse alternatives, and to how it may participate in the STB proceeding.

The *Bismarck Tribune* published the Notice for Publication specified at 49 C.F.R. § 1105.12 on August 31, 2016. A copy of the newspaper notice, Certificate of Counsel, and Affidavit of Publication are attached as Exhibit No. 2.

Section 1105.7(d) Documentation: Any written responses received from agencies that were contacted in preparing the Environmental Report shall be attached to the report. Oral responses from such agencies shall be briefly summarized in the report and the names, titles, and telephone numbers of the persons contacted shall be supplied. A copy of, or appropriate citation to, any reference materials relied upon also shall be provided.

All the agencies referenced at 49 C.F.R. Section 1105.7(b) were contacted by letters dated August 5, 2016 to solicit comments. See Exhibit No. 4. Responses received to date have been incorporated along with Soo Line's analysis. Copies of responses are attached as Exhibit No. 3. Subsequent written comments may be received by the OEA and Soo Line.

Status of written and oral comments received:

1105.7(b)(1) State Clearinghouse:

The North Dakota Department of Commerce was contacted by letter on August 5, 2016, but no response has been received to date.

1105.7(b)(2) State Environmental Protection Agency:

The Environmental Health Department of the North Dakota Department of Health was contacted by letter on August 5, 2016, and its response is included in Exhibit 3.

1105.7(b)(3) State Coastal Zone Management Agency:

N/A -- The subject rail line is not within a designated coastal zone.

1105.7(b)(4) Head of Each County Through Which The Line Goes:

The Burleigh County Commission was contacted by letter on August 5, 2016, but no response has been received to date.

1105.7(b)(5) Appropriate Regional Offices of the Environmental Protection Agency:

The U.S. Environmental Protection Agency was contacted by letter on August 5, 2016, but no response has been received to date.

1105.7(b)(6) U.S. Fish and Wildlife Services:

The U.S. Fish and Wildlife Service was contacted by letter on August 5, 2016, but no response has been received to date.

1105.7(b)(7) U.S. Army Corps of Engineers:

The Omaha District Office of the U.S. Army Corps of Engineers was contacted by letter on August 5, 2016, but no response has been received to date.

1105.7(b)(8) National Park Service:

The National Park Service was contacted by letter on August 5, 2016, but no response has been received to date.

1105.7(b)(9) U.S. Soil Conservation Service:

The United States Department of Agriculture's Natural Resources Conservation Service was contacted by letter on August 5, 2016, but no response has been received to date.

1105.7(b)(10) National Geodetic Survey:

The National Geodetic Survey was contacted by letter on August 5, 2016, and its response is included in Exhibit 3.

1105.7(b)(11) Other agencies consulted:

The North Dakota Department of Transportation was contacted by letter on August 5, 2016, and its response is included in Exhibit 3.

The North Dakota Game and Fish Department and the North Dakota Parks and Recreation Department were contacted by letter on August 5, 2016, and the response of the Game and Fish Department is included in Exhibit 3.

The North Dakota State Conservationist was contacted by letter on August 5, 2016, but no response has been received to date.

The North Dakota State Historical Board was contacted by letter on August 5, 2016, and its response is included in Exhibit 3.

1105.7(e)(3) Local and Regional Planning Agencies

The City of Bismarck was contacted by letter on August 5, 2016, but no response has been received to date.

Section 1105.7(e) Content: The Environmental Report shall include all of the information specified in this paragraph, except to the extent that applicant explains why any portion(s) are inapplicable. If an historic report is required under § 1105.8, the Environmental Report should also include the Historic Report required by that section.

The Historic Report pursuant to 49 C.F.R. § 1105.8 is attached as Exhibit No. 5.

Section 1105.7(e)(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.

The proposed action is the abandonment of 0.9 miles of track in Burleigh County, North Dakota. The Line has been out of service and no traffic has moved over the

Line for over two years. Any overhead trackage has already been rerouted over other lines. Following abandonment, any remaining ties and rails will be removed. Ties and rail will be either recycled or disposed of in an appropriate manner. A detailed map of the Line is included as Appendix A to the Historic Report attached as Exhibit No. 5.

Section 1105.7(e)(2) Transportation System: Describe the effects 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.

No traffic will be diverted to other transportation systems by the abandonment of this out-of-service line of railroad.

Section 1105.7(e)(3)(i) Land Use: Based on consultation with local and/or regional planning agencies and/or a 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 Burleigh County Commission and the City of Bismarck were contacted by letter on August 5, 2016. No responses have been received to date. Soo Line has no reason to believe that the proposed action would be inconsistent with any existing land use plans.

Section 1105.7(e)(3)(ii): Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

The United States Department of Agriculture's Natural Resources Conservation Service and the North Dakota State Conservationist were contacted by letter on August 5, 2016, but no responses have been received to date.

Section 1105.7(e)(3)(iii): If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

The Line is not within a designated coastal zone.

Section 1105.7(e)(3)(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. 10906 and explain why.

The right-of-way may be suitable for alternative public use.

Section 1105.7(e)(4)(i) Energy: Describe the effect of the proposed action on transportation of energy resources.

The proposed abandonment will have no effect on the development and transportation of energy resources, or on the movement and/or recovery of

recyclable commodities because no such energy resources or recyclable commodities are presently transported over this line.

Section 1105.7(e)(4)(ii): Describe the effect of the proposed action on recyclable commodities.

No impact is anticipated.

Section 1105.7(e)(4)(iii): State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

No impact is anticipated.

Section 1105.7(e)(4)(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 energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in § 1105.7(e)(4)(iii) need not be supplied if the more detailed information § 1105.7(e)(4)(iv) is required.

The proposed action will not cause any diversion from rail to motor carriage.

Section 1105.7(e)(5)(i) Air: 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 rail 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. For a proposal under 49 U.S.C. 10901 (or 10502) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

The proposed abandonment:

- A. Will not result in an increase in rail traffic of at least 100 percent or an increase of at least eight trains per day on any segment of rail line affected by the proposed abandonment.

- B. Will not result in an increase in rail yard activity of at least 100 percent (measured by carload activity).
- C. Will not result in an average increase in truck traffic by 10 percent or 50 vehicles per day for any affected road segment.

Section 1105.7(e)(5)(ii): If the proposed action affects a class I or non-attainment 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 or 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 the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10502), 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 abandonment:

- A. Will not result in an increase in rail traffic of at least 50 percent or an increase of at least three trains per day on any segment of rail line affected by the proposed abandonment.
- B. Will not result in an increase in rail yard activity of at least 20 percent (measured by carload activity).
- C. Will not result in an average increase in truck traffic by 10 percent or 50 vehicles per day for any affected road segment.

Section 1105.7(e)(5)(iii): If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency or 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.

Transportation of ozone depleting materials is not involved.

Section 1105.7(e)(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.

None of the thresholds identified in item (5)(i) of this section will be surpassed.

Section 1105.7(e)(7)(i) Safety: Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Public health and safety will not be affected adversely by the proposed abandonment.

Section 1105.7(e)(7)(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.

No hazardous materials are currently transported over this line segment.

Section 1105.7(e)(7)(iii): If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

A July 28, 2016 Phase I Environmental Site Assessment ("ESA") identified no recognized environmental conditions ("RECs") on the Line's right of way. The ESA identified two potential off-site RECs and two remediated off-site historical RECs. At certain areas on the right-of-way *de minimis* conditions were observed such as isolated stained ballast rock, a small stockpile of road asphalt materials, and scattered debris. A copy of the ESA will be made available upon request.

Section 1105.7(e)(8)(i) Biological Resources: 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.

The U.S. Fish and Wildlife Service was contacted by letter on August 5, 2016, but no response has been received to date. No adverse effects are anticipated.

Section 1105.7(e)(8)(ii): State whether wildlife sanctuaries or refuges, National or State parks or forests be affected, and describe any effects.

No sanctuaries, state parks, or refuges will be adversely affected by the proposed abandonment.

Section 1105.7(e)(9)(i) Water: 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.

The Environmental Health Department of the North Dakota Department of Health, the North Dakota Game and Fish Department, and the North Dakota Parks and Recreation Department were contacted by letter on August 5, 2016, and the responses received are included in Exhibit 3. Soo Line will take proper care during salvage activities to prevent any impact on water quality.

Section 1105.7(e)(9)(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.

The Omaha District Office of the U.S. Army Corps of Engineers was contacted by letter on August 5, 2016, but no response has been received to date. It is Soo Line's opinion that no permits under Section 404 of the Clean Water Act are required for the proposed action. No designated wetlands or 100-year flood plains will be adversely affected.

Section 1105.7(e)(9)(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).

The Omaha District Office of the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, and the Environmental Health Department of the North Dakota Department of Health were contacted by letter on August 5, 2016, and the response of the Environmental Health Department of the North Dakota Department of Health is included in Exhibit 3. Because no in-stream salvage activities are contemplated, it is Soo Line's opinion that permits under Section 402 of the Clean Water Act are not required.

Section 1105.7(e)(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Soo Line does not anticipate any adverse effect to the environment. Accordingly, other than using appropriate care conducting salvage of track, ties and other track materials ("OTM"), no mitigation will be necessary.

Section 1105.7(e)(11) Additional Information for Rail Constructions: The following additional information should be included for rail construction proposals (including connecting track construction).

Not applicable.

Section 1105.8 Historic Reports: (a) An applicant proposing an action identified in § 1105.6(a) or (b), or an action in § 1105.6(c) that will result in the lease, transfer, or sale of a railroad's line, sites or structures, must submit (with its application, petition or notice) the Historic Report described in paragraph (d) of this section, unless excepted under paragraph (b) of this section. This report should be combined with the Environmental Report where one is required. The purpose of the Historic Report is to provide the Board with sufficient information to conduct the consultation process required by the National Historic Preservation Act.

The Historic Report is attached as Exhibit No. 5.

Section 1105.9 Coastal Zone Management Act Requirements: If the proposed action affects land or water uses within a State coastal zone designated pursuant to the Coastal Zone Management Act (16 U.S.C. 1451 et seq.) applicant must comply with the following procedures.

The Line is not in a State coastal zone designated pursuant to the Coastal Zone Management Act.

END OF REPORT

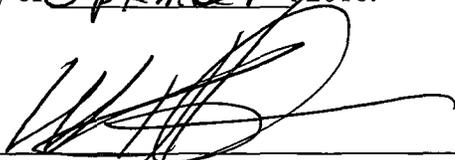
Exhibit No. 1

Certificate of Service of Environmental and Historic Report  
and List of Parties Consulted

CERTIFICATE OF SERVICE OF ENVIRONMENTAL AND HISTORIC REPORTS

I hereby certify that on September 2, 2016, I served the Environmental Report and Historic Report relative to STB Docket No. AB-57 (Sub-No. 64X), pursuant to 49 C.F.R. §§ 1152.50; 1105.7(b), (c); and 1105.11, by First Class U.S. Mail properly addressed and with postage prepaid upon the parties listed on the attached List of Parties Consulted.

Dated at Minneapolis, Minnesota this 2<sup>nd</sup> day of September, 2016.

  
\_\_\_\_\_  
W. Karl Hansen

ENVIRONMENTAL & HISTORICAL REPORT  
RAIL LINE ABANDONMENT  
S.T.B. DOCKET NO. AB-57 (Sub-No. 64X)  
LIST OF PARTIES CONSULTED

Parties consulted in preparing Environmental and Historic Reports – Soo Line Railroad Company - Railroad Abandonment between Milepost 417.99 +/- and Milepost 418.89 +/- in Burleigh County, North Dakota (U.S. Postal ZIP Codes 58501 and 58504)

**FEDERAL AGENCIES CONSULTED**

Appropriate Regional Office(s) of the  
U.S. Environmental Protection Agency

U.S. EPA, Region 8  
8OC-EISC  
1595 Wynkoop Street  
Denver, CO 80202-1129

U.S. Fish and Wildlife Service

U.S. Fish and Wildlife Service  
1849 C Street NW  
Washington, DC 20240

U.S. Fish and Wildlife Service – Mountain and Prairie Region

Anna Munoz, Assistant Regional Director  
U.S. Fish and Wildlife Service  
134 Union Boulevard, Suite 400  
Lakewood, CO 80228

U.S. Army Corps of Engineers

U.S. Army Corps of Engineers  
Omaha District  
1616 Capitol Ave., Ste. 9000  
Omaha, NE 68102

The National Park Service

Jon Jarvis, Director  
National Park Service  
1849 C Street NW  
Washington, DC 20240

The National Park Service – Midwest Region

Cam Sholly, Regional Director  
National Park Service - Midwest Region  
601 Riverfront Drive  
Omaha, NE 68102-4226

The U.S. Soil Conservation Service

Jason Weller, Chief  
USDA Natural Resources Conservation Service  
1400 Independence Ave. SW  
Room 5105-A  
Washington, DC 20250

The National Geodetic Survey (as designated agent for the National Geodetic Survey and the U.S. Geological Survey)

Juliana P. Blackwell, Director  
National Oceanic and Atmospheric Administration  
Geodetic Survey, SSMC3 #9340  
1315 East-West Highway  
Silver Spring, MD 20910-3282

Simon Monroe  
Geodetic Survey, SSMC3 #9202  
1315 East-West Highway  
Silver Spring, MD 20910-3282

**STATE AGENCIES CONSULTED**

State Clearinghouse

Rikki Roehrich  
Program Specialist  
North Dakota Department of Commerce  
1600 East Century Avenue, Suite 2  
Bismarck, North Dakota 58502-2057

North Dakota Environmental Protection Agency

David Glatt  
Chief of Environmental Health Department  
North Dakota Dep't of Health  
Environmental Health Section  
918 East Divide Avenue  
Bismarck, ND 58501-1947

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100 N. Bismarck Expressway  
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State Historical Preservation Officer

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612 East Boulevard Avenue  
Bismarck, ND 58505-0830

The U.S. Soil Conservation Service – State Office

Mary E. Podoll  
State Conservationist  
220 East Rosser Avenue  
PO Box 1458  
Bismarck, ND 58502-1458

State Coastal Zone Management Agency

N/A

**Other Political Entities and/or Indian Reservations through which the line runs**

Burleigh County Commission

Brian Bitner, Chairman  
Burleigh County Commission  
751 80th St SE  
Bismarck, ND 58501

City of Bismarck

Keith Hunke  
City Administrator  
221 N. Fifth St.  
Fourth Floor  
Bismarck, ND 58506

Exhibit No. 2

Certification of Publication of Newspaper Notice in Newspapers of General Circulation in  
Counties where Line is Situated and Affidavit of Publication

(49 C.F.R. Section 1105.12)

CERTIFICATE OF PUBLICATION OF PUBLIC NOTICE  
IN NEWSPAPER OF GENERAL CIRCULATION

I hereby certify that relative to STB Docket No. AB-57 (Sub-No. 64X), pursuant to 49 C.F.R. Sections 1152.50 and 1105.12, a public legal notice was published on August 31, 2016 in the *Bismarck Tribune*, which is a newspaper of general circulation where the Line is located.

Dated at Minneapolis, Minnesota this 2<sup>nd</sup> day of September, 2016.

  
\_\_\_\_\_  
W. Karl Hansen



Classified Advertising Invoice

Bismarck Tribune
PO BOX 4001
LaCrosse, WI 54602-4001
888-418-6474

STINSON LEONARD STREET LLP
LAA TEAM (20 FLOOR)
150 S 5TH ST
SUITE 2300
MINNEAPOLIS MN 55402

Customer: 60004875
Phone: (612) 335-1874
Date: 08/31/2016

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Soo Line Railroad Company ("Soo Line") d/b/a Canadian Pacific gives notice that on or about September 23, 2016, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of a 0.9 mile line of railroad between railroad milepost 417.99 +/- and railroad milepost 418.89 +/- in Bismarck, North Dakota, which traverses through United States Postal Service ZIP Codes 58501 and 58504 in Burleigh County, North Dakota. The proceeding will be docketed as No. AB-57 (Sub-No. 64X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0291.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/ trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: W. Karl Hansen at Stinson Leonard Street LLP, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402, 612-335-1500.

Table with 4 columns: Date, Order#, Type, Order Amt. Row: 08/31/16, 20861111, INV, 384.00

Amount Paid paid in full

PLEASE DETACH AND RETURN TO:

Lee Enterprises no longer accepts credit card payments sent the coupon above to send a credit card payment to remittance. You may also send the coupon to a secure fax at 608-791-82.

Table with 4 columns: Date, Date, Times Run, Description. Row: 08/31/16, 08/31/16, 1, Abandon Rail Service Bismarck Tribune PO:Notice of Intent

Affidavit of Publication
State of North Dakota ) SS County of Burleigh
Before me, a Notary Public for the State of North Dakota personally appeared CK who being duly sworn, deposes and says that he (she) is the Clerk of Bismarck Tribune Co., and that the publication(s) were made through the Bismarck Tribune on the following dates: 8/31 Signed Morgan Doll sworn and subscribed to before me this 2nd day of September 2016

MORGAN DOLL
Notary Public
State of North Dakota
My Commission Expires Jan. 26, 2017

Please return invoice or put order number on check. Thank You.
Remarks

Bismarck Tribune
www.bismarcktribune.com
PO BOX 4001
LaCrosse, WI 54602-4001

Terms: PAYMENT IS DUE UPON RECEIPT OF INVOICE

Please use

Amt Due 384.00

384.00

Exhibit No. 3

Responses to Environmental Scoping Correspondence Sent August 5, 2016



## Hansen, Karl

---

**From:** Schumacher, John D. <jdschumacher@nd.gov>  
**Sent:** Tuesday, August 23, 2016 1:24 PM  
**To:** Hansen, Karl  
**Subject:** Proposed Rail Line Abandonment in Burleigh County, North Dakota - STB Docket No. AB-57 (Sub-No. 64X)

Mr. Hansen,

The North Dakota Game and Fish Department has reviewed this project for wildlife concerns. We do not believe it will have any significant adverse effects on wildlife or wildlife habitat based on the information provided.

JOHN SCHUMACHER  
RESOURCE BIOLOGIST  
ND GAME AND FISH DEPT  
701.328.6321



August 22, 2016

W. Karl Hansen  
Stinson Leonard Street, LLP  
150 South Fifth Street, Suite 2300  
Minneapolis, MN 55402

Re: Proposed Rail Line Abandonment – STB Docket No. AB-57 (Sub-No. 64X)  
Burleigh County, North Dakota

Dear Mr. Hansen:

This department has reviewed the information concerning the above-referenced project submitted under date of August 5, 2016, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.
2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
3. Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the storm water permit may be obtained from the Department's website or by calling the Division of Water Quality (701-328-5210). Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.
4. All necessary measures must be taken to minimize the disturbance of any asbestos-containing material and to prevent any asbestos fiber release episodes. Any facility that is to

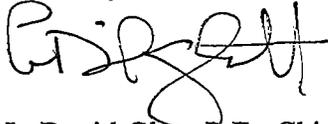
be renovated or demolished must be inspected for asbestos. Notification of the Department's Division of Air Quality (701-328-5188) is required before any demolition. Removal of any friable asbestos-containing material must be accomplished in accordance with section 33-15-13-02 of the North Dakota air pollution control rules.

5. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.
6. Any releases of petroleum products, hazardous materials, or chemicals that may impact human health or the environment, which are known to have occurred in the past or are discovered in the project area during abandonment and salvage operations, must be reported to the North Dakota Department of Health. The Department's Environmental Emergency Response Contacts List is attached.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,



L. David Glatt, P.E., Chief  
Environmental Health Section

LDG:cc  
Attach.



## Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

### **Soils**

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

### **Surface Waters**

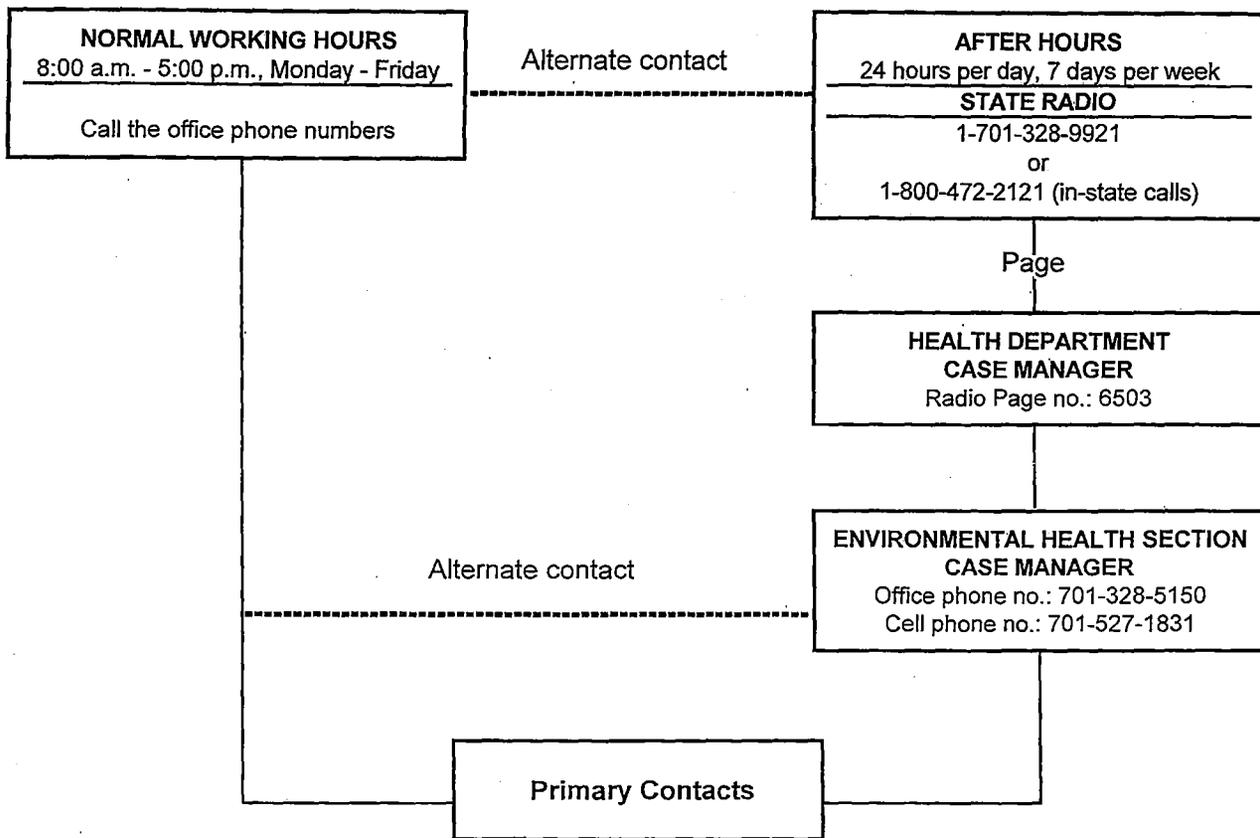
All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

### **Fill Material**

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.



**North Dakota Department of Health  
Environmental Health Section  
Environmental Emergency Response Contacts List**



<b>WATER POLLUTION</b> oil spills, fish kills Office: 701-328-5210	<b>AIR POLLUTION</b> gases, vapors Office: 701-328-5188	<b>RADIATION</b> radioactive materials Office: 701-328-5188	<b>TOXIC &amp; HAZARDOUS MATERIALS</b> pesticides, insecticides, chemicals Office: 701-328-5166	<b>DRINKING WATER</b> public water systems Office: 701-328-5211	<b>LABORATORY SERVICES</b> sample analysis Office: 701-328-6140 Cell: 701-400-2772
--	---	---	---	---	---

**Alternate Contact**

**L. David Glatt**  
Office: 701-328-5152  
Cell: 701-220-3102

Approved by   
Chief, Environmental Health Section

Date: May 6, 2014

**ND Department of Health  
Environmental Health Section  
Gold Sea! Center  
918 East Divide Avenue  
Bismarck, ND 58501-1947**



# North Dakota Department of Transportation

Grant Levi, P.E.  
*Director*

Jack Dalrymple  
*Governor*

August 19, 2016

W. Karl Hansen  
Stinson Leonard Street  
150 S. 5<sup>th</sup> Street, Suite 2300  
Minneapolis, MN 55402

DISCONTINUE AND ABANDON ALL FREIGHT RAIL OPERATIONS OVER  
APPROXIMATELY 0.9 MILES OF RAIL LINE, BURLEIGH COUNTY, NORTH DAKOTA

We have reviewed your August 5, 2016, letter.

This project should have no adverse effect on the North Dakota Department of Transportation highways.

However, if because of this project any work needs to be done on highway right of way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineers, Kevin Levi at 701-328-6955.

A handwritten signature in black ink, appearing to read "Robert A. Fode".

ROBERT A. FODE, P.E., DIRECTOR – OFFICE OF PROJECT DEVELOPMENT

57/raf/js

c: Kevin Levi, Bismarck District Engineer



**STATE  
HISTORICAL  
SOCIETY  
OF NORTH DAKOTA**

Jack Dalrymple  
Governor of North Dakota

August 15, 2016

North Dakota  
State Historical Board

Mr. W. Karl Hansen  
Stinson Leonard Street  
150 South Fifth Street, Suite 2300  
Minneapolis, MN 55402

Margaret Puetz  
Bismarck - President

Gereld Gerntholz  
Valley City - Vice President

Albert I. Berger  
Grand Forks - Secretary

ND SHPO Ref: 16-1680 SLS File No. 2049519-0742 Surface Transportation Board Soo Line Railroad Company proposed rail line abandonment located between milepost 417.99 and milepost 418.89 in portions of [T138N R80W Section 2 NE ¼] Bismarck, Burleigh County, North Dakota

Calvin Grinnell  
New Town

Diane K. Larson  
Bismarck

Dear Mr. Hansen,

Chester E. Nelson, Jr.  
Bismarck

We reviewed ND SHPO Ref: 16-1680 SLS File No. 2049519-0742 Surface Transportation Board Soo Line Railroad Company proposed rail line abandonment located between milepost 417.99 and milepost 418.89. We concur with a "No Historic Properties Affected" determination provided that the project occurs as described and mapped in your correspondence dated August 5, 2015 and e-mail dated August 8, 2016.

Terrance Rockstad  
Bismarck

Sara Otte Coleman  
Director  
Tourism Division

Thank you for the opportunity to review. If you have any questions please contact Susan Quinnell, Review and Compliance Coordinator at (701) 328-3576, e-mail [squinnell@nd.gov](mailto:squinnell@nd.gov)

Kelly Schmidt  
State Treasurer

Alvin A. Jaeger  
Secretary of State

Sincerely,

Mark Zimmerman  
Director  
Parks and Recreation Department

Grant Levi  
Director  
Department of Transportation

Claudia J. Berg  
State Historic Preservation Officer (North Dakota)

Claudia J. Berg  
Director

Accredited by the  
American Alliance  
of Museums since 1986

## Hansen, Karl

---

**From:** Hansen, Karl  
**Sent:** Tuesday, August 09, 2016 3:54 PM  
**To:** 'Quinnell, Susan L.'  
**Subject:** RE: Soo Line abandonment STB Docket No. AB-57 (Sub No. 64X) Bismarck, Burleigh County, North Dakota [T138N R80W Section 2] ND SHPO Ref: 16-1680  
**Attachments:** 000296 - Exh - 2016-08-03 - ND 6 - Combo of Maps 12bS and 13aS 3.pdf

As we discussed, I believe this map should answer your questions concerning the scope of the rail abandonment. Please let me know if you have further questions or if I can be of additional assistance. Thank you.

---

**From:** Quinnell, Susan L. [<mailto:squinnell@nd.gov>]  
**Sent:** Tuesday, August 09, 2016 1:18 PM  
**To:** Hansen, Karl  
**Subject:** Soo Line abandonment STB Docket No. AB-57 (Sub No. 64X) Bismarck, Burleigh County, North Dakota [T138N R80W Section 2] ND SHPO Ref: 16-1680

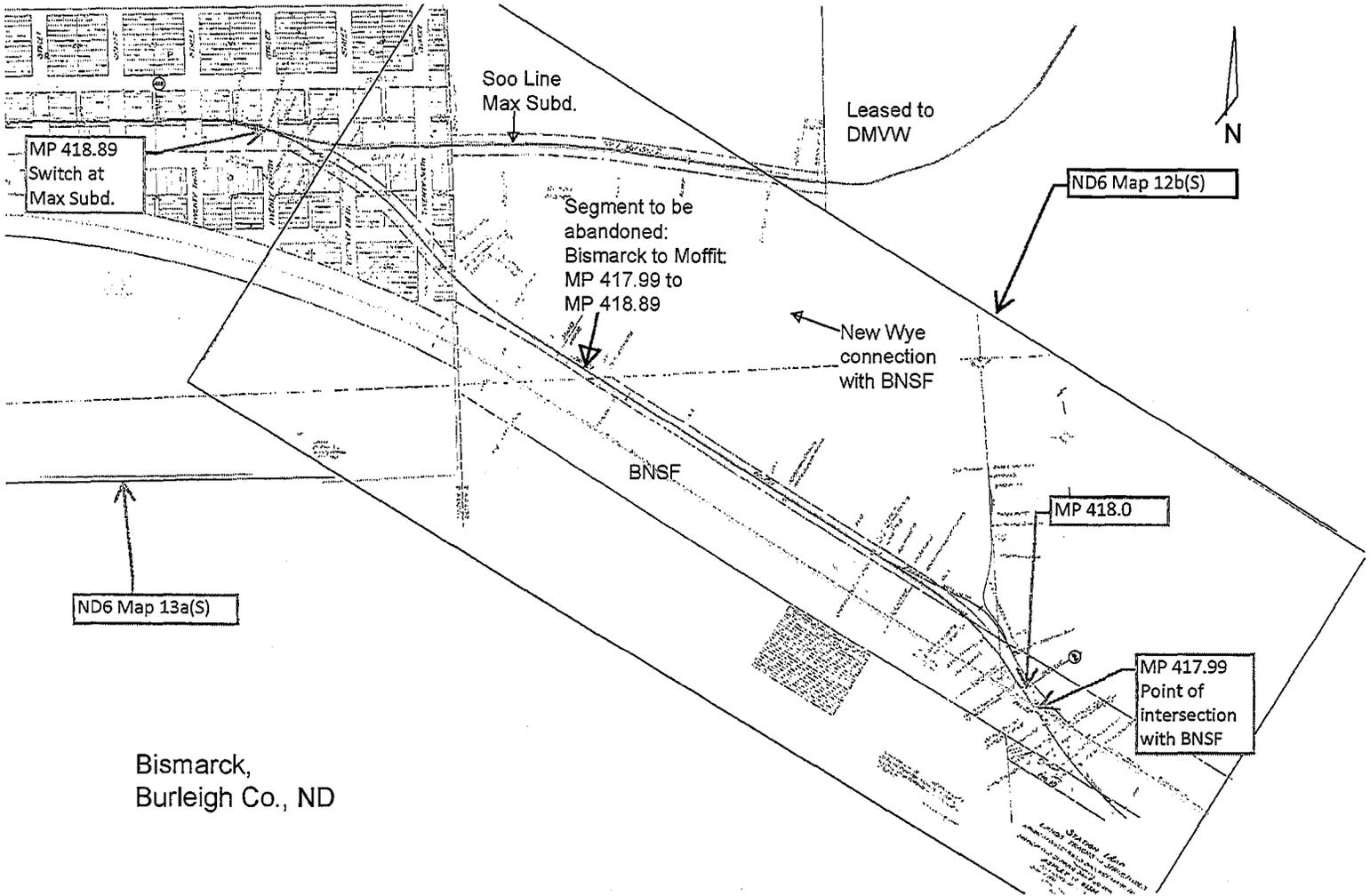
Hello Mr. Hansen,

I just want to be sure I'm understanding the topo map included with your correspondence dated August 5, 2016. It appears that there is a portion of rail line being removed west of 26<sup>th</sup> St and east of 24<sup>th</sup> St. It appears that that portion is shared with BNSF, and would cause their line to the south to be disconnected. Is it being removed?

Thanks.

Susan Quinnell  
Review and Compliance Coordinator  
ND State Historic Preservation Office  
State Historical Society of North Dakota  
North Dakota Heritage Center  
612 East Boulevard Avenue  
Bismarck ND 58505-0830

701-328-3576  
701-328-3710 FAX



Bismarck,  
Burleigh Co., ND

## Hansen, Karl

---

**From:** Quinnell, Susan L. <squinnell@nd.gov>  
**Sent:** Tuesday, August 09, 2016 1:18 PM  
**To:** Hansen, Karl  
**Subject:** Soo Line abandonment STB Docket No. AB-57 (Sub No. 64X) Bismarck, Burleigh County, North Dakota [T138N R80W Section 2] ND SHPO Ref: 16-1680

Hello Mr. Hansen,

I just want to be sure I'm understanding the topo map included with your correspondence dated August 5, 2016. It appears that there is a portion of rail line being removed west of 26<sup>th</sup> St and east of 24<sup>th</sup> St. It appears that that portion is shared with BNSF, and would cause their line to the south to be disconnected. Is it being removed?

Thanks.

Susan Quinnell  
Review and Compliance Coordinator  
ND State Historic Preservation Office  
State Historical Society of North Dakota  
North Dakota Heritage Center  
612 East Boulevard Avenue  
Bismarck ND 58505-0830

701-328-3576  
701-328-3710 FAX

Exhibit No. 4

Environmental Scoping Correspondence Required By 49 C.F.R. Section 1105.7(b)

August 5, 2016

**To: Attached List of Parties Consulted**

**VIA U.S. MAIL**

**Re: Request for Comments on Potential Environmental Impact of Proposed Rail Line Abandonment located between Milepost 417.99 +/- and Milepost 418.89 +/- in Burleigh County, North Dakota (U.S. Postal ZIP Codes 58501 and 58504) STB Docket No. AB-57 (Sub-No. 64X)**

Our File No. 2049519-0742

Dear Sir/Madam:

Soo Line Railroad Company ("Soo Line") d/b/a Canadian Pacific on or about September 23, 2016 anticipates filing a Notice of Exemption with the United States Department of Transportation – Surface Transportation Board (STB) to discontinue and abandon all freight rail operations over approximately 0.9 miles of rail line located in Burleigh County, North Dakota. A map of the proposed abandonment is enclosed.

This proposed rail line abandonment petition for exemption requires review by the STB. I will be preparing an Environmental and Historic Report that will provide the basis of the environmental review that the STB's Office of Environmental Analysis (OEA) will conduct for this proceeding. In preparing this report, consultation with agencies or organizations that may have specific interest in or knowledge of the potential environmental impact is essential. This letter is, therefore, intended to solicit your comments regarding the potential environmental impact, if any, of the proposed rail line abandonment.

Your comments on the potential impact of this abandonment will be incorporated into the Environmental Report to be filed on or about September 2, 2016. A copy of this report will be provided to you, after which additional comments can be submitted directly to the OEA.

As shown on the attached map, the line that is proposed to be abandoned is located in Bismarck, Burleigh County, North Dakota. It traverses through U.S. Postal ZIP Codes 58501 and 58504.

For purposes of evaluating the environmental impact that would result from abandonment of the line, the proposed action includes discontinuing freight service and salvaging equipment and materials that are present on the line.

The rail line is located entirely within the City of Bismarck, in Burleigh County, North Dakota. The proposed action includes the removal of all rails, ties, spikes, plates, railroad-related utilities, and signaling devices. All equipment and materials that are removed from the line would either be reused, sold as scrap, or disposed of in accordance with applicable environmental regulations.

The Environmental Report for the proposed abandonment is being prepared pursuant to STB regulations (49 C.F.R. Chapter X, Part 1105) (copy of which is enclosed), the National Environmental Policy Act, 42 U.S.C. § 4332; the Energy Policy and Conservation Act, 42 U.S.C. § 6362(b); and related laws including the National Historic Preservation Act, 16 U.S.C. § 470f, the Coastal Zone Management Act, 16 U.S.C. § 1451, and the Endangered Species Act, 16 U.S.C. § 1531. Areas of concern that you and other interested parties are invited to address in your comments include any potential impact of the proposed action on the following:

- Local land use
- Existing local and regional transportation systems
- Energy use
- Air emissions and ambient air quality conditions
- Water quality and wetlands
- Biological resources including threatened or endangered species
- Ambient noise levels
- Public health safety
- Historic, cultural, or archaeological sites listed or eligible for inclusion on the National Register of Historic Places
- Socioeconomics, including local and regional employment

We are soliciting your comments with regard to: (1) any permitting/approval authority which your agency has over the proposed action, and (2) any specific concerns which you believe should be addressed in the STB environmental document prepared after our Report is submitted. As required by applicable STB regulations (49 C.F.R., Chapter X, Part 1105.7(e)(9)(iii)) and Part 1105.7(c), we also request that you comment on and describe the effects, if any, of our proposed action on those resources or areas of concern within the authority of your agency.

Specifically, the Board's regulations state that, with respect to the area of concern within the jurisdiction of your agency, Soo Line must address the following:

"49 C.F.R. Part 1105.7(e)(4)(i)-(iv) Energy:

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

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

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

(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 energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in Section 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Section 1105.7(e)(4)(iv) is required."

"49 C.F.R. Part 1105.7(e)(5)(ii) Air:

(ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act."

"49 C.F.R. Part 1105.7(e)(6)(ii) Noise:

(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."

"49 C.F.R. Part 1105.7(e)(7)(iii) Safety:

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

"49 C.F.R. Part 1105.7(e)(9)(i), (ii), & (iii) 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.

(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.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

Any written comments should be submitted to the undersigned. They will be appended to the Environmental Report being submitted to the STB if received prior to September 2, 2016. Thereafter, please submit them directly to the Office of Environmental Analysis as follows: Surface Transportation Board, Office of Environmental Analysis, 395 E Street, SW, Washington D.C. 20423-0001, or by calling that office at (202) 245-0454, and forwarding a copy to the undersigned.

Any comments or information that you provide will be included in Soo Line's Environmental Report and will be considered by the STB in the preparation of the draft environmental document and in its evaluation of the overall environmental and energy impact of the proposed action. Your cooperation will help ensure that all environmental concerns are thoroughly addressed.

Thank you very much for your assistance.

Sincerely,

STINSON LEONARD STREET LLP



W. Karl Hansen

Enclosures

ENVIRONMENTAL & HISTORIC REPORTS  
RAILROAD ABANDONMENT  
STB DOCKET NO. AB-57 (Sub-No. 64X)  
LIST OF PARTIES CONSULTED

Parties consulted in preparing Environmental and Historic Reports – Soo Line Railroad Company - Railroad Abandonment between Milepost 417.99 +/- and Milepost 418.89 +/- in Burleigh County, North Dakota (U.S. Postal ZIP Codes 58501 and 58504)

**FEDERAL AGENCIES CONSULTED**

Environmental Protection Agency – Regional Office

U.S. EPA, Region 8  
80C-EISC  
1595 Wynkoop Street  
Denver, CO 80202-1129

U.S. Fish and Wildlife Service

U.S. Fish and Wildlife Service  
1849 C Street NW  
Washington, DC 20240

U.S. Fish and Wildlife Service – Mountain-Prairie Region

Anna Munoz, Assistant Regional Director  
U.S. Fish and Wildlife Service  
134 Union Boulevard, Suite 400  
Lakewood, CO 80228

U.S. Army Corps of Engineers

U.S. Army Corps of Engineers  
Omaha District  
1616 Capitol Ave., Ste. 9000  
Omaha, NE 68102

The National Park Service

Jon Jarvis, Director  
National Park Service  
1849 C Street NW  
Washington, DC 20240

The National Park Service – Midwest Region

Cam Sholly, Regional Director  
National Park Service - Midwest Region  
601 Riverfront Drive  
Omaha, NE 68102-4226

The U.S. Soil Conservation Service

Jason Weller, Chief  
USDA National Resource Conservation Service  
1400 Independence Ave. SW  
Room 5105-A  
Washington, DC 20250

The National Geodetic Survey (as designated agent for the National Geodetic Survey and the U.S. Geological Survey)

Juliana P. Blackwell, Director  
National Oceanic and Atmospheric Administration  
Geodetic Survey, SSMC3 #9340  
1315 East-West Highway  
Silver Spring, MD 20910-3282

Simon Monroe  
Geodetic Survey, SSMC3 #9202  
1315 East-West Highway  
Silver Spring, MD 20910-3282

**STATE AGENCIES CONSULTED**

State Clearinghouse

Rikki Roehrich  
Program Specialist  
North Dakota Department of Commerce  
1600 East Century Avenue, Suite 2  
Bismarck, North Dakota 58502-2057

North Dakota Environmental Protection Agency

David Glatt  
Chief of Environmental Health Department  
North Dakota Dep't of Health  
Environmental Health Section  
918 East Divide Avenue  
Bismarck, ND 58501-1947

North Dakota Department of Transportation

Grant Levi, P.E.  
Director  
North Dakota Department of Transportation  
608 East Boulevard Avenue  
Bismarck, ND 58505-0700

North Dakota Game and Fish Department

Terry Steinwand, Director  
North Dakota Game and Fish Department  
100 N. Bismarck Expressway  
Bismarck, ND 58501-5095

North Dakota Parks and Recreation Department

Mark Zimmerman, Director  
North Dakota Parks and Recreation Department  
1600 E. Century Ave. Suite 3  
PO Box 5594  
Bismarck, ND 58506-5594

State Historical Preservation Officer

Margaret Puetz, President  
North Dakota State Historical Board  
612 East Boulevard Avenue  
Bismarck, ND 58505-0830

The U.S. Soil Conservation Service – State Office

Mary E. Podoll  
State Conservationist  
220 East Rosser Avenue  
PO Box 1458  
Bismarck, ND 58502-1458

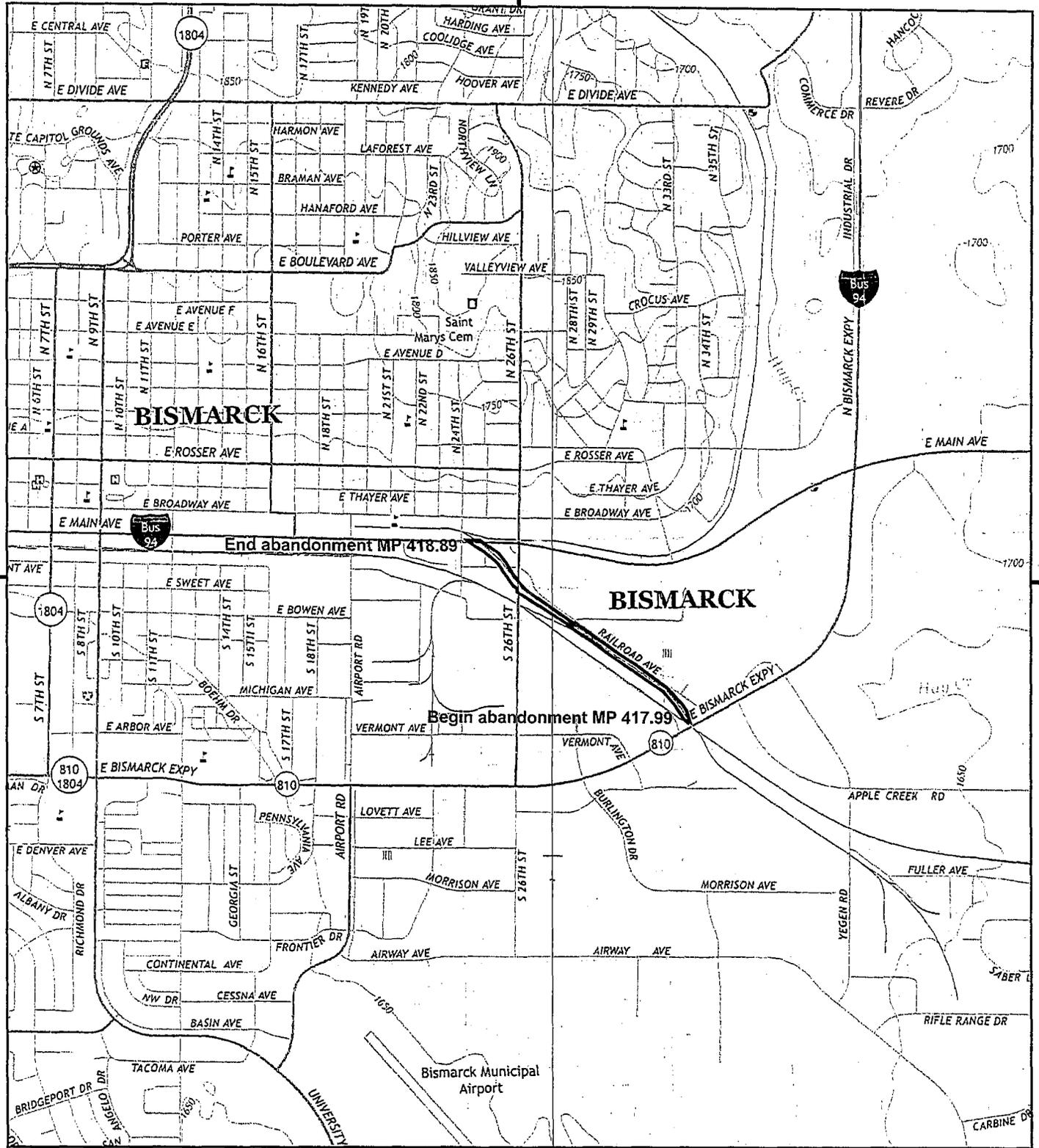
Other Political Entities Through Which The Line Runs

Burleigh County Commission

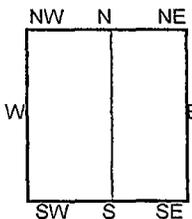
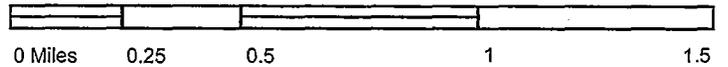
Brian Bitner, Chairman  
Burleigh County Commission  
751 80th St SE  
Bismarck, ND 58501

City of Bismarck

Keith Hunke  
City Administrator  
221 N. Fifth St.  
Fourth Floor  
Bismarck, ND 58506



This report includes information from the following map sheet(s).



TP, Bismarck, 2014, 7.5-minute  
E, Menoken SW, 2014, 7.5-minute

Soo Line Railroad Company  
Bismarck abandonment  
STB Docket No. AB-57 (Sub-No. 64X)



## Surface Transportation Board, DOT

## § 1105.4

I \_\_\_\_\_ (Name) \_\_\_\_\_, certify under penalty of perjury under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or State offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal Benefits, either by court order or by operation of law, pursuant to 21 U.S.C. 862.

[54 FR 48250, Nov. 22, 1989, as amended at 61 FR 52711, Oct. 8, 1996; 64 FR 53268, Oct. 1, 1999; 67 FR 5515, Feb. 6, 2002]

### PART 1105—PROCEDURES FOR IMPLEMENTATION OF ENVIRONMENTAL LAWS

#### Sec.

- 1105.1 Purpose.
- 1105.2 Responsibility for administration of these rules.
- 1105.3 Information and assistance.
- 1105.4 Definitions.
- 1105.5 Determinative criteria.
- 1105.6 Classification of actions.
- 1105.7 Environmental reports.
- 1105.8 Historic reports.
- 1105.9 Coastal Zone Management Act requirements.
- 1105.10 Board procedures.
- 1105.11 Transmittal letter for Applicant's Report.
- 1105.12 Sample newspaper notices for abandonment exemption cases.

**AUTHORITY:** 16 U.S.C. 470f, 1456, and 1536; 42 U.S.C. 4332 and 6362(b); and 49 U.S.C. 701 note (1995) (Savings Provisions), 721(a), 10502, and 10903-10905.

**SOURCE:** 56 FR 36105, July 31, 1991, unless otherwise noted.

#### § 1105.1 Purpose.

These rules are designed to assure adequate consideration of environmental and energy factors in the Board's decisionmaking process pursuant to the National Environmental Policy Act, 42 U.S.C. 4332; the Energy Policy and Conservation Act, 42 U.S.C. 6362(b); and related laws, including the National Historic Preservation Act, 16 U.S.C. 470f, the Coastal Zone Management Act, 16 U.S.C. 1451, and the Endangered Species Act, 16 U.S.C. 1531.

#### § 1105.2 Responsibility for administration of these rules.

The Director of the Office of Economics, Environmental Analysis, and Administration shall have general respon-

sibility for the overall management and functioning of the Section of Environmental Analysis. The Director is delegated the authority to sign, on behalf of the Board, memoranda of agreement entered into pursuant to 36 CFR 800.5(e)(4) regarding historic preservation matters. The Chief of the Section of Environmental Analysis is responsible for the preparation of documents under these rules and is delegated the authority to provide interpretations of the Board's NEPA process, to render initial decisions on requests for waiver or modification of any of these rules for individual proceedings, and to recommend rejection of environmental reports not in compliance with these rules. This delegated authority shall be used only in a manner consistent with Board policy. The Director may further delegate procedural authority to the Chief of the Section of Environmental Analysis as appropriate. Appeals to the Board will be available as a matter of right.

[56 FR 36105, July 31, 1991, as amended at 64 FR 53268, Oct. 1, 1999]

#### § 1105.3 Information and assistance.

Information and assistance regarding the rules and the Board's environmental and historic review process is available by writing or calling the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423.

[64 FR 53268, Oct. 1, 1999]

#### § 1105.4 Definitions.

In addition to the definitions contained in the regulations of the Council on Environmental Quality (40 CFR part 1508), the following definitions apply to these regulations:

(a) *Act* means the Interstate Commerce Act, Subtitle IV of Title 49, U.S. Code, as amended.

(b) *Applicant* means any person or entity seeking Board action, whether by application, petition, notice of exemption, or any other means that initiates a formal Board proceeding.

(c) *Board* means the Surface Transportation Board.

(d) *Environmental Assessment* or "EA" means a concise public document for which the Board is responsible that

contains sufficient information for determining whether to prepare an Environmental Impact Statement or to make a finding of no significant environmental impact.

(e) *Environmental documentation* means either an Environmental Impact Statement or an Environmental Assessment.

(f) *Environmental Impact Statement* or "EIS" means the detailed written statement required by the National Environmental Policy Act, 42 U.S.C. 4332(2)(c), for a major Federal action significantly affecting the quality of the human environment.

(g) *Environmental Report* means a document filed by the applicant(s) that:

(1) Provides notice of the proposed action; and

(2) Evaluates its environmental impacts and any reasonable alternatives to the action. An environmental report may be in the form of a proposed draft Environmental Assessment or proposed draft Environmental Impact Statement.

(h) *Filing* means any request for STB authority, whether by application, petition, notice of exemption, or any other means that initiates a formal Board proceeding.

(i) *Section of Environmental Analysis* or "SEA" means the Section that prepares the Board's environmental documents and analyses.

(j) *Third-Party Consultant* means an independent contractor, utilized by the applicant, who works with SEA's approval and under SEA's direction to prepare any necessary environmental documentation. The third party consultant must act on behalf of the Board. The railroad may participate in the selection process, as well as in the subsequent preparation of environmental documents. However, to avoid any impermissible conflict of interest (i.e., essentially any financial or other interest in the outcome of the railroad-sponsored project), the railroad may not be responsible for the selection or control of independent contractors.

[56 FR 36105, July 31, 1991, as amended at 64 FR 53268, Oct. 1, 1999]

#### § 1105.5 Determinative criteria.

(a) In determining whether a "major Federal action" (as that term is de-

finied by the Council on Environmental Quality in 40 CFR 1508.18) has the potential to affect significantly the quality of the human environment, the Board is guided by the definition of "significantly" at 40 CFR 1508.27.

(b) A finding that a service or transaction is not within the STB's jurisdiction does not require an environmental analysis under the National Environmental Policy Act or historic review under the National Historic Preservation Act.

(c) The environmental laws are not triggered where the STB's action is nothing more than a ministerial act, as in:

(1) The processing of abandonments proposed under the Northeast Rail Services Act (45 U.S.C. 744(b)(3));

(2) Statutorily-authorized interim trail use arrangements under 16 U.S.C. 1247(d) [see, 49 CFR 1152.29]; or

(3) Financial assistance arrangements under 49 U.S.C. 10905 (see 49 CFR 1152.27).

Finally, no environmental analysis is necessary for abandonments that are authorized by a bankruptcy court, or transfers of rail lines under plans of reorganization, where our function is merely advisory under 11 U.S.C. 1166, 1170, and 1172.

[56 FR 36105, July 31, 1991; 56 FR 49821, Oct. 1, 1991]

#### § 1105.6 Classification of actions.

(a) Environmental Impact Statements will normally be prepared for rail construction proposals other than those described in paragraph (b)(1) of this section.

(b) Environmental Assessments will normally be prepared for the following proposed actions:

(1) Construction of connecting track within existing rail rights-of-way, or on land owned by the connecting railroads;

(2) Abandonment of a rail line (unless proposed under the Northeast Rail Services Act or the Bankruptcy Act);

(3) Discontinuance of passenger train service or freight service (except for discontinuances of freight service under modified certificates issued under 49 CFR 1150.21 and discontinuances of trackage rights

## Surface Transportation Board, DOT

## § 1105.6

where the affected line will continue to be operated);

(4) An acquisition, lease or operation under 49 U.S.C. 10901 or 10910, or consolidation, merger or acquisition of control under 49 U.S.C. 11343, if it will result in either

(i) Operational changes that would exceed any of the thresholds established in §1105.7(e) (4) or (5); or

(ii) An action that would normally require environmental documentation (such as a construction or abandonment);

(5) A rulemaking, policy statement, or legislative proposal that has the potential for significant environmental impacts;

(6) Water carrier licensing under 49 U.S.C. 10922 that:

(i) Involves a new operation (*i.e.*, one that adds a significant number of barges to the inland waterway system requiring the addition of towing capacity, or otherwise significantly alters an existing operation, or introduces service to a new waterway that has had no previous traffic, or involves the commencement of a new service that is not statutorily exempt); or

(ii) Involves the transportation of hazardous materials; and

(7) Any other proceeding not listed in paragraphs (a) or (c) of this section.

(c) No environmental documentation will normally be prepared (although a Historic Report may be required under section 1105.8) for the following actions:

(1) Motor carrier, broker, or freight forwarder licensing and water carrier licensing not included in section 1105.6(b)(6);

(2) Any action that does not result in significant changes in carrier operations (*i.e.*, changes that do not exceed the thresholds established in section 1105.7(e) (4) or (5)), including (but not limited to) all of the following actions that meet this criterion:

(i) An acquisition, lease, or operation under 49 U.S.C. 10901 or 10910, or consolidation, merger, or acquisition of control under 49 U.S.C. 11343 that does not come within subsection (b)(4) of this section.

(ii) Transactions involving corporate changes (such as a change in the ownership or the operator, or the issuance

of securities or reorganization) including grants of authority to hold position as an officer or director;

(iii) Declaratory orders, interpretation or clarification of operating authority, substitution of an applicant, name changes, and waiver of lease and interchange regulations;

(iv) Pooling authorizations, approval of rate bureau agreements, and approval of shipper antitrust immunity;

(v) Approval of motor vehicle rental contracts, and self insurance;

(vi) Determinations of the fact of competition;

(3) Rate, fare, and tariff actions;

(4) Common use of rail terminals and trackage rights;

(5) Discontinuance of rail freight service under a modified certificate issued pursuant to 49 CFR 1150.21;

(6) Discontinuance of trackage rights where the affected line will continue to be operated; and

(7) A rulemaking, policy statement, or legislative proposal that has no potential for significant environmental impacts.

(d) The Board may reclassify or modify these requirements for individual proceedings. For actions that generally require no environmental documentation, the Board may decide that a particular action has the potential for significant environmental impacts and that, therefore, the applicant should provide an environmental report and either an EA or an EIS will be prepared. For actions generally requiring an EA, the Board may prepare a full EIS where the probability of significant impacts from the particular proposal is high enough to warrant an EIS. Alternatively, in a rail construction, an applicant can seek to demonstrate (with supporting information addressing the pertinent aspects of §1105.7(e)) that an EA, rather than an EIS, will be sufficient because the particular proposal is not likely to have a significant environmental impact. Any request for reclassification must be in writing and, in a rail construction, should be presented with the prefilling notice required by §1105.10(a)(1) (or a request to waive that prefilling notice period).

(e) The classifications in this section apply without regard to whether the

action is proposed by application, petition, notice of exemption, or any other means that initiates a formal Board proceeding.

#### § 1105.7 Environmental reports.

(a) *Filing.* An applicant for an action identified in § 1105.6 (a) or (b) must submit to the Board (with or prior to its application, petition or notice of exemption) except as provided in paragraph (b) for abandonments and discontinuances) an Environmental Report on the proposed action containing the information set forth in paragraph (e) of this section.

(b) At least 20 days prior to the filing with the Board of a notice of exemption, petition for exemption, or an application for abandonment or discontinuance, the applicant must serve copies of the Environmental Report on:

(1) The State Clearinghouse of each State involved (or other State equivalent agency if the State has no clearinghouse);

(2) The State Environmental Protection Agency of each State involved;

(3) The State Coastal Zone Management Agency for any state where the proposed activity would affect land or water uses within that State's coastal zone;

(4) The head of each county (or comparable political entity including any Indian reservation) through which the line goes;

(5) The appropriate regional offices of the Environmental Protection Agency;

(6) The U.S. Fish and Wildlife Service;

(7) The U.S. Army Corps of Engineers;

(8) The National Park Service;

(9) The U.S. Soil Conservation Service;

(10) The National Geodetic Survey (formerly known as the Coast and Geodetic Survey) as designated agent for the National Geodetic Survey and the U.S. Geological Survey; and

(11) Any other agencies that have been consulted in preparing the report. For information regarding the names and addresses of the agencies to be contacted, interested parties may contact SEA at the address and telephone number indicated in § 1105.3.

(c) *Certification.* In its Environmental Report, the applicant must certify that it has sent copies of the Environmental Report to the agencies listed and within the time period specified in paragraph (b) of this section and that it has consulted with all appropriate agencies in preparing the report. These consultations should be made far enough in advance to afford those agencies a reasonable opportunity to provide meaningful input. Finally, in every abandonment exemption case, applicant shall certify that it has published in a newspaper of general circulation in each county through which the line passes a notice that alerts the public to the proposed abandonment, to available reuse alternatives, and to how it may participate in the STB proceeding.

(d) *Documentation.* Any written responses received from agencies that were contacted in preparing the Environmental Report shall be attached to the report. Oral responses from such agencies shall be briefly summarized in the report and the names, titles, and telephone numbers of the persons contacted shall be supplied. A copy of, or appropriate citation to, any reference materials relied upon also shall be provided.

(e) *Content.* The Environmental Report shall include all of the information specified in this paragraph, except to the extent that applicant explains why any portion(s) are inapplicable. If an historic report is required under § 1105.8, the Environmental Report should also include the Historic Report required by that section.

(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.

(2) *Transportation system.* Describe the effects 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

Surface Transportation Board, DOT

§ 1105.7

systems or modes as a result of the proposed action.

(3) *Land use.* (i) Based on consultation with local and/or regional planning agencies and/or a 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.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

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

(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. 10906 and explain why.

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

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

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

(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 energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in §1105.7(e)(4)(iii) need not be supplied if the more detailed information in §1105.7(e)(4)(iv) is required.

(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 rail 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. For a proposal under 49 U.S.C. 10901 (or 10502) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

(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 the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10502), 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.

(iii) If 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.

(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.

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

(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.

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

(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.

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

(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.

(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.

(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 environ-

mental protection or equivalent agency if they are unsure whether such permits are required.)

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

(11) *Additional Information for Rail Constructions.* The following additional information should be included for rail construction proposals (including connecting track construction):

(i) Describe the proposed route(s) by State, county, and subdivision, including a plan view, at a scale not to exceed 1:24,000 (7½ minute U.S.G.S. quadrangle map), clearly showing the relationship to the existing transportation network (including the location of all highway and road crossings) and the right-of-way according to ownership and land use requirements.

(ii) Describe any alternative routes considered, and a no-build alternative (or why this would not be applicable), and explain why they were not selected.

(iii) Describe the construction plans, including the effect on the human environment, labor force requirements, the location of borrow pits, if any, and earthwork estimates.

(iv) Describe in detail the rail operations to be conducted upon the line, including estimates of freight (carloads and tonnage) to be transported, the anticipated daily and annual number of train movements, number of cars per train, types of cars, motive power requirements, proposed speeds, labor force, and proposed maintenance-of-way practices.

(v) Describe the effects, including indirect or down-line impacts, of the new or diverted traffic over the line if the thresholds governing energy, noise and air impacts in §§1105.7(e)(4), (5), or (6) are met.

(vi) Describe the effects, including impacts on essential public services (e.g., fire, police, ambulance, neighborhood schools), public roads, and adjoining properties, in communities to be traversed by the line.

(vii) Discuss societal impacts, including expected change in employment during and after construction.

(f) *Additional information.* The Board may require applicants to submit additional information regarding the environmental or energy effects of the proposed action.

(g) *Waivers.* The Board may waive or modify, in whole or in part, the provisions of this section where a railroad applicant shows that the information requested is not necessary for the Board to evaluate the environmental impacts of the proposed action.

[56 FR 36105, July 31, 1991; 56 FR 49821, Oct. 1, 1991, as amended at 58 FR 44619, Aug. 24, 1993; 60 FR 32277, June 21, 1995; 61 FR 67883, Dec. 24, 1996; 64 FR 53268, Oct. 1, 1999; 69 FR 58366, Sept. 30, 2004]

#### § 1105.8 Historic Reports.

(a) *Filing.* An applicant proposing an action identified in § 1105.6 (a) or (b), or an action in § 1105.6(c) that will result in the lease, transfer, or sale of a railroad's line, sites or structures, must submit (with its application, petition or notice) the Historic Report described in paragraph (d) of this section, unless excepted under paragraph (b) of this section. This report should be combined with the Environmental Report where one is required. The purpose of the Historic Report is to provide the Board with sufficient information to conduct the consultation process required by the National Historic Preservation Act.

(b) *Exceptions.* The following proposals do not require an historic report:

(1) A sale, lease or transfer of a rail line for the purpose of continued rail operations where further STB approval is required to abandon any service and there are no plans to dispose of or alter properties subject to STB jurisdiction that are 50 years old or older.

(2) A sale, lease, or transfer of property between corporate affiliates where there will be no significant change in operations.

(3) Trackage rights, common use of rail terminals, common control through stock ownership or similar action which will not substantially change the level of maintenance of railroad property.

(4) A rulemaking, policy statement, petition for declaratory order, petition for waiver of procedural requirements,

or proceeding involving transportation rates or classifications.

(c) *Distribution.* The applicant must send the Historic Report to the appropriate State Historic Preservation Officer(s), preferably at least 60 days in advance of filing the application, petition, or notice, but not later than 20 days prior to filing with the Board.

(d) *Content.* The Historic Report should contain the information required by § 1105.7(e)(1) and the following additional historic information:

(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;

(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;

(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;

(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;

(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;

(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;

(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

## § 1105.9

Office, local historical societies or universities);

(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.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad 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).

(e) Any of these requirements may be waived or modified when the information is not necessary to determine the presence of historic properties and the effect of the proposed action on them.

(f) Historic preservation conditions imposed by the Board in rail abandonment cases generally will not extend beyond the 330-day statutory time period in 49 U.S.C. 10904 for abandonment proceedings.

[56 FR 36105, July 31, 1991, as amended at 61 FR 67883, Dec. 24, 1996]

## § 1105.9 Coastal Zone Management Act requirements.

(a) If the proposed action affects land or water uses within a State coastal zone designated pursuant to the Coastal Zone Management Act (16 U.S.C. 1451 *et seq.*) applicant must comply with the following procedures:

(1) If the proposed action is listed as subject to review in the State's coastal zone management plan, applicant (with, or prior to its filing) must certify (pursuant to 15 CFR 930.57 and 930.58) that the proposed action is consistent with the coastal zone management plan.

## 49 CFR Ch. X (10-1-15 Edition)

(2) If the activity is not listed, applicant (with, or prior to its filing) must certify that actual notice of the proposal was given to the State coastal zone manager at least 40 days before the effective date of the requested action.

(b) If there is consistency review under 15 CFR 930.54, the Board and the applicant will comply with the consistency certification procedures of 15 CFR 930. Also, the Board will withhold a decision, stay the effective date of a decision, or impose a condition delaying consummation of the action, until the applicant has submitted a consistency certification and either the state has concurred in the consistency certification, or an appeal to the Secretary of Commerce (under 15 CFR 930.64(e)) is successful.

## § 1105.10 Board procedures.

(a) *Environmental Impact Statements—*

(1) *Prefiling Notice.* Where an environmental impact statement is required or contemplated, the prospective applicant must provide the Section of Environmental Analysis with written notice of its forthcoming proposal at least 6 months prior to filing its application.

(2) *Notice and scope of EIS.* When an Environmental Impact Statement is prepared for a proposed action, the Board will publish in the FEDERAL REGISTER a notice of its intent to prepare an EIS, with a description of the proposed action and a request for written comments on the scope of the EIS. Where appropriate, the scoping process may include a meeting open to interested parties and the public. After considering the comments, the Board will publish a notice of the final scope of the EIS. If the Environmental Impact Statement is to be prepared in cooperation with other agencies, this notice will also indicate which agencies will be responsible for the various parts of the Statement.

(3) *Notice of availability.* The Board will serve copies of both the draft Environmental Impact Statement (or an appropriate summary) and the full final Environmental Impact Statement (or an appropriate summary) on all parties to the proceeding and on appropriate Federal, State, and local agencies. A

notice that these documents are available to the public will be published (normally by the Environmental Protection Agency) in the FEDERAL REGISTER. (Interested persons may obtain copies of the documents by contacting the Section of Environmental Analysis.)

(4) *Comments.* The notice of availability of the draft Environmental Impact Statement will establish the time for submitting written comments, which will normally be 45 days following service of the document. When the Board decides to hold an oral hearing on the merits of a proposal, the draft Environmental Impact Statement will be made available to the public in advance, normally at least 15 days prior to the portion of the hearing relating to the environmental issues. The draft EIS will discuss relevant environmental and historic preservation issues. The final Environmental Impact Statement will discuss the comments received and any changes made in response to them.

(5) *Supplements.* An Environmental Impact Statement may be supplemented where necessary and appropriate to address substantial changes in the proposed action or significant new and relevant circumstances or information. If so, the notice and comment procedures outlined above will be followed to the extent practical.

(b) *Environmental Assessments.* In preparing an Environmental Assessment, the Section of Environmental Analysis will verify and independently analyze the Environmental Report and/or Historic Report and related material submitted by an applicant pursuant to sections 1105.7 and 1105.8. The Environmental Assessment will discuss relevant environmental and historic preservation issues. SEA will serve copies of the Environmental Assessment on all parties to the proceeding and appropriate federal, state, and local agencies, and will announce its availability to the public through a notice in the FEDERAL REGISTER. In the case of abandonment applications processed under 49 U.S.C. 10903, the availability of the Environmental Assessment must be announced in the applicant's Notice of Intent filed under 49 CFR 1152.21. The deadline for submission of comments

on the Environmental Assessment will generally be within 30 days of its service (15 days in the case of a notice of abandonment under 49 CFR 1152.50). The comments received will be addressed in the Board's decision. A supplemental Environmental Assessment may be issued where appropriate.

(c) *Waivers.* (1) The provisions of paragraphs (a)(1) or (a)(4) of this section or any STB-established time frames in paragraph (b) of this section may be waived or modified where appropriate.

(2) Requests for waiver of § 1105.10(a)(1) must describe as completely as possible the anticipated environmental effects of the proposed action, and the timing of the proposed action, and show that all or part of the six month lead period is not appropriate.

(d) *Third-Party Consultants.* Applicants may utilize independent third-party consultants to prepare any necessary environmental documentation, if approved by SEA. The environmental reporting requirements that would otherwise apply will be waived if a railroad hires a consultant, SEA approves the scope of the consultant's work, and the consultant works under SEA's supervision. In such a case, the consultant acts on behalf of the Board, working under SEA's direction to collect the needed environmental information and compile it into a draft EA or draft EIS, which is then submitted to SEA for its review, verification, and approval. We encourage the use of third-party consultants.

(e) *Service of Environmental Pleadings.* Agencies and interested parties sending material on environmental and historic preservation issues directly to the Board should send copies to the applicant. Copies of Board communications to third-parties involving environmental and historic preservation issues also will be sent to the applicant where appropriate.

(f) *Consideration in decisionmaking.* The environmental documentation (generally an EA or an EIS) and the comments and responses thereto concerning environmental, historic preservation, CZMA, and endangered species

§ 1105.11

49 CFR Ch. X (10-1-15 Edition)

issues will be part of the record considered by the Board in the proceeding involved. The Board will decide what, if any, environmental or historic preservation conditions to impose upon the authority it issues based on the environmental record and its substantive responsibilities under the Interstate Commerce Act. The Board will withhold a decision, stay the effective date of an exemption, or impose appropriate conditions upon any authority granted, when an environmental or historic preservation issue has not yet been resolved.

(g) *Finding of No Significant Impact.* In all exemption cases, if no environmental or historic preservation issues are raised by any party or identified by SEA in its independent investigation, the Board will issue a separate decision making a Finding of No Significant Impact ("FONSI") to show that it has formally considered the environmental record.

[56 FR 36105, July 31, 1991 as amended at 56 FR 49821, Oct. 1, 1991; 64 FR 53268, Oct. 1, 1999]

§ 1105.11 Transmittal letter for Applicant's Report.

A carrier shall send a copy of its Environmental and/or Historic Report to the agencies identified in section 1105.7(b) and/or the appropriate State Historic Preservation Officer(s) and certify to the Board that it has done this. The form letter contained in the Appendix to this section should be used in transmitting the Environmental and/or Historic Reports.

APPENDIX TO § 1105.11—TRANSMITTAL LETTER FOR APPLICANT'S REPORT

(Carrier Letterhead)  
(Addresses)

Re: (Brief description of proposed action with STB docket number, if available)  
(Date)

On (date), we are (or expect to be) filing with the Surface Transportation Board a (type of proceeding) seeking authority to ( ) located in (state) (city or town) and (mileposts, if applicable). Attached is an Environmental Report (and/or Historic Report) describing the proposed action and any expected environmental (and/or historic) 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 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 Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, telephone [INSERT TELEPHONE NUMBER] and refer to the above *Docket No.* (if available). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is (name) who may be contacted by telephone at (telephone number) or by mail at (address).

(Complimentary close)  
(Name and title of author of letter)

[56 FR 36105, July 31, 1991, as amended at 56 FR 44619, Aug. 24, 1993; 64 FR 53268, Oct. 1, 1999]

§ 1105.12 Sample newspaper notices for abandonment exemption cases.

In every abandonment exemption case, the applicant shall publish a notice in a newspaper of general circulation in each county in which the line is located and certify to the Board that it has done this by the date its notice of (or petition for) exemption is filed. The notice shall alert the public to the proposed abandonment, to available reuse alternatives, such as trail use and public use, and to how it may participate in a Board proceeding. Sample newspaper notices are provided in the Appendix to this section for guidance to the railroads.

APPENDIX TO § 1105.12—SAMPLE NEWSPAPER NOTICES

SAMPLE LOCAL NEWSPAPER NOTICE FOR OUT-OF-SERVICE ABANDONMENT EXEMPTIONS

NOTICE OF INTENT TO ABANDON OR TO DISCONTINUE RAIL SERVICE

(Name of railroad) gives notice that on or about (insert date notice of exemption will be filed with the Surface Transportation Board), it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the (abandonment of or discontinuance of

service on) a \_\_\_ mile line of railroad between railroad milepost \_\_\_, near (station name), which traverses through United States Postal Service ZIP Codes (ZIP Codes) and railroad milepost \_\_\_, near (station name) which traverses through United States Postal Service ZIP Codes (ZIP Codes) in \_\_\_ County(ies), (State). The proceeding will be docketed as No. AB\_\_\_(Sub-No. \_\_\_X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at [INSERT TELEPHONE NUMBER].

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at [INSERT TELEPHONE NUMBER]. Copies of any comments or requests for conditions should be served on the applicant's representative: (Name, address and phone number).

**SAMPLE LOCAL NEWSPAPER NOTICE FOR PETITIONS FOR ABANDONMENT EXEMPTIONS**

**NOTICE OF INTENT TO ABANDON OR TO DISCONTINUE RAIL SERVICE**

(Name of railroad) gives notice that on or about (insert date petition for abandonment exemption will be filed with the Surface Transportation Board) it intends to file with the Surface Transportation Board, Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, permitting the (abandonment of or discontinuance of service on) a \_\_\_ mile line of railroad between railroad milepost \_\_\_, near (station name) which traverses through United

States Postal Service ZIP Codes (ZIP Codes), and railroad milepost \_\_\_, near (station name) which traverses through United States Postal Service ZIP Codes (ZIP Codes) in \_\_\_ County(ies), (State). The proceeding has been docketed as No. AB\_\_\_(Sub-No. \_\_\_X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to SEA, Surface Transportation Board, Washington, DC 20423 or by calling SEA at [INSERT TELEPHONE NUMBER].

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at [INSERT TELEPHONE NUMBER]. Copies of any comments or requests for conditions should be served on the applicant's representative (name and address).

[56 FR 36105, July 31, 1991, as amended at 56 FR 49821, Oct. 1, 1991; 58 FR 44619, Aug. 24, 1993; 61 FR 67883, Dec. 24, 1996; 64 FR 53268, Oct. 1, 1999; 69 FR 58366, Sept. 30, 2004; 74 FR 52906, Oct. 15, 2009]

**PART 1106—PROCEDURES FOR SURFACE TRANSPORTATION BOARD CONSIDERATION OF SAFETY INTEGRATION PLANS IN CASES INVOLVING RAILROAD CONSOLIDATIONS, MERGERS, AND ACQUISITIONS OF CONTROL**

Sec.  
1106.1 Purpose.  
1106.2 Definitions.

Exhibit No. 5  
Historic Report

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C.

---

SOO LINE RAILROAD COMPANY – )  
ABANDONMENT OF TRACKAGE )  
LOCATED IN BURLEIGH COUNTY, )  
NORTH DAKOTA )  
)

DOCKET NO. AB-57  
(SUB-NO. 64X)

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VERIFIED NOTICE OF EXEMPTION TO ABANDON PURSUANT TO 49 C.F.R. § 1152.50  
A 0.9 MILE LINE OF RAILROAD BETWEEN MILEPOST 417.99 +/- AND MILEPOST  
418.89 +/- WHICH TRAVERSES THROUGH UNITED STATES POSTAL SERVICE  
ZIP CODES 58501 AND 58504 IN BURLEIGH COUNTY, NORTH DAKOTA

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HISTORIC REPORT  
IN COMPLIANCE WITH  
49 C.F.R. SECTION 1105.8

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SOO LINE RAILROAD COMPANY

STINSON LEONARD STREET LLP  
W. Karl Hansen  
150 South Fifth Street, Suite 2300  
Minneapolis, Minnesota 55402  
Tel. (612) 335-7088  
Fax. (612) 335-1657

Attorneys for Soo Line Railroad Company

Service Date: September 2, 2016

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C.

---

SOO LINE RAILROAD COMPANY – )  
ABANDONMENT OF TRACKAGE )  
LOCATED IN BURLEIGH COUNTY, )  
NORTH DAKOTA )

DOCKET NO. AB-57  
(SUB-NO. 64X)

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HISTORIC REPORT

Pursuant to 49 C.F.R. Sections 1105.7(e) and 1105.8, Soo Line Railroad Company (“Soo Line”) dba Canadian Pacific hereby submits the following Historic Report regarding the Notice of Exemption to Abandon a 0.9 mile line of railroad between Milepost 417.99 +/- and Milepost 418.89 +/- (the “Line”) which traverses through United States Postal Service ZIP Codes 58501 and 58504 in Burleigh County, North Dakota.

Section 1105.8(c) Distribution: The applicant must send the Historic Report to the appropriate State Historic Preservation Officer(s), preferably at least 60 days in advance of filing the application, petition, or notice, but not later than 20 days prior to filing with the Board.

See Certificate of Service effecting service on September 2, 2016, attached as Exhibit No. 1 to Environmental Report.

Section 1105.8(d)(1)-(8) Content: The Historic Report should contain the information required by § 1105.7(e)(1) (Environmental Report - See Preceding Report) and the following additional historic information:

Section 1105.8(d)(1) U.S.G.S. Topographic Maps: 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;

See Appendix A.

Section 1105.8(d)(2) Right-of-Way: 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 Line is located in the southeast portion of Bismarck, North Dakota where adjoining land use is limited to commercial and industrial uses. No residential properties exist adjoining the Line. The Line's right-of-way has a width of

approximately 50 feet from the railroad centerline. The topography is generally flat.

Section 1105.8(d)(3) Photographs: 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;

Representative photographs of the Line taken in July 2016 are included in Appendix B.

Section 1105.8(d)(4): The dates of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

Other than routine maintenance, there have been no major alterations to the Line since construction of a wye track connection to the BNSF Railway Company's rail line in 2010.

Section 1105.8(d)(5) History: 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.

In or about 1902, the Minneapolis, St. Paul & Sault Ste. Marie Railway, Soo Line's corporate predecessor, constructed the Line between Wishek and Bismarck, ND. In 1986, Soo Line abandoned 23.1 miles of the Line between milepost 392.90 at Moffit, ND and milepost 416.0 at Bismarck, ND. *See* ICC Docket No. AB-57 (Sub-No. 16X), (ICC served Oct. 10, 1986).

The Line has been out of service for more than two years and, other than the removal of track, ties and OTM, no changes are contemplated as a result of the proposed action.

Section 1105.8(d)(6) Documents: 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.

The carrier's files consist primarily maps and photos of the Line, some engineering drawings, and maintenance records.

Section 1105.8(d)(7) Opinion: 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 C.F.R. § 60.4), and whether there is a likelihood of archaeological 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).

It is Soo Line's opinion that the Line would not meet the criteria for listing in the National Register of Historic Places. The North Dakota State Historical Board concurs in this assessment in its correspondence included in Exhibit 3.

Section 1105.8(d)(8) Archaeological Resources: 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 archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

There are no known ground disturbances or fills other than those which would have occurred during original construction of this Line and any subsequent maintenance or rehabilitation. There are no known toxic waste areas within the right-of-way of the Line.

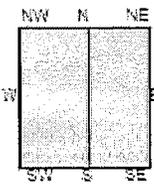
The following excerpt from ICC document *Assessment of Environmental Impacts Associated with Railroad Abandonment Proposals* discusses archeological evaluations:

“Salvaging an abandoned railroad line is normally confined to the limits of the right of way and rarely involves major excavation work. If the right of way is to be leveled at all, only the roadbed built up during actual construction of the line would be affected. It is unlikely that there are any historic track structures under the roadbed since old rails and ties are salvaged during maintenance and rehabilitation operations. Likewise, there is usually neither significant damage to the vegetation found within the right of way nor any effect on land adjacent to the railroad property. By confining salvage operations of a rail line as discussed above, it is not anticipated that any archaeological sites in or immediately adjacent to the right of way, would be affected by the abandonment.”

END OF REPORT

Appendix A

Map of Abandonment Location



TP, Bismarck, 2014, 7.5-minute  
 E. Menoken SW, 2014, 7.5-minute

Soo Line Railroad Company  
 Bismarck abandonment  
 STB Docket No. AB-57 (Sub-No. 64X)



## Appendix B

### Photographs of Railroad Structures and the Immediately Surrounding Area

Soo Line Railroad Company -- Abandonment in Burleigh County, North Dakota

STB Docket No. AB-57 (Sub-No. 64X)



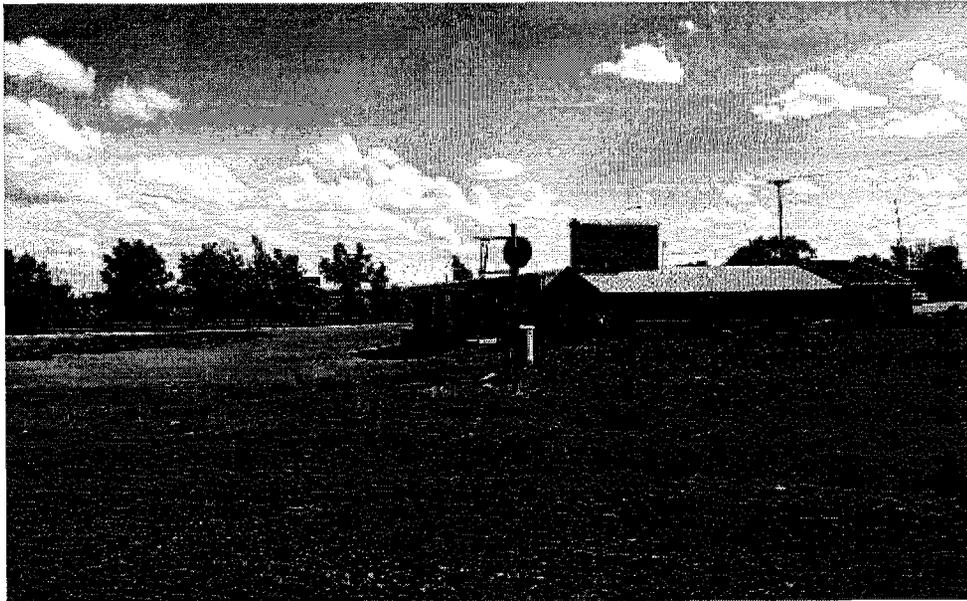
Right-of-way southeast of South 26th Street; view is facing northwest



Right-of-way facing southeast toward the intersection of Old Highway 10 / Railroad Avenue.



Right-of-way at center with adjoining properties, former welding supply warehouse at left and vacant land at right; view is facing west-northwest toward South 26th Street.



Right-of-way in foreground with signal structure at center and former welding supply warehouse in background; view is facing south-southwest.



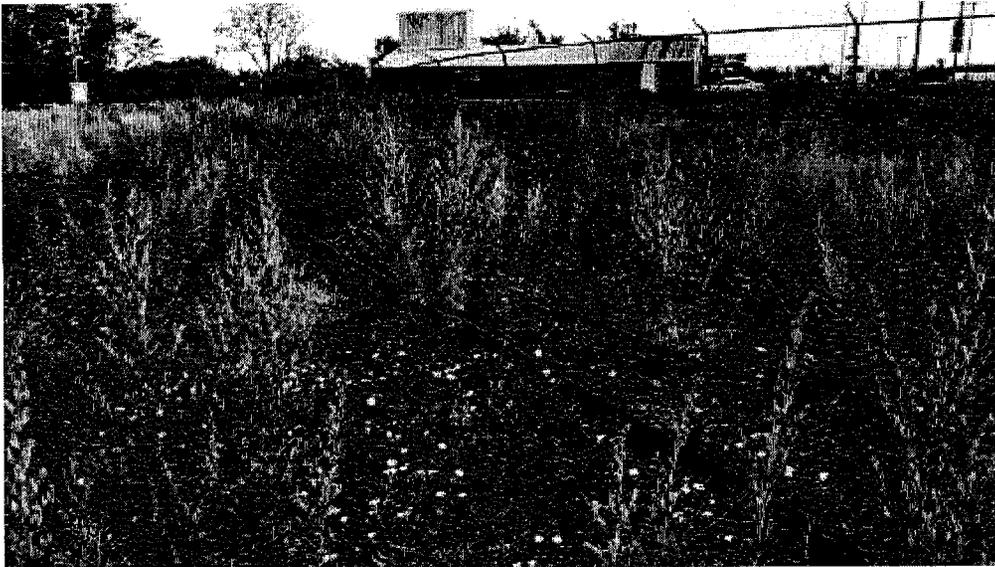
Adjoining vacant property along Old Highway 10 / Railroad Avenue east of South 26th Street; view is facing northwest.



Right-of-way east of South 26th Street with railroad ballast along former track bed and a small pile of asphaltic material in the foreground; view is facing southeast.



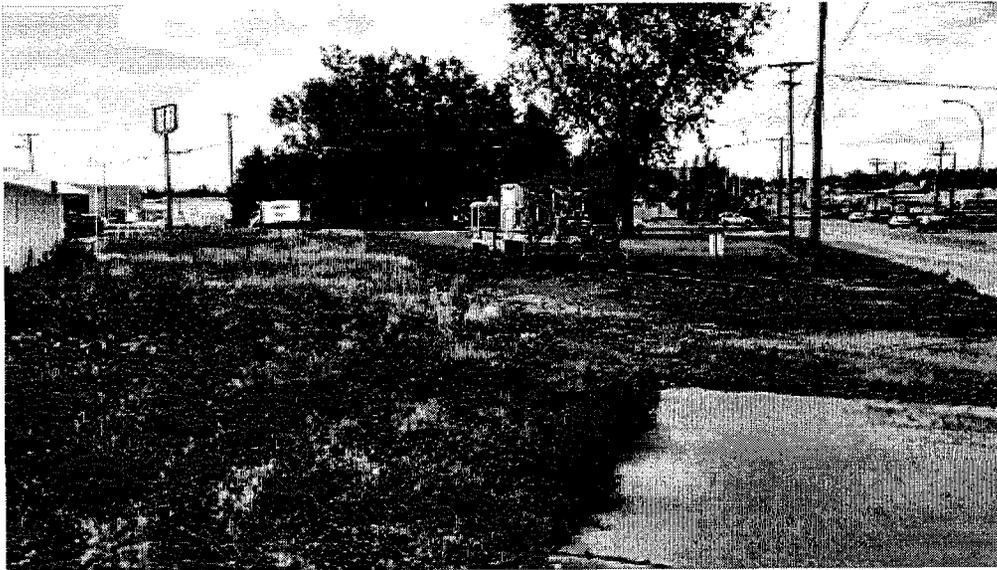
Evidence of prairie dog colony on adjoining property north of right-of-way along Old Highway 10 / Railroad Avenue east of South 26th Street; view is facing northeast.



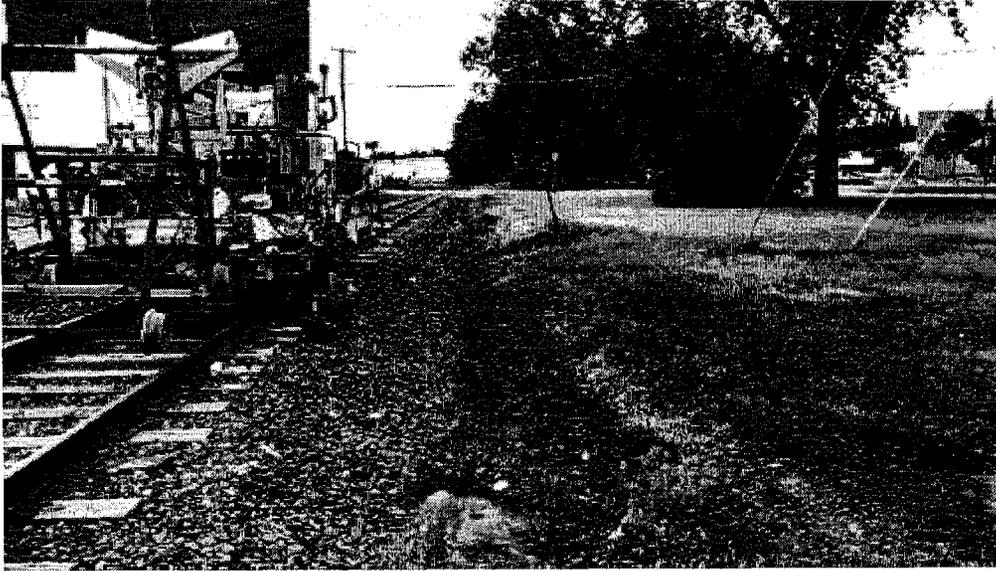
Track materials on right-of-way east of South 26th Street; view is facing south-southeast.



Adjoining CS Doors property (former Dave's Auto) south of the right-of-way, west of South 26th Street; view is facing south.



Right-of-way west of South 26th Street; view is facing north.



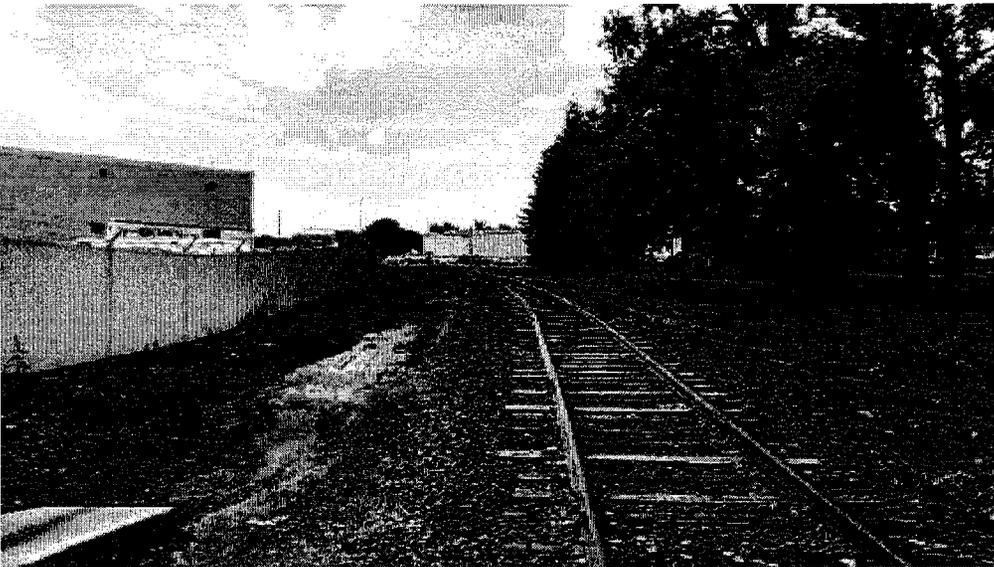
Right-of-way west of South 26th Street showing evidence of herbicide use along the railroad bed. View is facing northwest.



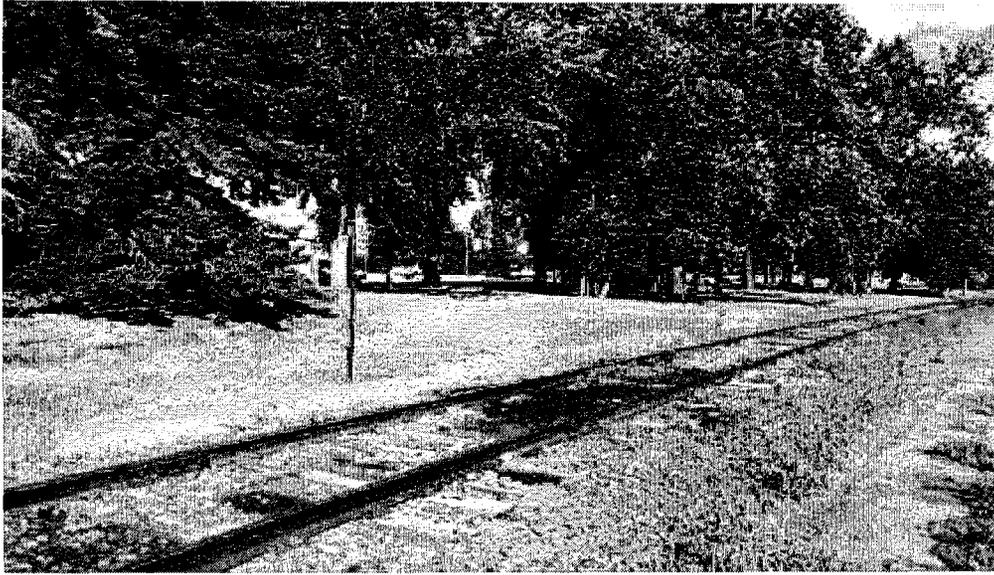
Right-of-way northwest of intersection with South 26th Street showing Woods Audio building on adjoining property; view is facing west.



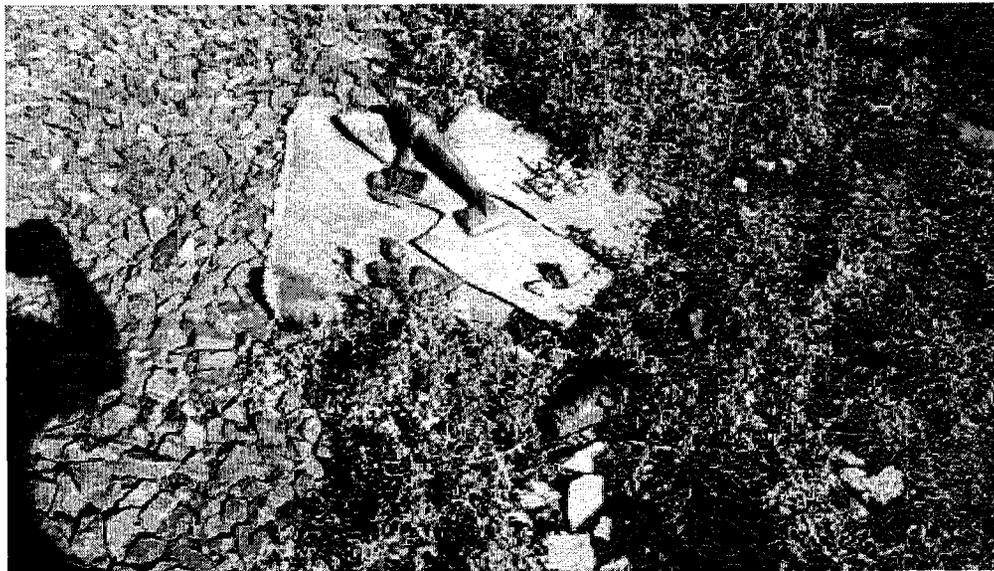
Adjoining property of Ennen Electric, Inc. The fence and portion of the parking lot are located on Soo Line property.



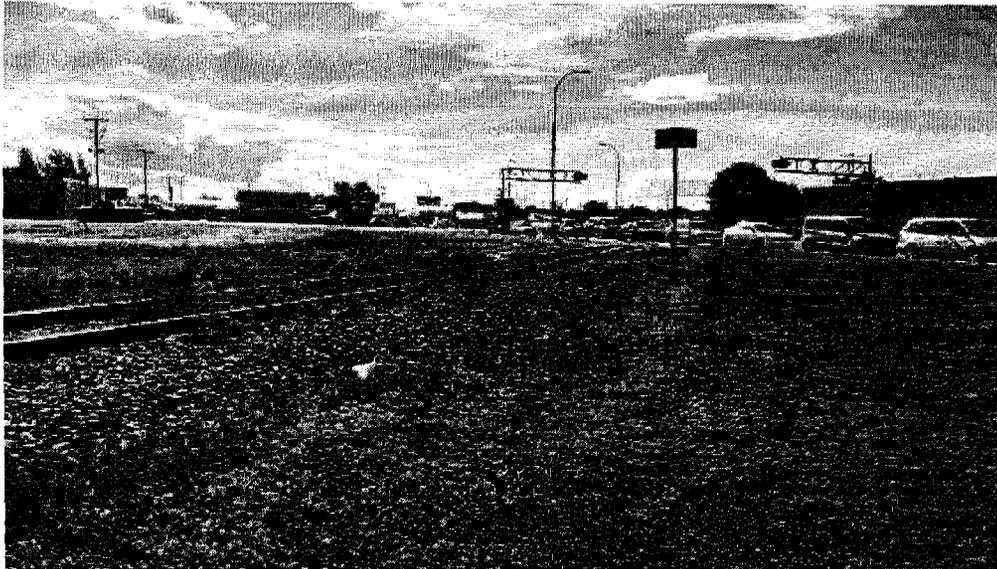
Right-of-way north of Railroad Avenue. Ennen Electric Inc. building on left adjoining property and Big Boy restaurant parking lot at right; view is facing northwest.



Right-of-way west of adjoining Big Boy property, with de minimis staining visible along tracks; view is facing east.



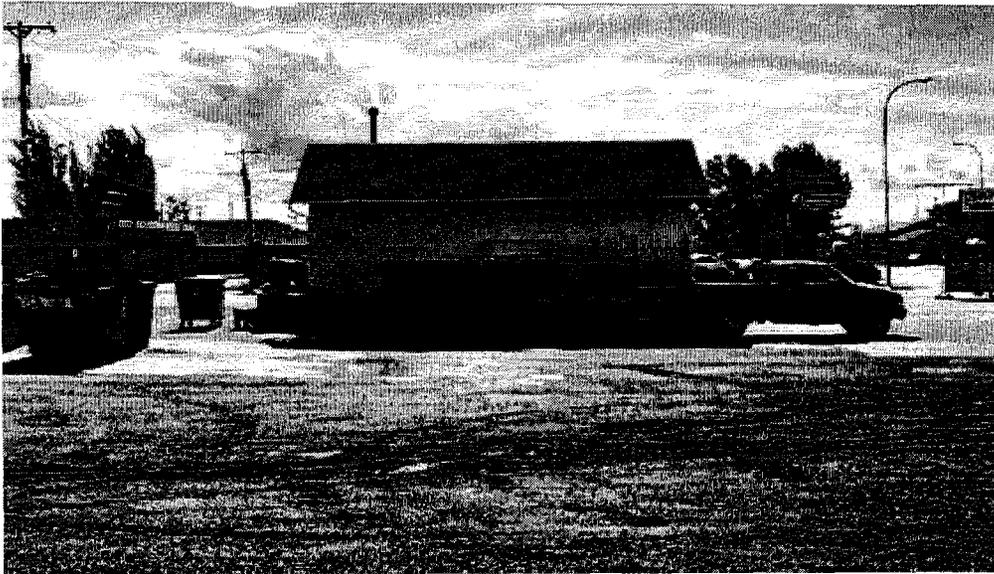
Typical metal debris discarded along the right-of-way track bed between Railroad Avenue and Main Avenue.



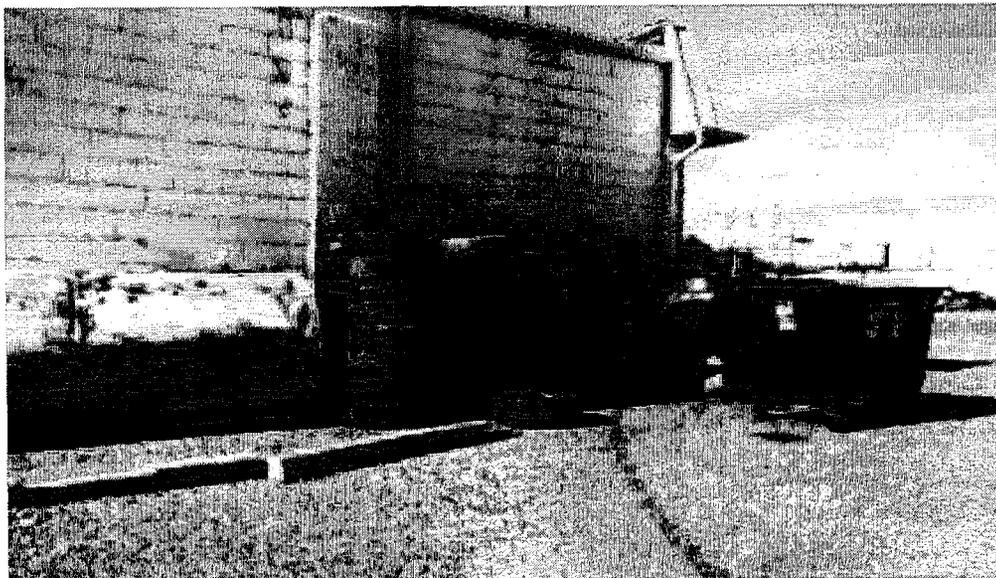
Right-of-way south of Main Avenue with evidence of herbicide use along the track bed; view is facing northwest.



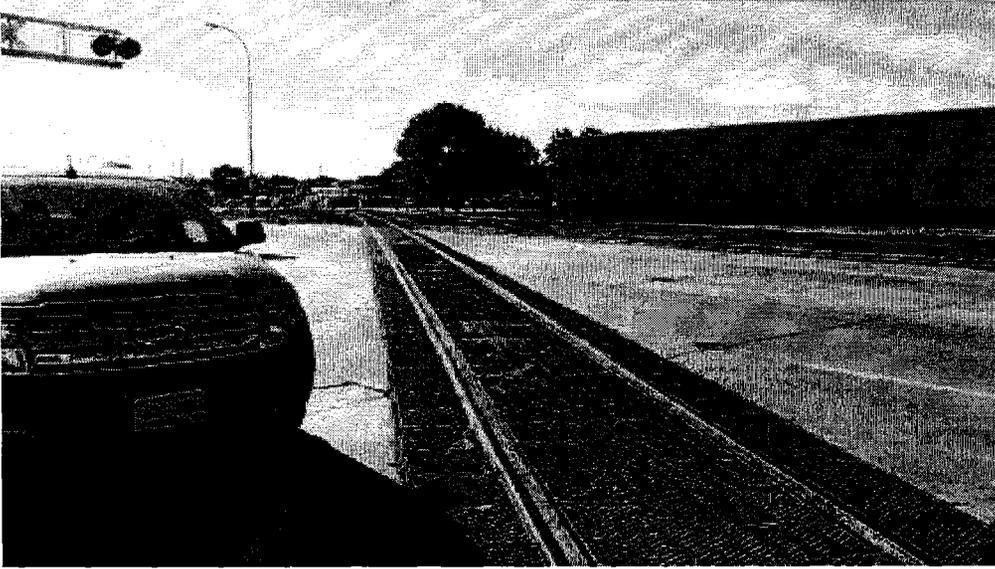
Right of way south of Main Avenue. Adjoining Ennen Electric, Inc. property is in the right background; view is facing southeast.



Adjoining property of Isaak's Service (former Schneider's Service), with drums and tires stored along the east and south exterior; view is facing west.



Adjoining property of Isaak's Service (former Schneider's Service) with AST and used tires; view is facing north.



Northwestern terminus of right-of-way abandonment at north edge of Main Avenue; view is facing northwest.