

204749

212
419

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT
101 NORTH WACKER DRIVE, SUITE 1920
CHICAGO, ILLINOIS 60606
FAX NO. 312-777-2065

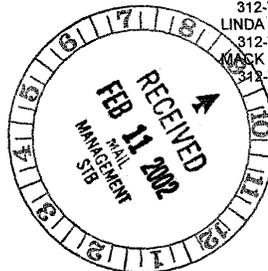
RONALD J. CUCHNA
GENERAL SOLICITOR
312-777-2040



GEORGE H. BRANT
312-777-2051
THOMAS W. CUSHING
312-777-2053
FREDERICK P. JOHNSTON, JR.
312-777-2047
DANIEL R. LA FAVE
312-777-2046
LINDA J. COYLE
312-777-2056
MACK H. SHUMATE, JR.
312-777-2055

DID # 0101887001

February 8, 2002



VIA UPS OVERNIGHT DELIVERY

Mr. Vernon Williams, Secretary
Surface Transportation Board
1925 "K" Street, N.W.
Washington, DC 20423-0001

**RE: Docket No. AB-33 (Sub-No. 186X), Union Pacific Railroad Company -
Abandonment Exemption - in Martin County, Minnesota
(Trimont Industrial Lead)**

Dear Mr. Williams:

Pursuant to the Board's exemption procedures for abandonment of rail lines with no local business for at least two years (49 C.F.R. 1152.50), enclosed are an original and ten (10) copies of a verified Notice of Exemption including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 186X). Enclosed is our check in the amount of \$2,600.00 for filing fees.

Sincerely yours,

Mack H. Shumate, Jr.,
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 853-8455
(312) 853-8465 FAX

FEE RECEIVED

FEB 11 2002

**SURFACE
TRANSPORTATION BOARD**

Enclosures

FILED

FEB 11 2002

**SURFACE
TRANSPORTATION BOARD**

204749

212

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 186X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN MARTIN COUNTY, MINNESOTA
(TRIMONT INDUSTRIAL LEAD)



NOTICE OF EXEMPTION

FEE RECEIVED

FEB 11 2002

SURFACE
TRANSPORTATION BOARD

ENTERED
Office of the Secretary

FEB 12 2002

Part of
Public Record

FILED

FEB 11 2002

SURFACE
TRANSPORTATION BOARD

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

Dated: February 8, 2002
Filed: February 11, 2002

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 186X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN MARTIN COUNTY, MINNESOTA
(TRIMONT INDUSTRIAL LEAD)

NOTICE OF EXEMPTION

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights, for an exempt abandonment of the Trimont Industrial Lead from milepost 140.57 to milepost 142.40 near Trimont, Minnesota (the "Line"). The Line is located in Martin County, Minnesota.

Proposed Consummation Date: 49 C.F.R. § 1152.50 (d)(2)

The abandonment is proposed to be consummated on or after April 2, 2002 (at least 50 days after filing the Notice of Exemption).

Certification: 49 C.F.R. 1152.50(b)

UP certifies that no local traffic has moved over the Line for at least two years; and that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period.

Additional Information Required: 49 C.F.R. 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

(a) General.

(a)(1) The railroad's exact name is Union Pacific Railroad Company.

(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) UP intends to abandon the Trimont Industrial Lead from milepost 140.57 to milepost 142.40 near Trimont, Minnesota (the "Line"). The Line is located in Martin County, Minnesota.

(a)(4) A map showing the location of the Line in conjunction with other rail lines, highways and major roads in the area is attached as hereto as **Exhibit A** and hereby made a part hereof.

(a)(7) The representative to whom correspondence regarding this abandonment should be sent is:

Mack H. Shumate, Jr., Senior General Attorney
Union Pacific Railroad Company
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

(a)(8) ZIP Code. The Line traverses U. S. Postal Service Zip Code 56176.

(e)(4) Rural and Community Impact. There appear to be no reasonable alternatives to the abandonment. The property is not appropriate for use for other public purposes, including roads, highways, other forms of mass transportation, conservation, energy production or transmission or recreation. No local traffic has moved over the Line in the past two years. Based on information in the UP's possession, the Line proposed for

abandonment does not contain federally granted right-of-way. The title to the property in the proposed abandonment contains no reversionary parcels. The right-of-way is of varying widths up to 100 feet. The area surrounding the segment proposed for abandonment is mostly rural agricultural in nature. The topography varies from level to hilly.

Labor Protection

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. -- Abandonment -- Goshen , 360 ICC 91 (1979).

Certifications

Attached hereto as **Exhibit B** and hereby made a part hereof is a Certificate of Service and Publication pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

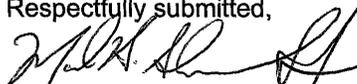
Environmental and Historic Report

The Combined Environmental and Historic report containing the information required by 49 C.F.R. §§ 1105.7 (e) and 1105.8 is attached hereto as **Exhibit C** and hereby made a part hereof. The original and ten (10) copies were sent to Ms. Victoria Rutson, Section of Environmental Analysis (SEA), on December 18, 2001. By letter dated January 23, 2002, received on January 28, 2002 from the Minnesota Historical Society, a copy of which is attached hereto as **Exhibit D** and hereby made a part hereof, the Deputy State Historic Preservation Officer has determined that no properties on the Line are eligible for or listed on the National Registry of Historic Places. By letter dated January 31,

2002 from the Department of Army, Army Corps of Engineers, a copy of which is attached hereto as **Exhibit E** and hereby made a part hereof, the UP was instructed to comply with applicable regulations. UP represents that it will so comply.

Dated this 8th day of February, 2002.

Respectfully submitted,



UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

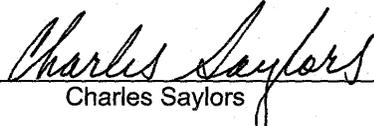
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VERIFICATION

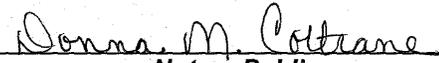
Docket No. AB-33 (Sub-No. 186X)

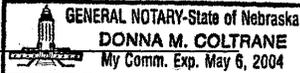
STATE OF NEBRASKA)
)ss:
COUNTY OF DOUGLAS)

CHARLES SAYLORS, makes oath and says that he is the Director-Legal Support Services of Union Pacific Railroad Company; that he has examined all of the statements in the foregoing Notice of Exemption in Docket No. AB-33 (Sub-No. 186X), to abandon the Trimont Industrial Lead in Martin County, Minnesota; that he has knowledge of the facts and matters relied upon in the Notice; and that all representations set forth therein are true to the best of his knowledge, information and belief.

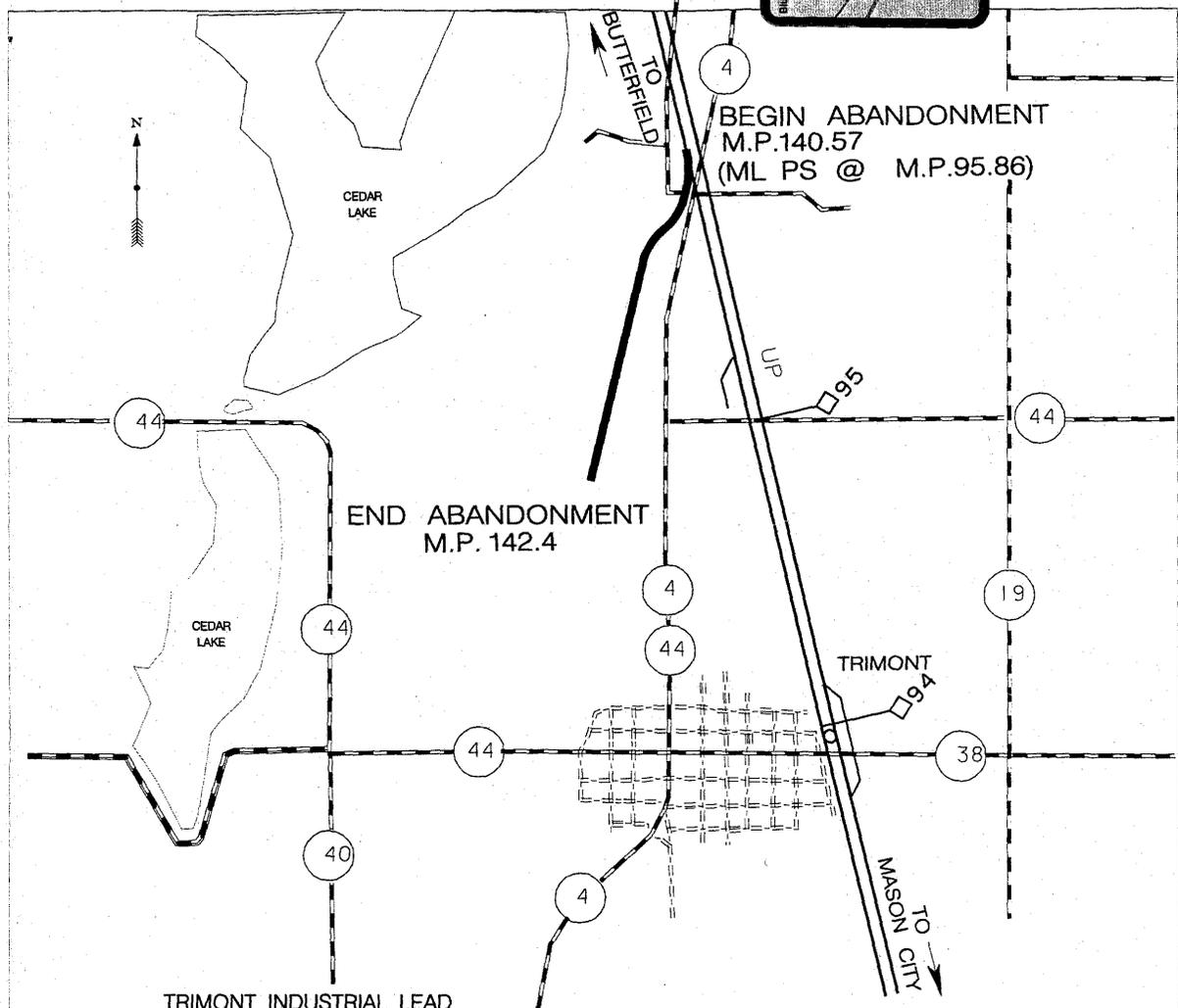

Charles Saylor

Subscribed and **Sworn** to before me
this 7th day of February, 2002.


Notary Public

My Commission expires: 

Blainberg Inc. 811
EXHIBIT
A

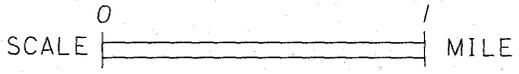


TRIMONT INDUSTRIAL LEAD
 MP 140.57 TO MP 142.4
 TRIMONT INDUSTRIAL LEAD A TOTAL OF 1.83 MILES
 IN MARTIN COUNTY, MINNESOTA

- L E G E N D**
- UPRR LINES TO BE ABANDONED
 - OTHER UPRR LINES
 - OTHER RAILROADS
 - 50+ YEAR OLD STRUCTURES
 - PRINCIPAL HIGHWAYS
 - OTHER ROADS

THERE ARE NO 50 YEAR OLD
 STRUCTURES ON THIS LINE.

**UNION PACIFIC RAILROAD CO.
 TRIMONT INDUSTRIAL LEAD**



DOCKET NO. AB-33 (SUB-NO. 186X)
UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN MARTIN COUNTY, MINNESOTA
(TRIMONT INDUSTRIAL LEAD)

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on January 25, 2002 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the exemption notice procedure to abandon the Trimont Industrial Lead in Martin County, Minnesota in Docket No. AB-33 (Sub-No. 186X). Written notice (a copy of which is attached hereto as Attachment 1) was served on the following:

(SEE SERVICE LIST ATTACHED)

49 C.F.R. § 1105.11 - Transmittal Letter For Applicant's Report

The undersigned certifies that on December 18, 2001 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49 C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 186X) for abandonment of the Trimont Industrial Lead in Martin County, Minnesota on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) State Coastal Zone Management Agency
- (4) Head of each County
- (5) U.S. Environmental Protection Agency (regional office)
- (6) U.S. Fish and Wildlife Service
- (7) U.S. Army Corps of Engineers
- (8) National Park Service

- (9) U.S. Natural Resources Conservation Service
- (10) The National Geodetic Survey
- (11) State Historic Preservation Office
- (12) Other Agencies Consulted (as listed)

(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served a copy of which is attached hereto as Attachment 2).

49 C.F.R. § 1105.12 - Newspaper Notice

The undersigned further certifies that a "Notice of Intent to Abandon" was published in the form prescribed by the Board for a Notice of Exemption. The notice was published one time in a major newspaper in the county in which the Lines are located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Martin	<i>Sentinel</i>	January 26, 2002

Dated this 8th day of February, 2002.


Charles W. Saylor

SERVICE LIST

Minnesota Department of Transportation
Transportation Building
395 John Ireland Boulevard
St. Paul, MN 55155

National Park Service
William D. Shaddox,
Chief, Land Resources Division
800 North Capitol Street, N.E., Room 540
Washington, D.C. 20002

U. S. Department of Agriculture
Chief of the Forest Service
4th Floor NW, Auditors Building
14th Street & Independence Avenue, SW
Washington, D.C. 20250

Military Traffic Command
Transportation Engineering Agency
Attn: Railroads for National Defense
720 Thimble Shoals Boulevard, Suite 130
Newport News, VA 23606-2574

UNION PACIFIC RAILROAD COMPANY

Attachment 1

LAW DEPARTMENT
101 NORTH WACKER DRIVE, SUITE 1920
CHICAGO, ILLINOIS 60606
FAX NO. 312-777-2065

RONALD J. CUCHNA
GENERAL SOLICITOR
312-777-2040



GEORGE H. BRANT
312-777-2051
THOMAS W. CUSHING
312-777-2053
FREDERICK P. JOHNSTON, JR.
312-777-2047
DANIEL R. LA FAVE
312-777-2046
LINDA J. COYLE
312-777-2056
MACK H. SHUMATE, JR.
312-777-2055

January 25, 2002

Minnesota Department of Transportation
Transportation Building
395 John Ireland Boulevard
St. Paul, MN 55155

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor NW, Auditors Bldg.
14th Street & Independence Ave., SW
Washington, D.C. 20250

National Park Service
William D. Shaddox
Chief, Land Resources Division
800 North Capitol Street, N.E., Room 540
Washington, D.C. 20002

Military Traffic Management Command
Transportation Engineering Agency
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

**Re: Docket No. AB-33 (Sub-No. 186X), Union Pacific Railroad Company -
Abandonment Exemption in Martin County, MN (Trimont Industrial Lead)**

Dear Sirs:

This is notice that Union Pacific Railroad Company intends to abandon the Trimont Industrial Lead from milepost 140.57 to milepost 142.40 near Trimont, Minnesota (the "Line"). The Line is located in Martin County, Minnesota.

The Line traverses U. S. Postal Service Zip Code 56176. The proceeding will be docketed as No. AB-33 (Sub-No. 186X).

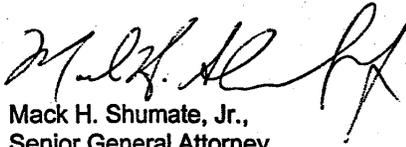
The "no business" exemption procedure will be used to abandon the Line, pursuant to the abandonment regulations of the Surface Transportation Board at 49 C.F.R. Section 115250. No local traffic has moved over the Line in at least two years and all overhead traffic on the Line can be rerouted. A Notice of Exemption will be filed with the Surface Transportation Board on or after February 11, 2002.

January 25, 2002
Page 2

Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in the Railroad's possession will be made available promptly to those requesting it.

A map showing the Line to be abandoned is attached, for your information.

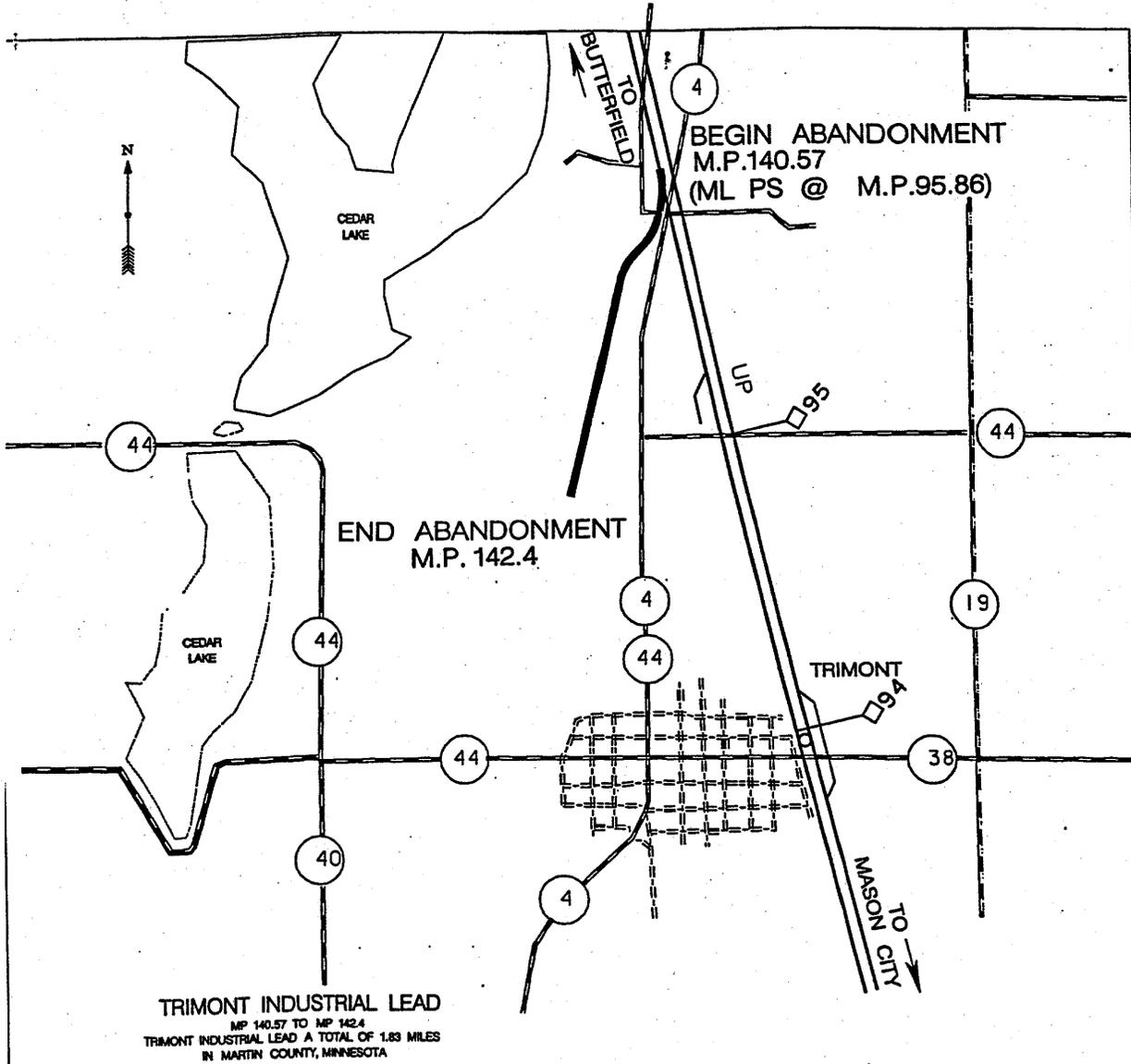
Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written in a cursive style.

Mack H. Shumate, Jr.,
Senior General Attorney

MHS/taf
Enclosure

O:\ABANDO~1\33-186X\33SUB186.TDL



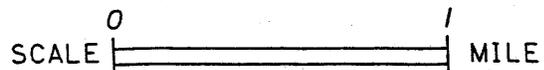
TRIMONT INDUSTRIAL LEAD
 MP 140.57 TO MP 142.4
 TRIMONT INDUSTRIAL LEAD A TOTAL OF 1.83 MILES
 IN MARTIN COUNTY, MINNESOTA

LEGEND

-  UPRR LINES TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  50+ YEAR OLD STRUCTURES
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

THERE ARE NO 50 YEAR OLD
 STRUCTURES ON THIS LINE.

UNION PACIFIC RAILROAD CO.
 TRIMONT INDUSTRIAL LEAD



UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT
101 NORTH WACKER DRIVE, SUITE 1920
CHICAGO, ILLINOIS 60606
FAX NO. 312-777-2065

Attachment 2

RONALD J. CUCHNA
GENERAL SOLICITOR
312-777-2040



GEORGE H. BRANT
312-777-2051
THOMAS W. CUSHING
312-777-2053
FREDERICK P. JOHNSTON, JR.
312-777-2047
DANIEL R. LA FAVE
312-777-2046
LINDA J. COYLE
312-777-2056
MACK H. SHUMATE, JR.
312-777-2055

December 18, 2001

VIA UPS OVERNIGHT DELIVERY

Surface Transportation Board
Section of Environmental Analysis
1925 "K" Street, N.W. Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

RE: Docket No. AB-33 (Sub-No. 186X), Union Pacific Railroad Company -
Abandonment Exemption - In Martin County, MN
(Trimont Industrial Lead near Trimont, MN)

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption in this matter on or after January 8, 2001.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Mack H. Shumate, Jr." with a stylized flourish at the end.

Mack H. Shumate, Jr.
Senior General Attorney

MHS/taf
Enclosures

cc: w/enclosures

State Clearinghouse (or alternate):

Minnesota Planning
658 Cedar Street
Room 300
St. Paul, MN 55155

State Environmental Protection Agency:

Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

**State Coastal Zone Management Agency
(if applicable):**

Not applicable.

Head of each County:

Martin County Courthouse
201 Lake Avenue
Fairmont, MN 56031

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling MN 55111

U.S. Army Corps of Engineers:

U.S. Army Engineer District-St. Paul
190 Fifth Street East
St. Paul, MN 55101-1638

National Park Service:

William D. Shaddox
Chief, Land Resources Division
National Park Service
800 North Capitol Street, NE., Room 500
Washington, D.C. 20002

**U.S. Natural Resources Conservation
Service:**

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

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historical Preservation Office:

Minnesota Historical Society
345 W. Kellogg Blvd.
St. Paul, MN 55102-1906

Other Agencies Consulted:

Minnesota Board of Water & Soil Resources
One West Water Street, Suite 200
St. Paul, MN 55107-2039

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

**Before the
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 186X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN MARTIN COUNTY, MINNESOTA
(TRIMONT INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

**Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 853-8455
(312) 853-8465 FAX**

Dated: December 18, 2001

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 186X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN MARTIN COUNTY, MINNESOTA
(TRIMONT INDUSTRIAL LEAD)

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of the Trimont Industrial Lead from milepost 140.57 to milepost 142.4 near Trimont, Minnesota (the "Line"). The Line is located in Martin County, Minnesota.

The Line traverses U. S. Postal Service Zip Code 56176. A Notice of Exemption to abandon the Line pursuant to 49 C.F.R. § 1152.50 (no local traffic for at least two years) will be filed on or after January 8, 2001.

A map of the Line is attached as **Attachment No. 1**. UP's letter to federal, state and local government agencies is marked **Attachment No. 2**. Responses received to UP's letter to date are attached and sequentially numbered as indicated herein. In accordance with the response from the United States Department of Agriculture Natural

Resources Conservation Service dated October 31, 2001, additional letters were sent to the Minnesota Historical Society, Minnesota Board of Water & Soil Resources and Minnesota Department of Natural Resources.

ENVIRONMENTAL REPORT
49 C.F.R. § 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.

Response: The proposed action involves the abandonment by UP of the Trimont Industrial Lead from 140.57 to M. P. 142.4, a distance of 1.83 miles near Trimont in Martin County, Minnesota. There are no shippers on the Line, and no commodities have moved over the Line for over two years.

The Trimont Industrial Lead was constructed in 1889 and 1900 by the Minneapolis & St. Louis Railroad. The Line is constructed with 85-pound rail between the beginning of the Lead and milepost 142.0, then 70-pound rail from milepost 142.0 to the end of the main track at milepost 142.4. The 85-pound rail was laid second hand in 1974; the 70-pound rail appears to be original to the construction of the segment. There appear to be no reasonable alternatives to the abandonment. No local traffic has moved over the Line in the past two years, and there is no overhead traffic.

Based on information in the Applicants' possession, the Line proposed for abandonment does not contain federally granted right-of-way, and does not contain reversionary property.

There are no reasonable alternatives to the proposed abandonment. There are no shippers on the Line, and no commodities have moved over the Line for over two years. In UP's opinion, the property proposed for abandonment is not suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission because the area is adequately served by existing roads and utility lines.

A map of the Line is attached as **Attachment No. 1**.

(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.

Response: There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes. The subject Line has not been used for freight traffic for at least two years.

(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 effects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 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. § 10905 and explain why.

Response: (i) UP is unaware of any adverse effects on local and existing land use plans. Martin County, Minnesota officials have been contacted. To date UP has received no response.

(ii) The Assistant State Conservationist - Technology for the United States Department of Agriculture (USDA) states that project sponsors are not USDA program

benefit recipients, thus the wetland conservation provisions of the 1985 Food Security act, as amended, are not applicable. The USDA response is attached as **Attachment No. 3**.

(iii) Not applicable.

(iv) In UP's opinion, the property proposed for abandonment is not suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission because the area is adequately served by existing roads and utility lines.

(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.

Response: (i) There are no effects on the transportation of energy resources in view of the absence of rail shipments on the Line.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no change in energy consumption from the abandonment.

(iv)(A)(B) There will be no rail-to-motor diversion.

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

(A) an increase in rail traffic of at least 100% (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% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% 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 § 10505) to construct a new line

or reinstitute service over a previously abandoned line, only the eight train a day provision in §§ (5)(1)(A) will apply.

Response: There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

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

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

© an average increase in truck traffic of more than 10% 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. § 10505), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

(5) **Air.** (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.

Response: The proposed action will not affect the transportation of ozone depleting materials.

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

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

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

Response: Not applicable.

(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.

Response: (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

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

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

Response: (i) The U. S. Fish and Wildlife Service has been contacted. To date UP has received no response.

(ii) The National Park Service has been contacted. To date UP has received no response.

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

Response: (i) The State of Minnesota Pollution Control Agency indicated that possible impacts to streams, rivers, lakes, and wetlands from erosion and storm water runoff should be avoided or mitigated as much as possible to lessen any potential adverse impacts. The Agency's response is attached as **Attachment No. 4.**

(ii) The U.S. Army Corps of Engineers has been contacted. To date UP has received no response.

(iii) It is not anticipated there will be any requirements for Section 402 permits.

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

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(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:

Response: See **Attachment No. 1.**

(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:

Response: The Line is generally 100 feet in width and is mostly rural agricultural with a small end segment in Trimont. The topography varies from level to hilly.

(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:

Response: There no structures over 50-years old affected by the proposed abandonment.

(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:

Response: Not applicable.

(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:

Response: See the preceding pages for a brief history and description.

There have been no rail operations over the Line for at least two years. No changes in carrier operations are contemplated.

(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:

Response: UP believes no structures are 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 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: At this time, UP knows of no historic sites or structures or archeological resources in the project area. Mr. Snoddy also indicates that any archeological sites within the scope of the right-of-way would have been disturbed during

the construction of the Line, and any salvage activities should not affect any previously undisturbed sites. Abandonment of the Line and reduction of the grade will have no impact on any prehistoric sites.

(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:

Response: Applicants do not have any such readily available information.

(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 locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 18th day of December, 2001.

Respectfully submitted,



UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
312/777-2055
312/777-2065 FAX

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 186X), the Trimont Industrial Lead in Martin County, Minnesota was served by first class mail on the 18th day of December, 2001 on the following:

State Clearinghouse (or alternate):

Minnesota Planning
658 Cedar Street
Room 300
St. Paul, MN 55155

State Environmental Protection Agency:

Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

State Coastal Zone Management Agency

(if applicable):
Not applicable.

Head of each County:

Martin County Courthouse
201 Lake Avenue
Fairmont, MN 56031

Environmental Protection Agency
(regional office):

U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling MN 55111

U.S. Army Corps of Engineers:

U.S. Army Engineer District-St. Paul
190 Fifth Street East
St. Paul, MN 55101-1638

National Park Service:

William D. Shaddox
Chief, Land Resources Division
National Park Service
800 North Capitol Street, NE., Room 500
Washington, D.C. 20002

U.S. Natural Resources Conservation Service:

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

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historical Preservation Office:

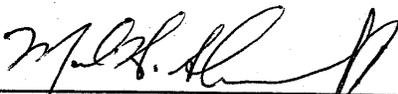
Minnesota Historical Society
345 W. Kellogg Blvd.
St. Paul, MN 55102-1906

Other Agencies Consulted:

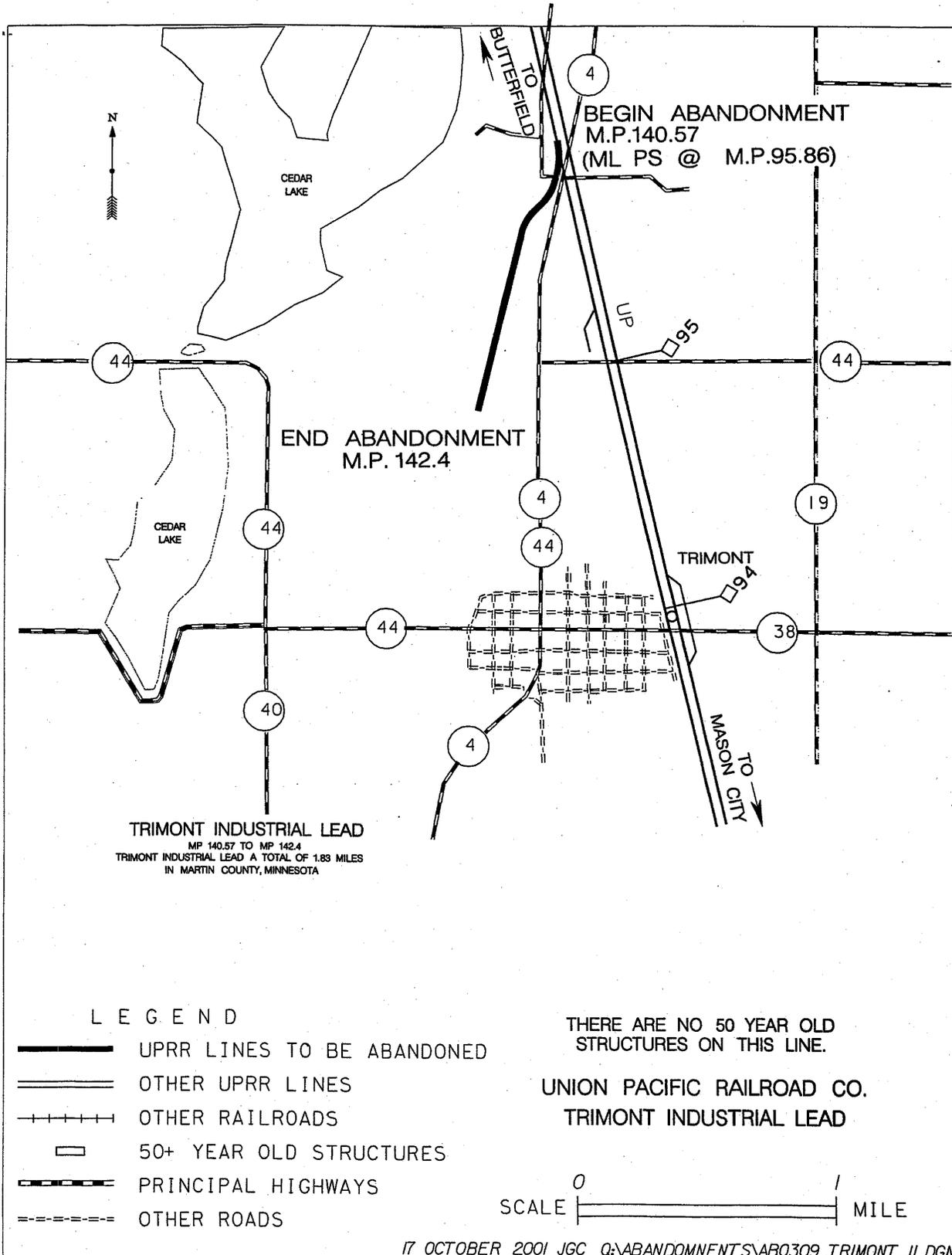
Minnesota Board of Water & Soil Resources
One West Water Street, Suite 200
St. Paul, MN 55107-2039

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

Dated this 18th day of December, 2001.

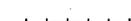
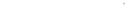


Mack. H. Shumate, Jr.



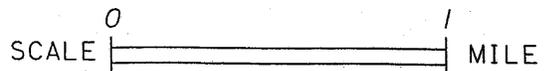
TRIMONT INDUSTRIAL LEAD
 MP 140.57 TO MP 142.4
 TRIMONT INDUSTRIAL LEAD A TOTAL OF 1.83 MILES
 IN MARTIN COUNTY, MINNESOTA

L E G E N D

-  UPRR LINES TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  50+ YEAR OLD STRUCTURES
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

THERE ARE NO 50 YEAR OLD
 STRUCTURES ON THIS LINE.

UNION PACIFIC RAILROAD CO.
 TRIMONT INDUSTRIAL LEAD



CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY



1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861
(402) 271-5625 (FAX)

October 19, 2001

State Clearinghouse (or alternate):

Minnesota Planning
658 Cedar Street
Room 300
St. Paul, MN 55155

State Environmental Protection Agency:

Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

**State Coastal Zone Management Agency
(if applicable):**

Not applicable.

Head of each County:

Martin County Courthouse
201 Lake Avenue
Fairmont, MN 56031

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling MN 55111

U.S. Army Corps of Engineers:

U.S. Army Engineer District-St. Paul
190 Fifth Street East
St. Paul, MN 55101-1638

National Park Service:

William D. Shaddox
Chief, Land Resources Division
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800 North Capitol Street, NE., Room 500
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St. Paul, MN 55101-1854

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

Re: Proposed abandonment of the Trimont Industrial Lead from Milepost 140.57 to Milepost 142.4 near Trimont in Martin County, Minnesota; STB Docket No. AB-33 (Sub-No. 186X)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon the Trimont Industrial Lead from Milepost 140.57 to Milepost 142.4, a distance of 1.83 miles in Martin County, Minnesota. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts, since there will be only limited salvage activities, as described in the preceding paragraph. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) 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, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

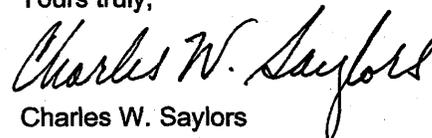
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

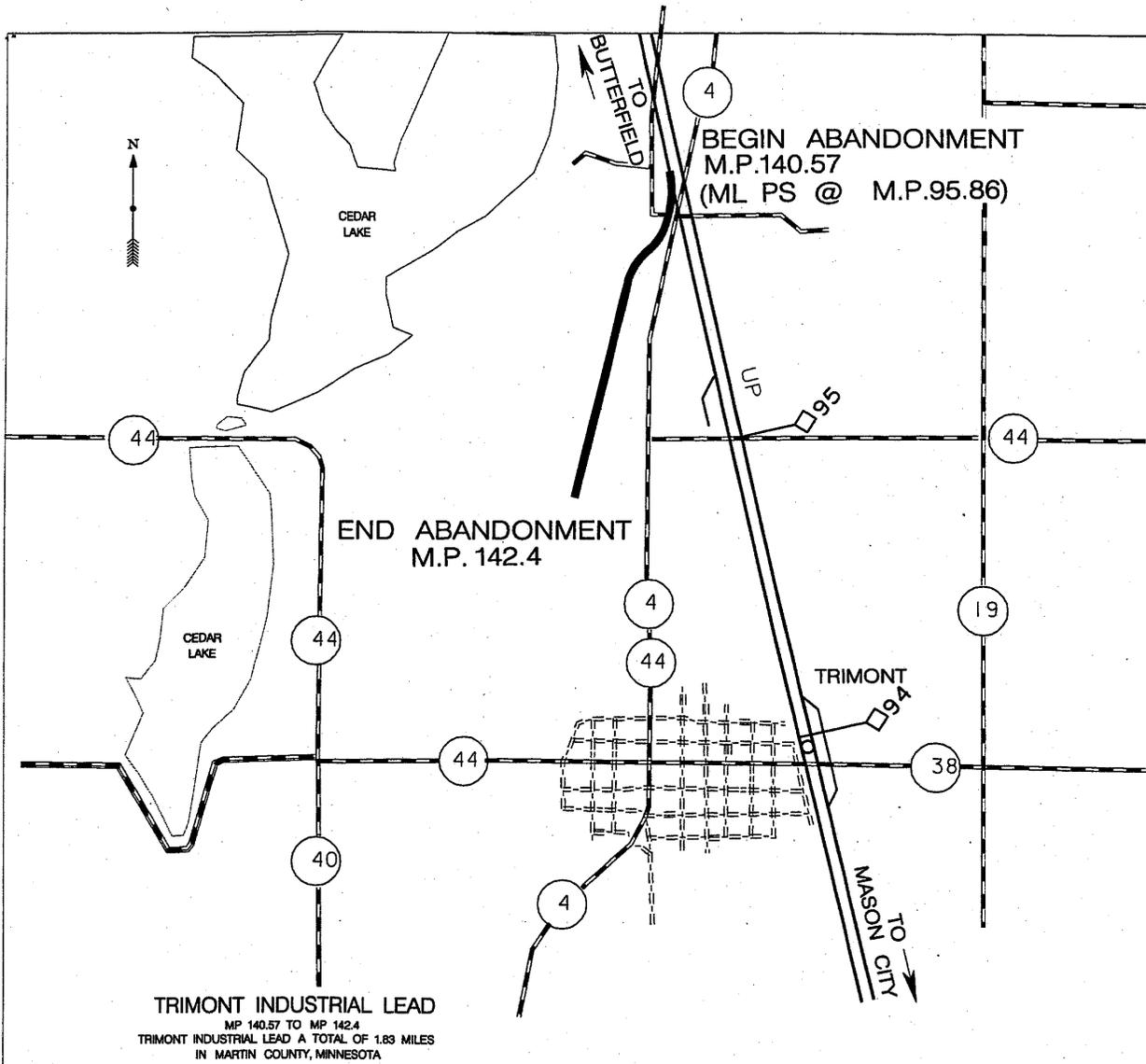
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

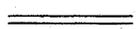
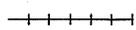
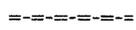
Yours truly,


Charles W. Saylor

Attachment

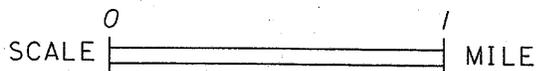


L E G E N D

-  UPRR LINES TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  50+ YEAR OLD STRUCTURES
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

THERE ARE NO 50 YEAR OLD
STRUCTURES ON THIS LINE.

UNION PACIFIC RAILROAD CO.
TRIMONT INDUSTRIAL LEAD





Natural
Resources
Conservation
Service

375 Jackson Street, Suite 600
St. Paul, MN 55101-1854
Phone: (612) 602-7900
Fax: (612) 602-7914

October 31, 2001

File Code: 190-15-13

IN REPLY

REFER TO: Environmental review for: Abandonment - Trimont Industrial Lead.

Mr. Chuck Saylor
Union Pacific Railroad
1416 Dodge Street, Rm. 830
Omaha, NE 68179

1. The Natural Resources Conservation Service (NRCS) has reviewed the appropriate sections of the above mentioned proposed project. The project sponsors are not USDA program benefit recipients, thus the wetland conservation provisions of the 1985 Food Security act, as amended are not applicable. It should be noted, however, that actions by a non-USDA participant third party (project sponsor) which impact agricultural wetlands owned or operated by USDA participants, may jeopardize the owner/operators USDA eligibility. If such impacts are anticipated, the owner/operator should contact the county Farm Service Agency (FSA) office to consider an application for a third party exemption.
2. Neither NRCS technical nor financial assistance is being provided in support of this project, thus specific NRCS environmental policies are not applicable.
3. The following agencies may have federal or state wetlands, cultural resources, water quality or threatened and endangered species jurisdiction in the proposed project, and should be consulted.
 - Army Corps of Engineers (USACOE)
 - US Fish and Wildlife Service (FWS)
 - Board of Water and Soil Resources (BWSR) - Minnesota Wetlands Conservation Act
 - Minnesota Department of Natural Resources (MDNR)
 - Minnesota Pollution Control Agency (MPCA)
 - State Historic Preservation Officer/State Archaeologist (SHPO)
4. If as a result of your proposal you are affecting agricultural lands, and if any federal monies are involved, it is a requirement that a Farmland Policy Protection Act (FPPA) site assessment be appropriately filed. Because of the location and type of activity proposed, this project is not likely to permanently affect agricultural land. This precludes the need for further action on this project as required by the FPPA. However, if the project should be modified such that agricultural lands may be affected, consultation should be reinitiated.

Sincerely,

PAUL FLYNN
Assistant State Conservationist -Technology

The Natural Resources Conservation Service
works hand-in-hand with the American people to
conserve natural resources on private lands.

AN EQUAL OPPORTUNITY EMPLOYER



Minnesota Pollution Control Agency

October 31, 2001

Mr. Chuck W. Saylor
Union Pacific Railroad
1416 Dodge Street, Room 830
Omaha, NE 68179

RE: Request for Comments on Potential Environmental Impact on the Proposed Abandonment of the Trimont Industrial Lead From Milepost 140.57 to Milepost 142.4 Near Trimont in Martin County, Minnesota, STB Docket No. AB-33 (Sub-No. 186X)

Dear Mr. Saylor:

Thank you for the opportunity to review and comment on the above stated project. Based on the information contained in the cover letter, the Minnesota Pollution Control Agency (MPCA) offers the following comments for your consideration.

1. Possible impacts to streams, rivers, lakes, and wetlands from erosion and storm water runoff should be avoided where possible or mitigated as much as possible to lesson any potential adverse impacts. Mulching, seeding, and sodding should be done to establish permanent ground cover and to stabilize soil disturbed by construction activities in the vicinity of surface water (lakes, streams, wetlands, and drainage ways) and implemented without the use of fertilizers containing phosphorus.
2. The site erosion control plan should be designed by the United States Department of Agriculture Soil Conservation Service and/or the County Soil and Water Conservation District and be a separate bid item in the specifications for the project.
3. If there are any switching areas located in the project area we would recommend that a thorough inspection of those areas for any possible oil spills should be conducted. In the past the MPCA has encountered soils contaminated with polychlorinated biphenyl's at other railroad switching sites.
4. Please provide information on where and how the railroad ties that are to be removed from the abandoned line would be used or disposed of.

If you have any questions regarding our comments please contact me at (651) 296-7432.

Sincerely,

A handwritten signature in cursive script that reads "Kevin J. Kain".

Kevin J. Kain
Planner Principal
Operations and Planning Section
Metro District

KJK:sjs

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT
101 NORTH WACKER DRIVE, SUITE 1920
CHICAGO, ILLINOIS 60606
FAX NO. 312-777-2065



RONALD J. CUCHNA
GENERAL SOLICITOR
312-777-2040



GEORGE H. BRANT
312-777-2051
THOMAS W. CUSHING
312-777-2053
FREDERICK P. JOHNSTON, JR.
312-777-2047
DANIEL R. LA FAVE
312-777-2046
LINDA J. COYLE
312-777-2056
MACK H. SHUMATE, JR.
312-777-2055

December 18, 2001

VIA UPS OVERNIGHT DELIVERY

Surface Transportation Board
Section of Environmental Analysis
1925 "K" Street, N.W. Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

RE: Docket No. AB-33 (Sub-No. 186X), Union Pacific Railroad Company -
Abandonment Exemption - In Martin County, MN
(Trimont Industrial Lead near Trimont, MN)

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption in this matter on or after January 8, 2001.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr." with a stylized flourish at the end.
Mack H. Shumate, Jr.
Senior General Attorney

MHS/taf
Enclosures

cc: w/enclosures

State Clearinghouse (or alternate):

Minnesota Planning
658 Cedar Street
Room 300
St. Paul, MN 55155

State Environmental Protection Agency:

Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

**State Coastal Zone Management Agency
(if applicable):**

Not applicable.

Head of each County:

Martin County Courthouse
201 Lake Avenue
Fairmont, MN 56031

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling MN 55111

U.S. Army Corps of Engineers:

U.S. Army Engineer District-St. Paul
190 Fifth Street East
St. Paul, MN 55101-1638

National Park Service:

William D. Shaddox
Chief, Land Resources Division
National Park Service
800 North Capitol Street, NE., Room 500
Washington, D.C. 20002

**U.S. Natural Resources Conservation
Service:**

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

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historical Preservation Office:

Minnesota Historical Society
345 W. Kellogg Blvd.
St. Paul, MN 55102-1906

Other Agencies Consulted:

Minnesota Board of Water & Soil Resources
One West Water Street, Suite 200
St. Paul, MN 55107-2039

Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, MN 55155

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 186X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN MARTIN COUNTY, MINNESOTA
(TRIMONT INDUSTRIAL LEAD)

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 853-8455
(312) 853-8465 FAX

Dated: December 18, 2001

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 186X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN MARTIN COUNTY, MINNESOTA
(TRIMONT INDUSTRIAL LEAD)

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of the Trimont Industrial Lead from milepost 140.57 to milepost 142.4 near Trimont, Minnesota (the "Line"). The Line is located in Martin County, Minnesota.

The Line traverses U. S. Postal Service Zip Code 56176. A Notice of Exemption to abandon the Line pursuant to 49 C.F.R. § 1152.50 (no local traffic for at least two years) will be filed on or after January 8, 2001.

A map of the Line is attached as **Attachment No. 1**. UP's letter to federal, state and local government agencies is marked **Attachment No. 2**. Responses received to UP's letter to date are attached and sequentially numbered as indicated herein. In accordance with the response from the United States Department of Agriculture Natural

Resources Conservation Service dated October 31, 2001, additional letters were sent to the Minnesota Historical Society, Minnesota Board of Water & Soil Resources and Minnesota Department of Natural Resources.

ENVIRONMENTAL REPORT

49 C.F.R. § 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.

Response: The proposed action involves the abandonment by UP of the Trimont Industrial Lead from 140.57 to M. P. 142.4, a distance of 1.83 miles near Trimont in Martin County, Minnesota. There are no shippers on the Line, and no commodities have moved over the Line for over two years.

The Trimont Industrial Lead was constructed in 1889 and 1900 by the Minneapolis & St. Louis Railroad. The Line is constructed with 85-pound rail between the beginning of the Lead and milepost 142.0, then 70-pound rail from milepost 142.0 to the end of the main track at milepost 142.4. The 85-pound rail was laid second hand in 1974; the 70-pound rail appears to be original to the construction of the segment. There appear to be no reasonable alternatives to the abandonment. No local traffic has moved over the Line in the past two years, and there is no overhead traffic.

Based on information in the Applicants' possession, the Line proposed for abandonment does not contain federally granted right-of-way, and does not contain reversionary property.

There are no reasonable alternatives to the proposed abandonment. There are no shippers on the Line, and no commodities have moved over the Line for over two years. In UP's opinion, the property proposed for abandonment is not suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission because the area is adequately served by existing roads and utility lines.

A map of the Line is attached as **Attachment No. 1**.

(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.

Response: There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes.

The subject Line has not been used for freight traffic for at least two years.

(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 effects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 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. § 10905 and explain why.

Response: (i) UP is unaware of any adverse effects on local and existing land use plans. Martin County, Minnesota officials have been contacted. To date UP has received no response.

(ii) The Assistant State Conservationist - Technology for the United States Department of Agriculture (USDA) states that project sponsors are not USDA program

benefit recipients, thus the wetland conservation provisions of the 1985 Food Security act, as amended, are not applicable. The USDA response is attached as **Attachment No. 3.**

(iii) Not applicable.

(iv) In UP's opinion, the property proposed for abandonment is not suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission because the area is adequately served by existing roads and utility lines.

(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.

Response: (i) There are no effects on the transportation of energy resources in view of the absence of rail shipments on the Line.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no change in energy consumption from the abandonment.

(iv)(A)(B) There will be no rail-to-motor diversion.

(5) Air. (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (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% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% 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 § 10505) to construct a new line

or reinstitute service over a previously abandoned line, only the eight train a day provision in §§ (5)(I)(A) will apply.

Response: There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

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

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

© an average increase in truck traffic of more than 10% 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. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

(5) **Air.** (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.

Response: The proposed action will not affect the transportation of ozone depleting materials.

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

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

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

Response: Not applicable.

(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.

Response: (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

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

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

Response: (i) The U. S. Fish and Wildlife Service has been contacted. To date UP has received no response.

(ii) The National Park Service has been contacted. To date UP has received no response.

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

Response: (i) The State of Minnesota Pollution Control Agency indicated that possible impacts to streams, rivers, lakes, and wetlands from erosion and storm water runoff should be avoided or mitigated as much as possible to lessen any potential adverse impacts. The Agency's response is attached as **Attachment No. 4.**

(ii) The U.S. Army Corps of Engineers has been contacted. To date UP has received no response.

(iii) It is not anticipated there will be any requirements for Section 402 permits.

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

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(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:

Response: See **Attachment No. 1.**

(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:

Response: The Line is generally 100 feet in width and is mostly rural agricultural with a small end segment in Trimont. The topography varies from level to hilly.

(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:

Response: There no structures over 50-years old affected by the proposed abandonment.

(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:

Response: Not applicable.

(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:

Response: See the preceding pages for a brief history and description. There have been no rail operations over the Line for at least two years. No changes in carrier operations are contemplated.

(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:

Response: UP believes no structures are 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 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: At this time, UP knows of no historic sites or structures or archeological resources in the project area. Mr. Snoddy also indicates that any archeological sites within the scope of the right-of-way would have been disturbed during

the construction of the Line, and any salvage activities should not affect any previously undisturbed sites. Abandonment of the Line and reduction of the grade will have no impact on any prehistoric sites.

(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:

Response: Applicants do not have any such readily available information.

(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 locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 18th day of December, 2001.

Respectfully submitted,



UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
312/777-2055
312/777-2065 FAX

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 186X), the Trimont Industrial Lead in Martin County, Minnesota was served by first class mail on the 18th day of December, 2001 on the following:

State Clearinghouse (or alternate):

Minnesota Planning
658 Cedar Street
Room 300
St. Paul, MN 55155

State Environmental Protection Agency:

Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

State Coastal Zone Management Agency

(if applicable):
Not applicable.

Head of each County:

Martin County Courthouse
201 Lake Avenue
Fairmont, MN 56031

Environmental Protection Agency
(regional office):

U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling MN 55111

U.S. Army Corps of Engineers:

U.S. Army Engineer District-St. Paul
190 Fifth Street East
St. Paul, MN 55101-1638

National Park Service:

William D. Shaddox
Chief, Land Resources Division
National Park Service
800 North Capitol Street, NE., Room 500
Washington, D.C. 20002

U.S. Natural Resources Conservation Service:

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

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historical Preservation Office:

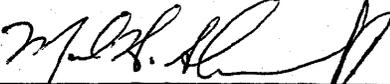
Minnesota Historical Society
345 W. Kellogg Blvd.
St. Paul, MN 55102-1906

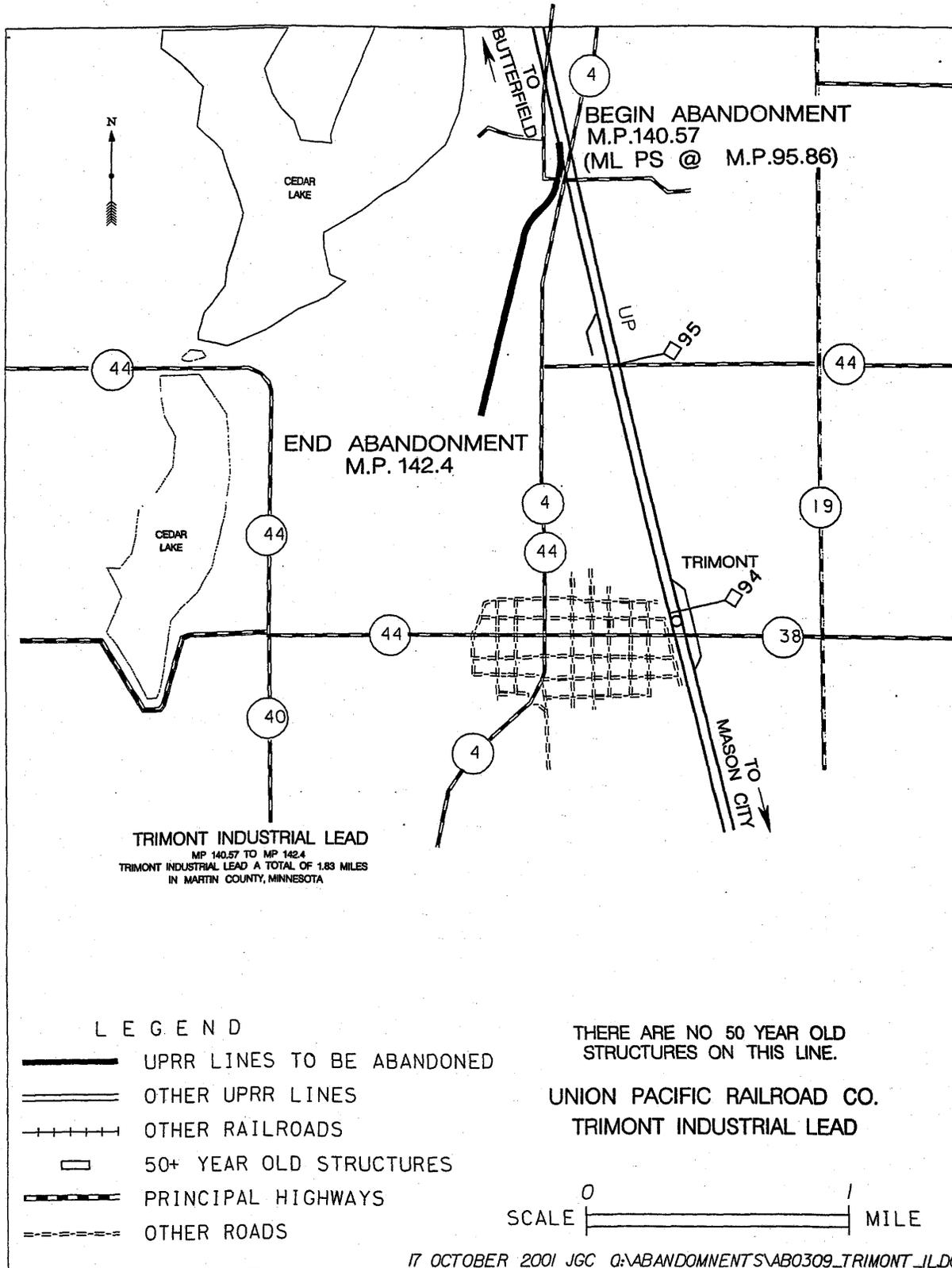
Other Agencies Consulted:

Minnesota Board of Water & Soil Resources
One West Water Street, Suite 200
St. Paul, MN 55107-2039

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

Dated this 18th day of December, 2001.


Mack. H. Shumate, Jr.



CEDAR LAKE

CEDAR LAKE

BEGIN ABANDONMENT
M.P.140.57
(ML PS @ M.P.95.86)

END ABANDONMENT
M.P. 142.4

TRIMONT INDUSTRIAL LEAD
MP 140.57 TO MP 142.4
TRIMONT INDUSTRIAL LEAD A TOTAL OF 1.83 MILES
IN MARTIN COUNTY, MINNESOTA

BUTTERFIELD
TO
FIELD

UP

TRIMONT

MASON CITY
TO
CITY

44

4

44

44

4

19

44

44

38

40

4

UNION PACIFIC RAILROAD COMPANY

CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4661

(402) 271-5625 (FAX)



October 19, 2001

State Clearinghouse (or alternate):

Minnesota Planning
658 Cedar Street
Room 300
St. Paul, MN 55155

State Environmental Protection Agency:

Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

State Coastal Zone Management Agency

(if applicable):
Not applicable.

Head of each County:

Martin County Courthouse
201 Lake Avenue
Fairmont, MN 56031

Environmental Protection Agency

(regional office):
U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling MN 55111

U.S. Army Corps of Engineers:

U.S. Army Engineer District-St. Paul
190 Fifth Street East
St. Paul, MN 55101-1638

National Park Service:

William D. Shaddox
Chief, Land Resources Division
National Park Service
800 North Capitol Street, NE., Room 500
Washington, D.C. 20002

U.S. Natural Resources Conservation Service:

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

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

Re: Proposed abandonment of the Trimont Industrial Lead from Milepost 140.57 to Milepost 142.4 near Trimont in Martin County, Minnesota; STB Docket No. AB-33 (Sub-No. 186X)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon the Trimont Industrial Lead from Milepost 140.57 to Milepost 142.4, a distance of 1.83 miles in Martin County, Minnesota. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts, since there will be only limited salvage activities, as described in the preceding paragraph. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission. If Addressed). State (1) 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, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

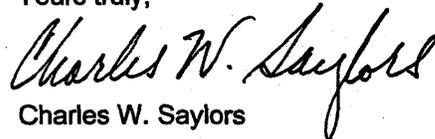
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

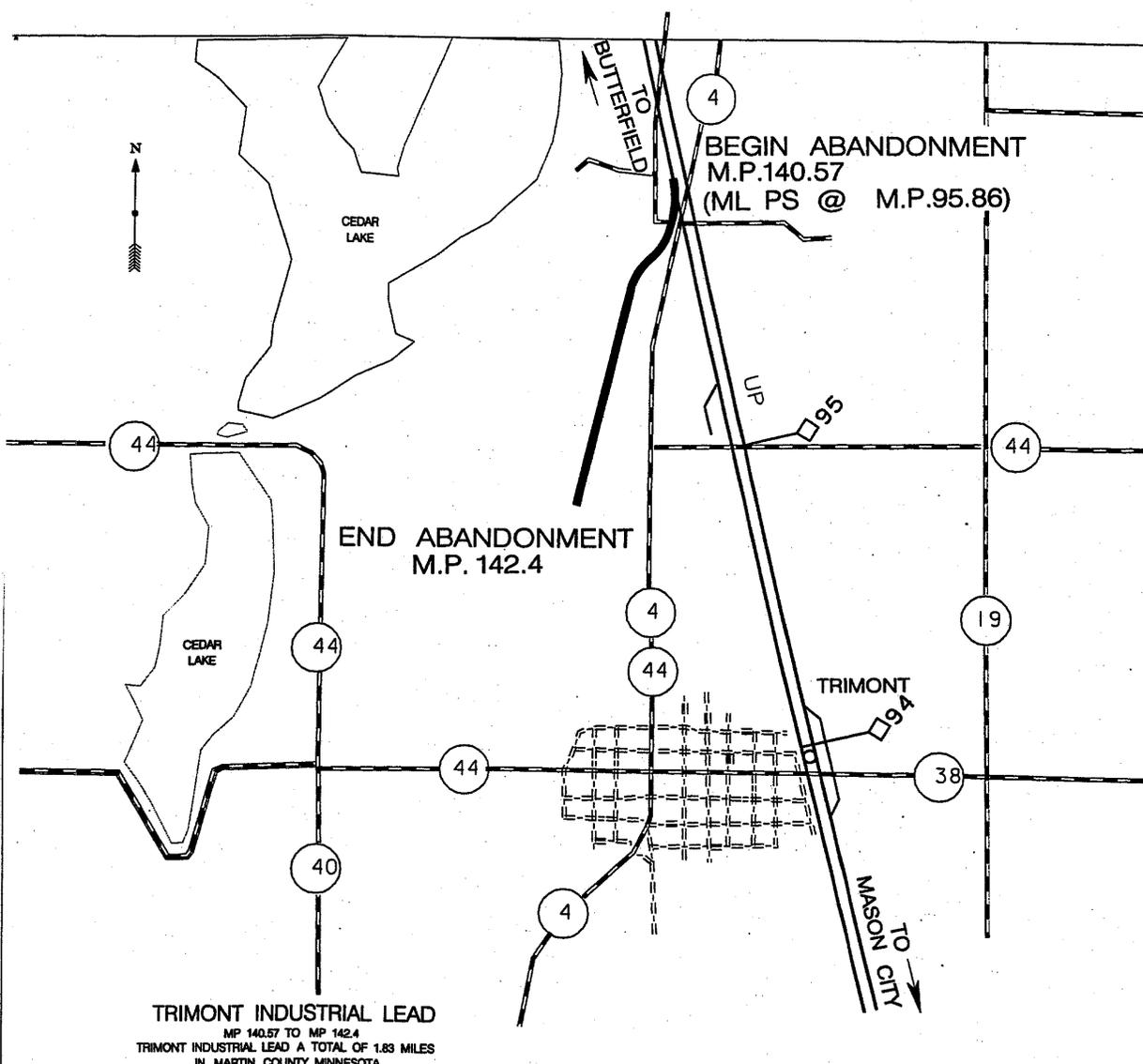
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

Yours truly,

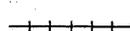

Charles W. Saylor

Attachment



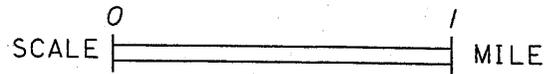
TRIMONT INDUSTRIAL LEAD
 MP 140.57 TO MP 142.4
 TRIMONT INDUSTRIAL LEAD A TOTAL OF 1.83 MILES
 IN MARTIN COUNTY, MINNESOTA

LEGEND

-  UPRR LINES TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  50+ YEAR OLD STRUCTURES
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

THERE ARE NO 50 YEAR OLD STRUCTURES ON THIS LINE.

UNION PACIFIC RAILROAD CO.
 TRIMONT INDUSTRIAL LEAD





Natural
Resources
Conservation
Service

375 Jackson Street, Suite 600
St. Paul, MN 55101-1854
Phone: (612) 602-7900
Fax: (612) 602-7914

October 31, 2001

File Code: 190-15-13

IN REPLY

REFER TO: Environmental review for: Abandonment - Trimont Industrial Lead.

Mr. Chuck Saylor
Union Pacific Railroad
1416 Dodge Street, Rm. 830
Omaha, NE 68179

1. The Natural Resources Conservation Service (NRCS) has reviewed the appropriate sections of the above mentioned proposed project. The project sponsors are not USDA program benefit recipients, thus the wetland conservation provisions of the 1985 Food Security act, as amended are not applicable. It should be noted, however, that actions by a non-USDA participant third party (project sponsor) which impact agricultural wetlands owned or operated by USDA participants, may jeopardize the owner/operators USDA eligibility. If such impacts are anticipated, the owner/operator should contact the county Farm Service Agency (FSA) office to consider an application for a third party exemption.
2. Neither NRCS technical nor financial assistance is being provided in support of this project, thus specific NRCS environmental policies are not applicable.
3. The following agencies may have federal or state wetlands, cultural resources, water quality or threatened and endangered species jurisdiction in the proposed project, and should be consulted.
 - Army Corps of Engineers (USACOE)
 - US Fish and Wildlife Service (FWS)
 - Board of Water and Soil Resources (BWSR) - Minnesota Wetlands Conservation Act
 - Minnesota Department of Natural Resources (MDNR)
 - Minnesota Pollution Control Agency (MPCA)
 - State Historic Preservation Officer/State Archaeologist (SHPO)
4. If as a result of your proposal you are affecting agricultural lands, and if any federal monies are involved, it is a requirement that a Farmland Policy Protection Act (FPPA) site assessment be appropriately filed. Because of the location and type of activity proposed, this project is not likely to permanently affect agricultural land. This precludes the need for further action on this project as required by the FPPA. However, if the project should be modified such that agricultural lands may be affected, consultation should be reinitiated.

Sincerely,

PAUL FLYNN
Assistant State Conservationist -Technology

The Natural Resources Conservation Service
works hand-in-hand with the American people to
conserve natural resources on private lands.

AN EQUAL OPPORTUNITY EMPLOYER



Minnesota Pollution Control Agency

October 31, 2001

Mr. Chuck W. Saylor
Union Pacific Railroad
1416 Dodge Street, Room 830
Omaha, NE 68179

RE: Request for Comments on Potential Environmental Impact on the Proposed Abandonment of the Trimont Industrial Lead From Milepost 140.57 to Milepost 142.4 Near Trimont in Martin County, Minnesota, STB Docket No. AB-33 (Sub-No. 186X)

Dear Mr. Saylor:

Thank you for the opportunity to review and comment on the above stated project. Based on the information contained in the cover letter, the Minnesota Pollution Control Agency (MPCA) offers the following comments for your consideration.

1. Possible impacts to streams, rivers, lakes, and wetlands from erosion and storm water runoff should be avoided where possible or mitigated as much as possible to lesson any potential adverse impacts. Mulching, seeding, and sodding should be done to establish permanent ground cover and to stabilize soil disturbed by construction activities in the vicinity of surface water (lakes, streams, wetlands, and drainage ways) and implemented without the use of fertilizers containing phosphorus.
2. The site erosion control plan should be designed by the United States Department of Agriculture Soil Conservation Service and/or the County Soil and Water Conservation District and be a separate bid item in the specifications for the project.
3. If there are any switching areas located in the project area we would recommend that a thorough inspection of those areas for any possible oil spills should be conducted. In the past the MPCA has encountered soils contaminated with polychlorinated biphenyl's at other railroad switching sites.
4. Please provide information on where and how the railroad ties that are to be removed from the abandoned line would be used or disposed of.

If you have any questions regarding our comments please contact me at (651) 296-7432.

Sincerely,

A handwritten signature in cursive script that reads "Kevin J. Kain".

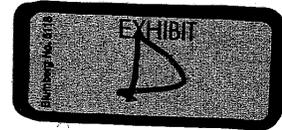
Kevin J. Kain
Planner Principal
Operations and Planning Section
Metro District

KJK:sjs



MINNESOTA HISTORICAL SOCIETY

STATE HISTORIC PRESERVATION OFFICE



January 23, 2002

Mr. Mack H. Shumate, Jr.
Union Pacific Railroad Company
Law Department
101 North Wacker Drive, Suite 1920
Chicago, IL 60606

RECEIVED

JAN 28 2002

**LAW DEPARTMENT
UNION PACIFIC RR CO.**

RE: Docket No. AB-33 (Sub-No. 186X)
Union Pacific Railroad Company – Abandonment Exemption – Trimont Industrial Lead near
Trimont
T104 R32 S29, 30, 31, Martin County
SHPO Number: 2002-1011

Dear Mr. Shumate, Jr.:

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

Based on available information, we conclude that **no properties** eligible for or listed on the National Register of Historic Places are within the project's area of effect.

Please contact Dennis Gimmestad at (651)296-5462 if you have any questions regarding our review of this project.

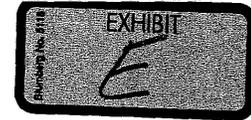
Sincerely,

Britta L. Bloomberg
Deputy State Historic Preservation Officer



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS
ARMY CORPS OF ENGINEERS CENTRE
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1638



REPLY TO
ATTENTION OF

January 31, 2002

Construction-Operations
Regulatory (02-02447-DAS)

Mr. Chuck W. Saylor
Union Pacific Railroad Company
1416 Dodge Street, Room 830
Omaha, Nebraska 68179

Dear Mr. Saylor:

We have reviewed information about your project for the abandonment of the Trimont Industrial Lead from Milepost 140.57 to Milepost 142.4 near Trimont, MN. The project site is in Sec. 29 and 30, T. 104N., R. 32W., Martin County, Minnesota.

The discharge of dredged or fill material into any waters of the United States, including all types of wetlands, is subject to Corps of Engineers jurisdiction under the Federal Clean Water Act. Conducting such work without the required authorization exposes violators to severe penalties.

If this project involves work in wetlands, please provide a map and construction/grading plans that show the project location, and details and limits of the proposed work.

The temporary placement of fill material into a waterbody/wetland for purposes such as temporary stream crossings, bypass roads, cofferdam construction, or storage sites may also require a Department of the Army permit. If your project will, or may, include any temporary placement of fill material, please include that information also.

You may need State, county, and/or city permits for your proposal. It would be advisable to make inquiries early in the planning process. It is important that you promptly provide those agencies enough information to evaluate your application. If your project includes the placement of dredged or fill material into public waters, you must apply to the responsible State agency for water quality certification.

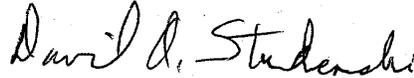
After receiving the project information, we will advise you if any specific authorization is required from the Corps before you proceed.

Your response may be addressed to the U. S. Army Corps of Engineers, Regulatory Branch, Attn: CO-R, 1114 South Oak Street, La Crescent, MN 55947-1338.

-2-

If you have any questions, contact David A. Studenski in our La Crescent office at (507) 895-2064. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



for Robert J. Whiting
Chief, Regulatory Branch