

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT

RONALD J. CUCHNA
GENERAL SOLICITOR

101 NORTH WACKER DRIVE
SUITE 1920
CHICAGO, ILLINOIS 60606
312-777-2040
FAX 312-777-2085



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August 7, 2002



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 AB-33 (Sub-No.190X), Union Pacific Railroad Company -
Abandonment Exemption - In Dunn County, WI (Menomonie Industrial
Lead from MP 0.90 near Stout Oak Street to MP 2.90 near 12th Avenue
West) a distance of 2.0 miles

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 Petition for Exemption in this matter on or after August 29, 2002.

Sincerely yours,

Mack H. Shumate, Jr.
Senior General Attorney

MHS/taf
Enclosures

August 7, 2002

cc:

State Clearinghouse (or alternate):

Jeff Smith, Section Chief
Federal State Relations
Division of Energy & Intergovernmental
Relations
Department of Administration, 6th Floor
P. O. Box 7868
101 E. Wilson
Madison, WI 53707-7868

State Environmental Protection Agency:

Department of Natural Resources
P. O. Box 7921
Madison, WI 53719-2726

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

Coastal Policy Section
Division of Energy & Intergovernmental
Relations
Department of Administration, 6th Floor
P. O. Box 7868
101 E. Wilson
Madison, WI 53707-7868

Head of each County:

Dunn County Supervisors
County Courthouse
800 Wilson Avenue
Menomonie, WI 54751

**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
One Federal Drive
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 Resource Conservation Service
Midwest Regional Office
2820 Walton Commons West, Suite 123
Madison, WI 53718-6797

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 Historic Preservation Office:

Wisconsin Historical Society
816 State Street
Madison, WI 53706

Other

Menomonie Farmers Union Coop
709 Main Street East
Menomonie, WI 54751

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 190X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN DUNN COUNTY, WISCONSIN
(MENOMONIE 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/ 777-2055
312/ 777-2065 FAX

Dated: August 7, 2002
Filed: August 8, 2002

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 190X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN DUNN COUNTY, WISCONSIN
(MENOMONIE 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 and discontinuance of service on the Menomonie Industrial Lead from M. P. 0.90 near Stout Oak Street to M. P. 2.90 near 12th Avenue West, a distance of 2.0 miles in Menomonie, Dunn County, Wisconsin (the "Line").

The Line traverses U. S. Postal Service Zip Code 54751.

The applicant anticipates that a Petition For Exemption to discontinue service on the Line will be filed at the STB on or after August 29, 2002.

A map of the Line is attached as **Attachment No. 1**. UP's original letter to federal, state and local government agencies is marked **Attachment No. 2**. Responses received to the letter to date are attached and sequentially numbered as indicated below.

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 and discontinuance of service on the Menomonie Industrial Lead from M. P. 0.90 near Stout Oak Street to M. P. 2.90 near 12th Avenue West, a distance of 2.0 miles in Menomonie, Dunn County, Wisconsin. The Line was originally constructed 1880 by the Menominie Railway (spelling intentional). It is constructed with 90-pound rail. The last active customer on the Line was Menomonie Farmers Union Coop. which shipped inbound fertilizer. Its most recent rail business was in September, 2000. Farmers Union Coop. has since shifted to truck and has informed UP that it has no further requirement for rail service. In 2000, Farmers Union Coop.'s activity consisted of 4 cars, 401 tons of Potassium chloride (STCC 2812534); 1 car, 99 tons of urea (STCC 2818170); and 4 cars, 399 tons of diammonium phosphate fertilizer (STCC 2871235).

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: Given that it has been over twenty-two (22) months since the last rail shipment, it appears that abandonment will not result in any impact on existing local or regional transportation systems or patterns. The lack of recent rail traffic would indicate that the proposed action would clearly not meet any of the diversion or activity

thresholds stipulated in the environmental and historical report, and there would be no impact on energy efficiency.

(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 § 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) The Dunn County Supervisors have been contacted. To date UP has received no response.

(ii) The United States Natural Resources Conservation Service has been contacted. To date the applicant has received no response.

(iii) The Wisconsin Coastal Policy Section of the Energy & Intergovernmental Relations Division has been contacted. To date UP has received no response.

(iv) The land area of the proposed abandonment totals 24.40 acres, all of which are reversionary, therefore, its use would be restricted as a public road or recreational trail unless it is progressed as a rails to trails corridor. No one has shown any interest at this time, but an effort will be made to contact local agencies. If no interest is generated, the property will revert to adjacent landowners.

(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 will be no effect on the transportation of energy resources.

(ii) No recyclable materials are handled on the Line.

(iii) Because there is little if any change in rail activity that could be attributed to the proposed action, there should be no discernible effect on energy efficiency.

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

(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

(C) 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 of such magnitude 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)(l) of this section are surpassed, state whether the proposed action will cause:

(l) 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) Applicant is not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests, that will be affected by the proposed discontinuance.

(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. (Applicant 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 Natural Resource Conservation Service has been contacted. To date the Applicant has received no response.

(ii) The U.S. Army Corps of Engineers has been contacted. The Corps of Engineers response states that no Army permit is required for the proposed abandonment. The Corps of Engineers response is attached as **Attachment No. 3**.

(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 right-of-way proposed for abandonment is generally 100 feet wide, however, there are a few segments where it is 50 feet wide and crosses both a river and a creek. The topography of the Line is level and is in a predominately industrial/commercial area. Based on information in our possession, the Line does not contain federally granted rights-of-way.

(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: UP provided the Wisconsin Historical Society with photographs of the railroad bridges. A copy of UP's letter is attached as **Attachment No. 4**. The Wisconsin Historical Society's response is attached as **Attachment No. 5**.

(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: The bridges and their dates of construction are listed on the map, **Attachment No. 1**, and in the letter, **Attachment No. 3**.

(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 of carrier operations.

(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 bridge drawings are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 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 on the Line or in the project area. Donald D. Snoddy, Manager-Museum Services for the UP, has reviewed the proposed transaction and concluded that there is nothing in the scope of the project that merits historical comment. No bridges or buildings that are of significant architectural design nor any other structures or features that need to be considered. Mr. Snoddy also indicates that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction of the Line.

(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: Applicant does 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 group 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 7th day of August, 2002.

Respectfully submitted,

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

UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Senior General Attorney
Room 1920, 101 North Wacker Drive
Chicago, IL 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. 190X) for the Menomonie Industrial Lead in Dunn County, Wisconsin was served by first class mail on the 7th day of August, 2002 on the following:

State Clearinghouse (or alternate):

Jeff Smith, Section Chief
Federal State Relations
Division of Energy & Intergovernmental Relations
Department of Administration, 6th Floor
P. O. Box 7868
101 E. Wilson
Madison, WI 53707-7868

State Environmental Protection Agency:

Department of Natural Resources
P. O. Box 7921
Madison, WI 53719-2726

State Coastal Zone Management Agency
(if applicable):

Coastal Policy Section
Division of Energy & Intergovernmental Relations
Department of Administration, 6th Floor
P. O. Box 7868
101 E. Wilson
Madison, WI 53707-7868

Head of each County:

Dunn County Supervisors
County Courthouse
800 Wilson Avenue
Menomonie, WI 54751-2734

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
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U.S. Army Corps of Engineers:

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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 Resource Conservation Service
Midwest Regional Office
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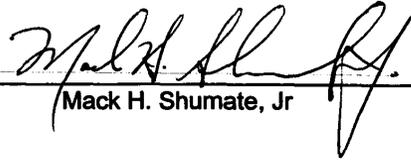
State Historic Preservation Office:

Wisconsin Historical Society
816 State Street
Madison, WI 53706

Other:

Menomonie Farmers Union Coop.
709 Main Street East
Menomonie, WI 54751

Dated this 7th day of August, 2002.



Mack H. Shumate, Jr

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT
101 NORTH WACKER DRIVE, SUITE 1920
CHICAGO, ILLINOIS 60608
FAX NO. 312-777-2065

RONALD J. CUCHNA
GENERAL SOLICITOR
312-777-2040



August 7, 2002

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

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One Federal Drive
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U.S. Army Corps of Engineers:

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Chief, Land Resources Division
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816 State Street
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Other

Menomonie Farmers Union Coop
709 Main Street East
Menomonie, WI 54751

**Re: Docket No. AB-33 (Sub-No. 190x), Union Pacific Railroad Company -
Abandonment Exemption in Dunn County, WI**

Dear Sirs:

On or after August 29, 2002, we expect to be filing with the Surface Transportation Board (STB or Board) a Petition for Exemption seeking authority for an exempt abandonment and discontinuance of service on the Menomonie Industrial Lead from M. P. 0.90 near Stout Oak Street to M. P. 2.90 near 12th Avenue West in Menomonie, Dunn County, Wisconsin (the "Line"). The Line traverses U. S. Postal Service Zip Code 54751.

Attached is a Combined Environmental and Historic Report which describes the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

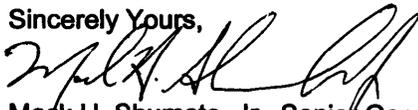
We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA) at the following address, and refer to the above-referenced Docket Number:

Surface Transportation Board
Section of Environmental Analysis (SEA)
1925 K Street, NW, Room 504
Washington, D.C. 20423-0001
Telephone (202) 565-1545

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 three weeks.

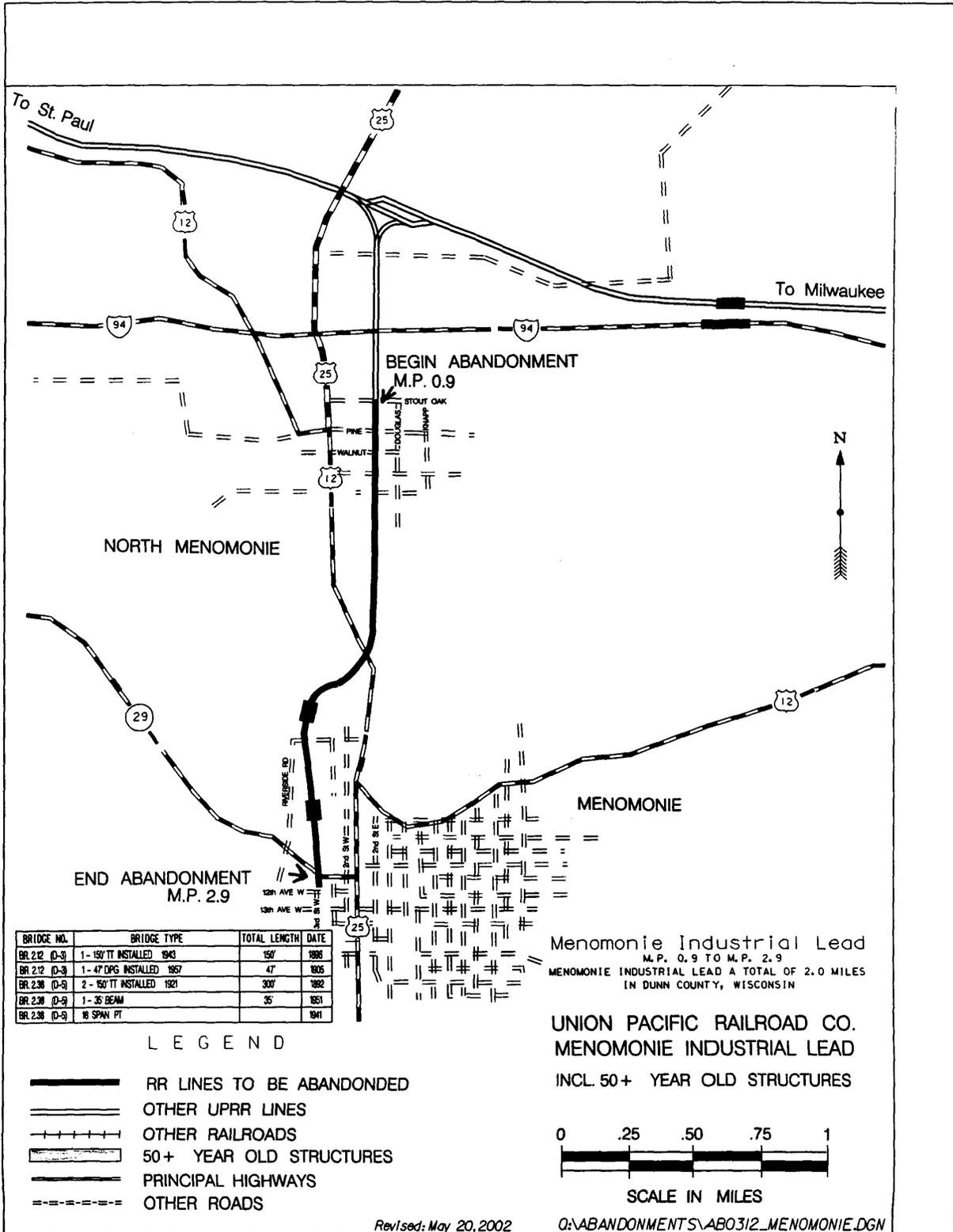
Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. UP's representative in this matter is the undersigned and may be contacted at the address and telephone number indicated below.

Sincerely Yours,



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

MHS/taf
Attachments



CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

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



May 22, 2002

State Clearinghouse (or alternate):

Jeff Smith, Section Chief
Federal State Relations
Division of Energy & Intergovernmental Relations
Department of Administration, 6th Floor
P. O. Box 7868
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Midwest Regional Office
2820 Walton Commons West, Suite 123
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Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Wisconsin Historical Society
816 State Street
Madison, WI 53706

Re: Proposed Abandonment of the Menomonie Industrial Lead from M. P. 0.90 near Stout Oak Street to M. P. 2.90 near 12th Avenue West in Menomonie, Dunn County, Wisconsin; STB Docket No. AB-33 (Sub-No. 190x)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Menomonie Industrial Lead from M. P. 0.90 near Stout Oak Street to M. P. 2.90 near 12th Avenue West in Menomonie, Dunn County, Wisconsin. 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; 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.

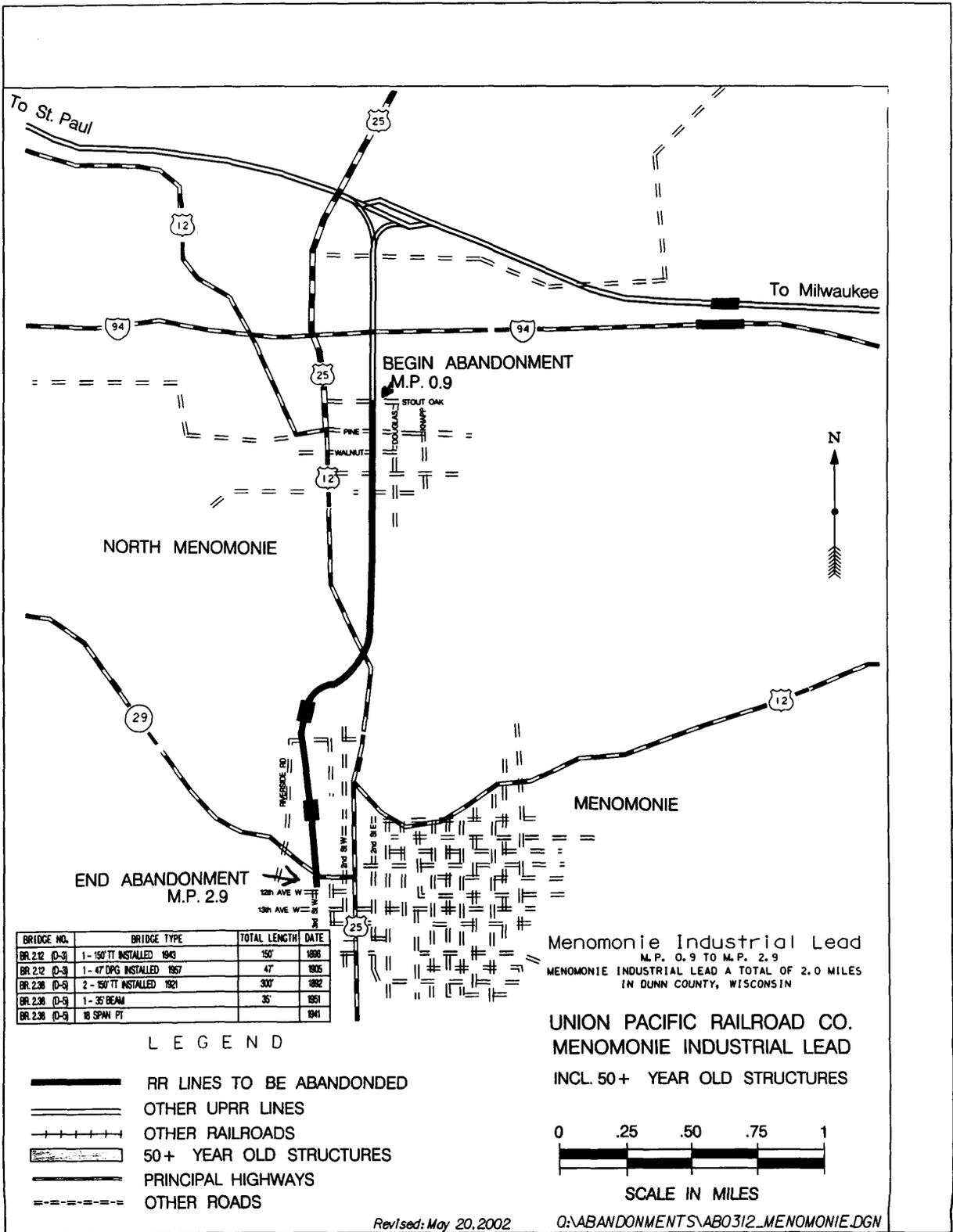
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials 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
Charles W. Saylor

Attachment





DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS
ARMY CORPS OF ENGINEERS CENTRE
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1636

May 29, 2002

REPLY TO
ATTENTION OF

Construction-Operations
Regulatory (02-05346-JRB)

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

Dear Mr. Saylor:

We have reviewed information about a project of the Union Pacific Railroad Company to abandon and discontinue service on the Menomonie Industrial Lead from M.P. 0.90 near Stout Oak Street to M.P. 2.90 near 12th Avenue West. The project site is in the City of Menomonie, Dunn County, Wisconsin.

The proposed project is not within the regulatory jurisdiction of the Corps of Engineers. No work will be done in a navigable water of the United States, and no dredged or fill material will be discharged in any water of the United States, including wetlands. Therefore, a Department of the Army permit is not required to do this work.

This letter is valid only for the project referenced above. If any change in design, location, or purpose is contemplated, contact this office to avoid doing work that may be in violation of Federal law. PLEASE NOTE THAT THIS CONFIRMATION LETTER DOES NOT ELIMINATE THE NEED FOR STATE, LOCAL, OR OTHER AUTHORIZATIONS, SUCH AS THOSE OF THE DEPARTMENT OF NATURAL RESOURCES OR COUNTY.

The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision.

If you have any questions, contact Jason R. Berkner in our St. Paul office at (651) 290-5015. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

A handwritten signature in black ink that reads "Jason R. Berkner".

Robert J. Whiting
Chief, Regulatory Branch

U.S ARMY CORPS OF ENGINEERS - ST. PAUL DISTRICT
REGULATORY BRANCH

BASIS FOR DETERMINATION OF SECTION 404 JURISDICTION

Applicant: Union Pacific Railroad Company

File Number: 200205346

- A. Property referenced in the attached correspondence contains an area of water/wetland areas considered to be a water of the United States because the area:
- 1. is currently used, has been used in the past, or may be susceptible to use in interstate or foreign commerce, i.e., navigable waters of the United States. [328.3(a)(1)]
 - 2. is interstate waters. [328.3(a)(2)]
 - 3. is an area the use, degradation, or destruction of which could affect interstate or foreign commerce. [328.3(a)(3)]
 - a. is or could be used by interstate or foreign travelers for recreation or other purposes.
 - b. has fish or shellfish that are or could be taken and sold in interstate or foreign commerce.
 - c. is or could be used for industrial purposes by industries in interstate commerce.
 - 4. is an impoundment of waters/areas otherwise defined as waters of the United States. [328.3(a)(4)]
 - 5. is connected to or adjacent to a tributary of any waters/areas identified under paragraphs (1) through (4) of 33 CFR 328.3(a). [328.3(a)(5)]
 - 6. contains wetlands or waters adjacent to waters/areas defined as waters of the U.S in paragraphs (1) through (5) in 33 CFR 328.3 (a). [328.3(a)(7)].
- B. The property referenced in the attached contains no water/wetland areas that meet any of the criteria described above and therefore is not subject to Corps of Engineers jurisdiction under Section 404 of the Clean Water Act.

Project Manager

Jason R. Berkner
Jason R. Berkner

Date 5-29-02

Section Chief

Ralph J. Augustin
Ralph J. Augustin

Date 5-29-02

Wetlands are identified and delineated using the methods and criteria established in the Corps of Engineers Wetland Delineation Manual (87 Manual). Generally, wetlands are determined by the occurrence of hydrophytic vegetation, hydric soils and wetland hydrology.

Edition of March 29, 2001. Previous editions obsolete.

CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

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



June 19, 2002

Wisconsin Historical Society
816 State Street
Madison, WI 53706

RE: Docket AB-33 (Sub-No.190X), Union Pacific Railroad Company -
Abandonment Exemption - In Dunn County, WI (Menomonie Industrial
Lead from MP 0.90 near Stout Oak Street to MP 2.90 near 12th Avenue
West) a distance of 2.0 miles

Dear Sirs:

Enclosed for your review are two photographs of each of the two sections of the railroad bridge at milepost 2.12 [referenced as (D-3)], and two photographs of each of the three sections of the railroad bridge at milepost 2.38 [referenced as (D-5)], which are over fifty years old and located on the referenced rail line proposed for abandonment.

Please advise if you believe there is any historical significance to the bridges. Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Charles W. Saylor".

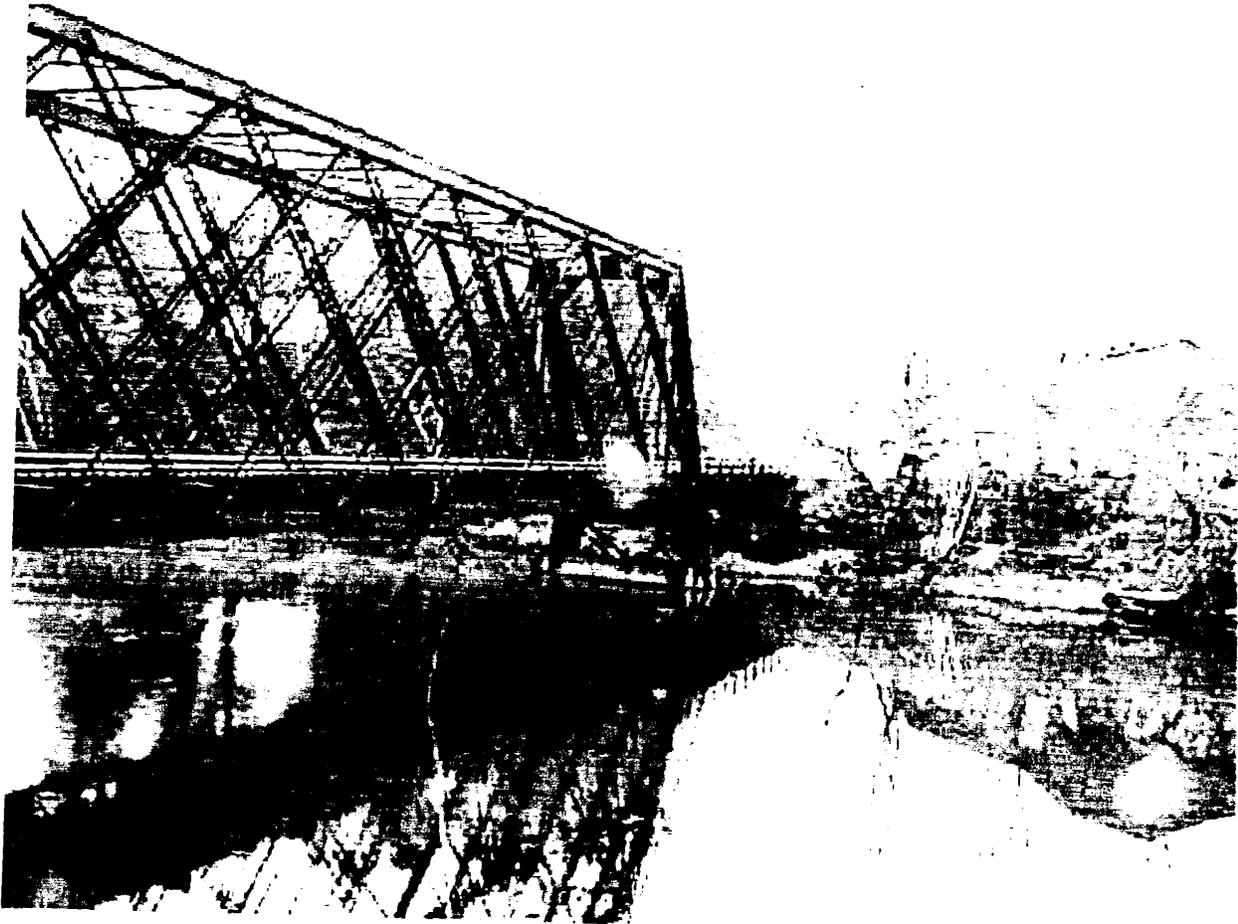
Charles W. Saylor
(402) 271-4861



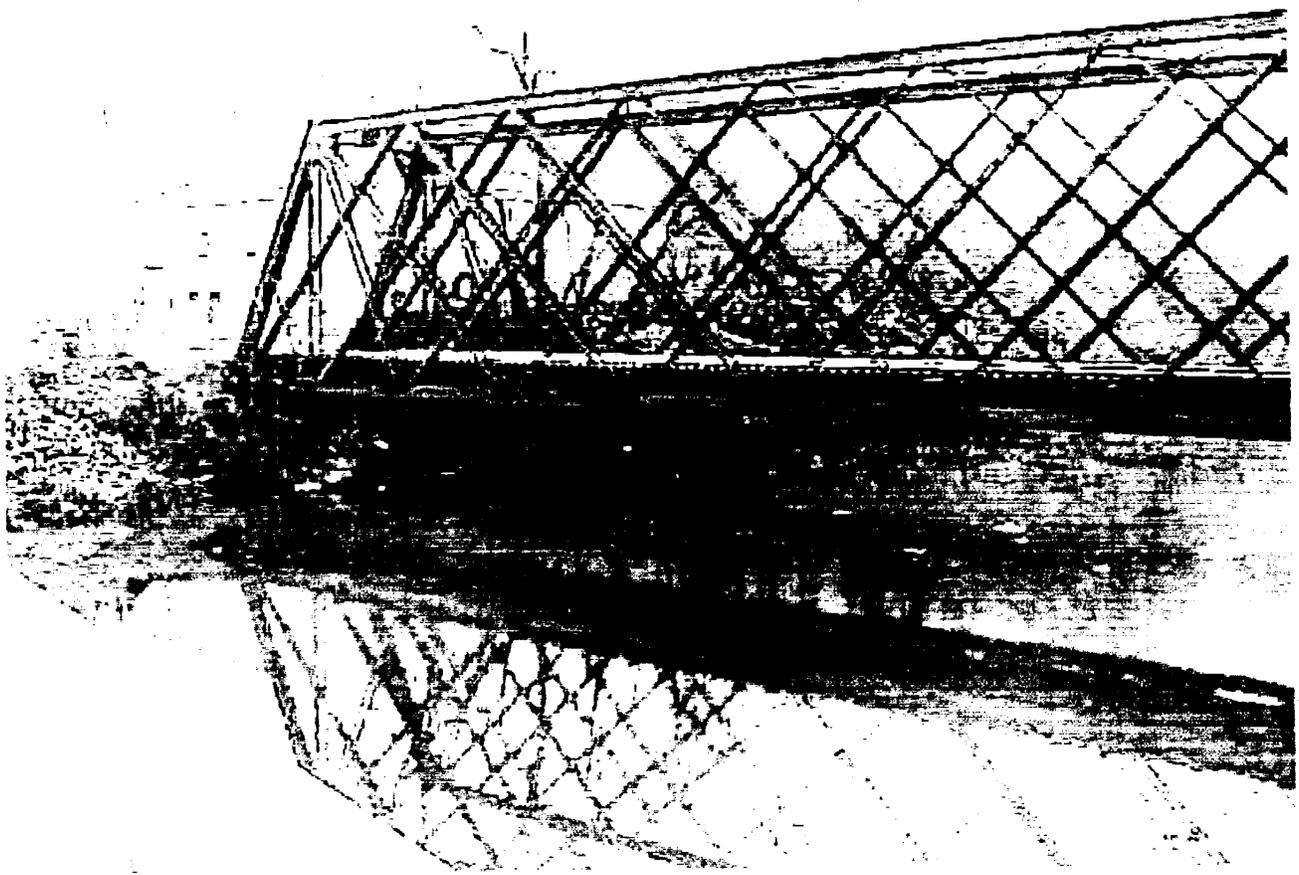
Bridge 2.12 (D-3)



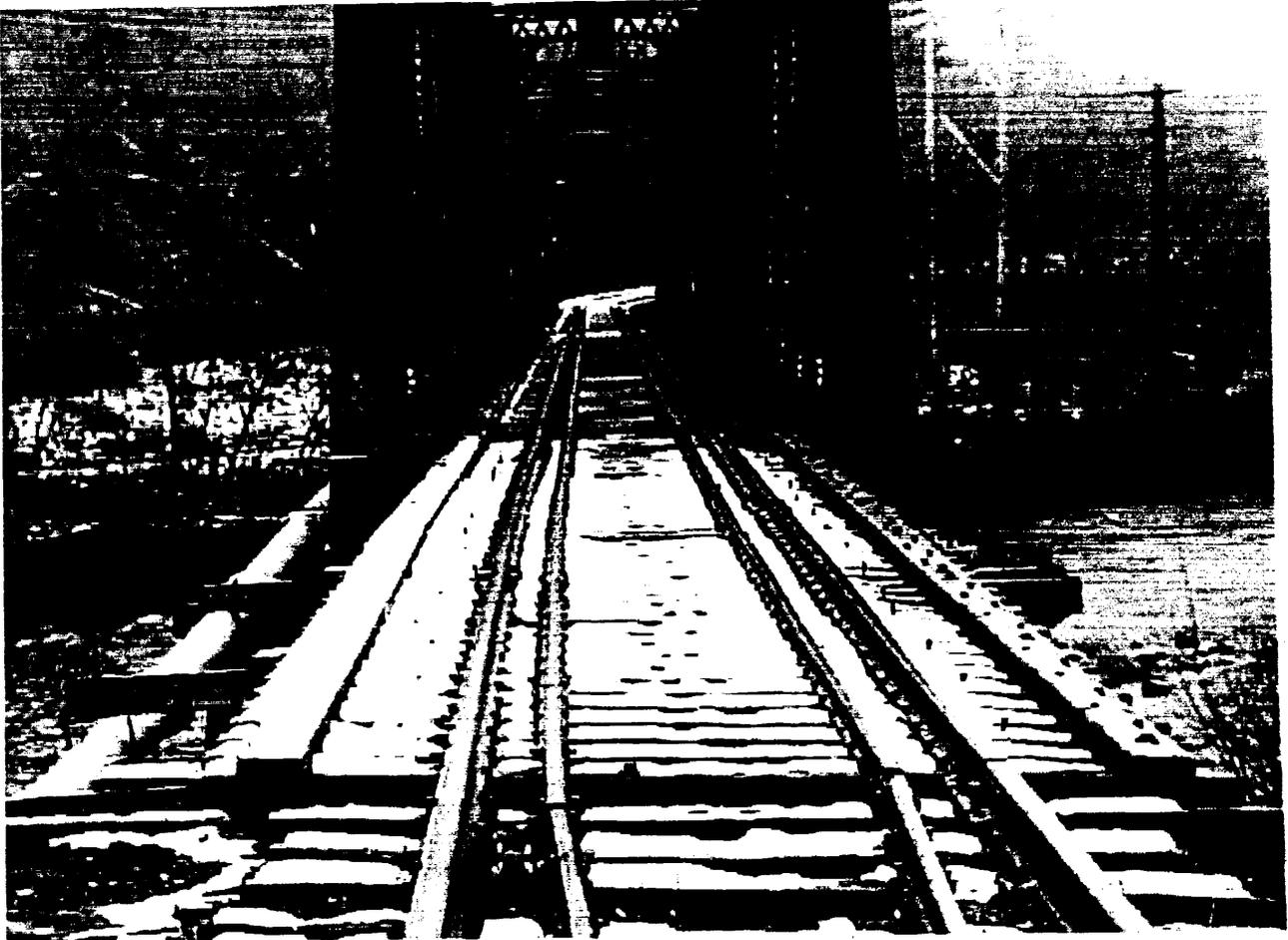
Bridge 2.12 (D-3)



Bridge 2.12 (D-3)



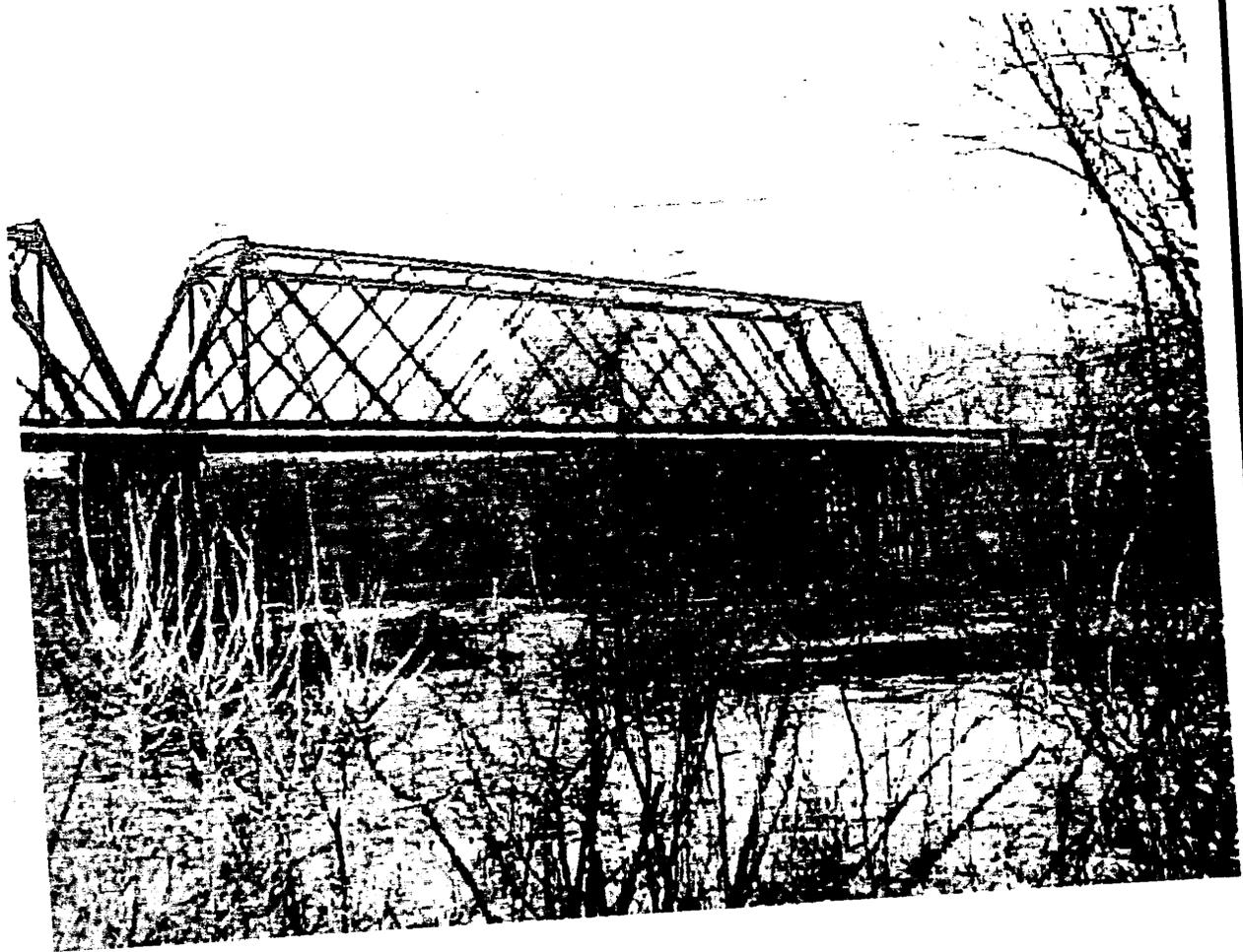
Bridge 2.12 (D-3)



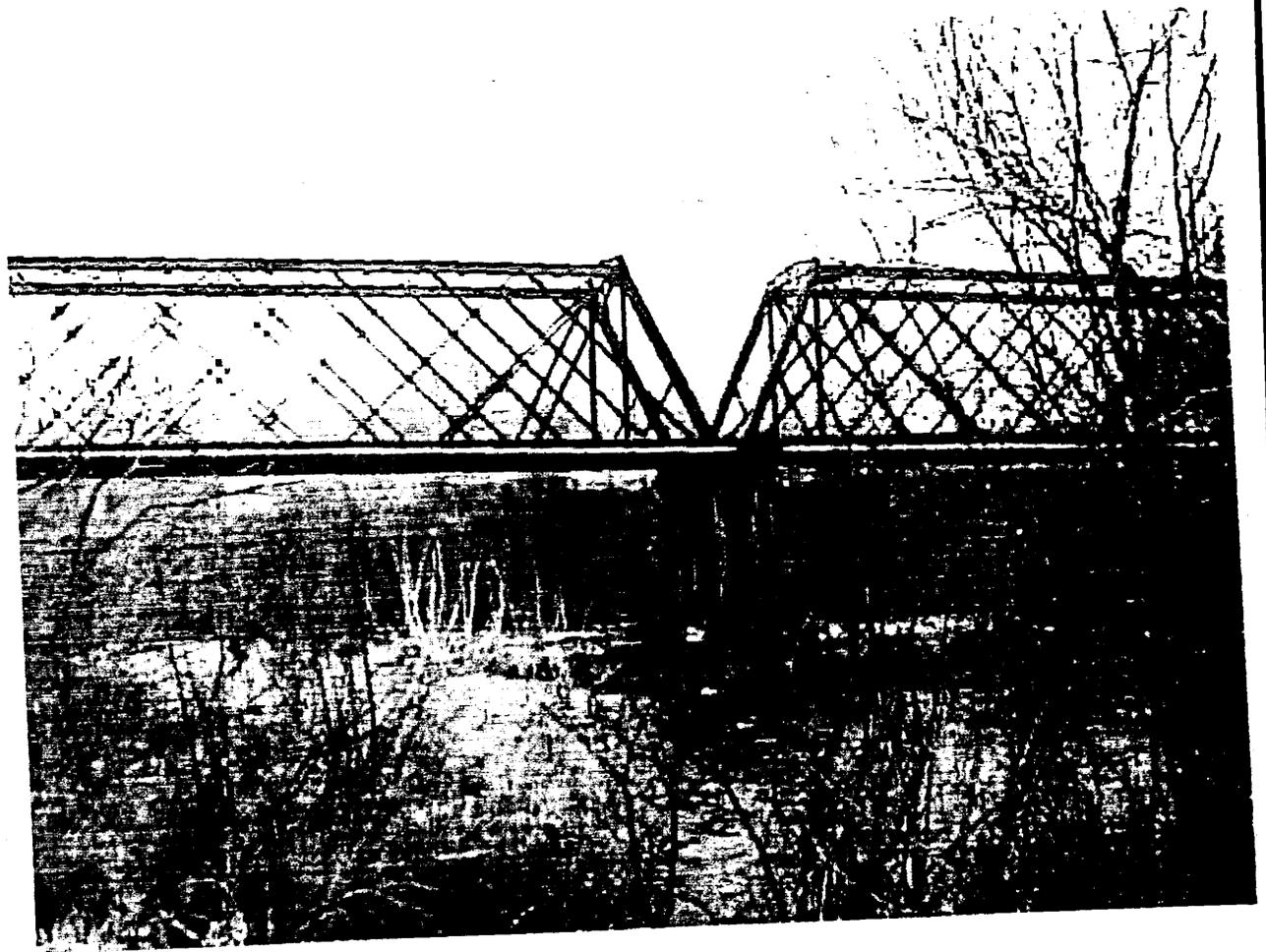
Bridge 2.38 (D-5)



Bridge 2.38 (D-5)



Bridge 2.38 (D-5)



Bridge 2.38 (D-5)



Bridge 2.38 (D-5)



Bridge 2.38 (D-5)



WISCONSIN
HISTORICAL
SOCIETY

Headquarters Building
816 State Street
Madison, WI 53706-1482
608-264-6400

July 9, 2002

Charles W. Saylor
Union Pacific Railroad Company
1416 Dodge St.
Omaha, Nebraska 68179

Case No 02-0639
RE Docket AB-33 (Sub-No.190X) Dunn Co, WI

Dear Mr. Saylor,

Based on the digital images you enclosed with your letter of June 19, 2002, we believe that it is possible that both structures D-3 and D-5 could be eligible for inclusion in the National Register of Historic Places. As agent for the Surface Transportation Board it is your (joint) responsibility to prepare sufficient documentation to determine if these bridges meet the National Register criteria in consultation with our office (36 CFR 800.4 b and c). We look forward to reviewing the documentation on these structures when it has been prepared.

In the interim, if there are any questions on this matter, please contact me at (608) 264-6509.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard W. Dexter".

Richard W. Dexter
Chief, Office of Preservation Planning