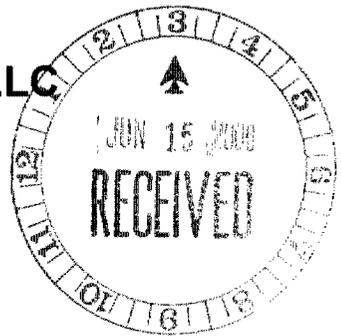


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SIDNEY STRICKLAND AND ASSOCIATES, PLLC

3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-672-5399



SIDNEY L. STRICKLAND, JR.
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

June 15, 2006

FILE RECEIVED

JUN 15 2006

**SURFACE
TRANSPORTATION BOARD**

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

**Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—
Abandonment Exemption – in Kootenai County, ID**

Dear Secretary Williams:

Enclosed please find an original and 10 copies of the Verified Notice of Exemption under 49 C.F.R. 1152.50 for filing with the Board in the above-referenced matter.

Also enclosed is a check in the amount of \$3,100.00 for the filing fee.

Very truly yours,

Sidney L. Strickland, Jr.
Attorney for BNSF Railway Company

FILED

JUN 15 2006

**SURFACE
TRANSPORTATION BOARD**

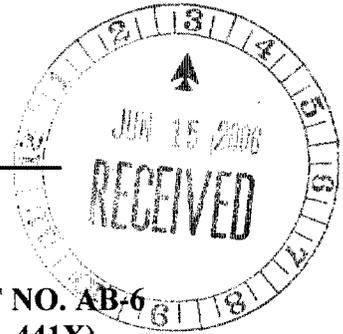
**ENTERED
Office of Proceedings**

JUN 16 2006

**Part of
Public Record**

246779

BEFORE THE
SURFACE TRANSPORTATION BOARD

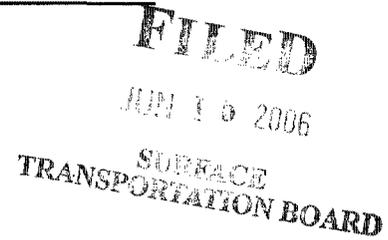


BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN KOOTENAI COUNTY, ID

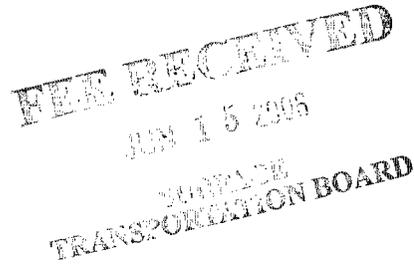
DOCKET NO. AB-6
(SUB. NO. 441X)

VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1152.50

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

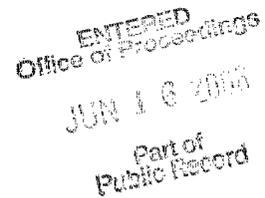


By: SIDNEY L. STRICKLAND, JR
ELIZABETH E. WAITE
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N.W.,
Suite 101
Washington, DC 20007
(202) 338-1325

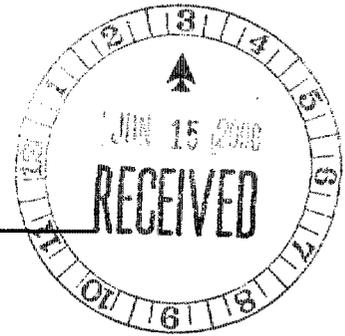


Attorneys for BNSF Railway Company

DATE FILED: June 15, 2006



BEFORE THE
SURFACE TRANSPORTATION BOARD



**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN KOOTENAI COUNTY, ID**

**DOCKET NO. AB-6
(SUB. NO. 441X)**

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1152.50**

BNSF RAILWAY COMPANY (BNSF) ("Applicant") files this Verified Notice of Exemption under 49 C.F.R. 1152 Subpart F- Exempt Abandonments 49 C.F.R. 1152.50) for BNSF to abandon a rail line that extends between BNSF Milepost 12.33 and Milepost 14.45, in Coeur d'Alene in Kootenai County, Idaho, approximately 2.12 miles (the "Line").

The Line is depicted in a map that is attached to this Notice as Appendix 1.

Responses to 49 C.F.R. § 1152.50(d)(2):

I. *Proposed consummation date for the abandonment.*

The proposed consummation date of this abandonment will be at least 50 days from the filing date of June 15, 2006, which is August 4, 2006.

II. *Certification required in 49 C.F.R. § 1152.50(b)*

The required certification is attached hereto as Appendix 2.

III. *Information required by 49 C.F.R. § 1152.22(a)(1-4), (7) and (8) and (e)(4).*

(a) General

- (1) Exact name of Applicant.
BNSF Railway Company (BNSF).
- (2) *Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.*
Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.
- (3) *Relief sought (abandonment of line or discontinuance of service).*
BNSF seeks to use the class exemption from Surface Transportation Board approval authorizing the abandonment of the Kootenai County Line specified above.
- (4) *Detailed map of the subject line.*
See Appendix 1.
- (7) *Name, title and address of representative of applicant to whom correspondence should be sent:*
Sidney L. Strickland, Jr.
Sidney Strickland And
Associates, PLLC
3050 K Street, N.W.
Suite 101
Washington, DC 20007
(202) 338-1325
Attorney for BNSF
- (8) *List of all United States Postal Service ZIP Codes that the line traverses.*
The Line traverses United States Postal Service Zip Codes
83814 and 83816.
- (e)(4) *Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways,*

other forms of mass transportation, conservation, energy production or transmission or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The properties of the proposed abandonment appear to be appropriate for other public purposes. Based on information in our possession, there is one parcel of federally granted right-of-way within the corridor. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. *Level of Labor Protection.*

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions set forth in *Oregon Short Line RR Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

V. *Certification that Applicants have complied with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11.*

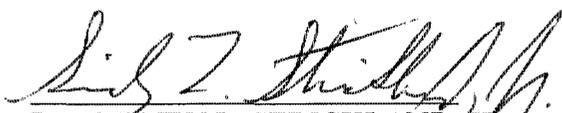
The required certifications are set forth in Appendix 3 to this Notice of Exemption.

VI. *Environmental and Historic Reports.*

A combined Environmental and Historic Report is attached to this Notice of Exemption as Appendix 4.

Respectfully submitted,

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Forth Worth, TX 76161-0057



By: SIDNEY L. STRICKLAND, JR.
ELIZABETH E. WAITE
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N.W.,
Suite 101
Washington, DC 20007
(202) 338-1325

Attorneys for BNSF Railway Company

DATE FILED: June 15, 2006

APPENDIX 1

Detailed Map of the Line

COEUR D' ALENE, IDAHO TRACKAGE

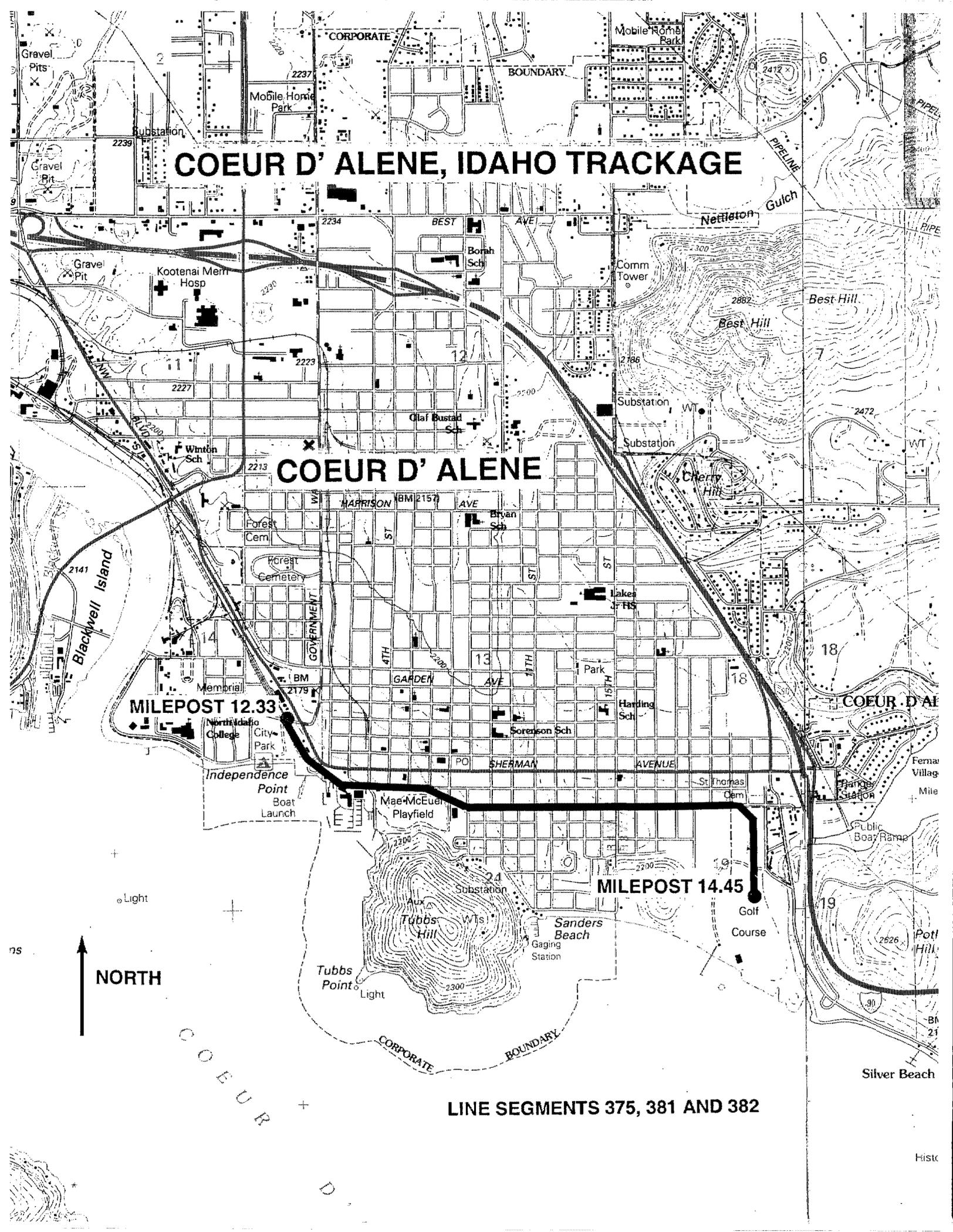
COEUR D' ALENE

MILEPOST 12.33

MILEPOST 14.45

NORTH

LINE SEGMENTS 375, 381 AND 382



APPENDIX 2

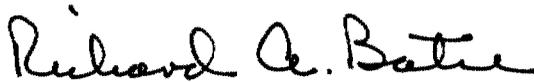
Certifications Required in 49 C.F.R. § 1152.50(b)

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

I, Richard A. Batie, being duly sworn depose and state that, as Manager, Network Development in the Network Development department of the BNSF Railway Company ("BNSF"), I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

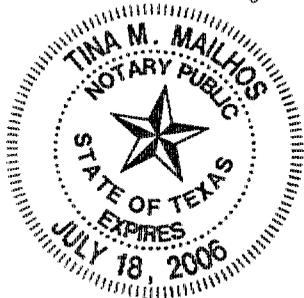
In accordance with 49 C.F.R. § 1152.50(b), I hereby certify that, with respect to the line which is the subject of the Notice of Exemption filed in Docket No. AB-6 (Sub-No. 441X), no local traffic has moved on the line for at least two (2) years prior to the date hereof. Also, there is no overhead traffic handled on the Line to be rerouted. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

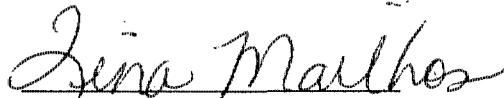
The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned



Richard A. Batie
Manager, Network Development

Subscribed and sworn to
before me the 8 day of June, 2006.





APPENDIX 3

*Certification that Applicant Has Complied with the Notice Requirements
of 49 C.F.R. 1152.50(d)(1) and 1105.11*

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-6 (Sub. No. 441X) was mailed via first class mail on June 2, 2006 to the following parties:

Idaho Public Utilities Commission
472 West Washington Street
P.O. Box 83720
Boise, ID 83720-0074

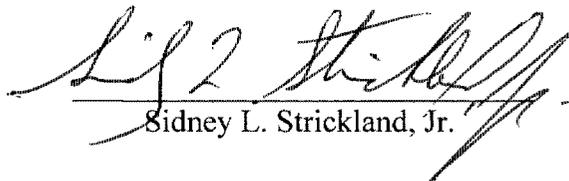
Military Traffic Management Control
Attn: Railroads for National Defense
720 Thimble Shoals Boulevard, #130
Newport News, VA 23606-2574

U.S. Department of the Interior
National Park Service
Recreational Resources Assistance Division
1849 C Street, NW
Washington D.C. 20240-0001

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Yates Building
201 14th Street, SW
Washington, D.C. 20250

Robert Linkhart
Idaho Transportation Department
3311 W. State Street
P.O. Box 7129
Boise, ID 83707-1129

Dated June 15, 2006


Sidney L. Strickland, Jr.

**CERTIFICATION OF COMPLIANCE WITH THE NEWSPAPER
PUBLICATION REQUIREMENTS OF SECTION 49 C.F.R. § 1105.12**

The undersigned certifies that a "Notice of Intent to Abandon Rail Service" was published in the form prescribed by the Board for out of service abandonment exemptions. The notice was published one time in the following newspaper of general circulation in Kootenai County, Idaho: *Coeur d'Alene Press*. Publication of the notice was accomplished on June 7, 2006. An Affidavit of Publication and a copy of the publication are attached.



Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K Street, NW
Suite 101
Washington, DC 20007
Phone: (202) 338-1325
Fax: (202) 672-5499

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Kootenai, } ss.

Amy McCree

being first duly sworn upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

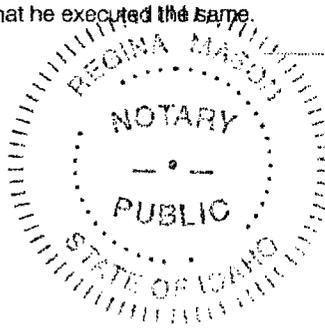
2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Legal Notice

of which the annexed is a printed copy, was published in the regular issue of said newspaper for 1 consecutive Wednesday day commencing on the 7 day of June to be and ending on the 7 day of June 20 06, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice. Amy McCree On this 7 day of June in the year of 2006, before me, a Notary Public, personally appeared Amy McCree known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Regina Mason

Notary Public for the State of Idaho, residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/09

STB Docket No. AB-6 (Sub No. 441X)
NOTICE OF INTENT TO ABANDON RAIL SERVICE
BNSF RAILWAY COMPANY (BNSF) gives notice that on or about June 13, 2006, it intends to file with the Surface Transportation Board (the Board), Washington, DC, 20423, a notice of exemption under 49 CFR 1152 Subpart F - *Exempt Abandonments* permitting the abandonment of the 2.12 miles of railroad line between Milepost 12.33 and Milepost 14.45, in Coeur d'Alene in Kootenai County, Idaho. The rail line traverses through United States Postal Service Zip Codes 83814 and 83816. The proceeding will be docketed as STB Docket No. AB-6 (Sub. No. 441X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on Environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding Environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for Environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than Environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use, or trails use may be directed to the Board's Office of Congressional and Public Services at 202-656-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Sidney Strickland and Associates, PLLC, 3050 K Street, Suite 101, Washington, DC, 20007-5108. Legal 9278 June 7, 2006

CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c) and 8(c)

BNSF Railway Company ("BNSF"), by and through its authorized representative, Sidney L. Strickland, Jr., certifies that on May 24, 2006, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

Richard Sims
State Conservationist
USDA Natural Resource Conservation Service
9173 West Barnes Drive, Suite C
Boise, ID 83709

Susan Pengilly Neitzel
Compliance Coordinator and Deputy SHPO
Idaho State Historical Society
201 Main Street
Suite 250
Boise, ID 83702

Administrator
Department of Environmental Quality
P.O. Box 83720
1410 North Hilton
Boise, ID 83706-1255

Gregg Rayner
Regulatory Project Manager
U.S. Army Corps of Engineers
Regulatory Field Office
Idaho Panhandle National Forest Building
3815 Schreiber Way
Coeur d'Alene, Idaho 83814-8363

U.S. Fish and Wildlife Service
Region 1
Eastside Federal Complex
911 NE 11th Avenue
Portland, OR 97232-4181

Lew Brown, District Manager
U.S. Department of the Interior
Bureau of Land Management
Coeur d'Alene Field Office
1808 North Third Street
Coeur d'Alene, Idaho 83814-3407

Robert L. Meinen
Director
Idaho Department of Parks and Recreation
PO Box 83720
Boise ID 83720-0065

Gordon Dobler
Coeur d'Alene Engineering Department
710 East Mullan Ave.
Coeur d'Alene ID, 83814

Kootenai Board of County Commissioners
451 Government Way
Coeur d'Alene, ID 83814

Robert Linkhart
Idaho Transportation Department
3311 W. State Street
P.O. Box 7129
Boise, ID 83707-1129

Greg Gress
Chief, Pacific West Region
U.S. National Park Service
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607

Clifford J. Villa
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, WA 98101

Idaho Fish and Game
Panhandle Region
2885 W. Kathleen Ave.
Coeur d'Alene, ID 83815

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

Idaho Public Utilities Commission
472 West Washington Street
P.O. Box 83720
Boise, Idaho 83720-0074

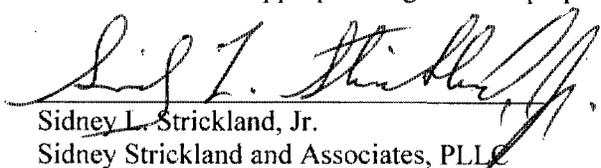
Suzanne Audet
U.S. Fish and Wildlife Service
Section 7 and Recovery Programs Branch Chief
Upper Columbia Fish and Wildlife Office
11103 E. Montgomery Drive
Spokane, WA 99206

Ed Tulloch
Regional Water Quality Manager
Department of Environmental Quality
2110 Ironwood Parkway
Coeur d'Alene, ID 83814-2648

Michael C. Gridley
City Attorney
City Hall, 710 Mullan Avenue
Coeur d'Alene, ID 83814

Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington D.C. 20423-0001

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.


Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K St. N.W.,
Suite 101
Washington, D.C. 20007

APPENDIX 4

Environmental and Historic Reports

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN KOOTENAI COUNTY, ID**

**DOCKET NO. AB-6
(SUB. NO. 441X)**

ENVIRONMENTAL AND HISTORIC REPORTS

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

By: SIDNEY L. STRICKLAND, JR.
ELIZABETH E. WAITE
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N.W.,
Suite 101
Washington, DC 20007
(202) 338-1325

Attorneys for BNSF Railway Company

DATED: May 24, 2006

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN KOOTENAI COUNTY, ID**

**DOCKET NO. AB-6
(SUB. NO. 441X)**

**ENVIRONMENTAL AND HISTORIC REPORTS
(49 C.F.R. 1105.7 AND 49 C.F.R. 1105.8)**

Pursuant to 49 C.F.R. § 1105.7 and § 1105.8, BNSF Railway Company ("BNSF") (referred to as "Applicant") hereby files Environmental and Historic Reports. These Reports constitute Applicant's assessment of the environmental effects and historic effects of abandonment of rail service on the involved rail line. Persons who review these Reports are entitled to provide comments to the Surface Transportation Board ("STB"), Section of Environmental Analysis ("SEA"), 1925 K Street, N.W., Suite 500, Washington, DC 20423. There is information in the Applicant's files to indicate that the rail line covered by these Reports does contain one parcel of federally granted right-of-way. *See* 49 C.F.R. § 1152.60(d). These Reports have been prepared in conjunction with the prospective filing of a Notice of Exemption of abandonment of the involved rail line. STB regulations provide that the Notice of Exemption cannot be filed until at least 20 days after these Reports are submitted.

I
ENVIRONMENTAL REPORT
(49 C.F.R. 1105.7)

The following information is submitted to the STB by BNSF in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption seeking authority to abandon 2.12 miles of railroad line between Milepost 12.33 and Milepost 14.45, in Coeur d'Alene in Kootenai County, Idaho (the "Line").

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

BNSF seeks to abandon this Line. The proposed abandonment may include removal of all rails and ties. There are no bridges on the Line and BNSF is aware of no other structures on the Line. A map of the Line is attached as Exhibit A.

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

The proposed abandonment will have no effect on existing transportation systems or patterns as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(3) Land Use:

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

BNSF believes the proposed abandonment will not be inconsistent with local or regional land use plans. The Idaho Department of Parks and Recreation (“IDPR”) indicates it supports making the proposed abandoned BNSF line into a “rail-trail.” The IDPR further states:

The corridor would connect the North Idaho Centennial [Trail] which starts in Spokane, Washington, to its proposed end at the Coeur d’Alene Parkway State Park. The corridor is a critical link for alternate transportation between communities. The City of Coeur d’Alene will be the lead agency in negotiating acquisition from BNSF but IDPR is interested if local agencies need assistance. IDPR does have grants available for such purposes but the earliest work or acquisition would be in June of 2007. Acquisition of this trail link [is] one of the most important trail projects in the State of Idaho. Because of population growth in Post Falls and Coeur d’Alene, new trail opportunities are needed to connect the new and old sub-divisions to parks, schools and business districts.

See Exhibit B, electronic correspondence from Leo Hennessy, Non-Motorized Trails Coordinator, Idaho Department of Parks and Recreation.

The Idaho Public Utilities Commission (“IPUC”) indicates it is required to schedule a hearing on the proposed abandonment and provides information as to the hearing process. See Exhibit C, letter from the Idaho Public Utilities Commission.

Also, the Bureau of Land Management (“BLM”) indicates: “Although the U.S. Bureau of Land Management does not have any formal jurisdiction in this matter, we do philosophically support the proposed abandonment of this portion of BNSF rail line.” See Exhibit D, electronic correspondence from Eric Thomson, Field Manager, Coeur d’Alene Field Office, Bureau of Land Management.

Finally, the City of Coeur d’Alene also indicates it supports the proposed

abandonment. See Exhibit E, letter from Michael C. Gridley, Coeur d'Alene City Attorney.

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

The proposed abandonment should have no effect on prime agricultural lands. The Natural Resources Conservation Service ("NRCS") (formerly known as the U.S. Soil Conservation Service) indicates, "the proposed action by the BNSF Railroad Company is not subject to the Farmland Policy Act." NRCS further indicates, "The proposed action does not convert existing or potential cropland to permanent non-agricultural use." See Exhibit F, letter from Richard Sims, State Conservationist, Natural Resources Conservation Service.

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

N/A

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

BNSF believes the proposed abandonment may be suitable for alternative public use. As noted above, the IDPR indicates it supports making the proposed abandoned BNSF line into a "rail-trail." See Exhibit B, electronic correspondence from Leo Hennessy, Non-Motorized Trails Coordinator, Idaho Department of Parks and Recreation.

Also, as noted above, the IPUC indicates it is required to schedule a hearing on the proposed abandonment and provides information as to the hearing process. See Exhibit C, letter from the Idaho Public Utilities Commission.

The BLM indicates: "Although the U.S. Bureau of Land Management does not have any formal jurisdiction in this matter, we do philosophically support the proposed abandonment of this portion of BNSF rail line." See Exhibit D, electronic correspondence from Eric Thomson, Field Manager, Coeur d'Alene Field Office, Bureau of Land Management.

Finally, the City of Coeur d'Alene also indicates it supports the proposed abandonment. See Exhibit E, letter from Michael C. Gridley, Coeur d'Alene City Attorney.

(4) Energy:

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

There are no known recoverable energy resources along the Line. There has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

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

This abandonment will not adversely affect movement or recovery of recyclable commodities as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

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

This abandonment will not result in an increase or decrease in overall energy efficiency as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

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

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

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(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 the line effected by the proposed, 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.

The action will not result in meeting or exceeding the specified thresholds.

Moreover, the action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

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

(A) An increase in rail traffic of at least 50% (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 or more than 10% of the average daily traffic of 50 vehicles a day on a given road segment, then

state whether any expected increased emissions are within the parameters established by State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstatement of service over a previously abandoned line, only the three trains a day threshold in this item shall apply.

The action will not result in meeting or exceeding the specified thresholds.

Moreover, the proposed abandonment will not result in an increase of rail or truck traffic as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

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

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

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

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

N/A

(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 those receptors if the thresholds are surpassed.

N/A

(7) Safety:

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

This abandonment should have no adverse effect on health or public

safety. There are three (3) public crossings and no private crossings on the Line. During salvage operations, if any may be required, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(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 and accidental release of hazardous materials.

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

(iii) If there are any known hazardous waste site 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.

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

(8) Biological Resources:

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

The U.S. Fish and Wildlife Service indicates, "based on the project alignment depicted on the map included with the letter, we do not anticipate project-related effects to threatened or endangered species." See Exhibit G, electronic correspondence from Suzanne Audet, Section 7 and Recovery Programs Branch Chief, Upper Columbia Fish and Wildlife Office, U.S. Fish and Wildlife Service.

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

The National Park Service (“NPS”) indicates “in comparing your map with a detailed map of the City of Coeur d’Alene, [we] can find no federal park, wildlife refuge, or other category of federal holding along the rail corridor.” See Exhibit H, electronic correspondence from Greg Gress, Chief, Land Resources Program Center, Pacific West Region, National Park Service.

Also, BLM indicates it is “familiar with the extent and impact of this portion of BNSF’s service area and cannot identify any impacts to Threatened or Endangered Animal, Plant, or Fish Species covered under The Endangered Species Act.” See Exhibit E, electronic correspondence from Eric Thomson, Field Manager, Coeur d’Alene Field Office, Bureau of Land Management.

(9) Water:

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

BNSF believes the proposed exemption will be consistent with applicable Federal, State or local water quality standards. The Idaho Department of Environmental Quality (“IDEQ”) states “it does not appear the proposed abandonment will take place in or near waters of the State of Idaho. As such, the proposed abandonment appears to be consistent with state water quality standards. See Exhibit I, letter from Ed Tulloch, Regional Water Quality Manager, Idaho Department of Environmental Quality.

Also, the U.S. Environmental Protection Agency (“EPA”) indicates: “Based on our field observations, and the information provided in your letter, we believe that physical activities associated with the proposed abandonment should

have no effect on water quality and will not require a permit under Section 402 of the federal Clean Water Act.” See Exhibit J, letter from Clifford J. Villa, Assistant Regional Counsel, Region 10, United States Environmental Protection Agency.

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

BNSF believes the proposed abandonment will not require a Section 404 permit. The U.S. Army Corps of Engineers (“Corps”) states: “In your letter you state the project does not involve the discharge of dredged or fill material in any waterways. The proposed work would include the removal of bridges and structures and track materials such as rail ties, but the roadbed would be left intact. Based on this, a Department of the Army permit is not required.” See Exhibit K, letter from Gregg Rayner, Regulatory Project Manager, Walla Walla District, Army Corps of Engineers.

BNSF believes the proposed abandonment will not affect any 100-year flood plains. The Corps indicates: “A local floodplain management ordinance may have been adopted by the local city or county zoning office under the National Flood Insurance Program. You should contact them regarding any approvals or permits they may require for your project.” See Exhibit K, letter from Gregg Rayner, Regulatory Project Manager, Walla Walla District, Army Corps of Engineers.

Consistent with the Corps’ suggestion, we had already contacted the City of Coeur d’Alene Engineering Department, and they responded to our inquiry as

to whether any 100-year floodplains would be affected by the proposed abandonment by simply sending a copy of the corresponding portion of the FEMA floodplain map. See Exhibit L, letter from Gordon Dobler, City Engineer, City of Coeur d'Alene Engineering Department.

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

BNSF believes a Section 402 permit will not be required for the proposed action. The EPA indicates that "physical activities associated with the proposed abandonment should have no effect on water quality and will not require a permit under Section 402 of the federal Clean Water Act." See Exhibit J, letter from Clifford J. Villa, Assistant Regional Counsel, Region 10, United States Environmental Protection Agency.

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

The project itself should mitigate the environmental effects of reinstating active rail operations.

II

HISTORIC REPORT (49 C.F.R. 1105.8)

Applicants hereby submit the following information required by 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;*

The required topographic map is attached to this Report as Exhibit A.

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

The trackage is approximately 2.12 miles in length and is located within the city of Coeur d' Alene, ID. The land in the area of the trackage is urban in nature. The land in the adjoining area is timbered and includes rural homes. The right of way varies from 20 to 55 feet in width.

In 2000, Coeur d' Alene had a population of 34,514.

There is one parcel of federally granted right of way within the corridor.

- (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;*

There are no railroad structures on the property that are 50 years old or older.

- (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;*

N/A

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

The Chicago, Milwaukee, St Paul & Pacific Railroad (MILW) acquired parts of the right of way in 1875, 1904, 1906, 1909 1917 and 1958. The MILW went bankrupt in 1980 and the former Burlington Northern Railroad (BN) purchased former MILW trackage at Coeur d' Alene, ID in 1981. In 1995, the former BN merged with The Atchison Topeka & Santa Fe Railway (ATSF) to become The Burlington Northern & Santa Fe Railway (BNSF). In 2005, BNSF changed its name to BNSF Railway.

The Coeur d' Alene & Spokane Railway purchased part of the right of way in 1903. In 1906, the Coeur d' Alene & Spokane Railway was absorbed into the Spokane & Inland Empire Railway. During 1906, additional right of way was acquired as well as in 1917. In 1919, the Spokane & Inland Empire Railway was spilt into the Spokane & Eastern Railway and the Inland Empire Railway. In 1927, both the former railroads were purchased by the Great Northern Railway (GN) and operated as the Spokane, Coeur d' Alene and Palouse Railway. The railroads were merged into GN in 1943. GN was merged into BN in 1970. BN and ATSF merged in 1995 to become BNSF. BNSF changed its name to BNSF Railway in 2005.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

Documents in BNSF's possession concerning this abandonment

may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

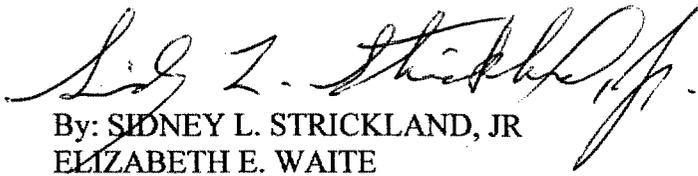
(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

The Idaho State Historical Society ("SHPO") has reviewed the project and made several findings: (1) Section 106 Evaluation: "No additional investigations are recommended; project can proceed as planned; (2) Identification of Historic Properties (36 CFR 800.4): "No historic properties were identified within the project area," and "*No historic properties* will be affected within the project area"; and (3) "We believe that [the] abandonment will have no effect on historic properties." See Exhibit M, letter from Susan Pengilly Neitzel, Compliance Coordinator and Deputy SHPO, State Historic Preservation Office.

(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.

There are no known prior subsurface ground disturbance or fill, environmental conditions that might affect the archeological recovery of resources and the surrounding terrain.

Respectfully submitted,



By: SIDNEY L. STRICKLAND, JR

ELIZABETH E. WAITE

SIDNEY STRICKLAND AND ASSOCIATES

3050 K Street, N.W., Suite 101

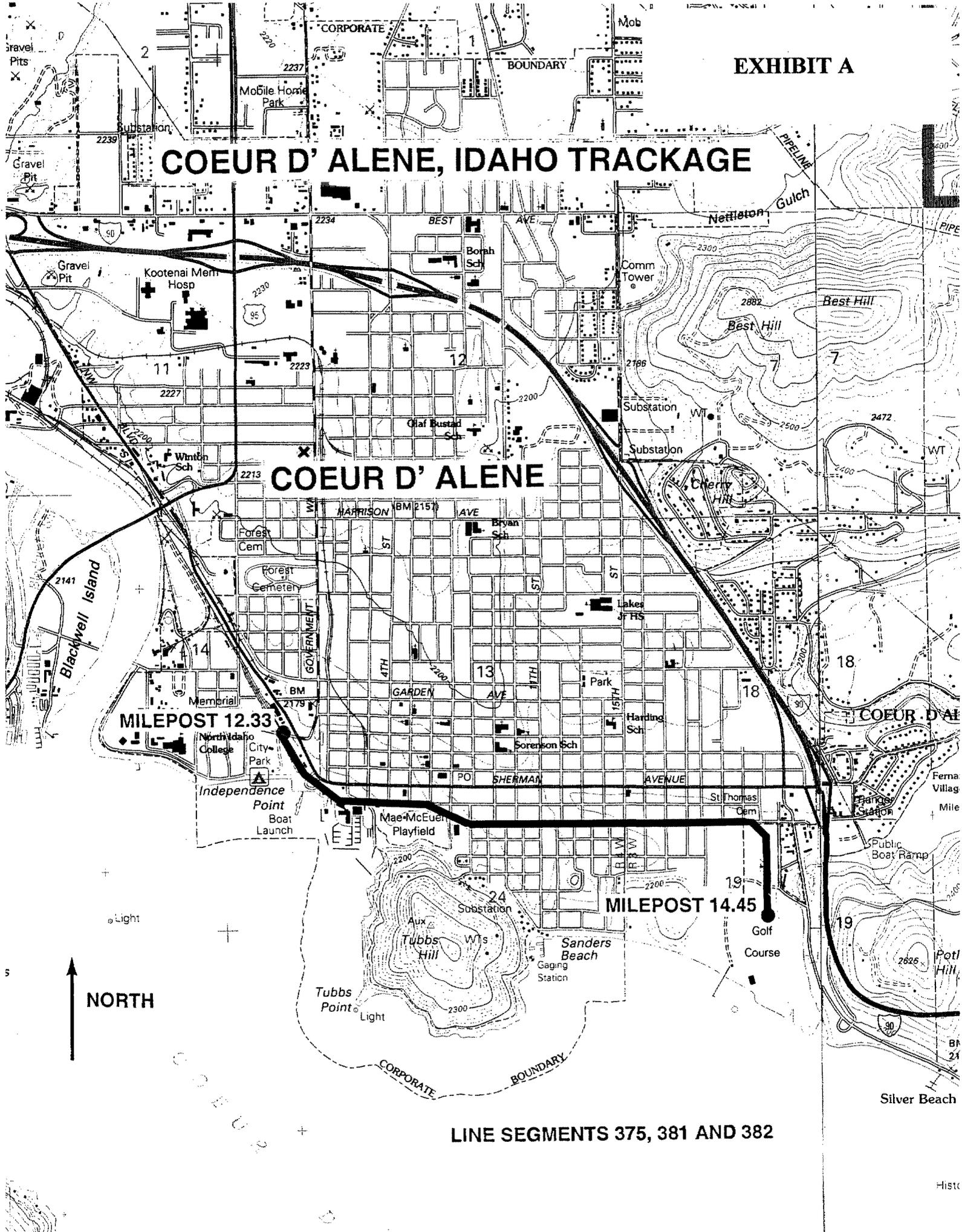
Washington, DC 20007

(202) 338-1325

Attorneys for BNSF Railway Company

DATED: May 24, 2006

COEUR D' ALENE, IDAHO TRACKAGE



COEUR D' ALENE

MILEPOST 12.33

MILEPOST 14.45

LINE SEGMENTS 375, 381 AND 382

NORTH

Silver Beach



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(liz.waite@stricklandpllc.com)

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From: Leo Hennessy <lhenness@IDPR.state.id.us>

To: liz.waite@stricklandpllc.com

Subject: Coeur d' Alene Abandonment

Date: 09-May-06 12:26 PM

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Message

This is e-mail to show that the Idaho Department of Parks and Recreation (IDPR) is in support of making the proposed to be abandoned BNSF line in the City of Coeur d' Alene a rail-trail. The corridor would connect the North Idaho Centennial which starts in Spokane, Washington to it's proposed end at the Coeur d' Alene Parkway State Park. This corridor is a critical link for alternate transportation between communities. The City of Coeur d' Alene will be the lead agency in negotiating acquisition from BNSF but IDPR is interested if local agencies need assistance. IDPR does have grants available for such purposes but the earliest work or acquisition would be in June of 2007. Acquisition of this trail link one of the most important trail projects in the State of Idaho. Because of population growth in Post Falls and Coeur d' Alene new trail opportunities are needed to connect the new and old sub-divisions to parks, schools and business districts. If you have any questions please do not hesitate to contact me.

Leo Hennessy
Non-Motorized Trails Coordinator
Idaho Department of Parks and Recreation
PO Box 83720
5657 Warm Springs Boulevard
Boise ID 83720-0065
Work: (208) 334-4180 ext 228
Work Fax: (208) 334-3741
Cell: (208) 866-6471

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF BNSF RAILWAY)	
COMPANY'S INTENT TO ABANDON 2.12)	CASE NO. BNR-R-06-1
MILES OF RAILROAD LINE IN COEUR)	
D'ALENE, IDAHO)	NOTICE OF INTENT TO
)	ABANDON
)	
)	NOTICE OF INTERVENTION
)	DEADLINE

The Public Utilities Commission has recently learned that BNSF Railway Company intends to file an application with the Surface Transportation Board (STB) to abandon 2.12 miles of railroad right-of-way in Coeur d'Alene, Idaho. The STB is the entity of the U.S. Department of Transportation authorized to grant or deny rail line abandonments. The rail line in question once served the Potlatch Mill location that is now The Coeur d'Alene Golf Resort.

NOTICE OF INTENT TO ABANDON

YOU ARE HEREBY NOTIFIED that BNSF indicates that it will file a petition seeking an abandonment "exemption" with the STB. To be eligible to file a petition for exemption, a railroad must usually certify that no rail traffic has moved on the line for the past two years and there are no outstanding complaints about the lack of rail service. Under the exemption procedure, the STB will publish a notice in the Federal Register within 20 days after the petition for exemption is filed. Thirty (30) days after the notice is published in the Federal Register, the railroad is permitted to abandon the rail line unless the STB stays the abandonment.

YOU ARE FURTHER NOTIFIED that the rail line and right-of-way in question run between milepost (MP) 12.33 and MP 14.45 within the city limits of Coeur d'Alene. The section of right-of-way being proposed for abandonment generally runs from the Coeur d'Alene City Park adjacent to Northwest Boulevard, across the front of The Coeur d'Alene Resort, down East Front Avenue, follows East Mullan Avenue, and terminates at The Coeur d'Alene Golf Resort. The Commission Staff's initial information about the affected right-of-way indicates that the majority of the track was removed in the 1980s. Consequently, there are no shippers on the line. A map of the rail section to be abandoned is attached.

YOU ARE FURTHER NOTIFIED that the abandonment of rail lines and the discontinuance of rail service are governed by federal law. As this Commission has stated many times, the authority to grant or deny the abandonment of a rail line rests with the STB. *Idaho Code* § 62-424 requires the Public Utilities Commission to schedule a hearing on the proposed abandonment. The purpose of the hearing is for the Commission to determine whether the abandonment would: (1) adversely affect the area being served; (2) impair the access of Idaho shippers to vital goods and markets; and (3) whether the rail line has potential for profitability. If the Commission finds that the abandonment would be adverse to the public interest, then it may represent the State of Idaho in the STB abandonment proceeding.

NOTICE OF INTERVENTION DEADLINE

YOU ARE FURTHER NOTIFIED that persons desiring to intervene in this matter for the purpose of presenting evidence must file a Petition to Intervene with the Commission pursuant to this Commission's Rules of Procedure 72 and 73, IDAPA 31.01.01.072 and -073. Persons intending to intervene must file a Petition to Intervene **on or before April 26, 2006**. Persons seeking intervenor status shall also provide the Commission Secretary with their electronic mail address to facilitate further communications in this matter.

YOU ARE FURTHER NOTIFIED that persons desiring to present their views without parties' rights of participation and cross-examination are not required to intervene and may present their comments without prior notification to the Commission or the parties.

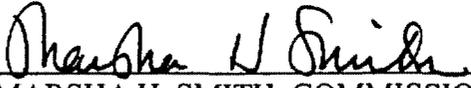
YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Titles 61 and 62 of the Idaho Code and specifically *Idaho Code* § 62-424.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

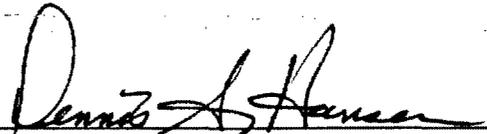
DATE at Boise, Idaho this 13th day of April 2006.



PAUL KJELLANDER, PRESIDENT

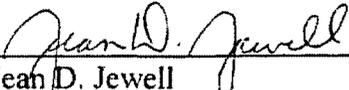


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

bis/N:BNR-R-06-01_dh

COEUR D' ALENE, IDAHO TRACKAGE

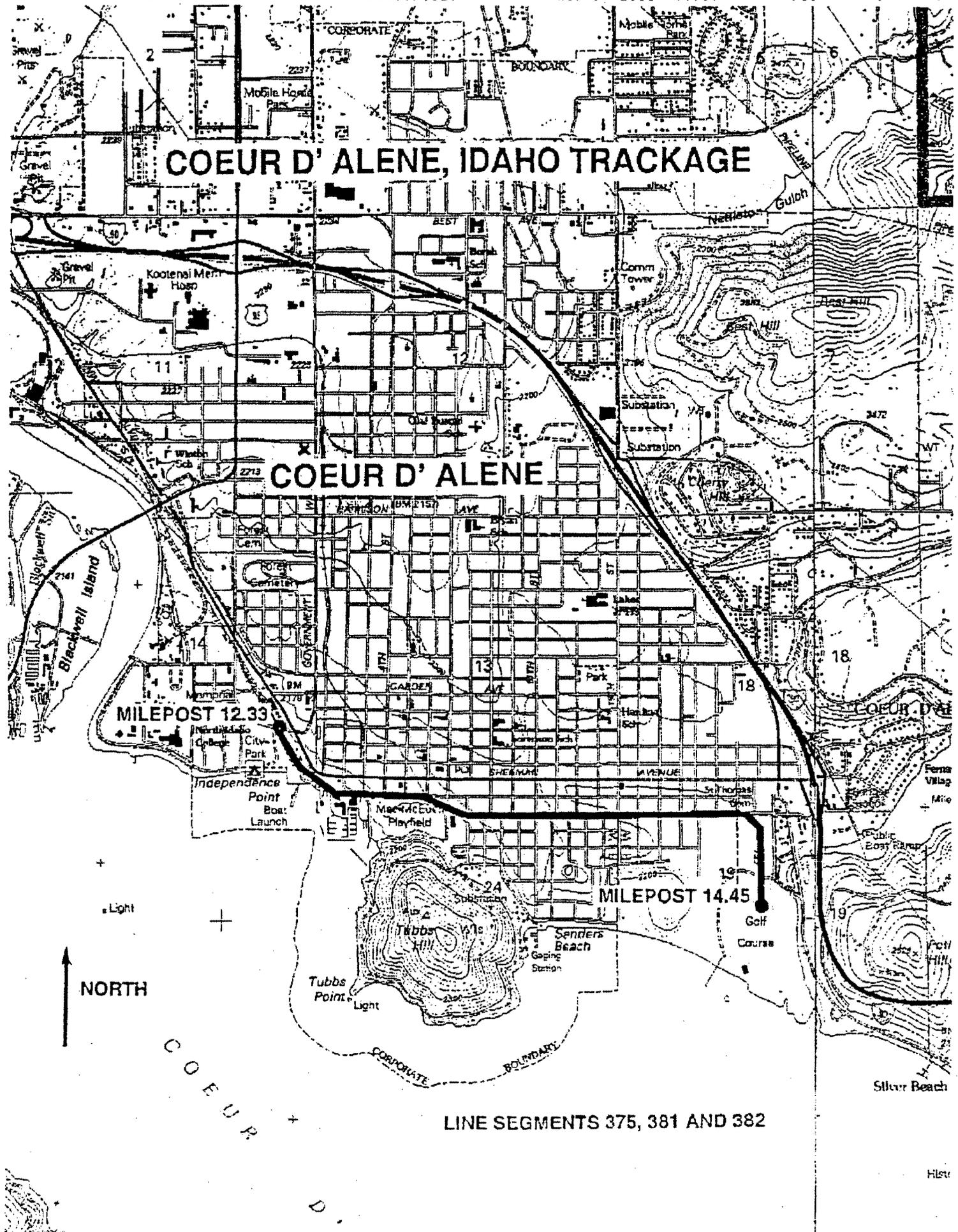
COEUR D' ALENE

MILEPOST 12.33

MILEPOST 14.45

NORTH

LINE SEGMENTS 375, 381 AND 382





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Username: Liz
(liz.waite@stri

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Message

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From: Eric_Thomson@blm.gov
To: liz.waite@stricklandpllc.com
Subject: Proposed Abandonment of BNSF Coeur d'Alene Reach
Date: 09-May-06 12:07 PM

Reply To All

The U.S. Bureau of Land Management is in receipt of the proposed abandonment action regarding the southern most portion of the Burlington Northern Santa Fe railroad line servicing the southern part of the City of Coeur d'Alene, Idaho. We are familiar with the extent and impact of this portion of BNSF's service area and cannot identify any impacts to Threatened or Endangered Animal, Plant or Fish Species covered under The Endangered Species Act.

Although the U.S. Bureau of Land Management does not have any formal jurisdiction in this matter we do philosophically support the proposed abandonment of this portion of BNSF rail line.

Eric Thomson, Field Manager,
 Coeur d'Alene Field Office
 (Acting on Behalf of
 Lew Brown, District Manager, Coeur d'Alene District)

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CITY OF COEUR D'ALENE

LEGAL DEPARTMENT

CITY HALL, 710 E. MULLAN AVENUE
COEUR D'ALENE, IDAHO 83814
(208)769-2348 – FAX (208)769-2349
www.cdaid.org

March 10, 2006

Mr. Stephen M. Kuzma
Manager – Real Estate
BNSF Railway
2500 Lou Menk Drive, AOB3
Ft. Worth, TX 76131-2830

VIA E-mail: Stephen.Kuzma@bnsf.com

RE: Coeur d'Alene, Idaho abandonment MP 8.9 to 14.45

Dear Steve:

I am writing to follow up on our discussion this week regarding abandonment issues in Coeur d'Alene. Based on the complexity of the issues involved it makes sense to immediately proceed with the abandonment of the BNSF line from MP 14.45 to MP 12.33 while proceeding to gather information and work through the issues involved with the abandonment from MP 12.33 to 8.9.

By this letter the City requests and fully supports the commencement of abandonment proceedings from MP 14.45 to MP 12.33. This is probably the most efficient way to accomplish the donation of the library pieces that we have been discussing. Please ask your Legal Department to provide me with copies of all notices and filings related to this abandonment. Also please let me know if there is anything we need to do to support the abandonment.

In the meantime I will begin gathering information regarding the ownership of the property from MP 12.33 to MP 8.9. If you have any information regarding ownership of this section I would appreciate getting a copies of it. I will also check the milepost numbers to make sure that MP 8.9 includes the Huetter Road crossing. We will also be meeting with Andrew Miller of Stimson Lumber Company to discuss his company's support for this abandonment. Please call me if you have any questions or comments. Thank you for your assistance.

Very truly yours,

Michael C. Gridley
City Attorney



Natural Resources Conservation Service
9173 W. Barnes Dr., Suite C
Boise, ID 83709-1574

March 30, 2006

Sidney L. Strickland, Jr.
Sidney L. Strickland and Associates, PLLC
3050 K St. N.W. Suite 101
Washington, D.C. 20007-5108

Dear Mr. Strickland:

We received your request for information concerning lands subject to the Farmland Protection Policy Act as part of the BNSF Railroad Companies application to abandon a 2.12-mile rail line located between milepost 12.33 and milepost 14.45, near Coeur d' Alene in Kootenai County, Idaho.

The stated purpose of the Farmland Protection Policy Act as published in the Federal Register on June 17, 1994; (Volume 59, No. 116) is to protect farmland from being irrevocably converted from actual or potential use to a permanent nonagricultural use.

After a careful review of your request, it is our feeling that the proposed action by the BNSF Railroad Company is not subject to the Farmland Protection Policy Act. The proposed action does not convert existing or potential cropland to a permanent non-agriculture use.

We appreciate the opportunity to comment on this proposed action. If you have any questions, feel free to contact Hal Swenson, Assistant State Soil Scientist for NRCS in Idaho. Hal's telephone number is 208-378-5728 or e-mail at Hal.Swenson@id.usda.gov.

Sincerely,

A handwritten signature in black ink that reads "Richard Sims". The signature is written in a cursive style with a large, sweeping initial "R".

RICHARD SIMS
State Conservationist

cc: David Hoover, State Soil Scientist, NRCS, Boise SO
Hal K. Swenson, Assistant State Soil Scientist, NRCS, Boise SO
Bob Tribelhorn, Assistant State Conservationist, NRCS, Moscow - Operations West
Mark Addy, District Conservationist, NRCS, Coeur d' Alene, ID



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(liz.waite@stricklandpllc.com)

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From: Suzanne Audet@fws.gov

To: Liz Waite <liz.waite@stricklandpllc.com>

Subject: Re: Coeur d'Alene Abandonment

Date: 16-May-06 03:32 PM

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Message

Liz,

The March 24, 2006 letter from your office requesting information on threatened and endangered species within the subject project area was addressed to our Regional Office in Portland, OR, and was forwarded to our office yesterday for response. My office is the Field Office dealing with issues/projects in northern Idaho. As I mentioned on the phone, based on the project alignment depicted on the map included with the letter, we do not anticipate project-related effects to threatened or endangered species. If you have additional questions, please feel free to call.

Suzanne

Suzanne Audet

U.S. Fish and Wildlife Service

Section 7 and Recovery Programs Branch Chief

Upper Columbia Fish and Wildlife Office

11103 E. Montgomery Drive

Spokane, WA 99206

Email: suzanne_audet@fws.gov

Phone: (509) 893-8002; FAX (509) 891-6748

"Liz Waite"

<liz.waite@strickla> To: suzanne_audet@fws.gov

ndpllc.com> cc:



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(liz.waite@stri

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Message

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From: Greg_Gress@nps.gov
To: liz.waite@stricklandpllc.com

Subject: DC attorney question regarding a 24 March 2006 letter to NPS on rail abando
Date: 15-May-06 09:49 AM

Hi Liz,

I received your faxed copy of the subject letter on Friday, May 12th, and have reviewed the letter and its attached map. In comparing your map with a detailed map of the City of Coeur d'Alene, Idaho, I can find no federal park, wildlife refuge, or other category of federal land holding along the rail corridor described in the letter.

If you have futher questions, please contact Michael Linde at 206/220-4113.

Sincerely,

Greg

Gregory F. Gress
Chief, Pacific Land Resources Program Center
Pacific West Region, National Park Service
510/817-1414 tel.
510/817-1482 fax
greg_gress@nps.gov

----- Forwarded by Greg Gress/OAKLAND/NPS on 05/15/2006 06:39 AM -----

Greg Gress
To: Michael Linde/Seattle/NPS@NPS
05/08/2006 02:02 cc: Barbara Rice/OAKLAND/NPS@NPS, Peg
PM PDT Henderson/OAKLAND/NPS@NPS
Subject: DC attorney question regarding a 24 March 2006
letter to NPS on rail abandonment

Hi Michael,

I received a call today from an Ian Thomas (202/338-1325), an attorney in Washington, DC, who represents a railroad company in a railroad right-of-way abandonment action. He says he sent us (NPS) a notice of an abandonment by letter dated March 24, 2006, and was asking if we had received it, and if we had a response. I told him that I didn't recall seeing the letter, but I may have forwarded it to your office. Since this is out of my area of expertise, perhaps you could follow-up directly with Mr. Thomas.

Thanks,

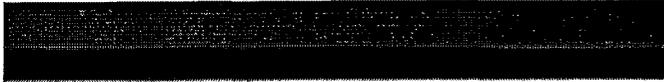
Greg

Gregory F. Gress
Chief, Pacific Land Resources Program Center
Pacific West Region, National Park Service
510/817-1414 tel.
510/817-1482 fax
greg_gress@nps.gov

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STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

EXHIBIT I

2110 Ironwood Parkway • Coeur d'Alene, Idaho 83814-2648 • (208) 769-1422

Dirk Kempthorne, Governor
Toni Hardesty, Director

April 7, 2006

Sidney Strickland and Associates, PLLC
3050 K St. N.W., Suite 101
Washington, DC 20007-5108

Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company- Abandonment
Exemption-in Kootenai County, ID

Dear Mr. Strickland:

In response to your letter dated March 24, 2006, and based upon the information presented, it does not appear the proposed abandonment will take place in or near waters of the State of Idaho. As such, the proposed action appears to be consistent with state water quality standards. In the State of Idaho, the U.S. Environmental Protection Agency has primacy for the NPDES permit program, and you will need to contact that agency for further information regarding NPDES permit requirements.

If you have further questions, please feel to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Ed Tulloch".

Ed Tulloch
Regional Water Quality Manager



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

May 10, 2006

Reply to
Attn Of: ORC-158

Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K St. NW, Suite 101
Washington, D.C. 20007-5108

Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company
Abandonment Exemption – in Kootenai County, ID

Dear Mr. Strickland:

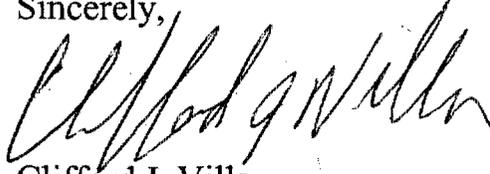
The U.S. Environmental Protection Agency (EPA) has received and considered your letter to us dated March 24, 2006, concerning the railroad abandonment matter referenced above. We have prepared and submitted this letter in response.

This matter involves a proposed abandonment of a railroad right-of-way within the City of Coeur d'Alene, Idaho. This right-of-way happens to pass near our EPA field office within Coeur d'Alene, allowing for our field staff to observe the right-of-way directly. Based on our field observations, and the information provided in your letter, we believe that physical activities associated with the proposed abandonment should have no effect on water quality and will not require a permit under Section 402 of the federal Clean Water Act.

If this right-of-way proceeds forward with the formal abandonment process, please provide us with a copy of the required Environmental Report, including analytical data if any samples are taken of soil or other media within or from the right-of-way. Any further reports or information should be directed to my attention at the address above.

Thank you for your inquiry in this matter. If you have any questions concerning this letter or EPA's role in the railroad abandonment process, please feel free to call me at (206) 553-1185.

Sincerely,

A handwritten signature in black ink, appearing to read "Clifford J. Villa". The signature is written in a cursive style with a large initial "C".

Clifford J. Villa

Assistant Regional Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
COEUR D'ALENE REGULATORY OFFICE
IDAHO PANHANDLE NATIONAL FOREST BUILDING
3815 SCHREIBER WAY
COEUR D'ALENE ID 83815-8362

April 20, 2006

Regulatory Division

SUBJECT: NWW No. 061200072

Mr. Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K St. N.W., Suite 101
Washington, District of Columbia 20007-5108

Dear Mr. Strickland:

This concerns BNSF Railway Company's (BNSF) proposed abandonment of 2.12 miles of railroad line near Coeur d'Alene Lake in the city of Coeur d'Alene, Idaho. This project was the subject of your March 24, 2006 letter.

Section 404 of the Clean Water Act (33 U.S.C. 1344) requires a Department of the Army permit be obtained for the discharge of dredged or fill material into waters of the United States. This includes most perennial and intermittent rivers and streams, natural and man-made lakes and ponds, and wetlands, as well as irrigation and drainage canals and ditches that are tributaries to other waters.

In your letter you state the project does not involve the discharge of dredged or fill material in any waterways. The proposed work would include the removal of bridges and structures and track materials such as rail ties, but the roadbed would be left intact. Based on this a Department of the Army permit is not required. If there are any changes to the plans as described in your letter, referenced above, and the change includes the discharge of dredged or fill material in waters of the United States, including wetlands, a permit will be required and BNSF must contact us before starting work.

This determination applies only to Department of the Army permits administered by the Corps of Engineers. Your project may require permits from other Federal, state, and local agencies.

A local floodplain management ordinance may have been adopted by the local city or county zoning office under the National Flood Insurance Program. You should contact them regarding any approvals or permits they may require for your project.

We are interested in your thoughts and opinions concerning the quality of service you received from the Walla Walla District, Corps of Engineers Regulatory Division. If you have Internet access and are interested in letting us know how we are doing, you can complete an electronic version of our Customer Service Survey form on our web site at:

<http://per2.nwp.usace.army.mil/survey.html> which will be automatically submitted to us.

Alternatively, you may call us and request that we mail you a paper copy of the survey that you may complete and return to us by mail or fax.

Please contact me at 208-765-7256 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Gregg A. Rayner".

Gregg A. Rayner
Regulatory Project Manager



CITY OF COEUR D'ALENE

ENGINEERING DEPARTMENT

CITY HALL, 710 E. MULLAN
COEUR D'ALENE, IDAHO 83816-3964
208/769-2285 – FAX 208/769-2284

EXHIBIT L

April 4, 2006

Sidney Strickland and Associates, PLLC
3050 K St. N.W., Suite 101
Washington, DC 20007-5108

Attn: Mr. Sidney Strickland, Jr.
Re: Abandonment of BNSF Railroad

Dear Mr. Strickland:

In response to your request for flood plain information related to the abandonment of a portion of BNSF railroad from Milepost 12.33 to Milepost 14.45, I am sending you a copy of the corresponding portion of the FEMA flood plain map. It is taken from Panel Number 160078 0005C, revised July 17, 1995. Please contact me if I can be of any further assistance.

Sincerely,

Gordon Dobler, City Engineer.



RM3



SPOKANE RIVER

SPOKANE

SMYLIE STREET

HUBBARD STREET

MILITARY DRIVE

RIVER

AVENUE

RM4

COLLEGE DRIVE

EMPIRE AVENUE

WEST GARDEN AVENUE

WOODLAND DRIVE

HUBBARD ST

FOREST DR

MILITARY DR

PARK DRIVE

MULLAN AVE

Road on Levee

Levee

LINCOLN WAY

NORTHWEST

BOULEVARD

STREET

STREET

STREET

2ND

3RD

4TH

HARRISON

1ST ST

FRONT

CHICAGO MILWAUKEE ST PAUL AND PACIFIC

PINE AVENUE

MOUN

CORPORATE LIMITS

ZONIAL

LA



DATE: April 21, 2006
TO: Sidney Strickland, Sidney Strickland and Associates, PLLC
FEDERAL AGENCY: STB
PROJECT NAME: Abandonment of 2.12 Miles of BNSF Railroad in Coeur d'Alene, Idaho

Section 106 Evaluation

"The History and Preservation People"

Our mission: to educate through the identification, preservation, and interpretation of Idaho's cultural heritage.
 www.idahohistory.net

Dirk Kempthorne
 Governor of Idaho

Steve Guerber
 Executive Director

Administration
 2205 Old Penitentiary Road
 Boise, Idaho 83712-8250
 Office: (208) 334-2682
 Fax: (208) 334-2774

Archaeological Survey of Idaho
 210 Main Street
 Boise, Idaho 83702-7264
 Office: (208) 334-3847
 Fax: (208) 334-2775

Historical Museum and Education Programs
 610 North Julia Davis Drive
 Boise, Idaho 83702-7695
 Office: (208) 334-2120
 Fax: (208) 334-4059

Historic Preservation Office
 210 Main Street
 Boise, Idaho 83702-7264
 Office: (208) 334-3861
 Fax: (208) 334-2775

Historic Sites Office
 2445 Old Penitentiary Road
 Boise, Idaho 83712-8254
 Office: (208) 334-2844
 Fax: (208) 334-3225

Public Archives and Research Library
 2205 Old Penitentiary Road
 Boise, Idaho 83712-8250

Public Archives
 Office: (208) 334-2620
 Fax: (208) 334-2626

Research Library
 (208) 334-3556

Oral History
 Office: (208) 334-3863
 Fax: (208) 334-3198

	The field work and documentation presented in this report meet the Secretary of the Interior's Standards.
X	No additional investigations are recommended; project can proceed as planned.
	Additional information is required to complete the project review. (See comments.)
	Additional investigations are recommended. (See comments.)

Identification of Historic Properties (36 CFR 800.4):

X	No historic properties were identified within the project area.
	Property is not eligible. Reason:
	Property is listed in National Register of Historic Places.
	Property is eligible for listing in the National Register of Historic Places. Criterion: A B C D Context for evaluation:
X	No historic properties will be affected within project area.

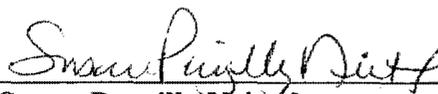
Assessment of Adverse Effects (36 CFR 800.5):

	Project will have <i>no adverse effect</i> on historic properties.
	Project will have an <i>adverse effect</i> on historic properties; further consultation is recommended.

If you have any questions, feel free to contact Suzi Neitzel at 208-334-3847.

Comments:

We believe that abandonment will have no effect on historic properties.



Susan Pengilly Neitzel

April 21, 2006

Date

**Compliance Coordinator and Deputy SHPO
 State Historic Preservation Office**



CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c) and 8(c)

BNSF Railway Company ("BNSF"), by and through its authorized representative, Sidney L. Strickland, Jr., certifies that on May 24, 2006, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

Richard Sims
State Conservationist
USDA Natural Resource Conservation Service
9173 West Barnes Drive, Suite C
Boise, ID 83709

Susan Pengilly Neitzel
Compliance Coordinator and Deputy SHPO
Idaho State Historical Society
201 Main Street
Suite 250
Boise, ID 83702

Administrator
Department of Environmental Quality
P.O. Box 83720
1410 North Hilton
Boise, ID 83706-1255

Gregg Rayner
Regulatory Project Manager
U.S. Army Corps of Engineers
Regulatory Field Office
Idaho Panhandle National Forest Building
3815 Schreiber Way
Coeur d'Alene, Idaho 83814-8363

U.S. Fish and Wildlife Service
Region 1
Eastside Federal Complex
911 NE 11th Avenue
Portland, OR 97232-4181

Lew Brown, District Manager
U.S. Department of the Interior
Bureau of Land Management
Coeur d'Alene Field Office
1808 North Third Street
Coeur d'Alene, Idaho 83814-3407

Robert L. Meinen
Director
Idaho Department of Parks and Recreation
PO Box 83720
Boise ID 83720-0065

Gordon Dobler
Coeur d'Alene Engineering Department
710 East Mullan Ave.
Coeur d'Alene ID, 83814

Kootenai Board of County Commissioners
451 Government Way
Coeur d'Alene, ID 83814

Robert Linkhart
Idaho Transportation Department
3311 W. State Street
P.O. Box 7129
Boise, ID 83707-1129

Greg Gress
Chief, Pacific West Region
U.S. National Park Service
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607

Clifford J. Villa
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, WA 98101

Idaho Fish and Game
Panhandle Region
2885 W. Kathleen Ave.
Coeur d'Alene, ID 83815

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

Idaho Public Utilities Commission
472 West Washington Street
P.O. Box 83720
Boise, Idaho 83720-0074

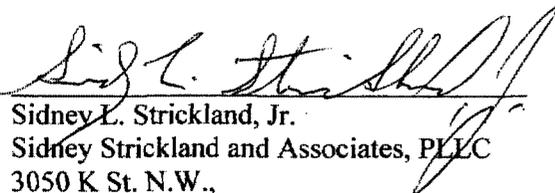
Suzanne Audet
U.S. Fish and Wildlife Service
Section 7 and Recovery Programs Branch Chief
Upper Columbia Fish and Wildlife Office
11103 E. Montgomery Drive
Spokane, WA 99206

Ed Tulloch
Regional Water Quality Manager
Department of Environmental Quality
2110 Ironwood Parkway
Coeur d'Alene, ID 83814-2648

Michael C. Gridley
City Attorney
City Hall, 710 Mullan Avenue
Coeur d'Alene, ID 83814

Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington D.C. 20423-0001

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.


Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K St. N.W.,
Suite 101
Washington, D.C. 20007

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3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 24, 2006

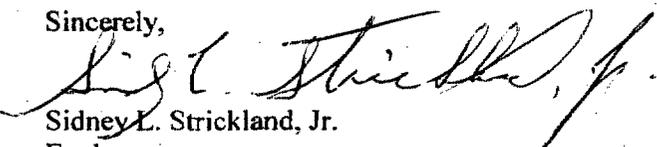
Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington D.C. 20423-0001

***Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—
Abandonment Exemption – in Kootenai County, ID***

Dear Ms. Rutson:

On or about June 13, 2006, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 2.12 miles of railroad line between Milepost 12.33 and Milepost 14.45, in Coeur d'Alene in Kootenai County, Idaho (the "Line"). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Sincerely,


Sidney L. Strickland, Jr.

Enclosure
SLS/ew

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 24, 2006

Michael C. Gridley
City Attorney
City Hall, 710 Mullan Avenue
Coeur d'Alene, ID 83814

***Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—
Abandonment Exemption – in Kootenai County, ID***

Dear Gridley:

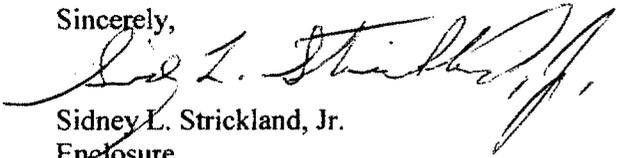
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Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 338-1325 or by mail at Sidney Strickland and Associates, PLLC, 3050 K Street, N.W., Suite 101, Washington, DC 20007.

Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.
Enclosure
SLS/ew

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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 24, 2006

Ed Tulloch
Regional Water Quality Manager
Department of Environmental Quality
2110 Ironwood Parkway
Coeur d'Alene, ID 83814-2648

***Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—
Abandonment Exemption – in Kootenai County, ID***

Dear Mr. Tulloch:

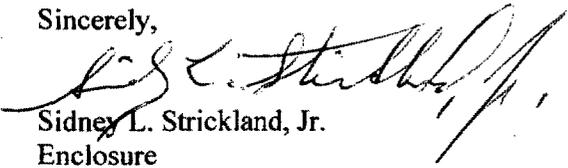
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Sidney L. Strickland, Jr.

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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 24, 2006

Suzanne Audet
U.S. Fish and Wildlife Service
Section 7 and Recovery Programs Branch Chief
Upper Columbia Fish and Wildlife Office
11103 E. Montgomery Drive
Spokane, WA 99206

***Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—
Abandonment Exemption – in Kootenai County, ID***

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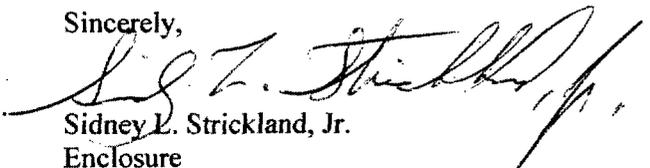
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WASHINGTON, DC 20007-5108
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SIDNEY L. STRICKLAND, JR.
Sidnev.Strickland@stricklandpllc.com

May 24, 2006

Idaho Public Utilities Commission
472 West Washington Street
P.O. Box 83720
Boise, Idaho 83720-0074

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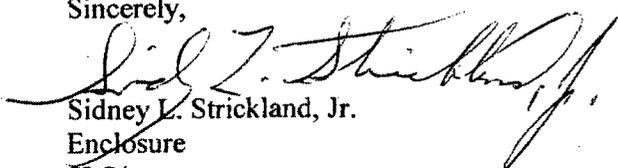
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May 24, 2006

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

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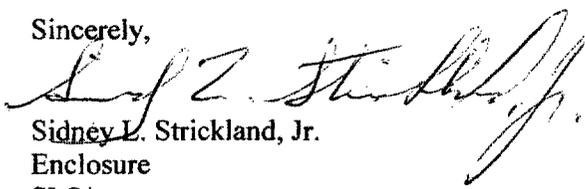
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 24, 2006

Idaho Fish and Game
Panhandle Region
2885 W. Kathleen Ave.
Coeur d'Alene, ID 83815

***Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—
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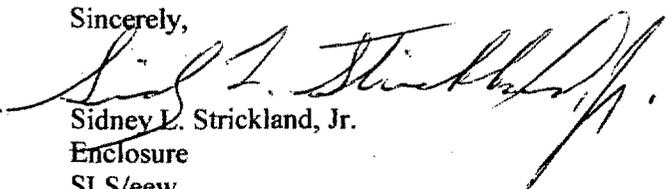
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Sidney L. Strickland, Jr.

Enclosure

SLS/eew

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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 24, 2006

Clifford J. Villa
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, WA 98101

***Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—
Abandonment Exemption – in Kootenai County, ID***

Dear Mr. Villa:

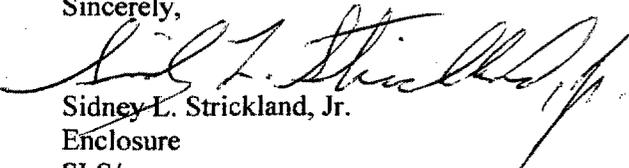
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Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.

Enclosure
SLS/ew

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 24, 2006

Greg Gress
Chief, Pacific West Region
U.S. National Park Service
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607

***Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—
Abandonment Exemption – in Kootenai County, ID***

Dear Mr. Gress:

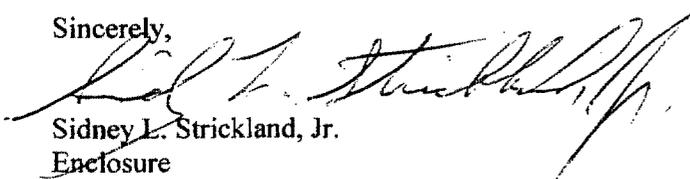
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 24, 2006

Robert Linkhart
Idaho Transportation Department
3311 W. State Street
P.O. Box 7129
Boise, ID 83707-1129

***Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—
Abandonment Exemption – in Kootenai County, ID***

Dear Mr. Linkhart:

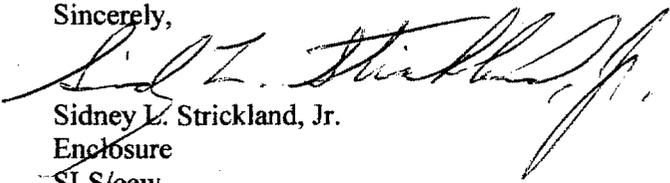
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 24, 2006

Kootenai Board of County Commissioners
451 Government Way
Coeur d'Alene, ID 83814

***Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—
Abandonment Exemption – in Kootenai County, ID***

Dear Sirs or Madams:

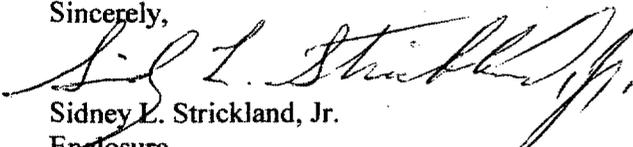
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TELEPHONE: 202-338-1325
FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.
Sidnev.Strickland@stricklandpllc.com

May 24, 2006

Gordon Dobler
Coeur d'Alene Engineering Department
710 East Mullan Ave.
Coeur d'Alene ID, 83814

***Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—
Abandonment Exemption – in Kootenai County, ID***

Dear Mr. Dobler:

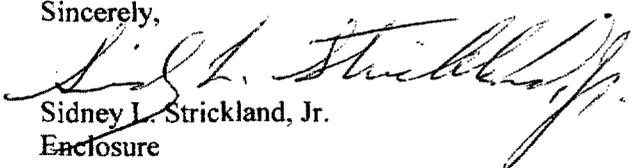
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 24, 2006

Robert L. Meinen
Director
Idaho Department of Parks and Recreation
PO Box 83720
Boise ID 83720-0065

***Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—
Abandonment Exemption – in Kootenai County, ID***

Dear Mr. Meinen:

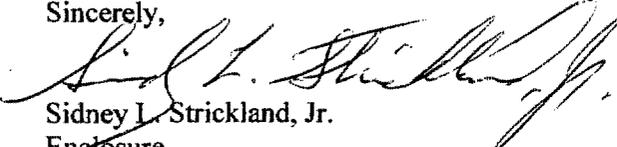
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 24, 2006

Lew Brown, District Manager
U.S. Department of the Interior
Bureau of Land Management
Coeur d'Alene Field Office
1808 North Third Street
Coeur d'Alene, Idaho 83814-3407

***Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—
Abandonment Exemption – in Kootenai County, ID***

Dear Mr. Brown:

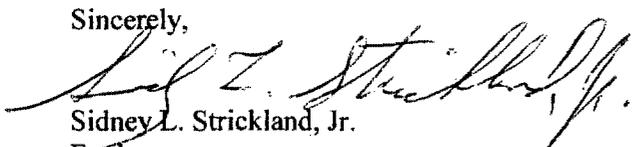
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 24, 2006

U.S. Fish and Wildlife Service
Region 1
Eastside Federal Complex
911 NE 11th Avenue
Portland, OR 97232-4181

***Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—
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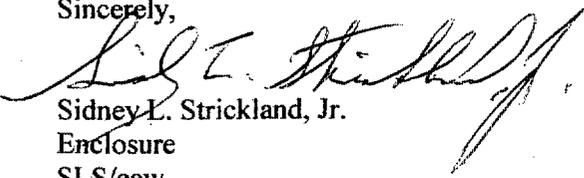
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 24, 2006

Gregg Rayner
Regulatory Project Manager
U.S. Army Corps of Engineers
Regulatory Field Office
Idaho Panhandle National Forest Building
3815 Schreiber Way
Coeur d'Alene, Idaho 83814-8363

***Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—
Abandonment Exemption – in Kootenai County, ID***

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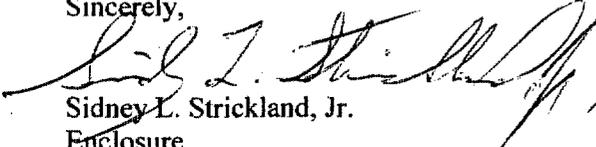
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 24, 2006

Administrator
Department of Environmental Quality
P.O. Box 83720
1410 North Hilton
Boise, ID 83706-1255

***Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—
Abandonment Exemption – in Kootenai County, ID***

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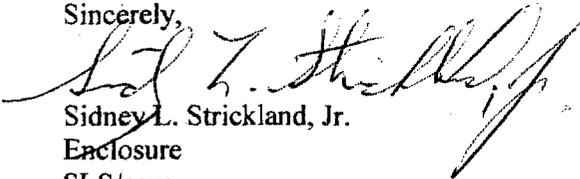
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 24, 2006

Susan Pengilly Neitzel
Compliance Coordinator and Deputy SHPO
Idaho State Historical Society
201 Main Street
Suite 250
Boise, ID 83702

***Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—
Abandonment Exemption – in Kootenai County, ID***

Dear Ms. Neitzel:

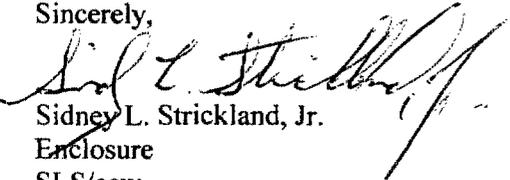
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 24, 2006

Richard Sims
State Conservationist
USDA Natural Resource Conservation Service
9173 West Barnes Drive, Suite C
Boise, ID 83709

***Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—
Abandonment Exemption – in Kootenai County, ID***

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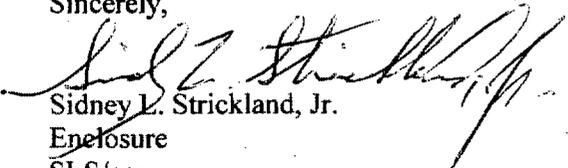
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