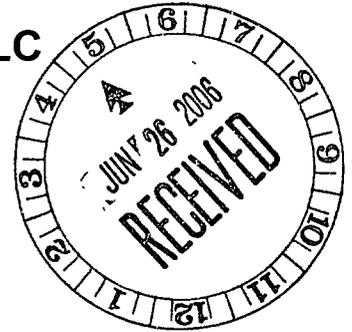


SIDNEY STRICKLAND AND ASSOCIATES, PLLC

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

216853

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



June 26, 2006

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. 439X) BNSF Railway Company—
Abandonment Exemption – in Bottineau County, ND**

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

ENTERED
Office of Proceedings

JUN 26 2006

part of
Public Record

FEE RECEIVED

JUN 26 2006

SURFACE
TRANSPORTATION BOARD

FILED

JUN 26 2006

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD



BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN BOTTINEAU COUNTY, ND

DOCKET NO. AB-6
(SUB. NO. 439X)

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 26, 2006

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN BOTTINEAU COUNTY, ND**

**DOCKET NO. AB-6
(SUB. NO. 439X)**

**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 40.10, near Bottineau, and Milepost 52.00, near Souris, in Bottineau County, North Dakota, approximately 11.90 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 26, 2006, which is August 15, 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 Bottineau 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

58783 and 58318.
- (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 are no federally granted rights-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.*

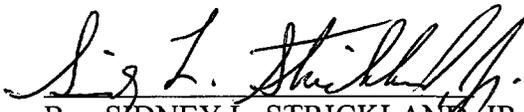
The required certifications are set forth in Appendix 3 to this Notice of Exemption.

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

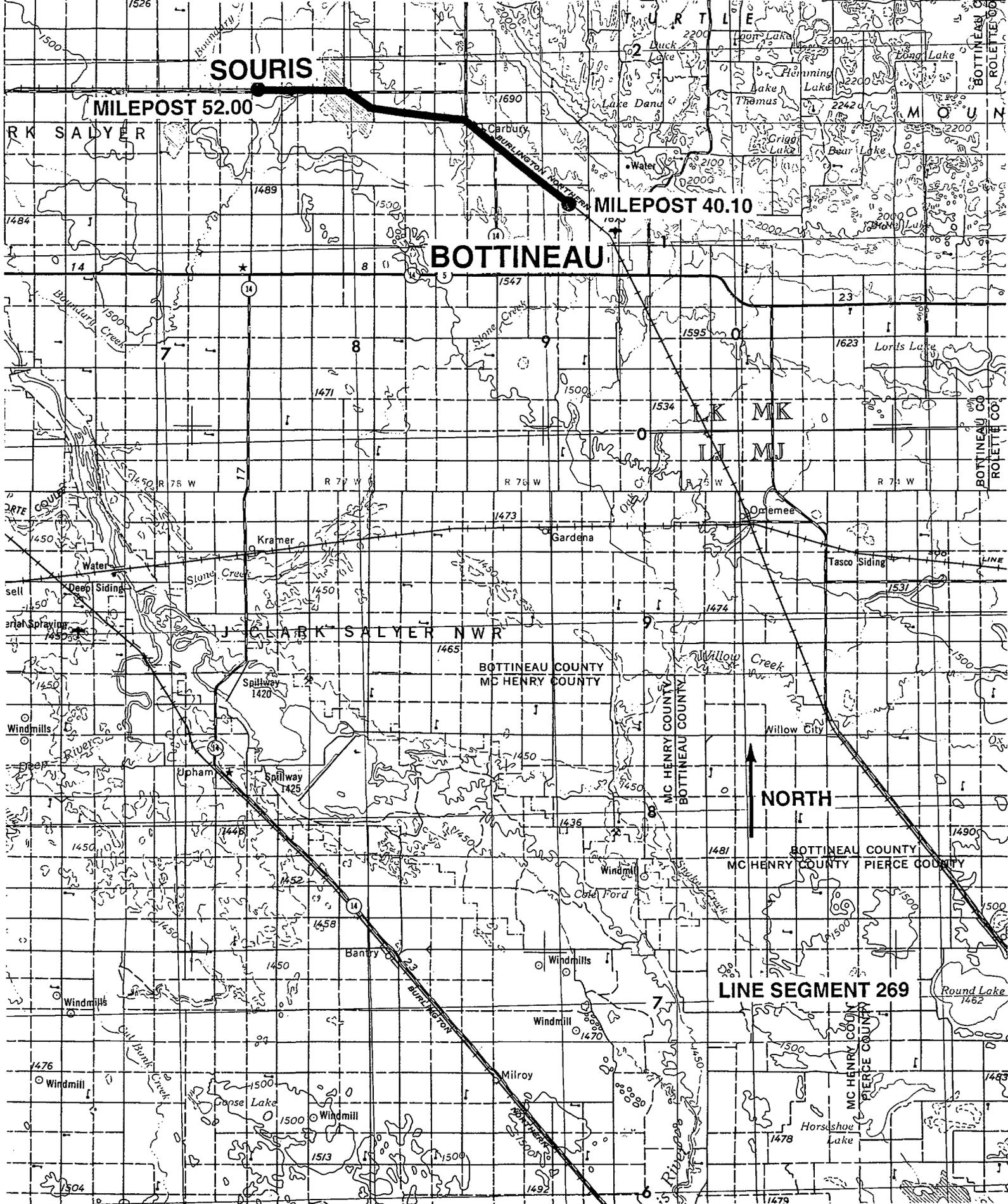
Attorneys for BNSF Railway Company

DATE FILED: June 26, 2006

APPENDIX 1

Detailed Map of the Line

BOTTINEAU - SOURIS, NORTH DAKOTA



SOURIS

MILEPOST 52.00

MILEPOST 40.10

BOTTINEAU

NORTH

LINE SEGMENT 269

APPENDIX 2

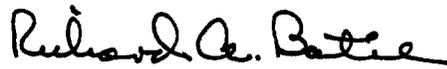
Certifications Required in 49 C.F.R. § 1152.50(b)

**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 I am as Manager, Network Development in the Network Development department of the BNSF Railway Company ("BNSF"), that 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.

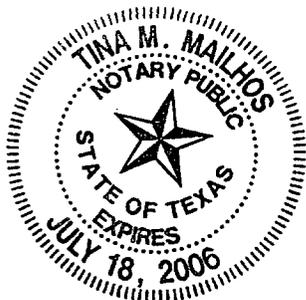
In accordance with 49 C.F.R. § 1152.50(b), I hereby certify that, with respect to the line which is the subject of the Notice of Exemption filed in Docket No. AB-6 (Sub-No. 439X), no local traffic has moved on the line for at least two (2) years prior to the date hereof. Also, there is no overhead traffic 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.

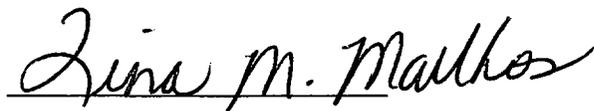
The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned



Richard A. Batie
Manager, Network Development

Subscribed and sworn to
before me the 10 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. 439X) was mailed via first class mail on June 15, 2006 to the following parties:

North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

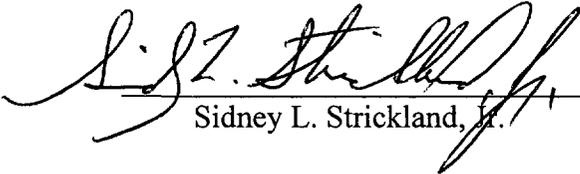
Military Traffic Management Control
Attn: Railroads for National Defense
720 Thimble Shoals Boulevard, #130
Newport News, VA 23606-2574

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

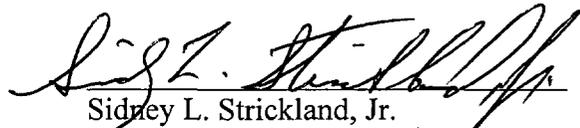
Bob Johnston, Rail Planner
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Dated June 26, 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 Bottineau County, North Dakota: *Minot Daily News*. Publication of the notice was accomplished on June 19, 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 NORTH DAKOTA**

SS.

County of Ward

Pamela Pedersen of said

County and State, being first duly sworn, on oath says: That the **MINOT DAILY NEWS** is a daily newspaper of general circulation, printed and published in the City of Minot, in said County and State. That the **MINOT DAILY NEWS** now is and during all times in the foregoing affidavit mentioned has been a newspaper qualified to do legal printing, in accordance with the Statutes of the State of North

clerk

of the **MINOT DA** such time covering notice have occupied such position on said newspaper, and have personal knowledge of all the facts stated in this affidavit; and that

the advertisement headed

Notice of Intent

a printed copy of which is hereunto attached was printed and published in said newspaper one times to-wit:

June 19, 2006

Pamela Pedersen, clerk

Subscribed and sworn to before me this

19th Day of June 2006

Stephanie K Hoffart

Notary Public, Ward Co, N.D.

My commission expires

STEPHANIE K. HOFFART
Notary Public, State of North Dakota
My Commission Expires May 8, 2007

tion Board (the Board), Washington, DC 20423, a notice of exemption under 49 CFR 1.152 Subpart F, Exempt Abandonments permitting the abandonment of the 11.90 miles of railroad line between Milepost 40.10 near Bottineau and Milepost 52.00 near Souris in Bottineau County, North Dakota. The rail line traverses through United States Postal Service Zip Codes 58783 and 58318. The proceeding will be docketed as STB Docket No. AB-6 (Sub No. 439).

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 the office at 202-565-1543.

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 1.104-1(a) and 1.104-3(a)) and one copy must be served on applicant's representative (See 49 CFR 1.104-2(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 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative, Sidney Strickland, Sidney Strickland and Associates, PLLC, 3050 K Street, Suite 101, Washington, DC 20007-5108.

(June 19, 2006)

PUBLICATION FEES

81 lines one times \$ 39.69

(81 st lines x .49 = \$39.69)

already paid

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 June 5, 2006, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

J.R. Flores, State Conservationist
USDA Natural Resources Conservation Service
220 East Rosser Ave.
P.O. Box 1458
Bismarck, ND 58502-1458

Merlan E. Paaverud, Jr.
State Historic Preservation Officer
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505-0830

North Dakota State Water Commission
900 East Boulevard Avenue
Bismarck, ND 58505-0850

U.S. Army Engineer District, Omaha
106 S. 15th Street
Omaha, NE 68102

U.S. Fish and Wildlife Service
Region 6
Denver Federal Center
Denver, CO 80225

Tim Zachmeier
Wildlife Biologist
U.S. Bureau of Land Management
North Dakota Field Office
2933 Third Avenue West
Dickinson, ND 58601-2619

Jesse Hanson, Coordinator
Planning and Natural Resources Division
North Dakota Parks and Recreation Department
1600 E. Century Ave.
Suite 3
Bismarck, ND 58503-0649

Robert Indvik, Bottineau County Road Superintendent
Bottineau County Roads Department
314 W. 5th Street
Bottineau, ND 58318

Julie Prescott
Regulatory Section
State of North Dakota
Office of the State Engineer
900 East Boulevard
Bismarck, ND 58505-0850

Bottineau County Commissioners
c/o Mae Streich, County Auditor
314 W. 5th St.
Bottineau, ND 58318

Robert Maydwell
U.S. National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

Curt A. McCormick
Pretreatment Coordinator
U.S. Environmental Protection Agency
Region 8
999 18th Street
Suite 300
Denver, CO 80202-2466

Bob Johnston, Rail Planner
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

North Dakota Environmental Health Section
P.O. Box 5520
Bismarck, ND 58506-5520

Bruce Lange
Water Resource Program Administrator
Flood Plain Department
North Dakota State Water Commission
900 East Boulevard Avenue, Dept. 770
Bismarck, ND 58505-0850

Daniel E. Cimarosti
Regulatory Program Manager
Corps of Engineers, Omaha District
North Dakota Regulatory Office
1513 South 12th Street
Bismarck, ND 58504-6640

Jeffrey K. Towner
Field Supervisor
U.S. Fish and Wildlife Service
North Dakota Field Office
3425 Miriam Avenue
Bismarck, ND 58501

David E. Glatt, P.E., Chief
North Dakota Department of Health
Environmental Health Section
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947

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

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

Governor's Office
600 East Boulevard Avenue
Department 101
Bismarck, ND 58505-3001

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 BOTTINEAU COUNTY, ND**

**DOCKET NO. AB-6
(SUB. NO. 439X)**

ENVIRONMENTAL AND HISTORIC REPORTS

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

DATED: June 5, 2006

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN BOTTINEAU COUNTY, ND**

**DOCKET NO. AB-6
(SUB. NO. 439X)**

**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 not contain a 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 for 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 11.90 miles of railroad line between BNSF Milepost 40.10, near Bottineau, and Milepost 52.00, near Souris, in Bottineau County, North Dakota (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, including all bridges and structures. There are eight (8) bridges on the Line and BNSF is not aware of any other structures. 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.

The proposed abandonment should not be inconsistent with local or regional land use plans. The Bottineau County Commissioners indicate that, “Verdean Kveum, Chairman of the Bottineau County Commissioners, instructed a letter be sent indicating the proposed action is consistent with local land use plans.” See Exhibit B, letter from Mae Streich, County Auditor, Bottineau County Commissioners:

Also, the North Dakota Department of Transportation (“NDDOT”) responds: “In regard to your questions concerning local land use plans, local land use is not generally within the purview of NDDOT. We are not presently planning any state highway relocation projects in the above referenced area.” See Exhibit C, letter from Bob Johnston, Rail Planner, North Dakota Department of Transportation.

(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) states, “It appears that most, if not all, of the project impacts will take place in the existing railroad right-of-way.” NRCS also makes the following comments:

1. To the extent possible, all natural drainage patterns should be maintained. Land use that may be affected during abandonment should be returned to the original land use cover.
2. If the railroad road bed is removed, spoil should not be placed in wetlands or natural watercourses. The local NRCS district conservationist in each county can provide wetland inventory maps as needed. Erosion control measures should be in effect during all periods of road bed

removal activities.

3. This project should have no significant impact on existing soil and water conservation practices in the area.

In regard to the Farmland Protection Policy Act ("FPPA"), the NRCS indicates, "NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e. prime, statewide importance, and local importance) to non-agricultural use. Your proposed project is committed to building expansion development on the existing heritage tourism site where FPPA does not apply; therefore, no further action is needed." See Exhibit D, letter from J.R. Flores, State Conservationist, Natural Resources Conservation Service. BNSF is sending a copy of this Report to all the above-mentioned agencies.

(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.

The proposed abandonment may be suitable for alternative public use although BNSF received no comments indicating interest in alternative public use at this time. As noted above, the NDDOT is "not presently planning any state highway relocation projects in the above referenced area." See Exhibit C, letter from Bob Johnston, Rail Planner, North Dakota Department of Transportation.

Also, the Bottineau County Commissioners offered no comments as to the whether the right-of-way is suitable for alternative public use. See Exhibit B, letter from Mae Streich, County Auditor, Bottineau County Commissioners.

(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 train 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 fourteen (14) public crossings and eight (8) 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 is no known hazardous waste site or sites where there have been known hazardous materials 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 ("FWS") provided comments and recommendations as to where there are FWS property interests to be avoided and that if all the work to be performed during the proposed railway abandonment is conducted within the existing railroad right-of-way, no permit will be required from FWS. FWS then indicated it is not aware of any federally endangered and threatened species that frequent the project area at this time.

To minimize disturbance to fish and wildlife resources in the project area, the FWS provided the following recommendations:

- Avoid construction in Boundary Creek during the fish migration and spawning period from April 15 – June 1.
- Make no stream channel alterations or changes in drainage patterns.
- Defer the timing of construction to late summer (after July 15) or fall so as not to disrupt waterfowl or other wildlife during the nesting season and to avoid high water conditions.
- Install and maintain appropriate erosion control measures to reduce sediment transport to adjacent wetlands and stream channels.
- Reseed disturbed areas with a mixture of native grass and forb species.

Finally, FWS gave instructional information as to when the "Responsible

Federal Agency” should request section 7 consultation. See Exhibit E, letter from Jeffrey K. Towner, Field Supervisor, North Dakota Field Office, U.S. Fish and Wildlife Service.

Additionally, the North Dakota Parks and Recreation (“NDPR”) indicates: “The North Dakota Natural Heritage Inventory has limited rare species information from the project area. For your information, we do have records for the occurrence of *Hesperia docotae* (Dakota skipper) in a section adjacent to the project area indicating that the habitat in the project area may be suited for this species or other rare, threatened, sensitive or endangered species.” See Exhibit F, letter from Jesse Hansen, Coordinator, Planning and Natural Resources Division, North Dakota Parks and Recreation.

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

The National Park Service (“Service”) has reviewed the project in relation to any possible conflicts with the Land and Water Conservation Fund and the Urban Park and Recreation Recovery programs and finds there are none. The Service has no additional comments at this time. See Exhibit G, letter from Robert Maydwell, Grants Management Assistant, Partnerships—Grants, Midwest Region, National Park Service.

NDPR adds: “The project as defined does not affect state park lands that we manage or Land and Water Conservation Fund recreation projects that we coordinate.” See Exhibit F, letter from Jesse Hansen, Coordinator, Planning and Natural Resources Division, North Dakota Parks and Recreation.

The Bureau of Land Management (“BLM”) states, “The BLM does not

have any wildlife concerns with the proposed action.” See Exhibit H, electronic correspondence from Tim Zachmeier, Wildlife Biologist, North Dakota 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.

The proposed exemption will be consistent with applicable Federal, State or local water quality standards. The North Dakota Office of the State Engineer (“NDOSE”) indicates: “It does not appear from the information provided that the project will impact sovereign lands managed by the State Engineer nor require an approved construction permit or a permit to drain. In performing the stated work, it is recommended that no materials be moved or placed within existing waterways. Additionally, any remnant bridge pilings should be removed or cut to grade so that they do not serve to collect debris or otherwise obstruct the drainage of surface waters.” See Exhibit I, letter from Julie Prescott, Regulatory Section, State of North Dakota, Office of the State Engineer.

The North Dakota Department of Health (“NDPH”) states, “This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods.” NDPH then offered specific means and methods to minimize environmental impacts.

NDPH also indicates it owns no land in or adjacent to the proposed improvements; it has no projects scheduled in the area; and it believes the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota. See Exhibit J, letter from

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

Department of Health.

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

The proposed abandonment will not require a Section 404 permit. The U.S. Army Corps of Engineers ("CORPS") states, "The railroad line was constructed across Boundary Creek, four (4) tributaries to Boundary Creek, Stone Creek in three (3) locations, a tributary to Stone Creek and several adjacent wetlands, which are jurisdictional waters subject to regulation under Section 404 of the Clean Water Act. Section 404 regulates the discharge of dredged or fill material into jurisdictional waters. Based on the information provided, specifically '*No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage*', the proposed activity is not subject to DA regulatory authorities. Therefore, no permit is required from the Corps of Engineers. Although a DA permit will not be required for the project, this determination does not eliminate the requirement for you to obtain any other applicable Federal, state, tribal or local permits as required." See Exhibit K, letter from Daniel E. Cimarosti, Regulatory Program Manager, North Dakota Regulatory Office, Omaha District Corps of Engineers.

In regard to designated wetlands, the FWS offers the following comments:

The U.S. Fish and Wildlife Service administers Waterfowl Production Area fee title as well as wetland and grassland easements throughout North Dakota. A review of its county plat maps (photocopy enclosed) indicates U.S. Fish and Wildlife Service property interests (wetland easements highlighted in yellow) located in the planning area... The FWS requires that

all wetlands under its jurisdiction be avoided during project construction when possible. If all the work to be performed during the proposed railway abandonment is conducted within the existing railroad right-of-way, no permit will be required from the U.S. Fish and Wildlife Service. Special Use or right-of-way permits will be necessary for any construction resulting in impacts to wetlands protected by easements.

See Exhibit E, letter from Jeffrey K. Towner, Field Supervisor, North Dakota Field Office, U.S. Fish and Wildlife Service.

The proposed abandonment should not affect any 100-year flood plains. The Bottineau County Roads Department states: "The proposed abandonment as stated in your letter of January 6, 2006 will have no effect on any 100 year floodplains." See Exhibit L, electronic correspondence from Robert Indvik, Bottineau County Road Superintendent, Bottineau County Roads Department.

Also, the North Dakota State Water Commission comments as to whether 100-year flood plains will be affected by stating: "Enclosed are partial copies of the City of Bottineau Flood Insurance Rate Map dated September 28, 1979, and the City of Souris Flood Insurance Rate Map dated March 18, 1986, that depict the 100-year floodplain where the BNSF Railway Company track has been proposed to be removed. Prior to construction activity in the 100-year floodplain, BNSF should apply for a Non-Building Floodplain Development Permit to each City's floodplain administrator." The North Dakota State Water Commission also enclosed a copy of the permit application. See Exhibit M, letter from Bruce Lange, Water Resource Program Administrator, North Dakota State Water Commission.

(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).

A permit under Section 402 of the Clean Water Act may be required for the proposed action. The NDOSE indicates: "Section 402 rules are administered by the EPA; therefore, you may wish to contact their regional office in Denver for more information regarding the National Pollution Discharge Elimination System permit about which you inquired. You may also wish to contact the North Dakota Department of Health to ensure compliance with state water quality standards, and the Bottineau County Water Resource District for any local concerns; copies of your letter will be forwarded to both entities for their review." See Exhibit I, letter from Julie Prescott, Regulatory Section, State of North Dakota, Office of the State Engineer.

The U.S. Environmental Protection Agency ("EPA") issued no position as to whether permits under Section 402 of the Clean Water Act would be required for the proposed action. EPA merely provided contact information as to whether Section 402 permits may be required. BNSF has contacted the recommended agency as indicated below. See Exhibit N, letter from Curt A. McCormick, Pretreatment Coordinator, U.S. Environmental Protection Agency, Region 8.

As recommended by the EPA, BNSF contacted the state of North Dakota, Department of Health. L. David Glatt responded on behalf of NDPH. He states, "This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods." NDPH also indicates:

Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the

reestablishment of vegetation or other permanent cover. Further information on the storm water permit may be obtained from the Department's website or by calling the Division of Water Quality (701-328-5210). Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.

See Exhibit J, letter from L. David Glatt, P.E., Chief, Environmental

Health Section, North Dakota Department of Health.

(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 Line is approximately 11.90 miles long and goes from west of Bottineau to Souris through rural North Dakota. In 2000, Bottineau had a population of 2,336. Souris is not an incorporated town. The adjacent property is generally flat with some irregularities. Wheat and barley are primary crops grown in this rural area. The right of way varies from 100 to 150 feet in width except at Souris where the right of way is 200 feet wide for approximately 1,400 feet.

There are no federally granted rights of way involved.

- (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;*

Photographs of eight (8) bridges are attached as Exhibits O-1—O-24.

Bridge 40.40 is a railroad bridge in or near Bottineau, ND. It is near Milepost 40.40. This bridge is 138 feet long, 27 feet high, and is an open deck timber trestle bridge with 10' panels. See Exhibits O-1—O-3.

Bridge 40.80 is a railroad bridge in or near Bottineau, ND. It is near Milepost 40.80. This bridge is 125 feet long, 26 feet high, and is an open deck timber trestle bridge with 9' panels. See Exhibits O-4—O-6.

Bridge 42.20 is a railroad bridge in or near Bottineau, ND. It is near Milepost 42.20. This bridge is 70 feet long, 11 feet high, and is an open deck timber trestle bridge with 5' panels. See Exhibits O-7—O-9.

Bridge 44.30 is a railroad bridge in or near Bottineau, ND. It is near Milepost 44.30. This bridge is 111 feet long, 19 feet high, and is an open deck timber trestle bridge with 8' panels. See Exhibits O-10—O-12.

Bridge 45.10 is a railroad bridge in or near Bottineau, ND. It is near Milepost 45.10. This bridge is 152 feet long, 25 feet high, and is an open deck timber trestle with 11' panels. See Exhibits O-13—O-15.

Bridge 47.10 is a railroad bridge in or near Bottineau, ND. It is near Milepost 47.10. This bridge is 41 feet long, 7 feet high, and is an open deck timber trestle with 3' panels. See Exhibits O-16—O-18.

Bridge 47.70 is a railroad bridge in or near Bottineau, ND. It is near Milepost 47.70. This bridge is 96 feet long, 17 feet high, and is an open deck timber trestle with 7' panels. See Exhibits O-19—O-21.

Bridge 49.60 is a railroad bridge in or near Bottineau, ND. It is near Milepost 49.60. This bridge is 69 feet long, 9 feet high, and is an open deck timber trestle with 5' panels. See Exhibits O-22—O-24.

(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;

Bridge 40.40. It was built in 1964. It is unknown whether or not there has been significant alteration to the bridge structure since that time.

Bridge 40.80. It was built in 1964. It is unknown whether or not there has been significant alteration to the bridge structure since that time.

Bridge 42.20. It was built in 1953. It is unknown whether or not there has been significant alteration to the bridge structure since that time.

Bridge 44.30. It was built in 1964. It is unknown whether or not there has been significant alteration to the bridge structure since that time.

Bridge 45.10. It was built in 1962. It is unknown whether or not there has been significant alteration to the bridge structure since that time.

Bridge 47.10. It was built in 1985. It is unknown whether or not there has been significant alteration to the bridge structure since that time.

Bridge 47.70. It was built in 1966. It is unknown whether or not there has been significant alteration to the bridge structure since that time.

Bridge 49.60. It was built in 1966. It is unknown whether or not there has been significant alteration to the bridge structure since that time.

(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 corridor was acquired by the Great Northern Railway (GN) between 1900 and 1905. In 1970, the GN merged into the Burlington Northern Railroad (BN). In 1995, BN merged with the Atchison, Topeka and

Santa Fe Railway Company to become The Burlington Northern and Santa Fe Railway Company (BNSF). In 2005, BNSF changed its name to BNSF Railway.

(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.

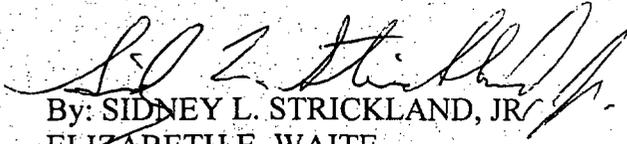
(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown 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 State Historical Society of North Dakota states, "We would concur with a finding of 'No Historic Properties Affected,' if requested by the federal lead agency." See Exhibit O, letter from Merlan E. Paaverud, Jr., State Historic Preservation Officer (North Dakota), State Historical Society of North Dakota.

(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.

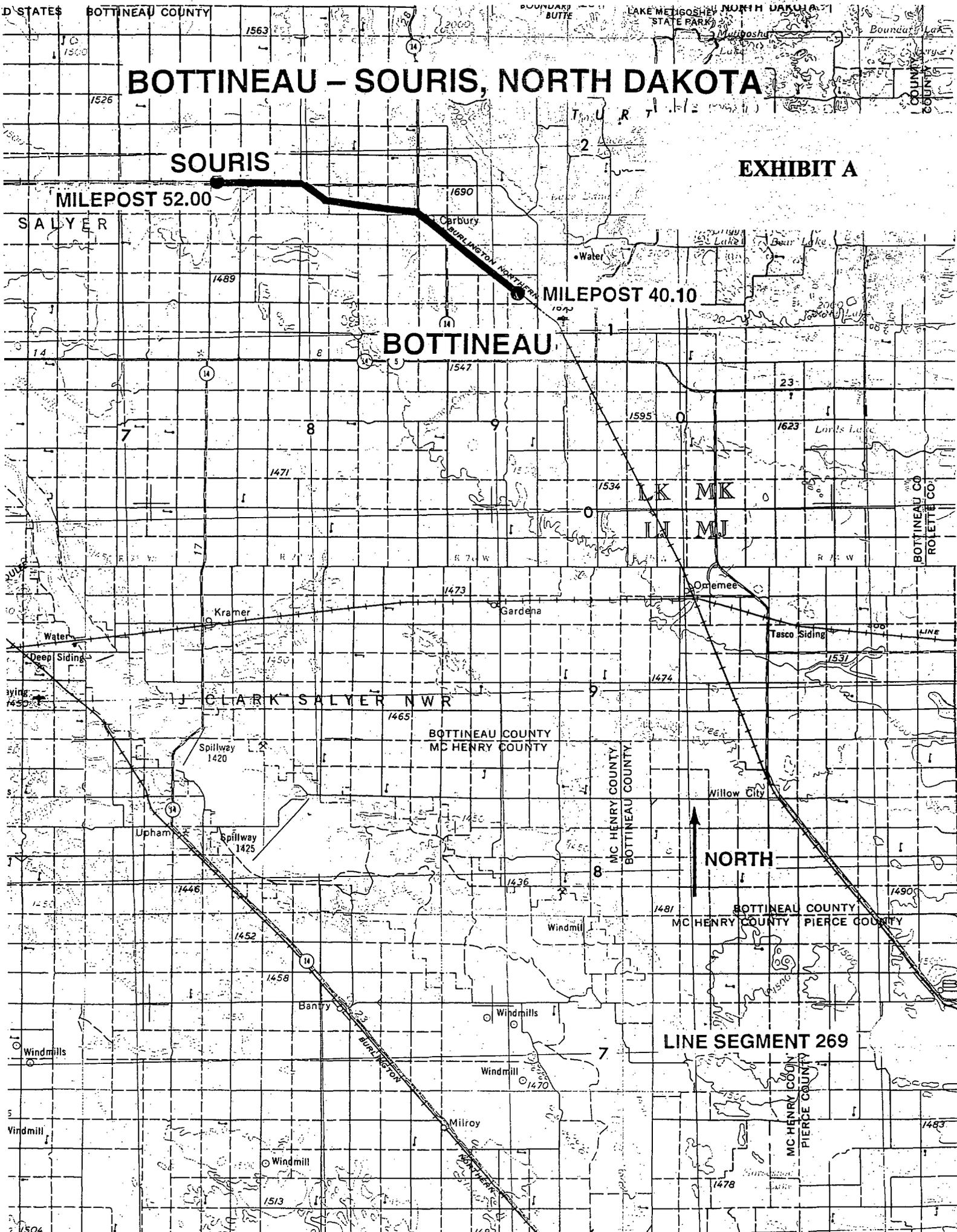
Respectfully submitted,



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: June 5, 2006

11



BOTTINEAU - SOURIS, NORTH DAKOTA

EXHIBIT A

SOURIS

MILEPOST 52.00

MILEPOST 40.10

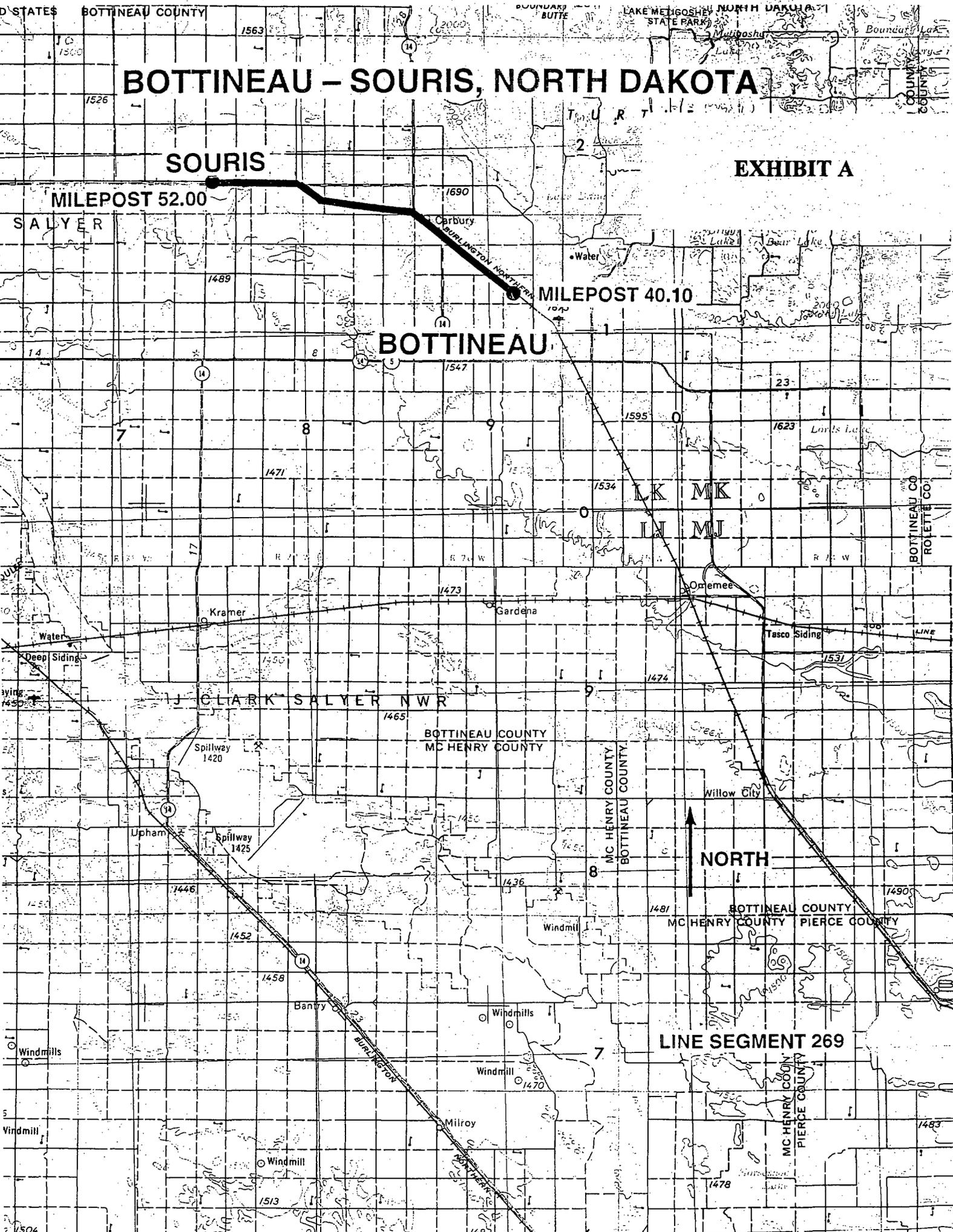
BOTTINEAU

CLARK SALYER NWR

BOTTINEAU COUNTY
MC HENRY COUNTY

NORTH

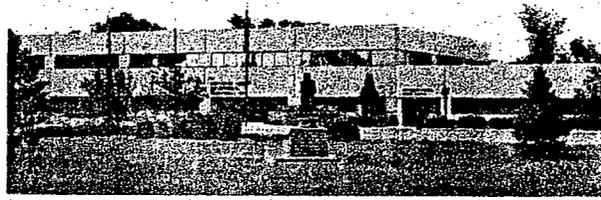
LINE SEGMENT 269



BOTTINEAU COUNTY
NORTH DAKOTA

COUNTY OFFICERS

County Auditor Mae Streich
County Treasurer Evelyn Kalk
County Recorder Helen Christenson
County Sheriff Steve Watson
State's Attorney A. Swain Benson
Clerk of Courts Rhonda Langehaug
Superintendent of Schools Dwane Getzlaff
Tax Director/Zoning Adm. Lisa Peterson
Social Services Mary Rothmann
9-1-1 Coordinator Terry Volk
Disaster Emergency Richard Hummel
Veteran's Service Officer Dwight Nahinurk
Road Superintendent Robert Indvik
Official Newspaper Courant



314 West Fifth Street
Bottineau, North Dakota 58318
Fax (701) 228-3658/5181

COUNTY COMMISSIONERS

1st District David C. Larson
Willow City, ND 58384
2nd District Dennis Kittleson
Bottineau, ND 58318
3rd District David Bernstein
Souris, ND 58783
4th District Verdean Kveum
Souris, ND 58783
5th District Fred Tyler
Lansford, ND 58750

March 8, 2006

EXHIBIT B

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

RE: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railroad Company
Abandonment Exemption – in Bottineau County, ND

Dear Mr. Strickland, Jr.:

Verdean Kveum, Chairman of the Bottineau County Commissioners instructed a letter be sent indicating the proposed action is consistent with local use plans.

Sincerely yours,

Mae Streich
Mae Streich
County Auditor



North Dakota Department of Transportation

David A. Sprynczynatyk, P.E.
Director

John Hoeven
Governor

January 10, 2006

EXHIBIT C

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

STB DOCKET NO. AB - 6 (SUB. NO. 439X) BNSF RAILWAY COMPANY
ABANDONMENT EXEMPTION
BOTTINEAU COUNTY, ND

We have received your letter concerning the above referenced 11.90 miles of railroad line between Milepost 40.10, near Bottineau, and Milepost 52.00, near Souris, in Bottineau County, ND.

In regard to your questions concerning local land use plans, local land use is not generally within the purview of NDDOT. We are not presently planning any state highway relocation projects in the above referenced area.

If you have questions or need more information, please do not hesitate to call me at (701) 328-2675 or email: rjohnsto@state.nd.us.

A handwritten signature in cursive script that reads "Bob Johnston".

BOB JOHNSTON, RAIL PLANNER



Natural Resources Conservation Service
P.O. Box 1458
Bismarck, ND 58502-1458

January 13, 2006

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

RE: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company - Abandonment Exemption - Bottineau County, ND

Dear Mr. Strickland:

This letter is in reply to your request for our review and comments regarding the referenced activity.

The Natural Resources Conservation Service (NRCS) addresses impacts to wetlands and farmlands at the field office level. It appears that most, if not all, of the project impacts will take place in the existing railroad right-of-way.

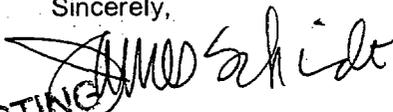
Wetlands - NRCS is the lead agency for wetland delineation on agricultural lands, including cropland, rangeland, and pastureland. If requested, the local NRCS office will provide a certified wetland inventory for the project to be utilized in the 404 permitting process. (Note: the Corps of Engineers is the lead agency for non-agricultural lands, such as urban areas.) We offer the following comments based on the information you provided to us for this project:

- 1. To the extent possible, all natural drainage patterns should be maintained. Land use that may be affected during abandonment should be returned to the original land use cover.
- 2. If the railroad road bed is removed, spoil should not be placed in wetlands or natural watercourses. The local NRCS district conservationist in each county can provide wetland inventory maps as needed. Erosion control measures should be in effect during all periods of road bed removal activities.
- 3. This project should have no significant impact on existing soil and water conservation practices in the area.

Important Farmlands - NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., prime, statewide importance, and local importance) to non-agricultural use. Your proposed project is committed to building expansion development on the existing heritage tourism site where FPPA does not apply; therefore, no further action is needed.

Thank you for the opportunity to review and comment on this project. Should you require additional information, discussion, or clarification, please contact Steven J. Sieler, State Soil Liaison, at (701) 530-2019

Sincerely,


ACTING

J.R. FLORES
State Conservationist

cc:
Cynthia A. Roth, DC, NRCS, Bottineau, ND
Arlen A. Wingenbach, ASTC (FO), NRCS, Devils Lake, ND
Donald E. Felch, Biologist, NRCS, Bismarck, ND

The Natural Resources Conservation Service provides leadership in a partnership effort to help people
Conserve, maintain, and improve our natural resources.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501



FEB 16 2006

EXHIBIT E

Mr. Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K Street N.W., Suite 101
Washington, DC 20007-5108

Dear Mr. Strickland:

The U.S. Fish and Wildlife Service (Service) has reviewed the BNSF Railway Company (BNSF) proposal to abandon a portion of railway line in Bottineau County, North Dakota. BNSF proposes to abandon their railway line between Milepost 40.10, near Bottineau, and Milepost 52.00, near Souris. The proposed abandonment may require removal of bridges and structures and the removal of track materials such as rails and ties but the roadbed will be left intact. The Service provides the following comments and recommendations under the authority of and in accordance with the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) and the Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.).

The Service administers Waterfowl Production Area fee title as well as wetland and grassland easements throughout North Dakota. A review of our county plat maps (photocopy enclosed) indicates Service property interests (wetland easements highlighted in yellow) are located in the planning area. The Service makes no claim as to the accuracy or completeness of the displayed information. Shaded areas depicting easement lands are for illustrative purposes only and do not represent legal boundaries or the acreage of wetland resources included in the easement contract.

The Service property interests along the proposed abandonment are located in T. 163 N., R. 77 W., sections 27 and 34. The Service requires that all wetlands under its jurisdiction be avoided during project construction when possible. If all the work to be performed during the proposed railway abandonment is conducted within the existing railroad right-of-way, no permit will be required from the Service. Special Use or right-of-way permits will be necessary for any construction resulting in impacts to wetlands protected by easements. The issuance of Special Use or right-of-way permits are subject to the final determination of a refuge compatibility review process. For Bottineau County, contact Tedd Gutzke, Project Leader, J. Clark Salyer National Wildlife Refuge, 681 Salyer Road, Upham, North Dakota 58789, (701-768-2548) to determine the need for permits.

To minimize disturbance to fish and wildlife resources in the project area, the Service provides the following recommendations:

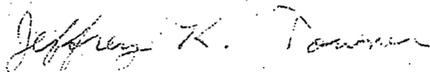
- Avoid construction in Boundary Creek during the fish migration and spawning period from April 15 - June 1.
- Make no stream channel alterations or changes in drainage patterns.
- Defer the timing of construction to late summer (after July 15) or fall so as not to disrupt waterfowl or other wildlife during the nesting season and to avoid high water conditions.
- Install and maintain appropriate erosion control measures to reduce sediment transport to adjacent wetlands and stream channels.
- Reseed disturbed areas with a mixture of native grass and forb species.

② A list of federally endangered and threatened species that may be present within the proposed project's area of influence is enclosed. This list fulfills requirements of the Service under Section 7 of the Endangered Species Act. At this time, I am not aware that any species frequent the project area.

If a Federal agency authorizes, funds, or carries out a proposed action, the responsible Federal agency, or its delegated agent, is required to evaluate whether the action "may affect" listed species. If the Federal agency determines the action "may affect" listed species, then the responsible Federal agency shall request formal section 7 consultation with this office. If the evaluation shows a "no effect" determination on listed species, further consultation is not necessary. If a private entity receives Federal funding for a construction project, or if any Federal permit is required, the Federal agency may designate the fund recipient or permittee as its agent for purposes of section 7 consultation.

Thank you for the opportunity to comment on this project. If you require further information or the project plans change, please contact Terry Ellsworth of my staff, or contact me directly, at (701) 250-4481, or at the letterhead address above.

Sincerely,



Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

Enclosures

cc: Project Leader, J. Clark Salyer NWR
(Attn: G. Erickson)
Director, ND Game & Fish Department, Bismarck
(Attn: M. McKenna)

FEDERAL THREATENED AND ENDANGERED SPECIES
FOUND IN BOTTINEAU COUNTY
NORTH DAKOTA
February 2006

ENDANGERED SPECIES

Birds

Whooping crane (Grus Americana): Migrates through west and central counties during spring and fall. Prefers to roost on wetlands and stockdams with good visibility. Young adult summered in North Dakota in 1989, 1990, and 1993. Total population 140-150 birds.

Mammals

Gray wolf (Canis lupus): Occasional visitor in North Dakota. Most frequently observed in the Turtle Mountains area.

THREATENED SPECIES

Birds

Bald eagle (Haliaeetus leucocephalus): Migrates spring and fall statewide but primarily along the major river courses. It concentrates along the Missouri River during winter and is known to nest in the floodplain forest.

HARAM

TOWNSHIP : 163 8 164 N.

HA (T.163 N.-R.77 W.)
CODE : HB (T.164 N.-R.77 W.)

RANGE : 77 W.

DOMINION

30

OF

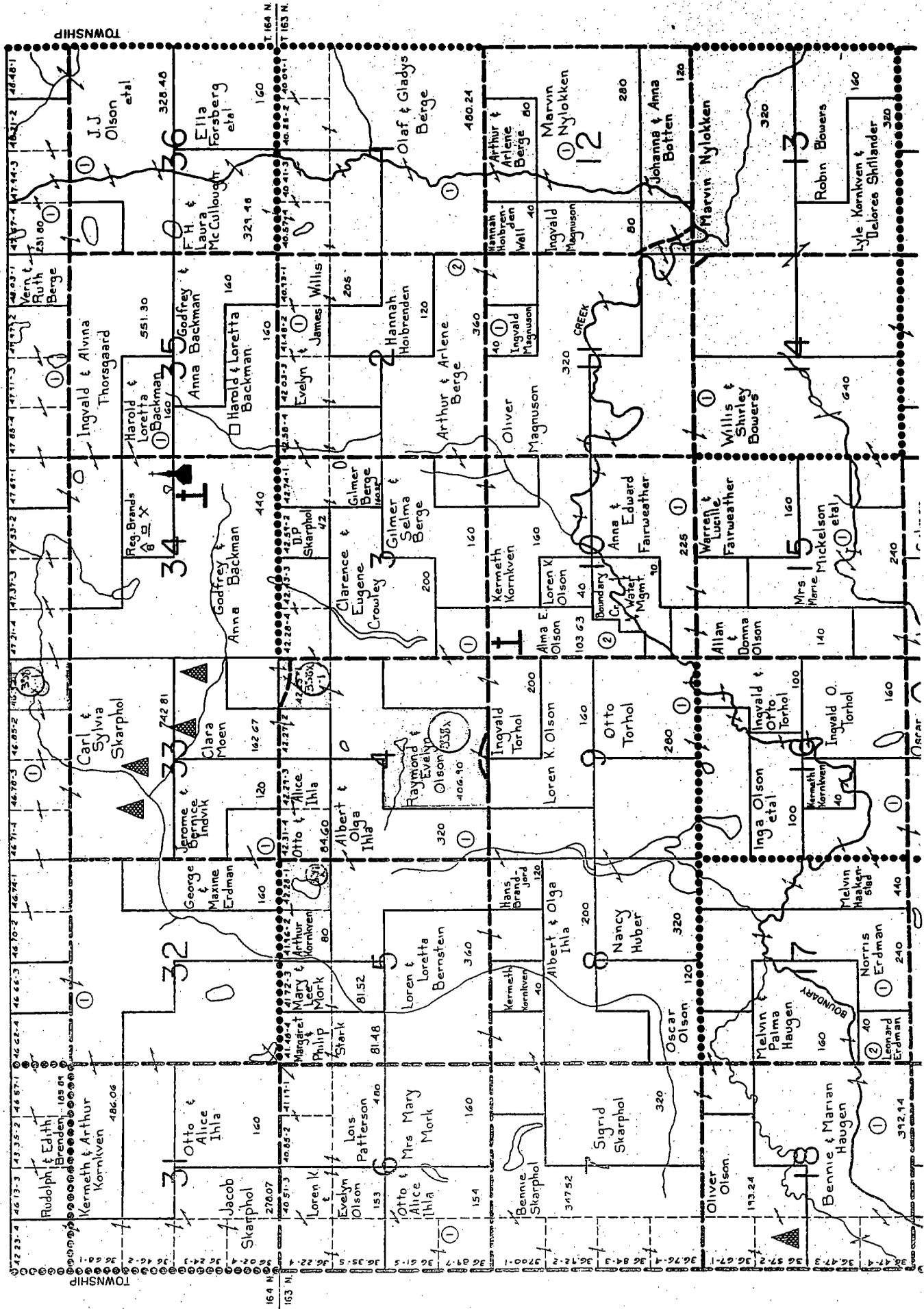
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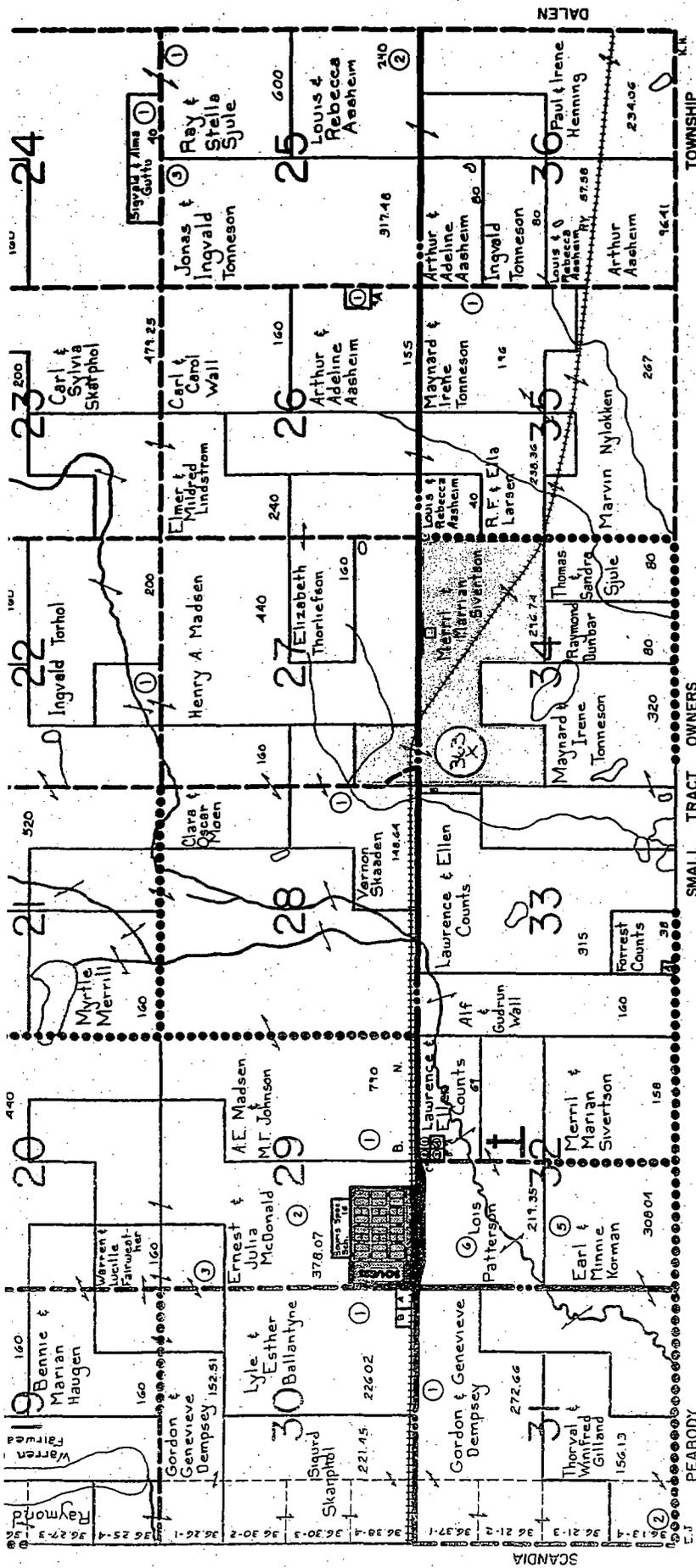
27

26

25

CANADA





SMALL TRACT OWNERS

SEC. LOT NAME	ACRES
32-35 - Allen Counts	3.00
32-25 - Mary Number	3.00
33 - 4 - City of Saults	8.00
33 - 4 - City of Saults	8.00

SMALL TRACT OWNERS

SEC. LOT NAME	ACRES
26 - A - Clarence & Myrtle Aasheim	3.00
26 - A - Central Power Elec. Corp. Inc.	3.00
30 - B - City of Saults	8.00
32 - A - Mabel Smith	8.00

15

SCANDIA

PEABODY

DALLEN

TOWNSHIP

EXHIBIT F



John Hoeven, Governor
Douglass A. Prchal, Director

1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649
Phone: 701-328-5357
Fax: 701-328-5363
E-mail: parkrec@nd.gov
www.parkrec.nd.gov

February 22, 2006

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

Re: STB Docket No. AB-6 (Sub.No. 439X) BNSF Railway Company – Abandonment Exemption – Bottineau County

Dear Mr. Strickland:

The North Dakota Parks and Recreation Department (NDPRD) has reviewed the above referenced project proposal to abandon 11.9 miles of railroad line located in Sections 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T163N, R77W; Sections 31 and 32, T163N, R76W; and Sections 4, 5, 9, 10, 14, 15, 23, and 24, T162N, R76W, Bottineau County.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage or Land and Water Conservation Fund recreation projects that we coordinate.

The North Dakota Natural Heritage Inventory has limited rare species information from the project area. For your information, we do have records for the occurrence of *Hesperia dacotae* (Dakota skipper) in a section adjacent to the project area indicating that the habitat in the project area may be suited for this species or other rare, threatened, sensitive or endangered species. Please see attached spreadsheet for more specific location information.

Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

Thank you for the opportunity to comment on this project. Please contact Kathy Duttonhefner (701-328-5370 or kduttonhefner@nd.gov) of our staff if additional information is needed.

Sincerely,

Joc

Jesse Hansen, Coordinator
Planning and Natural Resources Division

R.USNDNHI*1621

North Dakota Natural Heritage Inventory
 Species of Concern and Significant Ecological Communities

State Scientific Name	State Common Name	Township & Range	Section	TRS Notes	State Rank	Global Rank	Federal Status	Last Observation
HESPERIA DACOTAE	DAKOTA SKIPPER	162N076W	12	W2	S2	G2	C	1979

North Dakota Natural Heritage Inventory Biological and Conservation Data Disclaimer

The quantity and quality of data collected by the North Dakota Natural Heritage Inventory are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in North Dakota have never been thoroughly surveyed, and new species are still being discovered. For these reasons, the Natural Heritage Inventory cannot provide a definite statement on the presence, absence, or condition of biological elements in any part of North Dakota. Natural Heritage data summarize the existing information known at the time of the request. Our data are continually upgraded and information is continually being added to the database. This data should never be regarded as final statements on the elements or areas that are being considered, nor should they be substituted for on-site surveys.



United States Department of the Interior

National Park Service

Midwest Region
601 Riverfront Drive
Omaha Nebraska 68102-4226



650.2(MWR-P/G)

EXHIBIT G

Mr. Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
300 K St. N.W. Suite 101
Washington, DC 20007-5108

FEB 03 2006

Dear Mr. Strickland:

This is in response to your January 6, 2006, request that the National Park Service (NPS) respond to STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company- Abandonment Exemption- in Bottineau County, North Dakota.

We have reviewed this project in relation to any possible conflicts with the Land and Water Conservation Fund and the Urban Park and Recreation Recovery programs and find there are none. Accordingly, we have no additional comments at this time.

You may contact me at (402) 661-1546 if you have questions or need more information.

Sincerely,

Robert Maydwell
Grants Management Assistant
Partnerships- Grants



State of North Dakota
Office of the State Engineer

900 EAST BOULEVARD AVE. • BISMARCK, ND 58505-0850
701-328-2750 • FAX 701-328-3696 • www.swc.state.nd.us

January 26, 2006

Sidney L. Strickland, Jr
Sidney Strickland and Associates, PLLC
3050 K Street, Suite 101
Washington, DC 20007-5108

Dear Mr. Strickland,

We have received your notification dated January 6, 2006, in which you indicate that it is the intention of the BNSF Railway Company to abandon 11.9 miles of railroad line between Milepost 40.10, near Bottineau, ND, and Milepost 52.00, near Souris, ND. This project may entail the removal of bridges, structures, and track materials, and it is anticipated that the railbed will be left intact. Your letter requests comments from this agency regarding the proposed rail line abandonment.

It does not appear from the information provided that the project will impact sovereign lands managed by the State Engineer nor require an approved construction permit or a permit to drain. In performing the stated work, it is recommended that no materials be moved or placed within existing waterways. Additionally, any remnant bridge pilings should be removed or cut to grade so that they do not serve to collect debris or otherwise obstruct the drainage of surface waters.

Section 402 rules are administered by the EPA; therefore, you may wish to contact their regional office in Denver for more information regarding the National Pollution Discharge Elimination System permit about which you inquired. You may also wish to contact the North Dakota Department of Health to ensure compliance with state water quality standards, and the Bottineau County Water Resource District for any local concerns; copies of your letter will be forwarded to both entities for their review.

You may contact me at 701-328-4868 if you have any questions regarding this correspondence or would like to further discuss the permitting requirements of this agency.

Sincerely,

Julie Prescott
Regulatory Section

jsp/1267

c: Bottineau Co. WRD
NDDOH



January 24, 2006

EXHIBIT J

Mr. Sidney L. Strickland, Jr.
Sidney Strickland & Assoc., PLLC
3050 K Street NW, Suite 101
Washington, DC 20007-5108

Re: STB Docket No. AB-6 (Sub No. 439X) BNSF Railway Co.
Proposed Railroad Abandonment, Bottineau County

Dear Mr. Strickland:

This department has reviewed the information concerning the above-referenced project submitted under date of January 6, 2006, with respect to possible environmental impacts.

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

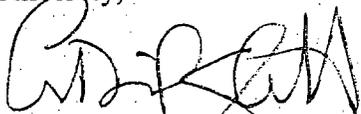
1. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.
2. Care is to be taken during construction activity near any water of the state to minimize adverse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

4. Care should be taken to avoid spills of any materials that may have an adverse effect on groundwater quality. All spills must be immediately reported to this Department and appropriate remedial actions performed.
5. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.
6. All solid waste materials including unuseable wood must be managed and transported in accordance with the state's solid and hazardous waste rules. Appropriate efforts to reduce, reuse and/or recycle waste materials are strongly encouraged. Railroad ties can be recycled or shredded for fuel. As appropriate, segregation of inert waste from non-inert waste can generally reduce the cost of waste management. Further information on waste management and recycling is available from the Department's Division of Waste Management at (701) 328-5166.
7. Follow Best Management Practices during salvage activities to prevent dirt, construction debris, and waste material from entering a storm drainage system or water body.
8. Any releases of petroleum products, hazardous materials, or chemicals that may impact human health or the environment, which are known to have occurred in the past or are discovered in the project area during abandonment and salvage operations, must be reported to the North Dakota Department of Health. The Department's Environmental Emergency Response Contacts List is attached.

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

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

Sincerely,



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

LDG:cc
Attach.



Construction and Environmental Disturbance Requirements

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

Soils

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

Surface Waters

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

Fill Material

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

Environmental Health Section Environmental Emergency Response Contacts List

NORMAL WORKING HOURS
8 a.m. - 5:00 p.m., Monday - Friday
Call the office phone numbers

AFTER HOURS
24 hours per day, 7 days per week
STATE RADIO
1-701-328-9921
or
1-800-472-2121 (in-state calls)

Page

**HEALTH DEPARTMENT
CASE MANAGER**

Page

**ENVIRONMENTAL HEALTH SECTION
CASE MANAGER**
Office phone no.: 328-5150

Alternate Contact

Primary Contacts

WATER POLLUTION
oil spills
Office phone no.: 328-5210

AIR POLLUTION
gases, vapors
Office phone no.: 328-5188

RADIATION
radioactive materials
Office phone no.: 328-5188

**TOXIC &
HAZARDOUS MATERIALS**
pesticides, insecticides, chemicals
Office phone no.: 328-5166

DRINKING WATER
public water systems
Office phone no.: 328-5211

CHEMISTRY LABORATORY
sample analysis
Office phone no.: 328-6140

1st Alternative Contact
Dana Mount
Office phone no.: 328-5150
Home phone no.: 223-6735

Date: June 4, 2002

Approved by:

Dana Mount

Emergency Response Coordinator

2nd Alternative Contact
L. David Glatt
Office phone no.: 328-5150
Home phone no.: 255-6391

Approved by:

L. David Glatt

Chief, Environmental Health Section

Date: June 4, 2002

ND Department of Health
Environmental Health Section
918 East Divide Avenue
Bismarck, ND 58501-1947



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND 58504-6640
January 18, 2006

EXHIBIT K

North Dakota Regulatory Office

[200660010]

Sidney Strickland and Associates, PLLC
ATTN: Sidney L. Strickland, Jr.
3050 K Street NW, Suite 101
Washington, DC 20007-4024

Dear Mr. Strickland:

This is in reference to your request on behalf of **BNSF Railway Company** dated January 6, 2006 pertaining to an Abandonment Exemption [STB Docket No. AB-6 (Sub. No. 439X)] proposed for Bottineau County, North Dakota. The project includes abandonment of 11.90 miles of railroad line between Milepost 40.10, near Bottineau, and Milepost 52.00, near Souris.

The railroad line was constructed across Boundary Creek, four (4) tributaries to Boundary Creek, Stone Creek in three (3) locations, a tributary to Stone Creek and several adjacent wetlands, which are jurisdictional waters subject to regulation under Section 404 of the Clean Water Act. If you disagree with this jurisdictional determination, you have the right to appeal the decision. If you would like more information on the jurisdictional appeal process, please contact this office, or visit our website at <http://www.nwo.usace.army.mil/html/od-rnd/NOA-RFA.doc> (reference Option D).

Section 404 regulates the discharge of dredged or fill material into jurisdictional waters. Based on the information provided, specifically "*No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage*", the proposed activity is not subject to DA regulatory authorities. Therefore, no permit is required from the Corps of Engineers.

Although a DA permit will not be required for the project, this determination does not eliminate the requirement for you to obtain any other applicable Federal, state, tribal or local permits as required.

Should you have any questions regarding this determination, please do not hesitate to contact Toni R. Erhardt of my staff by letter or telephone (701)-255-0015 and reference project number **200660010**.

Sincerely

Daniel E. Cimarosti
Regulatory Program Manager
North Dakota



Home Compose Address Book Options Logout
Username: Ian Thomas
(ian.thomas@stricklandpllc.com)

Message

- Inbox (11)
- Drafts
- Deleted Items
- Sent

Move to Deleted Items **Go**

Delete permanently

From: Bob Indvik <rindvik@state.nd.us>
 To: ian.thomas@stricklandpllc.com
 Subject: STB Docket No. AB-6(Sub. No. 439X) BNSF Railway Company-Abandonment Exemption- in Bottineau County, ND
 Date: 02-Mar-06 05:23 PM

Attachments:

Reply **Forward**
InLine Text

< Previous | Next > | Close

Dear Mr. Thomas:

The proposed abandonment as stated in your letter of January 6, 2006 will have no effect on any 100 year floodplains.

Sincerely,

Robert Indvik
Bottineau County Road Superintendent

Add Folder

Edit Folder

Search

Search all folders **Go**

Search Inbox **Go**

Advanced Search



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850 • 701-328-2750
TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: <http://www.swc.state.nd.us/>

EXHIBIT M

January 31, 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. 439X) BNSF Railway Company-
Abandonment Exemption – in Bottineau County, ND**

Dear Mr. Strickland:

⇒ Enclosed are partial copies of the City of Bottineau Flood Insurance Rate Map dated September 28, 1979, and the City of Souris Flood Insurance Rate Map dated March 18, 1986, that depict the 100-year floodplain where the BNSF Railway Company track has been proposed to be removed.

Prior to construction activity in the 100-year floodplain, BNSF should apply for a Non-Building Floodplain Development Permit to each City's floodplain administrator. I have enclosed a copy of the permit application. The floodplain administrators are:

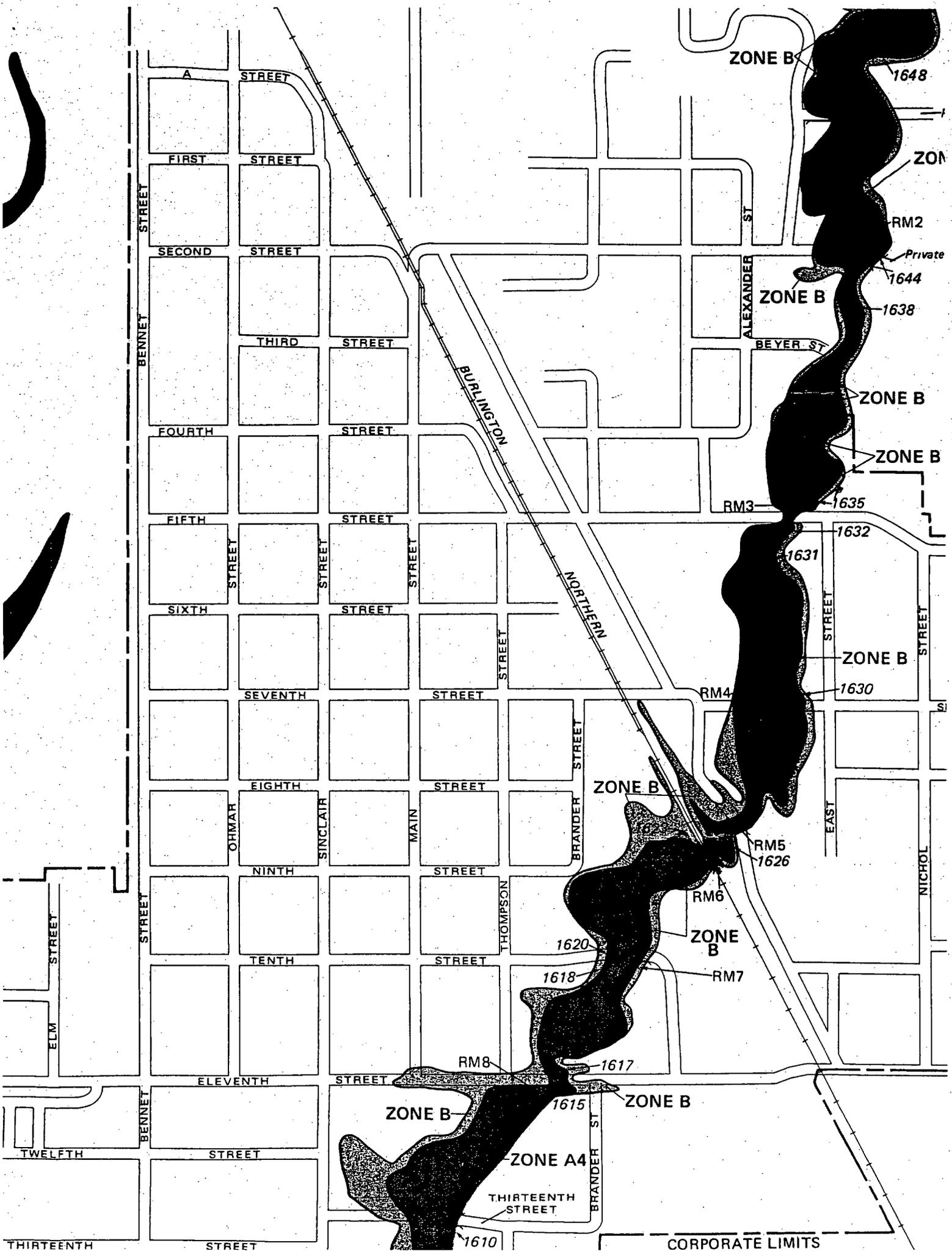
Penny Nostdahl, Auditor and
City of Bottineau
115 West Sixth St
Bottineau, ND 58318
Tel. 701-228-3232

Lana Lindstrom, Auditor
City of Souris
102 Minnesota St
Souris, ND 58783
Tel 701-243-6422

Feel free to call, if you have questions.

Sincerely,

Bruce Lange
Water Resource Program Admin



ZONE B

1648

ZON

RM2

Private

1644

1638

ZONE B

ZONE B

1635

1632

1631

ZONE B

1630

ZONE B

RM5

1626

RM6

ZONE B

1620

1618

RM7

RM8

1617

ZONE B

1615

ZONE B

ZONE A4

THIRTEENTH STREET

1610

CORPORATE LIMITS

NON-BUILDINGSITUATION
FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

SECTION 1: GENERAL INFORMATION

PERMIT # _____

DATE: _____

Applicant:

Telephone #

Address:

Location of Proposed Development:

Legal description:

Contractor:

Telephone #

Address:

Estimated Cost of project:

\$

FLOODPLAIN DETERMINATION (fill-in the appropriate information) :

Project is located: 100-year floodplain (Flood Fringe): _____

Regulatory Floodway: _____

Map information: FIRM Date: _____

FIRM Zone: _____

BFE at Development Site: _____ (MSL)

Development will be elevated to: _____ (MSL)

DEVELOPMENT ACTIVITIES: (check all that apply)

- Fill placement (fill brought in from outside the floodplain)
- Excavation (where subgrade fill is removed from the floodplain)
- Landscaping (cut and fill, fill borrow and placement)
- Construction or maintenance of a dike/levee/floodwall
- Removal of fill, embankment, or dikes
- Watercourse alterations (river, stream, lake - i.e. channel modifications, rip-rap)
- Road, street or bridge construction (new, repair or replacement, realignment)
- Drainage improvements (including culvert work)
- Mining (removal of gravel, rock, fill or other natural materials)
- Installation of utilities [water, sewer, pipeline, gas, electric, communication system(s)]
- Well drilling (i.e. water, oil, natural gas etc.)
- Subdivision (new or expansion)
- Other (please specify) _____

ADDITIONAL INFORMATION REQUIRED (attach additional information as needed):

- Comments or further explanation of work:
- Copies of project description, plans, blueprints, etc.
- Wetlands - will the activity impact identified wetlands?
- Will the development aggravate flooding elsewhere? Please explain your answer.

OTHER PERMITS NECESSARY:

U.S. Army Corps of Engineers?
 Water Resource District?

ELEVATION INFORMATION:

Attach information about the completed project elevations(s) with registered professional engineer or registered land surveyor certifications if part of the project:

SECTION 2: ACTION/APPROVAL:

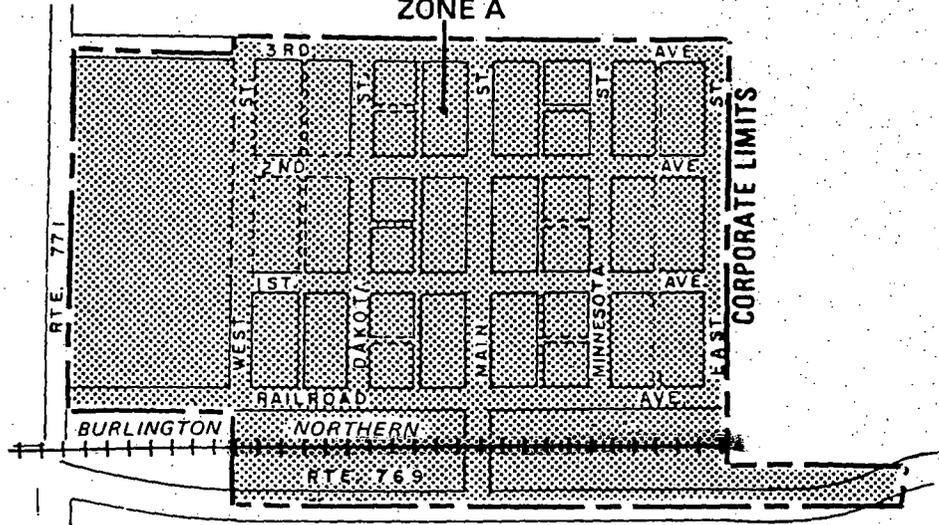
The proposed development is in conformance with applicable community floodplain standards.

PERMIT IS APPROVED (Conditioned on receiving as-built information/certification)

Signature (Floodplain Administrator): _____

Date: _____

ZONE A



NON-BUILDINGSITUATION

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

SECTION 1: GENERAL INFORMATION

PERMIT # _____

DATE: _____

Applicant:

Telephone #

Address:

Location of Proposed Development:

Legal description:

Contractor:

Telephone #

Address:

Estimated Cost of project:

\$

FLOODPLAIN DETERMINATION (fill-in the appropriate information) :

Project is located: 100-year floodplain (Flood Fringe): _____

Regulatory Floodway: _____

Map information: FIRM Date: _____

FIRM Zone: _____

BFE at Development Site: _____ (MSL)

Development will be elevated to: _____ (MSL)

DEVELOPMENT ACTIVITIES: (check all that apply)

- Fill placement (fill brought in from outside the floodplain)
- Excavation (where subgrade fill is removed from the floodplain)
- Landscaping (cut and fill, fill borrow and placement)
- Construction or maintenance of a dike/levee/floodwall
- Removal of fill, embankment, or dikes
- Watercourse alterations (river, stream, lake - i.e. channel modifications, rip-rap)
- Road, street or bridge construction (new, repair or replacement, realignment)
- Drainage improvements (including culvert work)
- Mining (removal of gravel, rock, fill or other natural materials)
- Installation of utilities [water, sewer, pipeline, gas, electric, communication system(s)]
- Well drilling (i.e. water, oil, natural gas etc.)
- Subdivision (new or expansion)
- Other (please specify) _____

ADDITIONAL INFORMATION REQUIRED (attach additional information as needed):

- Comments or further explanation of work:
- Copies of project description, plans, blueprints, etc.
- Wetlands - will the activity impact identified wetlands?
- Will the development aggravate flooding elsewhere?

Please explain your answer.

OTHER PERMITS NECESSARY:

- J.S. Army Corps of Engineers?
- Water Resource District?

ELEVATION INFORMATION:

attach information about the completed project elevations(s) with registered professional engineer or registered land surveyor certifications if part of the project:

SECTION 2: ACTION/APPROVAL:

The proposed development is in conformance with applicable community floodplain standards.

PERMIT IS APPROVED (Conditioned on receiving as-built information/certification)

Signature (Floodplain Administrator): _____

Date: _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET- SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

February 21, 2006

Ref: 8P-W-P

ORIGINAL FAXED

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

Re: BNSF Abandonment Exemption
and NPDES (402) Permitting

Dear Mr. Strickland:

Pursuant to the letter received by my office today and dated 6 January, 2006, requesting information on potential NPDES permit requirements for the stated activity, I can provide the following information:

The State of North Dakota was authorized the NPDES Permits Program on 13 June, 1975. This authorization applies to all discharges to Water of the US within the State of North Dakota sans those discharges located in Indian Country. In addition, the State of North Dakota establishes water quality standards for Waters of the State. This authorization means that it is the State of North Dakota which will make a determination as to whether or not an NPDES permit is specifically required for an activity. The contact at the State is Gary Bracht, (701) 328-5227.

Should you have any additional questions, please do not hesitate to contact me at (303) 312-6377.

Sincerely,

Curt A McCormick
Pretreatment Coordinator





**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

EXHIBIT O

John Hoeven
Governor of North Dakota

May 17, 2006

**North Dakota
State Historical Board**

Marvin L. Kaiser
Williston - President

Albert I. Berger
Grand Forks - Vice President

Chester E. Nelson, Jr.
Bismarck - Secretary

Gerold Gerntholz
Valley City

A. Ruric Todd III
Jamestown

Diane K. Larson
Bismarck

John E. Von Rueden
Bismarck

Sara Otte Coleman
Director
Tourism Division

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Douglass Prchal
Director
Parks and Recreation
Department

David A. Sprynczynatyk
Director
Department of
Transportation

Merlan E. Paaverud, Jr.
Director

Accredited by the
American Association
of Museums

Mr. Sidney L Strickland Jr
Sidney Strickland and Associates PLLC
3050 K St NW Suite 101
Washington DC 20007-5108

**ND SHPO Ref.:06-0178 STB Docket No. AB-6 (Sub. No. 439X) BNSF
Railway Company - Abandonment Exemption - Bottineau to Souris,
Bottineau County, North Dakota**

Dear Mr. Strickland:

Thank you for the additional material provided regarding ND SHPO Ref.:06-0178 STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company - Abandonment Exemption - Bottineau to Souris, Bottineau County, North Dakota. We would concur with a finding of "No Historic Properties Affected," if requested by the federal lead agency.

Please include the ND SHPO Reference number listed above in further correspondence for this specific project. If you have any questions please contact Susan Quinnell at (701) 328-3576, or squinnell@nd.gov

Sincerely,

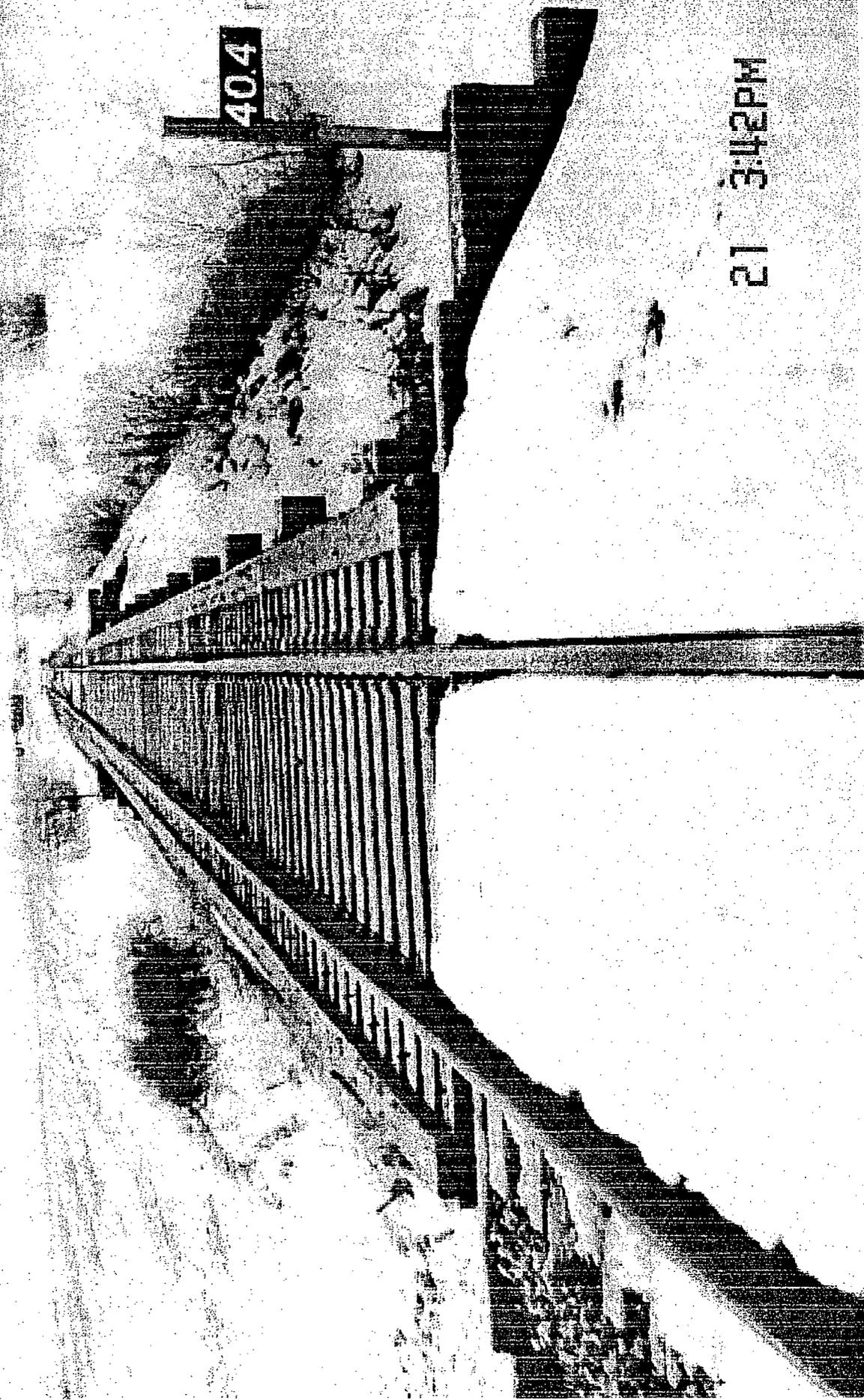
Merlan E. Paaverud, Jr.
State Historic Preservation Officer
(North Dakota)

EXHIBIT O-1



MDC 11-12

EXHIBIT O-2



21 3:42PM

EXHIBIT O-3

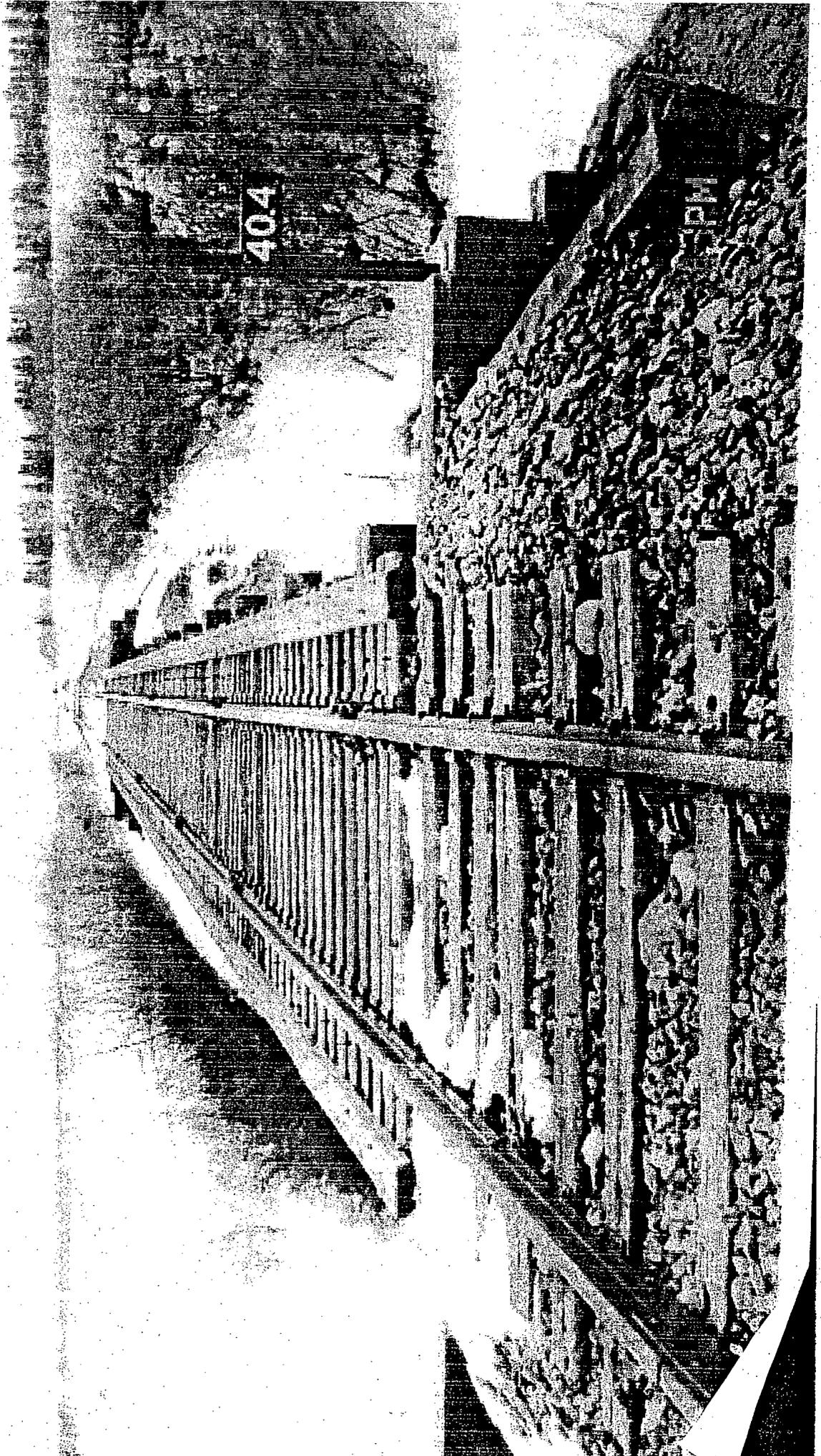


EXHIBIT O-4

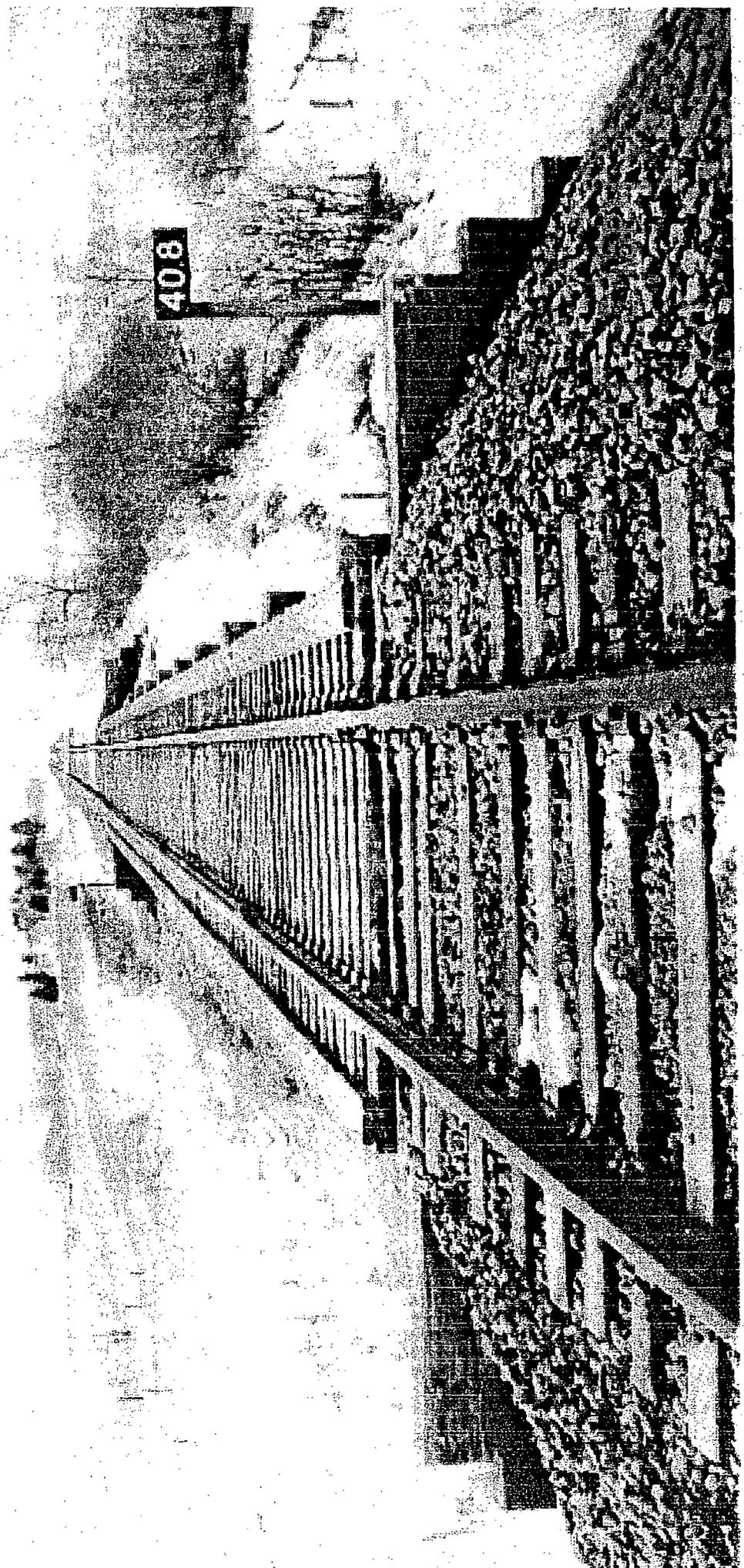


EXHIBIT O-5

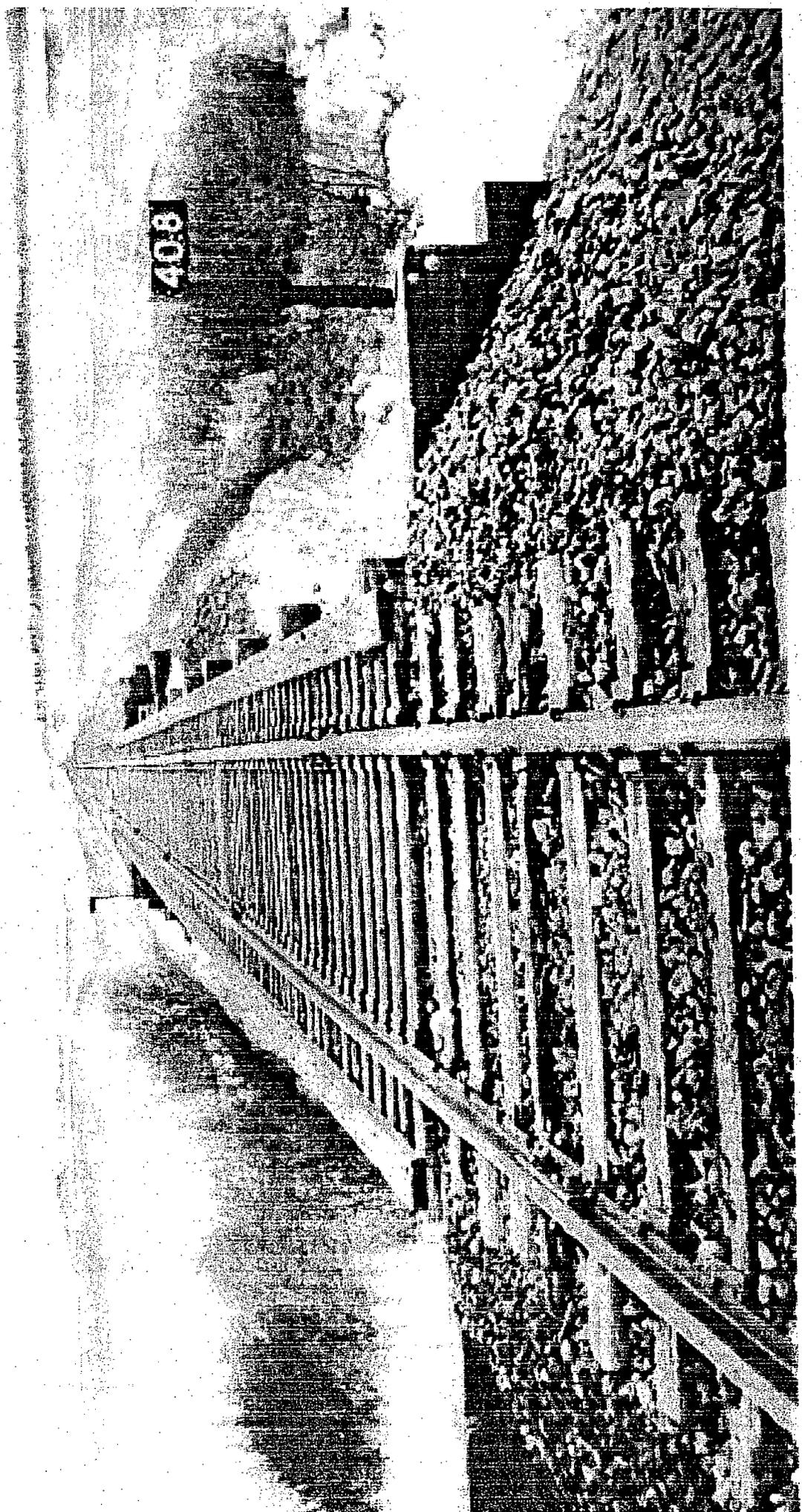


EXHIBIT O-6

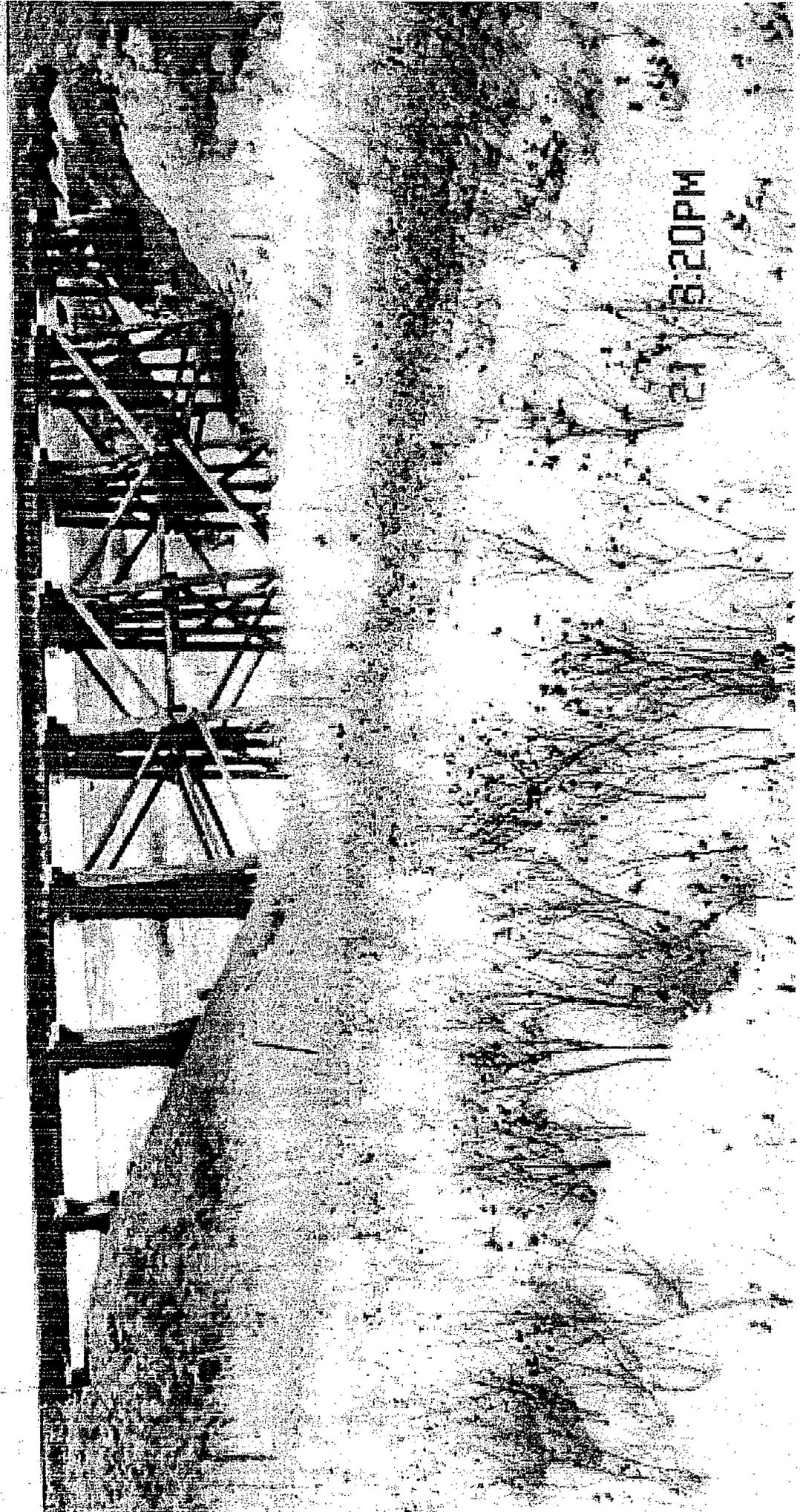


EXHIBIT O-7

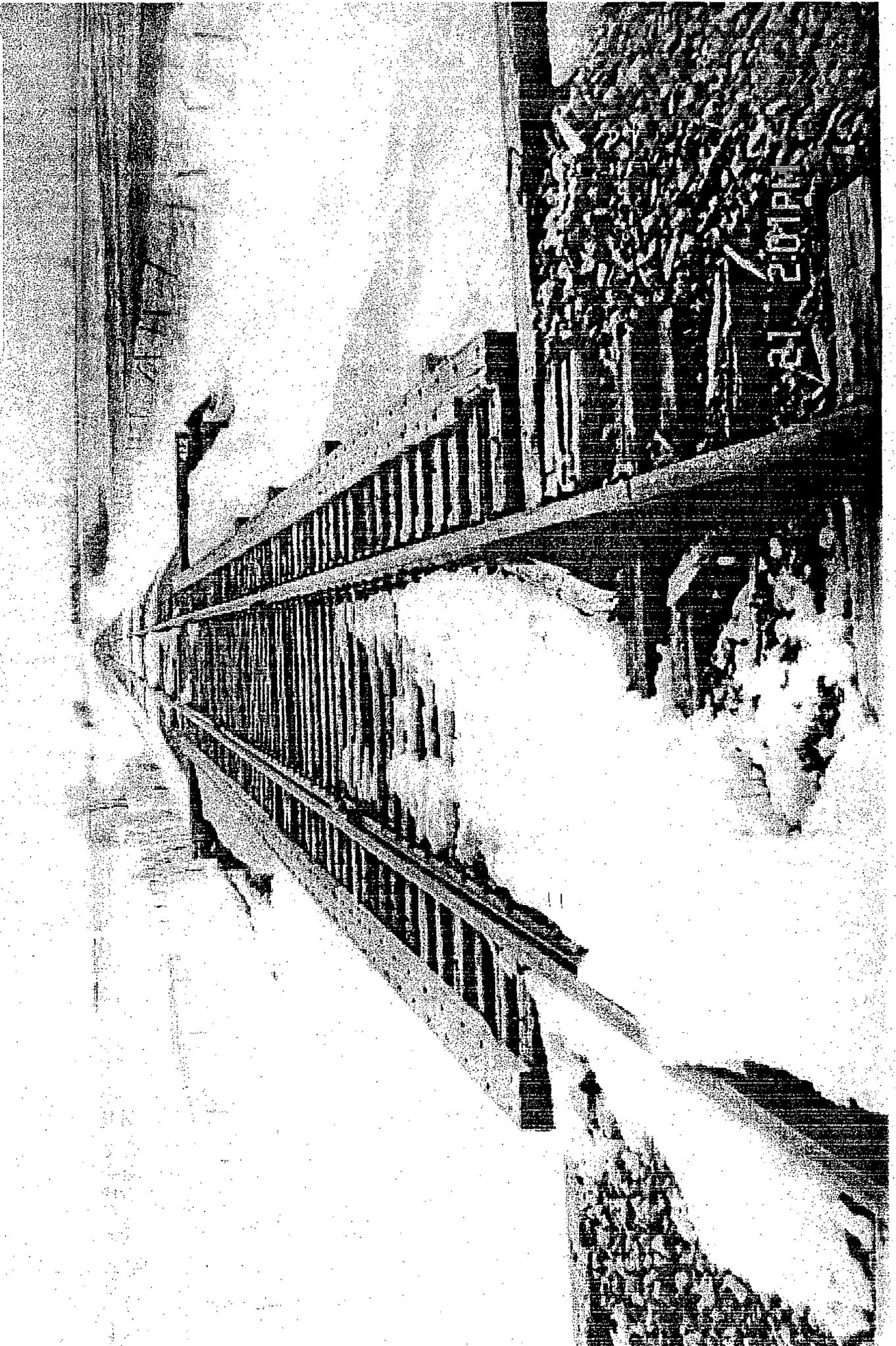


EXHIBIT O-8

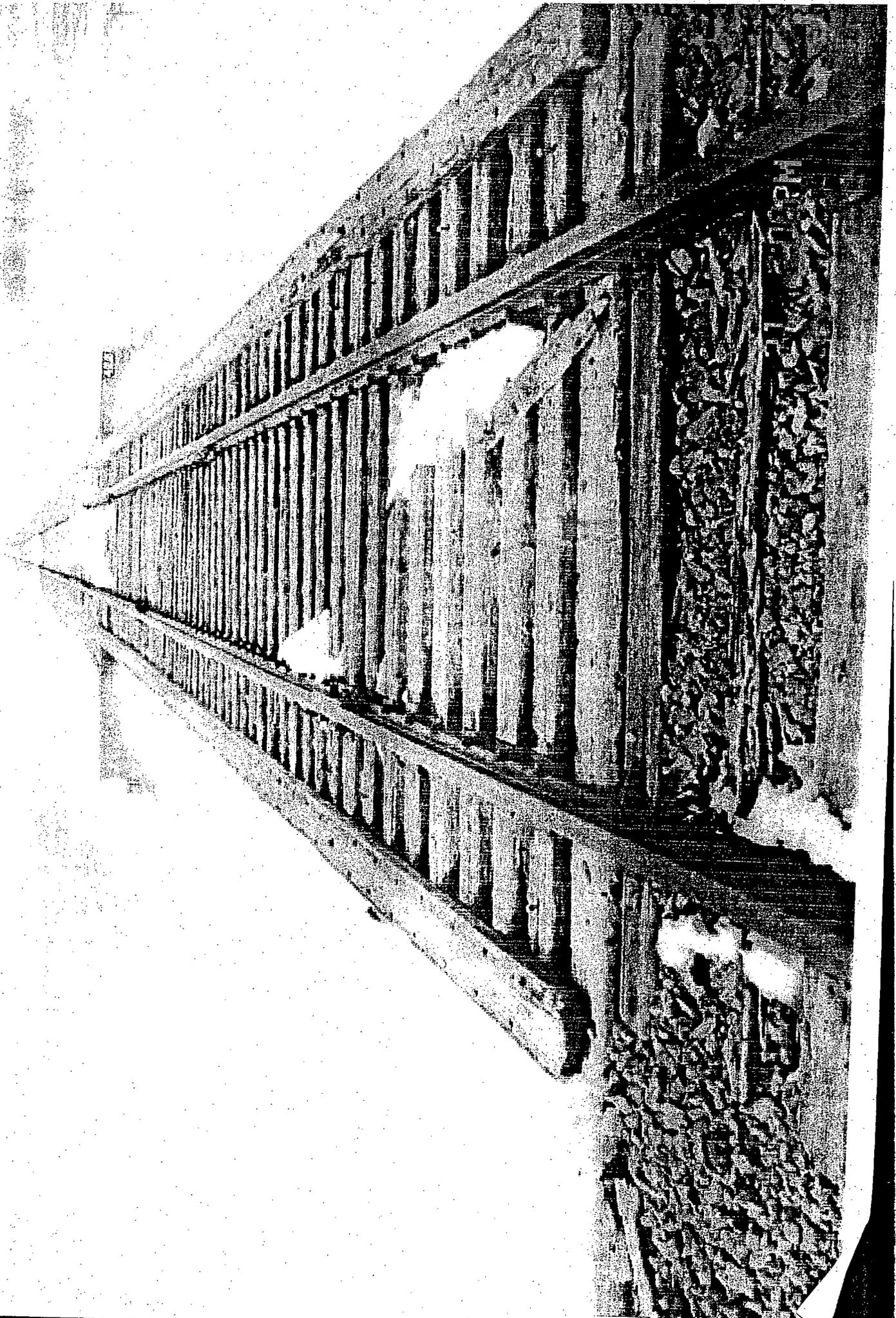
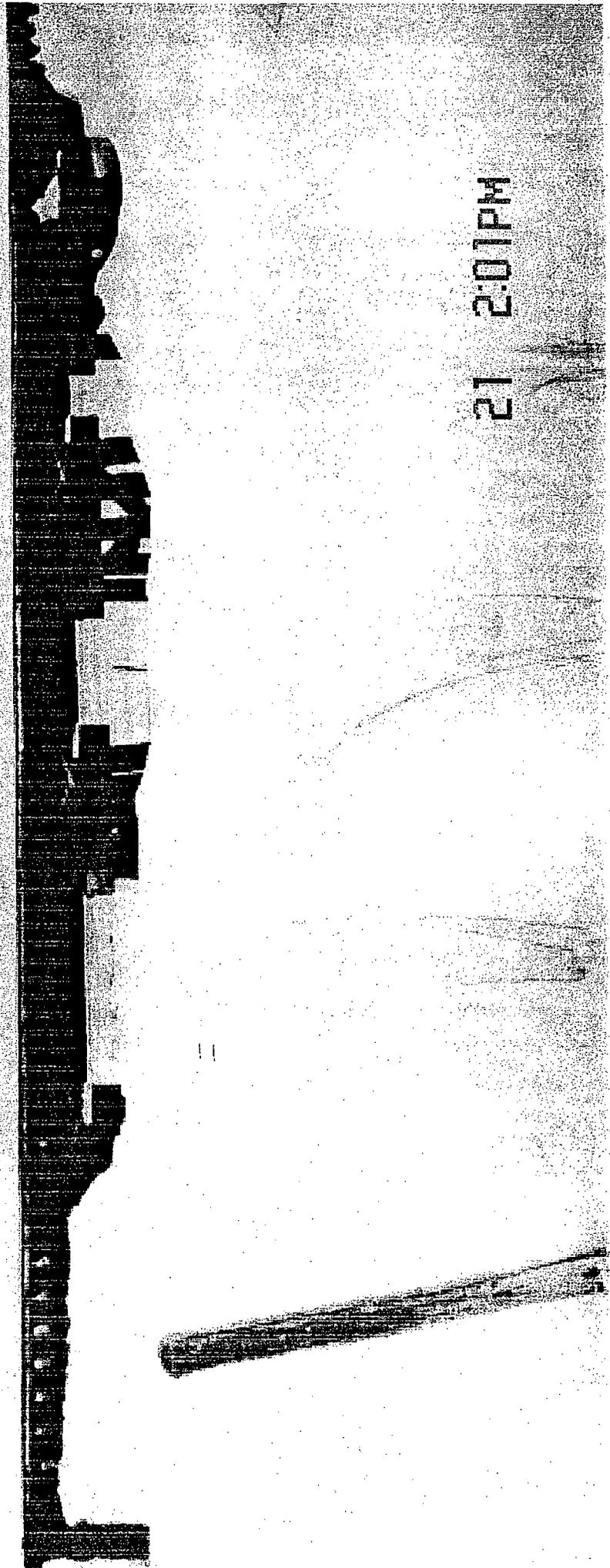


EXHIBIT O-9

21 2:01PM



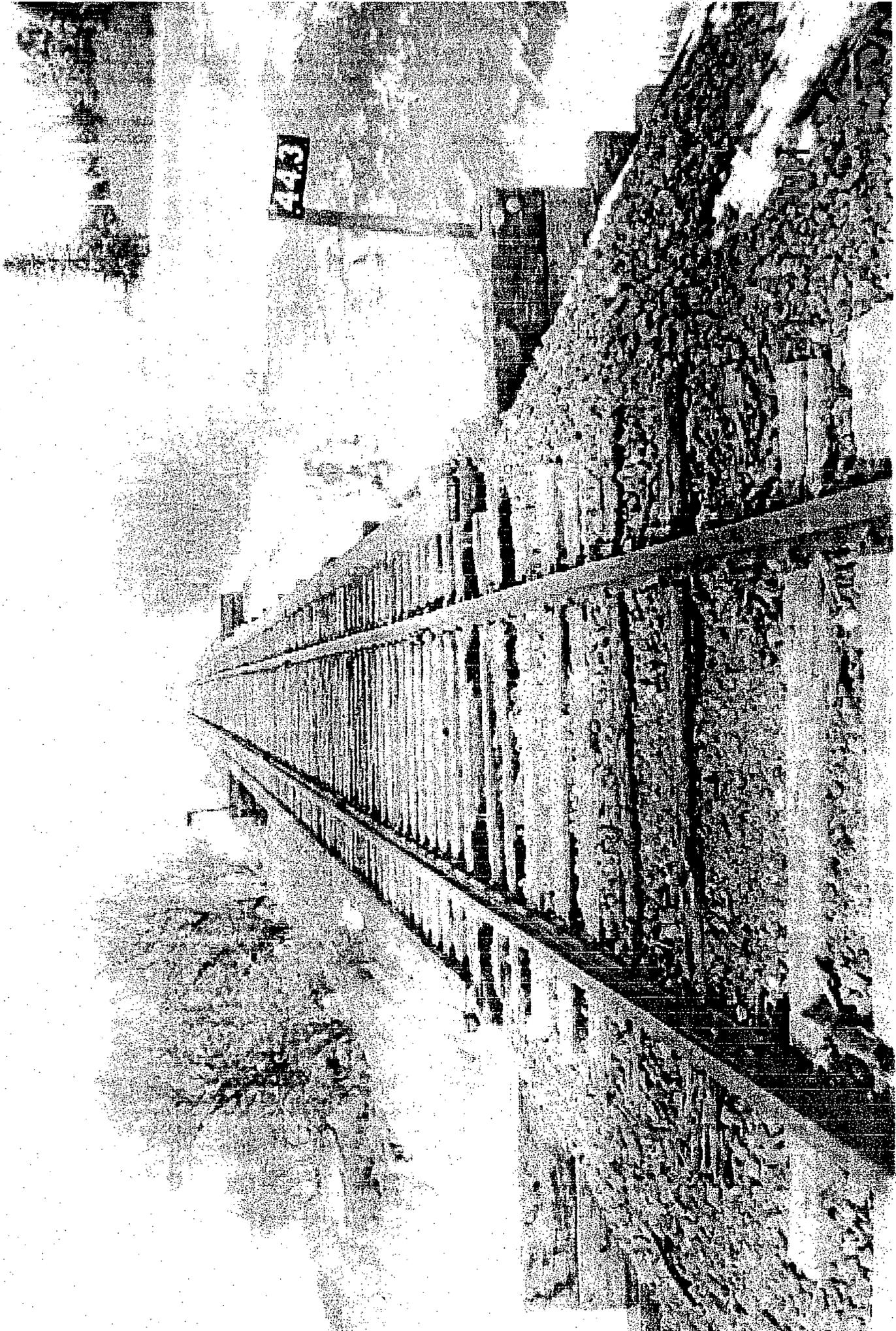


EXHIBIT O-11

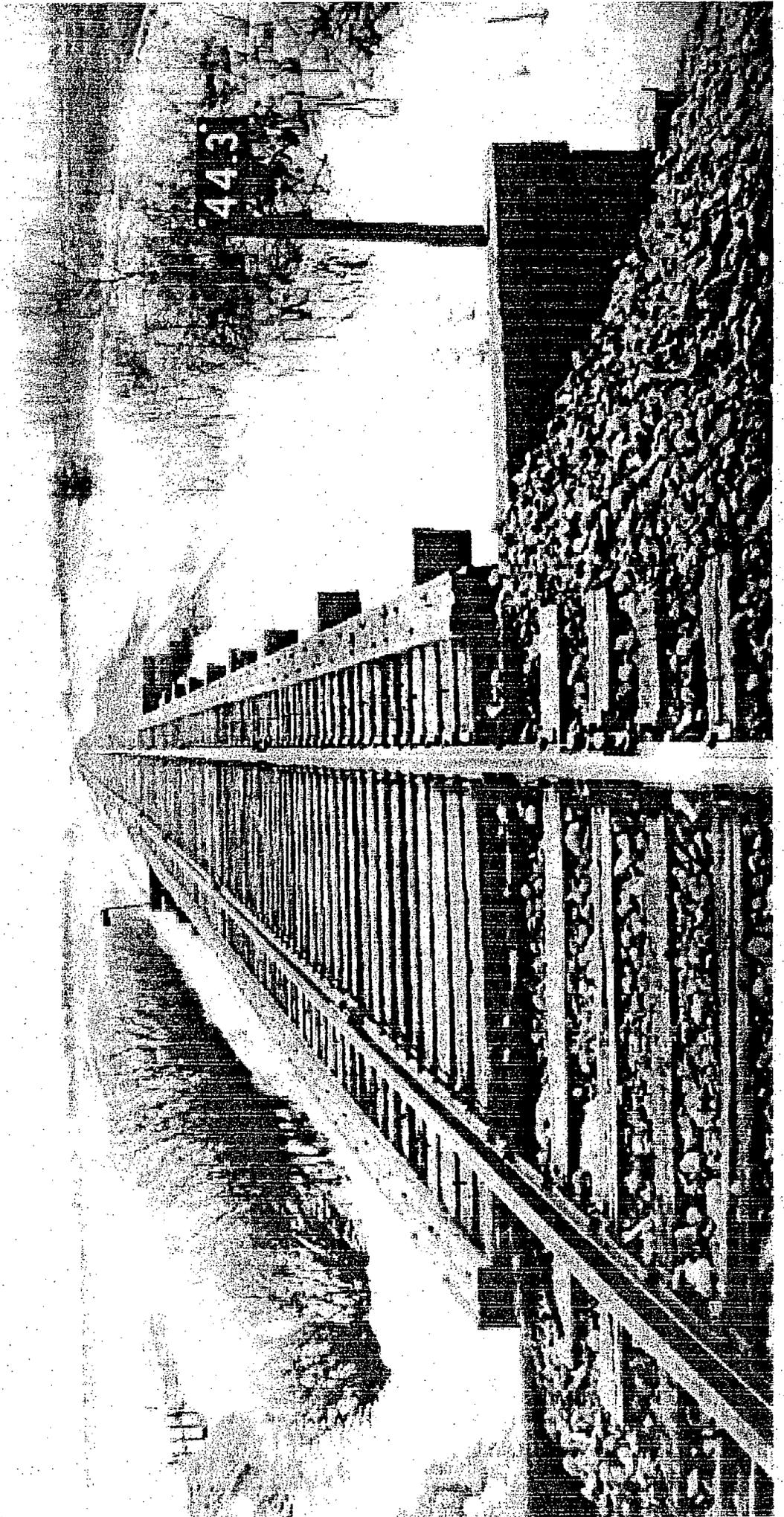
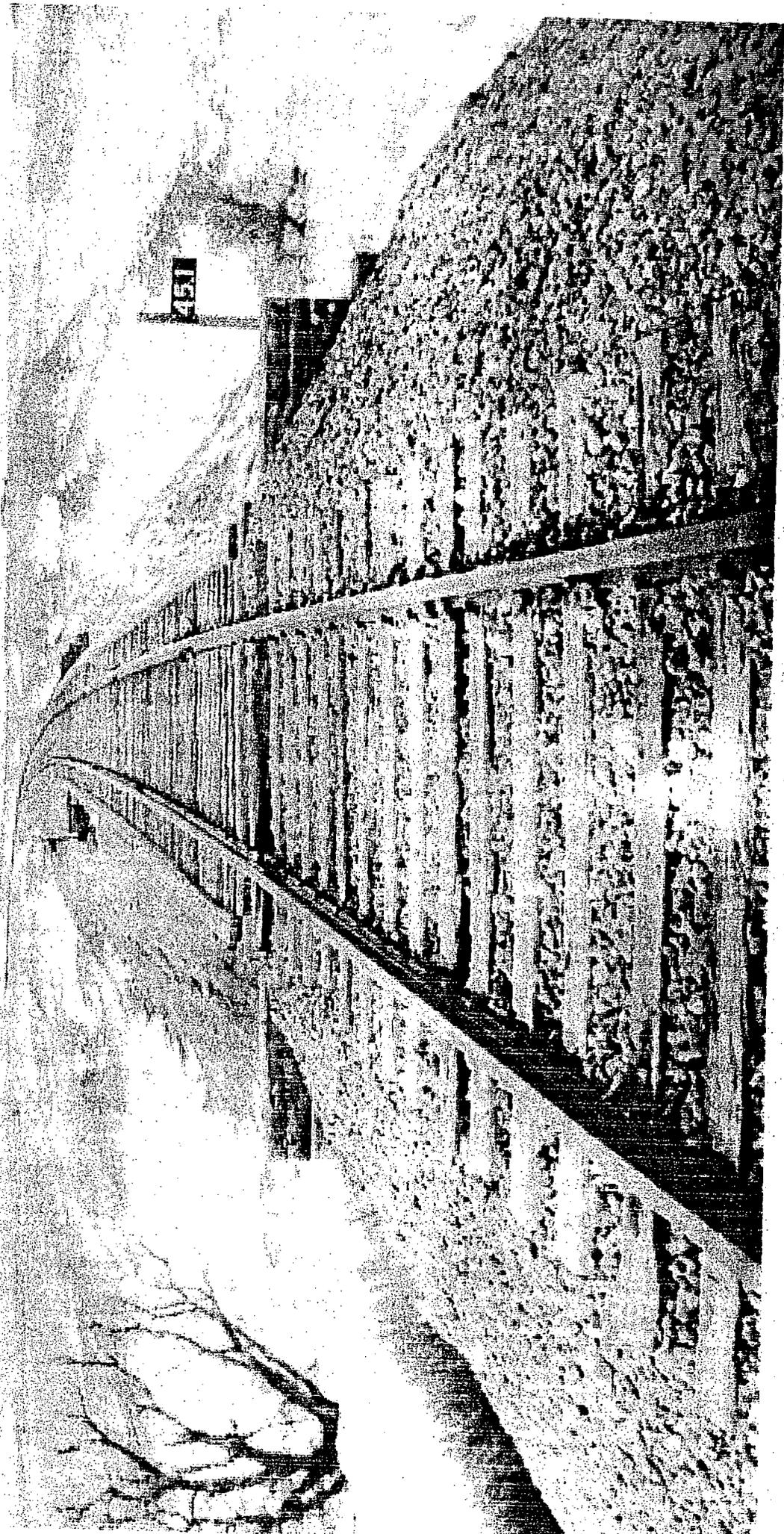


EXHIBIT O-12



EXHIBIT O-13



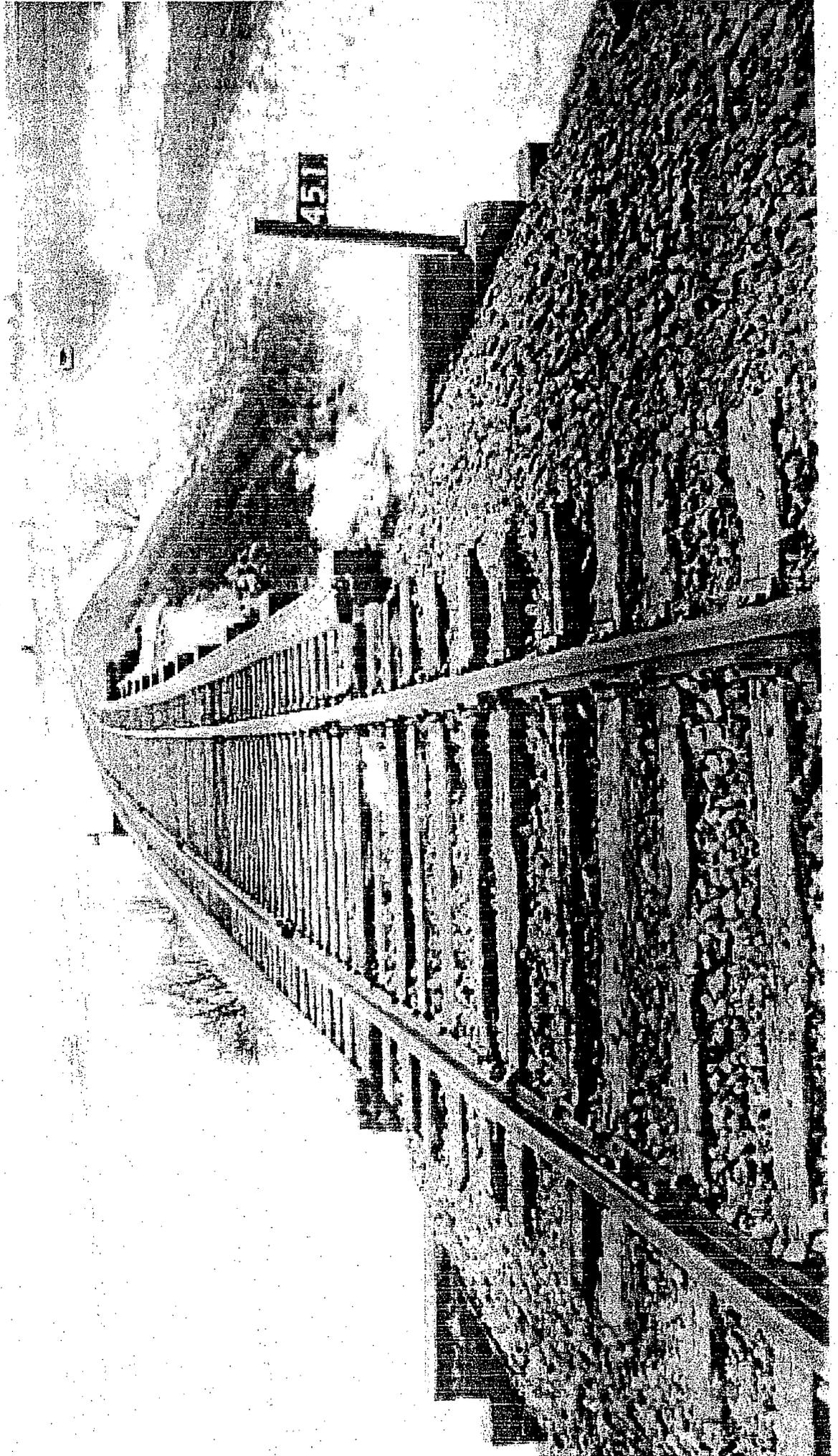
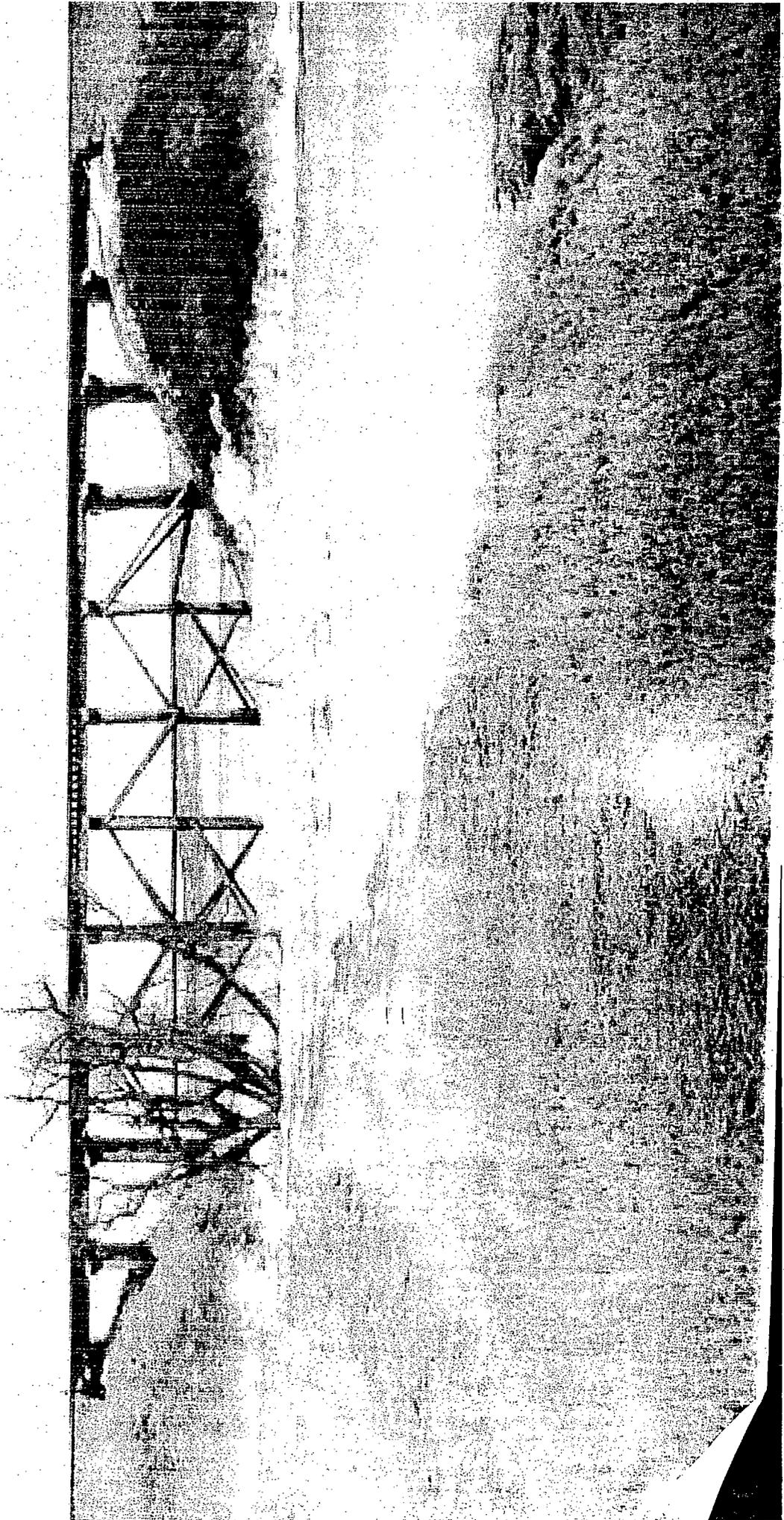
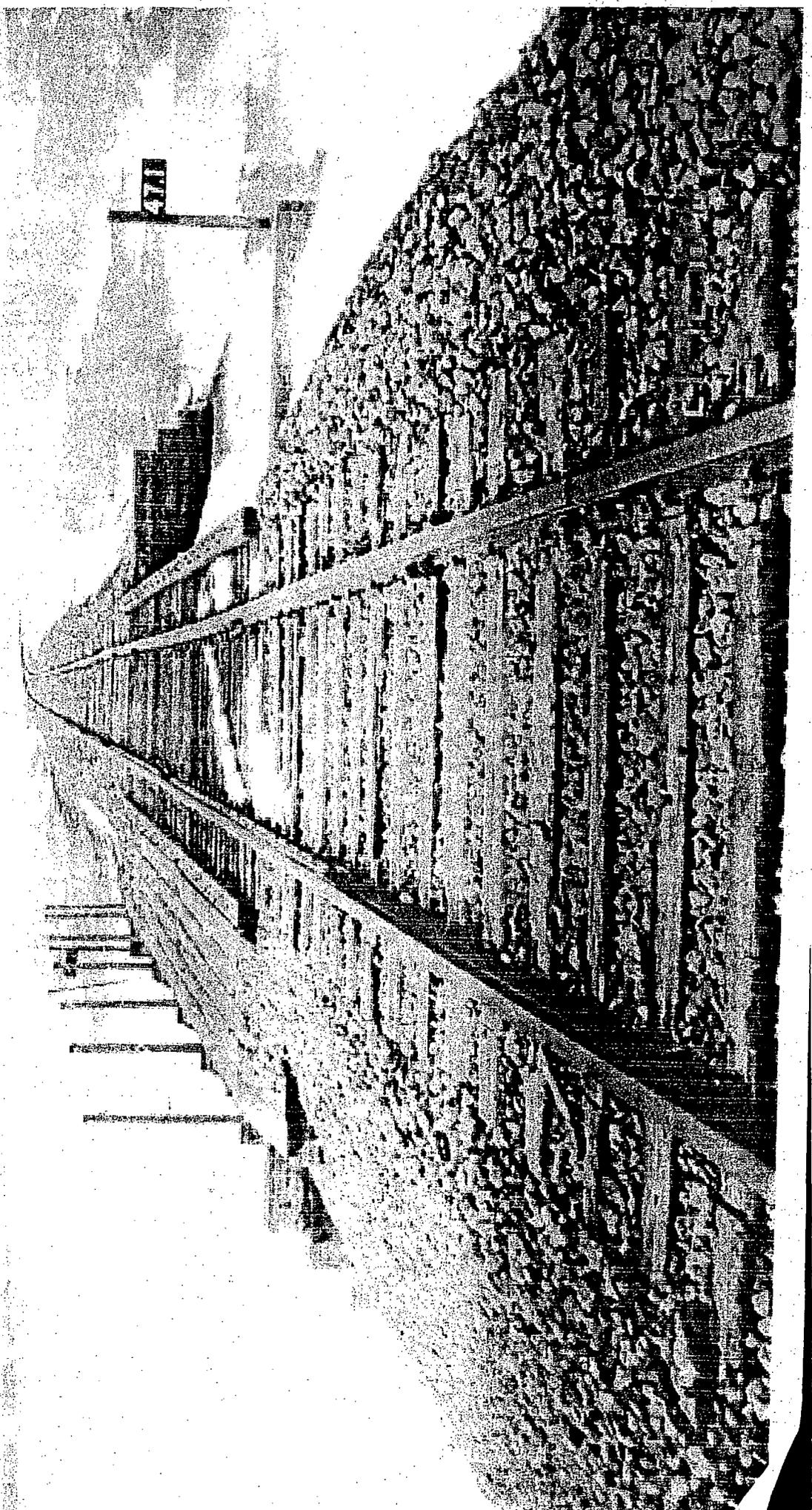


EXHIBIT O-15





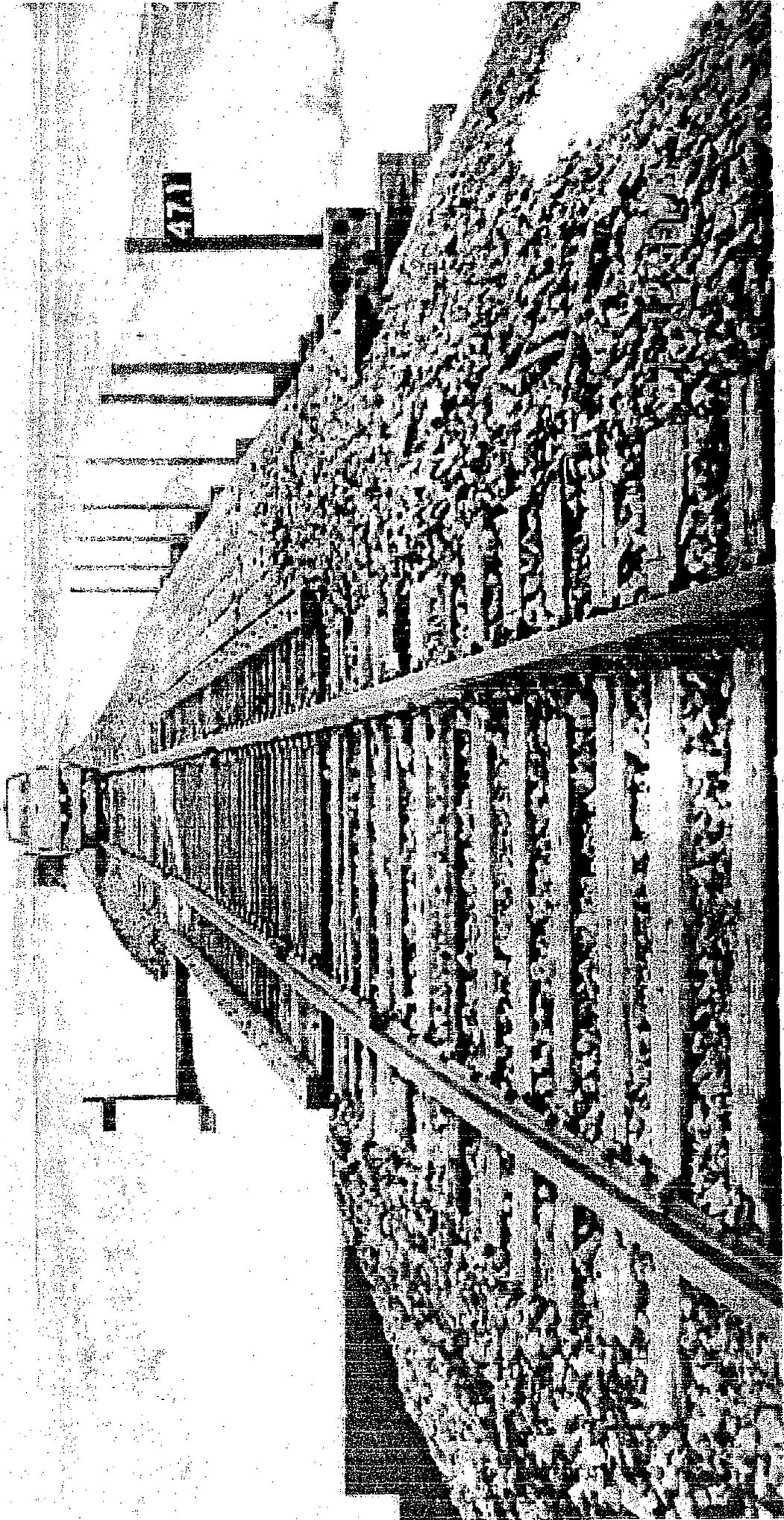
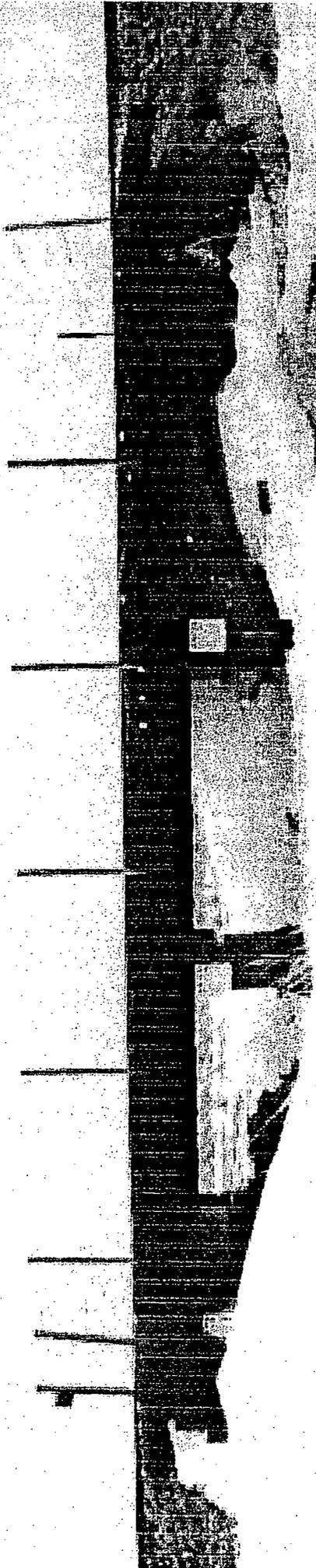


EXHIBIT O-18



MD15:21 12
27 12:57PM

EXHIBIT O-19



EXHIBIT O-20

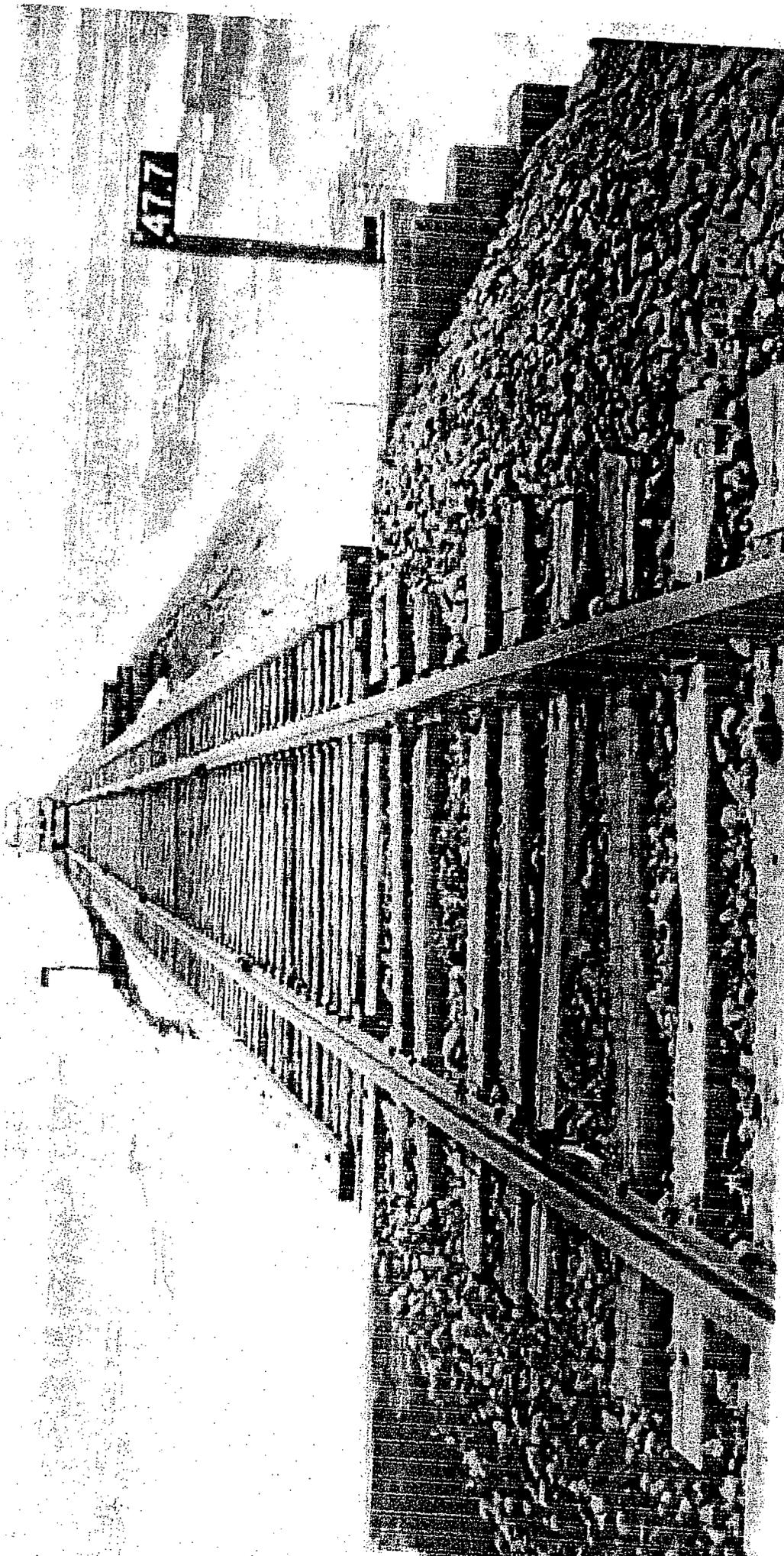
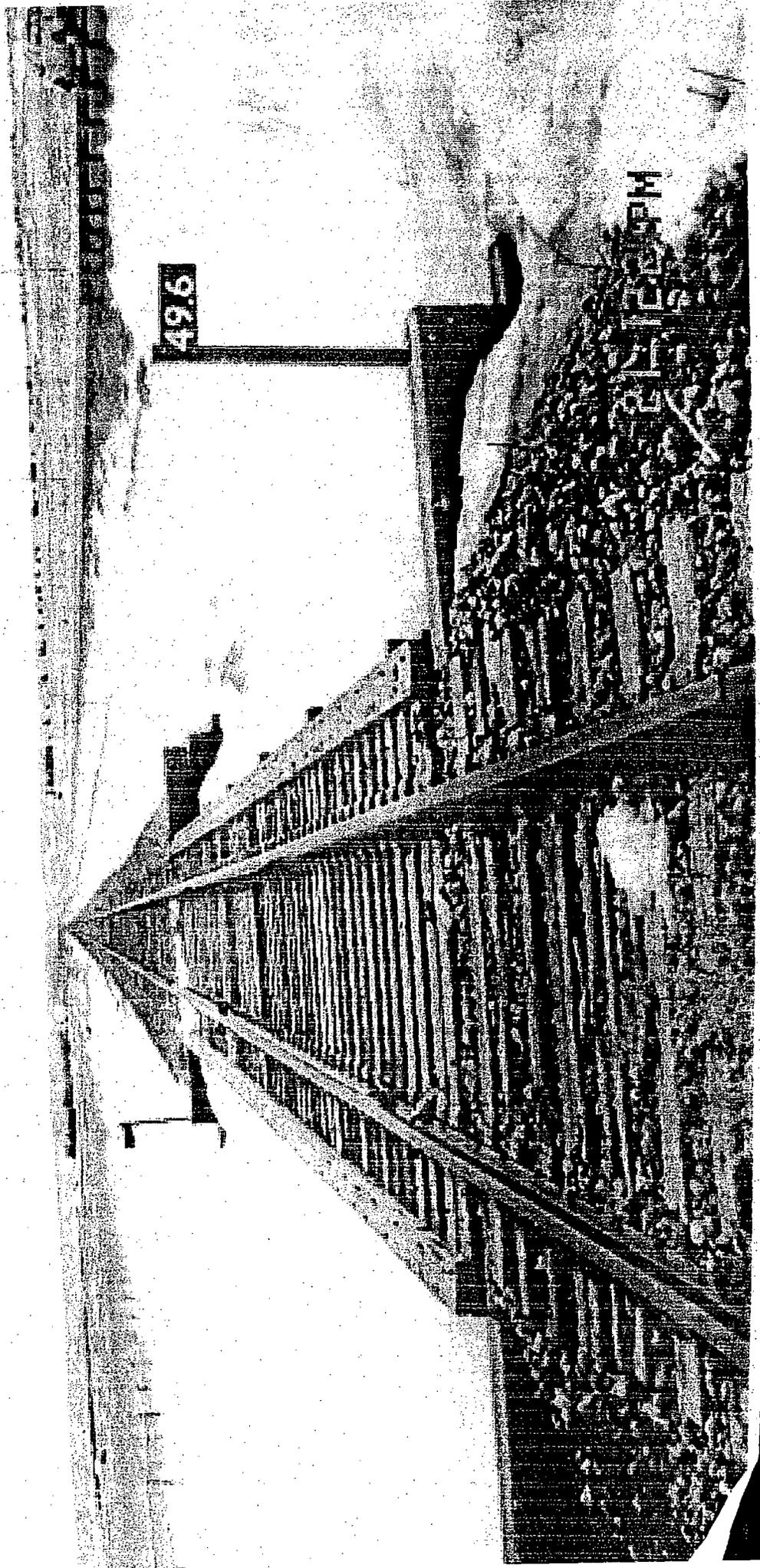


EXHIBIT O-21





PHOTOGRAPH

EXHIBIT O-23

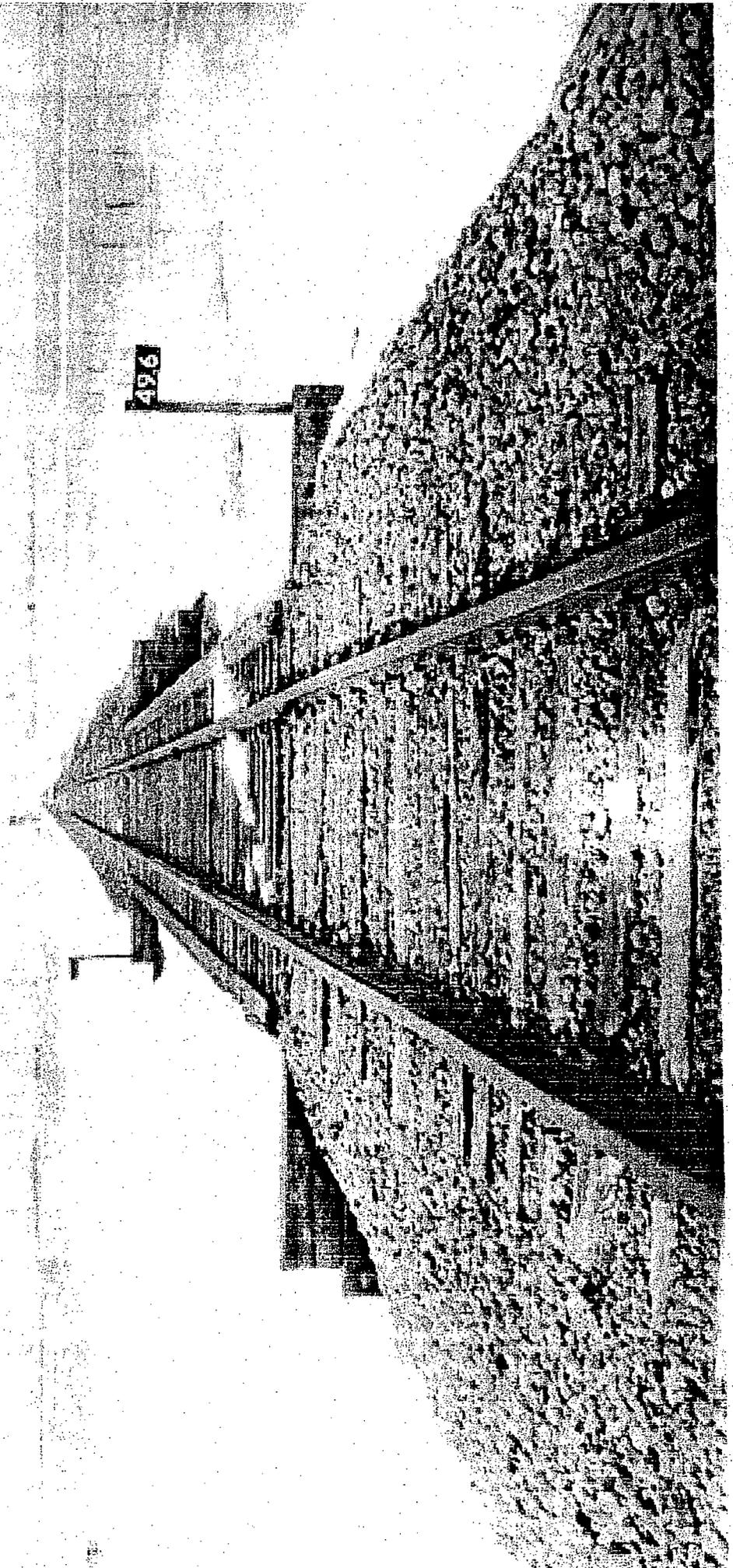
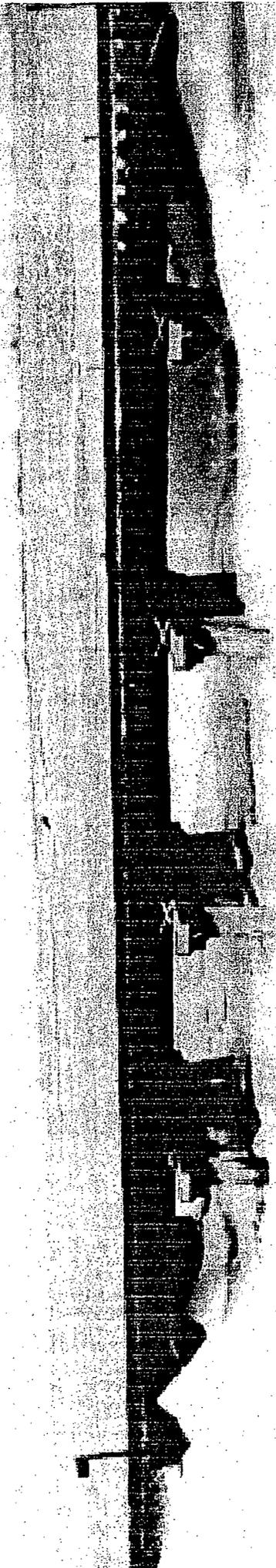


EXHIBIT O-24



21 12:26PM

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 June 5, 2006, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

J.R. Flores, State Conservationist
USDA Natural Resources Conservation Service
220 East Rosser Ave.
P.O. Box 1458
Bismarck, ND 58502-1458

Merlan E. Paaverud, Jr.
State Historic Preservation Officer
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505-0830

North Dakota State Water Commission
900 East Boulevard Avenue
Bismarck, ND 58505-0850

U.S. Army Engineer District, Omaha
106 S. 15th Street
Omaha, NE 68102

U.S. Fish and Wildlife Service
Region 6
Denver Federal Center
Denver, CO 80225

Tim Zachmeier
Wildlife Biologist
U.S. Bureau of Land Management
North Dakota Field Office
2933 Third Avenue West
Dickinson, ND 58601-2619

Jesse Hanson, Coordinator
Planning and Natural Resources Division
North Dakota Parks and Recreation Department
1600 E. Century Ave.
Suite 3
Bismarck, ND 58503-0649

Robert Indvik, Bottineau County Road Superintendent
Bottineau County Roads Department
314 W. 5th Street
Bottineau, ND 58318

Julie Prescott
Regulatory Section
State of North Dakota
Office of the State Engineer
900 East Boulevard
Bismarck, ND 58505-0850

Bottineau County Commissioners
c/o Mae Streich, County Auditor
314 W. 5th St.
Bottineau, ND 58318

Robert Maydwell
U.S. National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

Curt A. McCormick
Pretreatment Coordinator
U.S. Environmental Protection Agency
Region 8
999 18th Street
Suite 300
Denver, CO 80202-2466

Bob Johnston, Rail Planner
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

North Dakota Environmental Health Section
P.O. Box 5520
Bismarck, ND 58506-5520

Bruce Lange
Water Resource Program Administrator
Flood Plain Department
North Dakota State Water Commission
900 East Boulevard Avenue, Dept. 770
Bismarck, ND 58505-0850

Daniel E. Cimarosti
Regulatory Program Manager
Corps of Engineers, Omaha District
North Dakota Regulatory Office
1513 South 12th Street
Bismarck, ND 58504-6640

Jeffrey K. Towner
Field Supervisor
U.S. Fish and Wildlife Service
North Dakota Field Office
3425 Miriam Avenue
Bismarck, ND 58501

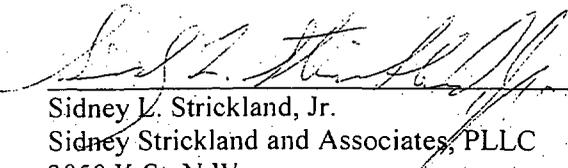
David E. Glatt, P.E., Chief
North Dakota Department of Health
Environmental Health Section
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947

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

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

Governor's Office
600 East Boulevard Avenue
Department 101
Bismarck, ND 58505-3001

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

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 5, 2006

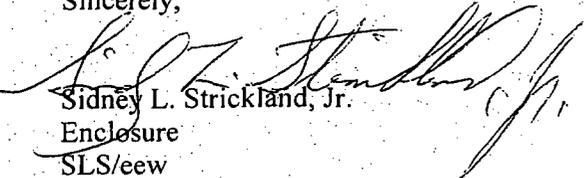
Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington D.C. 20423-0001

Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment Exemption – in Bottineau County, ND

Dear Ms. Rutson:

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Sincerely,


Sidney L. Strickland, Jr.

Enclosure
SLS/ew

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June 5, 2006

J.R. Flores, State Conservationist
USDA Natural Resources Conservation Service
220 East Rosser Ave.
P.O. Box 1458
Bismarck, ND 58502-1458

*Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND*

Dear Mr. Flores:

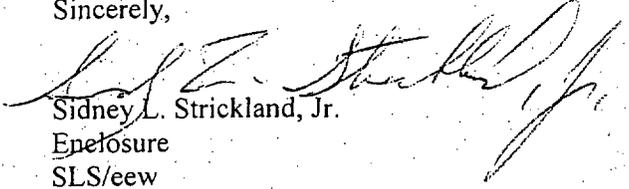
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Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 338-1325 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.

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

June 5, 2006

Merlan E. Paaverud, Jr.
State Historic Preservation Officer
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505-0830

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

Dear Mr. Paaverud:

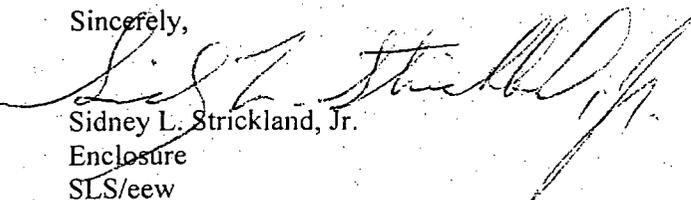
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

North Dakota State Water Commission
900 East Boulevard Avenue
Bismarck, ND 58505-0850

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

Dear Sir or Madam:

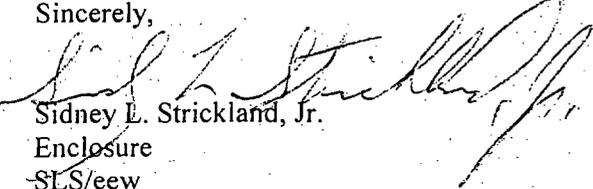
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

U.S. Army Engineer District, Omaha
106 S. 15th Street
Omaha, NE 68102

**Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND**

Dear Sir or Madam:

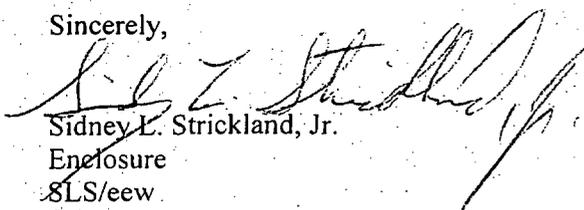
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Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.

Enclosure
SLS/ew

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

June 5, 2006

U.S. Fish and Wildlife Service
Region 6
Denver Federal Center
Denver, CO 80225

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

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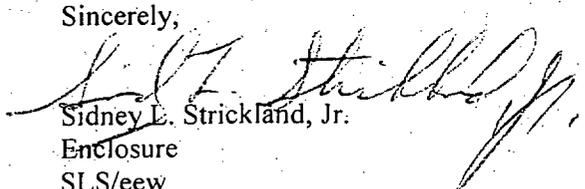
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Tim Zachmeier
Wildlife Biologist
U.S. Bureau of Land Management
North Dakota Field Office
2933 Third Avenue West
Dickinson, ND 58601-2619

*Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND*

Dear Mr. Zachmeier:

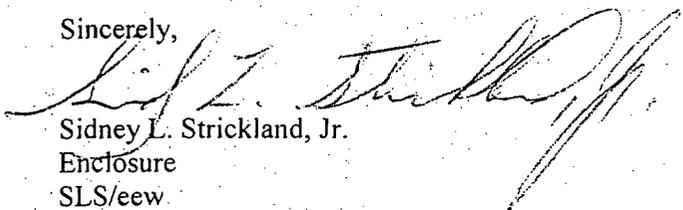
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Sidney L. Strickland, Jr.
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Jesse Hanson, Coordinator
Planning and Natural Resources Division
North Dakota Parks and Recreation Department
1600 E. Century Ave.
Suite 3
Bismarck, ND 58503-0649

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

Dear Mr. Hanson:

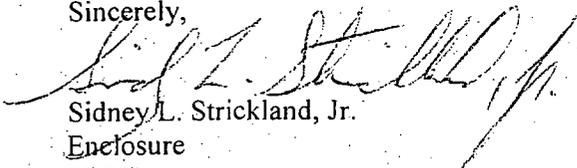
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Robert Indvik, Bottineau County Road Superintendent
Bottineau County Roads Department
314 W. 5th Street
Bottineau, ND 58318

*Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND*

Dear Mr. Indvik:

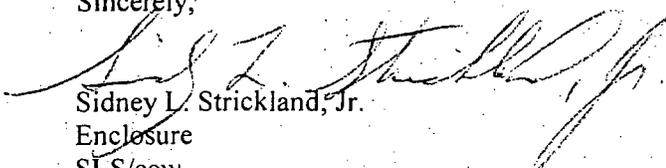
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Bottineau County Commissioners
c/o Mae Streich, County Auditor
314 W. 5th St.
Bottineau, ND 58318

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

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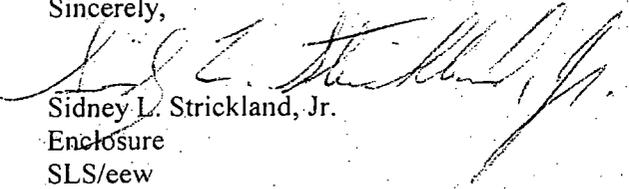
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Thank you in advance for your cooperation.

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

June 5, 2006

Robert Maydwell
U.S. National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment Exemption – in Bottineau County, ND

Dear Mr. Maydwell:

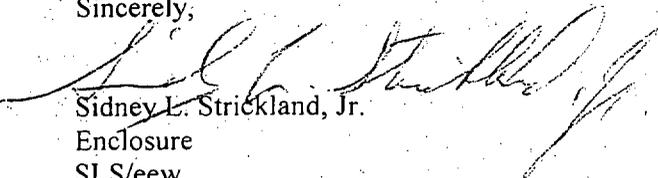
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Curt A. McCormick
Pretreatment Coordinator
U.S. Environmental Protection Agency
Region 8
999 18th Street
Suite 300
Denver, CO 80202-2466

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

Dear Mr. McCormick:

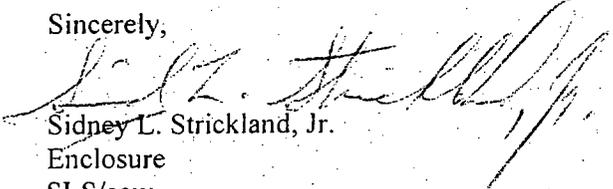
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Bob Johnston, Rail Planner
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

Dear Mr. Johnston:

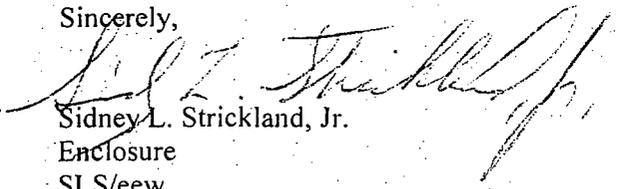
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TELEPHONE: 202-338-1325
FAX: 202-672-5399

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

June 5, 2006

North Dakota Environmental Health Section
P.O. Box 5520
Bismarck, ND 58506-5520

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

Dear Sir or Madam:

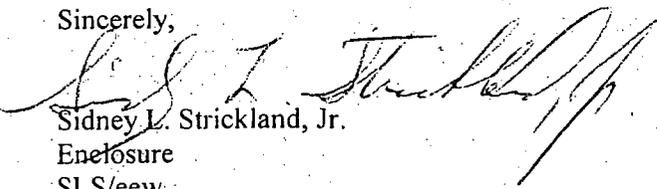
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Bruce Lange
Water Resource Program Administrator
Flood Plain Department
North Dakota State Water Commission
900 East Boulevard Avenue, Dept. 770
Bismarck, ND 58505-0850

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

Dear Mr. Lange:

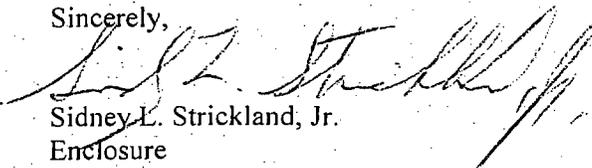
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TELEPHONE: 202-338-1325
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Daniel E. Cimarosti
Regulatory Program Manager
Corps of Engineers, Omaha District
North Dakota Regulatory Office
1513 South 12th Street
Bismarck, ND 58504-6640

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

Dear Mr. Cimarosti:

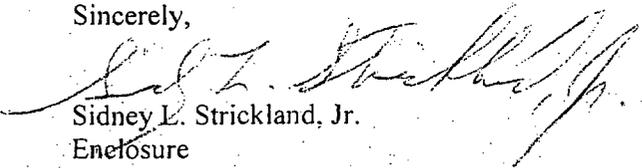
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Jeffrey K. Towner
Field Supervisor
U.S. Fish and Wildlife Service
North Dakota Field Office
3425 Miriam Avenue
Bismarck, ND 58501

*Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND*

Dear Mr. Towner:

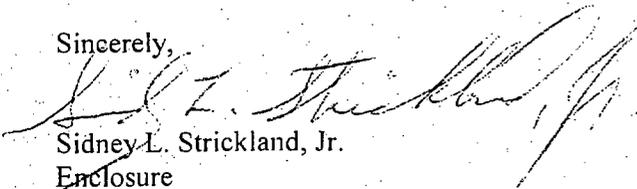
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

David E. Glatt, P.E., Chief
North Dakota Department of Health
Environmental Health Section
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
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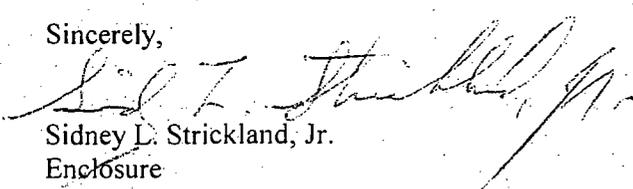
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Julie Prescott
Regulatory Section
State of North Dakota
Office of the State Engineer
900 East Boulevard
Bismarck, ND 58505-0850

*Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND*

Dear Ms. Prescott:

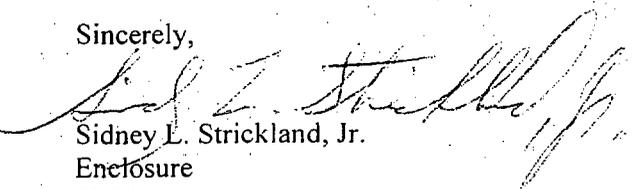
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Governor's Office
600 East Boulevard Avenue
Department 101
Bismarck, ND 58505-3001

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
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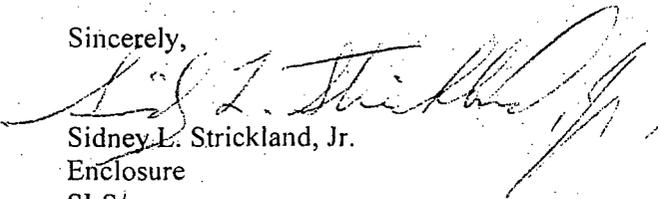
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SIDNEY L. STRICKLAND, JR.
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June 5, 2006

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

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

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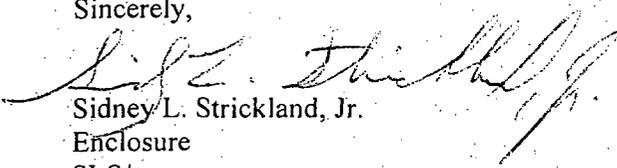
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June 5, 2006

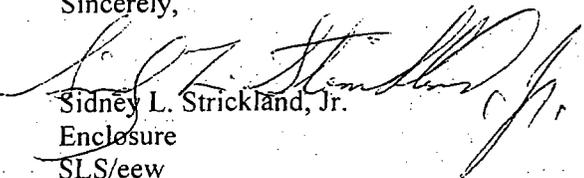
Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington D.C. 20423-0001

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

Dear Ms. Rutson:

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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

June 5, 2006

J.R. Flores, State Conservationist
USDA Natural Resources Conservation Service
220 East Rosser Ave.
P.O. Box 1458
Bismarck, ND 58502-1458

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

Dear Mr. Flores:

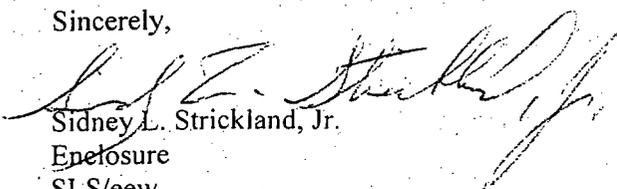
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Thank you in advance for your cooperation.

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Sidney L. Strickland, Jr.

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

June 5, 2006

Merlan E. Paaverud, Jr.
State Historic Preservation Officer
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505-0830

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

Dear Mr. Paaverud:

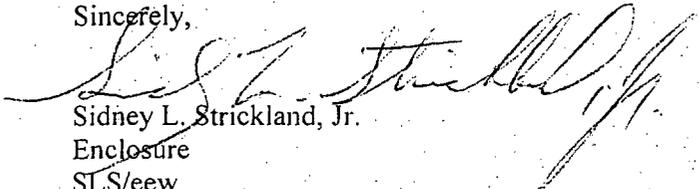
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

North Dakota State Water Commission
900 East Boulevard Avenue
Bismarck, ND 58505-0850

*Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND*

Dear Sir or Madam:

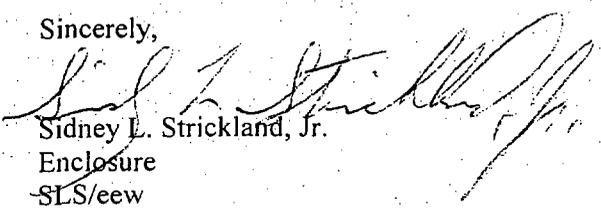
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

U.S. Army Engineer District, Omaha
106 S. 15th Street
Omaha, NE 68102

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

Dear Sir or Madam:

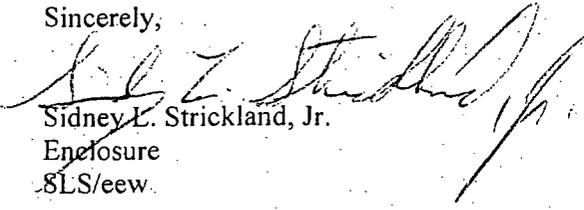
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

U.S. Fish and Wildlife Service
Region 6
Denver Federal Center
Denver, CO 80225

*Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND*

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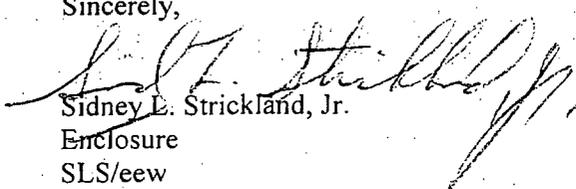
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Tim Zachmeier
Wildlife Biologist
U.S. Bureau of Land Management
North Dakota Field Office
2933 Third Avenue West
Dickinson, ND 58601-2619

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

Dear Mr. Zachmeier:

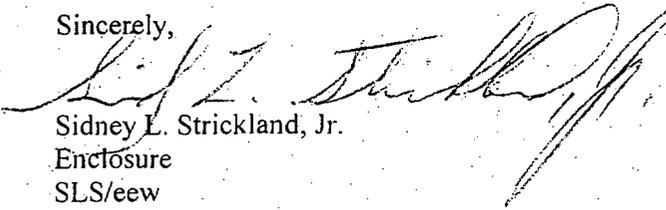
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Jesse Hanson, Coordinator
Planning and Natural Resources Division
North Dakota Parks and Recreation Department
1600 E. Century Ave.
Suite 3
Bismarck, ND 58503-0649

*Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND*

Dear Mr. Hanson:

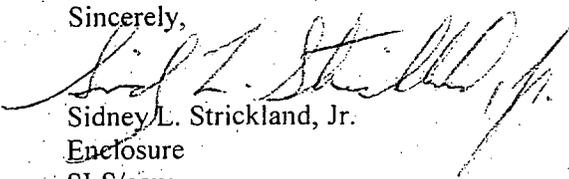
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Robert Indvik, Bottineau County Road Superintendent
Bottineau County Roads Department
314 W. 5th Street
Bottineau, ND 58318

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

Dear Mr. Indvik:

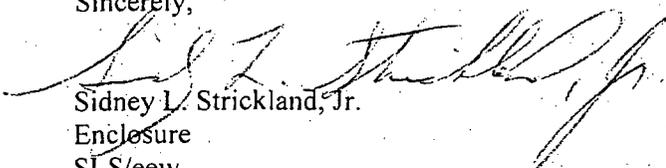
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Bottineau County Commissioners
c/o Mae Streich, County Auditor
314 W. 5th St.
Bottineau, ND 58318

*Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
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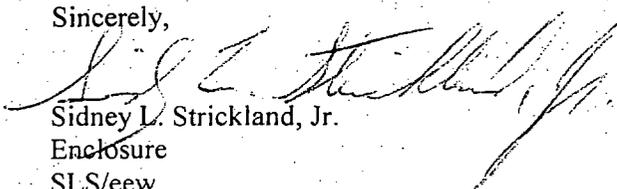
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Robert Maydwell
U.S. National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

*Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND*

Dear Mr. Maydwell:

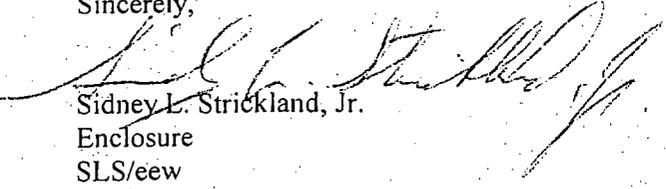
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Curt A. McCormick
Pretreatment Coordinator
U.S. Environmental Protection Agency
Region 8
999 18th Street
Suite 300
Denver, CO 80202-2466

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

Dear Mr. McCormick:

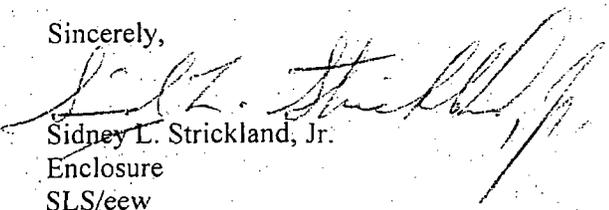
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June 5, 2006

Bob Johnston, Rail Planner
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
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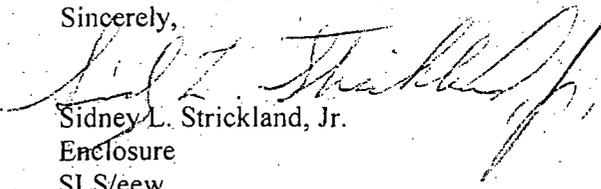
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Sincerely,


Sidney L. Strickland, Jr.
Enclosure
SLS/eeew

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 5, 2006

North Dakota Environmental Health Section
P.O. Box 5520
Bismarck, ND 58506-5520

*Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND*

Dear Sir or Madam:

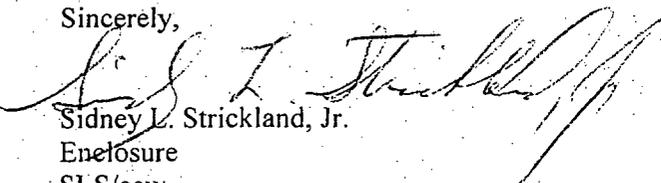
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Bruce Lange
Water Resource Program Administrator
Flood Plain Department
North Dakota State Water Commission
900 East Boulevard Avenue, Dept. 770
Bismarck, ND 58505-0850

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

Dear Mr. Lange:

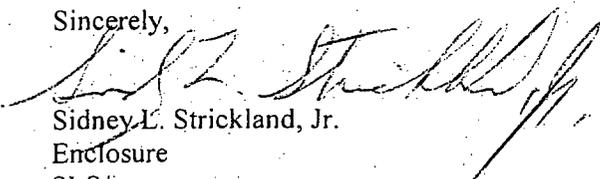
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Daniel E. Cimarosti
Regulatory Program Manager
Corps of Engineers, Omaha District
North Dakota Regulatory Office
1513 South 12th Street
Bismarck, ND 58504-6640

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

Dear Mr. Cimarosti:

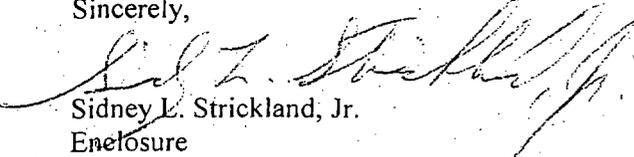
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

Jeffrey K. Towner
Field Supervisor
U.S. Fish and Wildlife Service
North Dakota Field Office
3425 Miriam Avenue
Bismarck, ND 58501

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
Exemption – in Bottineau County, ND***

Dear Mr. Towner:

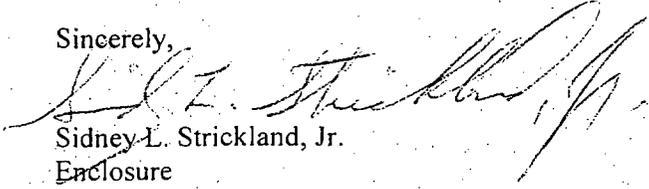
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

June 5, 2006

David E. Glatt, P.E., Chief
North Dakota Department of Health
Environmental Health Section
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947

*Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
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Dear Mr. Glatt:

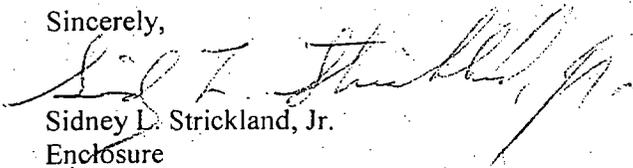
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SIDNEY L. STRICKLAND, JR.
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June 5, 2006

Julie Prescott
Regulatory Section
State of North Dakota
Office of the State Engineer
900 East Boulevard
Bismarck, ND 58505-0850

***Re: STB Docket No. AB-6 (Sub. No. 439X) BNSF Railway Company—Abandonment
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Dear Ms. Prescott:

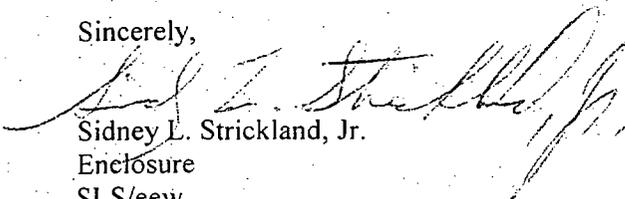
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June 5, 2006

Governor's Office
600 East Boulevard Avenue
Department 101
Bismarck, ND 58505-3001

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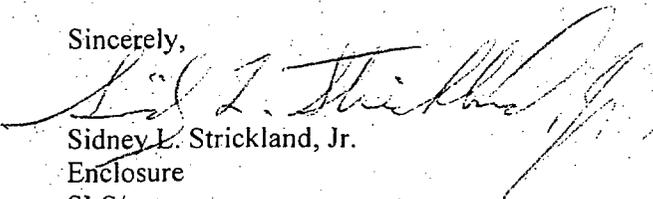
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June 5, 2006

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

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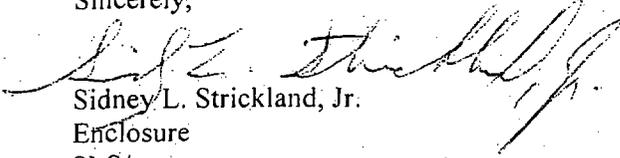
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