

**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

September 19, 2006

217574

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

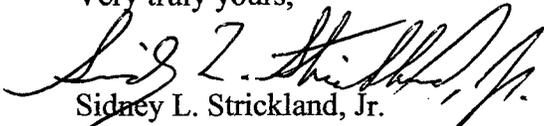
**Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—  
Abandonment Exemption – in Cascade County, MT**

Dear Secretary Williams:

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

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

Very truly yours,

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

**FILED**

SEP 19 2006

SURFACE  
TRANSPORTATION BOARD

**FEE RECEIVED**

SEP 19 2006

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TRANSPORTATION BOARD

ENTERED  
Office of Proceedings

SEP 20 2006

Part of  
Public Record

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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BNSF RAILWAY COMPANY --  
ABANDONMENT EXEMPTION --  
IN CASCADE COUNTY, MT

DOCKET NO. AB-6  
(SUB. NO. 445X)

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

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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

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**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**BNSF RAILWAY COMPANY --  
ABANDONMENT EXEMPTION --  
IN CASCADE COUNTY, MT**

**DOCKET NO. AB-6  
(SUB. NO. 445X)**

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

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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 Milepost 194.61 and Milepost 196.28, near Great Falls in Cascade County, Montana (the “Line”), a total distance of 1.67 miles.

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 September 19, 2006, which is November 8, 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 Cascade 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 Code 59401.
- (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.*

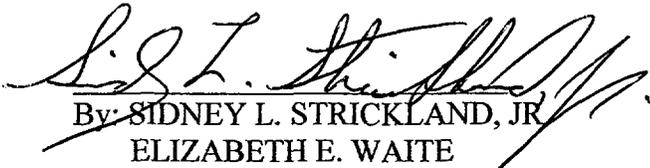
The required certifications are set forth in Appendix 3 to this Notice of Exemption.

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  
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

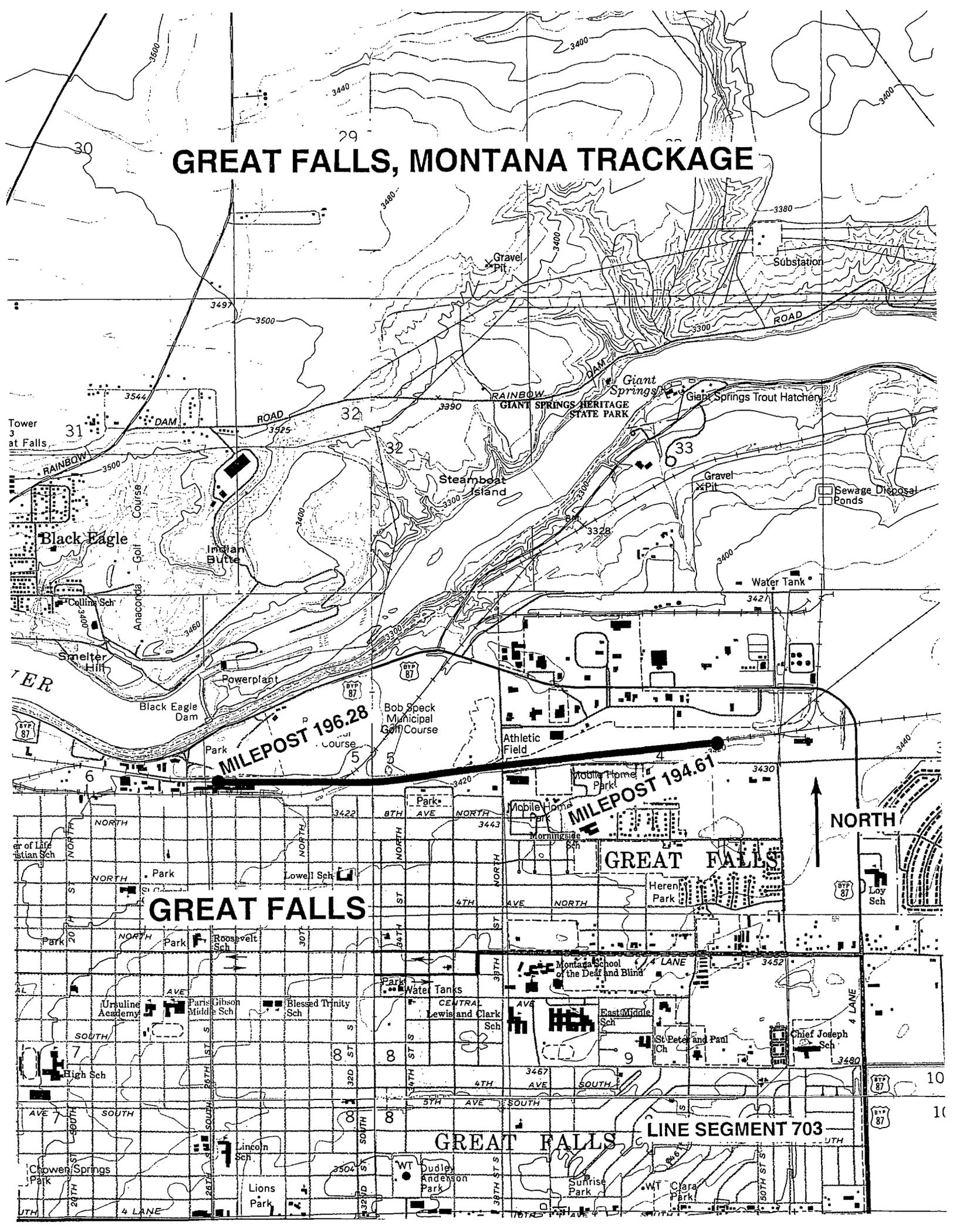
Attorneys for BNSF Railway Company

DATE FILED: September 19, 2006

## **APPENDIX 1**

### ***Detailed Map of the Line***

# GREAT FALLS, MONTANA TRACKAGE



## **APPENDIX 2**

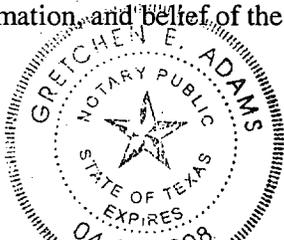
***Certification Required in 49 C.F.R. § 1152.50(b)***

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

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

In accordance with 49 C.F.R. § 1152.50(b), I hereby certify that, with respect to the line which is the subject of the Notice of Exemption filed in Docket No. AB-6 (Sub-No. 445X), 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



Subscribed and sworn to before me the 18 day of September, 2006.

Richard A. Batie

Richard A. Batie  
Manager, Network Development

Gretchen E. Adams

## **APPENDIX 3**

***Certifications 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. 445X) was mailed via first class mail on September 8, 2006 to the following parties:

State of Montana  
Public Service Commission  
1701 Prospect Ave.  
P.O. Box 202601  
Helena, MT 59620-2601

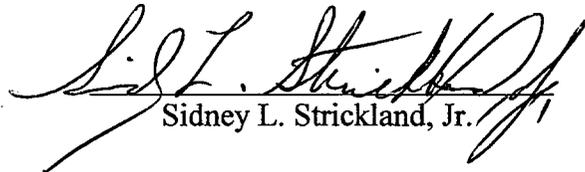
Military Traffic Management Control  
Attn: Railroads for National Defense  
720 Thimble Shoals Boulevard, #130  
Newport News, VA 23606-2574

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  
4<sup>th</sup> Floor N.W., Yates Building  
201 14<sup>th</sup> Street, SW  
Washington, D.C. 20250

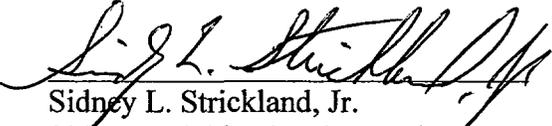
Tom Steyaert  
Montana Department of Transportation  
2701 Prospect Avenue  
P.O. Box 201001  
Helena, MT 59620-1001

Dated September 19, 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 Cascade County, Montana: *Great Falls Tribune*. Publication of the notice was accomplished on September 12, 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) 672-5399

**AFFIDAVIT OF PUBLICATION  
THE GREAT FALLS TRIBUNE  
205 RIVER DRIVE SOUTH  
GREAT FALLS, MT 59405  
Phone: (406) 791-1444  
Toll Free (800) 438-6600**

Terri Van Lieshout, being first duly sworn deposes and says that GREAT FALLS TRIBUNE COMPANY is a corporation duly incorporated under the laws of the State of Delaware, that the said GREAT FALLS TRIBUNE COMPANY is the printer and publisher of the GREAT FALLS TRIBUNE, a daily newspaper of general circulation of the County of Cascade, State of Montana, and that the deponent is the principal clerk of said GREAT FALLS TRIBUNE COMPANY, printer of the GREAT FALLS TRIBUNE, and that the advertisement here to annexed.

**NOTICE OF INTENT TO ABANDON RAIL SERVICE**

Has been correctly published ONE time in the regular and entire issue of said paper on the following date:

**SEPTEMBER 12, 2006**

*Terri E. Van Lieshout*  
STATE OF MONTANA  
County of Cascade

On this 11 SEPTEMBER 2006 before me the undersigned, a Notary Public of the State of Montana, personally appeared Terri Van Lieshout, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

In witness whereof, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Barbara Sutherland Berry  
Print Name

*Barbara Sutherland Berry*  
Signature

NOTARY PUBLIC for the State of Montana  
Residing in Great Falls  
My commission expires: 04/28/2007

**NOTICE OF INTENT TO ABANDON RAIL SERVICE**  
STB Docket No. AB-6 (Sub: No. 445X)  
BNSF RAILWAY COM.

PANY (BNSF) gives notice that on or about September 19, 2006, it intends to file with the Surface Transportation Board (the Board) Washington, DC 20423, a notice of exemption under 49 C.F.R. 1152 Subpart E, Exempt Abandonments, permitting the abandonment of the 1.67 miles of railroad line between Milepost 194.61 and Milepost 194.28, near Great Falls in Cascade County, Montana. The rail line traverses through United States Postal Service Zip Code 59401. The proceeding will be docketed as STB Docket No. AB-6 (Sub: No. 445X) as a "Small Matter". 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 35 days after the EA becomes available to the public and will be addressed in the Board's decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423, or by calling that office at 202-565-1545. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 (See 49 C.F.R. 1104.1 (a) and 1104.3 (a)) and one copy must be served on applicant's representative. (See 49 C.F.R. 1104.12 (a)). Questions regarding offers of financial assistance, public use, or trails use may be directed to the Board's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative at Sidney Strickland, Sidney Strickland & Associates, PLLC, 43050 K Street, N.W., Suite 107, Washington, DC 20007-5108 (202) 338-1325.

**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 August 30, 2006, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

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

Dave White  
USDA Natural Resource Conservation Service  
Federal Building, Room 443  
10 East Babcock Street  
Bozeman, MT 59715

Damon Murdo, Cultural Records Manager  
Montana Historical Society  
225 North Roberts  
P.O. Box 201201  
Helena, MT 59620-1201

Josef Warhank  
State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
P.O. Box 201202  
Helena, MT 59620-1202

Kim Johnson  
Floodplain Administrator  
City of Great Falls  
PO Box 5021  
Great Falls, MT 59403

U.S. Fish and Wildlife Service  
Region 6  
P.O. Box 25486  
Denver Federal Center  
Denver, CO 80225

Jamesa L. Dodd  
Water Protection Bureau  
Department of Environmental Quality  
P.O. Box 200901  
Helena, MT 59620-0901

Jean Ramer  
U.S. Army Corps of Engineers  
Helena Regulatory Office  
10 West 15<sup>th</sup> Street, Suite 2200  
Helena, MT 59626

Army Dept. of Corps of Engineers  
P.O. Box 6570  
Great Falls, MT 59406

Montana Fish, Wildlife & Parks  
1420 E. 6<sup>th</sup> Ave.  
P.O. Box 200701  
Helena, MT 59620-0701

Stan Wilmoth, Acting State Historic Preservation  
Officer  
State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
P.O. Box 201202  
Helena, MT 59620-1202

Greg Davis  
U.S. EPA, Region 8 Storm Water Coordinator  
Mailcode: 8P-W-P  
999 18<sup>th</sup> Street, Suite 300  
Denver, CO 80202-2466

Cascade County Board of Commissioners  
325 2<sup>nd</sup> Ave North  
Courthouse Annex  
Room 111  
Great Falls, MT 59401

Tom Steyaert  
Montana Department of Transportation  
2701 Prospect Avenue  
P.O. Box 201001  
Helena, MT 59620-1001

Cheryl Eckhardt  
U.S. National Park Service  
Intermountain Region  
12795 Alameda Parkway  
P.O. Box 25287  
Denver, CO 80225-0287

R. Mark Wilson  
U.S. Fish and Wildlife Service  
Ecological Services  
Montana Field Office  
585 Shepard Way  
Helena, MT 59601

Cory Loecker, Wildlife Biologist  
Montana Fish, Wildlife & Parks  
4600 Giant Springs Rd.  
Great Falls, MT 59405

John Nerud, Planning Director  
Cascade County Planning Board  
415 3<sup>rd</sup> St. Northwest  
Great Falls, MT 59404-4106

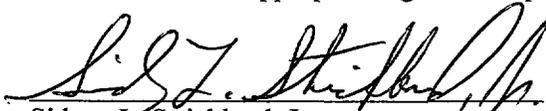
National Oceanic and Atmospheric Administration  
National Geodetic Survey  
1315 East-West Highway  
Silver Springs, MD 20910-3282

Don Judice  
Bureau of Land Management  
Great Falls Field Station  
1101 15<sup>th</sup> Street North  
Great Falls, MT 59403

Willy Frank  
Assistant Field Supervisor  
Bureau of Land Management  
Lewistown Field Office  
920 NE Main Street  
Lewistown, MT 59457

Benjamin M. Rangel  
Planning Director  
Great Falls Civic Center  
#2 Park Drive South  
P.O. Box 5021  
Great Falls, Montana 59403

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**

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**BNSF RAILWAY COMPANY --  
ABANDONMENT EXEMPTION --  
IN CASCADE COUNTY, MT**

**DOCKET NO. AB-6  
(SUB. NO. 445X)**

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**ENVIRONMENTAL AND HISTORIC REPORTS**

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

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

*Attorneys for BNSF Railway Company*

DATED: August 30, 2006

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**BNSF RAILWAY COMPANY --  
ABANDONMENT EXEMPTION --  
IN CASCADE COUNTY, MT**

**DOCKET NO. AB-6  
(SUB. NO. 445X)**

**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 any federally granted rights-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 1.67 miles of railroad line between Milepost 194.61 and Milepost 196.28, near Great Falls in Cascade County, Montana (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 no 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 City of Great Falls (“City”) indicates that a majority of the rail line has been out of service for a number of years, and the City of Great Falls has purchased a portion of the right of way from BNSF and has installed an underground sewer main. See Exhibit B, letter from Benjamin M. Rangel, Planning Director, City of Great Falls. Additionally, the Montana Department of Transportation (“MDOT”) was contacted regarding land use plans and the agency states “Montana Dept. of Transportation reviewed the proposed abandonment and determined we have no plans regarding alternate public use at this time.” See Exhibit C, electronic correspondence from Tom Steyaert, Rail, Transit & Planning Division, Montana Department of Transportation.

Additionally, Cascade County comments regarding land use: “First, that portion of the railroad line that lies within the jurisdiction of Cascade County has already been abandoned through the filing of the Amended Plat of the Claire Addition. Said plat being filed on August 7, 2003. The remainder of that portion of the railroad line proposed for abandonment lies entirely within the Incorporated City of Great Falls, Montana; and this office has no jurisdiction within the City of Great Falls.” See Exhibit D, letter from John Nerud, Planning Director, Cascade County Planning Board.

(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, “The proposed abandonment and associated removal of bridges, structures, ties, and rails will have no impact on important farmland since this land is considered to be previously converted farmland and the roadbed is to be left intact following abandonment.” See Exhibit E, letter from Dave White, State Conservationist, Natural Resource Conservation Service.

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

N/A

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

The proposed abandonment should be suitable for alternative public use. The City states, “There could be a number of alternative public uses for the remainder of the right of way, including a public/private utility corridor (a portion currently serves that purpose), recreational trail, as well as expansion of an adjoining public golf course/driving range and little league ball parks.” See Exhibit B, letter from Benjamin M. Rangel, Planning Director, City of Great Falls.

Additionally, as indicated above, MDOT indicates it has no plans regarding alternate public use at this time.” See Exhibit C, electronic correspondence from Tom Steyaert, Rail, Transit & Planning Division, Montana Department of Transportation.

**(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 two (2) public crossings and one (1) private crossing 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”) indicates that although threatened bald eagles nest along the Missouri River and may occur in the project area, there are no known nests within 5 miles of the proposed railroad line abandonment. The FWS concludes it does not anticipate adverse impacts to any federally listed threatened, endangered, candidate or proposed species. Finally, FWS recommends contacting the Montana Department of Fish, Wildlife and Parks (“MFWP”) regarding state species, and the Corps of Engineers regarding wetlands. See Exhibit F, letter from R. Mark Wilson, Field Supervisor, U.S. Fish and Wildlife Service.

The MFWP indicates it does not foresee any impacts to valuable wildlife habitats nor threatened or endangered species due to the project being within city limits. MFWP also recommends that a professional biological consultant be contracted to analyze the project in the fashion requested. See Exhibit G, letter from Cory Loecker, Wildlife Biologist, Montana Fish, Wildlife, and Parks.

(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”) reviewed the project and

determined that no parks will be affected. The Service has no further comments. See Exhibit H, letter from Cheryl Eckhardt, National Park Service.

The Bureau of Land Management (“BLM”) indicates via telephone call from Willy Frank, Assistant Field Supervisor, Lewiston Field Office, that it has no concerns with the proposed abandonment and that there are no BLM lands associated with the abandonment. Mr. Frank can be contacted at (406) 538-1918.

Finally, MFWP indicates it does not foresee any impacts to valuable wildlife habitats. See Exhibit G, letter from Cory Loecker, Wildlife Biologist, Montana Fish, Wildlife, and Parks.

**(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 should be consistent with applicable Federal, State or local water quality standards. The Montana Department of Environmental Quality (“MDEQ”) indicates it is required under Section 75-5-402 of the Montana Water Quality Act to examine plans and other information to determine whether a permit is required, but is unable to determine what permits are necessary for the project. The MDEQ provided a fact sheet that describes water quality related permits for construction activities. Finally, MDEQ indicates that facilities which operate under an MPDES or Montana Ground Water Pollution Control System (MGWPCS) permit have specific notification requirements. See Exhibit I, letter from Jamesa L. Dodd, Water Protection Bureau, Montana Department of Environmental Quality.

(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 should not require a Section 404 permit. The U.S. Army Corps of Engineers (“CORPS”) indicates Corps permits will probably not be required. See Exhibit J, electronic correspondence from Jean Ramer, Project Manager, U.S. Army Corps of Engineers.

In regard to designated wetlands, the Corps indicates “Our wetland maps only cover the east half of the project area. There are no wetlands in that area. The west half of the project is not represented in our database regarding wetlands. It appears from the USGS topo maps that there are no streams present in either the east or the west portions of the project.” See Exhibit K, electronic correspondence from Jean Ramer, Project Manager, US Army Corps of Engineers.

The proposed abandonment should not affect any 100-year flood plains. The City of Great Falls indicates that the entire lot/property described above is located in FIRM zone and the principal building on the property is not located in a Special Flood Hazard Area (SFHA). See Exhibit L, letter from Kim Johnson, Floodplain Administrator, City of Great Falls.

Furthermore, Cascade County comments regarding flood plains and states that the floodplain of the Missouri River is in the vicinity of the abandonment, but it is confined to the banks of the river and would not be a factor in the abandonment. See Exhibit D, letter from John Nerud, Planning Director, Cascade County Planning Board.

(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 should not be required for the proposed action. The U.S. Environmental Protection Agency (“EPA”) indicates the abandonment is not on land where EPA has jurisdiction for 402 permits, and recommends contacting the state of Montana. The EPA adds that if the abandonment was in EPA’s jurisdiction this would not be considered a land disturbance requiring a 402 permit for storm water discharges from construction activity. See Exhibit M, electronic correspondence from Greg Davis, EPA Region 8 Storm Water Coordinator, U.S. EPA, Region 8.

As noted above, we contacted the state of Montana’s MDEQ. The MDEQ indicates it is unable to determine which permits are necessary for the project, but it provided a fact sheet that describes water quality related permits for construction activities. See Exhibit I, letter from Jamesa L. Dodd, Water Protection Bureau, Montana Department of Environmental Quality.

**(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 Great Falls, Montana Trackage is approximately 1.67 miles in length and is located within the city limits of Great Falls. The land in the area of the trackage is urban in nature. Much of the land to the south of the trackage is residential and part of the land north consists of a golf course and athletic fields. The right of way is 100 feet in width. In 2000, the City of Great Falls had a population of 56,690. 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;*

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

- (4) *The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;*

N/A

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

The right of way was acquired by the former Chicago Milwaukee St. Paul & Pacific Railroad (MILW) in 1913. In 1980, the former Burlington Northern Railroad (BN) acquired certain assets from the MILW including the Great Falls, Montana Trackage. BN and the Atchison Topeka and Santa Fe Railway merged in 1995 to become The Burlington Northern and Santa Fe Railway Company (BNSF). In 2005, BNSF changed its name to BNSF Railway Company.

- (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);*

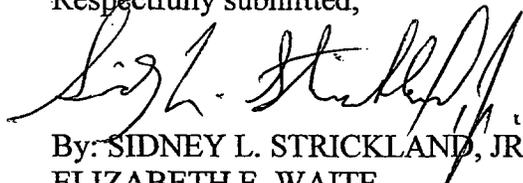
The Montana Historical Society ("MHS") indicates it conducted a cultural file search for the project located in Sections 4,5 T20N R4E and found that site 24FH0350 is the historic Milwaukee, St. Paul and Pacific railroad and is eligible for listing on the National Register of Historic Places. MHS also concluded that

the abandonment and removal of the track materials may have an adverse effect on the historic site. Finally, MHS recommends that we contact its Section 106 Compliance officer, Josef Warhank, for any concerns that he may have. See Exhibit N, letter from Damon Murdo, Cultural Records Manager, Montana Historical Society. We contacted Mr. Warhank via telephone conversation and he indicated that BNSF may need to conduct a survey of the Line. Mr. Warhank can be contacted at: (406) 444-0388.

*(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: August 30, 2006

# GREAT FALLS, MONTANA TRACKAGE

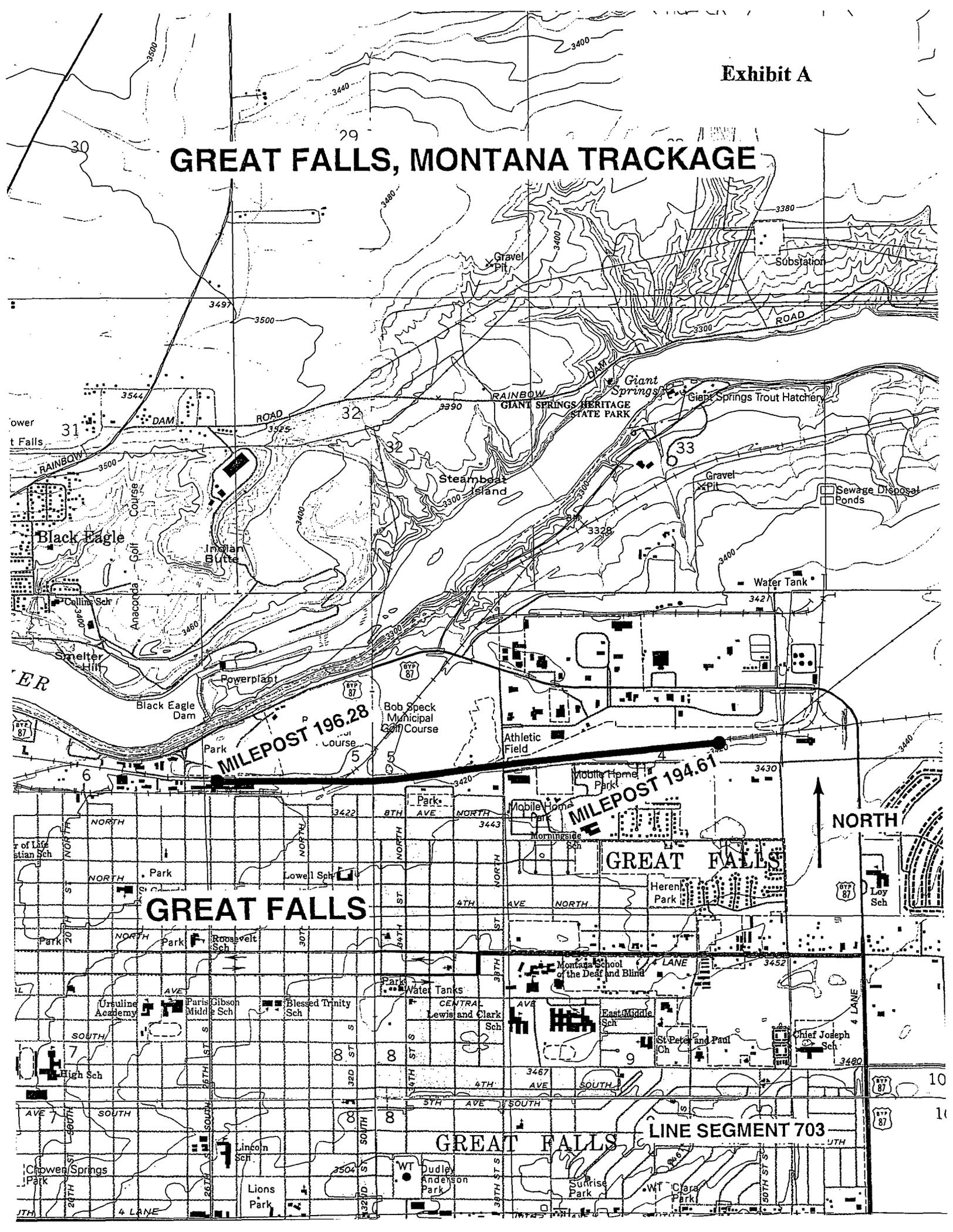


Exhibit B



P. O. Box 5021, 59403-5021

Planning Department

August 1, 2006

Ms. Liz Waite  
 Sidney Strickland & Associates, PLLC  
 3050 K St. N.W., Suite 101  
 Washington, DC 20007-5108

RE: **STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company-  
 Abandonment Exemption-In Cascade County, MT**

Dear Ms. Waite:

Thank you for contacting us regarding the proposed abandonment of a 1.67 mile segment of railroad line in Great Falls, Montana.

A majority of the referenced rail line has been out of service for a number of years. In fact, BNSF has already removed a railroad bridge, a roadway at-grade crossing and the rails and ties. Additionally, the City of Great Falls has purchased a portion of the right of way from BNSF and has installed an underground sewer main.

The abandonment would not be inconsistent with any local land use plans. There could be a number of alternative public uses for the remainder of right of way, including a public/private utility corridor (a portion currently serves that purpose), recreational trail, as well as expansion of an adjoining public golf course/driving range and little league ball parks.

If you require any additional information during preparation of the environmental report for this proposed abandonment action, please contact me again.

Sincerely,

Benjamin M. Rangel  
 Planning Director

Cc: John Lawton, City Manager  
 Jim Rearden, City Public Works Director  
 Jim Sullivan, City Parks & Recreation Director

**Sidney Strickland**

---

**From:** "Steyaert, Tom" <tsteyaert@mt.gov>  
**To:** <liz.waite@stricklandplc.com>  
**Sent:** Thursday, July 20, 2006 4:38 PM  
**Subject:** MT abandonment comment

Liz,

Montana Dept. of Transportation reviewed the proposed abandonment and determined we have no plans regarding alternate public use at this time.

Tom Steyaert  
Rail/Air Quality Planner  
Multimodal Planning Bureau  
Rail, Transit & Planning Division  
Montana Dept. of Transportation

Phone: (406) 444-7646  
E-mail: [tsteyaert@mt.gov](mailto:tsteyaert@mt.gov)

**CASCADE COUNTY PLANNING BOARD**  
***SERVING CASCADE COUNTY, MONTANA***

May 19, 2006

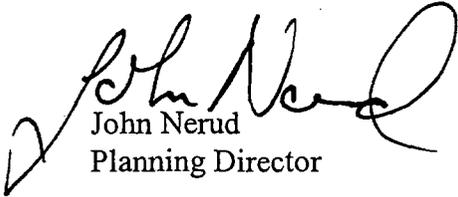
Sidney Strickland and Associates  
3050 K St. N.W., Suite 101  
Washington, DC 20007-5108

Dear Mr. Strickland:

This letter is a follow-up to my conversation with one of your associates on Wednesday of this week. First, that portion of the railroad line that lies within the jurisdiction of Cascade County has already been abandoned through the filing of the Amended Plat of the Claire Addition. Said plat being filed on August 7, 2003. The remainder of that portion of the railroad line proposed for abandonment lies entirely within the Incorporated City of Great Falls, Montana; and this office has no jurisdiction within the City of Great Falls. Finally, the floodplain of the Missouri River in the vicinity of your proposed abandonment is confined to the banks of the river and would not be a factor in the proposed abandonment.

If you have any questions or comments, please contact me by telephone at 406-454-6905.

Sincerely,

  
John Nerud  
Planning Director



Natural Resources Conservation Service  
Federal Building, Room 443  
10 East Babcock  
Bozeman, MT 59715

---

May 18, 2006

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

Dear Mr. Strickland:

I am responding to your letter inviting comments from the NRCS relative to potential impacts associated with the BNSF Railway Company's proposed abandonment exemption in Cascade County, Montana (STB Docket No. AB-6 (Sub. No. 445X)). As you have noted, the provisions of the National Environmental Policy Act and the Federal Farmland Protection Policy Act (FPPA), require evaluation of important farmland status (prime farmland, farmland of statewide importance, or locally important farmland), when the actions or assistance of a federal agency irreversibly converts (directly or indirectly) farmland.

The proposed abandonment and associated removal of bridges, structures, ties and rails will have no impact on important farmland since this land is considered to be previously converted farmland and the roadbed is to be left intact following abandonment. Therefore the proposed action does not involve the FPPA. No further action is necessary relative to the FPPA. NRCS has no other comments regarding the proposed abandonment.

A handwritten signature in black ink, appearing to read "Dave White".

DAVE WHITE *for*  
State Conservationist

Enclosures:

cc w/encl (Strickland Letter and Project Map):  
Dale Krause, DC, NRCS, Great Falls, Montana

cc w/o encl:  
Ronald Nadwornick, SRC, NRCS, Bozeman, Montana  
Phyllis Philipps, ASTC(FO), NRCS, Great Falls, Montana

**SIDNEY STRICKLAND AND ASSOCIATES, PLLC**

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

*Tom DeWitt*

2006 MAY 15 AM 11:13

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

May 10, 2006

USDA Natural Resource Conservation Service  
443 Federal Building  
10 East Babcock Street  
Bozeman, MT 59715

***Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—  
Abandonment Exemption – in Cascade County, MT***

Dear Sir or Madam:

BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority in the above docket to abandon 1.67 miles of railroad line between Milepost 194.61 and Milepost 196.28, near Great Falls in Cascade County, Montana.

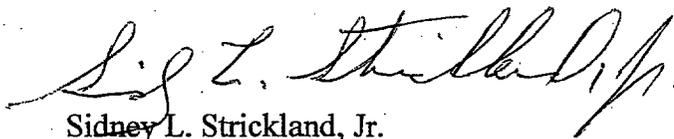
The proposed abandonment may require removal of bridges and structures and the removal of track materials such as rails and ties but the roadbed will be left intact.

As part of the environmental report, BNSF needs to know whether or not the proposed abandonment will have any effect on prime agricultural lands.

For your reference, I have enclosed a map of the above referenced railroad line. Please provide this information to me by June 9, 2006. If you have any questions, please do not hesitate to contact me at (202) 338-1325.

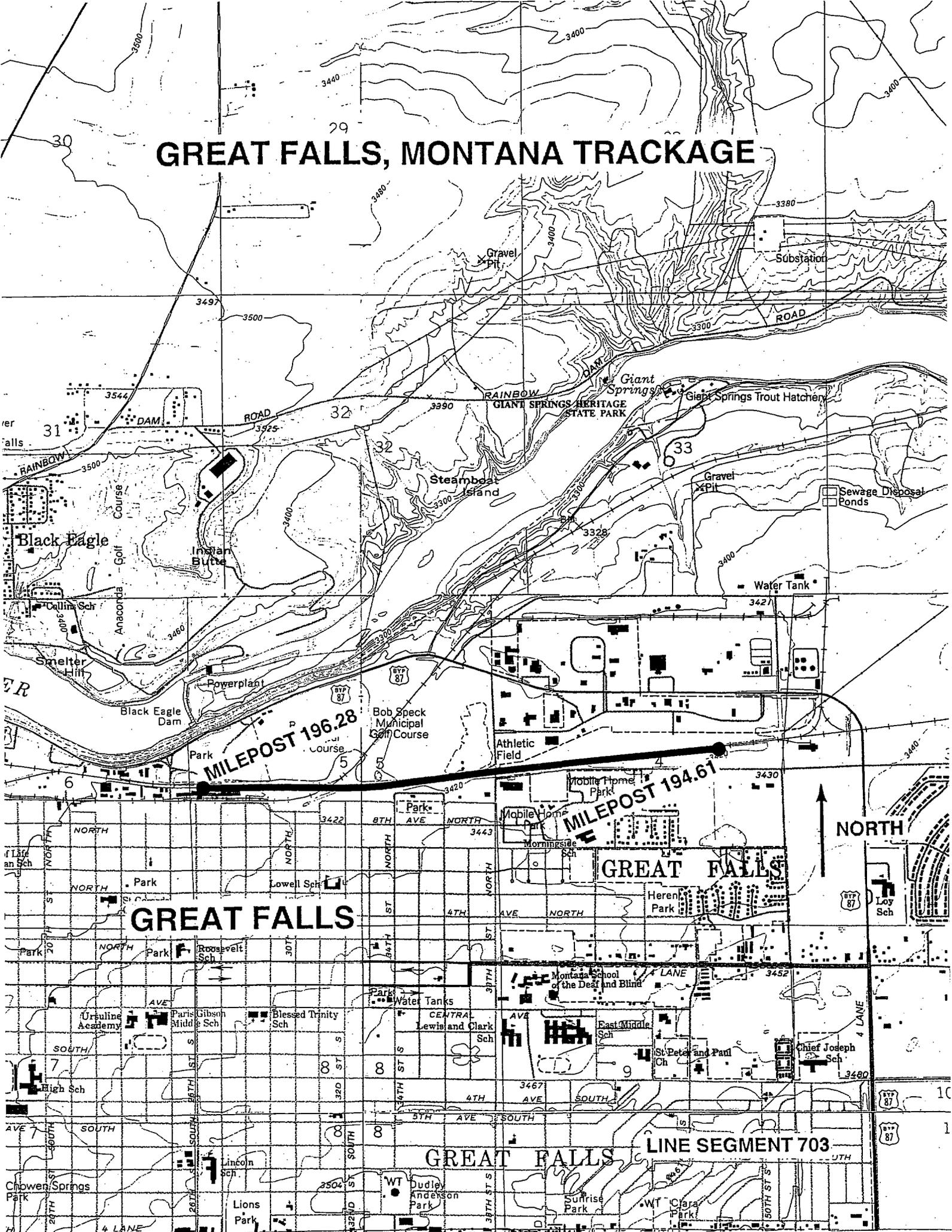
Thank you in advance for your cooperation.

Sincerely,

  
Sidney L. Strickland, Jr.

Enclosure  
SLS/cew

# GREAT FALLS, MONTANA TRACKAGE



**GREAT FALLS**

**GREAT FALLS**

**GREAT FALLS**

**LINE SEGMENT 703**

**MILEPOST 196.28**

**MILEPOST 194.61**

**NORTH**

**10**

**1**



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

ECOLOGICAL SERVICES  
MONTANA FIELD OFFICE

585 SHEPARD WAY  
HELENA, MONTANA 59601

PHONE (406) 449-5225, FAX (406) 449-5339

**Exhibit F**

File: M29 (I)

June 1, 2006

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

Dear Mr. Strickland:

This is in response to your request dated May 10, 2006 for information regarding the proposed abandonment of 1.67 miles of railroad line (STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company). The railroad line is located between milepost 194.61 and milepost 196.28, near Great Falls, in Cascade County, Montana. We appreciate the opportunity to review this project proposal and provide comments. These comments have been prepared under the authority of and in accordance with the provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and the Endangered Species Act (16 U.S.C. 1531 et. seq.).

Threatened bald eagles (*Haliaeetus leucocephalus*) nest along the Missouri River and may occur in the project area; however, there are no known nests within 5 miles of the proposed railroad line abandonment. Considering the nature, scope and location of the project, the Service does not anticipate adverse impacts to any federally listed threatened, endangered, candidate or proposed species. There may be state species of concern in the vicinity of the project and we recommend contacting the Montana Department of Fish, Wildlife and Parks at 1420 East Sixth Ave., P.O. Box 200701, Helena, MT 59620-0701, 406-444-2535 or the Montana Natural Heritage Program, 1515 East 6<sup>th</sup> Avenue, Box 201800, Helena, MT 59620-1800, 406-444-5354.

If wetlands are impacted by this project, Corps of Engineers Section 404 permits may be required. The Service suggests any proposed or future project be designed to avoid and minimize impacts to wetland areas, stream channels and surrounding vegetation to the greatest extent possible. Direct, indirect and cumulative impacts, along with future activities required to maintain these improvements, should be analyzed.

The Service appreciates your efforts to incorporate fish and wildlife resource concerns, including threatened and endangered species, into your project planning. If you have questions or comments related to this issue, please contact Katrina Dixon at 406-449-5225 extension 222.

Sincerely,

R. Mark Wilson  
Field Supervisor



**Montana Fish,  
Wildlife & Parks**

June 2, 2006

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

Sidney,

In response to your request for a biological analysis of potential impacts to habitat and wildlife species influenced by the BNSF Railway project in Great Falls (STB Docket No. AB-6, Sub. No. 445X), I do not foresee any impacts to valuable wildlife habitats nor threatened or endangered species due to the project being within city limits. Fish, Wildlife and Parks does not have available time or resources to assess such a project in fine detail, nor does environmental consulting. A professional biological consultant should be contracted by your firm to analyze the project in the fashion requested to properly meet the required criteria you may need.

Thank you for the opportunity to comment on the proposed project. If you have any questions, feel free to contact me at any time.

A handwritten signature in cursive script that reads "Cory Loecker".

Cory Loecker  
Wildlife Biologist  
Montana Fish, Wildlife and Parks  
4600 Giant Springs Rd.  
Great Falls, MT 59405  
(406) 454-5840

# SIDNEY STRICKLAND AND ASSOCIATES, PLLC

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

Exhibit H

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

May 10, 2006

W. Wayne Gardner  
Chief of Planning and Environmental Quality  
U.S. National Park Service  
Intermountain Region  
12795 Alameda Parkway  
P.O. Box 25287  
Denver, CO 80225-0287

***Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—  
Abandonment Exemption – in Cascade County, MT***

Dear Sir or Madam:

BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority in the above docket to abandon 1.67 miles of railroad line between Milepost 194.61 and Milepost 196.28, near Great Falls in Cascade County, Montana.

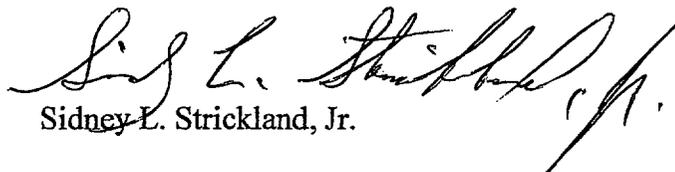
The proposed abandonment may require removal of bridges and structures and the removal of track materials such as rails and ties but the roadbed will be left intact.

As part of the environmental report, BNSF needs to know whether or not there are any wildlife sanctuaries or refuges, National or State parks or forests in the proposed project impact area and if so, what effects would occur as a result of the abandonment.

For your reference, I have enclosed a map of the above referenced railroad line. Please provide this information to me by June 9, 2006. If you have any questions, please do not hesitate to contact me at (202) 338-1325.

Thank you in advance for your cooperation.

Sincerely,

  
Sidney L. Strickland, Jr.

Enclosure  
SLS/eww



The National Park Service reviewed this project, and determined that no parks will be affected; therefore, we have no comments.

Signed: Cheryl Eckhardt Date: 5/15/06



May 31, 2006

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

RE: Environmental Report regarding BNSF's plans for filing a Notice of Exemption for the railroad line near Great Falls, MT.

Dear Mr. Strickland:

The Department is in receipt of your May 10, 2006, letter requesting that the Department identify any permitting requirements or other issues that may be necessary for the above referenced project.

Pursuant to Section 75-5-402 of the Montana Water Quality Act (WQA), the Department is required to examine plans and other information to determine whether a permit is necessary. In order for the Department to complete this review, the proponent must complete the applicable discharge permit application forms for the proposed activity, provide the information required by the applicable rule and submit the necessary application fees. Alternatively, the applicant may submit detailed plans and specifications on the proposed activity along with a description of the volume and nature of the wastes to be discharged. In accordance with ARM 17.30.201; the fee for review of plans and specifications is one-half of the application fee. Bureau staff is available to assist you in determining the appropriate application requirements.

Based on the information submitted, the Department is unable to determine what permits are necessary for the proposed project. For your convenience I have enclosed a fact sheet that describes water quality related permits for construction activities. Discharge of storm water from: industrial facilities as defined in ARM 17.30.1102(29) and (30); from construction activities as defined in ARM 17.30.1002(28); and from municipal separate storm sewer systems (MS4) as defined in ARM 17.30.1102(23), are subject to the permitting requirement of the Montana Pollutant Discharge Elimination System (MPDES).

In general, the Montana WQA prohibits the discharge of sewage, industrial or other wastes, including sediment, to state waters without a current permit from the Department. The definition of state waters includes any body of water on the surface or underground (ground water) and includes irrigation systems, ephemeral and intermittent drainage systems, lake, ponds or other waterways. Discharge of wastes to state surface water is regulated under the Montana Pollutant Discharge Elimination System

(MPDES) program; a discharge, or potential discharge, to state ground water are regulated under the Montana Ground Water Pollution Control System. The WQA also prohibits the construction, operation or use of an outlet that is used to discharge waters to state water [75-5-605(2), MCA] without a current permit from the Department.

In addition to the general requirements of the WQA, facilities which operate under an MPDES or Montana Ground Water Pollution Control System (MGWPCS) permit have specific notification requirements that are identified in Part III and IV of their permit. The permittee must notify the Bureau in advance of any of the following activities: physical alteration of the treatment system, sludge removal, introduction of non-domestic waste streams, and the modification, addition or relocation of any discharge structure or location. Failure to do so may result in noncompliance with the permit.

Additional information on permitting requirements may be obtained by contacting the Water Protection Bureau at (406) 444-3080 or on the Department's Website at: [www.deq.mt.gov](http://www.deq.mt.gov).

Sincerely,



Jamesa L. Dodd  
Permit Technician  
Compliance and Technical Support Section  
Water Protection Bureau  
Phone: (406) 444-5349 Fax: (406) 444-1374  
[jdodd@mt.gov](mailto:jdodd@mt.gov)

Encl:

Fact Sheet: Construction Related Water Quality Permits  
Storm Water Requirements for Construction Activity



Exhibit J

Home Compose Address Book Options Logout (ian.thomas@:)

- Inbox (25)**
- Drafts**
- Deleted Items**
- Sent**

### Message

Delete permanently

**From:** "Ramer, Jean L NWO" <Jean.L.Ramer@nwo02.usace.army.mil>  
**To:** Ian Thomas <ian.thomas@stricklandpllc.com>

**Subject:** RE: Great Falls Abandonment  
**Date:** 08-Aug-06 06:59 PM

Dear Ian,  
Corps permits "probably" are not needed. I can not make a determination with 100% certainty in this case, because no site specific information was provided. All I know is that the likelihood for needing a permit is low based on my map review. If you find that there are waterways and/or wetlands in the area that will be disturbed, you should contact this office to see if a permit is needed based on the new information.

Jean Ramer  
Project Manager  
US Army Corps of Engineers  
Helena Regulatory Office  
10 West 15th Street, Suite 2200  
Helena, Montana 59626  
Phone (406) 441-1378  
Fax (406) 441-1380  
Jean.L.Ramer@usace.army.mil

-----Original Message-----  
From: Ian Thomas [mailto:ian.thomas@stricklandpllc.com]  
Sent: Tuesday, August 08, 2006 9:32 AM  
To: Ramer, Jean L NWO  
Subject: Re: Great Falls Abandonment

Ms. Ramer,  
  
Thank you very much for your response. Does your response indicate that 404 permits are not needed?

Best,  
  
Ian Thomas

-----Original Message-----  
From: "Ramer, Jean L NWO" <Jean.L.Ramer@nwo02.usace.army.mil>  
Sent: 2006-08-07 18:39:26  
To: Ian Thomas <ian.thomas@stricklandpllc.com>  
Subject: Great Falls Abandonment

Ian and Liz,  
Our wetland maps only cover the east half of the project area. There are no wetlands in that area. The west half of the project is not represented in

our database regarding wetlands. It appears from the USGS topo maps that there are no streams present in either the east or the west portions of the project. This determination is preliminary, based on a brief map review. If, as more information becomes available, you find that there are wetlands and/or streams present within the corridor that will be impacted by this project, please contact this office.

Jean Ramer  
Project Manager  
US Army Corps of Engineers  
Helena Regulatory Office  
10 West 15th Street, Suite 2200  
Helena, Montana 59626  
Phone (406) 441-1378  
Fax (406) 441-1380  
Jean.L.Ramer@usace.army.mil

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Username: **Ian Thomas**  
(ian.thomas@stricklandpllc.com)

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- Sent**

### Message

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**Delete**  **Delete permanently**

**From:** "Ramer, Jean L NWO" <Jean.L.Ramer@nwo02.usace.army.mil>  
**To:** Ian Thomas <ian.thomas@stricklandpllc.com>  
**Subject:** Great Falls Abandonment  
**Date:** 07-Aug-06 06:39 PM

**Attachments:**

**Reply**

**Reply To All**

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Ian and Liz,  
Our wetland maps only cover the east half of the project area. There are no wetlands in that area. The west half of the project is not represented in our database regarding wetlands. It appears from the USGS topo maps that there are no streams present in either the east or the west portions of the project. This determination is preliminary, based on a brief map review. If, as more information becomes available, you find that there are wetlands and/or streams present within the corridor that will be impacted by this project, please contact this office.

Jean Ramer  
Project Manager  
US Army Corps of Engineers  
Helena Regulatory Office  
10 West 15th Street, Suite 2200  
Helena, Montana 59626  
Phone (406) 441-1378  
Fax (406) 441-1380  
Jean.L.Ramer@usace.army.mil

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P.O. Box 5021, 59403-5021

Date: 5/26/06

RE: FLOOD INSURANCE RATE MAP DETERMINATION

TO WHOM IT MAY CONCERN:

In response to a request from Sidney Strickland & Associates, the property located at N. of 8th Ave N as shown on attached map between 26th St. & 50th St Great Falls, Montana, has been located on the City's Flood Insurance Rate Map (FIRM). The following information is provided:

City of Great Falls' Community Panel Number: 300010-0005-D  
Revised Date of FIRM: February 15, 2002

PROPERTY

- The entire lot/property described above is located in FIRM zone X
- The property is located within multiple FIRM zones as indicated \_\_\_\_\_
- The property is included in a Letter of Map Revision/Amendment (attached).

BUILDING

The principal building on the property:

- is not located in a Special Flood Hazard Area (SFHA)
- is located in a SFHA (A zones)

For property located within A-2, A-3, or A-4 zones:

The base flood elevation at the site of the building is \_\_\_\_\_ N.G.V.D.

For property located within unnumbered A0 zones:

The average depth of inundation is \_\_\_\_\_ feet.

For property located within unnumbered A zones:

Base flood elevation & flood hazard factors not determined.

Other properties:

A determination of the building's exact location can't be made on the FIRM. A copy of the FIRM is attached for your information.

Federal law requires that a flood insurance policy be obtained as a condition of a federally-backed mortgage or loan that is secured by a building in a SFHA. Flood insurance is available in the City of Great Falls. More information on flood insurance is attached.

**NOTE:** This determination is based on the Flood Insurance Rate Map of the City of Great Falls in effect on the date above. This letter does not imply that the referenced property will or will not be free from flooding or damage. A property not in a SFHA may be damaged by a flood greater than that predicted on the FIRM or from a local drainage problem not shown on the map. This letter does not create liability on the part of the City, or any officer, or employee thereof, for any damage that results from reliance on this determination.

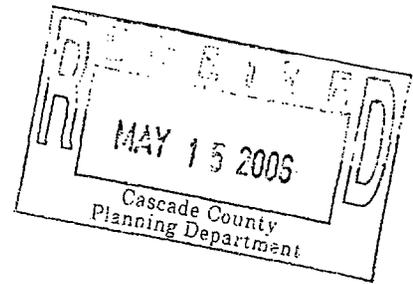
*Ken Johnson*  
Floodplain Administrator

**SIDNEY STRICKLAND AND ASSOCIATES, PLLC**

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

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

May 10, 2006



John Nerud, Planning Director  
Cascade County Planning Department  
415 3<sup>rd</sup> St. Northwest  
Great Falls, MT 59404-4106

***Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—  
Abandonment Exemption – in Cascade County, MT***

Dear Mr. Nerud:

BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority in the above docket to abandon 1.67 miles of railroad line between Milepost 194.61 and Milepost 196.28, near Great Falls in Cascade County, Montana.

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.

As part of the environmental report, BNSF needs to know if the proposed abandonment will affect any 100-year floodplains. If so, please furnish 8½ by 11 black and white maps in the area of each designated floodplain if they are available.

For your reference, I have enclosed a map of the above referenced railroad line. Please provide this information to me by June 9, 2006. If you have any questions, please do not hesitate to contact me at (202) 338-1325.

Thank you in advance for your cooperation.

Sincerely,

Sidney L. Strickland, Jr.

Enclosure  
SLS/ew

*Carlton Curry*  
202-338-1325

# GREAT FALLS, MONTANA TRACKAGE

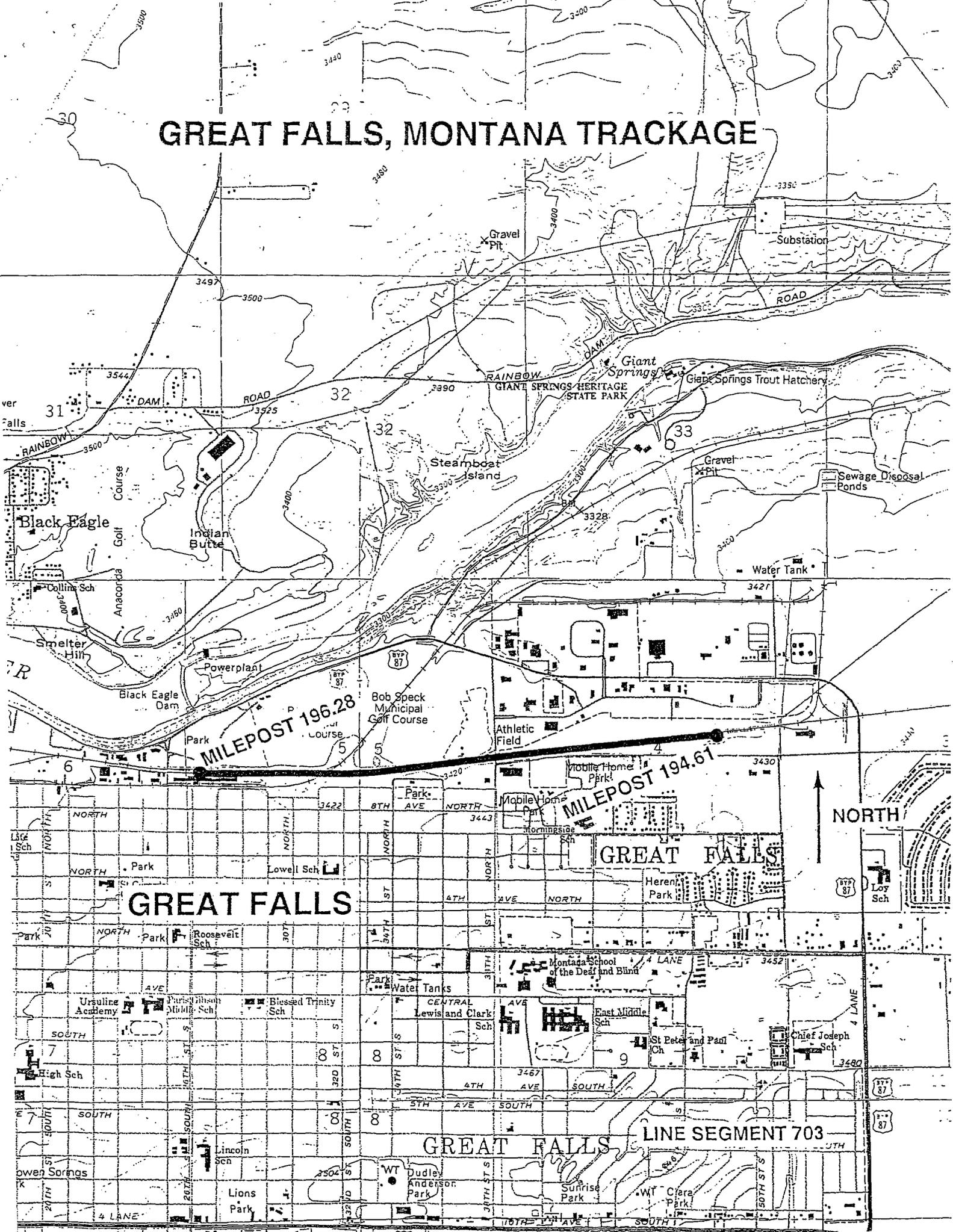




Exhibit M

Home Compose Address Book Options Logout

Username: **Ia**  
(ian.thomas@)

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### Message

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**From:** Liz Waite <liz.waite@stricklandpllc.com>

**To:** ian.thomas@stricklandpllc.com

**Subject:** Fwd: Great Falls 445X Abandonment

**Date:** 10-Aug-06 10:43 AM

**Attachments:** Great Falls U.S EPA Initial Letter.doc Great Falls, MT Map.pdf

< Pr

-----Original Message-----

**From:** Davis.Gregory@epamail.epa.gov

**Sent:** 2006-08-09 16:29:57

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

**Subject:** Re: Great Falls 445X Abandonment

Since the railroad abandonment is not on land where EPA has jurisdiction for 402 permits, I can not make a formal decision on this action as it pertains to state water quality standards and applicable storm water permit requirements. In Montana, EPA's jurisdiction for Section 402 (NPDES) permits is limited to Indian country. An appropriate contact in the state of Montana for this action is Brian Heckenberger.

Brian Heckenberger  
 Montana Dept. of Environmental Quality  
 P.O. Box 200901  
 Helena, MT 59620-0901  
 (406) 444-5310; bheckenberger@mt.gov

Were this to be an action in EPA's jurisdiction, I would state that since the roadbed is being left intact, this would not be considered a land disturbance requiring a 402 permit for storm water discharges from construction activity.

\_Greg

---

Greg Davis  
 EPA Region 8 Storm Water Coordinator  
 Mailcode: 8P-W-P  
 999 18th Street, Suite 300  
 Denver, CO 80202-2466

Phone: 303-312-6314  
 Fax: 303-312-6741

<http://www.epa.gov/region8/stormwater>

Please inform me if you would like to receive updates related to storm water permits, BMPs, and NPDES regulations.

Liz Waite  
 <liz.waite@stricklandpllc.com> To  
 Gregory Davis/P2/R8/USEPA/US@EPA  
 08/09/2006 12:34 cc  
 PM Ian.thomas@stricklandpllc.com,  
 carlton.curry@stricklandpllc.com  
 Subject  
 Great Falls 445X Abandonment

Mr. Davis:

Attached, please find the initial letter sent to your agency with the relevant map. Any response would be appreciated.

Elizabeth Waite, Esq.  
 Sidney Strickland & Associates, PLLC

**CONFIDENTIALITY NOTICE –**

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please delete this message from all computers and notify us immediately by return e-mail and/or telephone at (202) 338-1325. Thank you.

(See attached file: Great\_Falls\_U.S\_EPA\_Initial\_Letter.doc)(See attached file: Great\_Falls,\_MT\_Map.pdf)

**CONFIDENTIALITY NOTICE –**

This message is intended only for the use of the individual or entity to which it may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please delete this message from all computers and notify us immediately by return e-mail and/or telephone at (202) 338-1325. Thank you.

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# MONTANA HISTORICAL SOCIETY

225 North Roberts ♦ P.O. Box 201201 ♦ Helena, MT 59620-1201  
♦ (406) 444-2694 ♦ FAX (406) 444-2696 ♦ [www.montanahistoricalsociety.org](http://www.montanahistoricalsociety.org) ♦

May 8, 2006

**Exhibit N**

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

RE: STB DOCKET NO. AB-6 (SUB. NO. 445X), BNSF RAILWAY COMPANY -  
ABANDONMENT EXEMPTION - IN CASCADE COUNTY MT. SHPO Project #:  
2006051510

Dear Sidney:

I have conducted a cultural resource file search for the above-cited project located in Sections 4,5, T20N R4E. According to our records there have been a few previously recorded sites within the designated search locales. Site 24FH0350 is the historic Milwaukee, St. Paul and Pacific railroad. This railroad is eligible for listing on the National Register of Historic Places. The absence of more cultural properties in the area does not mean that they do not exist but rather may reflect the absence of any previous cultural resource inventories in the area, as our records indicated none.

We feel that the abandonment and removal of the track materials may have an adverse effect on this historic site. We would ask that you contact our Section 106 Compliance officer, Josef Warhank, for any concerns that he may have. He may be reached at 406-444-0388. Thank you for consulting with us. ✓

If you have any further questions or comments you may contact me at (406) 444-7767 or by e-mail at [dmurdo@mt.gov](mailto:dmurdo@mt.gov).

Sincerely,

Damon Murdo  
Cultural Records Manager

File: STB/2006

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

BNSF Railway Company ("BNSF"), by and through its authorized representative, Sidney L. Strickland, Jr., certifies that on August 30, 2006, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

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

Dave White  
USDA Natural Resource Conservation Service  
Federal Building, Room 443  
10 East Babcock Street  
Bozeman, MT 59715

Damon Murdo, Cultural Records Manager  
Montana Historical Society  
225 North Roberts  
P.O. Box 201201  
Helena, MT 59620-1201

Josef Warhank  
State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
P.O. Box 201202  
Helena, MT 59620-1202

Kim Johnson  
Floodplain Administrator  
City of Great Falls  
PO Box 5021  
Great Falls, MT 59403

U.S. Fish and Wildlife Service  
Region 6  
P.O. Box 25486  
Denver Federal Center  
Denver, CO 80225

Jamesa L. Dodd  
Water Protection Bureau  
Department of Environmental Quality  
P.O. Box 200901  
Helena, MT 59620-0901

Jean Ramer  
U.S. Army Corps of Engineers  
Helena Regulatory Office  
10 West 15<sup>th</sup> Street, Suite 2200  
Helena, MT 59626

Army Dept. of Corps of Engineers  
P.O. Box 6570  
Great Falls, MT 59406

Montana Fish, Wildlife & Parks  
1420 E. 6<sup>th</sup> Ave.  
P.O. Box 200701  
Helena, MT 59620-0701

Stan Wilmoth, Acting State Historic Preservation  
Officer  
State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
P.O. Box 201202  
Helena, MT 59620-1202

Greg Davis  
U.S. EPA, Region 8 Storm Water Coordinator  
Mailcode: 8P-W-P  
999 18<sup>th</sup> Street, Suite 300  
Denver, CO 80202-2466

Cascade County Board of Commissioners  
325 2<sup>nd</sup> Ave North  
Courthouse Annex  
Room 111  
Great Falls, MT 59401

Tom Steyaert  
Montana Department of Transportation  
2701 Prospect Avenue  
P.O. Box 201001  
Helena, MT 59620-1001

Cheryl Eckhardt  
U.S. National Park Service  
Intermountain Region  
12795 Alameda Parkway  
P.O. Box 25287  
Denver, CO 80225-0287

R. Mark Wilson  
U.S. Fish and Wildlife Service  
Ecological Services  
Montana Field Office  
585 Shepard Way  
Helena, MT 59601

Cory Loecker, Wildlife Biologist  
Montana Fish, Wildlife & Parks  
4600 Giant Springs Rd.  
Great Falls, MT 59405

John Nerud, Planning Director  
Cascade County Planning Board  
415 3<sup>rd</sup> St. Northwest  
Great Falls, MT 59404-4106

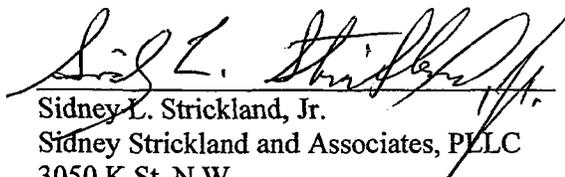
National Oceanic and Atmospheric Administration  
National Geodetic Survey  
1315 East-West Highway  
Silver Springs, MD 20910-3282

Don Judice  
Bureau of Land Management  
Great Falls Field Station  
1101 15<sup>th</sup> Street North  
Great Falls, MT 59403

Willy Frank  
Assistant Field Supervisor  
Bureau of Land Management  
Lewistown Field Office  
920 NE Main Street  
Lewistown, MT 59457

Benjamin M. Rangel  
Planning Director  
Great Falls Civic Center  
#2 Park Drive South  
P.O. Box 5021  
Great Falls, Montana 59403

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](mailto:Sidney.Strickland@stricklandpllc.com)

August 30, 2006

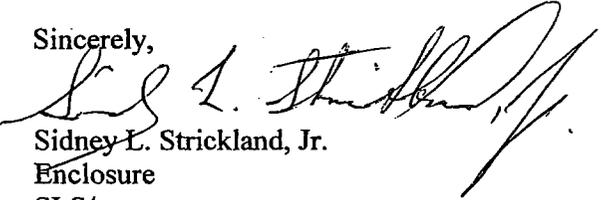
Ms. Victoria Rutson  
Chief, SEA  
Surface Transportation Board  
1925 K Street, N.W.  
Washington D.C. 20423-0001

***Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
Exemption – in Cascade County, MT***

Dear Ms. Rutson:

On or about September 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 1.67 miles of railroad line between Milepost 194.61 and Milepost 196.28, near Great Falls in Cascade County, Montana (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Sincerely,

  
Sidney L. Strickland, Jr.

Enclosure

SLS/ew

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

SIDNEY L. STRICKLAND, JR.  
[Sidnev.Strickland@stricklandpllc.com](mailto:Sidnev.Strickland@stricklandpllc.com)

August 30, 2006

Dave White  
USDA Natural Resource Conservation Service  
Federal Building, Room 443  
10 East Babcock Street  
Bozeman, MT 59715

***Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
Exemption – in Cascade County, MT***

Dear Mr. White:

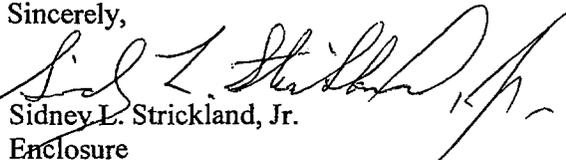
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We are providing these reports so that you may review the information that will form the basis for the STB’s independent environmental and historic analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB’s environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001, Telephone (202) 565-1545, and refer to the above Docket No. AB-6 (Sub. No. 445X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within three weeks.

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

Thank you in advance for your cooperation.

Sincerely,



Sidney L. Strickland, Jr.

Enclosure

SLS/eew

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](mailto:Sidney.Strickland@stricklandpllc.com)

August 30, 2006

Damon Murdo, Cultural Records Manager  
Montana Historical Society  
225 North Roberts  
P.O. Box 201201  
Helena, MT 59620-1201

***Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
Exemption – in Cascade County, MT***

Dear Mr. Murdo:

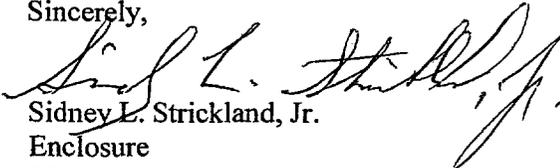
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Sincerely,

  
Sidney L. Strickland, Jr.

Enclosure  
SLS/eew

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.  
[Sidnev.Strickland@stricklandpllc.com](mailto:Sidnev.Strickland@stricklandpllc.com)

August 30, 2006

Josef Warhank  
State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
P.O. Box 201202  
Helena, MT 59620-1202

*Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
Exemption – in Cascade County, MT*

Dear Mr. Warhank:

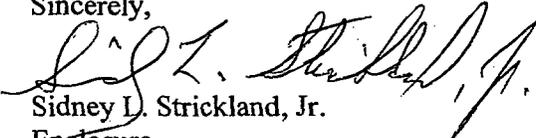
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Thank you in advance for your cooperation.

Sincerely,



Sidney L. Strickland, Jr.

Enclosure

SLS/eew

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WASHINGTON, DC 20007-5108  
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FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.  
[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

August 30, 2006

Kim Johnson  
Floodplain Administrator  
City of Great Falls  
PO Box 5021  
Great Falls, MT 59403

***Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment Exemption – in Cascade County, MT***

Dear Ms. Johnson:

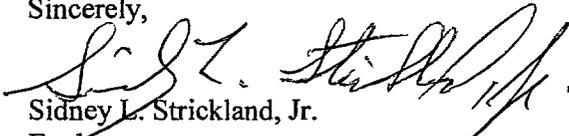
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Thank you in advance for your cooperation.

Sincerely,



Sidney L. Strickland, Jr.

Enclosure  
SLS/eew

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](mailto:Sidney.Strickland@stricklandpllc.com)

August 30, 2006

U.S. Fish and Wildlife Service  
Region 6  
P.O. Box 25486  
Denver Federal Center  
Denver, CO 80225

*Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
Exemption – in Cascade County, MT*

Dear Sir or Madam:

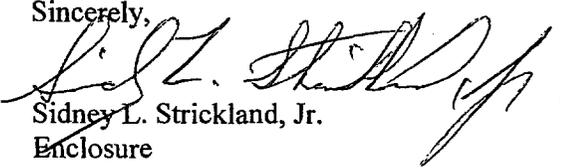
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Thank you in advance for your cooperation.

Sincerely,

  
Sidney L. Strickland, Jr.

Enclosure  
SLS/eew

**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](mailto:Sidney.Strickland@stricklandpllc.com)

August 30, 2006

Jamesa L. Dodd  
Water Protection Bureau  
Department of Environmental Quality  
P.O. Box 200901  
Helena, MT 59620-0901

***Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
Exemption – in Cascade County, MT***

Dear Ms. Dodd:

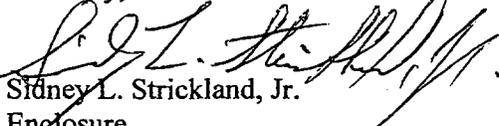
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SIDNEY L. STRICKLAND, JR.  
[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

August 30, 2006

Jean Ramer  
U.S. Army Corps of Engineers  
Helena Regulatory Office  
10 West 15<sup>th</sup> Street, Suite 2200  
Helena, MT 59626

***Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
Exemption – in Cascade County, MT***

Dear Ms. Ramer:

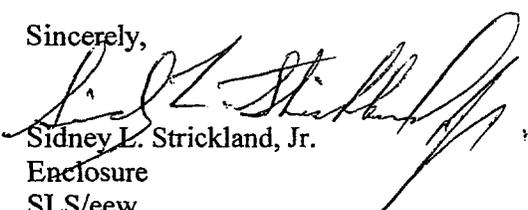
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SIDNEY L. STRICKLAND, JR.  
[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

August 30, 2006

Army Dept. of Corps of Engineers  
P.O. Box 6570  
Great Falls, MT 59406

***Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
Exemption – in Cascade County, MT***

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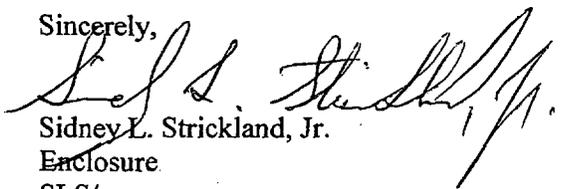
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SIDNEY L. STRICKLAND, JR.  
[Sidnev.Strickland@stricklandpllc.com](mailto:Sidnev.Strickland@stricklandpllc.com)

August 30, 2006

Montana Fish, Wildlife & Parks  
1420 E. 6<sup>th</sup> Ave.  
P.O. Box 200701  
Helena, MT 59620-0701

***Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
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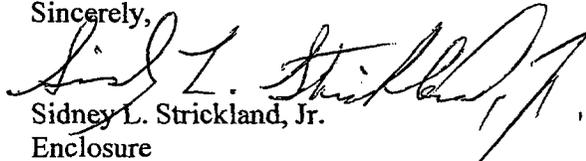
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SIDNEY L. STRICKLAND, JR.  
[Sidnev.Strickland@stricklandpllc.com](mailto:Sidnev.Strickland@stricklandpllc.com)

August 30, 2006

Stan Wilmoth, Acting State Historic Preservation Officer  
State Historic Preservation Office  
1410 8<sup>th</sup> Avenue  
P.O. Box 201202  
Helena, MT 59620-1202

***Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
Exemption – in Cascade County, MT***

Dear Mr. Wilmoth:

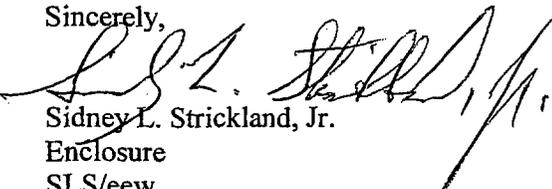
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SIDNEY L. STRICKLAND, JR.  
[Sidnev.Strickland@stricklandpllc.com](mailto:Sidnev.Strickland@stricklandpllc.com)

August 30, 2006

Greg Davis  
U.S. EPA, Region 8 Storm Water Coordinator  
Mailcode: 8P-W-P  
999 18<sup>th</sup> Street, Suite 300  
Denver, CO 80202-2466

***Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
Exemption – in Cascade County, MT***

Dear Mr. Davis:

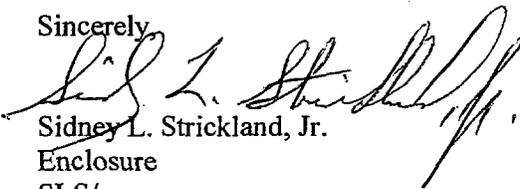
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[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

August 30, 2006

Cascade County Board of Commissioners  
325 2<sup>nd</sup> Ave North  
Courthouse Annex  
Room 111  
Great Falls, MT 59401

***Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment Exemption – in Cascade County, MT***

Dear Sirs and Madam:

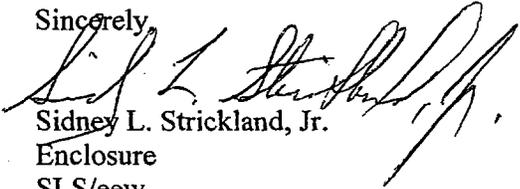
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SIDNEY L. STRICKLAND, JR.  
[Sidnev.Strickland@stricklandpllc.com](mailto:Sidnev.Strickland@stricklandpllc.com)

August 30, 2006

Tom Steyaert  
Montana Department of Transportation  
2701 Prospect Avenue  
P.O. Box 201001  
Helena, MT 59620-1001

*Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
Exemption – in Cascade County, MT*

Dear Mr. Steyaert:

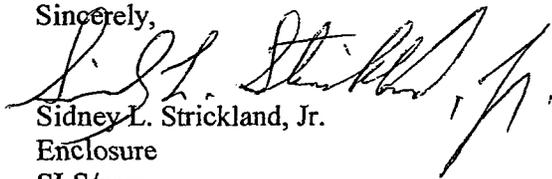
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[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

August 30, 2006

Cheryl Eckhardt  
U.S. National Park Service  
Intermountain Region  
12795 Alameda Parkway  
P.O. Box 25287  
Denver, CO 80225-0287

***Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
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Dear Ms. Eckhardt:

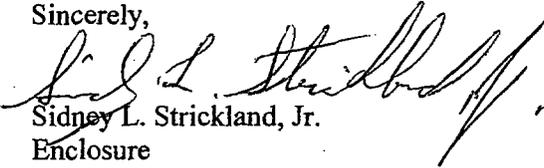
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August 30, 2006

R. Mark Wilson  
U.S. Fish and Wildlife Service  
Ecological Services  
Montana Field Office  
585 Shepard Way  
Helena, MT 59601

***Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
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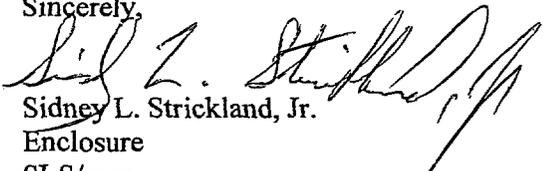
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August 30, 2006

Cory Loecker, Wildlife Biologist  
Montana Fish, Wildlife & Parks  
4600 Giant Springs Rd.  
Great Falls, MT 59405

*Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
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Dear Mr. Loecker:

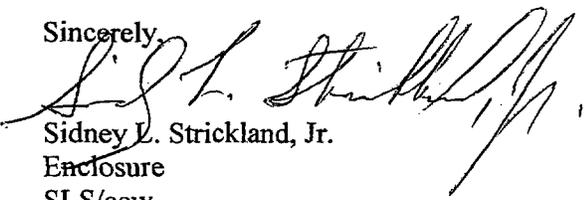
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FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.  
[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

August 30, 2006

John Nerud, Planning Director  
Cascade County Planning Board  
415 3<sup>rd</sup> St. Northwest  
Great Falls, MT 59404-4106

***Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
Exemption – in Cascade County, MT***

Dear Mr. Nerud:

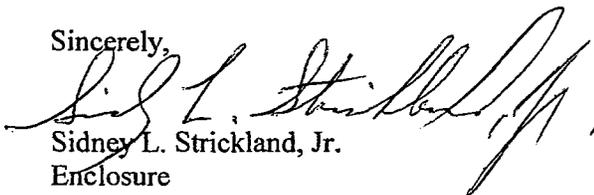
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Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 338-1325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

Thank you in advance for your cooperation.

Sincerely,



Sidney L. Strickland, Jr.

Enclosure

SLS/eew

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

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August 30, 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. 445X) BNSF Railway Company—Abandonment  
Exemption – in Cascade County, MT***

Dear Sir or Madam:

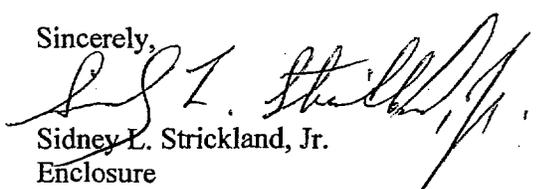
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SIDNEY L. STRICKLAND, JR.  
[Sidney.Strickland@stricklandpllc.com](mailto:Sidney.Strickland@stricklandpllc.com)

August 30, 2006

Don Judice  
Bureau of Land Management  
Great Falls Field Station  
1101 15<sup>th</sup> Street North  
Great Falls, MT 59403

*Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
Exemption – in Cascade County, MT*

Dear Mr. Judice:

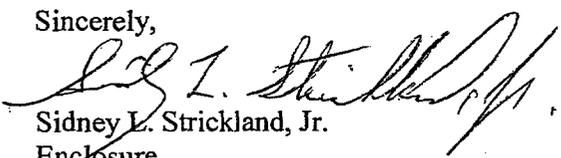
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SIDNEY L. STRICKLAND, JR.  
[Sidnev.Strickland@stricklandpllc.com](mailto:Sidnev.Strickland@stricklandpllc.com)

August 30, 2006

Willy Frank  
Assistant Field Supervisor  
Bureau of Land Management  
Lewistown Field Office  
920 NE Main Street  
Lewistown, MT 59457

*Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
Exemption – in Cascade County, MT*

Dear Mr. Frank:

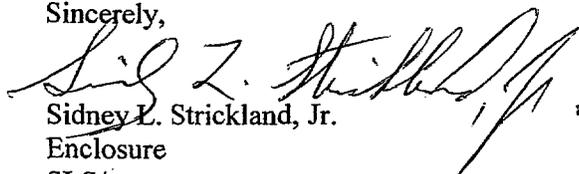
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August 30, 2006

Benjamin M. Rangel  
Planning Director  
Great Falls Civic Center  
#2 Park Drive South  
P.O. Box 5021  
Great Falls, Montana 59403

***Re: STB Docket No. AB-6 (Sub. No. 445X) BNSF Railway Company—Abandonment  
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Dear Mr. Rangel:

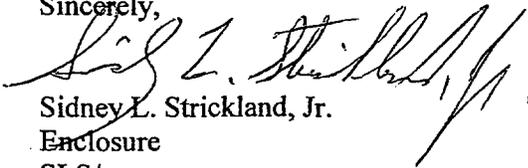
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