

SIDNEY STRICKLAND AND ASSOCIATES, PLLC

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WASHINGTON, DC 20007-5108
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FAX: 202-295-3854

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

December 26, 2006



218337

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. 446X) BNSF Railway Company—
Abandonment Exemption – in Beltrami County, MN**

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

FILE RECEIVED

DEC 26 2006

SURFACE
TRANSPORTATION BOARD

FILED

DEC 26 2006

ENTERED
Office of Proceedings

DEC 26 2006

Part of
Public Record

OFFICE OF
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD



BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN BELTRAMI COUNTY, MN

DOCKET NO. AB-6
(SUB. NO. 446X)

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

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

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

Attorneys for BNSF Railway Company

DATE FILED: December 26, 2006

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY –
ABANDONMENT EXEMPTION –
IN BELTRAMI COUNTY, MN**

**DOCKET NO. AB-6
(SUB. NO. 446X)**

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

BNSF RAILWAY COMPANY (BNSF) (“Applicant”) files this Verified Notice of Exemption under 49 C.F.R. 1152 Subpart F- Exempt Abandonments (49 C.F.R. 1152.50) for BNSF to abandon a rail line that extends between Milepost 90.87 and Milepost 95.15, including the 1.01 mile depot spur between Milepost 94.78 and Milepost 93.77, near Bemidji in Beltrami County, Minnesota (the “Line”), a total distance of 5.29 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 December 26, 2006, which is February 15, 2007.

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

(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 Beltrami 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 56601.

(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.*

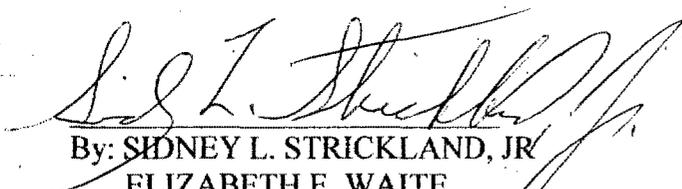
The required certifications are set forth in Appendix 3 to this Notice of Exemption.

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
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Washington, DC 20007
(202) 338-1325

Attorneys for BNSF Railway Company

DATE FILED: December 26, 2006

APPENDIX 1

Detailed Map of the Line

Bemidji State College

L A K E

LAKE BEMIDJI STATE PARK

BEMIDJI, MINNESOTA TRACKAGE

MILEPOST 94.78

MILEPOST 95.15

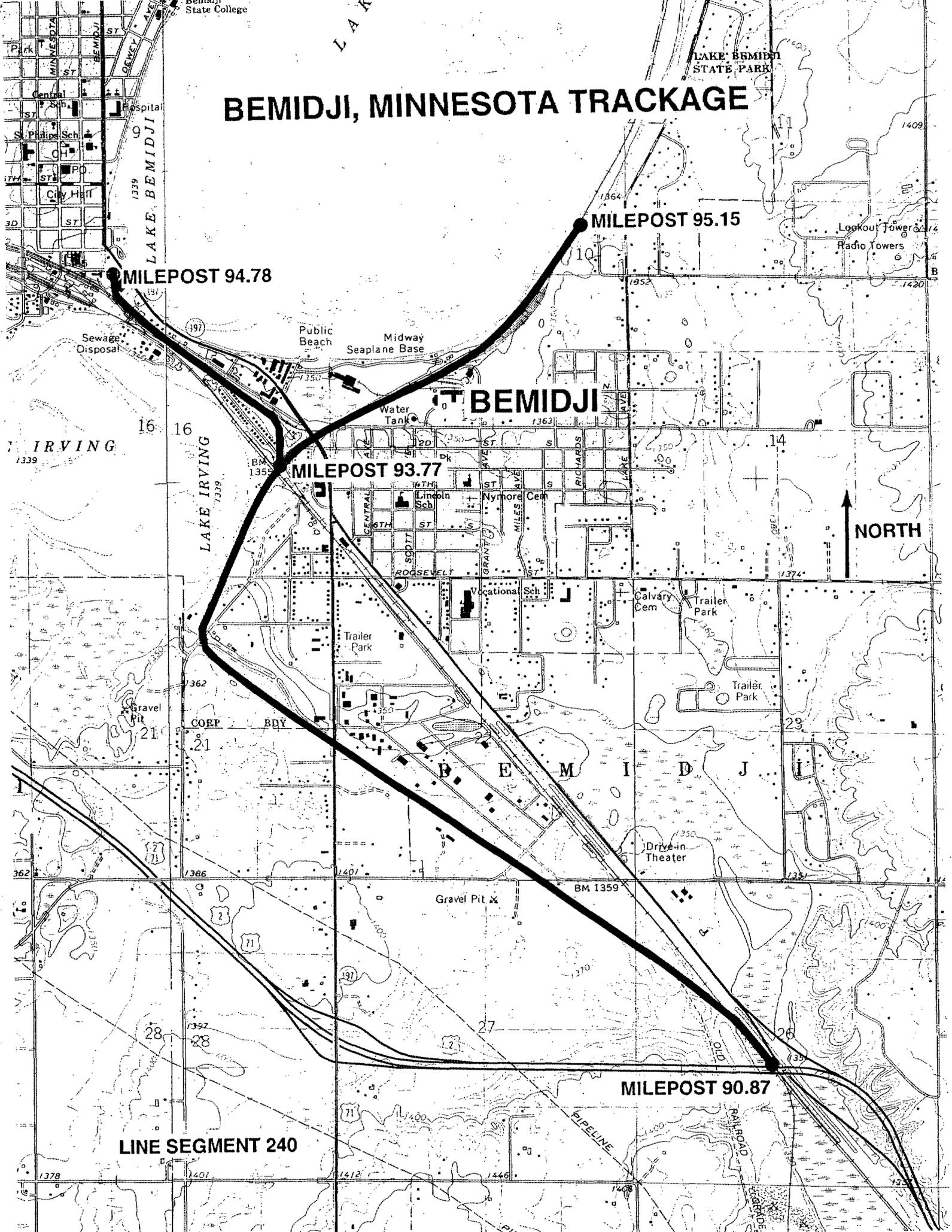
BEMIDJI

MILEPOST 93.77

NORTH

LINE SEGMENT 240

MILEPOST 90.87



APPENDIX 2

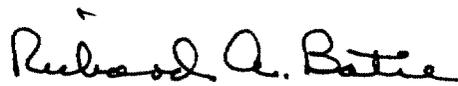
Certification Required in 49 C.F.R. § 1152.50(b)

**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. 446X), no local traffic has moved on the line for at least two (2) years prior to the date hereof. Also, there is no overhead traffic handled on the Line to be rerouted. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

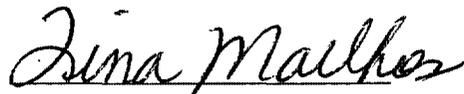
The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned



Richard A. Batie
Manager, Network Development

Subscribed and sworn to
before me the 19 day of Dec., 2006.





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. 446X) was mailed via first class mail on December 14, 2006 to the following parties:

Minnesota Public Utilities Commission
121 7th Place E., Suite 350
Saint Paul, MN 55101-2147

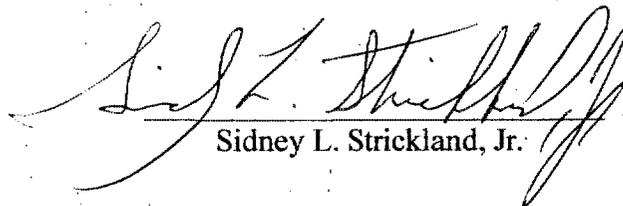
Military Traffic Management Control
Attn: Railroads for National Defense
720 Thimble Shoals Boulevard, #130
Newport News, VA 23606-2574

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

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

Robert J. Rickert
Rail Bank and Abandonment Coordinator
Minnesota Department of Transportation
395 John Ireland Boulevard
St. Paul, MN 55155-1899

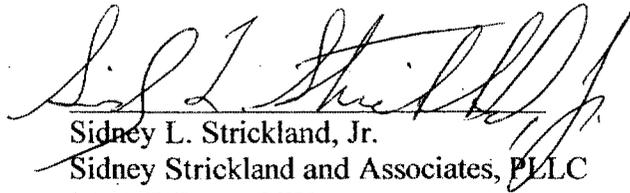
Dated December 26, 2006



Sidney L. Strickland, Jr.

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

The undersigned certifies that a "Notice of Intent to Abandon Rail Service" was published in the form prescribed by the Board for out of service abandonment exemptions. The notice was published one time in the following newspaper of general circulation in Beltrami County, Minnesota: *The Bemidji Pioneer*. Publication of the notice was accomplished on December 19, 2006. An Affidavit of Publication and a copy of the publication are attached.



Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K Street, NW
Suite 101
Washington, DC 20007
Phone: (202) 338-1325
Fax: (202) 672-5399

AFFIDAVIT OF PUBLICATION

State of Minnesota, }
County of Beltrami } SS

LEGAL ADVERTISEMENT
STB Docket No. AB-6 (Sub. No. 446X)
NOTICE OF INTENT TO
ABANDON RAIL SERVICE

BNSF RAILWAY COMPANY (BNSF) gives notice that on or about December 26, 2006, it intends to file with the Surface Transportation Board (the Board), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart G, Example Abandonments permitting the abandonment of the 5.29 miles of railroad line between Milepost 90.57 and Milepost 95.15, including the 1.01 mile depot spur between Milepost 94.78 and Milepost 95.77 near Bemidji in Beltrami County, Minnesota. The rail line traverses through United States Postal Service Zip Code 56801. The proceeding will be docketed as STB Docket No. AB-6 (Sub. No. 446X).

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 30 days after the EA becomes available to the public and will be considered in the Board's decision. Interested persons may obtain a copy of the EA or file comments regarding environmental matters with the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423, or call the toll-free number 1-800-485-5049.

Applicants for financial assistance to begin rail service can benefit with the Board. Requests for environmental conditions public use conditions of rail banking, trails use, etc. 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 other financial assistance) must be filed only with the Board's Office of the Secretary, 1225 K Street, N.W., Washington, DC 20423-0001 (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use, or trails use may be directed to the Board's Office of Congressional and Public Services at 202-585-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Sidney Strickland & Sidney Strickland and Associates, P.O. Box 3080, K Street, N.W., Suite 101, Washington, DC 20007-5108, (202) 593-1325.

Bemidji 12/19

DENNIS DOEDEN, being duly sworn, on oath says that he is the Publisher of the Newspaper known as THE PIONEER, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualifications as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Sidney Strickland & Associates, PLLC/Notice of Intent STB Docket AB-6 which is attached was cut from the columns of said newspaper, and was printed and published once each day, for One successive days; it was first published on Tuesday, the 19th day of December, 2006 and was thereafter printed and published on every Tuesday to and including Tuesday, the 19th day of Dec., 2006; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz
BY: *Dennis Doeden*

TITLE: Publisher

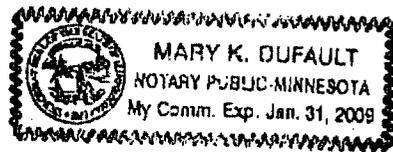
Subscribed and sworn to before me on this 19th day of Dec., 2006.

Mary Dufault
Notary Public

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space \$ 8.41
- (2) Maximum rate allowed by law for the above matter \$ 8.41
- (3) Rate actually charged for the above matter \$ 4.91

Rate information is based on the cost of one lower case alphabet.



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 December 4, 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

Robert J. Rickert
Rail Bank and Abandonment Coordinator
Minnesota Department of Transportation
395 John Ireland Boulevard
St. Paul, MN 55155-1899

Alan R. Felix, City Attorney
City Hall
317 4th Street NW
Bemidji, Minnesota 56601-3116

Tyler C. Koos, Assistant Engineer
Beltrami County Highway Department
2491 Adams Ave. NW
Bemidji, MN 56601

William Lorenzen, Environmental Review/Justice
Coordinator
USDA Natural Resources Conservation Service
375 Jackson Street, Suite 600
Saint Paul, MN 55101-1854

Patrick G. Carroll
Big River Region
U.S. Fish and Wildlife Service
1 Federal Drive
BHW Federal Building
Fort Snelling, MN 55111-4056

Robert J. Whiting
U.S. Army Engineer District, St. Paul
190 Fifth St. East
St. Paul, MN 55101-1683

Marcia Sieckman
U.S. Bureau of Land Management Eastern States
Milwaukee Field Office
626 E. Wisconsin Ave.
Suite 200
Milwaukee, WI 53202-4617

Steve Colvin
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4040

Kenneth Westlake, Chief
U.S. Environmental Protection Agency, Region 5
Metcalf Building
Office of Strategic Environmental Analysis
77 West Jackson Boulevard
Mailcode: B-19J
Chicago, IL 60604

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

Ms. Britta L. Bloomberg
Deputy State Historic Preservation Officer
Minnesota Historical Society
345 W. Kellogg Blvd.
St. Paul, MN 55102-1906

Beltrami County Board of Commissioners
619 Beltrami Avenue, NW
County Courthouse
Bemidji, MN 56601-3066

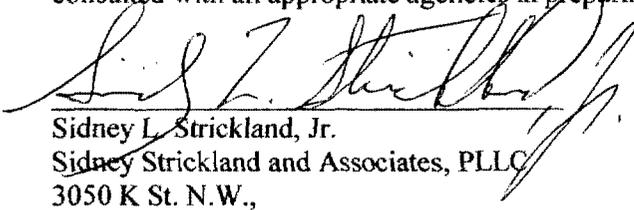
Lawrence Zdon
Minnesota Pollution Control Agency
520 Lafayette Road N.
St. Paul, MN 55155-4194

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155

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

Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

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



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

APPENDIX 4

Environmental and Historic Reports

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN BELTRAMI COUNTY, MN**

**DOCKET NO. AB-6
(SUB. NO. 446X)**

ENVIRONMENTAL AND HISTORIC REPORTS

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

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

Attorneys for BNSF Railway Company

DATED: December 4, 2006

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN BELTRAMI COUNTY, MN**

**DOCKET NO. AB-6
(SUB. NO. 446X)**

**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 5.29 miles of railroad line between Milepost 90.87 and Milepost 95.15, including the 1.01 mile depot spur between Milepost 94.78 and Milepost 93.77, near Bemidji in Beltrami County, Minnesota (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. There has been no rail traffic on this line for several years. The track materials were removed in 2001. The right of way has been sold but easements for rail operations remain in place throughout the corridor. The southerly portion of the line has been converted into a recreational trail. The northern portion of the right of way is proposed for commercial development due to its scenic lakeside location. There are two bridges on the corridor. The bridge over State Highway 197 was replaced with a trail bridge. The bridge between Lake Bemidji and Lake Irving will be left intact and used as part of a recreational trail. A map of the Line is attached as Exhibit A.

BNSF has corresponded with the Minnesota Department of Transportation ("Mn/DOT") regarding the state of this line. Mn/DOT stated that the "State of Minnesota wants to make this oversight a matter of record in the spirit that future

oversights will not occur as it compromises the Minnesota Department of Transportation's ability to rail bank corridors determined to be valuable for future transportation use... We look forward to cooperating with the BNSF Railway Co. in the future and continue our partnerships with your organization for our mutual successes." See Exhibit B, Robert R. Rickert, State Rail Bank Program Manager, Minnesota Department of Transportation.

BNSF also addressed the matter with the State of Minnesota via a telephone call to Robert Rickert from Richard Batie, Manager, Network Development, BNSF. During that call, Mr. Batie discussed the matter with Mr. Rickert of the Minnesota State Rail Bank Program. That discussion is summarized in an email from Mr. Batie to BNSF personnel: "The trail system includes the Paul Bunyon Trail in northern Minnesota... Although the State of Minnesota has re-routed the Paul Bunyan Trail around part of the Bemidji, Minnesota Trackage that was sold by BNSF, the state wants to take steps to insure that it has the opportunity to railbank lines that BNSF files for abandonment in the future where the corridor would be eligible for inclusion in the state rail bank program. Railbanking is permissive on the part of the abandoning railroad. However, Although this new procedure does not guarantee that any line filed for abandonment by BNSF may automatically be railbanked (as railbanking is permissive on the part of the abandoning railroad), any governmental agency including the State of Minnesota may file an NITU on any line that BNSF files for abandonment. BNSF will consider each NITU when determining the disposition of the right of way." See Exhibit C electronic correspondence from

Rich Batie, Manager, Network Development, BNSF Railway Company.

BNSF has recently established procedures to insure that the sale of active right of way does not take place until after a line is abandoned. The establishment of this procedure should allow any governmental agency the ability to file an NITU or Notice of Interim Trail Use to acquire a corridor filed for abandonment and include the corridor in trail systems.

The proposed abandonment would likely have included the removal of the rails and ties, including any bridges, structures and crossings. BNSF bids its salvage packages out to independent contractors. The winning bidder starts work by removing the rails and metal parts of the track structure. Next, the wooden ties are removed and separated into second hand ties, landscape quality ties and scrap ties (which are disposed of at an appropriate site). The bridges and crossings as well as any other structures are removed last. Culverts and the rail line embankment stay intact so as not to alter the prevailing waterflows along the line. Any bridge pilings are pulled out, cut off at ground level or broken off at or below the mud line. Steel bridges are dismantled and removed. If there are concrete abutments or piers involved, they may be left intact. BNSF salvage contractors are required not to place fills or other material in water bodies, including inland waterways. Contractors are also required to limit their activities to the width of the right-of-way. When the salvage process is complete, waterflows in the area should not be disrupted. In this instance, there were two (2) bridges on the Line and BNSF is not aware of any other structures.

(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 Bemidji (“City”) indicates that the revised letter it received regarding the abandonment proceeding now adds 1.01 miles of line that encompasses most of the City’s purchase between the Mississippi River and the Wye. The City further indicates, however, that a close examination of the map attached to the letter reveals that the proposed abandonment does not include the “northerly” leg of the Wye. See Exhibit D, letter from Alan R. Felix, City Attorney, City of Bemidji.

The Beltrami County Highway Department (“Highway Department”) indicates the proposed railroad abandonment crosses only one county highway, CR 404 (it runs along the north line of section 27 of Bemidji township) and that the abandonment would not impact the drainage of Beltrami county highways. See Exhibit E, letter from Tyler C. Koos, Assistant Engineer, Beltrami County Highway Department.

(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) reviewed the project and indicates the project sponsors are not USDA program benefit recipients so the wetland conservation provisions of the 1985 Food Security act, as amended, are not applicable. NRCS further notes that actions by a non-USDA participant third party (project sponsor) which impact agricultural wetlands owned or operated by USDA participants, may jeopardize the owner/operators USDA eligibility and if such impacts are anticipated, the owner/operator should contact the county Farm Service Agency (FSA) office to consider an application for a third party exemption. NRCS also comments that if the project affects agricultural lands, and if any federal monies are involved, it is a requirement that a Farmland Policy Protection Act (FPPA) site assessment be appropriately filed. Finally, NRCS indicates that since the project will not permanently affect agricultural land, this precludes the need for further action on this project as required by the FPPA. See Exhibit F, letter from William E. Lorenzen, Environmental Review/Justice Coordinator, Natural Resources Conservation Service.

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

N/A

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

The proposed abandonment should be suitable for alternative public use. The City of Bemidji was contacted regarding alternative public use but did not

comment on the issue. See Exhibit D, letter from Alan R. Felix, City Attorney, City of Bemidji.

As noted above, the Highway Department indicates the proposed railroad abandonment crosses one county highway, CR 404 (it runs along the north line of section 27 of Bemidji township) and that the rail has already been removed in this area. The Highway Department adds the old railroad grade is currently used as a snowmobile trail. See Exhibit E, letter from Tyler C. Koos, Assistant Engineer, Beltrami County Highway Department.

(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 seven (7) 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 it has researched its ownerships and has determined it does not own any lands or interests in land in the vicinity of the proposed rail line abandonment. The FWS further indicates it does not have any concerns regarding real estate matters in the abandonment. See Exhibit G, letter from Patrick G. Carroll, Senior Realty Officer, Fish and Wildlife Service.

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

The National Park Service ("Service") indicates it has reviewed the project

in relation to any possible conflicts with the Land and Water Conservation Fund and the Urban Park and Recreation Recovery programs and finds there are none. See Exhibit H, letter from Robert Maydwell, Grants Management Assistant, National Park Service.

The Bureau of Land Management (“BLM”) states: “A search of our records shows there are no Federal lands administered by the Bureau of Land Management along the railroad line. However, please be aware that some of the original railroad grants were limited fee rights-of-way and may be subject to the Railroad Right-of-Way Forfeiture and Abandonment Act of March 8, 1922, 43 U.S.C. § 912 (the 1922 Abandonment Act), and the National Trails System Improvement Act of October 4, 1988, Public Law 100-470, 16 U.S.C. § 1248 (c) – (f). Our office does not have information on the location of wildlife refuges, state or national parks, state or national forests in the immediate vicinity. You must contact the Fish and Wildlife Service, National Park Service, National Forest Service and State offices to obtain this information.” See Exhibit I, letter from Marcia Sieckman, Supervisor, Lands and Renewable Resources Team, Bureau of Land Management-Eastern States.

(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 Minnesota Pollution Control Agency was notified by a letter dated August 18, 2006. See Exhibit J. As of the date of this report, the Minnesota Pollution Control Agency has not responded. BNSF

will provide the Board copies of any response it may receive.

(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.

A Section 404 permit should not be required. The Army Corps of Engineers ("Corps") indicates the Mississippi River is not navigable beyond the outlet of Lake Bemidji, therefore no Section 10 permit is required. The Corps further indicates that should the proposed plan to abandon the railway line or bridge include the placement of dredge or fill material into a water of the United States the project will require a Section 404 Clean Water Act permit. See Exhibit K, letter from Robert J. Whiting, Chief, Regulatory Branch, U.S. Army Corps of Engineers.

The proposed abandonment should not affect any 100-year flood plains. The Corps states that floodplains are not mapped in the project area and suggests BNSF contact the Minnesota Department of Natural Resources ("MDNR"). See Exhibit K, letter from Robert J. Whiting, Chief, Regulatory Branch, U.S. Army Corps of Engineers. BNSF contacted the MDNR regarding floodplains (see comment below). The Beltrami County Highway Department ("Highway Department") indicates it does not maintain 100 year floodplain maps of the area. See Exhibit E, letter from Tyler C. Koos, Assistant Engineer, Beltrami County Highway Department.

Finally, the MDNR commented regarding flood plains and indicates that the City of Bemidji and the unincorporated portions of the county do not have any mapped flood hazard areas. See Exhibit L, electronic correspondence from

Steven Colvin, Environmental Review Supervisor, Minnesota Department of Natural Resources.

(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 that under the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations, and Section 309 of the Clean Air Act the EPA reviews and comments on major federal actions. The EPA further indicates the reviews focus on Environmental Impact Statements, but the EPA also has the discretion to review and comment on other environmental documents prepared under NEPA if interest and resources permit. Finally, the EPA states it did not undertake a detailed review of the abandonment, and will not be generating comments because there was insufficient information provided to comment on impacts at this stage of application. See Exhibit M, letter from Newton Ellens for Kenneth A. Westlake, Chief, Environmental Planning and Evaluation Branch, U.S. Environmental Protection Agency, Region 5.

The Minnesota Pollution Control Agency was notified by a letter dated August 18, 2006. See Exhibit J. As of the date of this report, the Minnesota Pollution Control Agency has not responded. BNSF will provide the Board copies of any response it may receive.

(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 Bemidji, Minnesota Trackage is approximately 5.29 miles in length and is located in and near the city of Bemidji, Minnesota. The land in the area is generally flat or is lake area and is mixed with urban and rural uses adjacent to the right-of-way. The population for the City of Bemidji in 2000 was 11,917. The right-of-way has been developed for trail use and is generally 100 feet wide.

There are no federally granted rights-of-way involved.

- (3) *Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;*

Photographs of Bridge 92.59 and Bridge 94.60 are attached as Exhibits N1-N8.

Bridge 92.59 is a bridge in or near Bemidji. It is near Milepost 92.59. This bridge is 135 feet long, 18 feet high, and is a prestressed concrete I Beam bridge with a recessed concrete deck.

Bridge 94.60. Bridge 94.60 is a railroad bridge in or near Bemidji. It is near Milepost 94.60. This bridge is 196 feet long, 17 feet high, and is an open pile trestle with a 30' beam.

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

Bridge 92.59 was built in 2001. It is unknown whether or not there has been significant alteration to the bridge structure since that time.

Bridge 94.60 was built in 1941. It is unknown whether or not there has been significant alteration to the bridge structure since that time.

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

The right of way was acquired by the former Northern Pacific Railway (NP) primarily between 1899 and 1902 with some extraneous parcels acquired in 1911 and 1915. In 1970, the NP merged with other railroads to become part of Burlington Northern Railroad (BN). BN and the Atchison Topeka and Santa Fe Railway merged in 1995 to become The Burlington Northern and Santa Fe Railway Company. 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);

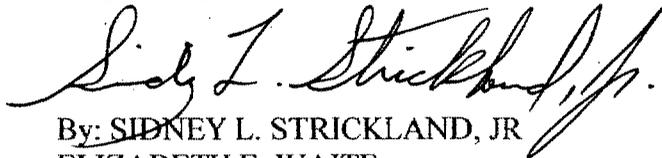
The Minnesota Historical Society ("MHS") states: "It appears that the rail line segment scheduled for abandonment was part of the Northern Pacific Railway. The southern portion of the segment may have been constructed by the Brainerd and Northern Minnesota Railway Company in 1897, while the northern portion of the segment may have been constructed by the Minnesota and International Railway Company in 1901-02. The information in your submittal is not sufficient for us to conclusively assess whether this line may meet National Register criteria, but its position as an important link to International Falls and the border suggest that it has the potential for eligibility and merits further evaluation. If it is eligible, abandonment could constitute an adverse effect. We have no recommended mitigation measures for the abandonment of this line. Should any other parties to this review recommend such measures, we would be glad to enter into consultation to discuss those measures." See Exhibit N, letter from Britta L. Bloomberg, Deputy State Historic Preservation Officer, Minnesota Historical Society.

(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: December 4, 2006

Bemidji State College

L A K E

LAKE BEMIDJI STATE PARK

BEMIDJI, MINNESOTA TRACKAGE

MILEPOST 94.78

MILEPOST 95.15

Exhibit A

BEMIDJI

MILEPOST 93.77

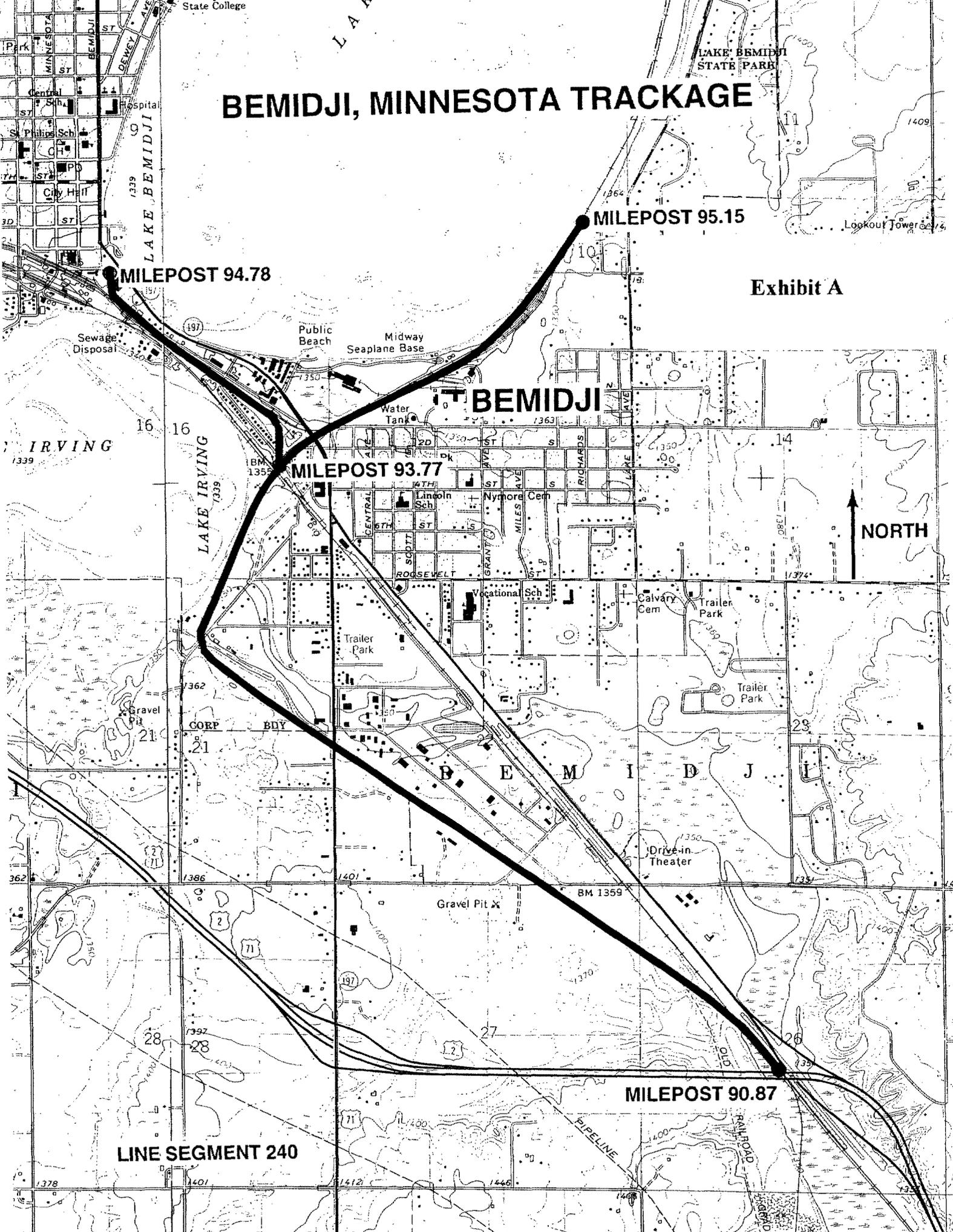
NORTH

IRVING

LAKE IRVING

LINE SEGMENT 240

MILEPOST 90.87





Minnesota Department of Transportation

Office of Freight and Commercial Vehicle Operations

Mail Stop 420
395 John Ireland Boulevard
St. Paul, MN 55155-1899

Tel: 651/215-6330
Fax: 651/215-9684

Exhibit B

August 23, 2006

Mr. Sidney L. Strickland, Jr.
Sidney Strickland & Assoc's. PLLC
3050 K St. N.W. Suite 101
Washington, D.C. 20007-5108

***Re: STB Docket No. AB6 (Sub. No. 446X) BNSF Railway Co.- Abandonment
Exemption- in Beltrami County, MN***

Dear Sir:

I have enclosed a copy of a letter sent to Jeff Moreland, Executive V.P. Law and Government Affairs at BNSF Railway, Ft. Worth.

In the letter I have raised the question, why has the right-of-way been sold prior to formal abandonment? The sales negate our right of first refusal to acquire said right-of-way for future transportation use and we find that unacceptable. However with respect to this abandonment, we will not formally intervene in requesting the Surface Transportation Board to withhold exemption.

If you have any questions, please feel free to contact me at the telephone number listed below.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert R. Rickert', with a long horizontal flourish extending to the right.

Robert R. Rickert
State Rail Bank Program Manager
(651) 215-5938

Cc: Joe McKinnon-District 2
Tim Browning- DNR NW Regional Manager
Alan Felix- Attorney for the City of Bemidji, MN



Minnesota Department of Transportation

Office of Freight and Commercial Vehicle Operations
Mail Stop 420
395 John Ireland Boulevard
St. Paul, MN 55155-1899

Tel: 651/215-6330
Fax: 651/215-9684

August 23, 2006

Mr. Jeff Moreland, Executive V.P.
Law and Government Affairs
BNSF Railway Company (sent via Certified Mail)
2650 Lou Menk Drive
P.O. Box 961057
Ft. Worth, TX 76161

Re: STB Docket # AB-6(Sub. No.446X) Abandonment Exemption –in Beltrami County, MN

Dear Mr. Moreland;

We wish to bring to your attention that the above request for exemption poses a very vexing problem for two state agencies (Minnesota Department of Transportation & the Minnesota Department of Natural Resources) and the City of Bemidji Minnesota.

On March 20, 1991 an agreement to purchase the corridor running from milepost 95.15 at Bemidji Minnesota to milepost 199.00 near International Falls Minnesota was entered into between the Minnesota Department of Transportation and the then named Burlington Northern Railroad Company. The agreement number was 67001. The Minnesota Department of Transportation acquired the corridor shortly thereafter to hold for future transportation purposes.

It is our understanding that the rest of the corridor from milepost 90.87 to 95.15 was not abandoned due to a need for a timber loading - yard located on the southeasterly edge of Lake Bemidji. Nevertheless in 2001, the rail and ties were removed between these two-mile posts (90.87 & 95.15). Sometime during the year in 2003, this corridor was parceled out in individual sales to two developers first and then the remaining parcels to the Minnesota Department of Natural Resources and the City of Bemidji.

Under Minnesota Statute (M.S. 222.63 Subd. 6) the commissioner of the Minnesota Department of Transportation may intervene in a proceeding of the Surface Transportation Board on the issue of suitability for a public use of a rail line proposed to be abandoned if the commissioner finds that the right-of-way of the line would be eligible for inclusion in the state rail bank.

The only opportunity Mn/DOT would have to meaningfully intervene in the above exemption would be now, after the railroad has sold off parcels of the corridor.

Under 49 U.S.C. Section 10903 (d) provides that no line of railroad may be abandoned and no rail service discontinued unless the Board finds that the present or future public convenience and necessity require or permit the abandonment or discontinuance. 49 U.S.C. Section 10905 (3b.) states that if the Board finds that the rail properties are appropriate for use for other public purposes, the railroad may dispose of the rail properties only under the conditions described in the Board's decision.

The State of Minnesota wants to make this oversight a matter of record in the spirit that future oversights will not occur as it compromises the Minnesota Department of Transportation's ability to rail bank corridors determined to be valuable for future transportation use.

Additionally, the State of Minnesota has not received any system diagram maps showing potential abandonment's in the last several years, making it difficult to research and prepare for a public use notification, if need be.

We look forward to cooperating with the BNSF Railway Co. in the future and continue our partnerships with your organization for our mutual successes.

Respectfully,



Robert R. Rickert
State Rail Bank Program Manager

Cc: Surface Transportation Board (via e-mail)
Tim Browning-NW Regional Manager-MN Dept. of Natural Resources (via e-mail)
Alan Felix-City Attorney-City of Bemidji, MN (via e-mail)
Joe McKinnon- Land Management Engineer- Mn/DOT District 2-Bemidji (via e-mail)

Exhibit C

Sidney Strickland

From: "Sidney Strickland" <sidney.strickland@stricklandpllc.com>
To: "Liz Waite" <liz.waite@stricklandpllc.com>; "Carlton Curry" <carlton.curry@stricklandpllc.com>
Sent: Friday, September 15, 2006 6:35 PM
Subject: FW: Bemidji, MN Trackage

fyi

Please include in file.

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

From: Battie, Richard A [mailto:Richard.Battie@bnsf.com]
Sent: Monday, September 11, 2006 5:45 PM
To: Silms, John A
Cc: Johnson, Jerome M; DeBoever, Jake; Bailiff, Sarah J; Wintermute, Dalen; Odum, Susan; Sidney Strickland
Subject: Bemidji, MN Trackage

John,

This concerns the proposed abandonment of the 5.29 mile Bemidji, MN Trackage (Milepost 90.87 - Milepost 95.15 and Milepost 93.77 - Milepost 94.78).

On August 23, 2006 Robert R Rickett, State Rail Bank Program Manager for the State of Minnesota wrote a letter to Jeff Moreland bringing to his attention the sale of BNSF right of way involved in the proposed Bemidji, MN Trackage abandonment. By selling the right of way prior to abandonment, the State of Minnesota felt it was precluded from having the ability to railbank the line. 4.28 miles of the 5.29 mile line proposed for abandonment is part of a trail system running approximately 190 miles from Brainerd through Bemidji to International Falls. This trail system includes the Paul Bunyan Trail in northern Minnesota.

I contacted Robert Rickett recently and discussed this matter. Although the State of Minnesota has re-routed the Paul Bunyan Trail around part of the Bemidji, Minnesota Trackage that was sold by BNSF, the state wants to take steps to insure that it has the opportunity to railbank lines that BNSF files for abandonment in the future where the corridor would be eligible for inclusion in the state rail bank program.

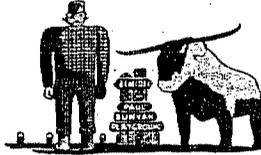
Railbanking is permissive on the part of the abandoning railroad.

However, BNSF wants to point out that it has recently established procedures to insure that the sale of active right of way does not take place until after a line is abandoned. The establishment of this procedure should allow any governmental agency the ability to file an NITU or Notice of Interim Trail Use to acquire a corridor filed for abandonment and include the corridor in trail systems.

Although this new procedure does not guarantee that any line filed for abandonment by BNSF may automatically be railbanked (as railbanking is permissive on the part of the abandoning railroad), any governmental agency including the State of Minnesota may file an NITU on any line that BNSF files

for abandonment. BNSF will consider each NITU when determining the disposition of the right of way.

Rich Batie



CITY OF BEMIDJI

*City Hall ~ 317 4th Street NW
Bemidji, Minnesota 56601-3116
Web Site: www.ci.bemidji.mn.us*

August 18, 2006

Roger Schwinghammer
Staubach Global Services
4105 Lexington Avenue North, Suite 200
Arden Hills, MN 55126

RE: Revised Notice (Adding 1.01 miles between Mile Posts 94.78 and 93.77);
STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company Abandonment
Exemption – in Beltrami County, Minnesota

Dear Roger:

I'm sorry that I missed your phone call several weeks ago. The revised Notice of Exemption I received in the above-referenced abandonment proceeding, now adds 1.01 miles of line that encompasses most of the City's purchase between the Mississippi River and the Wye.

However, a close examination of the map attached to the Notice reveals that it does not include the "northerly" leg of the Wye. I don't know whether to presume that it is an oversight or there is a reason for its exclusion and/or ineligibility for abandonment.

When you have the chance, please give me a call. I look forward to catching up with you!

Very Truly,

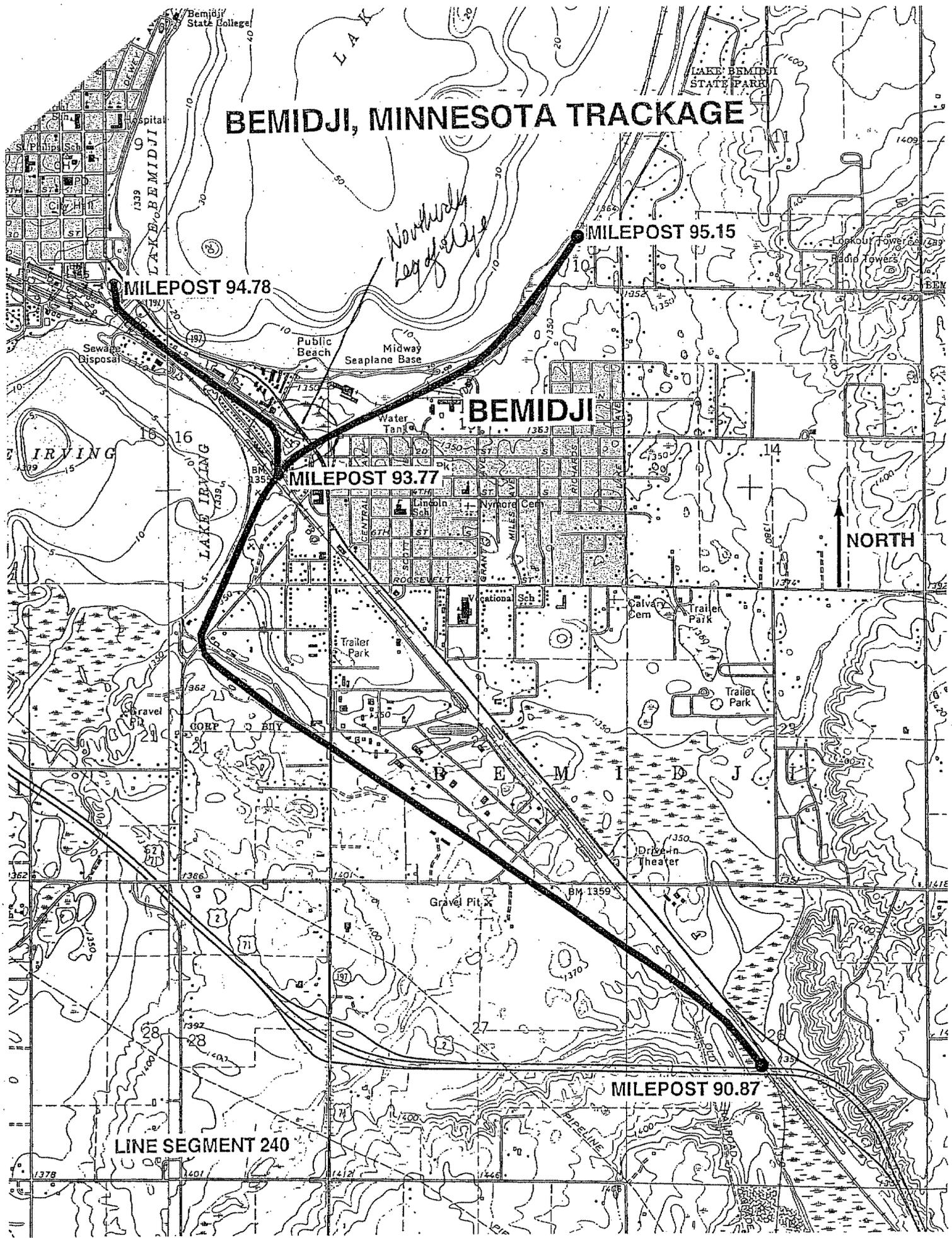
Alan R. Felix
City Attorney
(218) 759-3575

ARF/sms

Enclosure

Cc: Sydney L. Strickland, Jr.

BEMIDJI, MINNESOTA TRACKAGE



LINE SEGMENT 240

MILEPOST 94.78

MILEPOST 95.15

MILEPOST 93.77

MILEPOST 90.87

NORTH

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

August 2, 2006



Robert J. Rickert
Rail Bank and Abandonment Coordinator
Minnesota Department of Transportation
395 John Ireland Boulevard
St. Paul, MN 55155-1899

*Re: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company—Abandonment
Exemption – in Beltrami County, MN*

Dear Mr. Rickert:

On June 20, 2006, you received a letter informing you that BNSF Railway Company (“BNSF”) planned on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority in the above docket to abandon 4.28 miles of railroad line between Milepost 90.87 and Milepost 95.15, near Bemidji in Beltrami County, Minnesota.

BNSF has modified its plans. BNSF now still plans on filing a Notice of Exemption with the STB seeking authority to abandon the 4.28 miles of railroad line described above, but BNSF also plans to abandon an additional 1.01 miles of railroad line along the depot spur between Milepost 94.78 and Milepost 93.77, near Bemidji in Beltrami County, Minnesota. The total distance of the proposed abandonment is 5.29 miles.

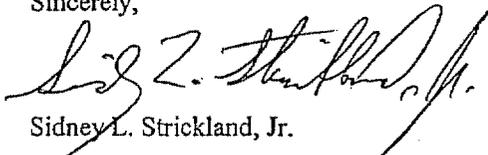
The proposed abandonment may require removal of bridges and structures and the removal of track materials such as rails and ties but the roadbed will be left intact.

As part of the environmental report, BNSF needs to know whether or not the proposed action is consistent with local land use plans and if there are any alternate public uses for the corridor such as a highway relocation project and/or recreational trail.

For your reference, I have enclosed a map of the above referenced railroad line. Please provide this information to me by September 5, 2006. If you have any questions, 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



*Beltrami County
Highway Department*

James R. Worcester, Beltrami County Engineer

August 17, 2006

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

Re: Abandonment of 5.29 miles of BNSF railroad line in Bemidji, Minnesota

Dear Mr. Strickland:

In your letter dated 8/2/06 you had requested maps indicating areas of the 100 year floodplain that would be affected by the proposed abandonment of the railroad. The Beltrami County Highway Department does not maintain 100 year floodplain maps of this area. The proposed railroad abandonment crosses only one county highway, CR 404 (it runs along the north line of section 27 of Bemidji township). The rail has already been removed in this area. The old railroad grade is currently used as a snowmobile trail. The remaining proposed rail abandonment is not in close proximity to any other Beltrami county highways, nor would this abandonment impact the drainage of Beltrami county highways.

If you have any questions please call me.

Sincerely,

Tyler C. Koos
Assistant Engineer
Beltrami County Highway Dept



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

Phone: (651) 602-7900
FAX: (651) 602-7914

File Code: 190-15-13

August 11, 2006

IN REPLY

REFER TO: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company-Abandonment
Exemption – in Beltrami County, MN

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

Dear Mr. Strickland:

The Natural Resources Conservation Service (NRCS) has reviewed the above referenced project. The project sponsors are not USDA program benefit recipients, thus the wetland conservation provisions of the 1985 Food Security act, as amended are not applicable. It should be noted, however, that actions by a non-USDA participant third party (project sponsor) which impact agricultural wetlands owned or operated by USDA participants, may jeopardize the owner/operators USDA eligibility. If such impacts are anticipated, the owner/operator should contact the county Farm Service Agency (FSA) office to consider an application for a third party exemption.

The following agencies may have federal or state wetlands, floodplain delineation, cultural resources, water quality, air quality or threatened and endangered species jurisdiction in the proposed project, and should be consulted.

- Army Corps of Engineers (USACOE) – Clean Water Act
- US Fish and Wildlife Service (FWS) – Endangered Species Act
- Board of Water and Soil Resources (BWSR) - Minnesota Wetlands Conservation Act
- Minnesota Department of Natural Resources (MDNR)
- Minnesota Pollution Control Agency (MPCA)
- State Historic Preservation Officer/State Archaeologist (SHPO)

Finally, if as a result of your proposal you are affecting agricultural lands, and if any federal monies are involved, it is a requirement that a Farmland Policy Protection Act (FPPA) site assessment be appropriately filed. Since your project will not permanently affect agricultural land, this precludes the need for further action on this project as required by the FPPA. Our agency appreciates your thorough follow up on the environmental review requirements of this project. We complement your sincere efforts to have complied with all economic, social, and environmental review requirements when federal funds are part of project financing.

Sincerely,



WILLIAM E. LORENZEN
Environmental Review/Justice Coordinator



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

Exhibit G

IN REPLY REFER TO:

FWS/NWRS-RE - General
Railroad Abandonments

August 24, 2006

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

Dear Mr. Strickland:

Thank you for the opportunity to comment on the proposed abandonment of 0.54 miles of railroad line between Engineering Station 0 + 00 and Engineering Station 28 + 61 near Appleton in Swift County, Minnesota; STB Docket No. AB-6 (Sub-No. 449X), BNSF Railway Company.

We have researched our ownerships in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonment. We do not have any concerns regarding real estate matters in the abandonment.

Sincerely,

Patrick G. Carroll
Senior Realty Officer
Division of Realty



United States Department of the Interior

National Park Service

Midwest Region
601 Riverfront Drive
Omaha Nebraska 68102-4226



650.2(MWR-P/G)

Exhibit H

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

SEP 01 2006

Dear Mr. Strickland:

This is in response to your August 2, 2006, request that the National Park Service respond to STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company Abandonment Exemption in Beltrami County, Minnesota.

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

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

Sincerely,

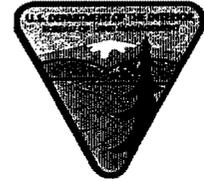

Robert Maydwell
Grants Management Assistant
Partnerships- Grants

TAKE PRIDE[®]
IN AMERICA 

United States Department of the Interior



Bureau of Land Management-Eastern States
Milwaukee Field Office
626 E. Wisconsin Avenue, Suite 200
Milwaukee, Wisconsin 53202-4617



IN REPLY REFER TO:
2000 (036)

August 8, 2006

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

RE: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company -Abandonment
Exemption - in Beltrami County, MN

Dear Mr. Strickland:

This is in response to your letter of August 2, 2006, to our office concerning modification of the original proposal by the Burlington Northern and Santa Fe Railway Company (BNSF) to abandon 4.28 miles of railroad line between Milepost 90.87, and Milepost 95.15, by adding an additional 1.01 miles of railroad line along the depot spur between Milepost 94.78 and Milepost 93.77 near Bemidji in Beltrami County, Minnesota.

A search of our records shows there are no Federal lands administered by the Bureau of Land Management along the railroad line. However, please be aware that some of the original railroad grants were limited fee rights-of-way and may be subject to the Railroad Right-of-Way Forfeiture and Abandonment Act of March 8, 1922, 43 U.S.C. § 912 (the 1922 Abandonment Act), and the National Trails System Improvement Act of October 4, 1988, Public Law 100-470, 16 U.S.C. § 1248 (c) - (f).

Thank you for giving us the opportunity to comment on this proposal. Our office does not have information on the location of wildlife refuges, state or national parks, state or national forests in the immediate vicinity. You must contact the Fish and Wildlife Service, National Park Service, National Forest Service and State offices to obtain this information. If you require additional information, please contact me at (414) 297-4402.

Sincerely,

Marcia Sieckman
Supervisor, Lands and Renewable Resources Team

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 J

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

August 2, 2006

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

*Re: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company—Abandonment
Exemption – in Beltrami County, MN*

Dear Mr. Zdon:

On June 20, 2006, you received a letter informing you that BNSF Railway Company ("BNSF") planned on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority in the above docket to abandon 4.28 miles of railroad line between Milepost 90.87 and Milepost 95.15, near Bemidji in Beltrami County, Minnesota.

BNSF has modified its plans. BNSF now still plans on filing a Notice of Exemption with the STB seeking authority to abandon the 4.28 miles of railroad line described above, but BNSF also plans to abandon an additional 1.01 miles of railroad line along the depot spur between Milepost 94.78 and Milepost 93.77, near Bemidji in Beltrami County, Minnesota. The total distance of the proposed abandonment is 5.29 miles.

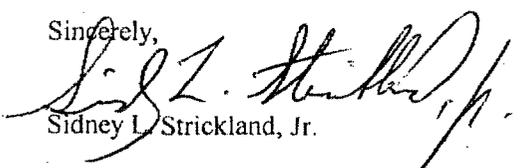
The proposed abandonment may require removal of bridges and structures and the removal of track materials such as rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

As part of the environmental report, BNSF needs to know whether or not this action will be consistent with Federal, State or local water quality standards. Also, please state whether or not Section 402 and/or National Pollutant Discharge Elimination System ("NPDES") permits are required as a result of the proposed abandonment. BNSF also 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 September 5, 2006. If you have any questions, do not hesitate to contact me at (202) 338-1325.

Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.

Enclosure
SLS/eew



REPLY TO
ATTENTION OF

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

Exhibit K.

Operations
Regulatory (2006-4827-KJU)

10/24/06

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

Dear Mr. Strickland:

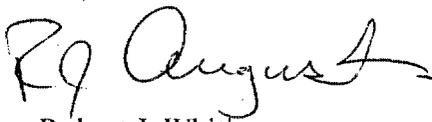
This letter is in response to your inquiry regarding the proposed BNSF railroad line abandonment project in Beltrami County, Minnesota between mile post 90.87 and milepost 95.15 and between milepost 94.78 and 93.77 (the additional 1.01 miles of railroad line abandonment of which you informed the USACE). The Mississippi River is not navigable beyond the outlet of Lake Bemidji therefore no Section 10 permit is required.

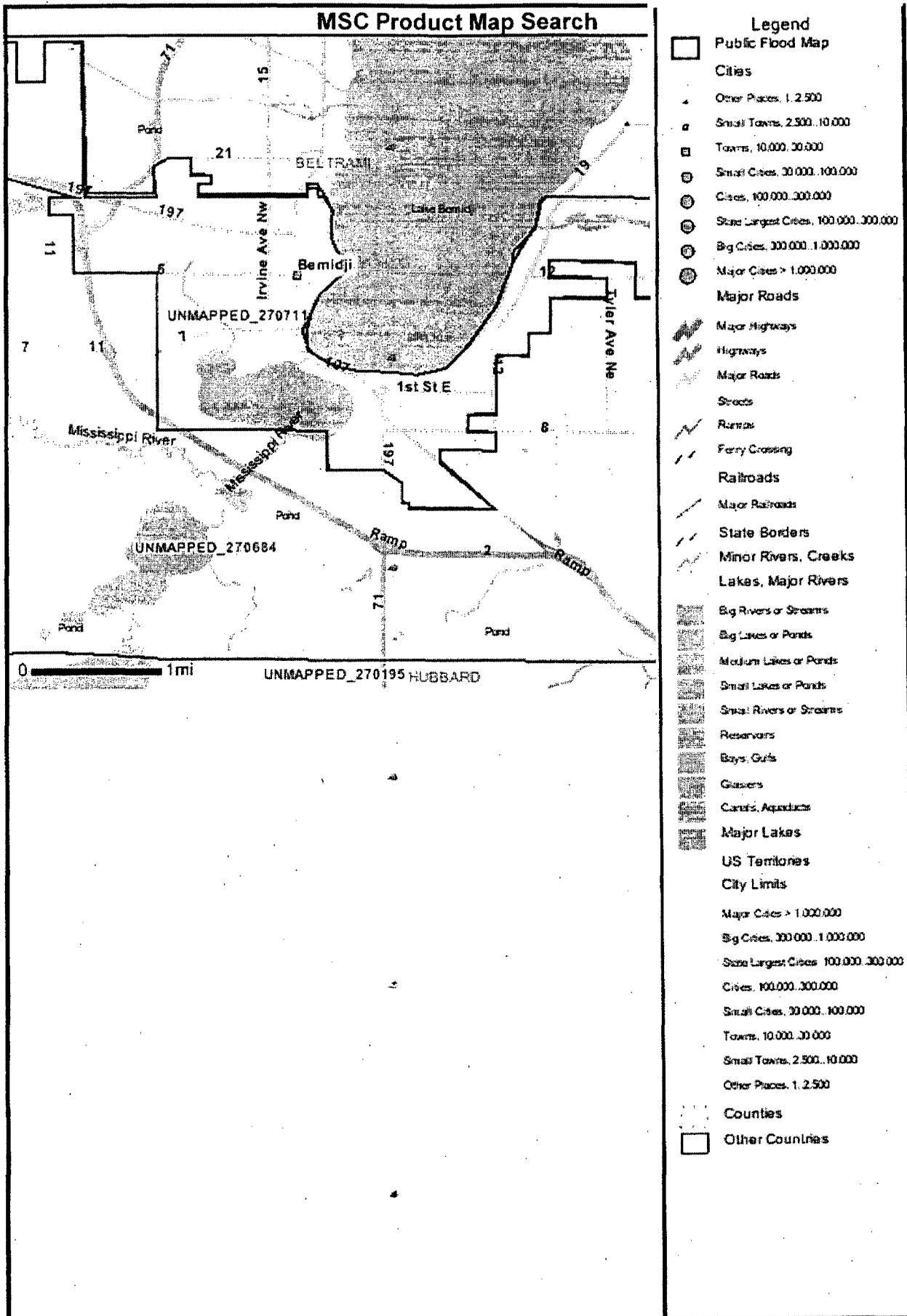
Should the proposed plan to abandon the railway line or bridge include the placement of dredge or fill material into a water of the United States; the project will require a Section 404 Clean Water Act permit from the USACE.

Floodplains are not mapped in the project area (see attachment). For further information please contact the Minnesota Department of Natural Resources.

If you have any questions, contact Kelly Urbanek in our Bemidji office at (218) 444-6381. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

for 
Robert J. Whiting
Chief, Regulatory Branch





Home Compose Address Book Options Logout

Username: Liz
(liz.waite@stri

- Inbox (2)**
- Drafts**
- Deleted Items**
- Sent**
- Scheduled**

Message

Delete permanently

From: Steve Colvin <Steve.Colvin@dnr.state.mn.us>
To: liz.waite@stricklandpllc.com
Subject: Floodplain requests
Date: 05-Oct-06 10:42 AM

Attachments:

< Previ

STB Docket No. AB-6 (Sub. No. 446X) Beltrami County, MN
 Both the City of Bemidji and the unincorporated portions of the county do not have any mapped flood hazard areas. If you look at the first page in the Community Status Book - at <http://www.fema.gov/cis/MN.pdf> - you'll see an NSFHA under the map date for the county. That stands for "no special flood hazard area."

STB Docket No. AB-6 (Sub. No. 449X) Swift County, MN
 A current FIRMette (FEMA flood map) of the site was attached to your August 18, 2006 letter. A potion of the proposed abandonment will extend into a floodplain. Activities in this area will have to comply with floodplain ordinances administered by the City of Appleton.

Steven Colvin
 Environmental Review Supervisor
 DNR - Ecological Services
 500 Lafayette Rd.
 St. Paul, MN 55155-4025
 (651) 259-5082
 (651) 297-1500 fax

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 29 2003

Exhibit M

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

REPLY TO THE ATTENTION OF:

**Re: BNSF Railway Company Abandonment Proposed in Beltrami County, MN,
STB Docket No. AB-6 (Sub. No. 446X)**

Dear Mr. Strickland:

The Office of Science, Ecosystems and Communities, U.S. Environmental Protection Agency (U.S. EPA) has received the document listed above. Under the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations, and Section 309 of the Clean Air Act; U.S. EPA reviews and comments on major federal actions. Typically, these reviews focus on Environmental Impact Statements, but we also have the discretion to review and comment on other environmental documents prepared under NEPA if interest and resources permit.

We did not undertake a detailed review of the document you sent to this office, and will not be generating comments because of the reason selected below.

The document was not prepared under NEPA.

There was insufficient information provided to comment on impacts at this stage of application. We will wait for the next level of documentation on this project before considering whether or not to comment.

The document was given a cursory review, but other workload priorities precluded us from detailed review and comment.

The document was given a cursory review, and we determined that there were no significant concerns meriting comment.

We reserve the right to reconsider undertaking a review at future planning stages, or if significant new data on the project is made available by the sponsoring agency or other interested parties. Thank you for providing information on the project.

Sincerely,

for Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch

Exhibit NI

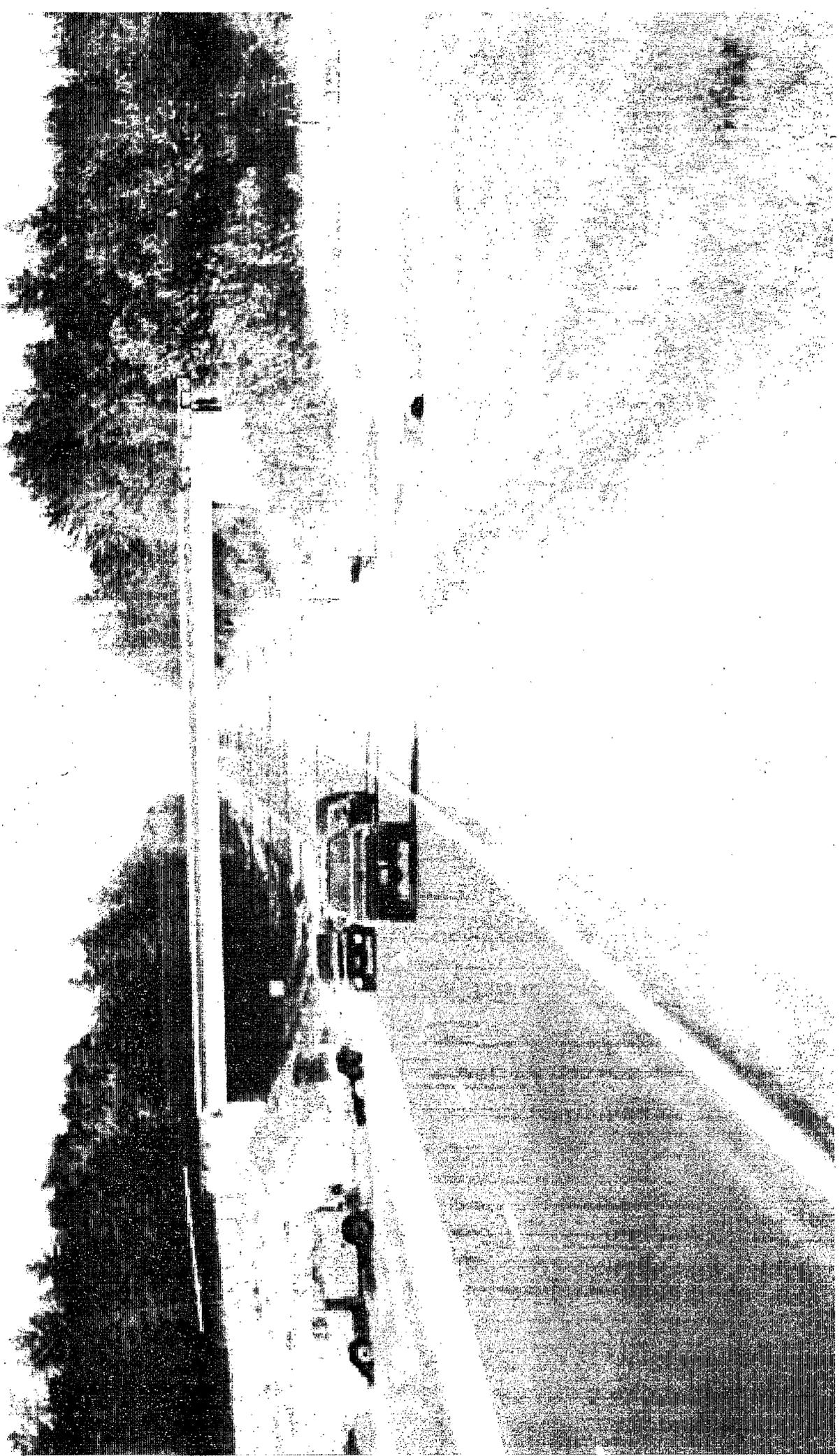
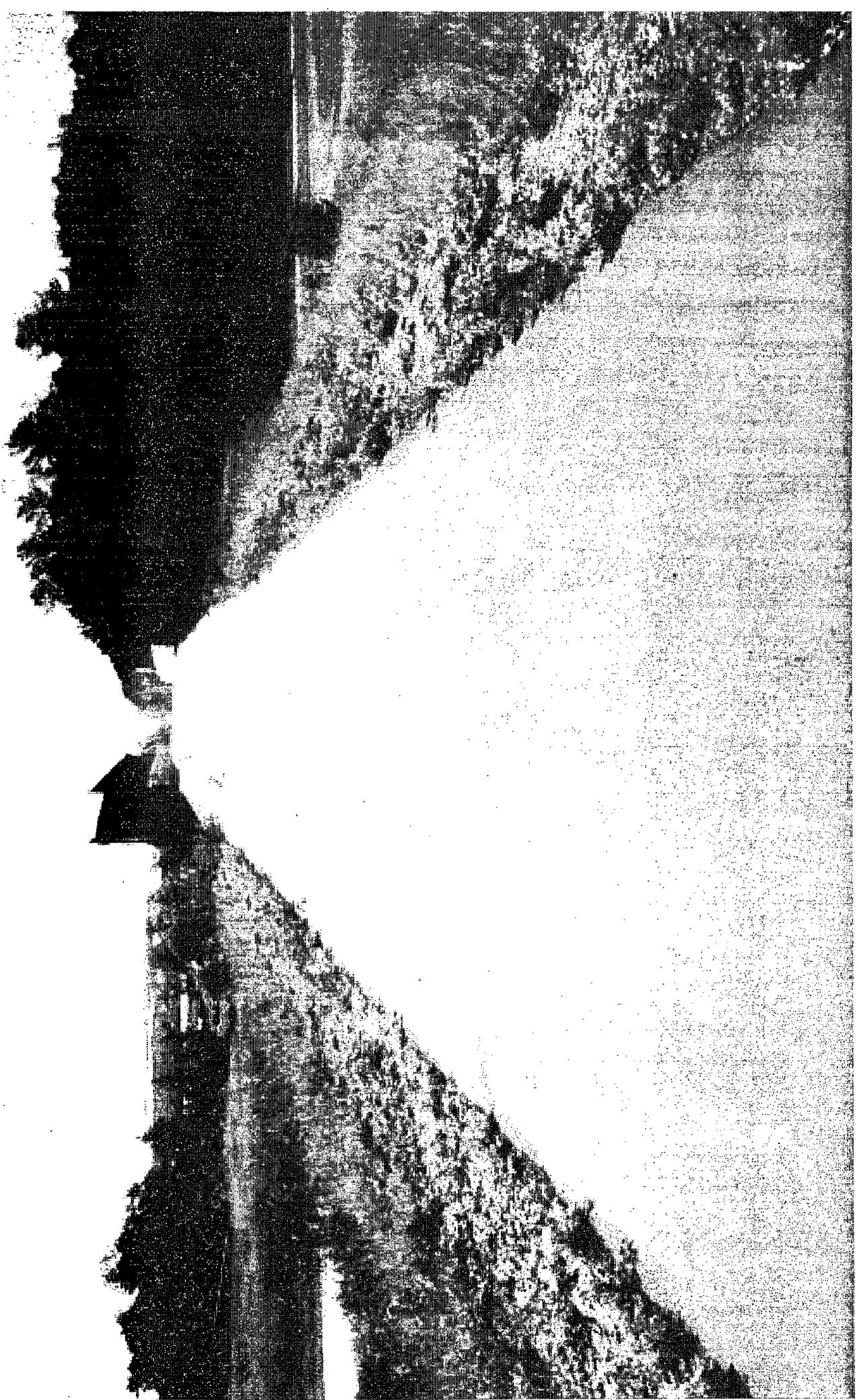


Exhibit N2



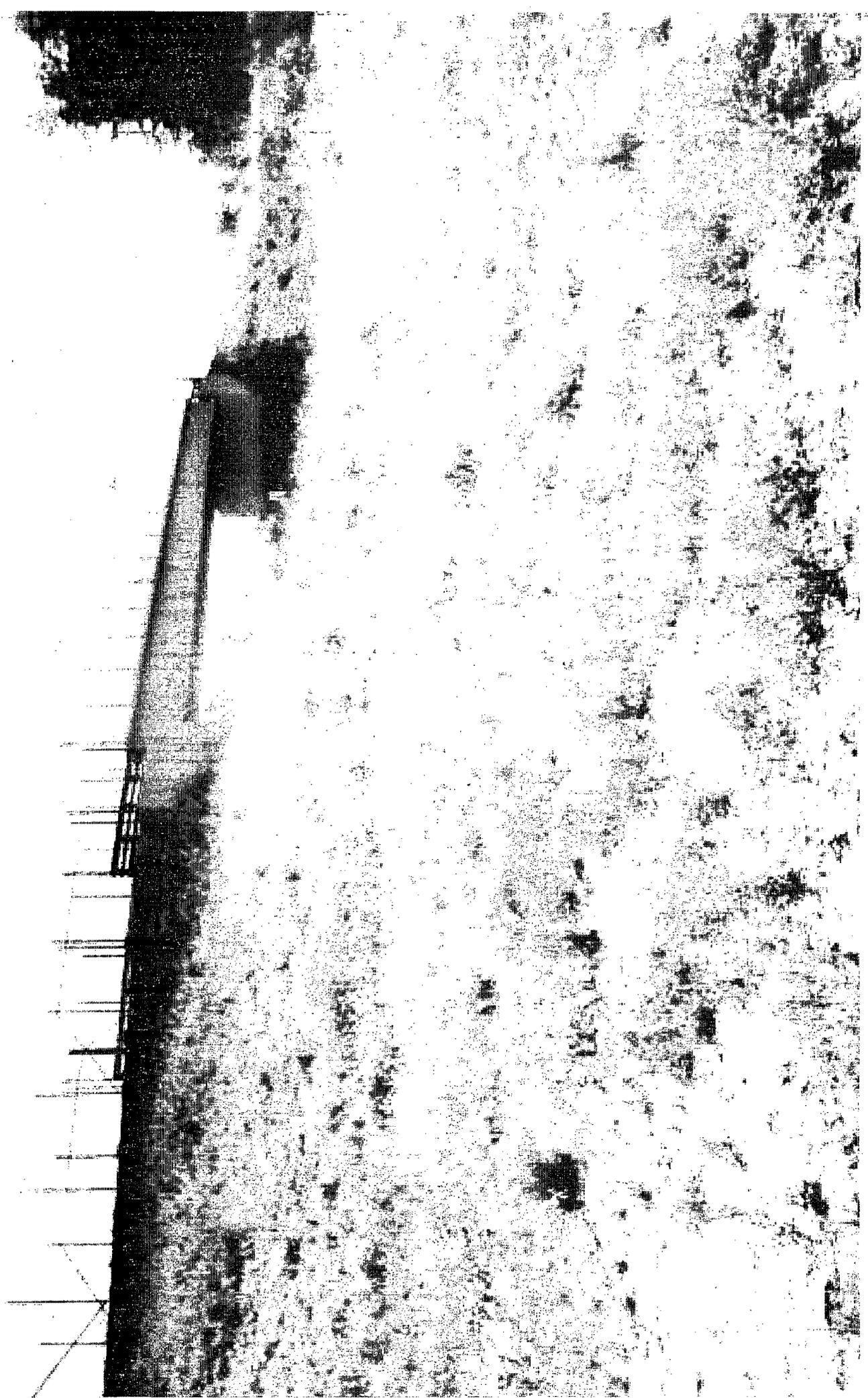


Exhibit N4

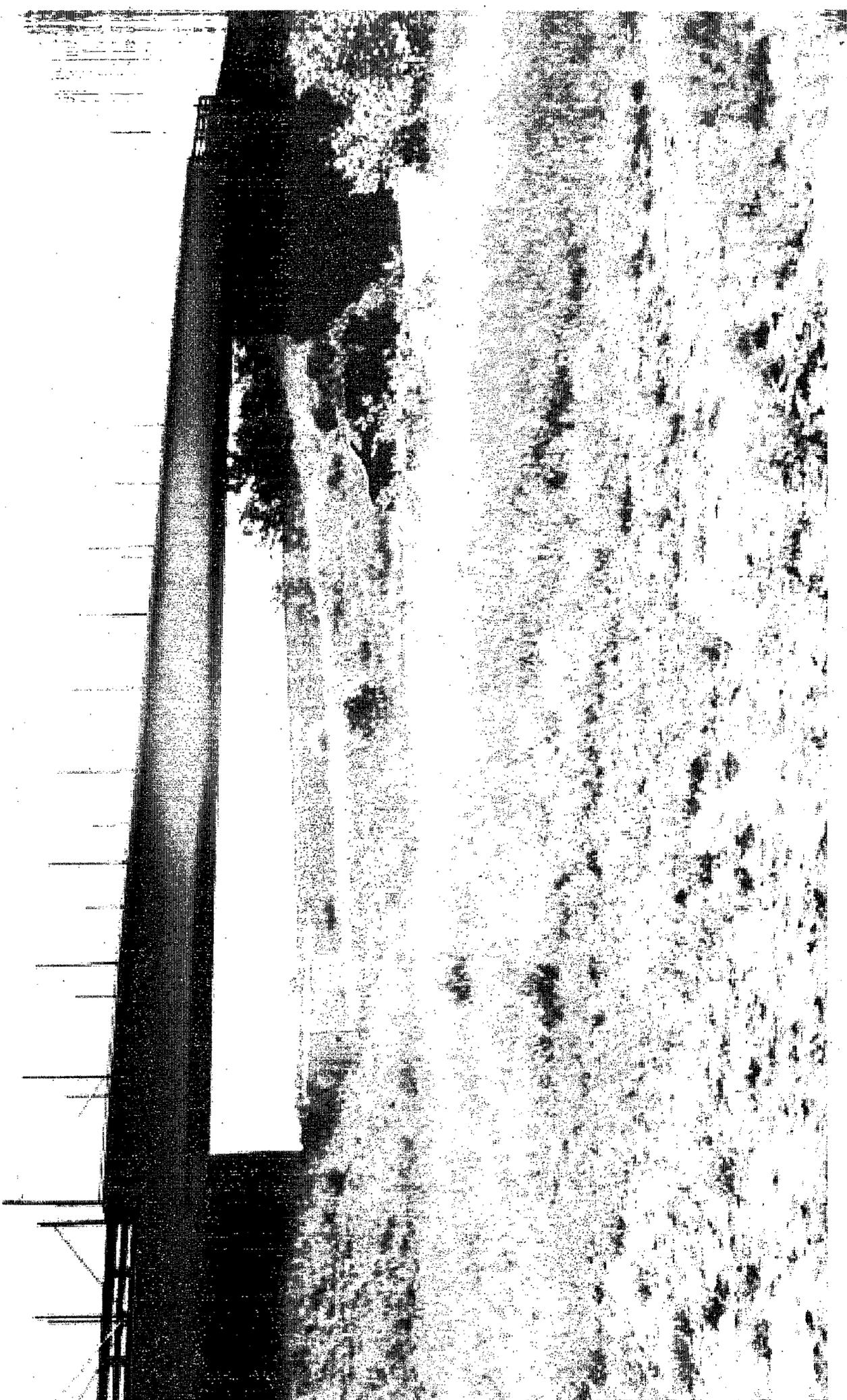


Exhibit N5

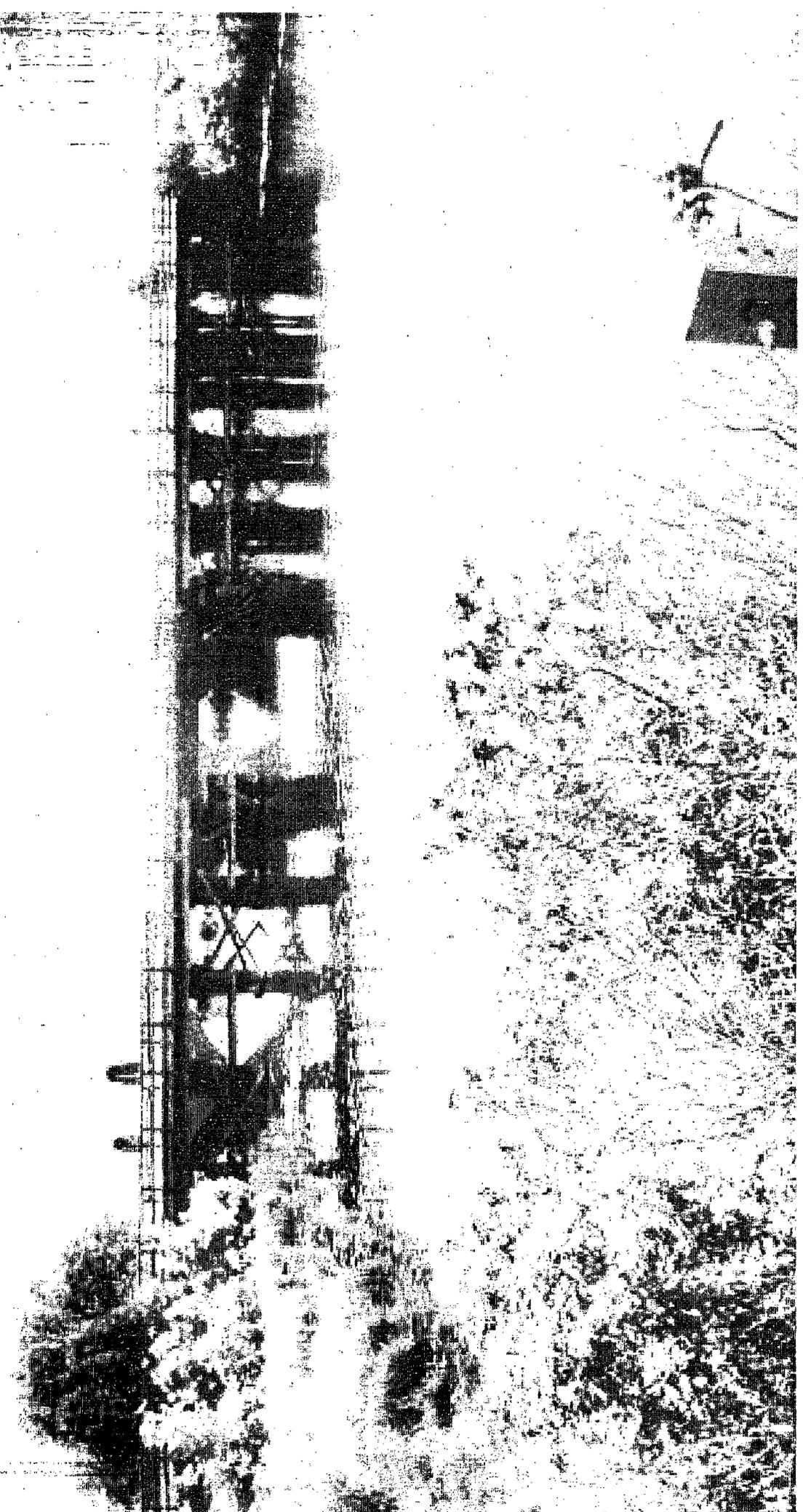


Exhibit N6

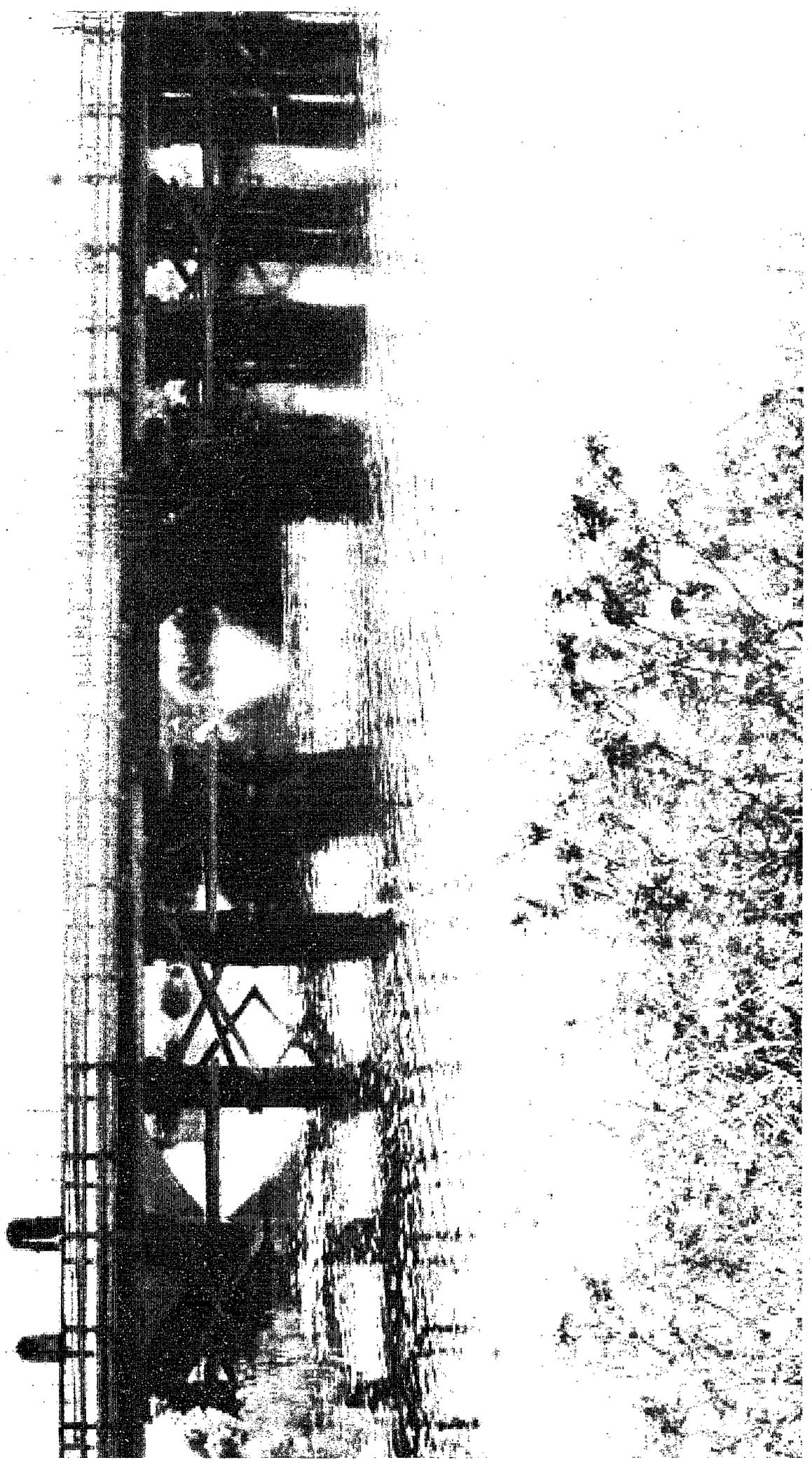


Exhibit N7

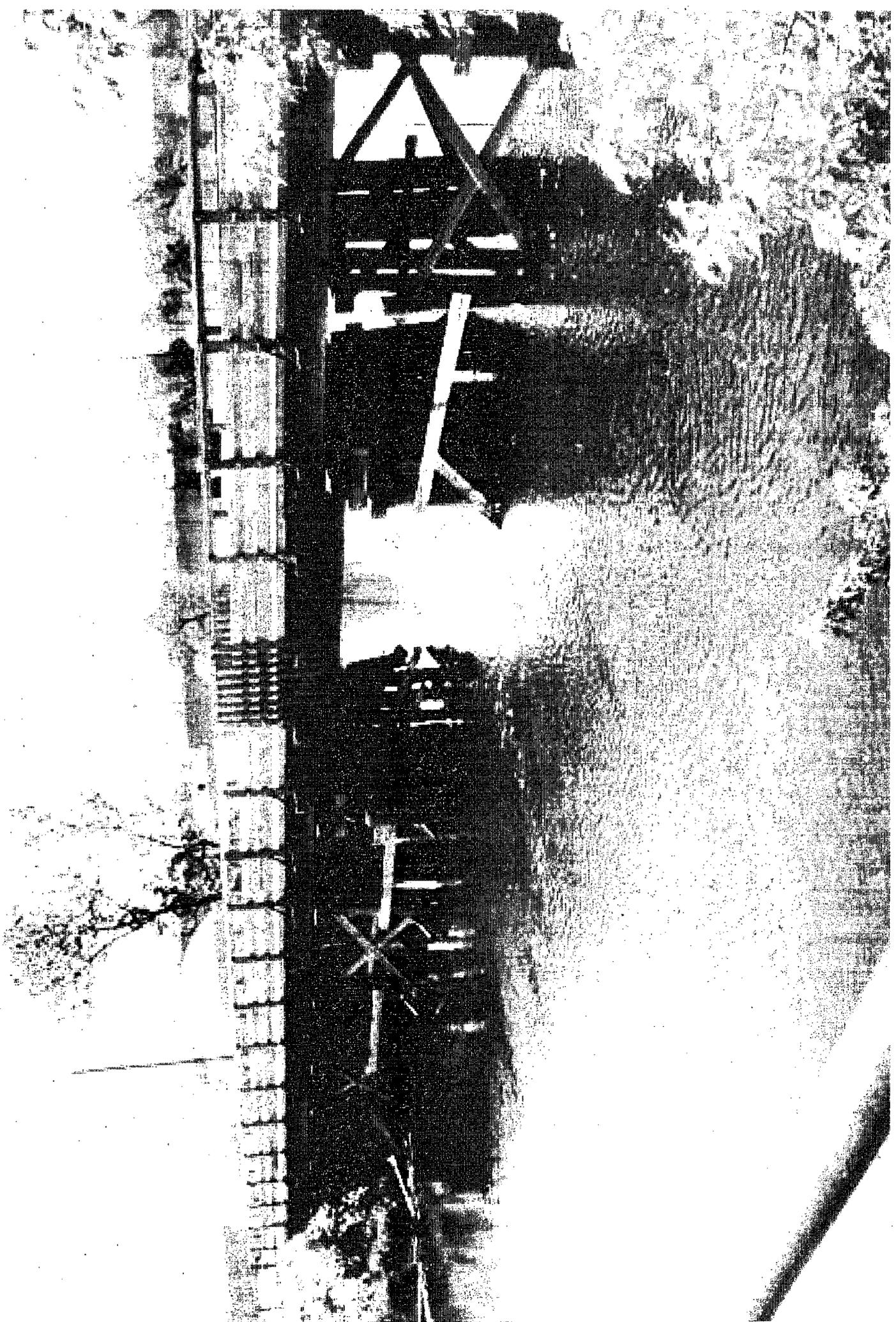
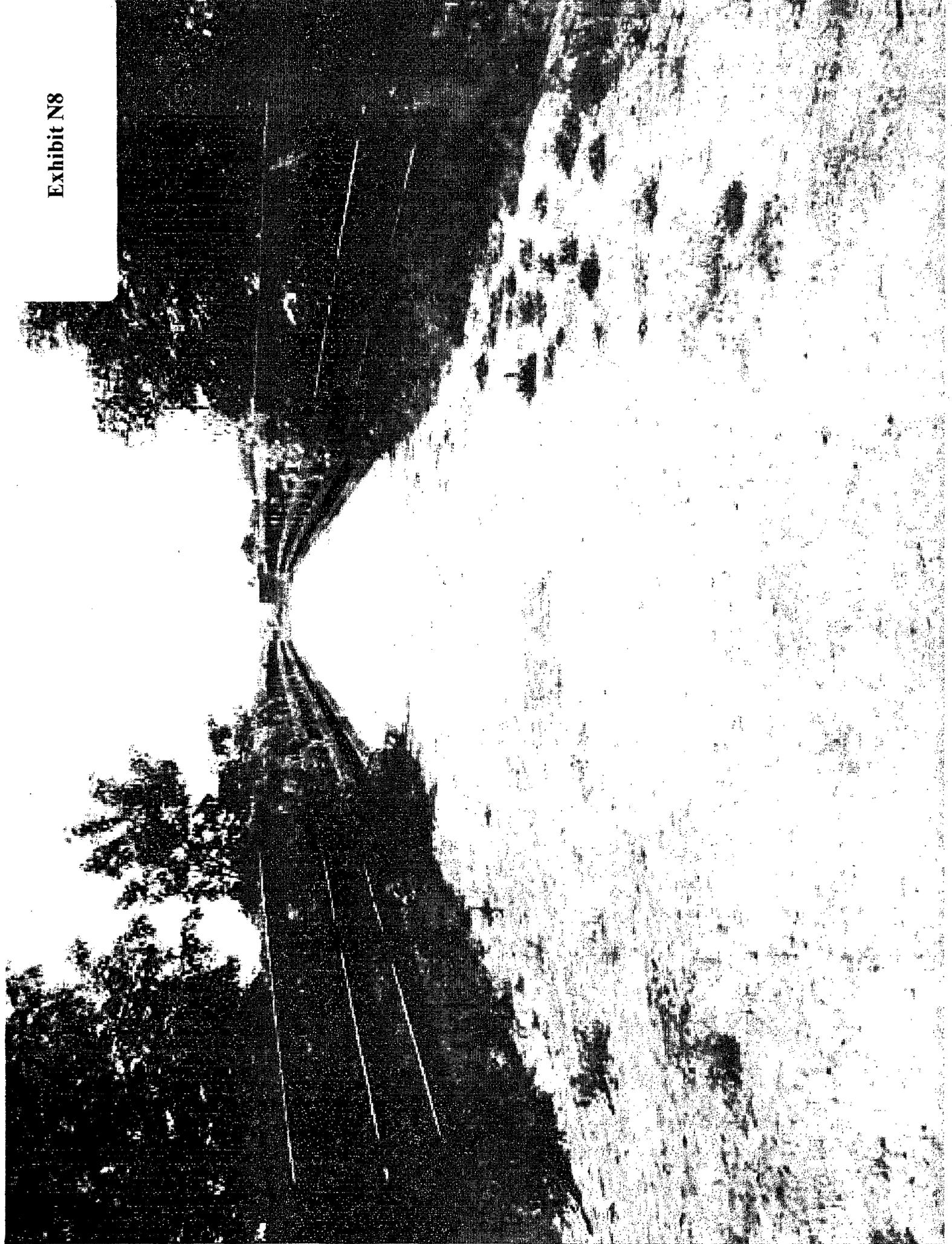


Exhibit N8





MINNESOTA HISTORICAL SOCIETY

State Historic Preservation Office

September 12, 2006

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

Re: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company to abandon 4.28 miles of railroad line between milepost 90.87 and 96.15 near Bemidji T146 R33 S10, 15, 16, 21, 22, 26 & 27, Beltrami County SHPO Number: 2006-2561

Dear Mr. Strickland:

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

It appears that the rail line segment scheduled for abandonment was part of the Northern Pacific Railway. The southern portion of the segment may have been constructed by the Brainerd and Northern Minnesota Railway Company in 1897, while the northern portion of the segment may have been constructed by the Minnesota and International Railway Company in 1901-02.

The information in your submittal is not sufficient for us to conclusively assess whether this line may meet National Register criteria, but its position as an important link to International Falls and the border suggest that it has the potential for eligibility and merits further evaluation. If it is eligible, abandonment could constitute an adverse effect.

We have no recommended mitigation measures for the abandonment of this line. Should any other parties to this review recommend such measures, we would be glad to enter into consultation to discuss those measures.

Contact Dennis Gimmestad at 651-205-4205 with questions or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Britta L. Bloomberg'.

Britta L. Bloomberg
Deputy State Historic Preservation Officer

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

BNSF Railway Company ("BNSF"), by and through its authorized representative, Sidney L. Strickland, Jr., certifies that on December 4, 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

Robert J. Rickert
Rail Bank and Abandonment Coordinator
Minnesota Department of Transportation
395 John Ireland Boulevard
St. Paul, MN 55155-1899

Alan R. Felix, City Attorney
City Hall
317 4th Street NW
Bemidji, Minnesota 56601-3116

Tyler C. Koos, Assistant Engineer
Beltrami County Highway Department
2491 Adams Ave. NW
Bemidji, MN 56601

William Lorenzen, Environmental Review/Justice
Coordinator
USDA Natural Resources Conservation Service
375 Jackson Street, Suite 600
Saint Paul, MN 55101-1854

Patrick G. Carroll
Big River Region
U.S. Fish and Wildlife Service
1 Federal Drive
BHW Federal Building
Fort Snelling, MN 55111-4056

Robert J. Whiting
U.S. Army Engineer District, St. Paul
190 Fifth St. East
St. Paul, MN 55101-1683

Marcia Sieckman
U.S. Bureau of Land Management Eastern States
Milwaukee Field Office
626 E. Wisconsin Ave.
Suite 200
Milwaukee, WI 53202-4617

Steve Colvin
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4040

Kenneth Westlake, Chief
U.S. Environmental Protection Agency, Region 5
Metcalf Building
Office of Strategic Environmental Analysis
77 West Jackson Boulevard
Mailcode: B-19J
Chicago, IL 60604

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

Ms. Britta L. Bloomberg
Deputy State Historic Preservation Officer
Minnesota Historical Society
345 W. Kellogg Blvd.
St. Paul, MN 55102-1906

Beltrami County Board of Commissioners
619 Beltrami Avenue, NW
County Courthouse
Bemidji, MN 56601-3066

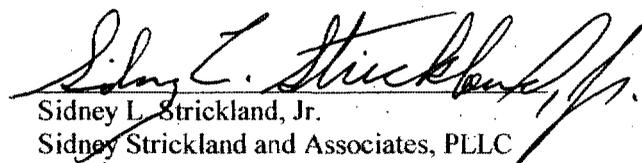
Lawrence Zdon
Minnesota Pollution Control Agency
520 Lafayette Road N.
St. Paul, MN 55155-4194

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155

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

Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

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: 202-295-3854

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

December 4, 2006

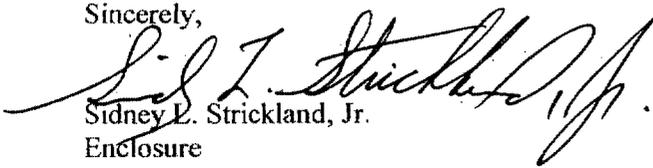
Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington D.C. 20423-0001

***Re: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company—Abandonment
Exemption – in Beltrami County, MN***

Dear Ms. Rutson:

On or about December 26, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 5.29 miles of railroad line between Milepost 90.87 and Milepost 95.15, including the 1.01 mile depot spur between Milepost 94.78 and Milepost 93.77, near Bemidji in Beltrami County, Minnesota (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: 202-295-3854

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

December 4, 2006

Robert J. Rickert
Rail Bank and Abandonment Coordinator
Minnesota Department of Transportation
395 John Ireland Boulevard
St. Paul, MN 55155-1899

***Re: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company—Abandonment
Exemption – in Beltrami County, MN***

Dear Mr. Rickert:

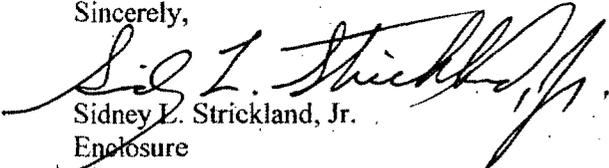
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We are providing these reports so that you may review the information that will form the basis for the STB’s independent environmental and historic analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that 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. 446X). 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/ew

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854

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

December 4, 2006

Alan R. Felix, City Attorney
City Hall
317 4th Street NW
Bemidji, Minnesota 56601-3116

***Re: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company—Abandonment
Exemption – in Beltrami County, MN***

Dear Mr. Felix:

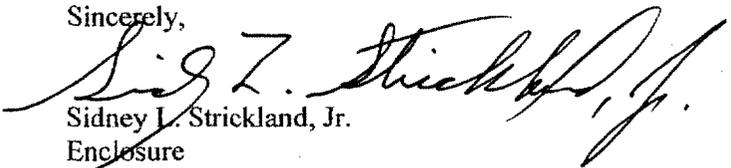
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Thank you in advance for your cooperation.

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: 202-295-3854**

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

December 4, 2006

Tyler C. Koos, Assistant Engineer
Beltrami County Highway Department
2491 Adams Ave. NW
Bemidji, MN 56601

***Re: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company—Abandonment
Exemption – in Beltrami County, MN***

Dear Mr. Koos:

On or about December 26, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 5.29 miles of railroad line between Milepost 90.87 and Milepost 95.15, including the 1.01 mile depot spur between Milepost 94.78 and Milepost 93.77, near Bemidji in Beltrami County, Minnesota (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.

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Thank you in advance for your cooperation.

Sincerely,



Sidney L. Strickland, Jr.

Enclosure
SLS/ew

SIDNEY STRICKLAND AND ASSOCIATES, PLLC

**3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854**

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

December 4, 2006

William Lorenzen, Environmental Review/Justice Coordinator
USDA Natural Resources Conservation Service
375 Jackson Street, Suite 600
Saint Paul, MN 55101-1854

***Re: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company—Abandonment
Exemption – in Beltrami County, MN***

Dear Mr. Lorenzen:

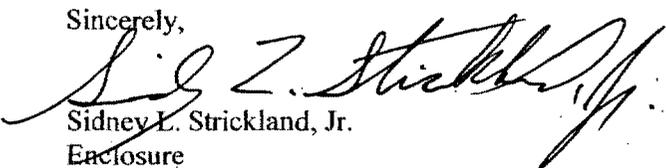
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Thank you in advance for your cooperation.

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: 202-295-3854

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

December 4, 2006

Patrick G. Carroll, Senior Realty Officer
U.S. Fish and Wildlife Service, Region 3
BHW Federal Building
One Federal Drive
Fort Snelling, MN 55111-4056

***Re: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company—Abandonment
Exemption – in Beltrami County, MN***

Dear Mr. Carroll:

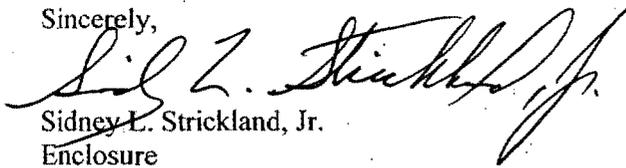
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Thank you in advance for your cooperation.

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: 202-295-3854

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

December 4, 2006

Robert J. Whiting
U.S. Army Engineer District, St. Paul
190 Fifth St. East
St. Paul, MN 55101-1683

**Re: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company—Abandonment
Exemption – in Beltrami County, MN**

Dear Mr. Whiting:

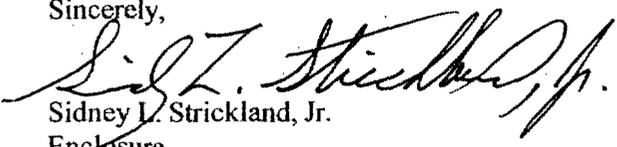
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

December 4, 2006

Marcia Sieckman
U.S. Bureau of Land Management Eastern States
Milwaukee Field Office
626 E. Wisconsin Ave.
Suite 200
Milwaukee, WI 53202-4617

***Re: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company—Abandonment
Exemption – in Beltrami County, MN***

Dear Ms. Sieckman:

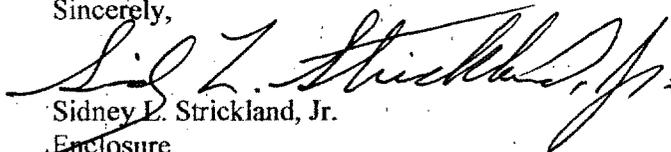
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

December 4, 2006

Steve Colvin
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4040

***Re: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company—Abandonment
Exemption – in Beltrami County, MN***

Dear Mr. Colvin:

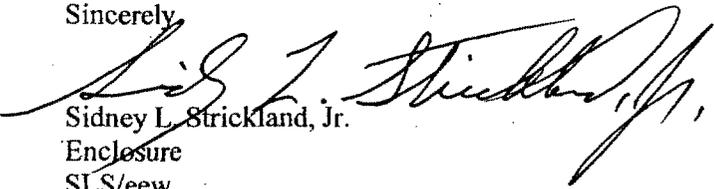
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

December 4, 2006

Kenneth Westlake, Chief
U.S. Environmental Protection Agency, Region 5
Metcalf Building
Office of Strategic Environmental Analysis
77 West Jackson Boulevard
Mailcode: B-19J
Chicago, IL 60604

***Re: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company—Abandonment
Exemption—in Beltrami County, MN***

Dear Mr. Westlake:

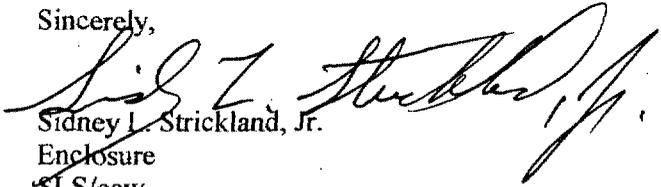
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

December 4, 2006

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

***Re: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company—Abandonment
Exemption – in Beltrami County, MN***

Dear Mr. Maydwell:

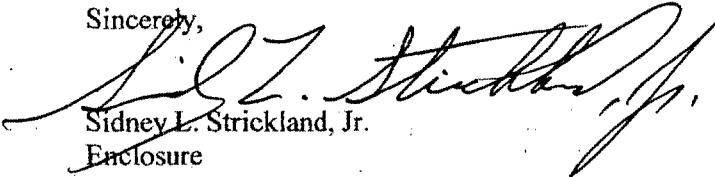
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

December 4, 2006

Ms. Britta L. Bloomberg
Deputy State Historic Preservation Officer
Minnesota Historical Society
345 W. Kellogg Blvd.
St. Paul, MN 55102-1906

***Re: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company—Abandonment
Exemption – in Beltrami County, MN***

Dear Ms. Bloomberg:

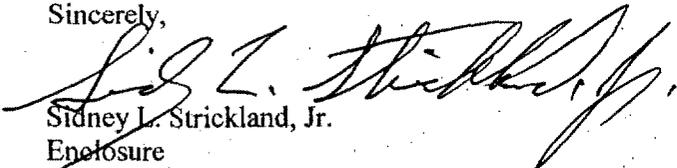
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TELEPHONE: 202-338-1325
FAX: 202-295-3854

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

December 4, 2006

Beltrami County Board of Commissioners
619 Beltrami Avenue, NW
County Courthouse
Bemidji, MN 56601-3066

***Re: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company—Abandonment
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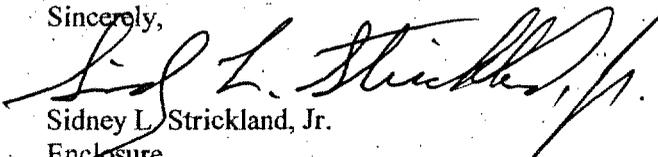
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

December 4, 2006

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

***Re: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company—Abandonment
Exemption – in Beltrami County, MN***

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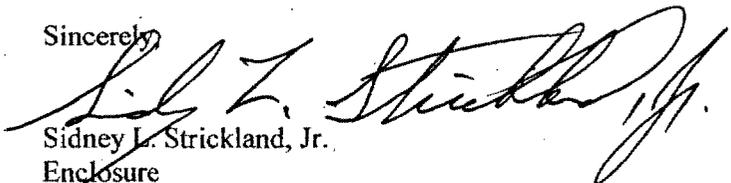
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

December 4, 2006

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155

***Re: STB Docket No. AB-6 (Sub. No. 446X) BNSF Railway Company—Abandonment
Exemption – in Beltrami County, MN***

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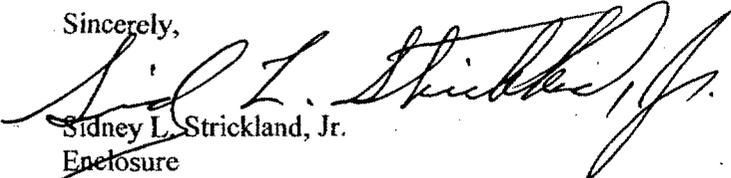
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandjllc.com

December 4, 2006

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

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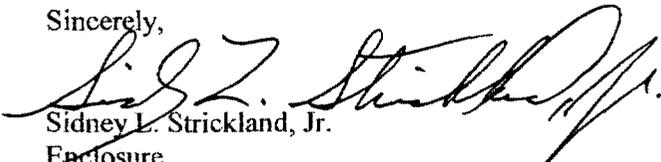
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SIDNEY L. STRICKLAND, JR.
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December 4, 2006

Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

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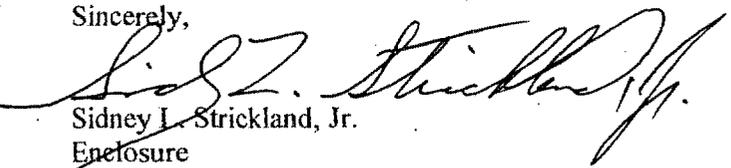
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