

220613



Gabriel S. Meyer
Assistant General Attorney

October 30, 2007

VIA UPS OVERNIGHT

Ms. Virginia Rutson
Surface Transportation Board
Section of Environmental Analysis
395 E Street, S.W.
Washington, D C. 20024

ENTERED
Office of Proceedings

OCT 31 2007

Part of
Public Record

RE: Docket No. STB No. AB-33 (Sub-No. 255), Union Pacific Railroad Company - Abandonment - In Carver and Scott Counties, Minnesota, (Chaska Industrial Lead)

Dear Ms. Rutson:

Enclosed for filing in the above-referenced matter are an original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and § 1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. § 1105.11

Union Pacific anticipates filing an Application for Abandonment in this matter on or after November 20, 2007. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Gabriel S. Meyer".

Gabriel S Meyer

Enclosures

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 255)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT --
IN CARVER AND SCOTT COUNTIES, MINNESOTA
(CHASKA INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

**UNION PACIFIC RAILROAD COMPANY
Gabriel S. Meyer
Assistant General Attorney
1400 Douglas Street, Mail Stop 1580
Omaha, Nebraska 68179
(402) 544-1658
(402) 501-0129 FAX**

**Dated: October 30, 2007
Filed: October 31, 2007**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 255)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT --
IN CARVER AND SCOTT COUNTIES, MINNESOTA
(CHASKA INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 CFR §1105.7(e) and 49 CFR §1105 8(d), respectively, for authorization to abandon the Chaska Industrial Lead from Milepost 38.6 near Merriam to Milepost 33.0 near Chaska, a distance of 5.60 miles in Carver and Scott Counties, Minnesota (the "Line"). The Line traverses U.S. Postal Service Zip Codes 55315, 55318, and 55379

The UP anticipates that an Application for Abandonment and Discontinuance of Service on the Line will be filed with the STB on or after November 20, 2007.

A map of the Line marked **Attachment No. 1** is attached hereto and is hereby made a part hereof. UP's letter to federal, state and local government agencies marked **Attachment No. 2** is attached hereto and is hereby made a part hereof. Responses received thus far to UP's letter are attached hereto and are sequentially referenced as

attachments in the appropriate sections of this Combined Environmental and Historic Report.

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

(1) Proposed action and alternatives

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

Response: The proposed action involves the abandonment and discontinuance of service on the Chaska Industrial Lead from Milepost 38.6 near Merriam to Milepost 33.0 near Chaska, a distance of 5.6 miles in Carver and Scott Counties, Minnesota. The only active shippers on the Line are United Sugars Corporation and Chaska Building Center. Recent shipping profiles are as follows

United Sugars Corporation ("United Sugars")
524 Center Avenue
Moorhead, MN 56560

2005: Sugars, STCC 20621, 630 cars, 60,210 tons.

2006: Sugars, STCC 20621, 816 cars, 77,070 tons

Base Year (3/06-2/07): Sugars, 764 cars, 72,405 tons

Forecast Year (11/07-10/08): Sugars, 764 cars, 72,405 tons

**Chaska Building Center
P. O. Box 89
Chaska, MN 55318**

**2005: Lumber, STCC 24211, 6 cars, 523 tons
Boards, STCC 24991, 1 car, 96 tons
Gypsum Wallboard, STCC 32754, 3 cars, 303 tons**

2006: Lumber, STCC 24211, 3 cars 297 tons

Base Year (3/06-2/07): 0 cars

Forecast Year (11/07-10/08): 0 cars

Total Traffic—Base Year and Forecast Year

Base Year (3/06-2/07): Sugars, 764 cars, 72,405 tons

Forecast Year (11/07-10/08). Sugars, 764 cars, 72,405 tons

There appears to be no reasonable alternative to the abandonment. There are no other current rail customers on the Line and no location of new rail-served industry along the Line is anticipated. There is no overhead traffic.

After abandonment, the closest rail lines would be UP's Mankato Subdivision at Merriam, approximately two highway miles south of Chaska, and the Twin Cities & Western Railroad, approximately three highway miles north of Chaska.

Lying in the southwest portion of the Minneapolis/St. Paul metropolitan area, Chaska is served by a number of state and local roads. In addition, the major highway serving Chaska is U.S. 212, which runs approximately ten miles northeast to Interstate 494, which in turn connects with the extensive Interstate Highway network serving the Twin Cities area.

The Line was constructed in 1870 by the Minneapolis and St. Louis Railroad
The track structure is currently comprised of 115-pound jointed rail laid in 1958

The total property area considered in the proposed abandonment consists of 74 9136 acres of which 67.257 acres are fee equivalent ownership and 7.6566 acres are considered reversionary. Currently, there are no specific plans for the property
Based on information in our possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

A map of the Line is attached as **Attachment No. 1.**

(2) Transportation system

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

Response: If the requested authority is granted, UP calculates that an additional 5,792 loaded and empty truck movements will potentially use area highways each year, or approximately 23 one-way truck movements per business day ¹ The existing road network, which includes U.S. Highway 212 is expected to be able to accommodate this increased traffic without adversely impacting overall traffic conditions. This impact could be substantially reduced if the trucks used to deliver

¹ This estimate of 23 one-way truck movements per day is based upon the following assumptions: the 72,405 tons of sugar transported during the Forecast Year will require 2,896 loaded truck movements, with each truck carrying 25 tons of sugar Assuming conservatively that the trucks have a 100% empty return rate, this results in a total increase of 5,792 one-way truck movements (loaded and empty). In a year with 250 business days, approximately 23 additional trucks will use area highways each business day. In the event that these trucks travel on weekends or holidays, the net increase would be less than 23 trucks per day.

unfinished materials to United Sugars were used to carry finished goods from the facility, rather than returning empty.

(3) Land use.

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

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

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

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response:

(i) UP has no current plans for the property after completion of the proposed abandonment. The Carver County Office of County Commissioners has been contacted, and on behalf of the Carver County Regional Railroad Authority, the Commissioners filed a Request For Public Use Condition and a Request For Interim Trail Use along with a Statement Of Willingness To Assume Financial Responsibility. The County Commissioners' response is attached as **Attachment No. 3**, and is hereby made a part hereof. UP has received no response from Scott County officials.

(ii) The United States Natural Resources Conservation Service has been contacted and by letter dated May 15, 2007, has stated that the proposed abandonment will not affect any prime farmland. The Natural Resources Conservation Service response is attached as **Attachment No. 4**, and is hereby made a part hereof

(iii) Not Applicable.

(iv) If the land is acquired by a public entity for recreational or other public purposes, the United States of America may be willing to convey the reversionary interests. The Carver County Regional Railroad Authority has expressed interest in the property for potential trail use and other public transportation uses

(4) Energy.

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

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

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

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

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

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

Response:

(i) The commodities handled on the Line are sugar and lumber, therefore there are no effects on the transportation of energy resources.

(ii) There are no recyclable commodities moved over the Line.

(iii) There may be a limited decrease in overall energy efficiency, due to the need for shippers to move their goods at least part of the distance to Chaska via truck

(iv)(A) Less than 1,000 railcars will be diverted from rail to motor carriage during the Forecast Year.

(iv)(B) The proposed action will cause the diversion of approximately 764 railcars from rail to motor carriage during the Forecast Year. Because all traffic using

the Line traverses the entire line, this will result in a diversion from rail to motor carriage of more than 50 cars per mile. UP estimates the resulting net change in energy consumption as follows:

- For purposes of this calculation, UP assumes that each shipment diverted from rail to motor carriage will travel 5.6 miles via motor carriage, the distance of the Line proposed for abandonment. The distance could be less if United Sugars were to transload its inbound shipments from rail at a location along either UP's Mankato Subdivision at Merriam, MN (approximately two highway miles south of Chaska) or along the Twin Cities & Western Railroad (approximately three highway miles north of Chaska).
- Traffic diverted to motor carriage will travel in highway trailers. UP estimates that the movement of each highway trailer via motor carriage will require the same amount of energy as the movement of a single railcar.
- United Sugars attempts to load highway trailers with 25 tons of materials. As a result, the 72,405 tons that United Sugars shipped by rail during the Base Year will require 2,896 highway trailers (or 5,792 one-way trips via motor carriage). This estimate conservatively assumes that each highway trailer will have a 100 percent empty return rate—i.e., the trailers used to replace railcar shipments will deliver inbound materials to United Sugars only, and then depart empty from United Sugars' facility. If United Sugars uses some of

these highway trailers to haul outbound product from its plant, which already travels via motor carriage, then the net increase in motor carriage use may be substantially less.

- Assuming that the proposed abandonment results in a net increase of 2,896 highway trailers used to transport United Sugars traffic, each of which will carry 25 tons of lading, the total amount of energy required to move these trailers the 5.6-mile length of the Line will be approximately 3.8 times the amount of energy required to move them by rail. This will result in a net energy consumption increase equal to approximately 2.8 times the amount of energy used during the Base Year to move United Sugars traffic via rail over the Line proposed for abandonment.²

(5) Air (i).

(i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply

² This 2.8-times net increase reflects the elimination of energy use for rail transport over the Line proposed for abandonment.

Response:

(i)(A) Not applicable.

(i)(B) Not applicable

(i)(C) Assuming that the proposed abandonment will result in a net increase of 5,792 one-way truck movements, this will neither result in a 10% increase nor a 50 vehicle-per-day increase in traffic on any road segment See UP's response to 49 C.F.R § 1105.7(e)(2), above.

(5) Air (ii).

(ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U S C 10505), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response:

(i)(A) Not applicable.

(i)(B) Not applicable

(i)(C) See UP's response to 49 C.F.R. § 1105.7(e)(5)(i)(c), above

(5) Air (iii).

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent

available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response:

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

(6) Noise.

If any of the thresholds identified in item (5)(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 or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed

Response: Not applicable.

(7) Safety.

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

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds, safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved

Response:

(i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way

(8) Biological resources.

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

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

Response:

(i) The U. S. Fish and Wildlife Service has been contacted and determined that no threatened or endangered species or their designated critical habitats exist within the site of the proposed abandonment. The Fish and Wildlife Service has determined the proposed abandonment will have beneficial effects on the Refuge and adjacent wildlife habitat and no adverse effects, and furthermore states that the Minnesota Valley National Wildlife Refuge strongly supports the abandonment. The Fish & Wildlife Service's response is attached as **Attachment No. 5**, and is hereby made a part hereof.

(ii) The National Park Service has been contacted and has reviewed the proposed abandonment. The National Park Service Midwest Regional Office had no comments concerning the proposed abandonment. The National Park Service's response is attached as **Attachment No. 6**, and is hereby made a part hereof.

(9) Water.

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

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

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (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.)

Response:

(i) The Minnesota Pollution Control Agency has been contacted. To date UP has received no responses

(ii) The U.S. Army Corps of Engineers has been contacted. To date UP has received no response.

(iii) It is not anticipated there will be any requirements for Section 402 permits.

(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See Attachment No. 1.

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

Response: The right-of-way generally consists of a strip of land 100 feet wide through mostly level terrain. The southerly portion is adjacent to fields and the Minnesota River and the northerly portion passes through the City of Chaska, which is at the southwesterly edge of the suburban Minneapolis area.

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

Response: The Minnesota Historical Society has been provided with photographs of each of the structures on the property that are 50 years old or older. A copy of the letter to the State Historical Society and photographs are attached as **Attachment No. 7**, and are hereby made a part hereof. The response of the State Historic Preservation Office is attached as **Attachment No. 8**, and is hereby made a part hereof.

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

Response: See Attachment No. 1 and Attachment No. 7.

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

Response: See the preceding pages for a brief history and description of carrier operations

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

Response: Not applicable

(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):

Response: The Minnesota Historical Society—State Historic Preservation Office ("SHPO") has submitted comments related to the proposed abandonment. A copy of these comments is attached as **Attachment No. 8**. Other than the structures noted by the SHPO, UP knows of no historic sites, structures, or archeological resources on the Line or in the project area and believes there is nothing in the scope of the project that merits historical comment. UP further believes that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction and maintenance of the Line. UP will work with the SHPO and the STB to evaluate the significance of the structures identified by the SHPO.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

Response: UP does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 30th day of October, 2007.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Gabriel S. Meyer
Assistant General Attorney
1400 Douglas Street, Mail Stop 1580
Omaha, Nebraska 68179
(402) 544-1658
(402) 501-0129 FAX

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 255) for the Chaska Industrial Lead in Carver and Scott Counties Minnesota, and an associated transmittal letter (**Attachment No. 9**), was served by first class mail on the 30th day of October, 2007 on the following

State Clearinghouse (or alternate):

Minnesota Planning
658 Cedar Street, Room 300
St Paul, MN 55155

State Environmental Protection Agency:

Minnesota Pollution Control Agency
520 Lafayette Road
St Paul, MN 55155-4194

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

Not Applicable

Head of each County:

Carver County Supervisors
600 East 4th Street
County Courthouse
Chaska, MN 55318-2102

Scott County Supervisors
200 Fourth Avenue West
County Government Center
Shakopee, MN 55379-1220

**Environmental Protection Agency
(Regional Office):**

U S Environmental Protection Agency
Region 5
77 West Jackson Blvd
Chicago, IL 60604

U.S. Fish and Wildlife:

U S Fish & Wildlife Service, Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling, MN 55111

U.S. Army Corps of Engineers:

U S. Army Corps of Engineers
St Paul District
190 Fifth Street East
St Paul, MN 55101-1638

National Park Service:

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
375 Jackson Street, Suite 600
St Paul, MN 55101-1854

National Geodetic Survey:

National Geodetic Survey
Edward J McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Minnesota Historical Society
345 Kellogg Blvd West
St Paul, MN 55102-1906

Other:

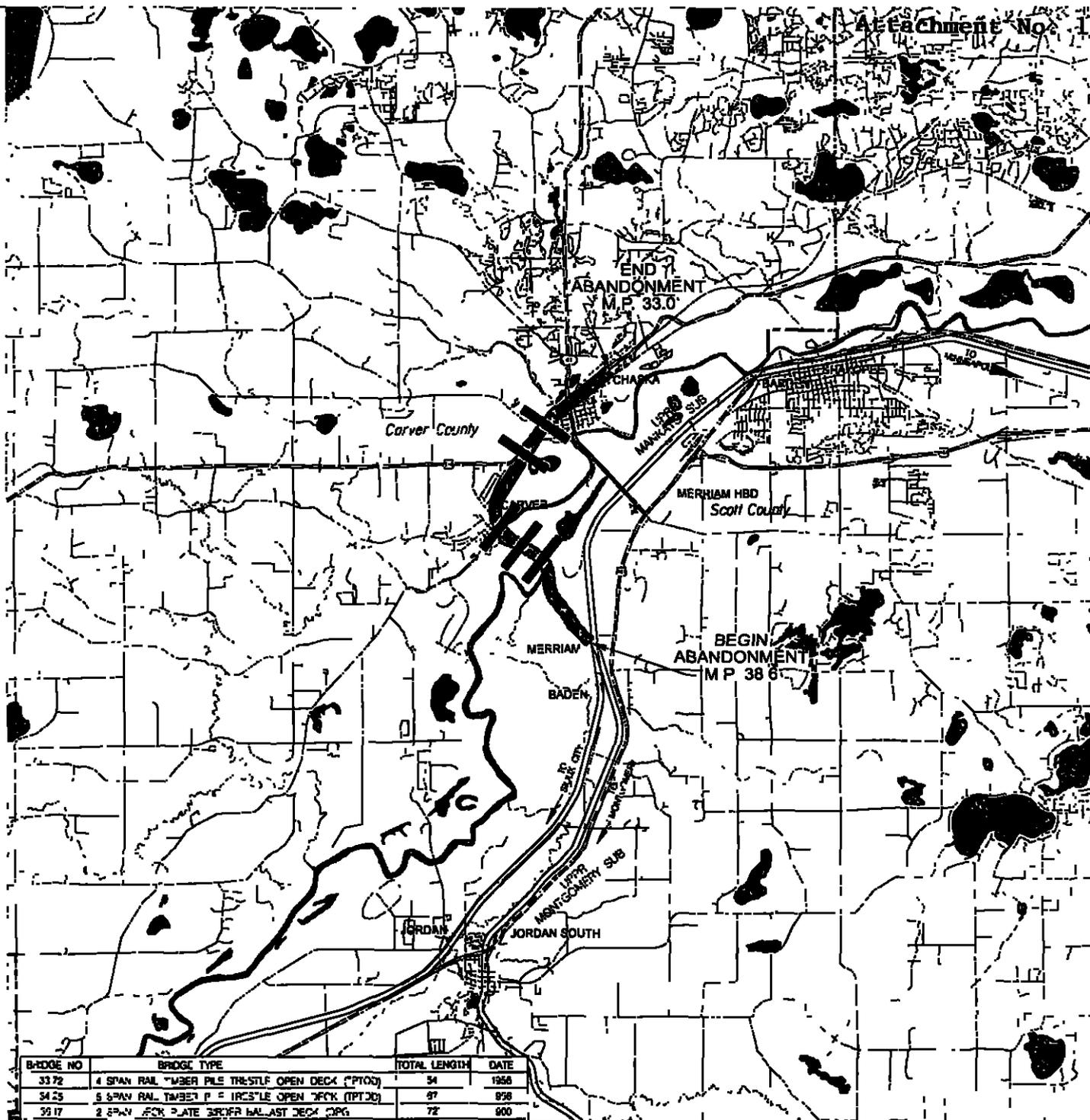
Lee Glass
Transportation Manager
United Sugars Corporation
524 Center Avenue
Moorhead, MN 56560

John Heiland
Manager
Chaska Building Center
P. O Box 89
Chaska, MN 55318

Dated this 30th day of October, 2007



Gabriel S. Meyer



BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
3372	4 SPAN RAIL TIMBER PILE TRUSS OPEN DECK (TPOD)	54	1958
5425	5 SPAN RAIL TIMBER PILE TRUSS OPEN DECK (TPOD)	87	1958
3517	2 SPAN DECK PLATE BRIDGE BALAST DECK BRG.	72	1900
	4 SPAN DECK PLATE BRIDGE BALAST DECK BRG.	87	1900
	1 SPAN BEAM	32	1900
	28 SPAN RAIL TIMBER PILE TRUSS OPEN DECK (TPOD)	371	1900
3677	38 SPAN RAIL TIMBER PILE TRUSS OPEN DECK (TPOD)	529	1954
3714	10 SPAN RAIL TIMBER PILE TRUSS OPEN DECK (TPOD)	136	1947

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- RAILROADS (abandoned)
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

CHASKA INDUSTRIAL LEAD

MP 33.0 TO MP 38.6
 TOTAL OF 5.60 MILES
 3.25 MILES IN CARVER COUNTY
 2.37 MILES IN SCOTT COUNTY

**UNION PACIFIC RAILROAD CO.
 CHASKA INDUSTRIAL LEAD
 MINNESOTA**

INCLUDING 50+ YEAR OLD STRUCTURES





Law Department

(402) 501-0127 (FAX)

May 11, 2007

State Clearinghouse (or alternate):

Minnesota Planning
658 Cedar Street, Room 300
St Paul, MN 55155

State Environmental Protection Agency:

Minnesota Pollution Control Agency
520 Lafayette Road
St Paul, MN 55155-4194

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

Not Applicable

Head of each County:

Carver County Supervisors
600 East 4th Street
County Courthouse
Chaska, MN 55318-2102

Scott County Supervisors
200 Fourth Avenue West
County Government Center
Shakopee, MN 55379-1220

**Environmental Protection Agency
(Regional Office):**

U S Environmental Protection Agency
Region 5
77 West Jackson Blvd
Chicago, IL 60604

U.S. Fish and Wildlife:

U S Fish & Wildlife Service, Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling, MN 55111

U.S. Army Corps of Engineers:

U S Army Corps of Engineers
St Paul District
190 Fifth Street East
St Paul, MN 55101-1638

National Park Service:

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
375 Jackson Street, Suite 600
St Paul, MN 55101-1854

National Geodetic Survey:

National Geodetic Survey
Edward J McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Minnesota Historical Society
345 Kellogg Blvd West
St Paul, MN 55102-1906

Re Proposed Abandonment of the Chaska Industrial Lead from Milepost 38.6 near Merriam to Milepost 33.0 near Chaska, a distance of 5.60 miles in Carver and Scott Counties, Minnesota; STB Docket No AB-33 (Sub-No 255)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Chaska Industrial Lead from Milepost 38.6 near Merriam to Milepost 33.0 near Chaska, a distance of 5.60 miles in Carver and Scott Counties, Minnesota. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F.R. Part 1105.7, this is to again request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed) State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

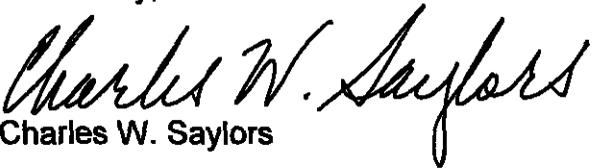
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

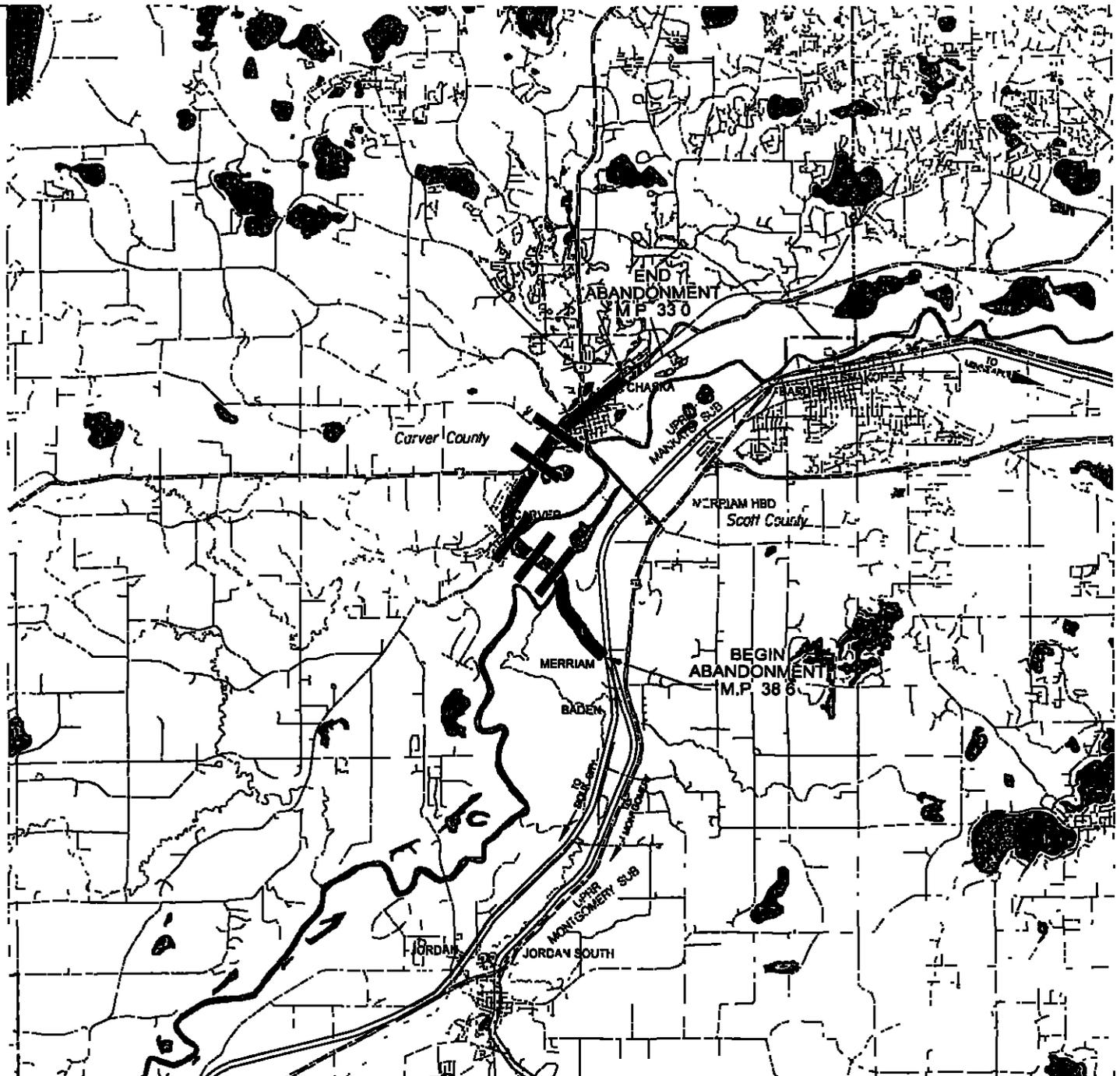
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY) (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance Please send your reply to Union Pacific Railroad, Mr Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179 If you need further information, please contact me at (402) 544-4861.

Yours truly,


Charles W. Saylor

Attachment



BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
3272	4 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPTOD)	54	1956
3425	5 SPAN RAIL TIMBER PILE TRESTLE C-CLY DECK (TPTOD)	177	1956
3617	2 SPAN DECK PLATE GIRDER-BALLAST DECK (DNG)	72	1900
	4 SPAN DECK PLATE GIRDER-BALLAST DECK (DNG)	87	1900
	1 SPAN BEAM	32	1900
	28 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPTOD)	371	1900
3877	38 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPTOD)	527	1954
3714	10 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPTOD)	36	1947

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- RAILROADS (abandoned)
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

CHASKA INDUSTRIAL LEAD

MP 33.0 TO MP 38.6
 TOTAL OF 5.60 MILES
 3.23 MILES IN CARVER COUNTY
 2.37 MILES IN SCOTT COUNTY

UNION PACIFIC RAILROAD CO
CHASKA INDUSTRIAL LEAD
MINNESOTA

INCLUDING 50+ YEAR OLD STRUCTURES





Office of County Commissioners
Carver County Government Center
Human Services Building
602 East Fourth Street
Chaska, MN 55318-1202
Phone: 952 361-1510
Fax: 952 361-1581

Gayle O Degler
County Commissioner
District #1

June 12, 2007

Charles W Saylor
Union Pacific Railroad
1400 Douglas Street
STOP 1580
Omaha, NE 68179-1580

Tom Workman
County Commissioner
District #2

Re: Union Pacific Railroad Abandonment of the Union Pacific Rail Line in Carver and Scott Counties, STB Docket No. AB 33(Sub No. 255)

Dear Secretary:

Randy Maluchnik
County Commissioner
District #3

This request is filed on behalf of Carver County Regional Railroad Authority, which is a county government agency interested in transportation and recreation hereinafter referred to as "proponent."
Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization of the Chaska Industrial Lead from Mile post 38.6 near Merriam to Milepost 33.0 near Chaska, a distance of 5.6 miles in Carver and Scott Counties, Minnesota.

Tim Lynch
County Commissioner
District #4

A. Request For Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, future rail use and other public transportation uses, and to place the following conditions on the abandonment:

James M. Ische
County Commissioner
District #5

- 1 An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is: the rail corridor in question is planned for future transportation and recreation purposes and will connect to the metropolitan area regional trail system. The corridor will make an excellent interim trail and is a part of the Carver County Comprehensive Plan. In addition, the corridor provides important wildlife habitat and open space and its preservation as an interim recreational trail is consistent with those purposes. In addition, the Carver County Regional Railroad Authority has not had time to review title information or commence negotiations with Union Pacific Railroad. The time period sought is 180 days from the effective date of the abandonment authorization.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period sought is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request.

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, Carver County Regional Railroad Authority is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Union Pacific Railroad Company.

The property, known as the Chaska Industrial Lead from Milepost 38.6 near Merriam to Milepost 33 near Chaska, a distance of 5.6 miles in Carver and Scott Counties, Minnesota. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-33 (Sub-No. 255).

A map depicting the right-of-way is attached.

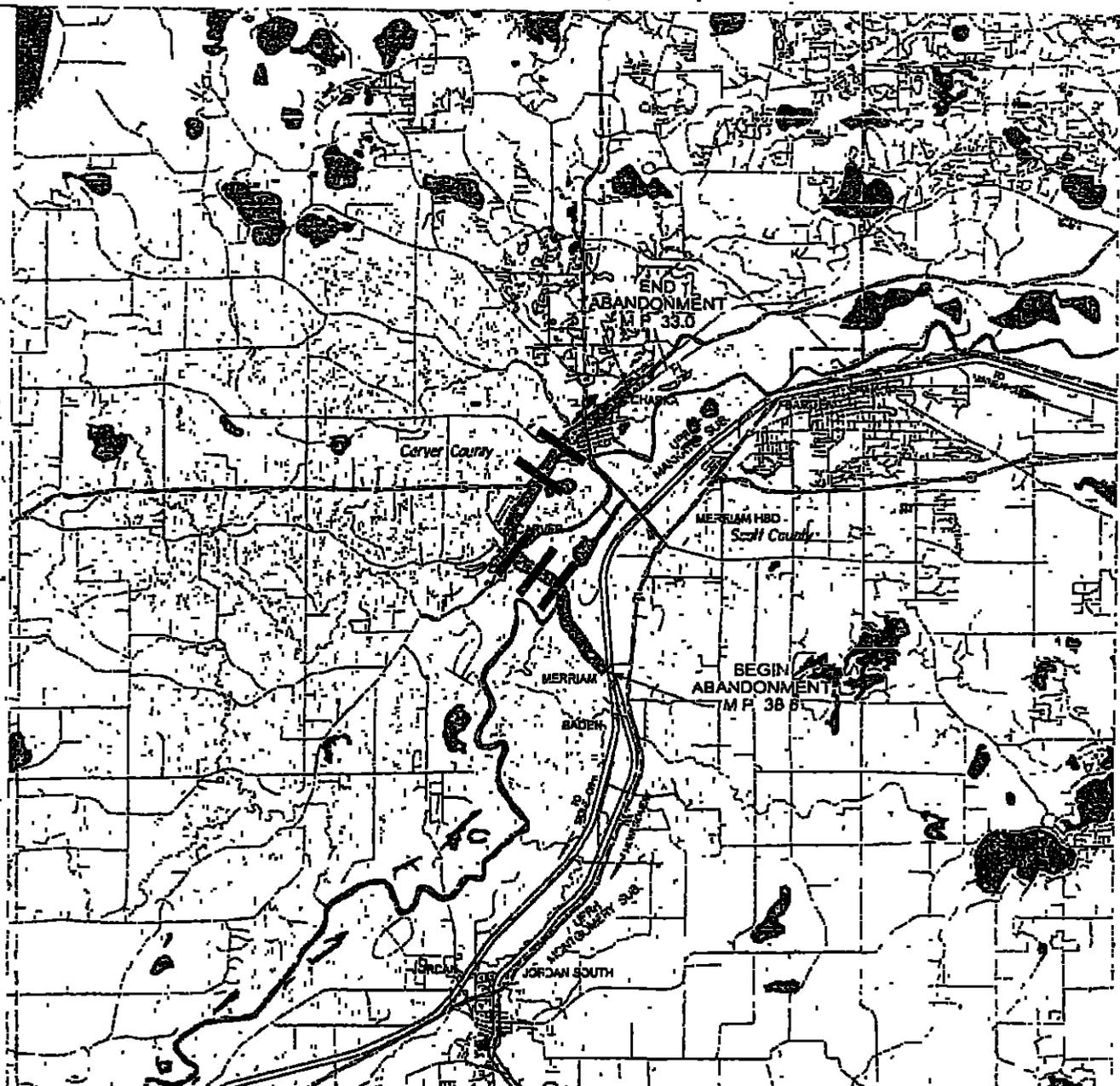
Carver County Regional Railroad Authority acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signatures below, I certify service upon Union Pacific Railroad Company, 1400 Douglas Street, STOP 1580, Omaha, NE 68179-1580 by U.S. Mail, postage pre-paid, first class, this 12th day of June, 2007.

Respectfully submitted,



Gayle Degler, Chair
Carver County Regional Rail Authority



STRUCTURE NO.	STRUCTURE TYPE	TOTAL LENGTH	DATE
21	1 SPAN RAIL TIMBER PILE TRUSSLE OPEN DECK (TPOD)	14'	1958
3-25	2 SPAN RAIL TIMBER PILE TRUSSLE OPEN DECK (TPOD)	27'	1959
261	2 SPAN DECK PLATE GARDEN-BALLAST DECK (DPO)	72'	1920
7	1 SPAN DECK PLATE GARDEN-BALLAST DECK (DPO)	17'	1920
1	1 SPAN SCAM	32'	1920
18	2 SPAN RAIL TIMBER PILE TRUSSLE OPEN DECK (TPOD)	37'	1920
267	20 SPAN RAIL TIMBER PILE TRUSSLE OPEN DECK (TPOD)	528'	1964
371	10 SPAN RAIL TIMBER PILE TRUSSLE OPEN DECK (TPOD)	1712'	1947

L E G E N D

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- RAILROADS (abandoned)
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

CHASKA INDUSTRIAL LEAD

MP 33.0 TO MP 38.6
 TOTAL OF 5.60 MILES
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UNION PACIFIC RAILROAD CO
CHASKA INDUSTRIAL LEAD
MINNESOTA

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE: MILES

United States Department of Agriculture



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

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

May 15, 2007

IN REPLY

REFER TO Proposed Abandonment of the Chaska Industrial Lead from Milepost 38.6 near Merriam to Milepost 33.0 near Chaska, a distance of 5.60 miles in Carver and Scott Counties, Minnesota; STB Docket No AB-33 (Sub-No 255)

Union Pacific Railroad
Mr Chuck Saylor
1400 Douglas Street
Mail Stop 1580
Omaha, NE 68179

Dear Mr. Saylor:

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 Stevens County Farm Service Agency (FSA) Office to consider an application for a third party exemption.

Finally, because of the location and type of activity proposed, this project will not impact agricultural lands, and a Federal Farmland Policy Protection Act (FPPA) site assessment/land evaluation will not be required.

Sincerely

A handwritten signature in black ink, appearing to read "William E. Lorenzen", written in a cursive style.

WILLIAM E. LORENZEN
Environmental Review/Justice Coordinator



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Minnesota Valley National Wildlife Refuge
3815 American Boulevard East
Bloomington, Minnesota 55425-1600

Twin Cities ES Field Office
4101 American Boulevard East
Bloomington, Minnesota 55425-1665

FWS/MNV

June 7, 2007

Mr. Chuck Saylor,
1400 Douglas Street
Mail Stop 1580
Omaha, Nebraska 68179

Thank you for the opportunity to comment on the proposed abandonment of the Chaska Industrial Lead from milepost 38.6 near Merriam to milepost 33 0 near Chaska, Minnesota. We offer the following comments concerning the potential environmental impacts the proposed action may have on threatened or endangered species and the effects on the Minnesota Valley National Wildlife Refuge (Refuge)

Threatened or Endangered Species

No threatened or endangered species and their designated critical habitats have been documented to occur within the project site.

Affects on Minnesota Valley National Wildlife Refuge

The proposed action will have beneficial effects on the Refuge and adjacent wildlife habitat and no adverse effects. In recent years, we have been working with the Environmental Services Division of the Twin Cities Metropolitan Council concerning a proposed sanitary sewer interceptor line from Carver to Chaska. The Union Pacific Railroad requires a setback from their property line which would require the interceptor be placed on lands which support wildlife and their associated habitats. Abandonment would, potentially, allow the interceptor line to be installed under the existing railroad minimizing disturbance of existing wildlife habitat on private and Refuge lands.

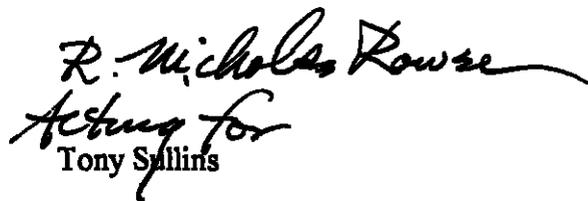
In addition, the removal of the line would allow for the construction of a recreational trail which could be connected with an existing trail that connects the Cities of Carver and Chaska through the Chaska Unit of the Refuge. The result would be a full loop trail system that could serve a wide variety of recreational activities.

We appreciate the opportunity to comment and look forward to working with you in the future. If you have questions regarding our comments, please call Terry Schreiner of the Refuge at (952) 858-0705 or Nick Rowse of the Twin Cities Field Office at (612) 725-3548, extension 210.

Sincerely,


Patricia L. Martinkovic

Refuge Manager
Minnesota Valley National Wildlife Refuge


Acting for
Tony Sullins

Field Supervisor
Twin Cities Ecological Services Field Office

The Minnesota Valley National Wildlife Refuge
STRONGLY SUPPORTS the proposal to abandon
the Chaska Industrial Lead from Milepost 38.6
to Milepost 33.0 by the Union Pacific Railroad

Environmental Coordinator
National Park Service
Midwest Regional Office
601 Riverfront Drive
Omaha, NE 68102



NEOPCS

049J82036859

\$00.26⁰

05/16/2007

Mailed From 68102

US POSTAGE

Union Pacific Railroad
1400 Douglas Street, Stop 1580
Omaha, Nebraska 68179-1580

REC'D UPRR

MAY 17 2007

LAW DEPT



**Re: Proposed Abandonment, Chaska Industrial Lead, Carver and Scott Counties,
Minnesota**

We have received your letter of May 11, 2007 concerning the above referenced project.

We have no comment on your proposed actions.

Due to limited staff and the number of requests we receive for early coordination, we ask that companies/agencies assume we will have no comments on projects if they have not heard from us within 30 days of our receipt of the request.

Thank you,

Regional Environmental Coordinator



Law Department

May 11, 2007

Minnesota Historical Society
345 Kellogg Blvd. West
St Paul, MN 55102-1906

Re Proposed Abandonment of the Chaska Industrial Lead from Milepost 38.6 near Mernam to Milepost 33.0 near Chaska, a distance of 5.60 miles in Carver and Scott Counties, Minnesota, STB Docket No. AB-33 (Sub-No 255)

Dear Sir:

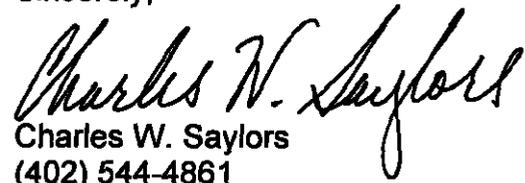
Enclosed for your review are fifteen photographs of the bridges located on the Homedale Industrial Lead which are over 50 years old, along with a map of the proposed abandonment. The bridges are described as follows:

<u>Milepost</u>	<u>Description</u>	<u>Length</u>	<u>Year Constructed</u>
33.72	4 Span Rail Timber Pile Trestle Open Deck (TPTOD)	54'	1956
34.25	5 Span Rail Timber Pile Trestle Open Deck (TPTOD)	67'	1956
36.17	6 Span Deck Plate Girder Ballast Deck (DPG)	139'	1900
	1 Span Beam	32'	1900
	28 Span Rail Timber Pile Trestle Open Deck (TPTOD)	371'	1900
36.77	39 Span Rail Timber Pile Trestle Open Deck (TPTOD)	529'	1954
37.14*	10 Span Rail Timber Pile Trestle Open Deck (TPTOD)	136'	1947

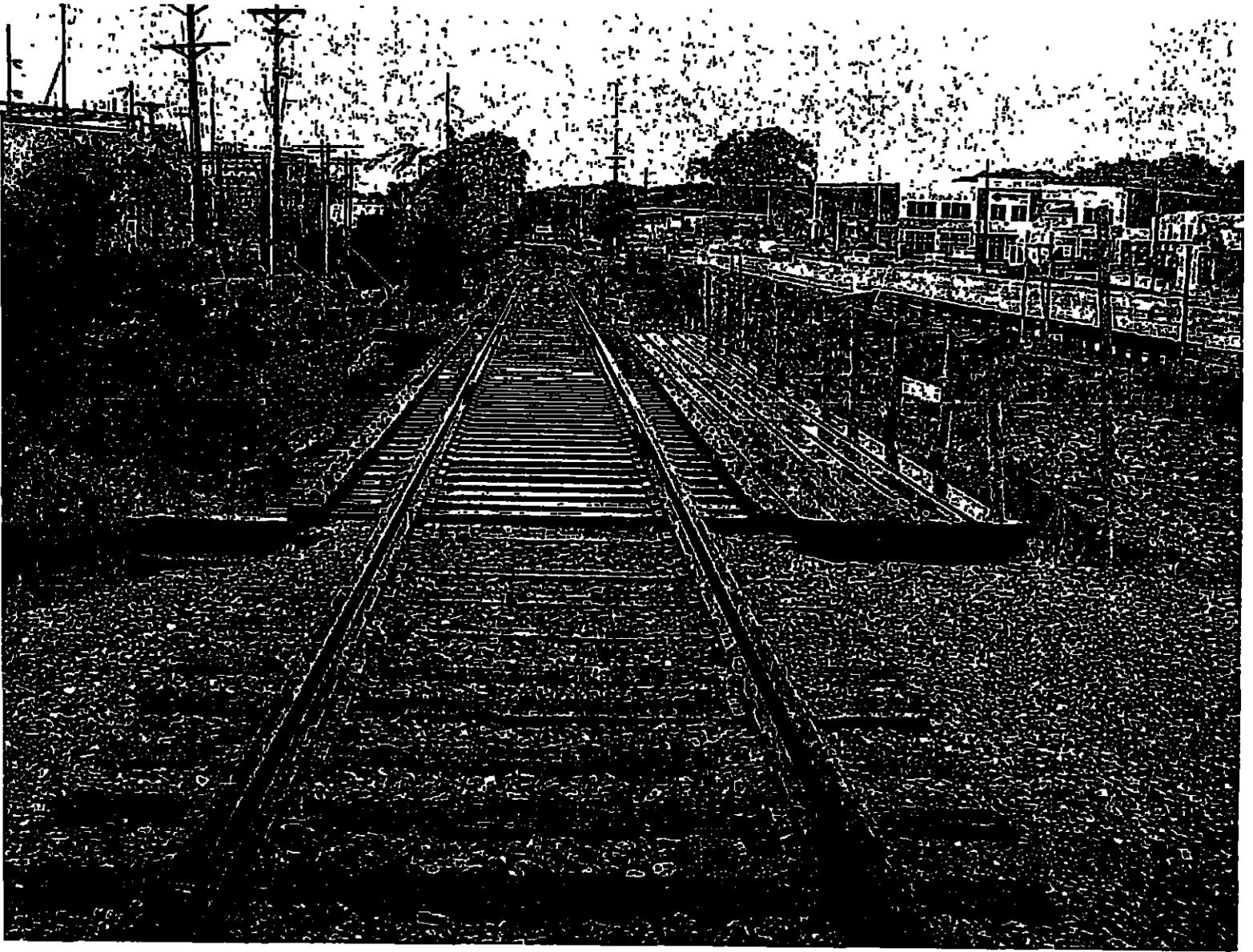
*On March 23, 2007 a train derailment destroyed the bridge at Milepost 37.14. Also attached is a photograph of the bridge after the derailment.

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

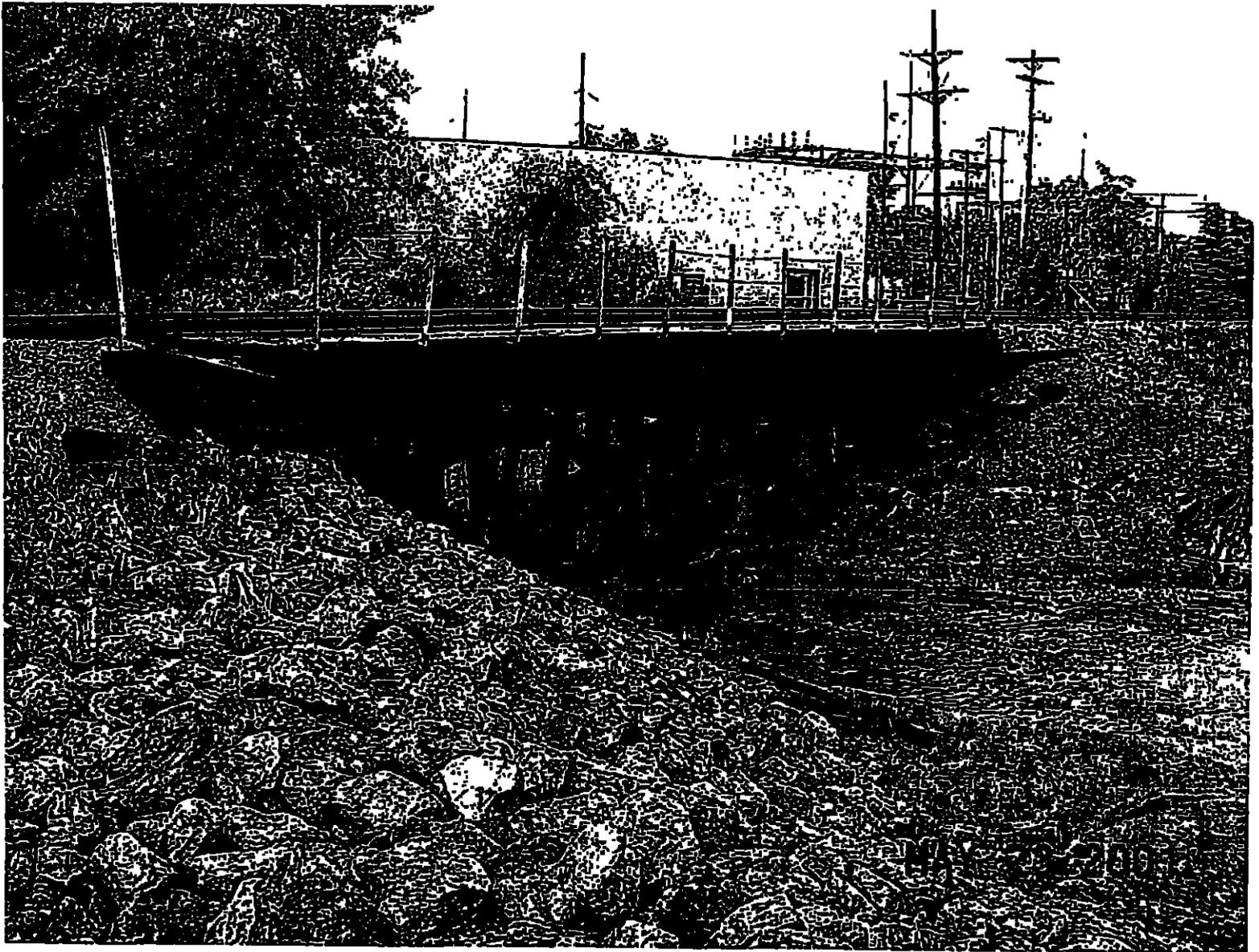
Sincerely,


Charles W. Saylor
(402) 544-4861

Attachments



MP 33.72



MP 33.72



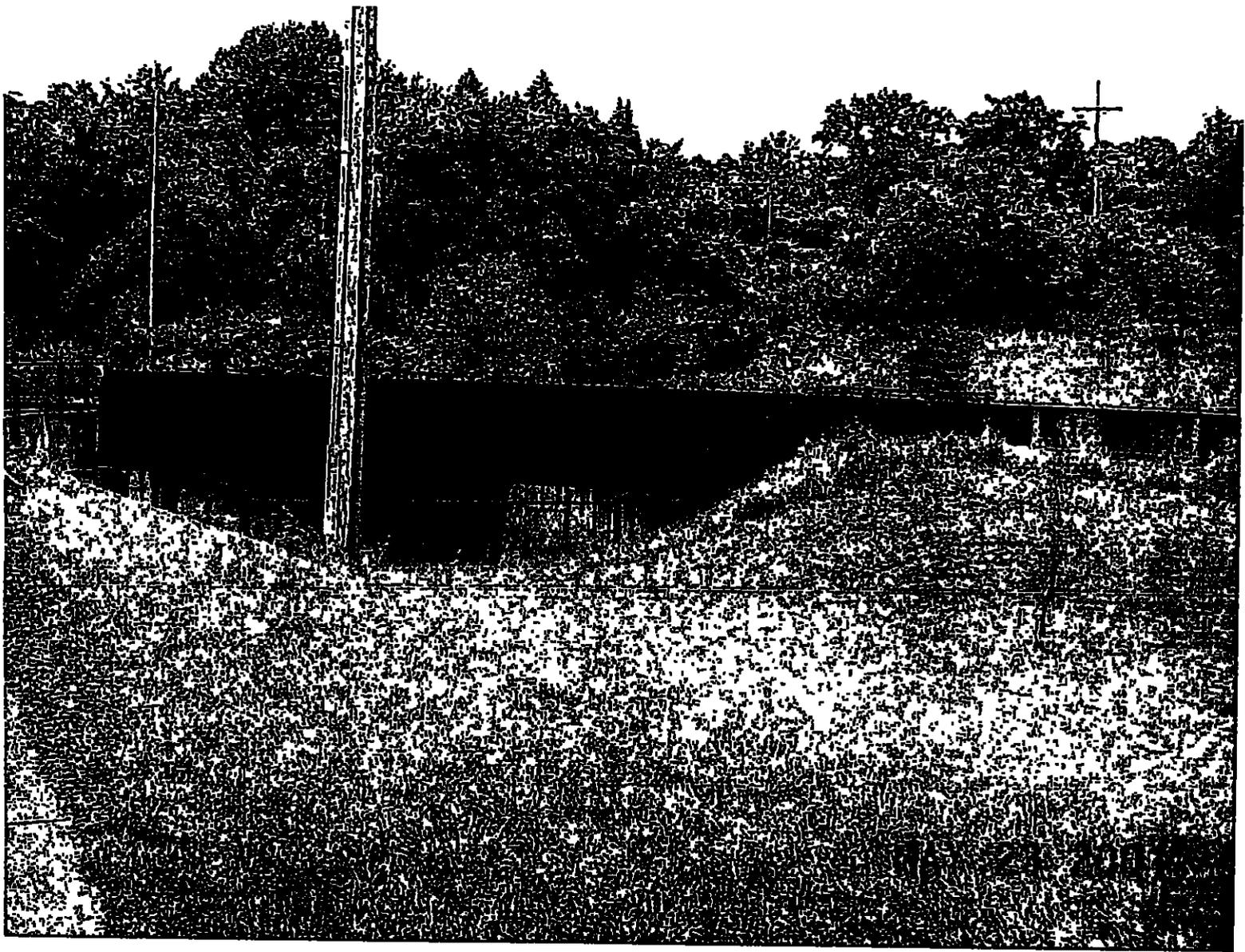
MP 34.25



MP 34.25



MP 34.75



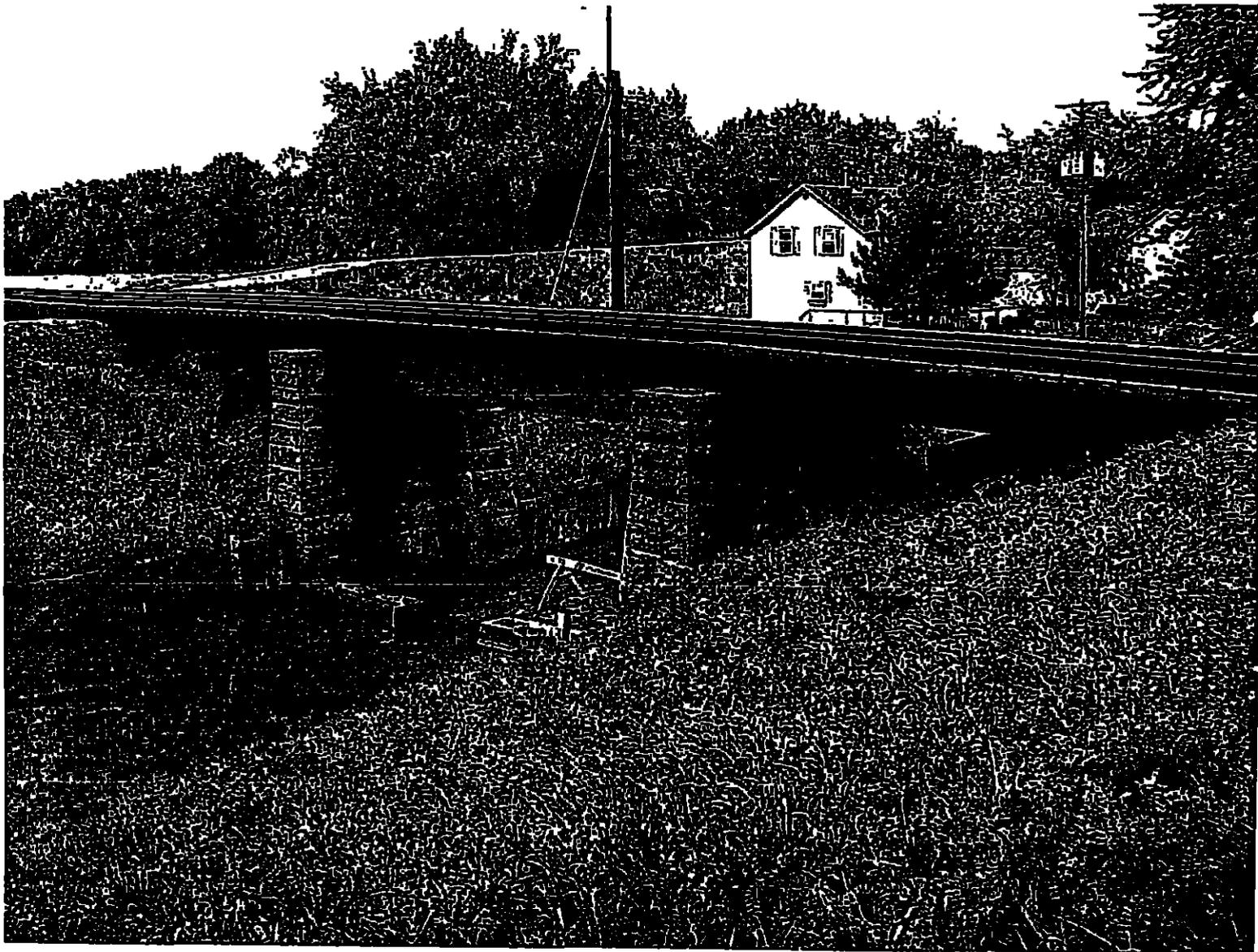
MP 34.75



MP 36.17



MP 36.17



UP 36.17



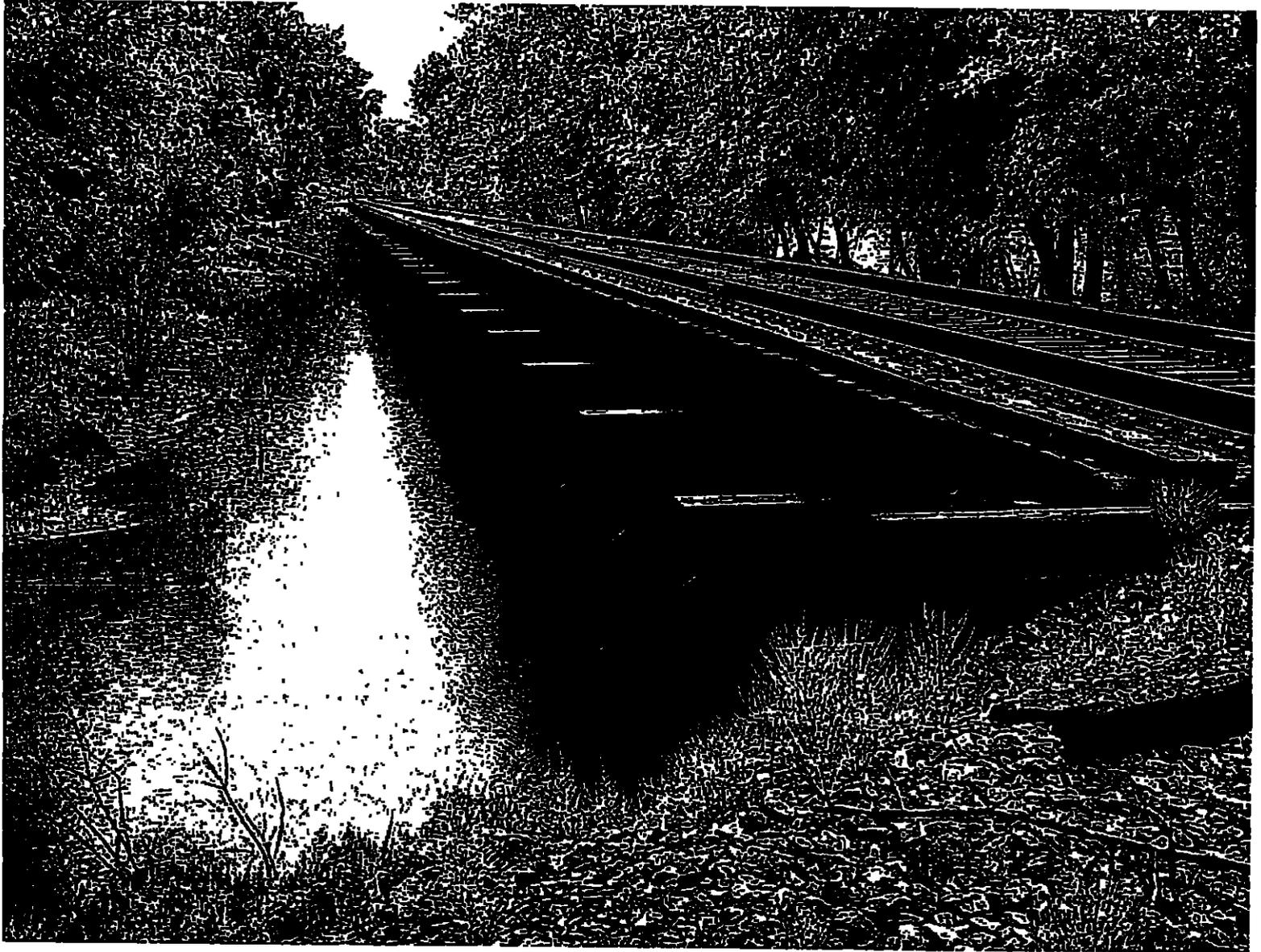
MP 36.17



MP 36.17



MP 36.77



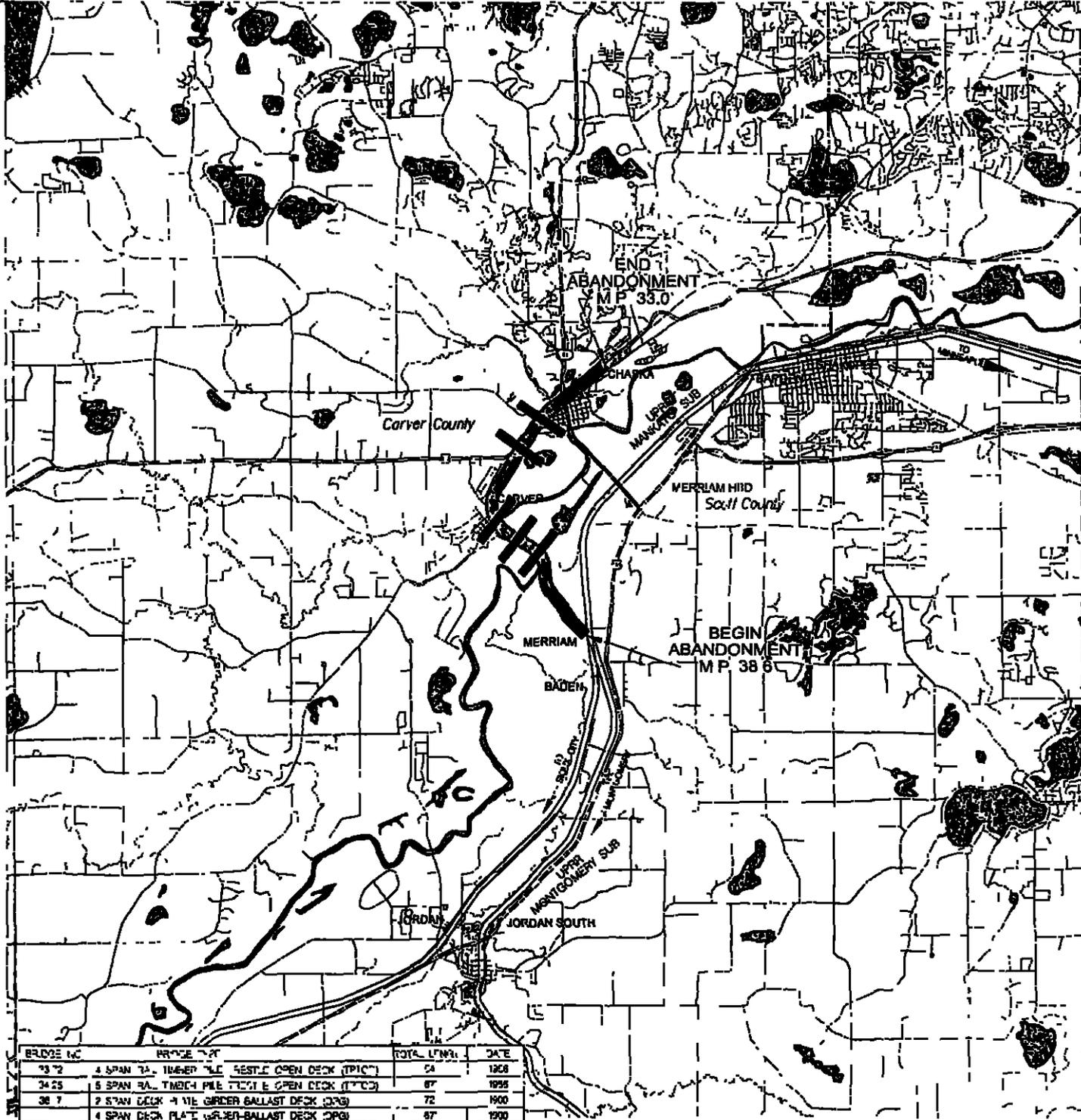
MP 36.77



MP 37.14



MP 37.14



BRIDGE NO	PROJ. DET.	TOTAL L'NS.	DATE
1372	4 SPAN 74' TIMBER PILE TRESTLE OPEN DECK (TPTOD)	54	1928
3425	5 SPAN 94' TIMBER PILE TRESTLE OPEN DECK (TPTOD)	87	1935
367	2 SPAN DECK 4 1/2" GIRDER BALLAST DECK (DDB)	72	1900
	4 SPAN DECK PLATE GIRDER-BALLAST DECK (DDB)	87	1900
	1 SPAN BEAM	37	1900
	28 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPTOD)	371	1200
3677	30 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPTOD)	529	1254
3714	10 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPTOD)	135	1947

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- RAILROADS (abandoned)
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

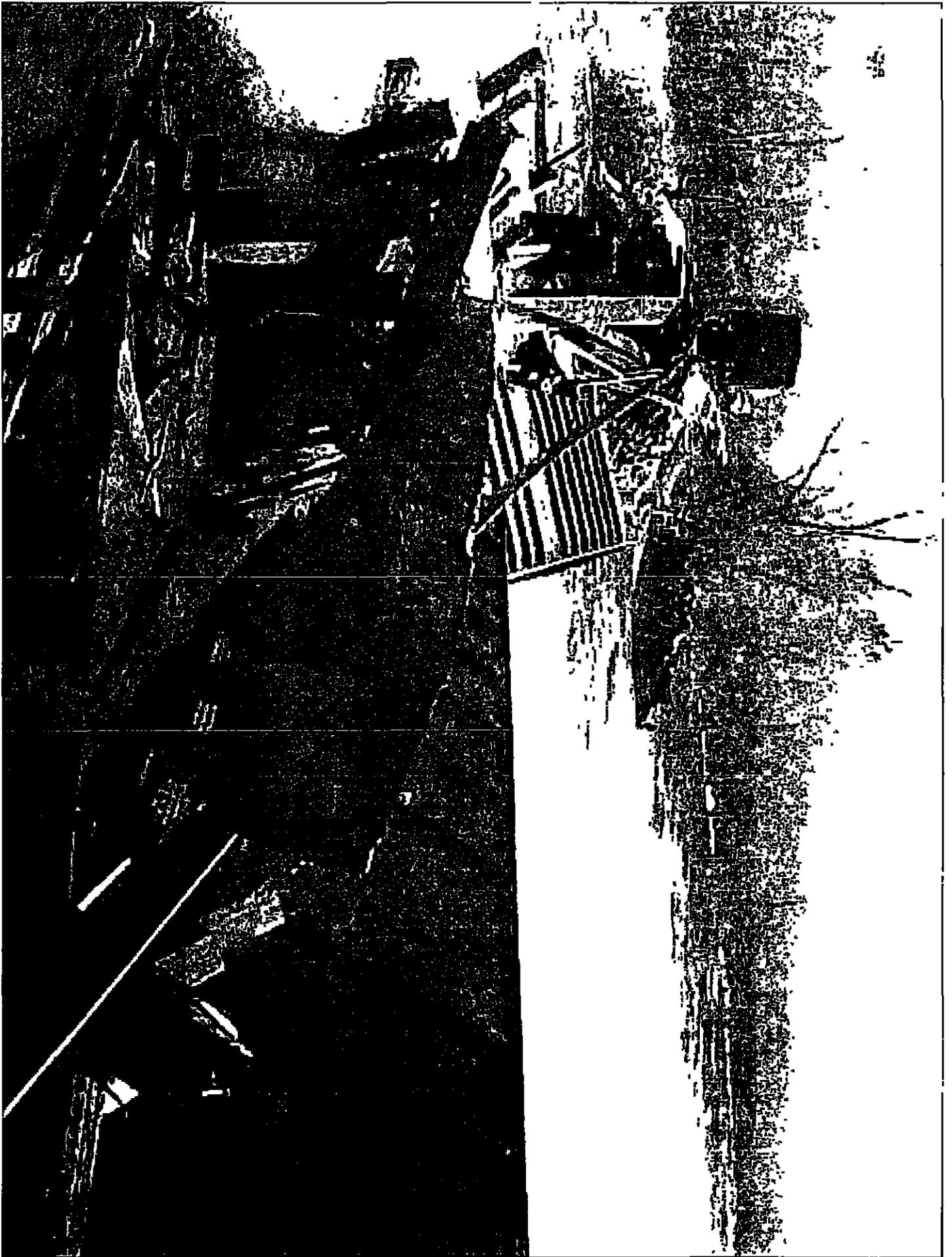
CHASKA INDUSTRIAL LEAD

MP 33.0 TO MP 38.6
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**UNION PACIFIC RAILROAD CO
 CHASKA INDUSTRIAL LEAD
 MINNESOTA**

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES





MINNESOTA HISTORICAL SOCIETY

State Historic Preservation Office

June 18, 2007

Mr. Charles Saylor
Union Pacific Railroad
1400 Douglas Street, STOP 1580
Omaha, NE 68179-1580

Re Union Pacific Railroad - proposed abandonment from milepost 38.6 near Merriam to milepost 33.0 near Chaska, Carver & Scott Counties
SHPO Number 2007-1869

Dear Mr. Saylor,

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).

Your review submittal includes information on fifteen bridges, and requests our opinion about the historical significance of these bridges. However, the identification process for the Section 106 review needs to address more than these bridges. The significance of the rail line itself, as well as any associated structures and buildings, also need to be addressed.

We recommend that you work with the Surface Transportation Board to evaluate the significance of the rail line, including the bridges. We look forward to reviewing the results of that evaluation.

We note that our inventory includes a building known as the Merriam Junction Depot, located near the southern end of the section proposed for abandonment. This building was inventoried about 1980. Its current status is not known. This building also needs to be included in the evaluation. A portion of the abandonment also passes through and/or adjacent to the Carver Historic District, which is listed on the National Register of Historic Places. Effects on elements of this district, including a restored railroad water tower, need to be considered. There are also several inventoried and/or listed historic properties within the city of Chaska. Some of these properties may require further evaluation if they lie within the area of potential effect.

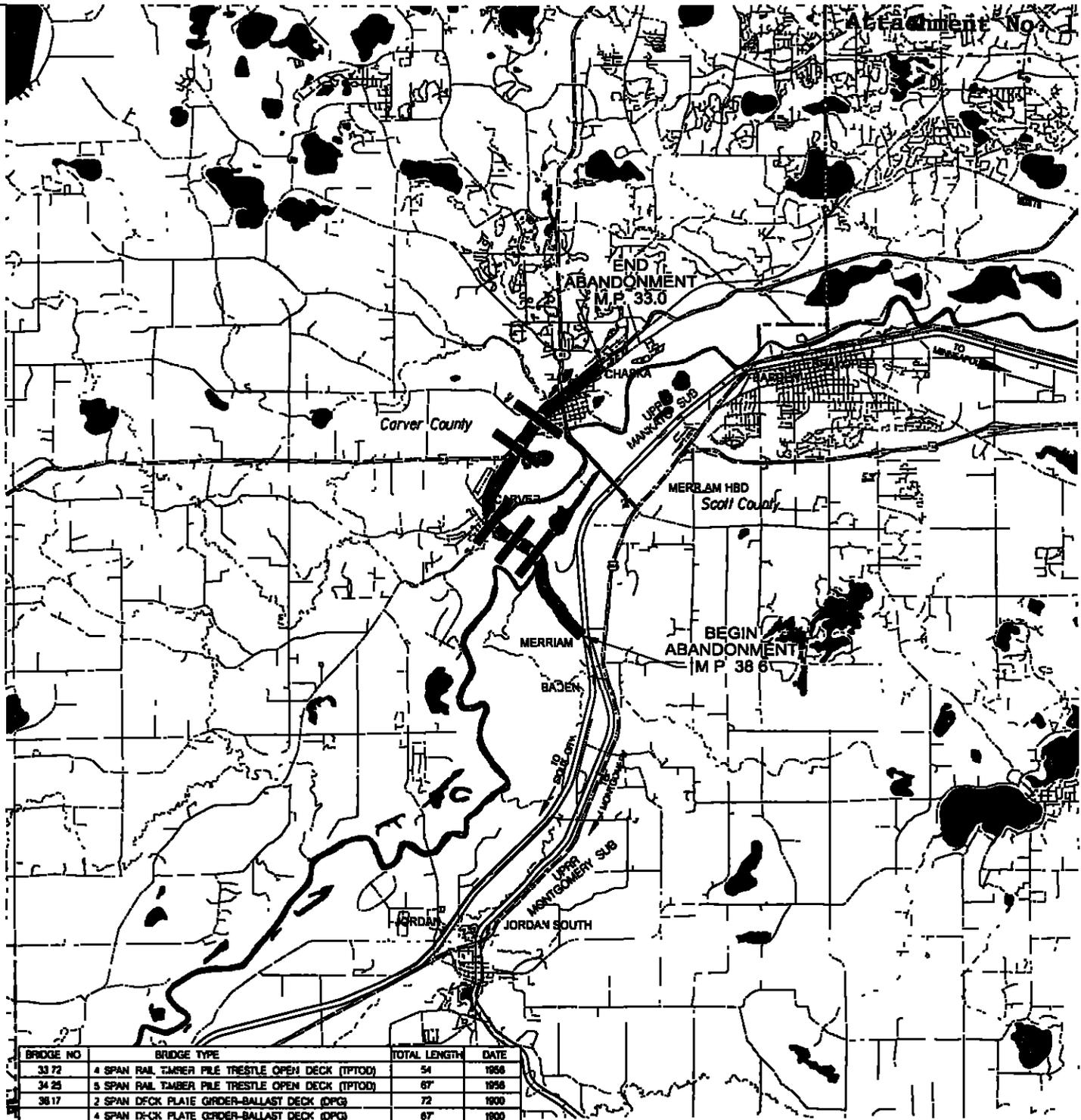
We look forward to working with you and the Surface Transportation Board to complete this review. Contact us at 651-259-3455 with questions or concerns.

Sincerely,

Dennis A. Gimmestad
Government Programs & Compliance Officer

cc Chaska Heritage Preservation Commission
Carver Heritage Preservation Commission

1



BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
33 72	4 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TFTOD)	54	1956
34 25	5 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TFTOD)	67	1956
36 17	2 SPAN DECK PLATE GIRDER-BALLAST DECK (DPCG)	72	1900
	4 SPAN DECK PLATE GIRDER-BALLAST DECK (DPCG)	67	1900
	1 SPAN BEAM	32	1900
	28 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TFTOD)	37	1900
36 77	36 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TFTOD)	529	1954
37 4	10 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TFTOD)	136	1947

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- RAILROADS (abandoned)
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 2.37 MILES IN SCOTT COUNTY

UNION PACIFIC RAILROAD CO
CHASKA INDUSTRIAL LEAD
MINNESOTA

INCLUDING 50+ YEAR OLD STRUCTURES



2



Law Department

(402) 501-0127 (FAX)

May 11, 2007

State Clearinghouse (or alternate):

Minnesota Planning
658 Cedar Street, Room 300
St Paul, MN 55155

State Environmental Protection Agency:

Minnesota Pollution Control Agency
520 Lafayette Road
St Paul, MN 55155-4194

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

Not Applicable

Head of each County:

Carver County Supervisors
600 East 4th Street
County Courthouse
Chaska, MN 55318-2102

Scott County Supervisors
200 Fourth Avenue West
County Government Center
Shakopee, MN 55379-1220

**Environmental Protection Agency
(Regional Office):**

U S Environmental Protection Agency
Region 5
77 West Jackson Blvd
Chicago, IL 60604

U.S. Fish and Wildlife:

U S Fish & Wildlife Service, Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling MN 55111

U.S. Army Corps of Engineers:

U S. Army Corps of Engineers
St Paul District
190 Fifth Street East
St Paul, MN 55101-1638

National Park Service:

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
375 Jackson Street, Suite 600
St Paul, MN 55101-1854

National Geodetic Survey:

National Geodetic Survey
Edward J McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Minnesota Historical Society
345 Kellogg Blvd West
St Paul, MN 55102-1906

Re. Proposed Abandonment of the Chaska Industrial Lead from Milepost 38.6 near Merriam to Milepost 33.0 near Chaska, a distance of 5.60 miles in Carver and Scott Counties, Minnesota; STB Docket No AB-33 (Sub-No. 255)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Chaska Industrial Lead from Milepost 38.6 near Merriam to Milepost 33.0 near Chaska, a distance of 5.6 miles in Carver and Scott Counties, Minnesota. A map of the proposed track abandonment shown in black is attached

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F.R. Part 1105.7, this is to again request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects

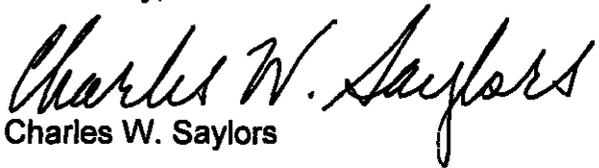
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

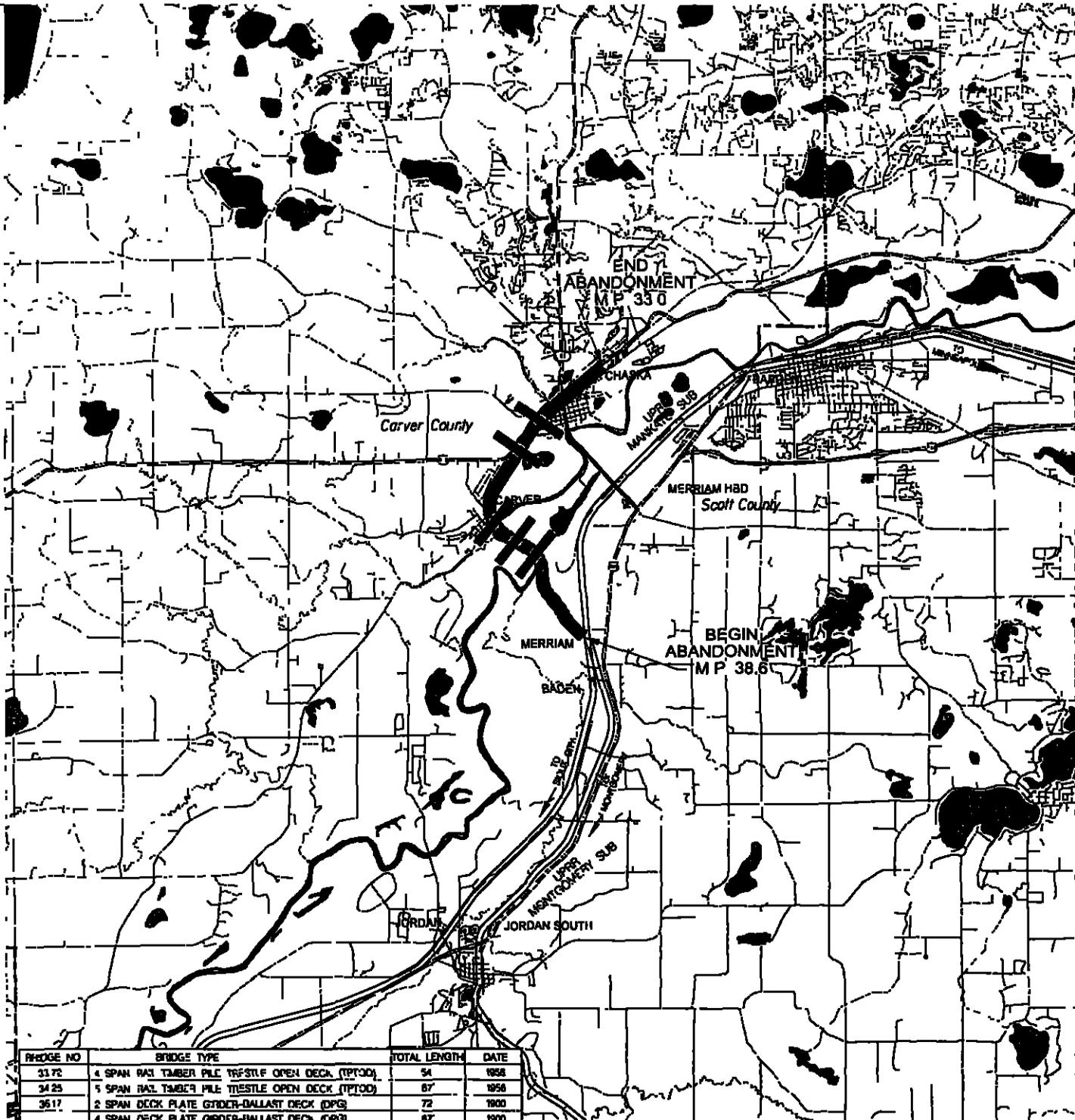
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,

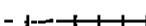

Charles W. Saylor

Attachment



BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
3372	4 SPAN RAIL TIMBER PILE TRRESTLE OPEN DECK (TPTOD)	54	1958
3425	5 SPAN RAIL TIMBER PILE TRRESTLE OPEN DECK (TPTOD)	87	1958
3617	2 SPAN DECK PLATE GIRDER-BALLAST DECK (DPG)	72	1900
	4 SPAN DECK PLATE GIRDER-BALLAST DECK (DPG)	87	1900
	1 SPAN BEAM	32	1900
	23 SPAN RAIL TIMBER PILE TRRESTLE OPEN DECK (TPTOD)	371	1900
3677	39 SPAN RAIL TIMBER PILE TRRESTLE OPEN DECK (TPTOD)	529	1954
3714	00 SPAN RAIL TIMBER PILE TRRESTLE OPEN DECK (TPTOD)	136	1947

LEGEND

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UNION PACIFIC RAILROAD CO.
CHASKA INDUSTRIAL LEAD
MINNESOTA

INCLUDING 50+ YEAR OLD STRUCTURES



3



Office of County Commissioners
Carver County Government Center
Human Services Building
602 East Fourth Street
Chaska, MN 55318-1202
Phone. 952 361-1510
Fax 952 361-1581

Gayle O Degler
County Commissioner
District #1

June 12, 2007

Tom Workman
County Commissioner
District #2

Charles W Saylor
Union Pacific Railroad
1400 Douglas Street
STOP 1580
Omaha, NE 68179-1580

**Re: Union Pacific Railroad Abandonment of the Union Pacific Rail Line in
Carver and Scott Counties, STB Docket No. AB 33(Sub No. 255)**

Dear Secretary:

Randy Maluchnik
County Commissioner
District #3

This request is filed on behalf of Carver County Regional Railroad Authority, which is a county government agency interested in transportation and recreation hereinafter referred to as "proponent."
Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization of the Chaska Industrial Lead from Mile post 38.6 near Merriam to Milepost 33.0 near Chaska, a distance of 5.6 miles in Carver and Scott Counties, Minnesota.

Tim Lynch
County Commissioner
District #4

A. Request For Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, future rail use and other public transportation uses, and to place the following conditions on the abandonment:

James M Ische
County Commissioner
District #5

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is: the rail corridor in question is planned for future transportation and recreation purposes and will connect to the metropolitan area regional trail system. The corridor will make an excellent interim trail and is a part of the Carver County Comprehensive Plan. In addition, the corridor provides important wildlife habitat and open space and its preservation as an interim recreational trail is consistent with those purposes. In addition, the Carver County Regional Railroad Authority has not had time to review title information or commence negotiations with Union Pacific Railroad. The time period sought is 180 days from the effective date of the abandonment authorization.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period sought is 180 days from the effective date of the abandonment authorization for the same reason as indicated above

B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, Carver County Regional Railroad Authority is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Union Pacific Railroad Company

The property, known as the Chaska Industrial Lead from Milepost 38.6 near Merriam to Milepost 33 near Chaska, a distance of 5.6 miles in Carver and Scott Counties, Minnesota. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-33 (Sub-No. 255).

A map depicting the right-of-way is attached.

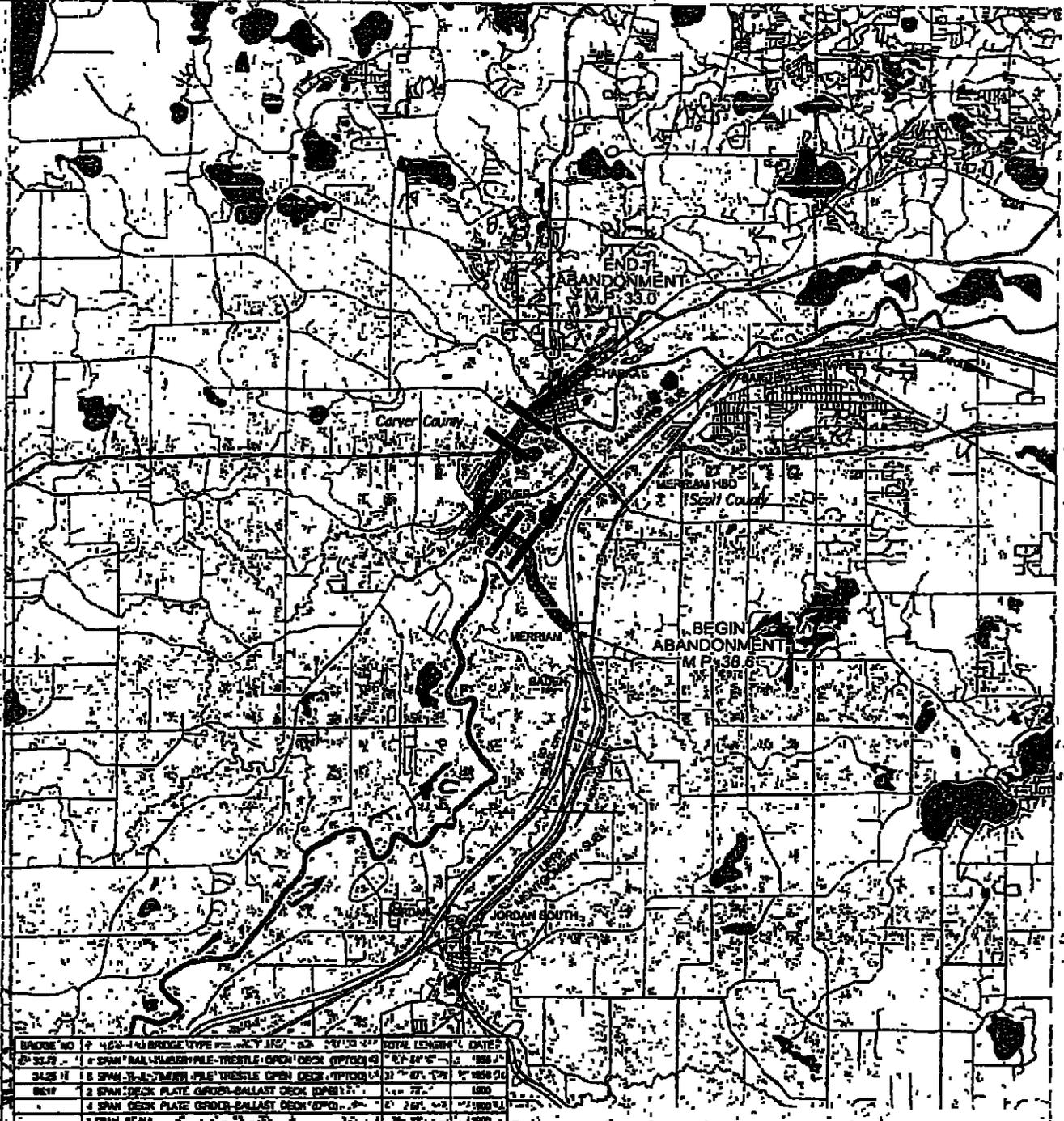
Carver County Regional Railroad Authority acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signatures below, I certify service upon Union Pacific Railroad Company, 1400 Douglas Street, STOP 1580, Omaha, NE 68179-1580 by U.S. Mail, postage pre-paid, first class, this 12th day of June, 2007.

Respectfully submitted,



Gayle Degler, Chair
Carver County Regional Rail Authority



BRIDGE NO.	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)	TOTAL LENGTH	DATE
3425	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3426	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3427	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3428	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3429	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3430	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3431	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3432	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3433	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3434	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3435	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3436	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3437	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3438	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3439	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3440	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3441	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3442	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3443	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3444	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3445	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3446	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3447	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3448	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3449	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)
3450	1	8	SPAN	RAIL	TIMBER	PILE	TRESTLE	OPEN DECK	(FT/IN)

- ENGINE NOTES**
- UPRR LINES TO BE ABANDONED
 - OTHER UPRR LINES
 - OTHER RAILROADS
 - RAILROADS (abandoned)
 - PRINCIPAL HIGHWAYS
 - OTHER ROADS
 - 50+ YEAR OLD STRUCTURES

CHASKA INDUSTRIAL LEAD
 M.P. 33.0 TO M.P. 38.8
 TOTAL OF 5.80 MILES
 3.23 MILES IN CARVER COUNTY
 2.57 MILES IN SCOTT COUNTY

UNION PACIFIC RAILROAD CO.
CHASKA INDUSTRIAL LEAD
 MINNESOTA

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE _____ MILES

4

United States Department of Agriculture



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

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

May 15, 2007

IN REPLY

REFER TO: Proposed Abandonment of the Chaska Industrial Lead from Milepost 38.6 near Merriam to Milepost 33.0 near Chaska, a distance of 5.60 miles in Carver and Scott Counties, Minnesota; STB Docket No. AB-33 (Sub-No. 255)

Union Pacific Railroad
Mr. Chuck Saylor
1400 Douglas Street
Mail Stop 1580
Omaha, NE 68179

Dear Mr. Saylor:

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/operator's USDA eligibility. If such impacts are anticipated, the owner/operator should contact the Stevens County Farm Service Agency (FSA) Office to consider an application for a third party exemption.

Finally, because of the location and type of activity proposed, this project will not impact agricultural lands, and a Federal Farmland Policy Protection Act (FPPA) site assessment/land evaluation will not be required.

Sincerely

A handwritten signature in black ink, appearing to read "William E. Lorenzen", written in a cursive style.

WILLIAM E. LORENZEN
Environmental Review/Justice Coordinator

5



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Minnesota Valley National Wildlife Refuge
3815 American Boulevard East
Bloomington, Minnesota 55425-1600

Twin Cities ES Field Office
4101 American Boulevard East
Bloomington, Minnesota 55425-1665

FWS/MNV

June 7, 2007

Mr Chuck Saylor,
1400 Douglas Street
Mail Stop 1580
Omaha, Nebraska 68179

Thank you for the opportunity to comment on the proposed abandonment of the Chaska Industrial Lead from milepost 38.6 near Merriam to milepost 33.0 near Chaska, Minnesota. We offer the following comments concerning the potential environmental impacts the proposed action may have on threatened or endangered species and the effects on the Minnesota Valley National Wildlife Refuge (Refuge).

Threatened or Endangered Species

No threatened or endangered species and their designated critical habitats have been documented to occur within the project site

Affects on Minnesota Valley National Wildlife Refuge

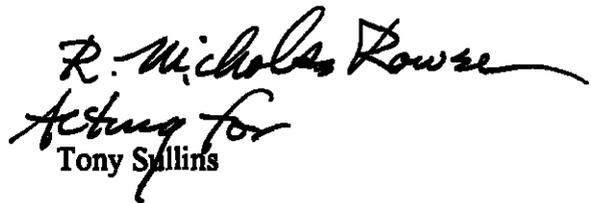
The proposed action will have beneficial effects on the Refuge and adjacent wildlife habitat and no adverse effects. In recent years, we have been working with the Environmental Services Division of the Twin Cities Metropolitan Council concerning a proposed sanitary sewer interceptor line from Carver to Chaska. The Union Pacific Railroad requires a setback from their property line which would require the interceptor be placed on lands which support wildlife and their associated habitats. Abandonment would, potentially, allow the interceptor line to be installed under the existing railroad minimizing disturbance of existing wildlife habitat on private and Refuge lands.

In addition, the removal of the line would allow for the construction of a recreational trail which could be connected with an existing trail that connects the Cities of Carver and Chaska through the Chaska Unit of the Refuge. The result would be a full loop trail system that could serve a wide variety of recreational activities.

We appreciate the opportunity to comment and look forward to working with you in the future. If you have questions regarding our comments, please call Terry Schreiner of the Refuge at (952) 858-0705 or Nick Rowse of the Twin Cities Field Office at (612) 725-3548, extension 210

Sincerely,


Patricia L. Martinkovic


Acting for
Tony Syllins

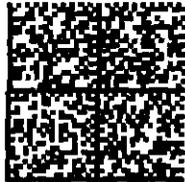
Refuge Manager
Minnesota Valley National Wildlife Refuge

Field Supervisor
Twin Cities Ecological Services Field Office

The Minnesota Valley National Wildlife Refuge
STRONGLY SUPPORTS the proposal to abandon
the Chaska Industrial Lead from Milepost 38.6
to Milepost 33.0 by the Union Pacific Railroad

6

Environmental Coordinator
National Park Service
Midwest Regional Office
601 Riverfront Drive
Omaha, NE 68102



neopost

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05/16/2007
Mailed From 68102
US POSTAGE

Union Pacific Railroad
1400 Douglas Street, Stop 1580
Omaha, Nebraska 68179-1580

REC'D UPRR
MAY 17 2007
LAW DEPT.



Re. Proposed Abandonment, Chaska Industrial Lead, Carver and Scott Counties,
Minnesota

We have received your letter of May 11, 2007 concerning the above referenced project.

We have no comment on your proposed actions.

Due to limited staff and the number of requests we receive for early coordination, we ask that companies/agencies assume we will have no comments on projects if they have not heard from us within 30 days of our receipt of the request.

Thank you,

Regional Environmental Coordinator

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Law Department

May 11, 2007

Minnesota Historical Society
 345 Kellogg Blvd West
 St Paul, MN 55102-1906

Re: Proposed Abandonment of the Chaska Industrial Lead from Milepost 38.6 near Merriam to Milepost 33.0 near Chaska, a distance of 5.60 miles in Carver and Scott Counties, Minnesota, STB Docket No AB-33 (Sub-No 255)

Dear Sir:

Enclosed for your review are fifteen photographs of the bridges located on the Homedale Industrial Lead which are over 50 years old, along with a map of the proposed abandonment. The bridges are described as follows:

<u>Milepost</u>	<u>Description</u>	<u>Length</u>	<u>Year Constructed</u>
33.72	4 Span Rail Timber Pile Trestle Open Deck (TPTOD)	54'	1956
34.25	5 Span Rail Timber Pile Trestle Open Deck (TPTOD)	67'	1956
36.17	6 Span Deck Plate Girder Ballast Deck (DPG)	139'	1900
	1 Span Beam	32'	1900
	28 Span Rail Timber Pile Trestle Open Deck (TPTOD)	371'	1900
36.77	39 Span Rail Timber Pile Trestle Open Deck (TPTOD)	529'	1954
37.14*	10 Span Rail Timber Pile Trestle Open Deck (TPTOD)	136'	1947

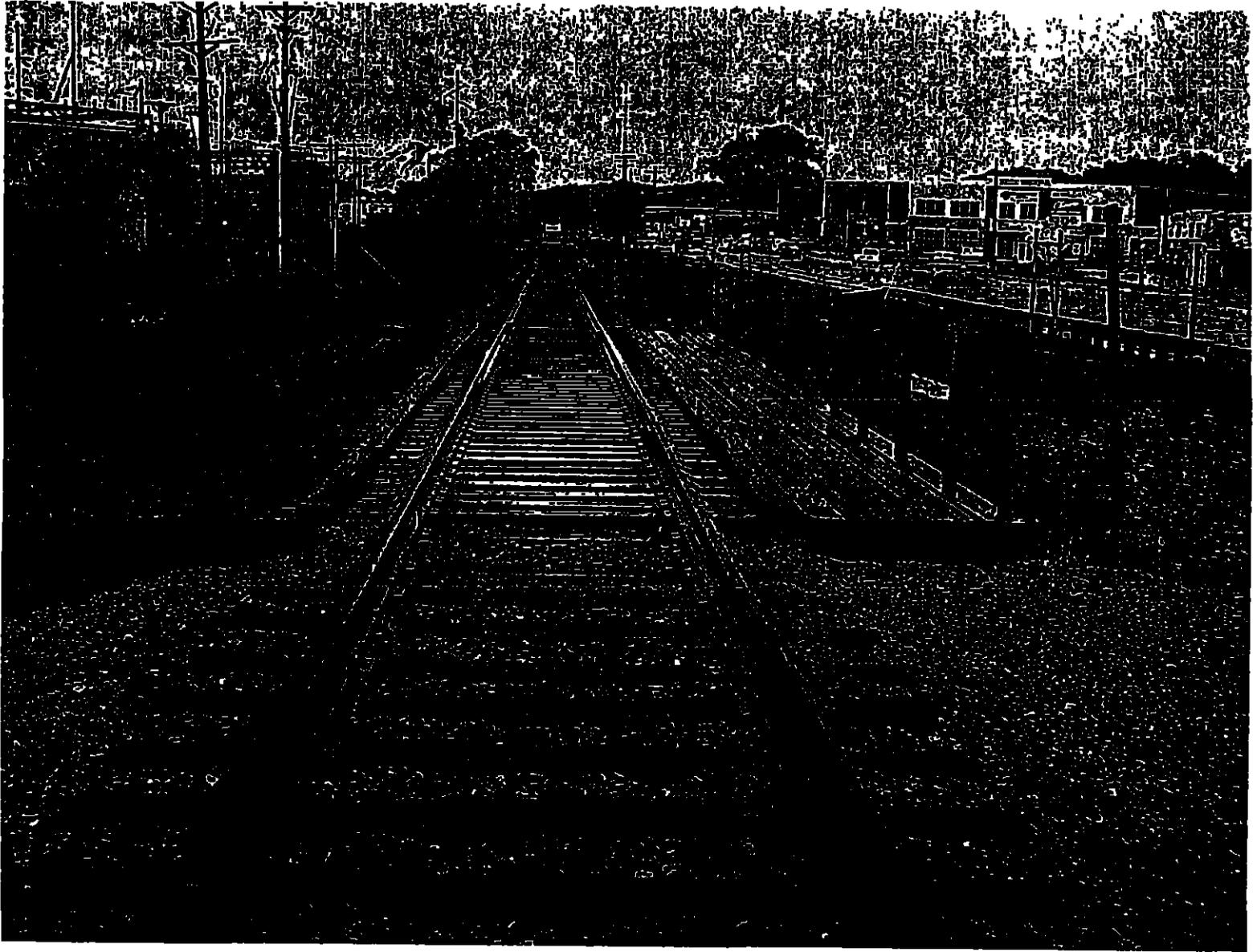
*On March 23, 2007 a train derailment destroyed the bridge at Milepost 37.14. Also attached is a photograph of the bridge after the derailment.

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

Sincerely,


Charles W. Saylor
(402) 544-4861

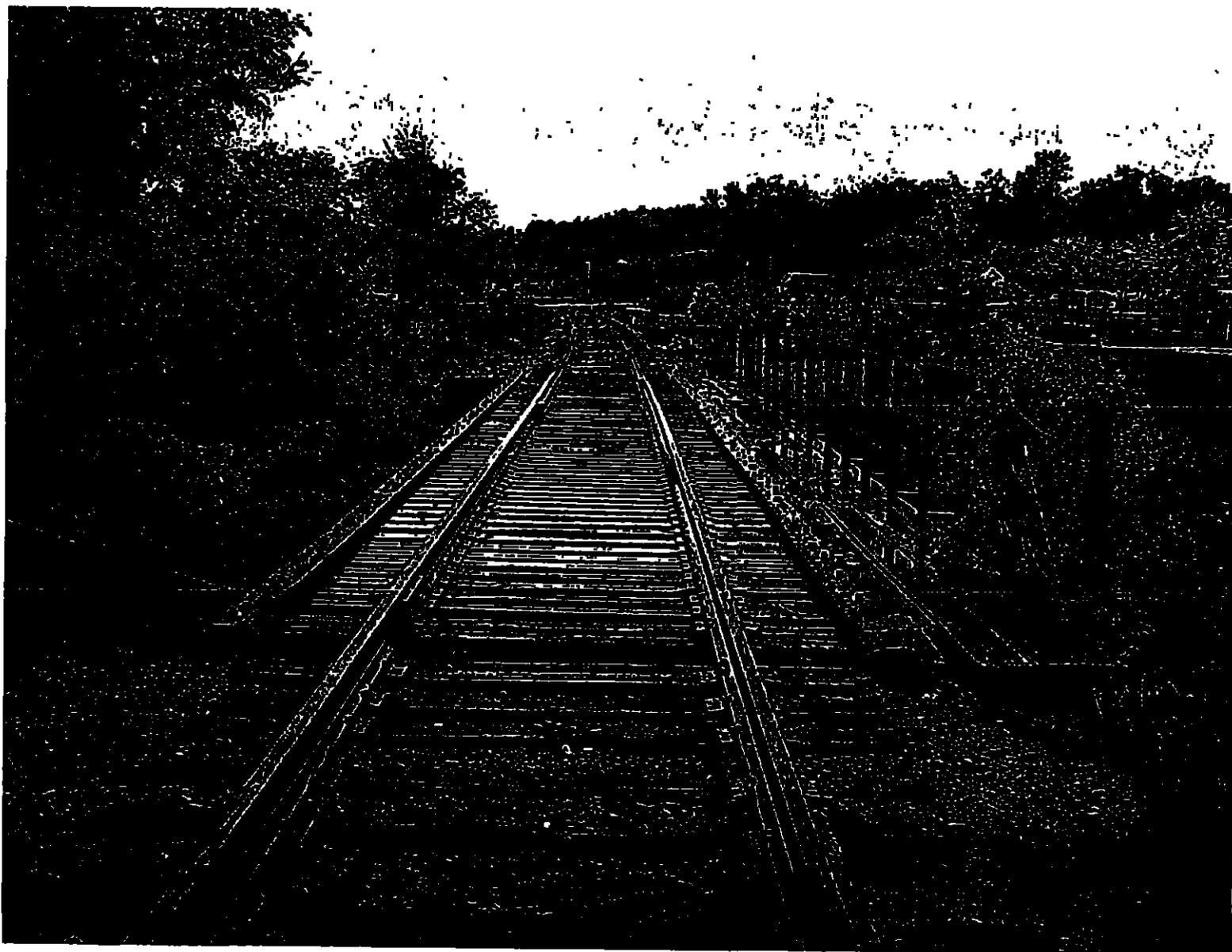
Attachments



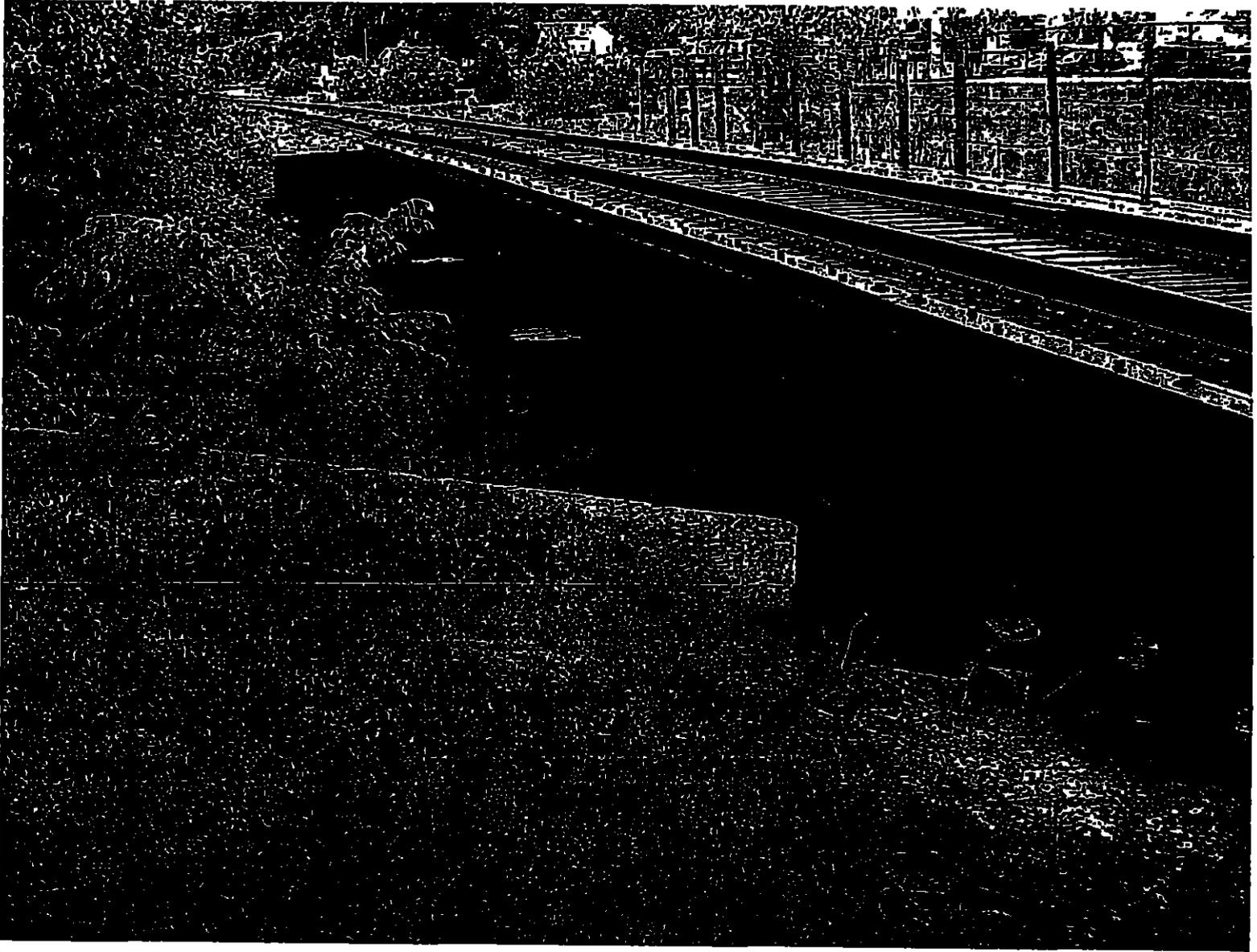
MP 33.72



MP 33.72



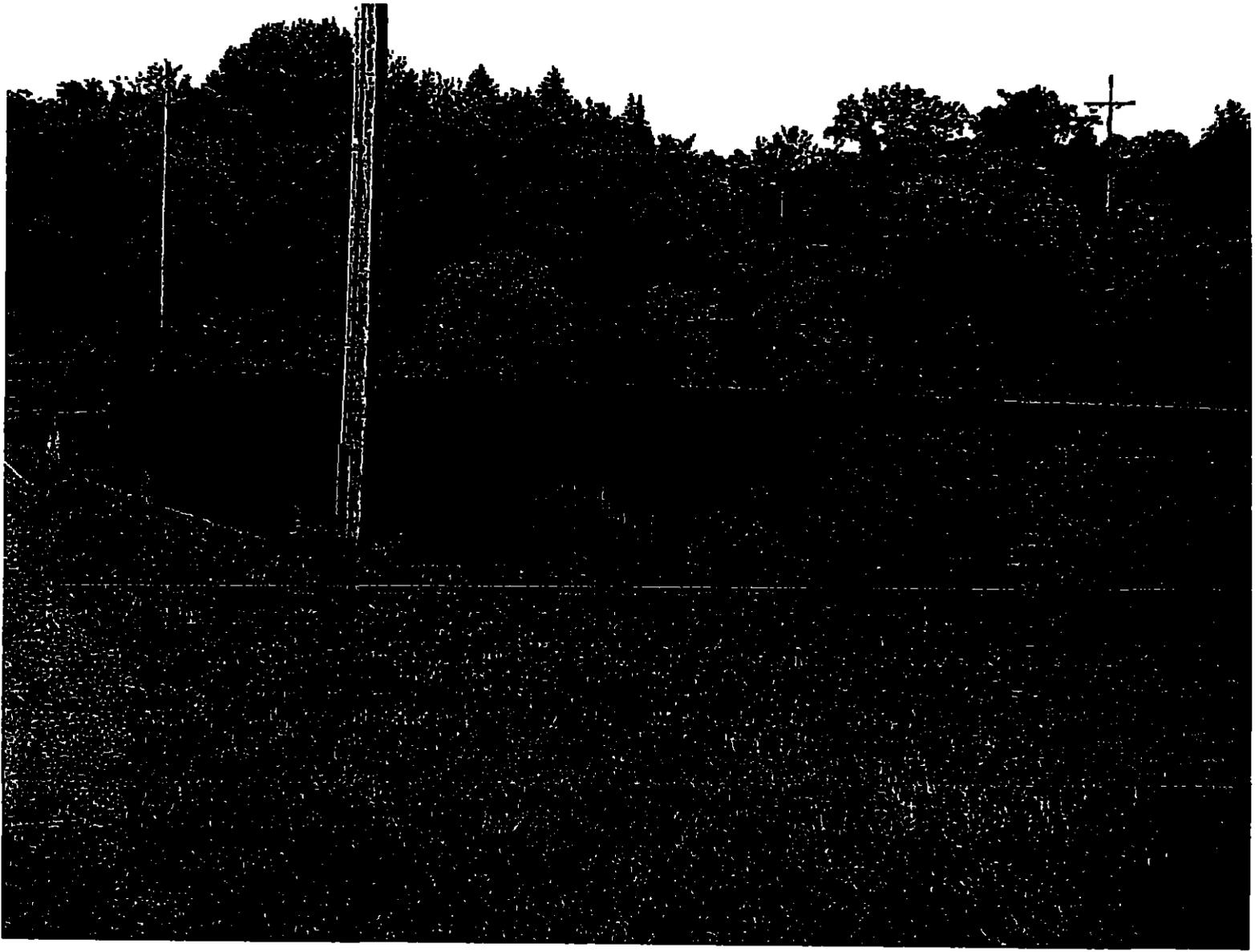
MP 34.25



MP 34.25



MP 34.75



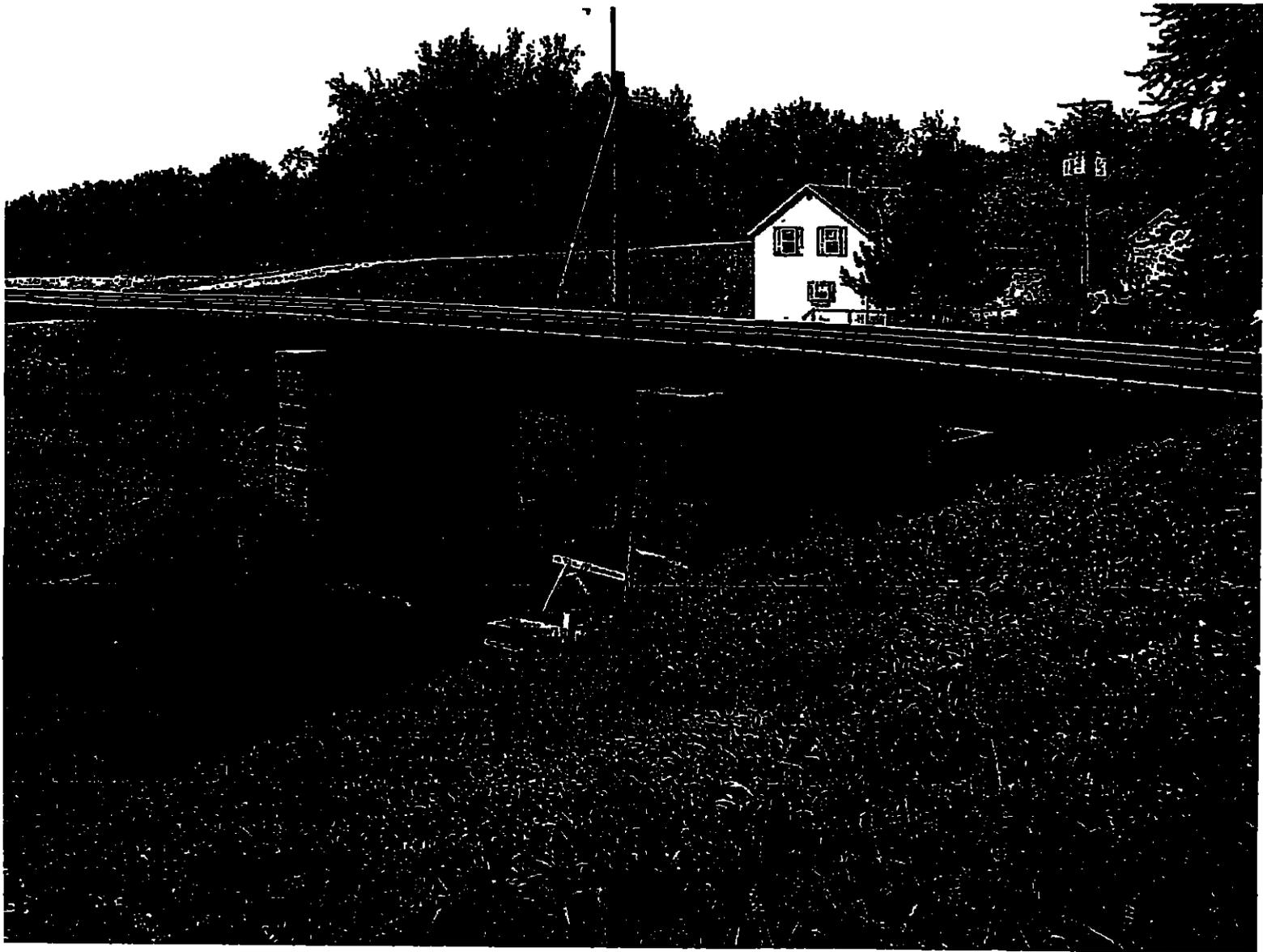
MP 34.75



MP 36.17



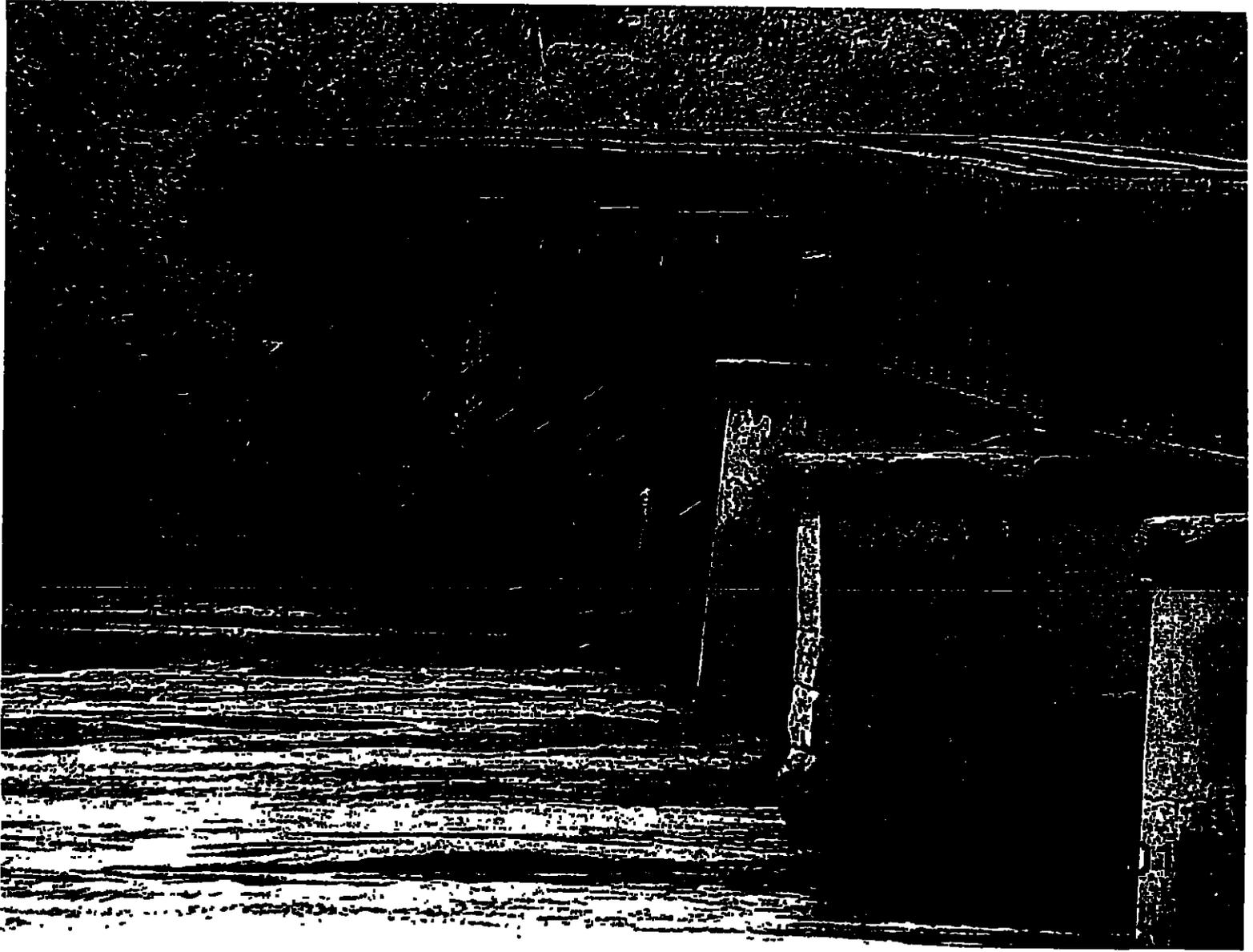
MP 36.17



MP 36.17



MP 36.17



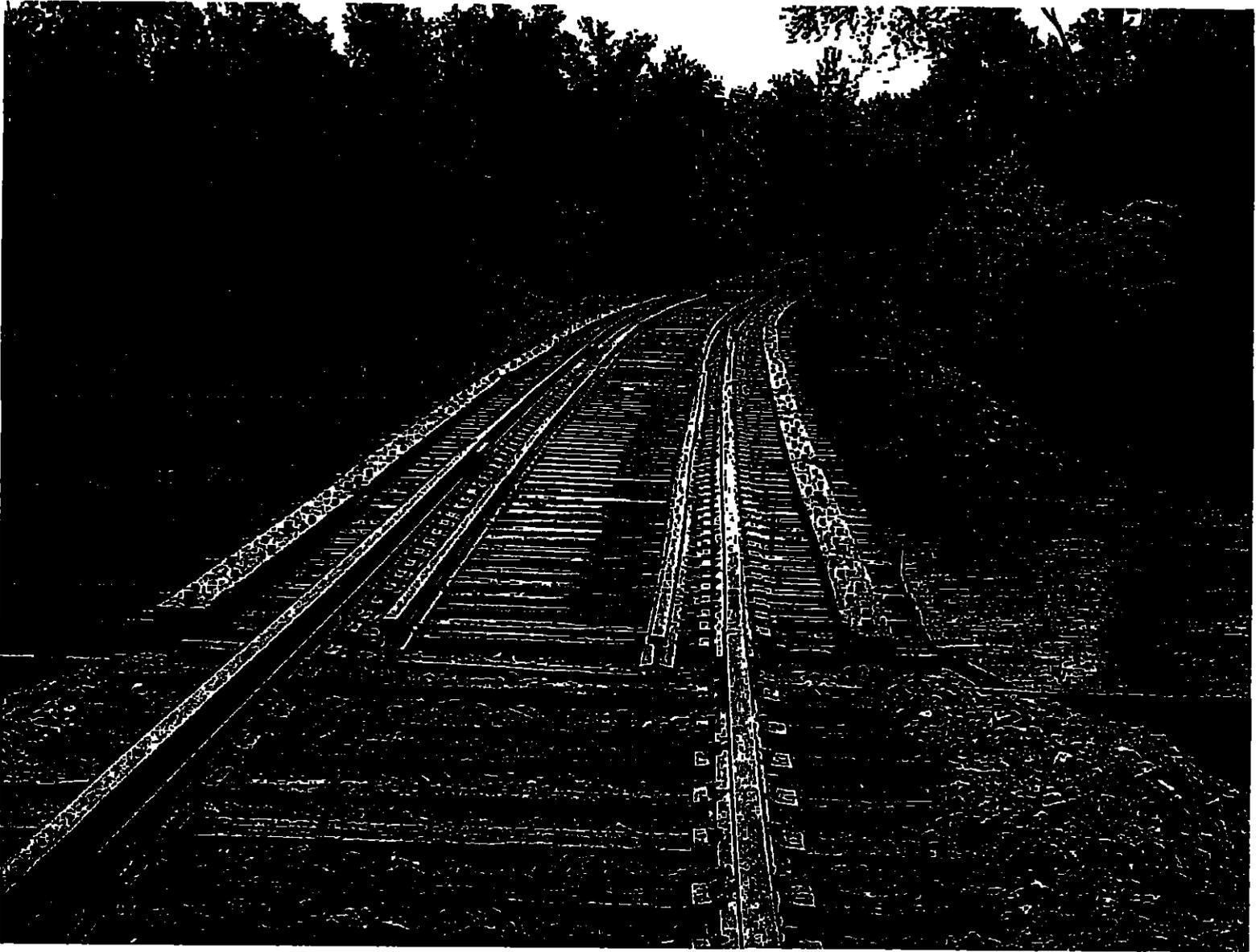
MP 36.17



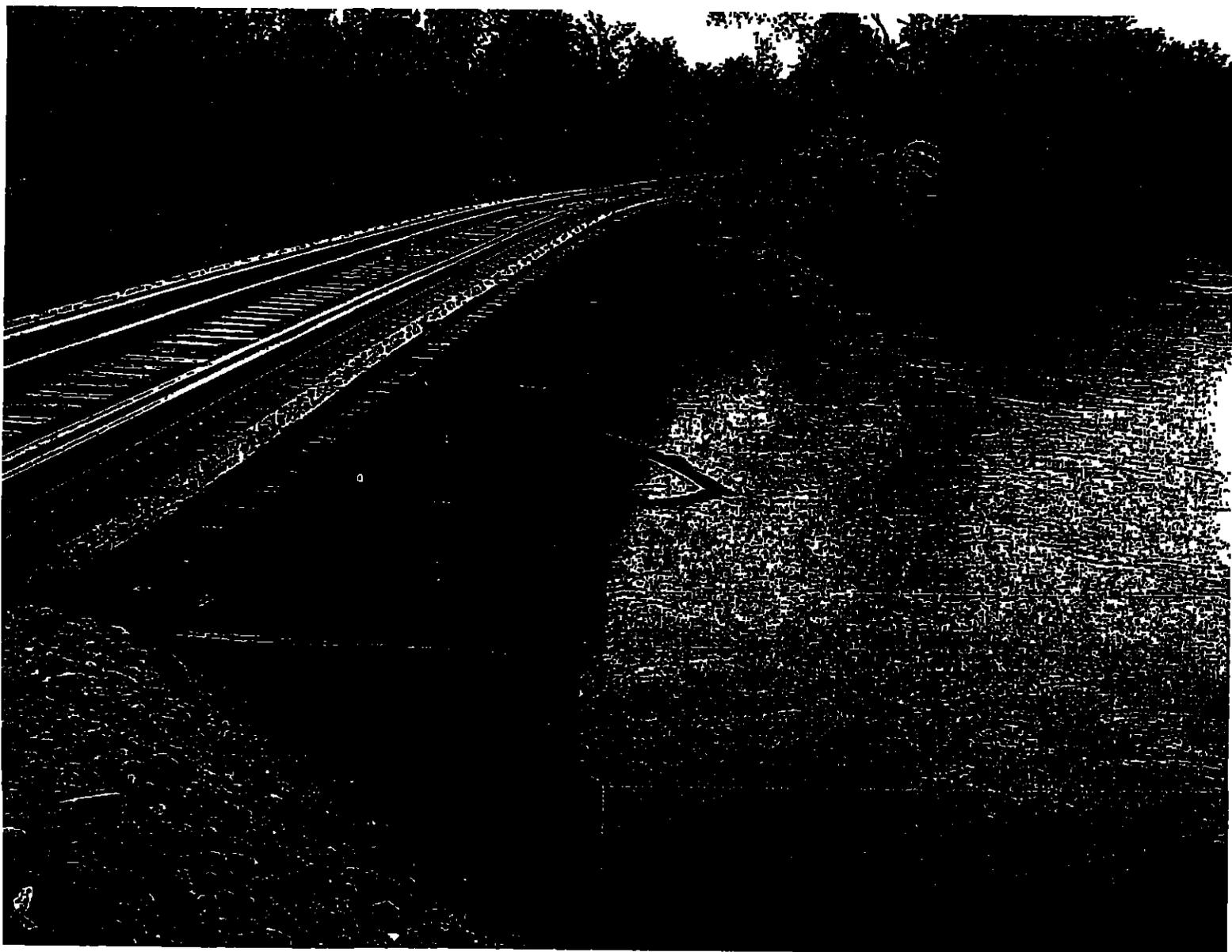
MP 36.77



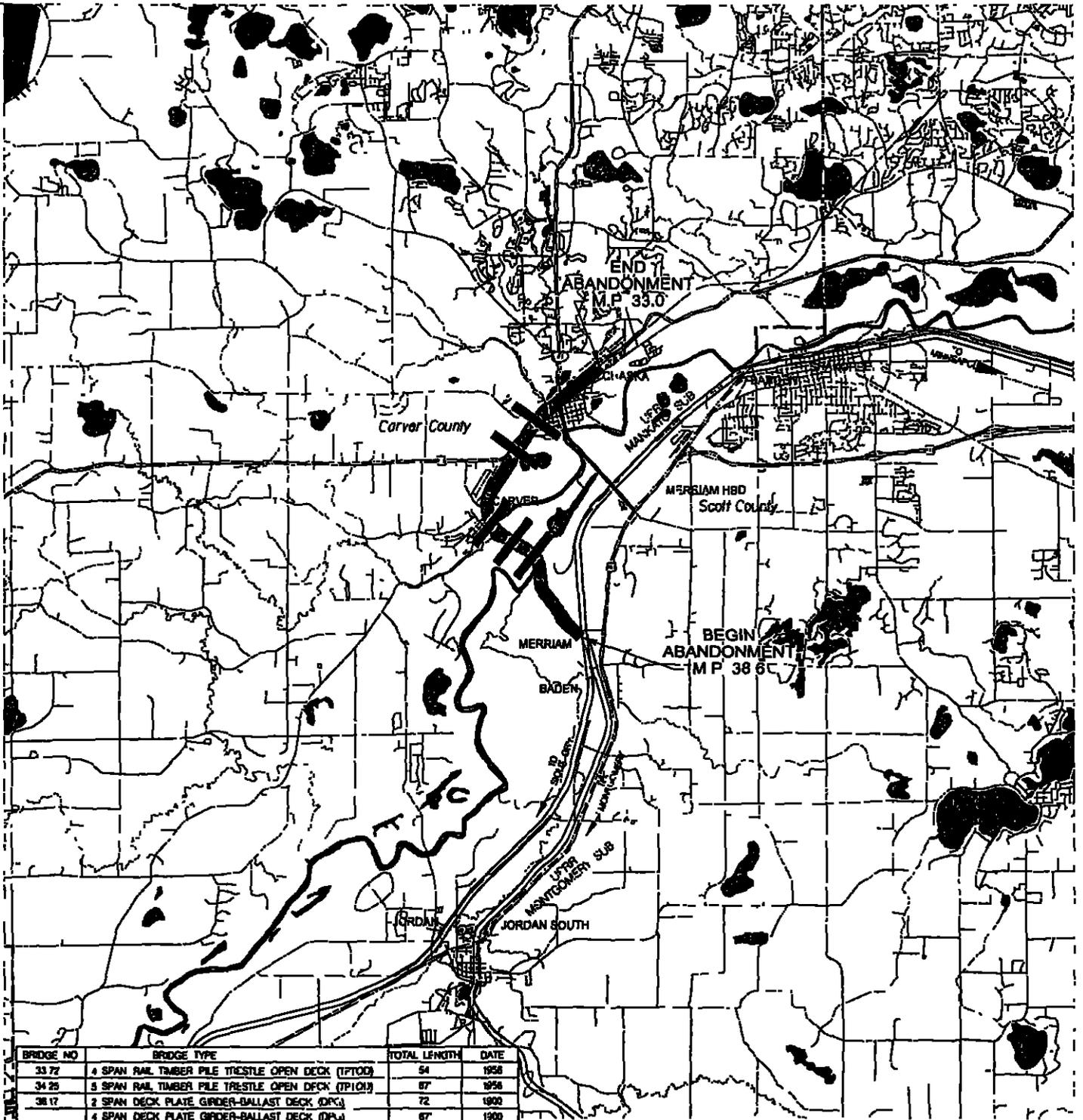
MP 36.77



MP 37.14



MP 37.14



BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
33 77	4 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPTOD)	54	1958
34 25	5 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPTOD)	67	1956
36 17	2 SPAN DECK PLATE GIRDER-BALLAST DECK (DPL)	72	1900
	4 SPAN DECK PLATE GIRDER-BALLAST DECK (DPL)	67	1900
	1 SPAN BEAM	32	1900
	25 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPTOD)	371	1900
36 77	36 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPTOD)	820	1954
37 4	10 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPTOD)	156	1947

LEGEND

-  UPRR LINES TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  RAILROADS (abandoned)
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS
-  50+ YEAR OLD STRUCTURES

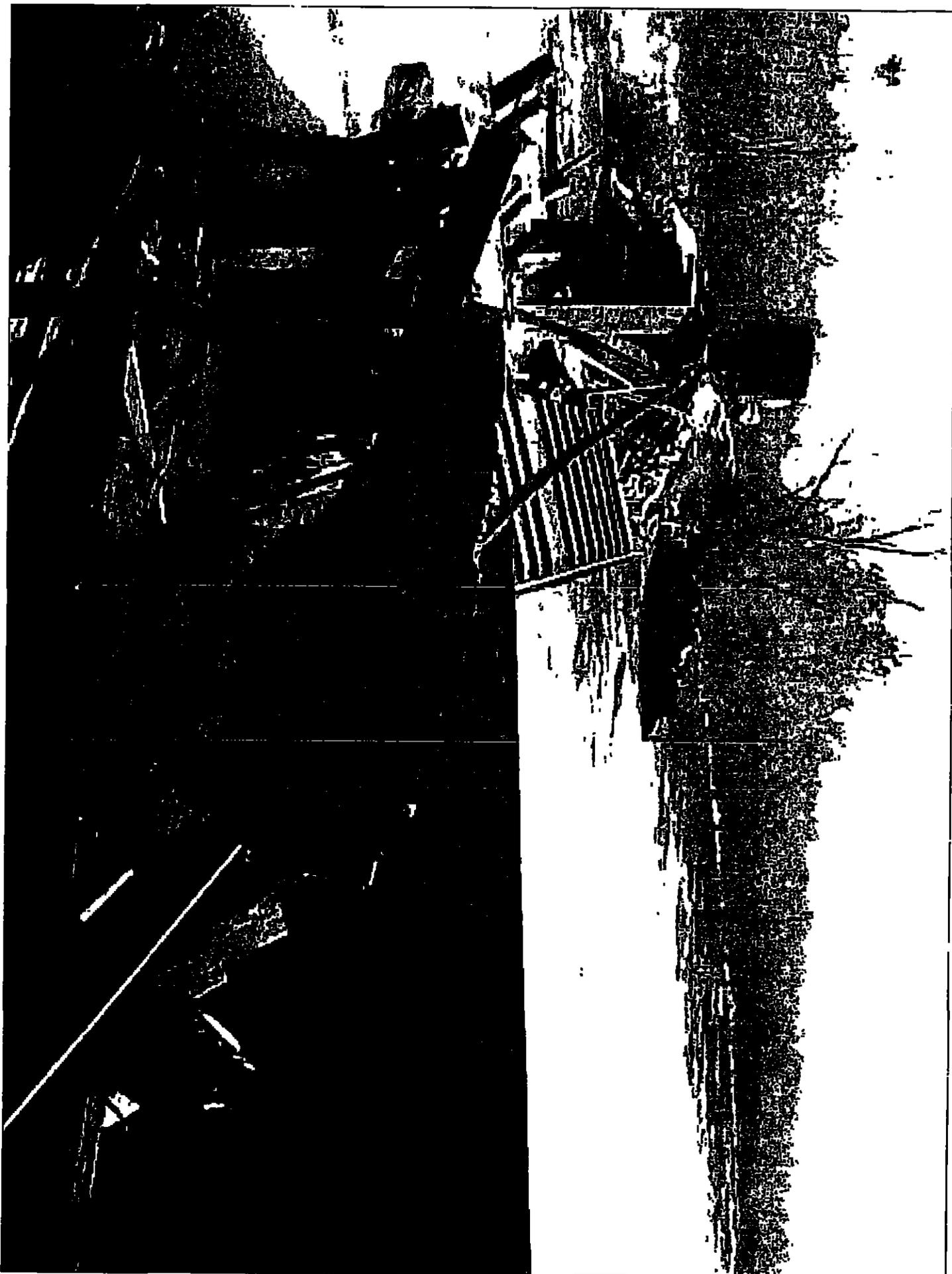
CHASKA INDUSTRIAL LEAD

MP 33.0 TO MP 38.6
 TOTAL OF 5.60 MILES
 3.23 MILES IN CARVER COUNTY
 2.37 MILES IN SCOTT COUNTY

**UNION PACIFIC RAILROAD CO
 CHASKA INDUSTRIAL LEAD
 MINNESOTA**

INCLUDING 50+ YEAR OLD STRUCTURES





8



MINNESOTA HISTORICAL SOCIETY

State Historic Preservation Office

June 18, 2007

Mr Charles Saylor
Union Pacific Railroad
1400 Douglas Street, STOP 1580
Omaha, NE 68179-1580

Re: Union Pacific Railroad - proposed abandonment from milepost 38.6 near Merriam to milepost 33.0 near Chaska, Carver & Scott Counties
SHPO Number. 2007-1869

Dear Mr Saylor:

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).

Your review submittal includes information on fifteen bridges, and requests our opinion about the historical significance of these bridges. However, the identification process for the Section 106 review needs to address more than these bridges. The significance of the rail line itself, as well as any associated structures and buildings, also need to be addressed.

We recommend that you work with the Surface Transportation Board to evaluate the significance of the rail line, including the bridges. We look forward to reviewing the results of that evaluation.

We note that our inventory includes a building known as the Merriam Junction Depot, located near the southern end of the section proposed for abandonment. This building was inventoried about 1980. Its current status is not known. This building also needs to be included in the evaluation. A portion of the abandonment also passes through and/or adjacent to the Carver Historic District, which is listed on the National Register of Historic Places. Effects on elements of this district, including a restored railroad water tower, need to be considered. There are also several inventoried and/or listed historic properties within the city of Chaska. Some of these properties may require further evaluation if they lie within the area of potential effect.

We look forward to working with you and the Surface Transportation Board to complete this review. Contact us at 651-259-3455 with questions or concerns.

Sincerely,

Dennis A Gimmestad
Government Programs & Compliance Officer

cc: Chaska Heritage Preservation Commission
Carver Heritage Preservation Commission

9



Gabriel S. Meyer
Assistant General Attorney

October 30, 2007

Via First Class Mail

State Clearinghouse (or alternate):

Minnesota Planning
658 Cedar Street, Room 300
St Paul, MN 55155

State Environmental Protection Agency:

Minnesota Pollution Control Agency
520 Lafayette Road
St Paul, MN 55155-4194

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

Not Applicable

Head of each County:

Carver County Supervisors
600 East 4th Street
County Courthouse
Chaska, MN 55318-2102

Scott County Supervisors
200 Fourth Avenue West
County Government Center
Shakopee, MN 55379-1220

**Environmental Protection Agency
(Regional Office):**

U S Environmental Protection Agency
Region 5
77 West Jackson Blvd
Chicago, IL 60604

U.S. Fish and Wildlife:

U S Fish & Wildlife Service, Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling, MN 55111

U.S. Army Corps of Engineers:

U S Army Corps of Engineers
St Paul District
190 Fifth Street East
St Paul, MN 55101-1638

National Park Service:

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
375 Jackson Street, Suite 600
St Paul, MN 55101-1854

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Minnesota Historical Society
345 Kellogg Blvd West
St. Paul, MN 55102-1906

RE: Docket No. STB No. AB-33 (Sub-No. 255), Union Pacific Railroad Company - Abandonment - In Carver and Scott Counties, Minnesota, (Chaska Industrial Lead)

Dear Sir or Madame:

On or after November 20, 2007 we expect to file with the Surface Transportation Board an application seeking authority to abandon a line of railroad known as the Chaska Industrial Lead, located in Carver and Scott Counties, Minnesota, between the Milepost 33 and Milepost 38.6 Attached is a combined Environmental and Historic Report describing the proposed action and its expected environmental and historic effects, which includes a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S W , Washington, D C 20024, telephone 202-245-0245 and refer to the above Docket No AB-33 (Sub No 255) Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Gabriel S. Meyer who may be contacted by telephone at 402 544-1658 or by mail at Union Pacific Railroad Company, 1400 Douglas Street, Omaha, NE, 68179

Sincerely,



Enclosures

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 255)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT --
IN CARVER AND SCOTT COUNTIES, MINNESOTA
(CHASKA INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

**UNION PACIFIC RAILROAD COMPANY
Gabriel S. Meyer
Assistant General Attorney
1400 Douglas Street, Mail Stop 1580
Omaha, Nebraska 68179
(402) 544-1658
(402) 501-0129 FAX**

**Dated: October 30, 2007
Filed: October 31, 2007**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 255)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT --
IN CARVER AND SCOTT COUNTIES, MINNESOTA
(CHASKA INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 CFR §1105.7(e) and 49 CFR §1105 8(d), respectively, for authorization to abandon the Chaska Industrial Lead from Milepost 38.6 near Merriam to Milepost 33.0 near Chaska, a distance of 5.60 miles in Carver and Scott Counties, Minnesota (the "Line"). The Line traverses U S. Postal Service Zip Codes 55315, 55318, and 55379

The UP anticipates that an Application for Abandonment and Discontinuance of Service on the Line will be filed with the STB on or after November 20, 2007.

A map of the Line marked **Attachment No. 1** is attached hereto and is hereby made a part hereof. UP's letter to federal, state and local government agencies marked **Attachment No. 2** is attached hereto and is hereby made a part hereof. Responses received thus far to UP's letter are attached hereto and are sequentially referenced as

attachments in the appropriate sections of this Combined Environmental and Historic Report.

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

(1) Proposed action and alternatives.

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

Response: The proposed action involves the abandonment and discontinuance of service on the Chaska Industrial Lead from Milepost 38.6 near Merriam to Milepost 33.0 near Chaska, a distance of 5.60 miles in Carver and Scott Counties, Minnesota. The only active shippers on the Line are United Sugars Corporation and Chaska Building Center. Recent shipping profiles are as follows.

United Sugars Corporation ("United Sugars")
524 Center Avenue
Moorhead, MN 56560

2005: Sugars, STCC 20621, 630 cars, 60,210 tons.

2006: Sugars, STCC 20621, 816 cars, 77,070 tons

Base Year (3/06-2/07): Sugars, 764 cars, 72,405 tons

Forecast Year (11/07-10/08): Sugars, 764 cars, 72,405 tons

**Chaska Building Center
P. O. Box 89
Chaska, MN 55318**

**2005. Lumber, STCC 24211, 6 cars, 523 tons
Boards, STCC 24991, 1 car, 96 tons
Gypsum Wallboard, STCC 32754, 3 cars, 303 tons**

2006: Lumber, STCC 24211, 3 cars 297 tons

Base Year (3/06-2/07): 0 cars

Forecast Year (11/07-10/08): 0 cars

Total Traffic—Base Year and Forecast Year

Base Year (3/06-2/07): Sugars, 764 cars, 72,405 tons

Forecast Year (11/07-10/08): Sugars, 764 cars, 72,405 tons

There appears to be no reasonable alternative to the abandonment. There are no other current rail customers on the Line and no location of new rail-served industry along the Line is anticipated. There is no overhead traffic.

After abandonment, the closest rail lines would be UP's Mankato Subdivision at Merriam, approximately two highway miles south of Chaska, and the Twin Cities & Western Railroad, approximately three highway miles north of Chaska.

Lying in the southwest portion of the Minneapolis/St. Paul metropolitan area, Chaska is served by a number of state and local roads. In addition, the major highway serving Chaska is U.S. 212, which runs approximately ten miles northeast to Interstate 494, which in turn connects with the extensive Interstate Highway network serving the Twin Cities area.

The Line was constructed in 1870 by the Minneapolis and St. Louis Railroad. The track structure is currently comprised of 115-pound jointed rail laid in 1958.

The total property area considered in the proposed abandonment consists of 74.9136 acres of which 67.257 acres are fee equivalent ownership and 7.6566 acres are considered reversionary. Currently, there are no specific plans for the property. Based on information in our possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

A map of the Line is attached as **Attachment No. 1**.

(2) Transportation system.

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

Response: If the requested authority is granted, UP calculates that an additional 5,792 loaded and empty truck movements will potentially use area highways each year, or approximately 23 one-way truck movements per business day.¹ The existing road network, which includes U.S. Highway 212 is expected to be able to accommodate this increased traffic without adversely impacting overall traffic conditions. This impact could be substantially reduced if the trucks used to deliver

¹ This estimate of 23 one-way truck movements per day is based upon the following assumptions: the 72,405 tons of sugar transported during the Forecast Year will require 2,896 loaded truck movements, with each truck carrying 25 tons of sugar. Assuming conservatively that the trucks have a 100% empty return rate, this results in a total increase of 5,792 one-way truck movements (loaded and empty). In a year with 250 business days, approximately 23 additional trucks will use area highways each business day. In the event that these trucks travel on weekends or holidays, the net increase would be less than 23 trucks per day.

unfinished materials to United Sugars were used to carry finished goods from the facility, rather than returning empty.

(3) Land use.

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

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

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by §1105 9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response:

(i) UP has no current plans for the property after completion of the proposed abandonment. The Carver County Office of County Commissioners has been contacted, and on behalf of the Carver County Regional Railroad Authority, the Commissioners filed a Request For Public Use Condition and a Request For Interim Trail Use along with a Statement Of Willingness To Assume Financial Responsibility. The County Commissioners' response is attached as **Attachment No. 3**, and is hereby made a part hereof. UP has received no response from Scott County officials.

(ii) The United States Natural Resources Conservation Service has been contacted and by letter dated May 15, 2007, has stated that the proposed abandonment will not affect any prime farmland. The Natural Resources Conservation Service response is attached as **Attachment No. 4**, and is hereby made a part hereof.

(iii) Not Applicable.

(iv) If the land is acquired by a public entity for recreational or other public purposes, the United States of America may be willing to convey the reversionary interests. The Carver County Regional Railroad Authority has expressed interest in the property for potential trail use and other public transportation uses.

(4) Energy.

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

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

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

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

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

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

Response:

(i) The commodities handled on the Line are sugar and lumber, therefore there are no effects on the transportation of energy resources.

(ii) There are no recyclable commodities moved over the Line.

(iii) There may be a limited decrease in overall energy efficiency, due to the need for shippers to move their goods at least part of the distance to Chaska via truck.

(iv)(A) Less than 1,000 railcars will be diverted from rail to motor carriage during the Forecast Year

(iv)(B) The proposed action will cause the diversion of approximately 764 railcars from rail to motor carriage during the Forecast Year. Because all traffic using

the Line traverses the entire line, this will result in a diversion from rail to motor carriage of more than 50 cars per mile. UP estimates the resulting net change in energy consumption as follows:

- For purposes of this calculation, UP assumes that each shipment diverted from rail to motor carriage will travel 56 miles via motor carriage, the distance of the Line proposed for abandonment. The distance could be less if United Sugars were to transload its inbound shipments from rail at a location along either UP's Mankato Subdivision at Merriam, MN (approximately two highway miles south of Chaska) or along the Twin Cities & Western Railroad (approximately three highway miles north of Chaska).
- Traffic diverted to motor carriage will travel in highway trailers. UP estimates that the movement of each highway trailer via motor carriage will require the same amount of energy as the movement of a single railcar.
- United Sugars attempts to load highway trailers with 25 tons of materials. As a result, the 72,405 tons that United Sugars shipped by rail during the Base Year will require 2,896 highway trailers (or 5,792 one-way trips via motor carriage). This estimate conservatively assumes that each highway trailer will have a 100 percent empty return rate—i.e., the trailers used to replace railcar shipments will deliver inbound materials to United Sugars only, and then depart empty from United Sugars' facility. If United Sugars uses some of

these highway trailers to haul outbound product from its plant, which already travels via motor carriage, then the net increase in motor carriage use may be substantially less.

- Assuming that the proposed abandonment results in a net increase of 2,896 highway trailers used to transport United Sugars traffic, each of which will carry 25 tons of lading, the total amount of energy required to move these trailers the 56-mile length of the Line will be approximately 3.8 times the amount of energy required to move them by rail. This will result in a net energy consumption increase equal to approximately 2.8 times the amount of energy used during the Base Year to move United Sugars traffic via rail over the Line proposed for abandonment.²

(5) Air (i).

(i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

² This 2.8-times net increase reflects the elimination of energy use for rail transport over the Line proposed for abandonment.

Response:

(i)(A) Not applicable.

(i)(B) Not applicable

(i)(C) Assuming that the proposed abandonment will result in a net increase of 5,792 one-way truck movements, this will neither result in a 10% increase nor a 50 vehicle-per-day increase in traffic on any road segment See UP's response to 49 C.F.R. § 1105.7(e)(2), above.

(5) Air (ii).

(ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10505), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response:

(i)(A) Not applicable.

(i)(B) Not applicable

(i)(C) See UP's response to 49 C.F.R. § 1105.7(e)(5)(i)(c), above.

(5) Air (iii).

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent

available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response:

The proposed action will not affect the transportation of ozone depleting materials

(6) Noise.

If any of the thresholds identified in item (5)(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 or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) Safety.

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

(ii) If hazardous materials are expected to be transported, identify the materials and quantity; the frequency of service, whether chemicals are being transported that, if mixed, could react to form more hazardous compounds, safety practices (including any speed restrictions), the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response:

(i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) Biological resources.

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

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

Response:

(i) The U. S. Fish and Wildlife Service has been contacted and determined that no threatened or endangered species or their designated critical habitats exist within the site of the proposed abandonment. The Fish and Wildlife Service has determined the proposed abandonment will have beneficial effects on the Refuge and adjacent wildlife habitat and no adverse effects, and furthermore states that the Minnesota Valley National Wildlife Refuge strongly supports the abandonment. The Fish & Wildlife Service's response is attached as **Attachment No. 5**, and is hereby made a part hereof.

(ii) The National Park Service has been contacted and has reviewed the proposed abandonment. The National Park Service Midwest Regional Office had no comments concerning the proposed abandonment. The National Park Service's response is attached as **Attachment No. 6**, and is hereby made a part hereof.

(9) Water.

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

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

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (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.)

Response:

(i) The Minnesota Pollution Control Agency has been contacted. To date UP has received no responses.

(ii) The U S. Army Corps of Engineers has been contacted. To date UP has received no response.

(iii) It is not anticipated there will be any requirements for Section 402 permits.

(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See Attachment No. 1.

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

Response: The right-of-way generally consists of a strip of land 100 feet wide through mostly level terrain. The southerly portion is adjacent to fields and the Minnesota River and the northerly portion passes through the City of Chaska, which is at the southwesterly edge of the suburban Minneapolis area.

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

Response: The Minnesota Historical Society has been provided with photographs of each of the structures on the property that are 50 years old or older. A copy of the letter to the State Historical Society and photographs are attached as **Attachment No. 7**, and are hereby made a part hereof. The response of the State Historic Preservation Office is attached as **Attachment No. 8**, and is hereby made a part hereof.

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

Response: See Attachment No. 1 and Attachment No. 7.

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

Response: See the preceding pages for a brief history and description of carrier operations.

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

Response: Not applicable.

(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):

Response: The Minnesota Historical Society—State Historic Preservation Office (“SHPO”) has submitted comments related to the proposed abandonment. A copy of these comments is attached as **Attachment No. 8**. Other than the structures noted by the SHPO, UP knows of no historic sites, structures, or archeological resources on the Line or in the project area and believes there is nothing in the scope of the project that merits historical comment. UP further believes that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction and maintenance of the Line. UP will work with the SHPO and the STB to evaluate the significance of the structures identified by the SHPO.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

Response: UP does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 30th day of October, 2007.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No 255) for the Chaska Industrial Lead in Carver and Scott Counties Minnesota, and an associated transmittal letter (**Attachment No. 9**), was served by first class mail on the 30th day of October, 2007 on the following

State Clearinghouse (or alternate):

Minnesota Planning
658 Cedar Street, Room 300
St Paul, MN 55155

State Environmental Protection Agency:

Minnesota Pollution Control Agency
520 Lafayette Road
St Paul, MN 55155-4194

State Coastal Zone Management Agency

(if applicable):

Not Applicable

Head of each County:

Carver County Supervisors
600 East 4th Street
County Courthouse
Chaska, MN 55318-2102

Scott County Supervisors
200 Fourth Avenue West
County Government Center
Shakopee, MN 55379-1220

Environmental Protection Agency

(Regional Office):

U S Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604

U.S. Fish and Wildlife:

U S Fish & Wildlife Service, Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling, MN 55111

U.S. Army Corps of Engineers:

U S Army Corps of Engineers
St Paul District
190 Fifth Street East
St Paul, MN 55101-1638

National Park Service:

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
375 Jackson Street, Suite 600
St Paul, MN 55101-1854

National Geodetic Survey:

National Geodetic Survey
Edward J McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Minnesota Historical Society
345 Kellogg Blvd West
St Paul, MN 55102-1906

Other:

Lee Glass
Transportation Manager
United Sugars Corporation
524 Center Avenue
Moorhead, MN 56560

John Heiland
Manager
Chaska Building Center
P O Box 89
Chaska, MN 55318

Dated this 30th day of October, 2007



Gabriel S. Meyer