

215813

**SIDNEY STRICKLAND AND ASSOCIATES, PLLC**

3050 K ST. N.W., SUITE 101  
WASHINGTON, DC 20007-5108  
TELEPHONE: 202-295-4024  
FAX: 202-672-5399

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



February 16, 2006

ENTERED  
Office of Proceedings

FEB 16 2006

Part of  
Public Record

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

**Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN**

Dear Mr. Williams:

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

Also enclosed is a check in the amount of \$3,000.00 for the filing fee.

Very truly yours,

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

**FEE RECEIVED**

FEB 16 2005

SURFACE  
TRANSPORTATION BOARD

**FILED**

FEB 16 2005

SURFACE  
TRANSPORTATION BOARD

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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BNSF RAILWAY COMPANY --  
ABANDONMENT EXEMPTION --  
IN CLAY AND NORMAN COUNTIES, MN

DOCKET NO. AB-6  
(SUB. NO. 433X)

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

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

ENTERED  
Office of Proceedings

FEB 16 2006

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Public Record

By: SIDNEY L. STRICKLAND, JR  
SIDNEY STRICKLAND AND ASSOCIATES  
3050 K Street, N.W.,  
Suite 101  
Washington, DC 20007  
(202) 295-4024

Attorney for BNSF Railway Company

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**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**BNSF RAILWAY COMPANY --  
ABANDONMENT EXEMPTION --  
IN CLAY AND NORMAN COUNTIES, MN**

**DOCKET NO. AB-6  
(SUB-NO. 433X)**

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

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BNSF RAILWAY COMPANY (BNSF) ("Applicant") files this Verified Notice of Exemption under 49 C.F.R. 1152 Subpart F- Exempt Abandonments 49 C.F.R. 1152.50) for BNSF to abandon a rail line that extends between BNSF Milepost 15.60, near Georgetown in Clay County, and Milepost 21.00, near Perley in Norman County, Minnesota. (the "Line").

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

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

I. *Proposed consummation date for the abandonment.*

The proposed consummation date of this abandonment will be at least 50 days from the filing date of February 16, 2006, which is April 7, 2006.

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

The required certification is attached hereto as Appendix 2.

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

(a) General

(1) Exact name of Applicant.

BNSF Railway Company (BNSF).

- (2) *Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.*

Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) *Relief sought (abandonment of line or discontinuance of service).*

BNSF seeks to use the class exemption from Surface Transportation Board approval authorizing the abandonment of the Clay and Norman Counties, Minnesota, Line specified above.

- (4) *Detailed map of the subject line.*

See Appendix 1.

- (7) *Name, title and address of representative of applicant to whom correspondence should be sent:*

Sidney L. Strickland, Jr.  
Sidney Strickland And  
Associates, PLLC  
3050 K Street, N.W.  
Suite 101  
Washington, DC 20007  
(202) 295-4024

Attorney for BNSF

- (8) *List of all United States Postal Service ZIP Codes that the line traverses.*

The Line traverses United States Postal Service Zip Codes  
56546 and 56574.

- (e)(4) *Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy*

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

The properties of the proposed abandonment appear to be appropriate for other public purposes. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. *Level of Labor Protection.*

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

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

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

VI. *Environmental and Historic Reports.*

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

Respectfully submitted,

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



By: SIDNEY L. STRICKLAND, JR  
SIDNEY STRICKLAND AND ASSOCIATES  
3050 K Street, N.W.,  
Suite 101  
Washington, DC 20007  
(202) 295-4024

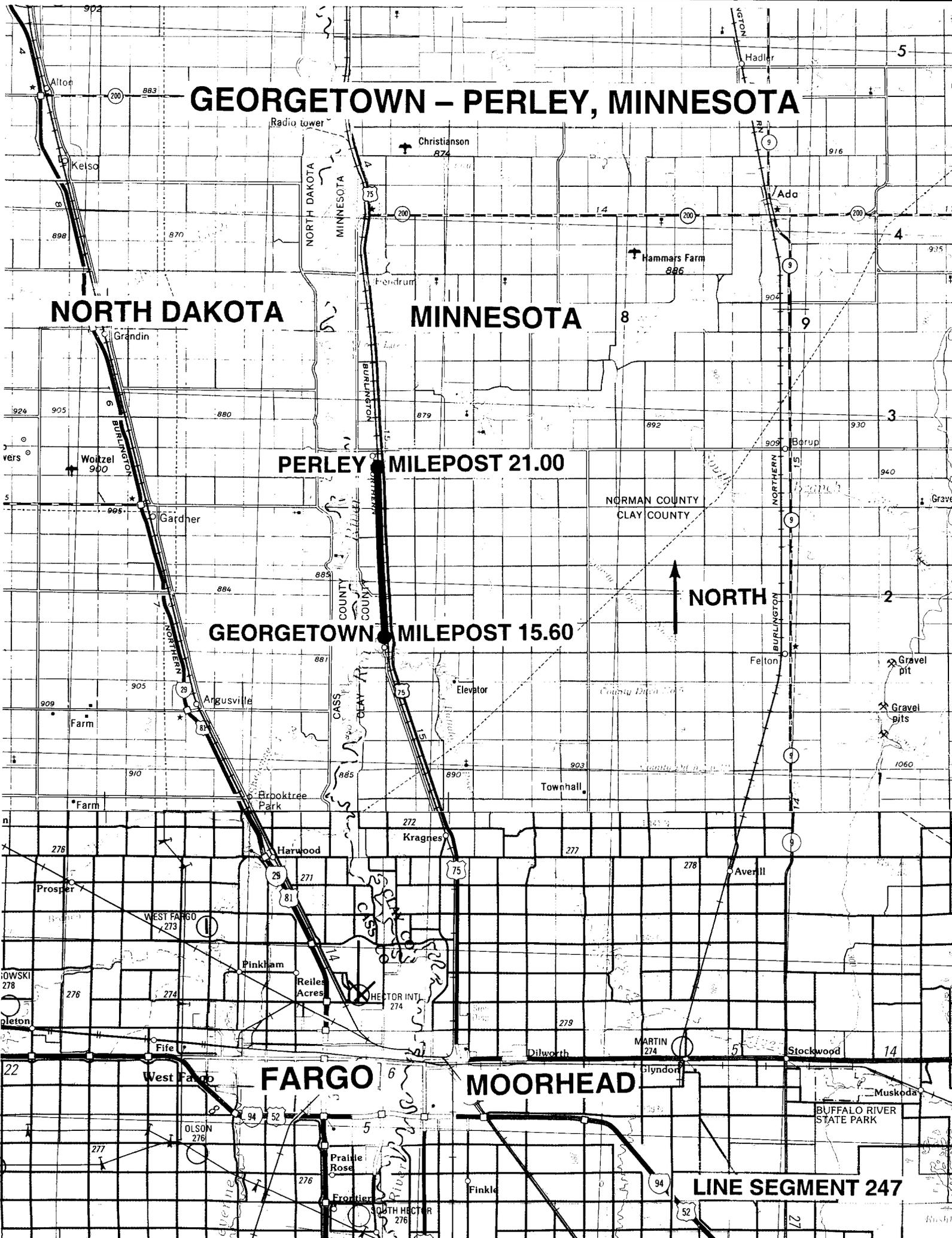
Attorney for BNSF Railway Company

DATE FILED: February 16, 2006

**APPENDIX I**

*Detailed Map of the Line*

# GEORGETOWN - PERLEY, MINNESOTA



PERLEY MILEPOST 21.00

GEORGETOWN MILEPOST 15.60

NORTH

FARGO

MOORHEAD

LINE SEGMENT 247

**APPENDIX 2**

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

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

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

In accordance with 49 C.F.R. § 1152.50(b), I hereby certify that, with respect to the line which is the subject of the Notice of Exemption filed in Docket No. AB-6 (Sub-No. 433X ), no local traffic has moved on the line for at least two (2) years prior to the date hereof. Also, there is no overhead traffic handled on the Line to be rerouted. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

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



Subscribed and sworn to before me the 14th day of February 2006.

*Richard A. Batie*

Richard A. Batie  
Manager, Network Development

*Gretchen E. Adams*

**APPENDIX 3**

*Certifications that Applicant Has Complied with the Notice Requirements  
of C.F.R. §§ 1152(d)(1) and 1105.11*

## CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-6 (Sub. No. 433X) was mailed via first class mail on February 6, 2005 to the following parties:

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

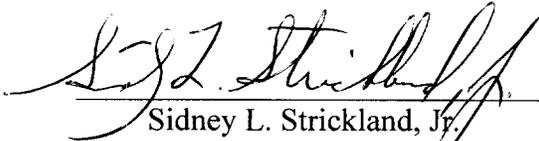
Military Traffic Management Control  
Attn: Railroads for National Defense  
720 Thimble Shoals Boulevard, #130  
Newport News, VA 23606-2574

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

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

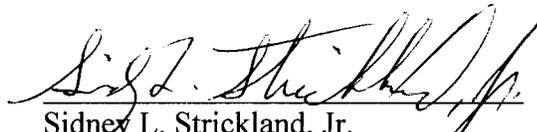
Minnesota Department of Transportation  
Office of Freight and Commercial Vehicle Operations  
Mail Stop 420  
1110 Centre Point Curve  
Mendota Heights, MN 55120-4152

Dated February 16, 2006

  
Sidney L. Strickland, Jr.

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

The undersigned certifies that a "Notice of Intent to Abandon Rail Service" was published in the form prescribed by the Board for out of service abandonment exemptions. The notice was published one time in the following newspaper of general circulation in Clay and Norman Counties, Minnesota: *Minnesota Star Tribune*. Publication of the notice was accomplished on February 6, 2006. An Affidavit of Publication and a copy of the publication are attached.

  
Sidney L. Strickland, Jr.  
Sidney Strickland and Associates, PLLC  
3050 K Street, NW  
Suite 101  
Washington, DC 20007  
Phone: (202) 295-4024  
Fax: (202) 672-5499



Sidney Strickland and Associates, PLLC  
Sidney Strickland  
3050 K Street, NW; Ste 101  
Washington, DC 20007-5108

**STB DOCKET NO. AB-6**  
(Sub. No. 433X) NOTICE OF INTENT TO ABANDON RAIL SERVICE BNSF RAILWAY COMPANY (BNSF) gives notice that on or about February 16, 2006, it intends to file with the Surface Transportation Board (the Board), Washington, DC, 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of the 5.40 miles of railroad line between Milepost 15.60, near George-town in Clay County, and Milepost 21.00, near Perley in Norman County, Minnesota. The rail line traverses through United States Postal Service Zip Codes 56546 and 56574. The proceeding will be docketed as STB Docket No. AB-6 (Sub. No. 433X). The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-565-1545. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use, or trails use may be directed to the Board's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Sidney Strickland, Sidney Strickland and Associates, PLLC, 3050 K Street, Suite 101, Washington, DC 20007-5108.

7189700  
82 lines  
class 203

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

BNSF Railway Company ("BNSF"), by and through its authorized representative, Sidney L. Strickland, Jr., certifies that on January 27, 2006, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

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

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

William E. Lorenzen, Environmental  
Review/Justice Coordinator  
U.S. Department of Agriculture  
Natural Resources Conservation Service  
375 Jackson Street, Suite 600  
Saint Paul, MN 55101

Minnesota Historical Society  
RE: Compliance #2006-0480  
345 W. Kellogg Blvd.  
St. Paul, MN 55102-1906

Ron Anderson, Water Management Section  
Minnesota Department of Natural Resources  
Division of Waters  
500 Lafayette Road  
St. Paul, MN 55155-4040

Robert J. Whiting, Chief, Regulatory Branch  
U.S. Army Engineer District, St. Paul  
190 Fifth St. East  
St. Paul, MN 55101-1638

Robyn Thorson, Director  
Region 3—Great Lakes-Big Rivers  
U.S. Fish and Wildlife Service  
1 Federal Drive  
BHW Federal Building  
Fort Snelling, MN 55111

Patrick G. Carroll, Division of Realty  
Fish and Wildlife Service  
Bishop Henry Whipple Federal Building  
1 Federal Drive  
Fort Snelling, MN 55111-4056

Courtland Nelson, Director  
Parks and Recreation Division, Minnesota DNR  
500 Lafayette Road  
St. Paul, MN 55155-4040

Maryanna Harstad, Lands and Minerals Planner  
Minnesota DNR  
500 Lafayette Road  
St. Paul, MN 55155-4045

Maria Sieckman, Supervisor, Lands and  
Renewable Resources Team  
U.S. Bureau of Land Management  
Milwaukee Field Office  
626 E. Wisconsin Ave.  
Suite 200  
Milwaukee, WI 53202

Clay County Highway Department  
2951 41 ½ Street South  
Moorhead, MN 56560

Mick Alm, Norman County Engineer  
Norman County Highway Department  
814 Main St. East  
Ada, MN 56510-1318

Clay County Recorder  
807 11th Street North  
P.O. Box 280  
Moorhead, MN 56561

Norman County Clerk  
16 East Third Avenue  
P.O. Box 272  
Ada, MN 56510

Clay County Commissioners  
807 11th Street North  
P.O. Box 280  
Moorhead, MN 56561

Norman County Commissioners  
County Courthouse  
16 East Third Avenue  
Ada, MN 56510

U.S. National Park Service  
1849 C Street, NW  
Washington, DC 20240

U.S. Environmental Protection Agency  
1 Interstate Bank Tower at  
Fountain Place  
1445 Ross Avenue, 12th Fl.  
Dallas, TX 75202

Minnesota Department of Transportation  
395 John Ireland Boulevard  
St. Paul, MN 55155-1899

Robert J. Rickert  
Rail Bank and Abandonment Coordinator  
Minnesota Department of Transportation  
Office of Freight and Commercial Vehicle  
Operations  
Mail Stop 420  
1110 Centre Point Curve  
Mendota Heights, MN 55120-4152

Dale Thompson  
Supervisor, Stormwater Management Unit  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, MN 55155-4149

U.S. National Park Service  
Midwest Region  
1709 Jackson St.  
Omaha, NE 68102

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

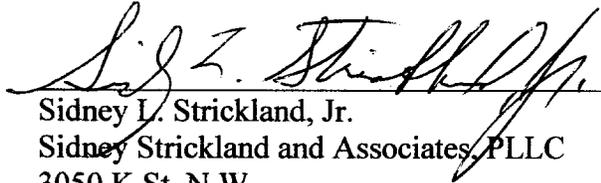
U.S. EPA  
Region 5  
Metcalf Building  
Office of Strategic Environmental Analysis  
77 West Jackson Boulevard  
Mailcode: B-19J  
Chicago, IL 60604

Kenneth A. Westlake, Chief  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

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

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

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



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

**APPENDIX 4**

*Environmental and Historic Reports*

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**BNSF RAILWAY COMPANY --  
ABANDONMENT EXEMPTION --  
IN CLAY AND NORMAN COUNTIES, MN**

**DOCKET NO. AB-6  
(SUB. NO. 433X)**

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**ENVIRONMENTAL AND HISTORIC REPORTS**

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

By: SIDNEY L. STRICKLAND, JR.  
ELIZABETH E. WAITE  
SIDNEY STRICKLAND AND ASSOCIATES  
3050 K Street, N.W.,  
Suite 101  
Washington, DC 20007  
(202) 295-4672

*Attorney for BNSF Railway Company*

DATED: January 27, 2006

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**BNSF RAILWAY COMPANY --  
ABANDONMENT EXEMPTION --  
IN CLAY AND NORMAN COUNTIES, MN**

**DOCKET NO. AB-6  
(SUB. NO. 433X)**

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

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

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

The following information is submitted to the STB by BNSF in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between BNSF Milepost 15.60, near Georgetown in Clay County, and Milepost 21.00, near Perley in Norman County, Minnesota (the "Line").

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

BNSF seeks to abandon this Line. The proposed abandonment may include removal of all rails and ties, including all bridges and structures. There are 5 bridges on the Line and BNSF is not aware of any other structures. A map of the Line is attached as Exhibit A.

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

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

**(3) Land Use:**

(i) Based on consultation with local and/or regional planning agencies

and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

BNSF believes the proposed abandonment will not be inconsistent with local or regional land use plans. The Minnesota Department of Transportation (MDOT) convened a meeting of government officials and determined, after reviewing the corridor and future area plans, that “there was no public use need.” The invitation to the meeting included the Clay and Norman County Board of Commissioners, local and regional planner, local and state highway departments, the Department of Natural Resources, both cities, and the two townships involved. MDOT indicates Clay County sent their planner and highway department representatives to the meeting but sent no commissioners, no one from Norman County was present, and one township official from Perley and one township official from Georgetown were present. See Exhibits B-1—B-3, letters from Robert R. Rickert, Rail Bank and Abandonment Coordinator, Office of Freight and Commercial Vehicle Operations, Minnesota Department of Transportation.

Also, the Norman County Highway Department has no objections to the proposed abandonment, and has heard of no concerns from other entities or persons. See Exhibit B-3, letter from Milton (Mick) Alm, Norman County Engineer.

Finally, The Minnesota Department of Natural Resources (MnDNR) indicates there are state grant-in-aid snowmobile trails that parallel and cross the rail line in the proposed project area. The grant-in-aid provides snowmobile trails through cooperative effort between the MnDNR, local governments, local

snowmobile organizations, and private land owners. Information on the proposed abandonment has been passed on to snowmobile organizations in Clay and Norman Counties. MnDNR Trails and Waterways Division would support acquisition of the abandoned line by another organization such as a joint powers group like that in place for the Agassiz Recreation Trail between Ulen and Twin Valley and Crookston. See Exhibit C, letter from Maryanna Harstad, Lands and Minerals Planner, Minnesota Department of Natural Resources.

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

The proposed abandonment should have no effect on prime agricultural lands. The Natural Resources Conservation Service (NRCS) (formerly known as the U.S. Soil Conservation Service) indicates that because of the location and type of activity proposed, there will be no impact on agricultural lands. Also, the NRCS states a Federal Farmland Policy Protection Act (FPPA) site assessment/land evaluations will not be required, and the wetland conservation provisions of the 1985 Food Security Act, as amended, are not applicable because the project sponsors are not USDA program benefit recipients. The NRCS notes, 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, and if such impacts are anticipated, the owner/operator should contact the county Farm Service Agency (FSA) office to consider an application for a third party exemption. Finally, NRCS states that the following agencies should be consulted as they may have federal or state wetlands, cultural resources, water quality, air quality or

threatened and endangered species jurisdiction: Army Corps of Engineers, US Fish and Wildlife Service, Board of Water and Soil Resources, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, State Historic Preservation Officer/State Archeologist. See Exhibit D, letter from William E. Lorenzen, Environmental Review/Justice Coordinator, Natural Resources Conservation Service. BNSF is sending a copy of this Report to all the above-mentioned agencies.

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

N/A

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

BNSF believes the proposed abandonment may be suitable for alternative public use. As noted above, MDOT has determined there is no public use need. See Exhibits B-1—B-3, letters from Robert R. Rickert, Rail Bank and Abandonment Coordinator, Office of Freight and Commercial Vehicle Operations, Minnesota Department of Transportation.

Also, the Norman County Highway Department has no objections to the proposed abandonment, and has heard of no concerns from other entities or persons. See Exhibit B-3, letter from Milton (Mick) Alm, Norman County Engineer.

Finally, as noted above, the MnDNR Trails and Waterways Division would support acquisition of the Line for snowmobile trails use. See Exhibit C, letter from Maryanna Harstad, Lands and Minerals Planner, Minnesota

Department of Natural Resources.

**(4) Energy:**

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

There are no known recoverable energy resources along the Line. There has been no local traffic on the Line for over two years.

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

This abandonment will not adversely affect movement or recovery of recyclable commodities as there has been no local traffic on the line for over two years.

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

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

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

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

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

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

**(5) Air:**

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

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

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

(C) An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

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

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

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

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

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

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

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

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

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

derailment.

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

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

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

N/A

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

N/A

**(7) Safety:**

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

This abandonment should have no adverse effect on health or public safety. There are six (6) public crossings and three (3) private crossings on the Line. During salvage operations, if any may be required, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

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

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

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

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

**(8) Biological Resources:**

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

The U.S. Fish and Wildlife Service indicates it does not own any lands or interests in land in the vicinity of the proposed rail line abandonment.

Furthermore, that agency has no concerns regarding real estate matters in the abandonment. See Exhibit E, letter from Patrick G. Carroll, Senior Realty Officer, Division of Realty, U.S. Fish and Wildlife Service.

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

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

The Bureau of Land Management (BLM) indicates there are no Federal lands administered by that agency. However, the BLM adds BNSF should be aware that some of the original railroad grants were limited fee rights-of-way and may be subject to identified federal laws, such as the National Trails System

Improvement Act. See Exhibit G, Letter from Marcia Sieckman, Supervisor, Lands and Renewable Resources Team, Bureau of Land Management—Eastern States.

The MnDNR indicates there is no state ownership in the proposed project impact area. However, as noted above, the MnDNR notes there are state grant-in-aid snowmobile trails that parallel and cross the rail line in the proposed project area. The MnDNR also indicates “remnant prairie elements” may exist in the proposed project area. See Exhibit C, letter from Maryanna Harstad, Lands and Minerals Planner, Minnesota Department of Natural Resources.

**(9) Water:**

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

BNSF believes the proposed exemption will be consistent with applicable Federal, State or local water quality standards. The MnDNR, Division of Waters, has no interest in the abandonment unless it involves filling, excavating, draining or the construction or removal of structures in or over Minnesota Public Waters or Public Waters Wetlands. See Exhibit H, letter from Ron Anderson, Senior Hydrologist, Water Management Section, Division of Waters, Minnesota Department of Natural Resources. Also, the Environmental Protection Agency (EPA) indicates the project is in the Special Flood Hazard Area of the Red River and a Clean Water Act, Section 402 permit covering the construction activities would be necessary. The EPA also states the Minnesota Pollution Control Agency should be contacted on this issue and on concerns related to Section 404

of the Clean Water Act. Finally, the EPA indicates the final disposition of crossties preserved with creosote is an issue of concern per the July 3, 1984 Rebuttable Presumption Against Registration under the Federal Insecticide, Fungicide, and Rodenticide Act, and that if rail steel, electrical and signal housings, bridgework and other materials are to be removed, recycling of these materials should be addressed and documented. See Exhibit I, Letter from Kenneth A. Westlake, Chief, NEPA Implementation Section, Region 5, Environmental Protection Agency. The Minnesota Pollution Control Agency (MPCA) offered several comments related to impacts to the area streams, rivers, and wetlands from erosion and storm runoff and suggested mitigation. The MPCA also suggests that BNSF inspect for oil spills where there are any maintenance yards, switching areas, or other such facilities located in the project area and comply Minnesota Statute 115.061. The MPCA recommends any railroad ties that are removed from the abandoned line must be reused or disposed of in accordance with State rules for disposal of Solid and/or Hazardous Waste. Finally, MPCA recommends all other Demolition Debris be disposed of in a permitted Demolition Debris Land Disposal Facility to be in conformance with Minn. Rules 7035.2825. See Exhibit J, letter from Dale Thomson, Supervisor, Stormwater Management Unit, Minnesota Pollution Control Agency.

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

BNSF believes the proposed abandonment will not require a Section 404

permit. The U.S. Army Corps of Engineers (Corps) states that the work proposed at the location stated is not within the regulatory jurisdiction of the Corps, as no work will be done in navigable water of the United States, and no dredged or fill material will be discharged in any water of the United States, including wetlands. The Corps concludes that a Department of the Army permit is not required. See Exhibit K, letter from Robert J. Whiting, Chief, Regulatory Branch, St. Paul District Corps of Engineers. Also, the EPA states the MPCA should be contacted on Section 404 issues. See Exhibit I, Letter from Kenneth A. Westlake, Chief, NEPA Implementation Section, Region 5, Environmental Protection Agency. The MPCA recommends BNSF contact the St. Paul District Office of the Corps in regards to 404 permits. The MPCA also states that under the State Wetland Conservation Act, if you drain or fill any wetland you should contact the local unit of government for Wetland Replacement approvals. See Exhibit J, letter from Dale Thomson, Supervisor, Stormwater Management Unit, Minnesota Pollution Control Agency.

BNSF believes the proposed abandonment will not affect any 100-year flood plains. The Corps does not have information concerning the 100-year flood plain. See Exhibit K, letter from Robert J. Whiting, Chief, Regulatory Branch, St. Paul District Corps of Engineers.

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

BNSF believes a Section 402 permit will be required for the proposed action. The EPA indicates the project is in the Special Flood Hazard Area of the

Red River and that a Section 402 permit covering the construction activities would be necessary. The EPA also states the MPCA should be contacted on this issue. See Exhibit I, Letter from Kenneth A. Westlake, Chief, NEPA Implementation Section, Region 5, Environmental Protection Agency. Also, the MPCA comments that projects that will disturb one (1) or more acres of land are required to apply to the MPCA for coverage under a Clean Water Act section 402 General National Pollutant Discharge Elimination System Permit (NPDES), but makes no comment as to the applicability of that Section. See Exhibit J, letter from Dale Thomson, Supervisor, Stormwater Management Unit, Minnesota Pollution Control Agency.

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

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

## II

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

Applicants hereby submit the following information required by 49 C.F.R. § 1105.8(d):

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

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

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

The Line is approximately 5.40 miles long and is a rural line that runs from north of Georgetown to south of Perley and serves no customers. The corridor is 100 feet wide.

Neither Georgetown nor Perley are incorporated towns.

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

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

Photographs of five (5) bridges are attached as Exhibits L-1—L-12.

Bridge 15.70 is a railroad bridge in or near Georgetown, MN. It is near Milepost 15.70. This bridge is 55 feet long, 11 feet high, and is an open deck timber trestle bridge with 4-14' panels. See Exhibit L-1—L-2.

Bridge 17.70 is a railroad bridge in or near Georgetown, MN. It is near Milepost 17.70. This bridge is 32 feet long, eight feet high, and is a 32' tee girder. See Exhibit L-3—L-4.

Bridge 18.70 is a railroad bridge in or near Georgetown, MN. It is near Milepost 18.70. This bridge is 28 feet long, six feet high, and is an open deck timber trestle bridge with 2-14' panels. See Exhibit L-5—L-7.

Bridge 19.70 is a railroad bridge in or near Georgetown, MN. It is near Milepost 19.70. This bridge is 28 feet long, six feet high, and is an open deck timber trestle bridge with 2-14' panels. See Exhibit L-8—L-9.

Bridge 19.90 is a railroad bridge in or near Georgetown, MN. It is near Milepost 19.90. This bridge is 42 feet long, five feet high, and is an open deck timber trestle bridge with 3-14' panels. See Exhibit L-10—L-12.

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

Bridge 15.70. It was built in 1979. It is unknown whether or not there has been significant alteration to the bridge structure since that time.

Bridge 17.70. It was built in 1992. It is unknown whether or not there has been significant alteration to the bridge structure since that time.

Bridge 18.70. It was built in 1947. It is unknown whether or not there has been significant alteration to the bridge structure since that time.

Bridge 19.70. It was built in 1943. It is unknown whether or not there has been significant alteration to the bridge structure since that time.

Bridge 19.90. It was built in 1969. It is unknown whether or not there has been significant alteration to the bridge structure since that time.

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

The right-of-way was acquired by the Great Northern Railway (GN) in 1883. The GN was a predecessor to the Burlington Northern Railroad (BN) which was formed by a merger in 1970. In 1995, BN merged with The Atchison, Topeka and Santa Fe Railway Company to become The Burlington Northern and Santa Fe Railway Company (BNSF). In 2005, BNSF changed its name to BNSF Railway.

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

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

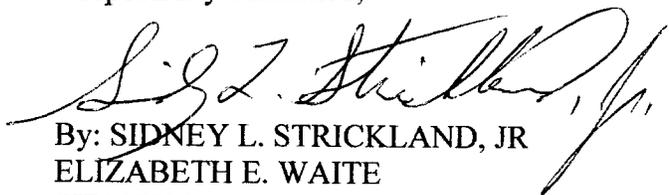
*(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously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

The Minnesota Historical Society ("MHS") has initiated a review of the proposed project, but indicates there is insufficient information to determine whether the Line meets the National Register Criteria. The MHS recommended BNSF work with the STB on the relevant issues and consult with MHS when that evaluation is complete. See Exhibit L, letter from Dennis A. Gimmestad, Government Programs and Compliance Officer, Minnesota Historical Society.

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

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

Respectfully submitted,



By: SIDNEY L. STRICKLAND, JR  
ELIZABETH E. WAITE  
SIDNEY STRICKLAND AND ASSOCIATES  
3050 K Street, N.W., Suite 101  
Washington, DC 20007  
(202) 295-4672  
Attorneys for BNSF Railway Company

DATED: January 27, 2006

# GEORGETOWN - PERLEY, MINNESOTA

EXHIBIT A

NORTH DAKOTA

MINNESOTA

PERLEY MILEPOST 21.00

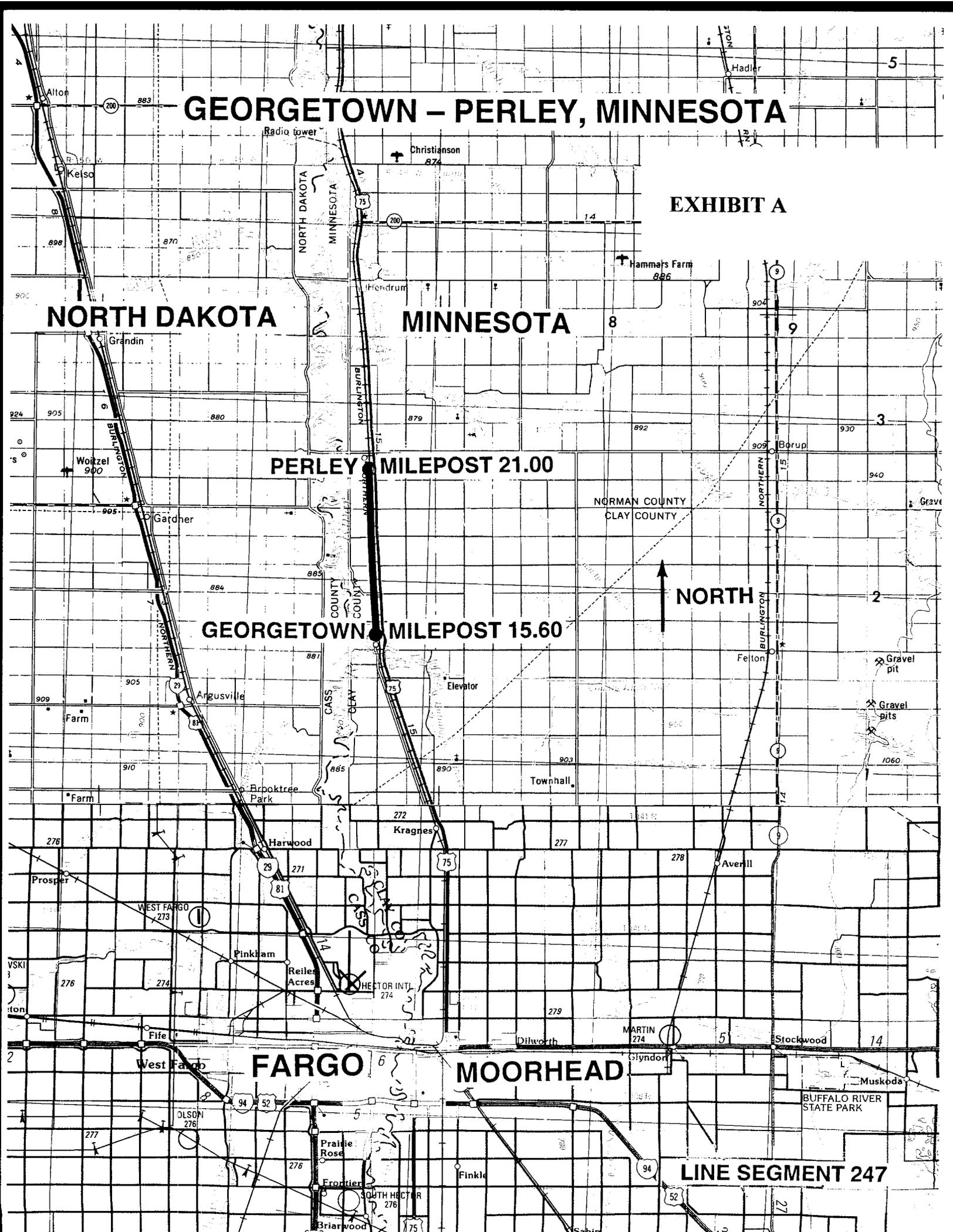
GEORGETOWN MILEPOST 15.60

NORTH

FARGO

MOORHEAD

LINE SEGMENT 247



## EXHIBIT B-1

**Liz Waite**

---

**From:** "Robert Rickert" <Bob.Rickert@dot.state.mn.us>  
**To:** <liz.waite@stricklandtlc.com>  
**Cc:** "Timothy Spencer" <Timothy.Spencer@dot.state.mn.us>  
**Sent:** Thursday, January 05, 2006 3:32 PM  
**Subject:** Georgetown-Perley Mn Abandonment (BNSF Railway) Docket #AB-433X

On November 15, 2005 I called an abandonment meeting of government officials at the Clay Co. Mn Courthouse regarding the subject abandonment.

The invitation included Clay & Norman Co. Board of Commissioners, local and regional planners, local and state highway departments, the Department of Natural Resources, both cities and the two townships involved.

Clay Co. sent their planner and highway department to the meeting-no commissioners. No one from Norman Co. was present. One township official from Georgetown and one township official from Perley.

If you are in need of additional information, please feel free to contact me.

Bob Rickert  
Rail Bank & Abandonment Coordinator  
Minnesota Department of Transportation  
Office of Freight &CVO  
1110 Centre Pointe Curve  
Mendota Heights, Mn 55120  
651/406-4812  
fax-651/406-4811



Minnesota Department of Transportation

Office of Freight and Commercial Vehicle Operations

Mail Stop 420  
1110 Centre Pointe Curve  
Mendota Heights, MN 55120-4152

Tel: 651/405-6060

Fax: 651/405-6082

**EXHIBIT B-2**

November 16, 2005

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

***Re: STB Docket No. AB (Sub. No. 433X) BNSF Railway Co.- Abandonment  
Exemption- in Clay and Norman Counties, MN***

Dear Sir:

I convened a meeting of government officials yesterday (November 15<sup>th</sup>) in the Clay County Courthouse to discuss the possible abandonment of the BNSF corridor that passes between Georgetown and Perley Minnesota (MP 15.6 and MP 21.0).

After reviewing said corridor and future area plans, it was determined that there was no public use need.

I did not divulge that there maybe a possible sale of this portion of the rail line to Minnesota Northern Railroad until the meeting was almost concluded. Thus, this information did not sway the thinking of those gathered.

Sincerely,

Robert R. Rickert  
Rail Bank and Abandonment Coordinator  
(651) 406-4812

Cc: Jane Butzer-District 4  
Chuck Frach-District 2

**From:** Mick Alm [mick.alm@co.norman.mn.us]  
**Sent:** Saturday, November 26, 2005 3:47 PM  
**To:** Liz Waite  
**Subject:** Re: Railroad Abandonment in Clay and Norman Counties

Greetings: I just recieved a notification from BNSF Railroad that they are going to file for abandonment from Mile Post 15.60 near Georgetown (Clay Co) to Mile Post 21.00 near Perley (Norman Co.) and would like a response by November 21st, if there is a trail or highway use need.

I will be calling a meeting very quickly and am letting you know in advance of what is about to happen. I have to get more details and will keep you up to speed as I learn them.

Thanks.  
 Bob Rickert  
 Rail Bank & Abandonment Coordinator  
 Minnesota Department of Transportation  
 Office of Freight &CVO  
 1110 Centre Pointe Curve  
 Mendota Heights, Mn 55120  
 651/406-4812  
 fax-651/406-4811

THE NORMAN COUNTY HIGHWAY DEPARTMENT HAS NO OBJECTIONS TO THE ABOVE PROPOSED ABANDONMENT, AND HAS HEARD OF NO CONCERNS FROM OTHER ENTITIES OR PERSONS.

Milton (Mick) Alm  
 Norman County Engineer

Liz Waite wrote:

>Mr. Alm,  
 >  
 >I spoke with a woman in your office earlier who said you may be trying  
 >to contact me. I was wondering if you had received our initial letter  
 >detailing the information we are seeking from you regarding local land  
 >use plans and alternative public uses fo r the proposed railroad line.  
 >Any information you may have for us would be greatly appreciated. If  
 >you did not receive our letter or need further explanation, please  
 >contact me at (202) 374-2474 or via email.  
 >  
 >Thank you.  
 >  
 >Liz Waite  
 >Sidney Strickland and Associates, PLLC  
 >  
 >CONFIDENTIALITY NOTICE --  
 >This message is intended only for the use of the individual or entity to which it is  
 addressed and may contain information that is privileged, confidential and exempt from  
 disclosure under applicable law. If the reader of this message is not the intende  
 >d recipient, or the employee or agent responsible for delivering the message to the  
 intended recipient, you are hereby notified that any dissemination, distribution or  
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 >ge in error, please delete this message from all computers and notify us immediately by  
 return e-mail and/or telephone at (202) 295-4024. Thank you.  
 >  
 >  
 >  
 >



## Minnesota Department of Natural Resources

500 Lafayette Road  
St. Paul, Minnesota 55155-4045

### EXHIBIT C

November 21, 2005

Sidney L. Strickland, Jr  
Sidney Strickland and Associates, PLLC  
3050 K St. N.W. Suite 101  
Washington, DC 20007-5108  
[via fax: 202-672-5399]

Re: Proposed abandonment of BNSF railroad line in Clay and Norman Counties, MN

Dear Mr. Strickland:

Thank you for providing the Minnesota Department of Natural Resources (MnDNR) with notice of plans for abandonment of railroad line by Burlington Northern and Santa Fe Railway Company (BNSF). Your letter, addressed to Courtland Nelson, dated October 24, 2005, describes the section as "5.40 miles of railroad line between Milepost 15.60, near Georgetown in Clay County and Milepost 21.00, near Perley in Norman County, Minnesota."

In response to your inquiry, there is no state ownership in the proposed project impact area.

There are state grant-in-aid snowmobile trails that parallel and cross the rail line in the proposed project area. The grant-in-aid program provides snowmobile trails through cooperative effort between the MnDNR, local governments, local snowmobile organizations and private landowners. Information on the proposed abandonment has been passed on to snowmobile organizations in Clay and Norman Counties. MnDNR Trails and Waterways Division would support acquisition of the abandoned line by another organization such as a joint powers group like that in place for the Agassiz Recreation Trail between Ulen and Twin Valley and Crookston.

The MnDNR maintains the Natural Heritage Information System - which tracks important information about the biology and distribution of rare features - and provides that information for environmental review. Remnant prairie elements may exist in the proposed project area. Detailed information identifying rare plants and animals can be obtained by submitting a request form. The request form for this information is included and is also available at:  
[http://files.dnr.state.mn.us/ecological\\_services/nhrp/nhis\\_data\\_request.pdf](http://files.dnr.state.mn.us/ecological_services/nhrp/nhis_data_request.pdf).

Sincerely,

Maryanna Harstad  
Lands and Minerals Planner

Enclosure

Cc: Courtland Nelson, MnDNR Parks and Recreation Director  
Tim Browning, MnDNR Trails, and Waterways

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929



Please do not staple  
request documents

For Agency Use Only:			
Received _____	Due _____	RUSH	
Related ES# _____			
Search Radius _____ mi.	ER/All	EOs _____	
Map'd _____ C / NoC	Let _____	Inv _____	Log out _____

### MINNESOTA NATURAL HERITAGE INFORMATION SYSTEM DATA REQUEST FORM

DATE OF REQUEST \_\_\_\_\_

#### WHO IS REQUESTING THE INFORMATION?

Name and Title \_\_\_\_\_

Agency/Company \_\_\_\_\_

Address \_\_\_\_\_  
(Street) (City) (State) (Zip Code)

Phone \_\_\_\_\_ FAX \_\_\_\_\_ e-mail \_\_\_\_\_

THIS INFORMATION IS BEING REQUESTED ON BEHALF OF (if applicable): \_\_\_\_\_

#### WHAT INFORMATION DO YOU NEED?

\_\_\_\_\_ Printouts of known occurrences of federally and state listed plants and animals; native plant communities; and aggregation sites such as bat hibernacula, colonial waterbird nesting sites, and prairie chicken booming grounds.

\_\_\_\_\_ Information listed above, plus geological features and state rare species with no legal status.

\_\_\_\_\_ Other (specify): \_\_\_\_\_

Frequent applicants: Check here if you DO NOT need a copy of the field-by-field explanation of the printouts: \_\_\_\_\_

WHERE IS THE AREA OF INTEREST? 1) **ENCLOSE A MAP** showing detailed boundaries of the project area (topographic maps or aerial photos are preferred). 2) If a GIS shapefile of the project area is available, please provide a copy projected in UTM Zone 15, NAD83).

For Agency Use Only:

REGION

#### PROVIDE THE FOLLOWING REQUIRED PROJECT INFORMATION

County \_\_\_\_\_ Twnshp# \_\_\_\_\_ Range# \_\_\_\_\_ Section(s) (and half-section, quarter-section, etc., if known) \_\_\_\_\_

\_\_\_\_\_ T \_\_\_\_\_ N \_\_\_\_\_

Project Name \_\_\_\_\_

Project Proposer \_\_\_\_\_

Detailed Project Description (attach additional sheets if necessary) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Past Land-Use of Project Site \_\_\_\_\_

\_\_\_\_\_

HOW WILL THE INFORMATION BE USED? Describe the planned use of the information, including in what form and detail you wish to publish this information, if any. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**TURN-AROUND TIME**

Requests generally take 3 weeks from date of receipt to process, and are processed in the order received. Rush requests are processed in 2 weeks or less.

**FEEES**

For-profit organizations, including consultants working for governmental agencies, are charged a fee for this service. In addition, a fee may be charged for large requests from any source. A surcharge (currently \$50) is applied for rush orders; if this is a rush order, please check the blank below. Fees subject to change. A fee schedule is available upon request. Please do not include payment with your request; an invoice will be sent to you.

\_\_\_\_\_ **Rush**

"The information supplied above is complete and accurate. I understand that material supplied to me from the Minnesota Natural Heritage Information System is copyrighted and that I am not permitted to reproduce or publish any of this copyrighted material without prior written permission from the Minnesota DNR. Further, if permission to publish is given, I understand that I must credit the Minnesota Natural Heritage and Nongame Research Program, Minnesota Department of Natural Resources as the source of the material."

Signature \_\_\_\_\_

Mail or email completed forms to:

For further information call:

Endangered Species Environmental Review Coordinator (for project reviews) (651) 259-5107 or 259-5109  
Sarah.hoffmann@dnr.state.mn.us e.g. EAWs

**or**

Assistant Database Manager (for general requests) (651) 259-5123  
Sharron.nelson@dnr.state.mn.us

**at**

Natural Heritage and Nongame Research Program  
Minnesota Department of Natural Resources  
500 Lafayette Road, Box 25  
St. Paul, Minnesota 55155

Or FAX completed forms to: (651) 296-1811

Additional information about the Natural Heritage & Nongame Research Program is available at  
[http://www.dnr.state.mn.us/ecological\\_services/nhnrp/index.html](http://www.dnr.state.mn.us/ecological_services/nhnrp/index.html)

**For Agency Use Only:**

EO's requiring comment \_\_\_\_\_

Sources contacted	Topic	Response
_____	_____	_____
_____	_____	_____
_____	_____	_____

Response Summary \_\_\_\_\_

\_\_\_\_\_

Responder \_\_\_\_\_

## Instructions for the Minnesota Natural Heritage Information System Data Request Form

Please read the following!

- < Legible **maps** clearly showing the location and boundaries of the project are required for processing all project reviews.
- < We cannot begin processing information requests until we receive all parts of the request, including a map and a completed, signed information request form.
- < Please provide as detailed a **project description** as possible, attaching separate pages to the form if necessary (i.e. identify the type of development to be constructed (housing, commercial, utility, etc.), the size and # of units, if applicable, any associated infrastructure and utility connections, and construction methods).
- < **Responses** are returned to the party which appears in the "Who is requesting the information?" section. This must also be the person who signs the form on the second page, acknowledging the State of Minnesota's copyright on all printouts generated in response to project reviews.
- < On the form, note the first sentence under the subheading "**FEES**". As a courtesy, we provide database searches to other governmental agencies and non-profit entities free of charge. For-profit entities, including consultants working for governmental agencies, are charged a fee. Please do not include payment with your request; an invoice will be sent to you.
- < There is generally a 3-week **turn-around time** on environmental reviews. Rush jobs (2 week turn-around) are charged an additional \$50 (only applies to for-profit entities).
- < For **large projects** (>30 sections) we request that the township/range/section information be submitted on disk or via e-mail. Please submit the file in Word or ASCII, and in the following format: Township#,Range#,Section#s separated by commas. There should be no ending punctuation, no spaces, no letters, except an "E" after appropriate ranges, and each Township / Range combination should be typed on a separate line. For example, T62N R1W Sections 1-3, 11, 12 and T62N R3E Sections 4-9, 17, 18 should be listed as:  
  
62,1,1-3,11,12  
62,3E,4-9,17,18
- If a **GIS shapefile** of the project area is available, please provide a copy projected in UTM Zone 15, NAD83 .
- < **Gray wolf** locations are not tracked in the Natural Heritage databaes. Please contact the U.S. Fish & Wildlife Service for information on this species.
- < An **electronic copy** of the form is available at the DNR's web site – [http://files.dnr.state.mn.us/ecological\\_services/nhnrp/nhis\\_data\\_request.pdf](http://files.dnr.state.mn.us/ecological_services/nhnrp/nhis_data_request.pdf)
- < You may reproduce this form for your own use or to distribute.



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

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

File Code: 190-15-13

November 1, 2005

IN REPLY

REFER TO: STB Docket No. AB (Sub.No. 433X) BNSF Railway Company-Abandonment Exemption-in Clay and Norman Counties, MN

Sidney Strickland  
Strickland & Assoc, PLLC  
3050 K St. N.W., Suite 101  
Washington, DC 2007-5108

Dear Mr. Strickland:

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

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

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

Finally, 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 evaluations will not be required.

Sincerely

A handwritten signature in black ink, appearing to read "William E. Lorenzen", written over a horizontal line.

WILLIAM E. LORENZEN  
Environmental Review/Justice Coordinator



# United States Department of the Interior

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

**EXHIBIT E**

IN REPLY REFER TO:

FWS/NWRS-RE – General

January 4, 2006

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

Dear Mr. Strickland:

Thank you for the opportunity to comment on the proposed abandonment of the rail line near Georgetown in Clay County, and Milepost 21.00, near Perley in Norman County, Minnesota; STB Docket No. AB (Sub. No. 433X) BNSF Railway Company – Abandonment Exemption – in Clay and Norman Counties, MN.

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

Sincerely,

Patrick G. Carroll  
Senior Realty Officer  
Division of Realty

**EXHIBIT F**

Official Correspondence to be sent via Electronic Mail

**NATIONAL PARK SERVICE  
Midwest Region  
601 Riverfront Drive  
Omaha, Nebraska 68102**

December 1, 2005

650.2(MWR-P/G)

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

Dear Mr. Strickland:

This is in response to your November 3, 2005 request that the National Park Service (NPS) respond to STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Abandonment Exemption in Clay and Norman Counties, Minnesota.

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

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

Sincerely,

/s/Robert Maydwell  
Grants Management Assistant  
Partnerships- Grants

United States Department of the Interior



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



IN REPLY REFER TO:  
2000(030)

October 27, 2005

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

Dear Mr. Strickland:

This is in response to your letter of October 24, 2005, to our office concerning the proposal by the Burlington Northern and Santa Fe Railway Company (BNSF) to abandon 5.40 miles of railroad line between Milepost 15.60, near Georgetown in Clay County, and Milepost 21.00, near Perley in Norman County, Minnesota.

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

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

Sincerely,

Marcia Sieckman  
Supervisor, Lands and Renewable Resources Team



# Minnesota Department of Natural Resources

500 Lafayette Road  
St. Paul, Minnesota 55155-40\_\_

**EXHIBIT H**

January 10, 2006

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

Dear Ms. Waite:

STB Docket No. AB (Sub. No. 433X), BNSF Railroad Company Abandonment  
Exemption – in Clay and Norman Counties, MN

I received your request to comment on the above proposed railroad abandonment. The Minnesota DNR, Division of Waters has no interest in the abandonment unless it involves filling, excavating, draining or the construction or removal of structures in or over Minnesota Public Waters or Public Waters Wetlands.

If you have any questions I can be reached at the above address or by phone at 651-259-5654.

Sincerely,  
DNR Waters

  
Ron Anderson, Senior Hydrologist  
Water Management Section

c: Bruce Gerbig, Supervisor





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

DEC 22 2005

**EXHIBIT I**

REPLY TO THE ATTENTION OF:

B-19J

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

Re: Comments on a Proposed Rail Line Abandonment by the Burlington Northern Santa Fe Railway Company in Clay and Norman Counties, MN

Dear Mr. Strickland:

The U.S. Environmental Protection Agency (U.S. EPA)-Region 5 received your November 3, 2005 inquiry letter concerning the BNSF Railway Company proposed 5.4 mile rail line abandonment in Clay and Norman Counties, Minnesota. This letter of comment is provided under the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

In response to your specific question regarding permits, this project is in the Special Flood Hazard Area of the Red River; therefore, a Clean Water Act, Section 402 permit covering construction activities would be necessary. Please consult the Minnesota Pollution Control Agency (MNPCA) on this issue, and on concerns related to Section 404 of the Clean Water Act. You can contact the Customer Assistance Center of the MNPCA at (651)-296-2274 or:

Minnesota Pollution Control Agency  
520 LaFayette Road N.  
St. Paul, MN 55755 .

- The final disposition of crossties preserved with creosote is an issue of concern per the July 3, 1984 Rebuttable Presumption Against Registration under the Federal Insecticide, Fungicide, and Rodenticide Act, which states that wood treated with creosote should be buried in a non-hazardous waste landfill unless otherwise required by the State of Minnesota.
- If rail steel, electrical and signal housings, bridge work and other materials are to be removed from this site, recycling of these materials should be addressed and documented.

Other environmental resource information for this site is available on two U.S. EPA websites: 1) the Envirofacts Data Warehouse, <http://www.epa.gov/enviro/> and 2) Surf Your Watershed, <http://www.epa.gov/surf>. We encourage your use of these resources when assessing this project's impacts and preparing your Surface Transportation Board (STB) Application.

Thank you for the opportunity to provide scoping comments on this project. Should you have further questions of us, please contact me or Norm West, of my staff, at (312)-353-5692 or by e-mail at [west.norman@epa.gov](mailto:west.norman@epa.gov). Please, address all future correspondence regarding rail line abandonment to my attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth A. Westlake".

Kenneth A. Westlake, Chief  
NEPA Implementation Section

cc: David Navecky, Surface Transportation Board



# Minnesota Pollution Control Agency

---

January 18, 2006

## EXHIBIT J

Mr. Sidney Strickland  
3050 K Street Northwest Suite 101  
Washington, DC 20007-5108

RE: Request for Water Quality Standards  
Abandonment from 5.4 miles between Milepost 15.60 near Georgetown, Clay Co. and  
Milepost 21.00 near Perley in Norman Co, Minnesota.  
Burlington Northern Santa Fe Railroad

Dear Mr. Strickland:

Thank you for your notification that Burlington Northern Santa Fe Railroad is planning to abandon the above referenced segment of rail line. Your letter requested information whether this proposed abandonment is consistent with applicable federal, state or local water quality standards. I can only address the issue from the state level and not for the local level in regards to water quality standards. Your letter seems to indicate that there will be some construction, demolition, or other actions resulting in physical alteration of the site associated with this action.

If the construction changes and does place fill material into any waters including wetlands, we recommend you contact the St. Paul District Office of the Army Corps of Engineers to see if any Clean Water Act Section 404 permits would be required for this action. You may want to contact Juliet Denton (Army Corps of Engineers) at (651) 290-5366 for further information. Our Agency is responsible for completing a Clean Water Act Section 401 Water Quality Certification on any federal permits such as the section 404 permit. Therefore, if the Corps of Engineers determines a 404 permit is required for this action, only then would a water quality certification from our agency would be required.

Under the State Wetland Conservation Act, if you drain or fill any wetland you should contact the local unit of government for Wetland Replacement approvals.

Based on the brief information contained in your letter, the Minnesota Pollution Control Agency (MPCA) would like to offer the following comments for your consideration:

1. Possible impacts to the area streams, rivers and wetlands from erosion and storm water runoff should be avoided where possible or mitigated as much as possible to lessen any potential adverse impact. Mulching, seeding, and/or sodding should be done to establish permanent ground cover and to stabilize soils disturbed by construction activities in the vicinity of surface water, (lakes, streams, wetlands, and drainage ways) and implemented without the use of fertilizers containing phosphorus.

A site erosion plan should be developed and incorporated into any construction effort that will prevent sediment runoff by actions such as: 1) keeping exposed soil to a minimum; 2) using sediment barriers such as straw bales and fabric barriers in all drainage channels; 3) constructing a runoff collection ditch and sediment pond; 4) mulching and seeding appropriate areas after construction.

In addition, projects that will disturb one (1) or more acres of land are required to apply to the MPCA for coverage under a Clean Water Act section 402 General National Pollutant Discharge Elimination System Permit (NPDES) that specifically requires Best Management Practices (BMP) to control erosion during construction, and a storm water management plan to manage pollutants in storm water runoff from the site that will occur after construction is complete. The permit requires that these BMPs be prepared for the project and incorporated into the plans and specifications prior to the start of construction. I have attached the applicable definitions for when an NPDES Construction Stormwater Permit is required. Following the Construction Stormwater Permit requirements should prevent violation of any specific water quality standards applicable to your abandonment proposal.

2. The erosion control systems must be properly installed, regularly inspected, and sufficiently maintained in order to prevent sediments at the project site from eroding into waters of the state.
3. If there are any maintenance yards, switching areas or other such facilities located in the project area we would recommend that a thorough inspection and evaluation of those areas for any possible oil spills should be conducted. In the past the MPCA has encountered soils contaminated with petroleum, PAHs, polychlorinated biphenyls (PCBs) at other railroad sites such as these. After you conduct this evaluation, if a release has been discovered you must comply with Minnesota Statute 115.061 and notify the MPCA.
4. Any railroad ties that are removed from the abandon line must be reused or disposed of in accordance with State rules for disposal of Solid and/or Hazardous Waste.
5. All other Demolition Debris must be disposed of in a permitted Demolition Debris Land Disposal Facility to be in conformance with Minn. Rules 7035.2825 which states the requirements for operation of a demolition debris land disposal facility.

If you have any questions regarding our comments, please contact Lawrence S. Zdon at (651) 297-8219 regarding any stormwater issues and Roger Rolf at 218-846-0774 regarding any demolition issues.

Sincerely,



Dale Thompson  
Supervisor  
Stormwater Management Unit

DT:wgp

cc: Roger Rolf, Detroit Lakes Office

5.4 practices" or "BMPs" means practices to prevent or reduce the  
5.5 pollution of the waters of the state, including schedules of  
5.6 activities, prohibitions of practices, and other management  
5.7 practice, and also includes treatment requirements, operating  
5.8 procedures, and practices to control plant site runoff, spillage  
5.9 or leaks, sludge, or waste disposal or drainage from raw  
5.10 material storage.

→ 5.11 Subp. 3. **Common plan of development or sale.** "Common plan  
5.12 of development or sale" means one proposed plan for a contiguous  
5.13 area where multiple separate and distinct land disturbing  
5.14 activities may be taking place at different times, on different  
5.15 schedules, but under one proposed plan. "One proposed plan" is  
5.16 broadly defined to include design, permit application,  
5.17 advertisement, or physical demarcation indicating that  
5.18 land-disturbing activities may occur.

→ 5.19 Subp. 4. **Construction activity.** "Construction activity"  
5.20 means activities for the purpose of construction, including  
5.21 clearing, grading, and excavating, that result in land  
5.22 disturbance of equal to or greater than one acre, including the  
5.23 disturbance of less than one acre of total land area that is  
5.24 part of a larger common plan of development or sale if the  
5.25 larger common plan will ultimately disturb equal to or greater  
5.26 than one acre. This includes a disturbance to the land that  
5.27 results in a change in the topography, existing soil cover, both  
6.1 vegetative and nonvegetative, or the existing soil topography  
6.2 that may result in accelerated storm water runoff which may lead  
6.3 to soil erosion and movement of sediment. Construction activity  
6.4 does not include a disturbance to the land of less than five  
6.5 acres for the purpose of routine maintenance that is performed  
6.6 to maintain the original line and grade, hydraulic capacity, and  
6.7 original purpose of the facility.

6.8 Subp. 5. **Decennial census.** "Decennial census" means the  
6.9 census of population and housing taken in each year ending in  
6.10 zero, as defined by the United States Census Bureau.

6.11 Subp. 6. **Industrial activity.** "Industrial activity" means  
6.12 the 11 categories of industrial activity which are directly  
6.13 related to manufacturing, processing, or raw materials storage  
6.14 areas at an industrial plant, as defined in Code of Federal  
6.15 Regulations, title 40, section 122.26(b)(14)(i)-(xi).

6.16 Subp. 7. **Municipality.** "Municipality" means a county, a  
6.17 city, a town, the Metropolitan Council when acting under the  
6.18 provisions of Minnesota Statutes, chapter 473, or other  
6.19 governmental subdivision of the state responsible by law for the  
6.20 prevention, control, and abatement of water pollution.

6.21 Subp. 8. **Municipal separate storm sewer system.**  
6.22 "Municipal separate storm sewer system" or "MS4" means a  
6.23 conveyance or system of conveyances including roads with  
6.24 drainage systems, municipal streets, catch basins, curbs,  
6.25 gutters, ditches, man-made channels, or storm drains:  
6.26 A. owned or operated by a state, city, town, county,  
6.27 district, association, or other public body, created by or  
7.1 pursuant to state law, having jurisdiction over disposal of  
7.2 sewage, industrial wastes, storm water, or other wastes,  
7.3 including special districts under state law such as a sewer



**DEPARTMENT OF THE ARMY**  
St. Paul District Corps of Engineers  
190 Fifth Street East  
St. Paul, Minnesota 55101-1683  
November 17, 2005

**EXHIBIT K**

REPLY TO  
ATTENTION OF  
Operations  
Regulatory (2005-6807-LAG)

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

Dear Mr. Strickland:

We have reviewed information about a project by BNSF Railway Company to abandon 5.4 miles of railroad line in Clay and Norman Counties, Minnesota. The project involves the removal of bridges and structures, as well as rails and ties. No discharge of dredged or fill material into waters of the United States is anticipated.

The work proposed at the location stated is not within the regulatory jurisdiction of the Corps of Engineers. No work will be done in a navigable water of the United States, and no dredged or fill material will be discharged in any water of the United States, including wetlands. Therefore, a Department of the Army permit is not required to do this work.

This office does not have the information you requested concerning the 100-year flood plain. We suggest you contact the Federal Emergency Management Agency for that information.

This letter is valid only for the project referenced above. If any change in design, location, or purpose is contemplated, contact this office to avoid doing work that may be in violation of Federal law. PLEASE NOTE THAT THIS CONFIRMATION LETTER DOES NOT ELIMINATE THE NEED FOR STATE, LOCAL, OR OTHER AUTHORIZATIONS, SUCH AS THOSE OF THE DEPARTMENT OF NATURAL RESOURCES OR COUNTY.

If you have any questions, contact Leo Grabowski in our Brainerd office at (218) 829-8402. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

A handwritten signature in cursive script that reads "Leo Grabowski".

Handwritten initials "RW" in cursive, followed by the typed name and title: Robert J. Whiting, Chief, Regulatory Branch.



EXHIBIT L

MINNESOTA HISTORICAL SOCIETY  
State Historic Preservation Office

November 30, 2005

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

Re: STB Docket No. AB (Sub. No. 433 X) BNSF Railway Company  
BNSF Railway to abandon 5.40 miles of railroad line between milepost 15.60  
near Georgetown in Clay County and milepost 21.00 near Perley in Norman County  
Clay and Norman Counties  
SHPO Number: 2006-0480

Dear Mr. Strickland:

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

There is insufficient information in the submittal for us to determine if this railroad line meets National Register criteria. We would recommend that you work with the STB to evaluate the line in accordance with the provisions of 36 CFR 800.4, and consult with us when that evaluation is completed.

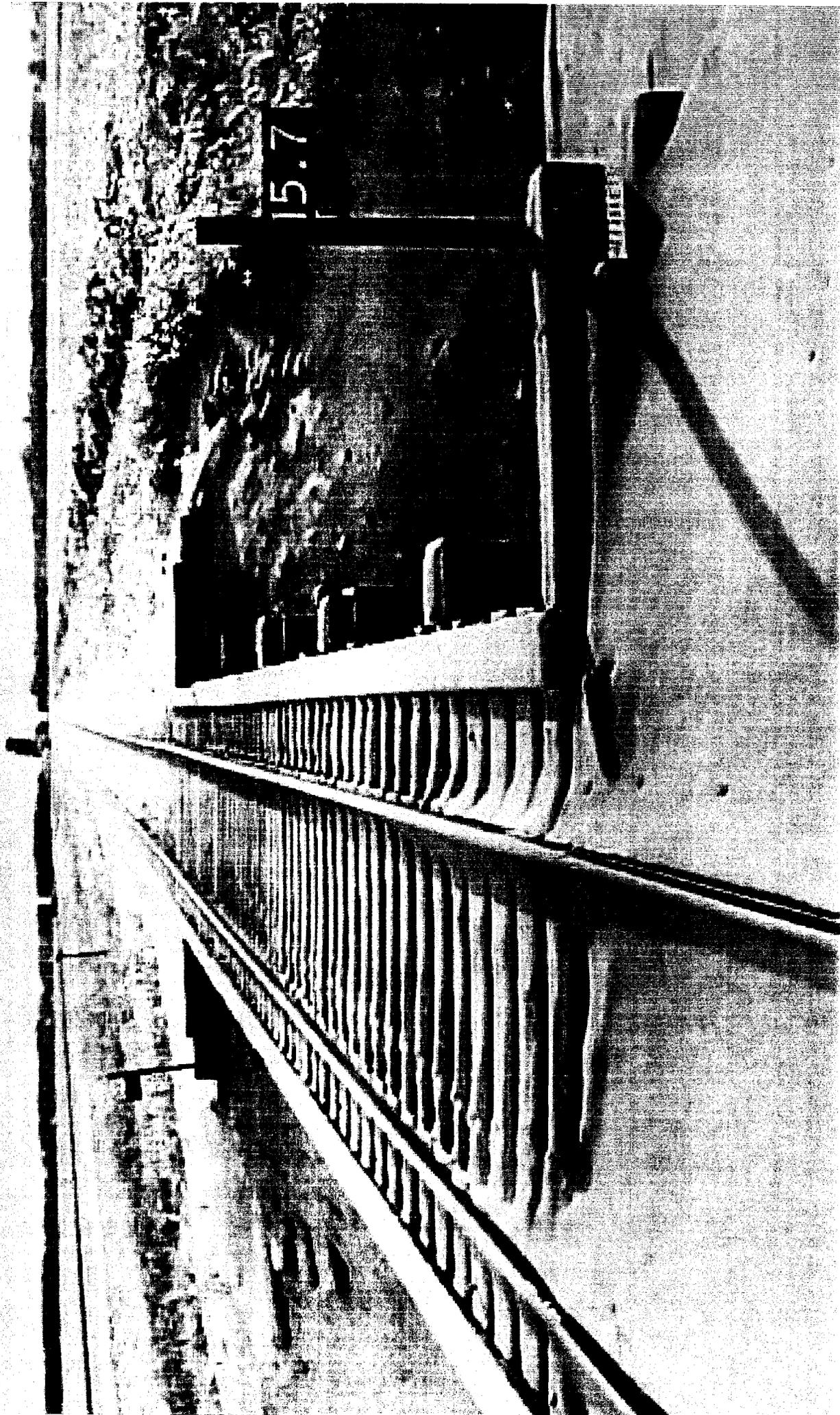
Contact me at 651-205-4205 with questions or concerns.

Sincerely,

Dennis A. Gimmestad  
Government Programs & Compliance Officer

**EXHIBIT L-1**

Bridge 15.70

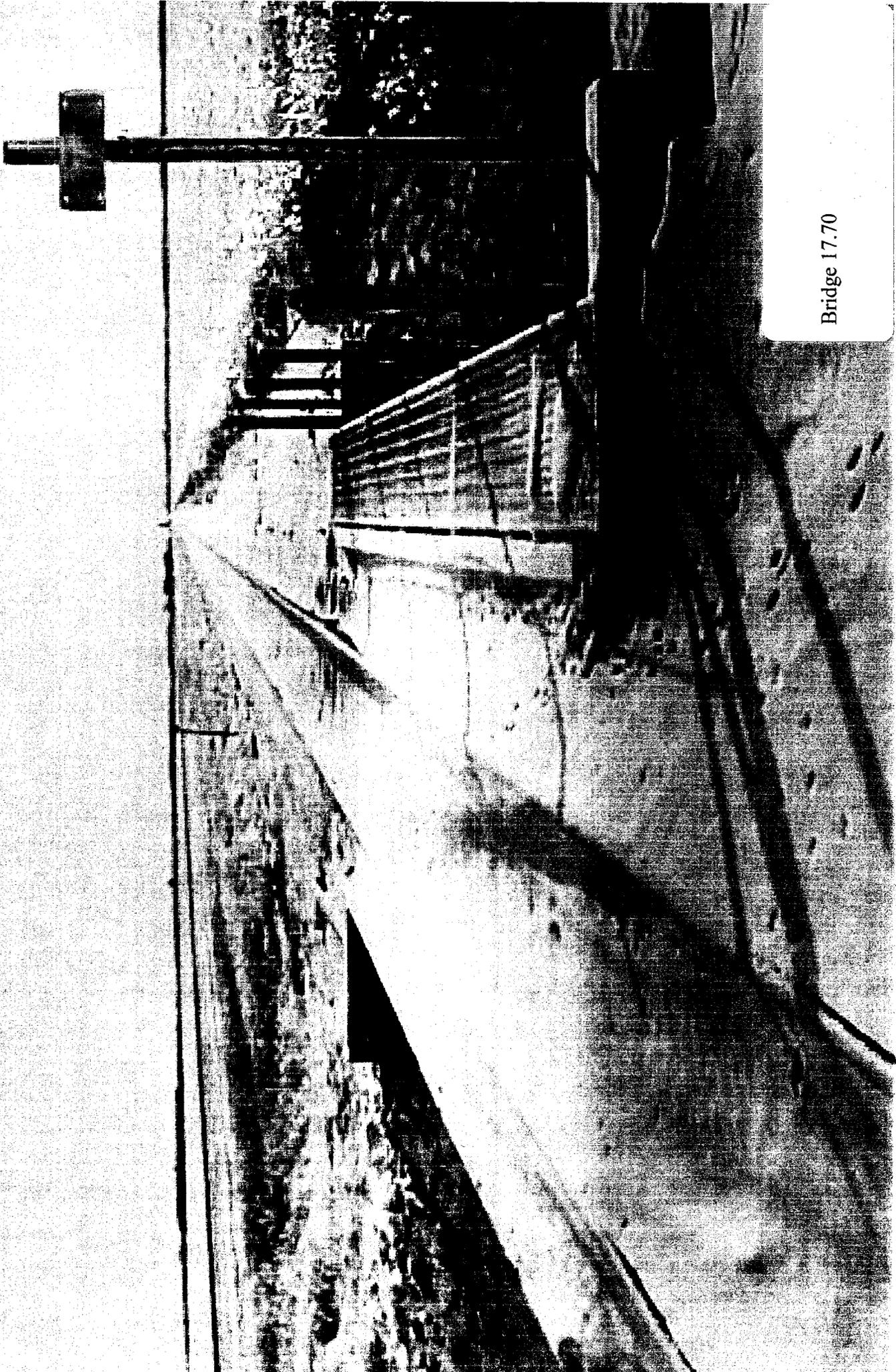


**EXHIBIT L-2**

Bridge 15.70



EXHIBIT L-3



Bridge 17.70

**EXHIBIT L-4**

Bridge 17.70



**EXHIBIT L-5**

Bridge 18.70



EXHIBIT L-6

Bridge 18.70

18.7

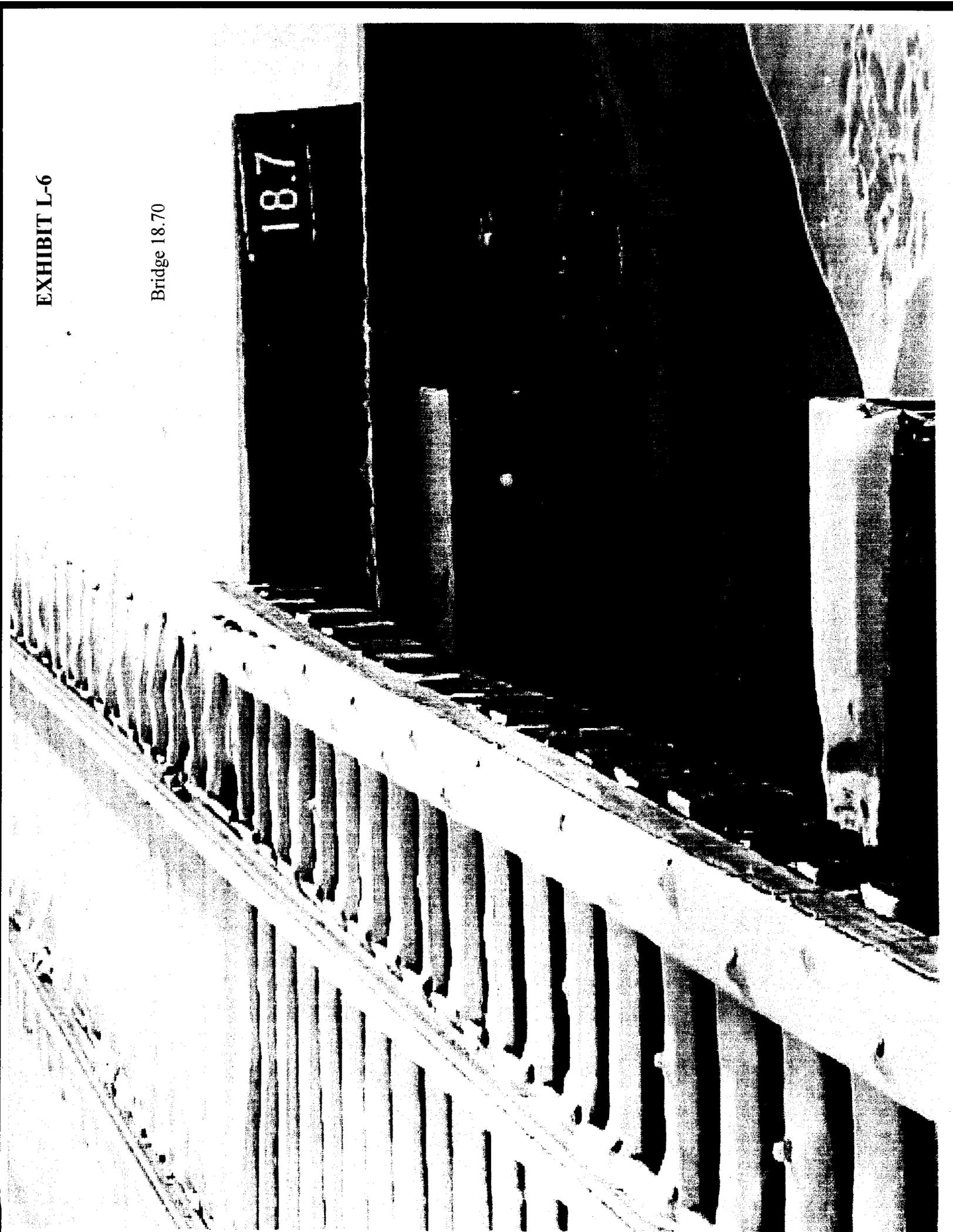


EXHIBIT L-7

Bridge 18.70



**EXHIBIT L-8**

Bridge 19.70

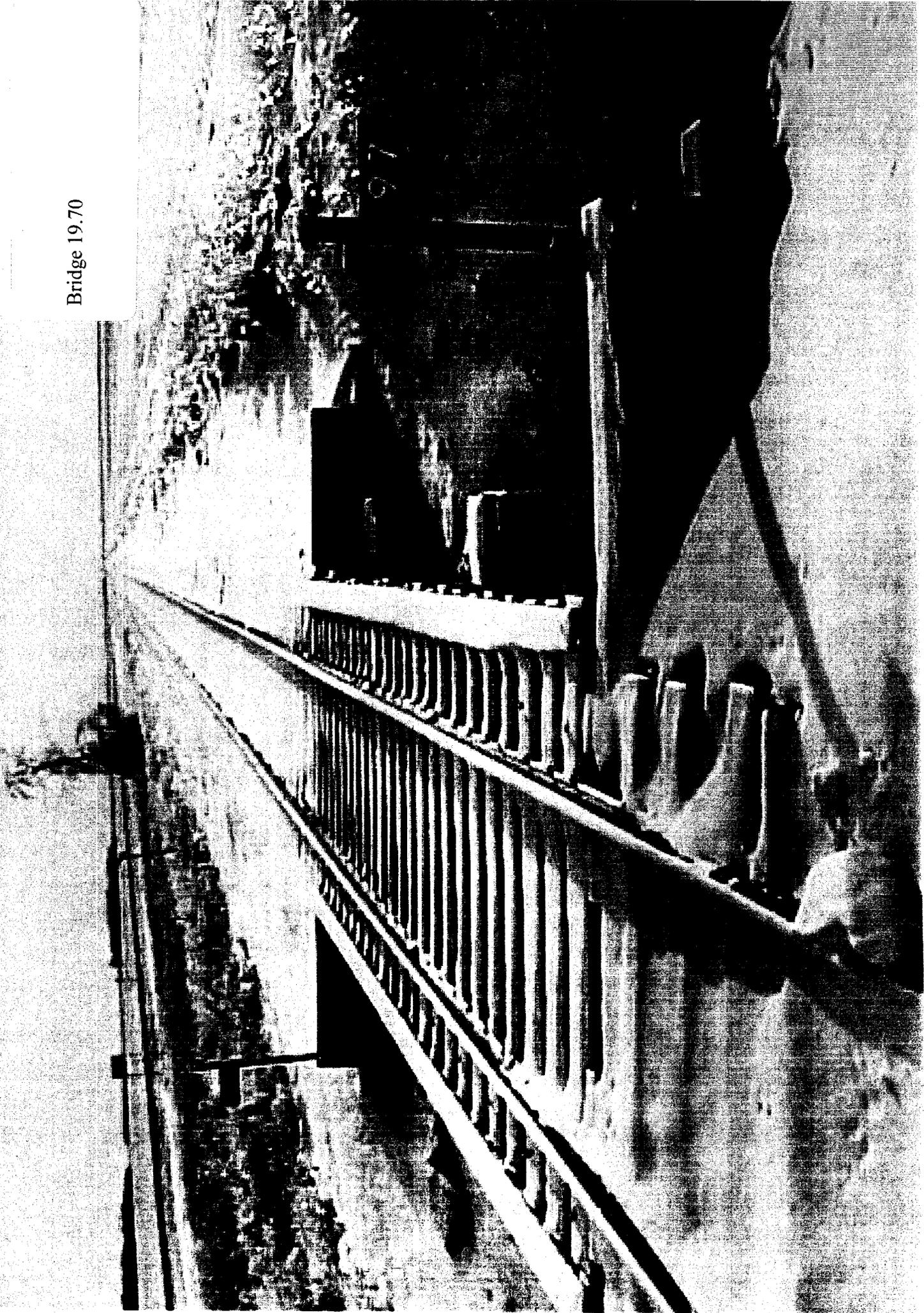


EXHIBIT L-9

Bridge 19.70

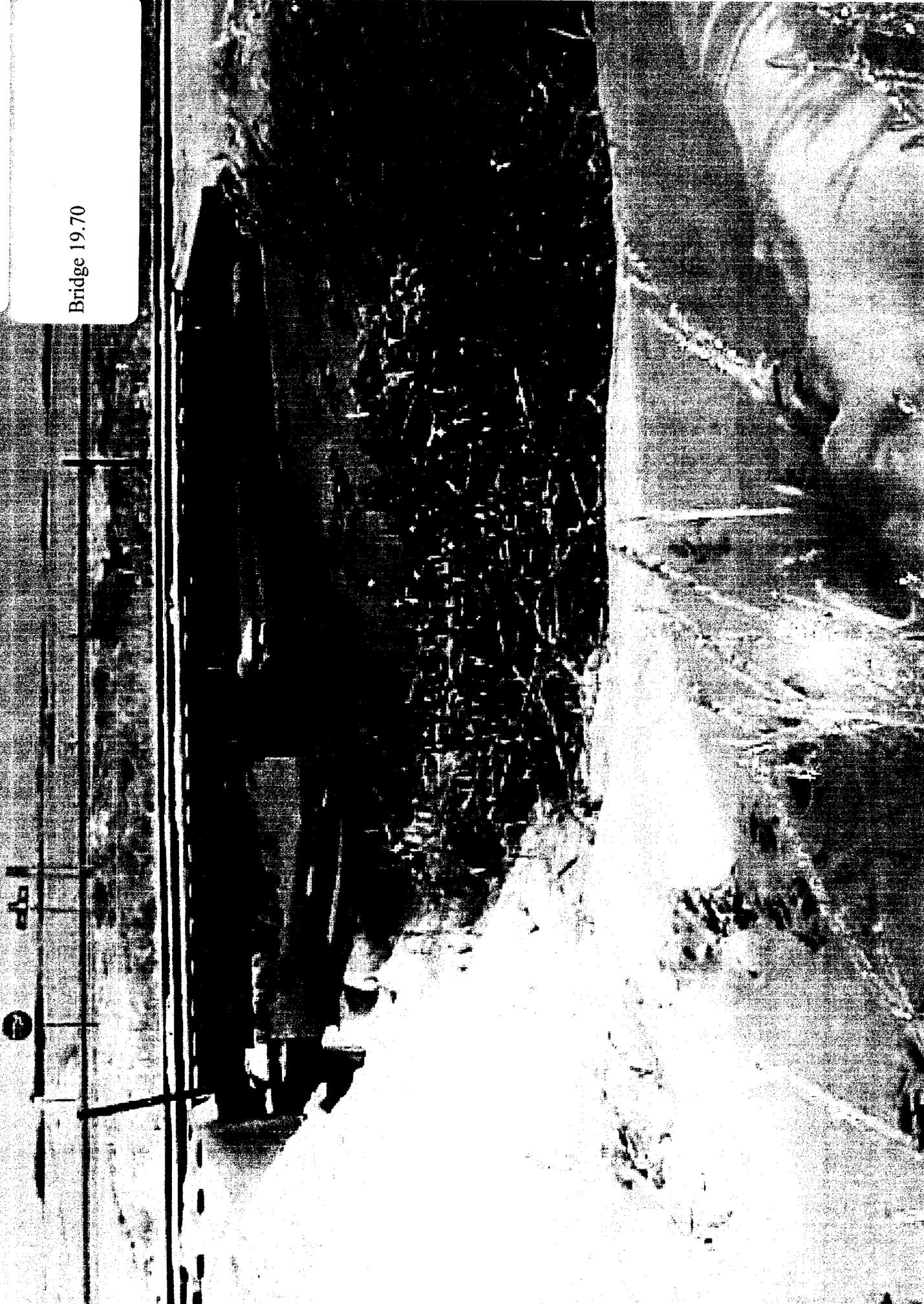
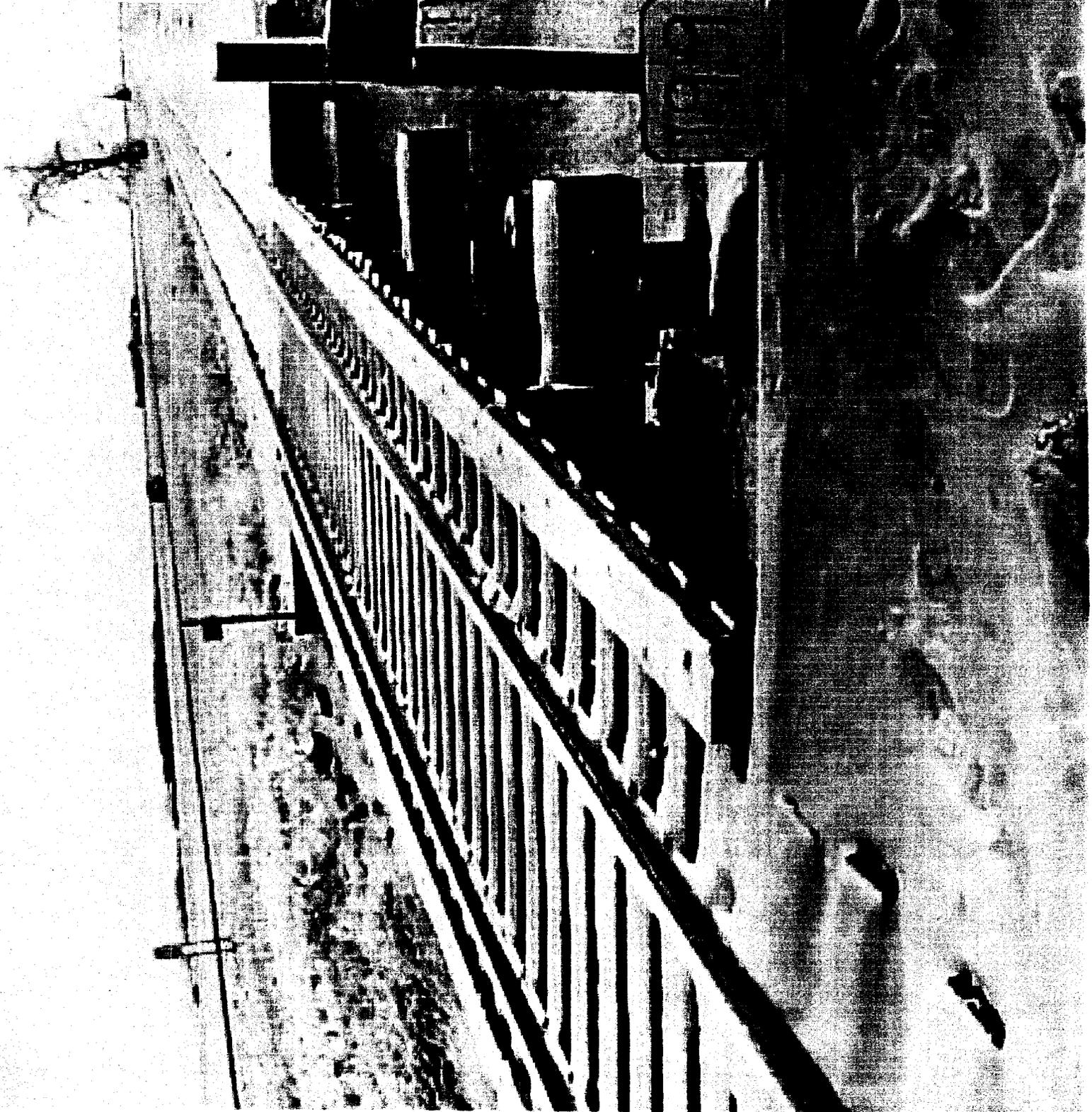


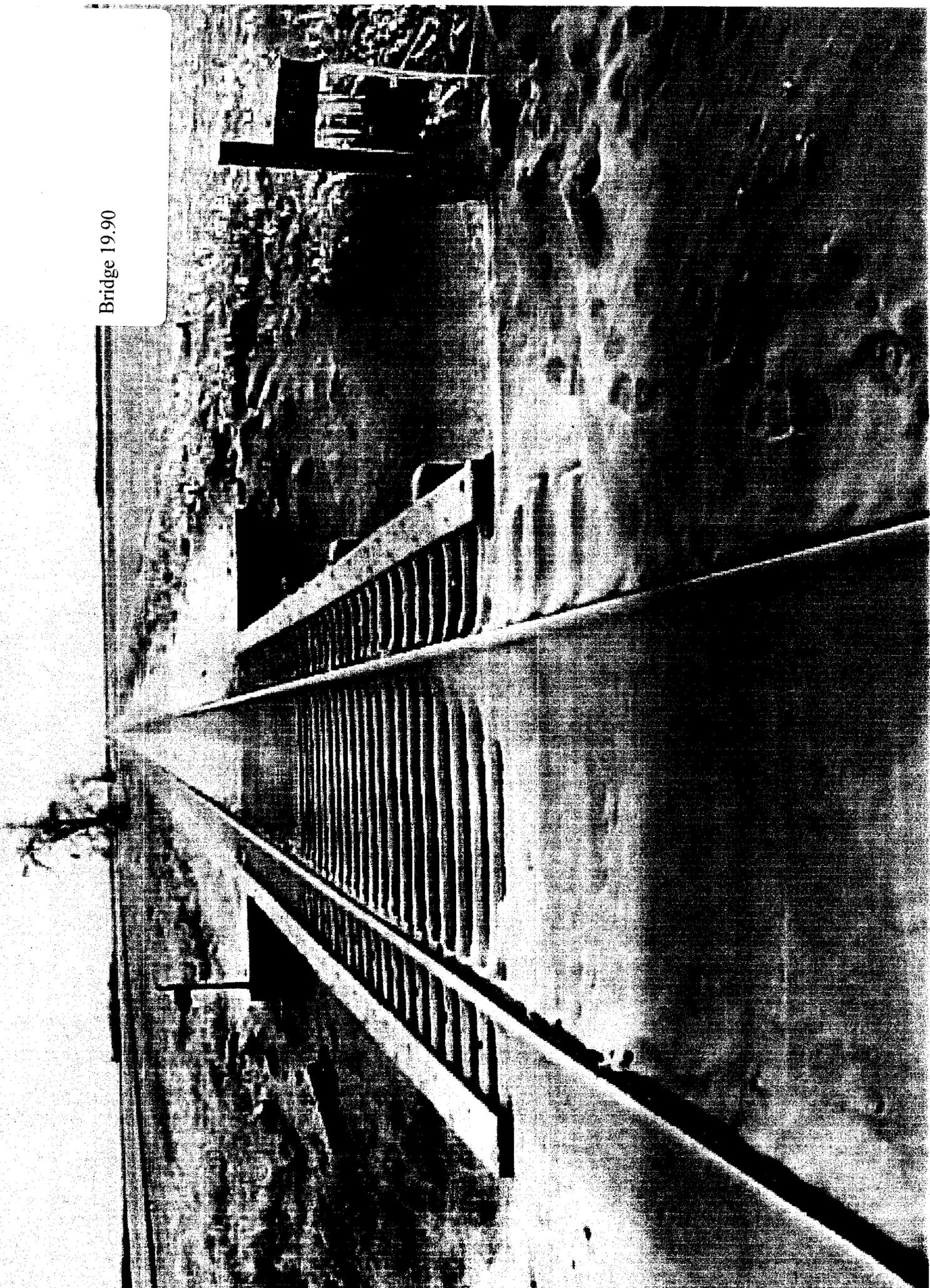
EXHIBIT L-10

Bridge 19.90



**EXHIBIT L-11**

Bridge 19.90



**EXHIBIT L-12**

Bridge 19.90



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

BNSF Railway Company ("BNSF"), by and through its authorized representative, Sidney L. Strickland, Jr., certifies that on January 27, 2006, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

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

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

William E. Lorenzen, Environmental  
Review/Justice Coordinator  
U.S. Department of Agriculture  
Natural Resources Conservation Service  
375 Jackson Street, Suite 600  
Saint Paul, MN 55101

Minnesota Historical Society  
RE: Compliance #2006-0480  
345 W. Kellogg Blvd.  
St. Paul, MN 55102-1906

Ron Anderson, Water Management Section  
Minnesota Department of Natural Resources  
Division of Waters  
500 Lafayette Road  
St. Paul, MN 55155-4040

Robert J. Whiting, Chief, Regulatory Branch  
U.S. Army Engineer District, St. Paul  
190 Fifth St. East  
St. Paul, MN 55101-1638

Robyn Thorson, Director  
Region 3—Great Lakes-Big Rivers  
U.S. Fish and Wildlife Service  
1 Federal Drive  
BHW Federal Building  
Fort Snelling, MN 55111

Patrick G. Carroll, Division of Realty  
Fish and Wildlife Service  
Bishop Henry Whipple Federal Building  
1 Federal Drive  
Fort Snelling, MN 55111-4056

Courtland Nelson, Director  
Parks and Recreation Division, Minnesota DNR  
500 Lafayette Road  
St. Paul, MN 55155-4040

Maryanna Harstad, Lands and Minerals Planner  
Minnesota DNR  
500 Lafayette Road  
St. Paul, MN 55155-4045

Maria Sieckman, Supervisor, Lands and  
Renewable Resources Team  
U.S. Bureau of Land Management  
Milwaukee Field Office  
626 E. Wisconsin Ave.  
Suite 200  
Milwaukee, WI 53202

Clay County Highway Department  
2951 41 ½ Street South  
Moorhead, MN 56560

Mick Alm, Norman County Engineer  
Norman County Highway Department  
814 Main St. East  
Ada, MN 56510-1318

Clay County Recorder  
807 11th Street North  
P.O. Box 280  
Moorhead, MN 56561

Norman County Clerk  
16 East Third Avenue  
P.O. Box 272  
Ada, MN 56510

Clay County Commissioners  
807 11th Street North  
P.O. Box 280  
Moorhead, MN 56561

Norman County Commissioners  
County Courthouse  
16 East Third Avenue  
Ada, MN 56510

U.S. National Park Service  
1849 C Street, NW  
Washington, DC 20240

U.S. Environmental Protection Agency  
1 Interstate Bank Tower at  
Fountain Place  
1445 Ross Avenue, 12th Fl.  
Dallas, TX 75202

Minnesota Department of Transportation  
395 John Ireland Boulevard  
St. Paul, MN 55155-1899

Robert J. Rickert  
Rail Bank and Abandonment Coordinator  
Minnesota Department of Transportation  
Office of Freight and Commercial Vehicle  
Operations  
Mail Stop 420  
1110 Centre Point Curve  
Mendota Heights, MN 55120-4152

Dale Thompson  
Supervisor, Stormwater Management Unit  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, MN 55155-4149

U.S. National Park Service  
Midwest Region  
1709 Jackson St.  
Omaha, NE 68102

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

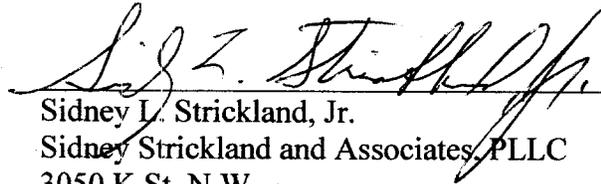
U.S. EPA  
Region 5  
Metcalf Building  
Office of Strategic Environmental Analysis  
77 West Jackson Boulevard  
Mailcode: B-19J  
Chicago, IL 60604

Kenneth A. Westlake, Chief  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

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

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

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



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

**SIDNEY STRICKLAND AND ASSOCIATES, PLLC**  
3050 K ST. N.W., SUITE 101  
WASHINGTON, DC 20007-5108  
TELEPHONE: 202-295-4024  
FAX: 202-672-5399

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

January 27, 2006

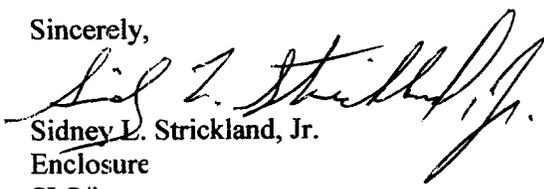
Ms. Victoria Ruston  
Chief, SEA  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C., 20423-0001

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

Dear Ms. Ruston:

On or about February 16, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 5.40 miles of railroad line between Milepost 15.60, near Georgetown in Clay County, and Milepost 21.00, near Perley in Norman County, Minnesota. Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Sincerely,

  
Sidney L. Strickland, Jr.

Enclosure  
SLS/iat

**SIDNEY STRICKLAND AND ASSOCIATES, PLLC**  
3050 K ST. N.W., SUITE 101  
WASHINGTON, DC 20007-5108  
TELEPHONE: 202-295-4024  
FAX: 202-672-5399

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

January 27, 2006

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

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

Dear Sir or Madam:

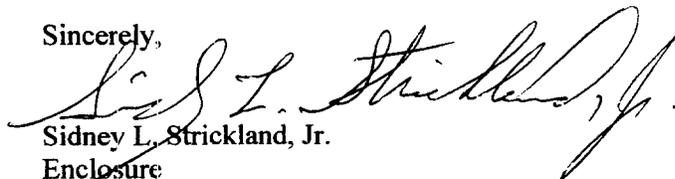
On or about February 16, 2006, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 5.40 miles of railroad line between Milepost 15.60, near Georgetown in Clay County, and Milepost 21.00, near Perley in Norman County, Minnesota. Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental and historic analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001, Telephone (202) 565-1545, and refer to the above Docket No. AB-6 (Sub. No. 433X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 295-4024 or by mail at Sidney Strickland and Associates, PLLC, 3050 K Street, N.W., Suite 101, Washington, DC 20007.

Thank you in advance for your cooperation.

Sincerely,



Sidney L. Strickland, Jr.

Enclosure  
SLS/iat

**SIDNEY STRICKLAND AND ASSOCIATES, PLLC**  
3050 K ST. N.W., SUITE 101  
WASHINGTON, DC 20007-5108  
TELEPHONE: 202-295-4024  
FAX: 202-672-5399

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

January 27, 2006

William E. Lorenzen, Environmental Review/Justice Coordinator  
U.S. Department of Agriculture  
Natural Resources Conservation Service  
375 Jackson Street, Suite 600  
Saint Paul, MN 55101

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

Dear Mr. Lorenzen:

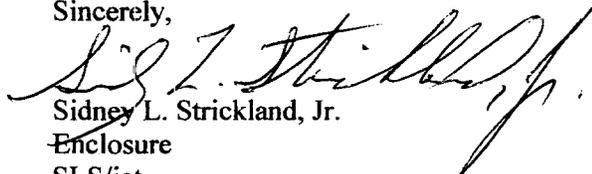
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Thank you in advance for your cooperation.

Sincerely,



Sidney L. Strickland, Jr.

Enclosure  
SLS/iat

**SIDNEY STRICKLAND AND ASSOCIATES, PLLC**  
3050 K ST. N.W., SUITE 101  
WASHINGTON, DC 20007-5108  
TELEPHONE: 202-295-4024  
FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLCCOM

January 27, 2006

Minnesota Historical Society  
RE: Compliance #2006-0480  
345 W. Kellogg Blvd.  
St. Paul, MN 55102-1906

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

Dear Sir or Madam:

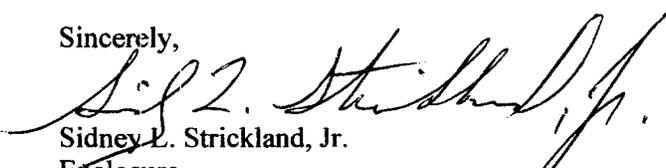
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**TELEPHONE: 202-295-4024**  
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLCCOM

January 27, 2006

Ron Anderson, Water Management Section  
Minnesota Department of Natural Resources  
Division of Waters  
500 Lafayette Road  
St. Paul, MN 55155-4040

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

Dear Mr. Anderson:

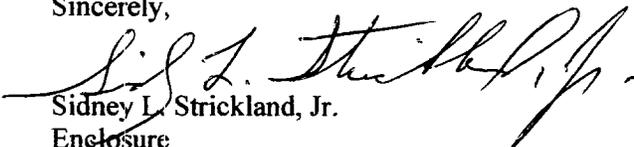
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLCCOM

January 27, 2006

Robert J. Whiting, Chief, Regulatory Branch  
U.S. Army Engineer District, St. Paul  
190 Fifth St. East  
St. Paul, MN 55101-1638

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

Dear Mr. Whiting:

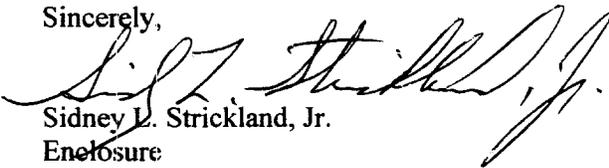
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

January 27, 2006

Robyn Thorson, Director  
Region 3—Great Lakes-Big Rivers  
U.S. Fish and Wildlife Service  
1 Federal Drive  
BHW Federal Building  
Fort Snelling, MN 55111

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

Dear Ms. Thorson:

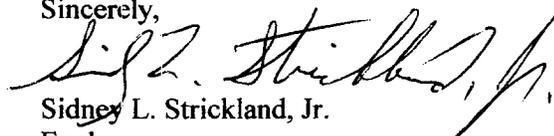
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

January 27, 2006

Patrick G. Carroll, Division of Realty  
Fish and Wildlife Service  
Bishop Henry Whipple Federal Building  
1 Federal Drive  
Fort Snelling, MN 55111-4056

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

Dear Mr. Carroll:

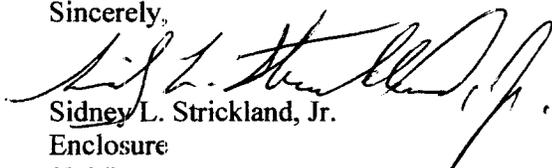
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

January 27, 2006

Courtland Nelson, Director  
Parks and Recreation Division, Minnesota DNR  
500 Lafayette Road  
St. Paul, MN 55155-4040

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

Dear Mr. Nelson:

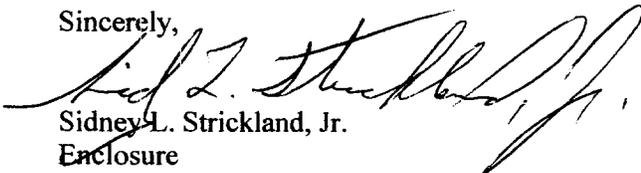
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

January 27, 2006

Maryanna Harstad, Lands and Minerals Planner  
Minnesota DNR  
500 Lafayette Road  
St. Paul, MN 55155-4045

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

Dear Ms. Harstad:

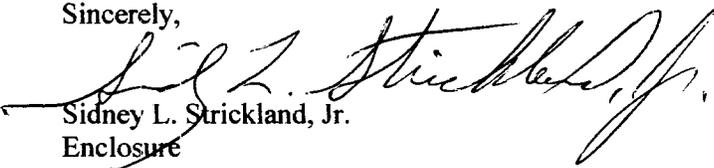
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SIDNEY L. STRICKLAND, JR.  
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January 27, 2006

Maria Sieckman, Supervisor, Lands and Renewable Resources Team  
U.S. Bureau of Land Management  
Milwaukee Field Office  
626 E. Wisconsin Ave.  
Suite 200  
Milwaukee, WI 53202

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

Dear Ms. Sieckman:

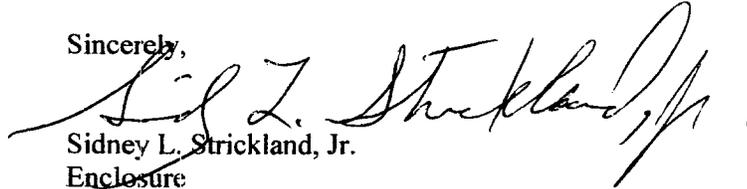
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLCCOM

January 27, 2006

Clay County Highway Department  
2951 41 ½ Street South  
Moorhead, MN 56560

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

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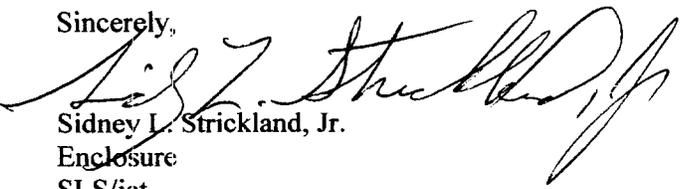
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLCC.COM

January 27, 2006

Mick Alm, Norman County Engineer  
Norman County Highway Department  
814 Main St. East  
Ada, MN 56510-1318

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

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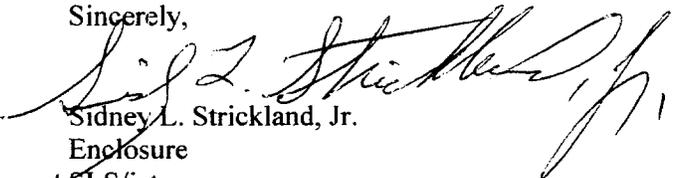
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

January 27, 2006

Clay County Recorder  
807 11<sup>th</sup> Street North  
P.O. Box 280  
Moorhead, MN 56561

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

Dear Sir or Madam:

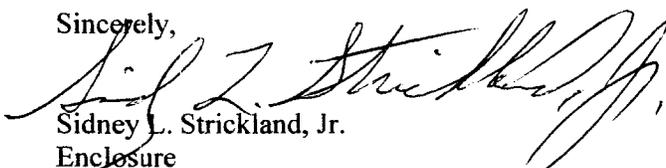
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLCCOM

January 27, 2006

Norman County Clerk  
16 East Third Avenue  
P.O. Box 272  
Ada, MN 56510

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

Dear Sir or Madam:

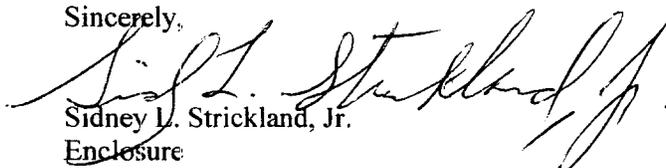
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Thank you in advance for your cooperation.

Sincerely,

  
Sidney L. Strickland, Jr.

Enclosure  
SLS/iat

**SIDNEY STRICKLAND AND ASSOCIATES, PLLC**  
3050 K ST. N.W., SUITE 101  
WASHINGTON, DC 20007-5108  
TELEPHONE: 202-295-4024  
FAX: 202-672-5399

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

January 27, 2006

Clay County Commissioners  
807 11<sup>th</sup> Street North  
P.O. Box 280  
Moorhead, MN 56561

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

Dear Sir or Madam:

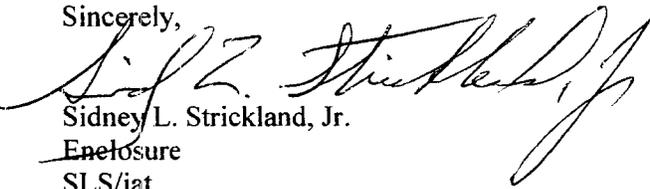
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

January 27, 2006

Norman County Commissioners  
County Courthouse  
16 East Third Avenue  
Ada, MN 56510

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

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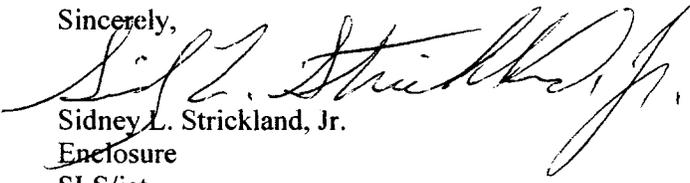
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

January 27, 2006

U.S. National Park Service  
1849 C Street, NW  
Washington, DC 20240

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

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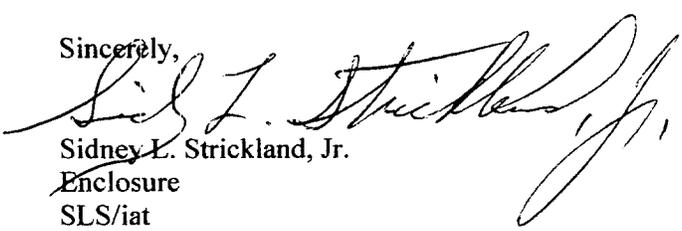
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

January 27, 2006

U.S. Environmental Protection Agency  
1 Interstate Bank Tower at  
Fountain Place  
1445 Ross Avenue, 12th Fl.  
Dallas, TX 75202

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

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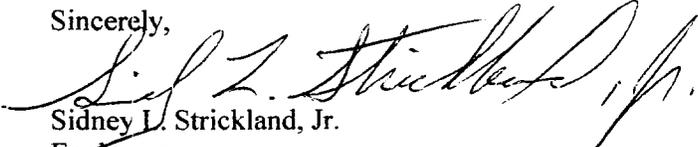
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

January 27, 2006

Minnesota Department of Transportation  
395 John Ireland Boulevard  
St. Paul, MN 55155-1899

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

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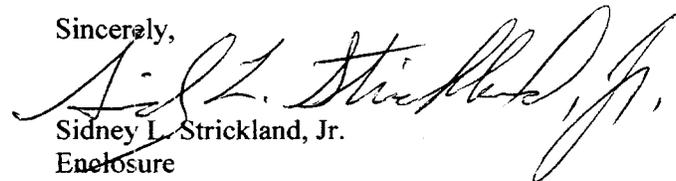
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TELEPHONE: 202-295-4024  
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

January 27, 2006

Robert J. Rickert  
Rail Bank and Abandonment Coordinator  
Minnesota Department of Transportation  
Office of Freight and Commercial Vehicle Operations  
Mail Stop 420  
1110 Centre Point Curve  
Mendota Heights, MN 55120-4152

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

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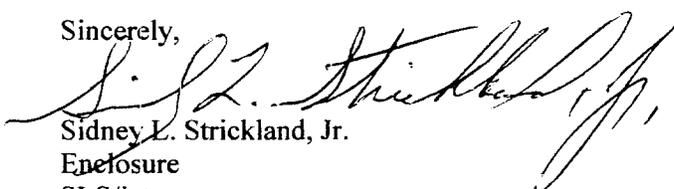
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SIDNEY L. STRICKLAND, JR.  
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January 27, 2006

Dale Thompson  
Supervisor, Stormwater Management Unit  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, MN 55155-4149

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
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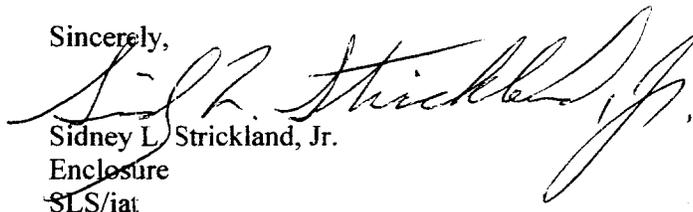
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SIDNEY L. STRICKLAND, JR.  
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January 27, 2006

U.S. National Park Service  
Midwest Region  
1709 Jackson St.  
Omaha, NE 68102

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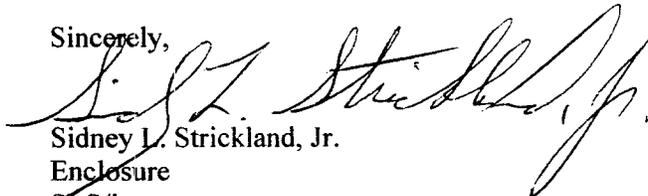
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

January 27, 2006

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

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
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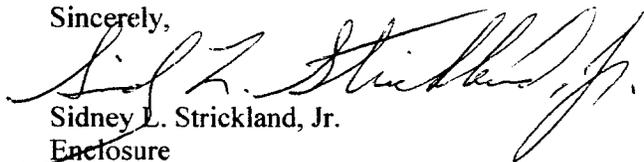
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLL.COM

January 27, 2006

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

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
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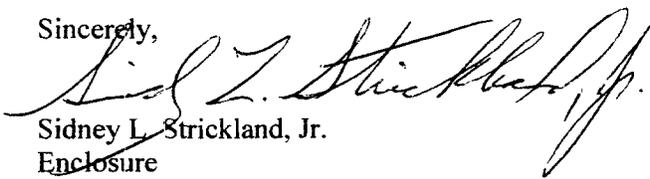
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

January 27, 2006

Kenneth A. Westlake, Chief  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

Dear Mr. Westlake:

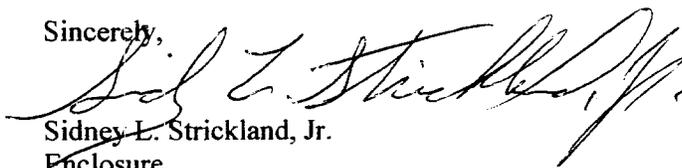
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SIDNEY L. STRICKLAND, JR.  
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January 27, 2006

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

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Abandonment Exemption – in Clay and Norman Counties, MN***

Dear Sir or Madam:

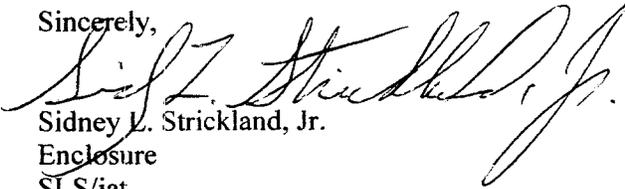
On or about February 16, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 5.40 miles of railroad line between Milepost 15.60, near Georgetown in Clay County, and Milepost 21.00, near Perley in Norman County, Minnesota. Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB’s independent environmental and historic analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB’s environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001, Telephone (202) 565-1545, and refer to the above Docket No. AB-6 (Sub. No. 433X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 295-4024 or by mail at Sidney Strickland and Associates, PLLC, 3050 K Street, N.W., Suite 101, Washington, DC 20007.

Thank you in advance for your cooperation.

Sincerely,

  
Sidney L. Strickland, Jr.

Enclosure

SLS/iat

**SIDNEY STRICKLAND AND ASSOCIATES, PLLC**  
**3050 K ST. N.W., SUITE 101**  
**WASHINGTON, DC 20007-5108**  
**TELEPHONE: 202-295-4024**  
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SIDNEY L. STRICKLAND, JR.  
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

January 27, 2006

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

***Re: STB Docket No. AB-6 (Sub. No. 433X) BNSF Railway Company—  
Abandonment Exemption – in Clay and Norman Counties, MN***

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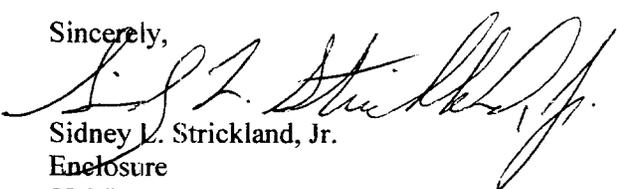
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