

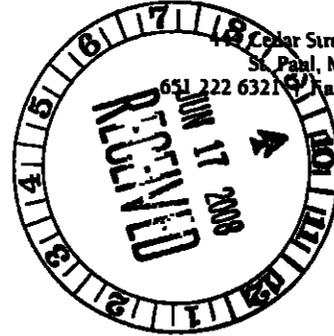
Felhaber Larson
Fenlon & Vogt

A Professional Association - Attorneys at Law

222628

MINNEAPOLIS
220 South Sixth Street | Suite 2200
Minneapolis, MN 55402-4504
612 339 6321 | Fax 612 338 0535

Karen R. Kees
651/312-6020
Fax 651/222-8905
E-mail kkees@felhaber.com
Reply to St. Paul Office



ST PAUL
142 Cedar Street | Suite 2100
St. Paul, MN 55101-2136
651 222 6321 | Fax 651 222 8905

June 16, 2008

Vernon A. Williams, Secretary
Surface Transportation Board
395 "E" Street SW
Washington, DC 20423-0001

Via Federal Express (ZIP CODE 20024)

**RE: Docket No. AB-577 (Sub No. 1X), Mohall Railroad, Inc.
Abandonment Exemption in Walsh County, North Dakota
Our File No. 24270.001**

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the Verified Notice of Exemption of Mohall Railroad, Inc. dated June 16, 2008, pursuant to 49 C.F.R. § 1152.50. A check for the filing fee of \$3200.00 is also enclosed.

One extra copy of this transmittal letter is enclosed as well. Please date stamp this copy to show receipt and return it to me in the enclosed envelope

The Environmental and Historic Report for this proceeding has already been filed with the Board. Feel free to contact me if you have any questions. Thank you for your assistance in this matter.

ENTERED
Office of Proceedings

JUN 17 2008

Part of
Public Record

klg
enclosures

cc. Michael J. Barron
Byron D. Olsen
Greg Haug
Jesse Chalich
Mark S. Radke

Respectfully submitted,

Karen R. Kees
Karen R. Kees
Paralegal

FILED

JUN 17 2008

**SURFACE
TRANSPORTATION BOARD**

FEE RECEIVED

JUN 17 2008

**SURFACE
TRANSPORTATION BOARD**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-577 (Sub No. 1X)

MOHALL RAILROAD, INC.

**ABANDONMENT EXEMPTION –
IN WALSH COUNTY, NORTH DAKOTA**

**VERIFIED NOTICE OF EXEMPTION OF
MOHALL RAILROAD, INC.
49 C.F.R. § 1152.50**

Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 920
Chicago, IL 60606-2832
312/252-1511

ATTORNEY FOR
MOHALL RAILROAD, INC

Dated: June 16, 2008

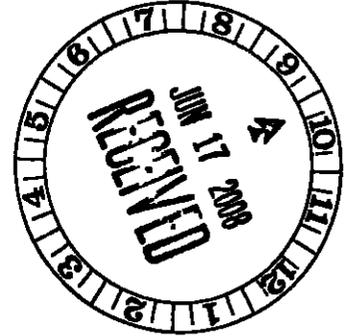
**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-577 (Sub No. 1X)

MOHALL RAILROAD, INC.

**ABANDONMENT EXEMPTION –
IN WALSH COUNTY, NORTH DAKOTA**

**VERIFIED NOTICE OF EXEMPTION OF
MOHALL RAILROAD, INC.
49 C.F.R. § 1152.50**



Mohall Railroad, Inc. ("MRI") hereby submits this Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F, to abandon a segment of railroad known as the Voss line, 7.06 miles long, extending from milepost 137.09 at Voss, North Dakota, to milepost 130.03 at Forest River, North Dakota, in Walsh County, North Dakota.

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), MRI submits the following information:

General Corporation Information: 49 C.F.R. § 1152.22(a)(1)-(2)

MRI is a class III common carrier by rail which owns and operates approximately 20.44 miles of rail line in North Dakota, of which 7.06 miles are proposed for abandonment

The complete name and address of MRI is.

Mohall Railroad, Inc.
P.O. Box 38
100 Railroad Avenue
Fordville, ND 58231

Relief Sought: 49 C.F.R. § 1152.22(a)(3)

Pursuant to the Board's class exemption for the abandonment of out-of-service rail lines, codified at 49 C.F.R. Part 1152, Subpart F, MRI intends to abandon a portion of its line of railroad, which is a 7.06 mile long segment of the Voss line from milepost 137.09 to milepost 130.03 in Walsh County, North Dakota.

Map: 49 C.F.R. § 1152.22(a)(4)

A detailed map of the Voss line to be abandoned is attached hereto as Exhibit A.

MRI's Representative: 49 C.F.R. § 1152.22(a)(7)

MRI's representative to whom correspondence regarding this abandonment should be sent is:

Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 920
Chicago, IL 60606-2832
312/252-1511

ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)

The segment of the Voss line to be abandoned traverses United States Postal Service ZIP Codes 58261 and 58233.

Qualification for Class Exemption: 49 C.F.R. §1152.50(b)

Per the certificate and verification attached hereto as Exhibit B, MRI certifies that no local traffic has moved over the segment of the Voss line to be abandoned for at least the last two years, there is no overhead traffic on the segment of the Voss line to be abandoned that would have to be rerouted over other lines, and no formal complaint filed by a user of rail service on the segment of the Voss line to be abandoned (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the proposed abandonment is pending with

the Board or any U.S. District Court or has been decided in favor of the complainant during the last two years.

Consummation Date: 49 C.F.R. §1152.50(d)(2)

MRI will not consummate the proposed abandonment any earlier than August 11, 2008.

Suitability for Other Public Purposes: 49 C.F.R. §1152.22(e)(4)

The most likely use for the abandoned right of way would be to place the land into agricultural production consistent with the existing adjacent land use. The right of way might also be suitable as a trail, but the sparse population and lack of amenities in the area make such use unlikely. MRI does not believe that the right of way would be of interest to the State or any other entity as a highway or mass transportation line or other similar public use because of the sparsely populated and under-developed nature of the area. MRI owns fee title to the lands underlying the subject line. Based on information in our possession, the subject line does not appear to contain any federally granted right of way

Labor Protection: 49 C.F.R. §1152.50(d)(2)

The level of labor protection applicable in rail line abandonments is that established in *Oregon Short Line Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

Certificate of Compliance with Notice Requirements: 49 C.F.R. §1152.50(d)(2)

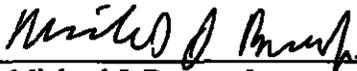
A certificate that the notice requirements of 49 C.F.R. § 1152(d)(1), 49 C.F.R. §1105.8, and 49 C.F.R. § 1105.11 have been complied with is attached hereto as Exhibit C.

Environmental and Historic Report: 49 C.F.R. §§1105.7 and 1105.8

An Environmental and Historic Report, prepared pursuant to 49 C.F.R. §§1105.7 and 1105.8 was already filed with the Surface Transportation Board in this proceeding.

Since submitting the Environmental and Historic Report, MRI has received the following correspondence: letter from the State Historical Society of North Dakota dated May 28, 2008; letter from the North Dakota Dept. of Health, Environmental Health Section dated May 28, 2008; and letter from the Dept. of the Army, U.S. Army Corps of Engineers dated May 13, 2008; copies of which are attached hereto as Exhibit D. If MRI receives additional correspondence, it will immediately forward copies to the STB.

Respectfully submitted,

By: 
Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 920
Chicago, IL 60606-2832
312/252-1511

ATTORNEY FOR
MOHALL RAILROAD, INC

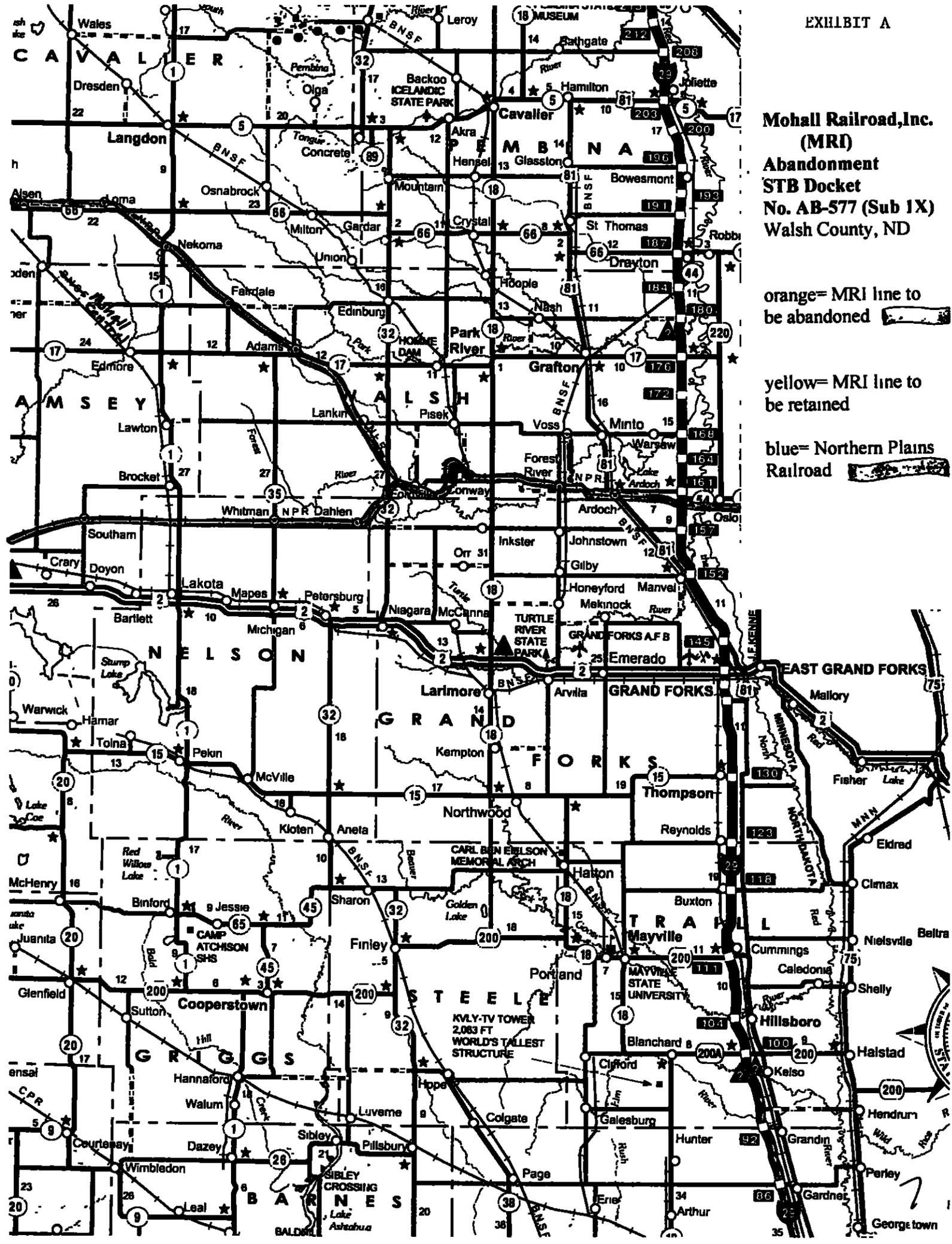
Dated. June 16, 2008

**Mohall Railroad, Inc.
(MRI)
Abandonment
STB Docket
No. AB-577 (Sub 1X)
Walsh County, ND**

orange= MRI line to
be abandoned

yellow= MRI line to
be retained

blue= Northern Plains
Railroad



CERTIFICATE

I, Mark S. Radke, an attorney for Mohall Railroad, Inc, hereby certify that, for the proceeding before the surface Transportation Board known as Docket No. AB-577 (Sub No. 1X), Mohall Railroad, Inc. – Abandonment Exemption – in Walsh County, North Dakota:

(1) The notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with, to wit: On June 2, 2008, written notice was mailed to the (a) United States Department of Defense, MTMCEA, Attn: Railroads for National Defense; (b) U.S. Department of Agriculture, Chief of the Forest Service; (c) National Center for Recreation and Conservation, National Park Service; (d) North Dakota Department of Transportation; and (e) North Dakota Public Service Commission (copies of which are attached hereto as Attachments 1-5).

(2) The notice requirements of 49 C.F.R. § 1105.11 have been complied with, to wit: On May 21, 2008, the Environmental and Historic Report for this proceeding, which report has also been filed with the Surface Transportation Board, and the accompanying transmittal letters in the form set forth in 49 C.F.R. § 1105.11 (a sample of which is attached hereto as Attachment 6) were served by first class mail, postage prepaid, on the parties listed on Attachment 7, which list includes the state historic preservation officer, as required by 49 C F R. § 1105.7(b) and § 1105.11.

(3) A newspaper notice was published on April 23, 2008 in THE RECORD, a newspaper of general circulation in Walsh County, North Dakota. The notice alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. Copies of the notice and Affidavit of Publication are attached to this Certificate as Attachment 8.

(4) The notice requirements of 49 C.F.R. 1105.8 have been complied with.


Mark S. Radke

Dated: June 16, 2008

Felhaber Larson Fenlon & Vogt

A Professional Association – Attorneys at Law

MINNEAPOLIS
220 South Sixth Street | Suite 2200
Minneapolis, MN 55402-4504
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Karen R. Kees
651/312-6020
Fax: 651/222-8905
E-mail: kkees@felhaber.com
Reply to St Paul Office

June 2, 2008

Department of Defense MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd.
Suite 130
Newport News, Virginia 23606-2574

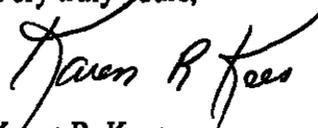
**RE: Docket No. AB-577 (Sub No. 1X) Mohall Railroad, Inc.
Notice of Exemption for Abandonment in Walsh County, ND**

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Mohall Railroad, Inc. shall on or after June 16, 2008, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 7.06 mile line of railroad between milepost 137.09 at Voss, ND, and milepost 130.03 at Forest River, ND, all in Walsh County, North Dakota. Such line runs through U.S. Postal Zip Codes 58261 and 58233.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Karen R. Kees
Paralegal

klg
cc: Michael J. Barron
Byron D. Olsen
Gregg Haug
Jesse Chalich

Felhaber Larson Fenlon & Vogt

A Professional Association – Attorneys at Law

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Fax 651/222-8905
E-mail kkees@felhaber.com
Reply to St. Paul Office

June 2, 2008

U.S. Department of Agriculture, Chief
of the Forest Service – Gail Kimbell
1400 Independence Avenue, S.W.
Washington, D.C. 20250-0003

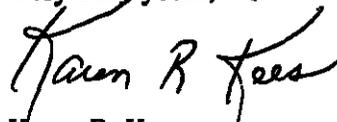
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Karen R. Kees
Paralegal

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cc: Michael J. Barron
Byron D. Olsen
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Jesse Chalich

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E-mail kkees@felhaber.com
Reply to St Paul Office

June 2, 2008

National Center for Recreation and
Conservation – The National Park Service
1849 “C” Street, N.W.
Washington, D.C. 20240

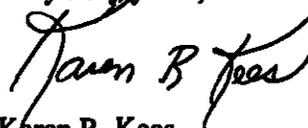
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Reply to St. Paul Office

June 2, 2008

North Dakota Department of
Transportation – Planning
608 East Boulevard Avenue
Bismarck, ND 58505-0700

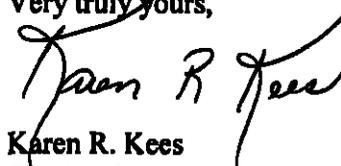
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Reply to St Paul Office

June 2, 2008

North Dakota Public Service Commission
Department 408
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0480

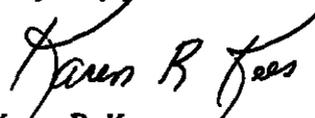
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Notice of Exemption for Abandonment in Walsh County, ND**

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Mohall Railroad, Inc. shall on or after June 16, 2008, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 7.06 mile line of railroad between milepost 137.09 at Voss, ND, and milepost 130.03 at Forest River, ND, all in Walsh County, North Dakota. Such line runs through U.S. Postal Zip Codes 58261 and 58233.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Karen R. Kees
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Reply to St. Paul office

ST. PAUL
444 Cedar Street | Suite 2100
St. Paul, MN 55101-2136
651 222 6321 | Fax 651 222 8905

May 21, 2008

U.S. Fish & Wildlife Service
Department of the Interior
1849 "C" Street NW
Washington, DC 20240

**RE: STB Docket No. AB-577 (Sub No. 1X)
Mohall Railroad, Inc. - Abandonment Exemption
Portion of Railroad Line in Walsh County, North Dakota
Our File No. 24270.1**

Ladies and Gentlemen:

On or about June 16, 2008, Mohall Railroad, Inc., a North Dakota corporation ("MRI") will file with the Surface Transportation Board ("STB") a Notice of Exemption for approval to abandon a portion of a line of railroad 7.06 miles in length which extends from milepost 137.09 at Voss, North Dakota, to milepost 130.03 at Forest River, North Dakota. The line to be abandoned runs through Walsh County in North Dakota, as indicated on the maps included in the Environmental and Historic Report ("EHR") described in the following paragraph.

In accordance with Title 49 of the Code of Federal Regulations, Sections 1105.7 and 1105.8, I am enclosing a copy of the EHR. MRI will file the EHR with the STB as a component of the proposed abandonment. The EHR explains in greater detail the scope of the rail line abandonment.

We are providing you with a copy of the EHR so that you may review the information that will form the basis for the STB's environmental analysis of this proceeding. If any of the information in the EHR appears to be 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") by mail at Surface Transportation Board, 395 "E" Street SW, Washington, DC 20423, or by telephone at 202/245-0295, and refer to Docket No. AB-577 (Sub No. 1X). Since the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA

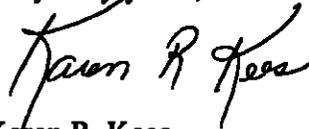
May 21, 2008
Page 2

(with a copy to MRI's representative) would be appreciated **within three weeks**. MRI's representative in this matter is: Michael J. Barron, Jr., Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2832, phone number 312/252-1511

Any comments received from your office will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the proposed abandonment.

We appreciate your assistance and cooperation. Thank you

Very truly yours,



Karen R. Kees
Paralegal

klg
enclosures

cc. Byron Olsen
Michael J. Barron, Jr.
Mark S. Radke

**SERVICE OF THE ENVIRONMENTAL & HISTORIC REPORT
STB DOCKET NO. AB-577 (Sub No. 1X)
MOHALL RAILROAD, INC.
WALSH COUNTY, NORTH DAKOTA**

Parties served with a copy of the Environmental and Historic Report pursuant to Section 1105.7(b) 20 days prior to the filing with the STB of the (i) Petition for Exemption; (ii) Notice of Exemption OR (iii) Application for Abandonment

Agency/Party	Address
The State Clearing House for North Dakota	Paul Govig, Director Division of Community Services North Dakota Department of Commerce P. O. Box 2057 Bismarck, ND 58502-2057
North Dakota Environmental Protection Agency	North Dakota Department of Health Environmental Health Section Gold Seal Center 918 East Divide Avenue Bismarck, ND 58501-1947
Walsh County Commissioners (ND)	<i>William Gorder</i> <i>Jack Karas</i> <i>Allen Ruzicka</i> <i>Luther Meberg</i> <i>Ernie Barta</i> 600 Cooper Avenue Grafton, ND 58237-1542
U S Environmental Protection Agency Regional Office	Regional Administrator 1595 Wynkoop Street Denver, CO 80202-1129
U.S. Fish & Wildlife Service	Department of the Interior 1849 "C" Street NW Washington, D.C 20240
U S. Army Corps of Engineers	<i>LTJG Carl Strock, Commander</i> Headquarters 441 "G" Street NW Washington, DC 20314
The National Park Service	National Center for Recreation and Conservation 1849 "C" Street NW Washington, D.C. 20240
Natural Resources Conservation Service	P. O. Box 2890 Washington, D C 20013

Agency/Party	Address
National Geodetic Survey	SSMC-3 #9202 1315 East-West Highway Silver Spring, MD 20910-3282
State Historical Society of North Dakota	<i>Marvin L. Kaiser, President</i> 612 E. Boulevard Ave. Bismarck, ND 58505-0830
Gov. John Hoeven	600 East Boulevard Avenue Bismarck, ND 58505-0001
North Dakota Department of Transportation – Planning	608 East Boulevard Avenue Bismarck, ND 58505-0700

Affidavit of Publication

STATE OF NORTH DAKOTA,)
County of Walsh) ss.

Jackie Thompson, being first duly sworn on his/her

oath deposes and says that THE RECORD is a once weekly newspaper of general circulation printed and published in the City of Grafton, County of Walsh and State of North Dakota, by The Morgan Printing Co., that it has complied with all requirements of the laws of the State of North Dakota concerning legal publications, is now, and during all the times hereinafter mentioned, has been a legal newspaper, that deponent is the publisher of said Record, and the advertisement of Notice Mohall Railroad Inc. a ND Co gives notice it intends to file Surface Transportation Board, a printed copy of which is hereto annexed, was printed and published in every copy of each issue of said Record for a period of one consecutive weeks, to-wit

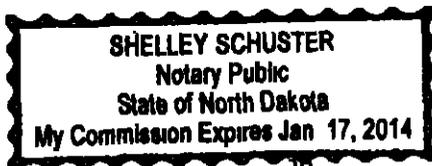
	Price	Date
Straight Matter Lines		, 20
First Time Line Rate	<u>44</u> \$41.80	<u>Apr-23</u> , 20 <u>08</u>
Subsequent Line Rates		, 20
		, 20
		, 20
Tabulated Lines		, 20
First Time Line Rate		, 20
Subsequent Line Rates		, 20
		, 20
		, 20
		, 20
Column Inches		, 20
First Time Inch Rate		, 20
Subsequent Inch Rates		, 20

Total Cost of Legal, \$ 41.80

Subscribed and sworn to before me this 24th day of April
A D 20 08

(Seal) Shelley Schuster

Notary Public, State of North Dakota



My Commission Expires _____ 20 _____

Mohall Railroad Inc. a 14th Dakota corporation, hereby gives notice that on or about June 10, 2008 it intends to file with the Surface Transportation Board, Washington DC, 20423 a notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments, permitting the abandonment of a segment of line 7.06 miles in length extending from milepost 137.09 at Voss, North Dakota to milepost 130.03 at Forest River, North Dakota, and running through Walsh County in North Dakota, which traverses through United States Postal Service ZIP Code(s) 58261 and 58733. The proceeding has been docketed as No. AB-577 (Sub No. 10).
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 SEA, Surface Transportation Board, Washington DC 20423 or by calling SEA at (202) 245-0295.
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, 395 "E" Street SW, 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 202/245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative: Michael J. Barton, Jr. Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, Illinois 60606-2832 (312/252-1511).

(April 23, 2008)



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

John Hoeven
Governor of North Dakota

May 28, 2008

North Dakota
State Historical Board

Michael J. Barron Jr.
Fletcher & Stoppel LLC
29 North Wacker Drive
Suite 920
Chicago IL 60606-2832

Albert I. Berger
Grand Forks - President

Chester E. Nelson, Jr.
Bismarck - Vice President

Ms. Karen R. Kees
Paralegal
Felhaber, Larson, Fenlon and Vogt
444 Cedar Street, Suite 2100
St. Paul, MN 55101-2136

Gerald Gernholz
Valley City - Secretary

A. Runc Todd III
Jamestown

Diane K. Larson
Bismarck

Marvin L. Kaiser
Williston

Richard Kloubec
Fargo

**ND SHPO Ref.:08-0707 STB Docket No. AB-577 (Sub No. 1X); FLF & V
File No. 24270.1 Mohall Central Railroad Inc. Petition for Exemption to
Abandon Portions (milepost 137.09 to 130.03) of Railroad in Walsh County,
North Dakota**

Sara Otte Coleman
*Director
Tourism Division*

Dear Mr. Barron and Ms. Kees,

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Douglass Prechal
*Director
Parks and Recreation
Department*

We reviewed ND SHPO Ref.:08-0707 STB Docket No. AB-577 (Sub No. 1X),
FLF & V File No. 24270.1 Mohall Central Railroad Inc. Petition for Exemption
to Abandon Portions (milepost 137.09 to 130.03) of Railroad in Walsh County,
North Dakota, and concur with a "No Historic Properties Affected" determination,
provided the project is of the nature specified and takes place in the legal
description listed and plotted in the correspondence. If any borrow fill material is
required, the material should be derived from an approved source, that is, one
surveyed by an archaeologist and found to contain no significant cultural resources.

Francis Ziegler
*Director
Department of Transportation*

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

Merlan E. Paaverud, Jr.
Director

Sincerely,

Merlan E. Paaverud, Jr.

State Historic Preservation Officer
(North Dakota)

and
Director, State Historical Society of North Dakota

*Accredited by the
American Association
of Museums*



NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E Divide Ave
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



May 28, 2008

Ms. Karen R. Kees, Paralegal
Felhaber, Larson, Fenlon & Voght
444 Cedar Street, Suite 2100
St. Paul, MN 55101-2136

Re: Railroad Abandonment from Voss to Forest River
STB Docket No. AB-577 (Sub. No. 1X)
Walsh County, North Dakota

Dear Ms. Kees:

This department has reviewed the Environmental and Historic Report concerning the above-referenced project submitted under date of May 21, 2008, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed railroad abandonment will be minor and can be controlled by proper salvage and disposal methods. With respect to the abandonment, our comments remain the same as in our May 1, 2008 letter to you (copy attached).

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

Sincerely,

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

LDG:cc
Attach.



NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



May 1, 2008

Ms. Karen R. Kees, Paralegal
Felhaber, Larson, Fenlon & Voght
444 Cedar Street, Suite 2100
St. Paul, MN 55101-2136

Re: Railroad Abandonment from Voss to Forest River
Walsh County, North Dakota

Dear Ms. Kees:

This department has reviewed the information concerning the above-referenced project submitted under date of April 24, 2008, with respect to possible environmental impacts.

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

1. Follow Best Management Practices during salvage activities to prevent dirt, construction debris, and waste material from entering a storm drainage system or water body.
2. Any releases of petroleum products, hazardous materials, or chemicals that may impact human health or the environment, which are known to have occurred in the past or are discovered in the project area during abandonment and salvage operations, must be reported to the North Dakota Department of Health. The Department's Environmental Emergency Response Contacts List is attached.
- 3 Care is to be taken during project activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
4. Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the storm water permit may be obtained from the Department's website or by calling the Division of Water Quality (701-328-5210). Also,

22

Ms. Karen R. Kees

2.

May 1, 2008

cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.

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

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

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

Sincerely,

A handwritten signature in black ink, appearing to read "L. David Glatt". The signature is fluid and cursive, with a large initial "L" and "D".

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

**LDG:cc
Attach.**



Construction and Environmental Disturbance Requirements

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

Soils

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

Surface Waters

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

Fill Material

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

**North Dakota Department of Health
Environmental Health Section**

Environmental Emergency Response Contacts List

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

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

Page

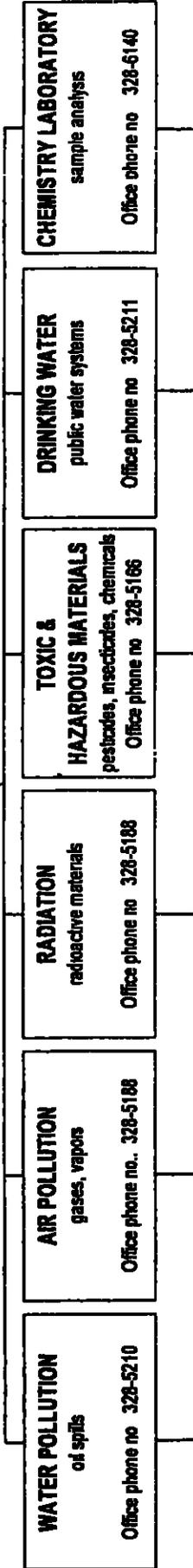
**HEALTH DEPARTMENT
CASE MANAGER**

Page

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

Alternate Contact

Primary Contacts



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

Date: June 4, 2002

Daina Mount
Emergency Response Coordinator

Approved by:

2nd Alternative Contact
L. David Glett
Office phone no.: 328-5150
Home phone no.: 266-6391

Date: June 4, 2002

L. David Glett
Chief, Environmental Health Section

Approved by:

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



DEPARTMENT OF THE ARMY

U S Army Corps of Engineers
441 G Street N W
WASHINGTON, D C 20314-1000

MAY 13 2008

REPLY TO
ATTENTION OF
Civil Works Directorate – NWD

Felhaber Larson Fenlon & Voigt
Attn: Karen R. Rees
444 Cedar Street
Suite 2100
St. Paul, Minnesota 55101-2136

Dear Ms. Rees:

The following is in response to your April 24, 2008 letter requesting U.S. Army Corps of Engineers (Corps) review and comments on a 7.06-mile railroad abandonment in Walsh County, North Dakota. Mohall Railroad, Inc intends to file a proposed abandonment with the Surface Transportation Board (STB); Corps comments would be included in an Environmental Report filed with the STB.

Railroad abandonment typically does not require a permit from the Corps; however, without knowing the scope of work, it is not possible to make this determination without more information about proposed activities. As you learn more about the proposed project, you should coordinate directly with our Omaha District of the Corps, which has responsibility for the administration of the permit program with regards to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act in North Dakota. For questions pertaining to these Acts, contact Mr. Daniel E. Cimarosti of the Omaha District, North Dakota Regulatory Office at 1513 South 12th St, Bismark 58504 or (701-255-0015) Application materials and additional information regarding the Corps permit program is available via the internet at <http://www.usace.army.mil/cw/cccwo/rep/index.html>

Section 402 of the Clean Water Act, referred to as the National Pollutant Discharge Elimination System (NPDES), regulates point source discharges of pollutants, other than fill material, into waters of the United States. This program is administered by the US Environmental Protection Agency (EPA). For questions pertaining to NPDES in North Dakota, contact Mr. Gary Bracht, Division of Water Quality, North Dakota Department of Health, 1200 Missouri Avenue, Bismarck, North Dakota 58505-5520 (701-328-5227).

Thank you for your interest in this matter. If you need further assistance regarding our program, please contact Mr. Russell Kaiser of my staff at 202-761-4664.

Sincerely,



EDWARD J HECKER
Chief, NWD Regional Integration Team
Directorate of Civil Works