



Mack H. Shumate, Jr.
Senior General Attorney, Law Department

May 7, 2010

VIA E-FILING

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room #100
Washington, DC 20423-0001

Re: Petition for Exemption to Abandon of a portion of the St. Charles Industrial Lead from M.P. 35.13 to the end of the Line at M.P. 38.3 near St. Charles, a total distance of 3.17 miles in Kane County, Illinois (the "Line"); STB Docket No. AB-33 (Sub-No. 284X)

Dear Ms. Brown:

Attached for filing in the above-referenced docket is the Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Petition for Exemption to Abandon the Line in this matter on or after May 27, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", with a stylized flourish at the end.

Attachment

cc: All Concerned Parties

o:\abandonments\33-284X\STB-EHR.doc

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 284X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN KANE COUNTY, IL
(ST. CHARLES INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

**Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
312/777-2055 (Tel.)
312/777-2065 (FAX)**

**Dated: May 7, 2010
Filed: May 7, 2010**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 284X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN KANE COUNTY, IL
(ST. CHARLES INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of a portion of the St. Charles Industrial Lead, from Milepost 35.13 to the end of the Line at Milepost 38.3 near St. Charles, a total distance of 3.17 miles in Kane County, Illinois (the "Line"). The Line traverses U.S. Postal Service Zip Code 60174. UP anticipates that it will file a Petition for Exemption to abandon the Line on or after May 27, 2010.

A map of the Line (**Attachment No. 1**), and UP's letter to federal, state and local government agencies (**Attachment No. 2**) are attached to this EHR. Responses received thus far to UP's letters are also attached.

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

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

Response: The proposed action involves an exempt abandonment of a portion of UP's St. Charles Industrial Lead. The Line proposed for abandonment extends from Milepost 35.13 to the end of the Line at Milepost 38.3 near St. Charles, a distance of 3.17 miles in Kane County, Illinois, a total distance of 3.17 miles. A map of the Line is attached as **Attachment No. 1**.

The Line was originally constructed in 1886 and 1887 by Minnesota & Northwestern Railroad Company. The current rail which makes up the Line is composed of 112 pound jointed rail, rolled and laid in 1944 and 1947.

The right-of-way proposed for abandonment may be suitable for other public purposes, including conservation, energy transmission or trail use. However, in UP's reasoned opinion the right-of-way would not be suited for roads or highways as the surrounding area is served by several public roadways. UP ownership interest in the real property which makes up the right-of-way is predominately nonreversionary fee title.

Based upon information in UP's possession, the Line does not contain any federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

After the proposed abandonment, UP will continue to provide rail service to the St. Charles vicinity on that portion of the St. Charles Industrial Lead not included in the

proposed petition for exemption. Alternative railroad, barge and lake freight shipping services are also available in the Chicago metropolitan area.

No local traffic has moved over the Line since February of 2009, and there is no overhead traffic or passenger service on the Line. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant. All industrial and commercial shippers on the Line have relocated their operations off the Line and have ceased using the Line and have no plans to use the Line in the future.

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

Response: Given that no freight rail traffic uses the Line, the proposed abandonment will have no impact on area transportation systems and patterns.

(3) Land Use.

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

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

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

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

Response:

- (i) UP is unaware of any adverse effects on local and existing land use plans. The Kane County Board of Supervisors' Office has been contacted and upon review does not foresee any adverse effects as a result of the abandonment. The Kane Board of Supervisors' response is attached as **3**.
- (ii) The Natural Resources Conservation Service ("NRCS") has been contacted. Upon review, the NRCS found no direct, permanent conversion of prime farmland or impacts resulting from the proposed abandonment. The NRCS response from Kane County is attached as **4**.
- (iii) Not Applicable.
- (iv) The right-of-way proposed for abandonment could possibly be suitable for other public purposes, including conservation, energy transmission or trail use. It would not be suited for roads or highways as the surrounding area has adequate public roadways. UP's ownership interest of the real property which makes up the right-of-way is predominately nonreversionary fee title.

(4) Energy.

- (i) Describe the effect of the proposed action on transportation of energy resources.
- (ii) Describe the effect of the proposed action on recyclable commodities.
- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

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

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

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

Response: (i) There are no effects on the transportation of energy resources.

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

(iii) There will be no change in energy consumption from the proposed action.

(iv)(A)(B) UP does not anticipate that there will be any rail-to-motor diversion.

(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 rail line affected by the proposal, or

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

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

Response: UP does not anticipate any such effects.

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

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

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

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

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

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

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

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

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

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries,

hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) Safety.

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

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

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

Response: (i) The proposed action will have no detrimental effects on public health and safety. The proposed abandonment of the Line will permit the State of Illinois to avoid an estimated expenditure of \$500,000.00 associated with a planned upcoming upgrade to the railroad at-grade crossing on U.S. Highway 64.

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

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

(8) Biological resources.

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

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

Response: (i) The U.S. Fish and Wildlife Service has been contacted. Upon review, the Department of Interior - U.S. Fish and Wildlife Service, did not anticipate any impact on federally endangered or threatened species. The Fish and Wildlife response is attached hereto as 5.

(ii) The National Park Service has been contacted. To date, UP has received no response.

(9) Water.

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

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

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

Response: (i) The U. S. Environmental Protection Agency Regional Office and Illinois Environmental Protection Agency have been contacted. To date, UP has received no response.

(ii) The U. S. Army Corps of Engineers has been contacted. To date, UP has not received a response.

(iii) UP does not anticipate that there will be any requirements for Section 402 permits.

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

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

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

Response: See **Attachment No. 1.**

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

Response: The topography is generally level. The Line is located in a highly urban area with residential, industrial, golf course and airport uses adjacent to the Line. The right-of-way is generally 100' in width with some minor variations.

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

Response: The Illinois Historic Preservation Agency has been provided with photographs of each of the structures on the property that are 50 years old or older. A copy of the letter to the Deputy State Historic Preservation Officer and photographs are attached as **Attachment No. 6**. Upon review, the Illinois Historic Preservation Agency has no objections to the proposed abandonment and states that UP has complied with Section 106 of the National Historic Preservation Act of 1966, as amended.

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

Response: See **Attachment No. 1**.

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

Response: See UP's response to question (1) in the Environmental Report for a brief history and description.

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

Response: UP does not have any relevant documentation.

(7) An opinion (based on readily available information in the UP's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological

resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area. UP is of the opinion that there is nothing in the scope of the proposed abandonment or discontinuance of service that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction and maintenance of the Line.

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

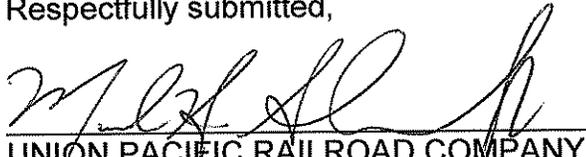
Response: UP does not have any such readily available information.

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

Response: Not applicable.

Dated this 7th day of May, 2010.

Respectfully submitted,



UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr.

Senior General Attorney

101 North Wacker Drive, #1920

Chicago, Illinois 60606

312/777-2055 (Tel.)

312/777-2065 (FAX)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 284X), the St. Charles Industrial Lead in Kane County, Illinois was served by First Class U.S. Mail, postage prepaid, on the 7th day of May, 2010, on the following parties:

State Clearinghouse (or alternate):

Mr. Steve Klokkenga
State Single Point of Contact
Office of the Governor
State of Illinois
107 Stratton
Springfield, IL 62706

State Environmental Protection

Agency:

Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276

State Coastal Zone Management

Agency (if applicable):

Mr. Dan Injerd
IDNR Office of Water Resources
36 South Wabash, Suite 1415
Chicago, Illinois 60603

Head of County:

County Board Chairman
Kane County Government Center
719 Batavia Ave., Building A
Geneva, IL 60134

Environmental Protection Agency

(Regional Office):

Ken Westlake
U.S. Environmental Protection Agency
Region V
77 West Jackson Boulevard
Chicago, IL 60604-3590

U.S. Fish and Wildlife:

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

U.S. Army Corps of Engineers:

U.S. Army Engineer District, Chicago
111 N Canal St # 600
Chicago, IL 60606-7221

National Park Service:

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

U.S. Natural Resources Conservation Service:

Natural Resource Conservation Service
2118 W. Park Court
Champaign, IL 61821

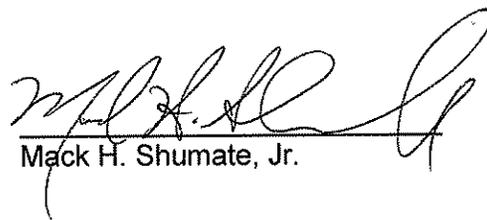
National Geodetic Survey:

National Geodetic Survey
SSMC-3 #9209
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

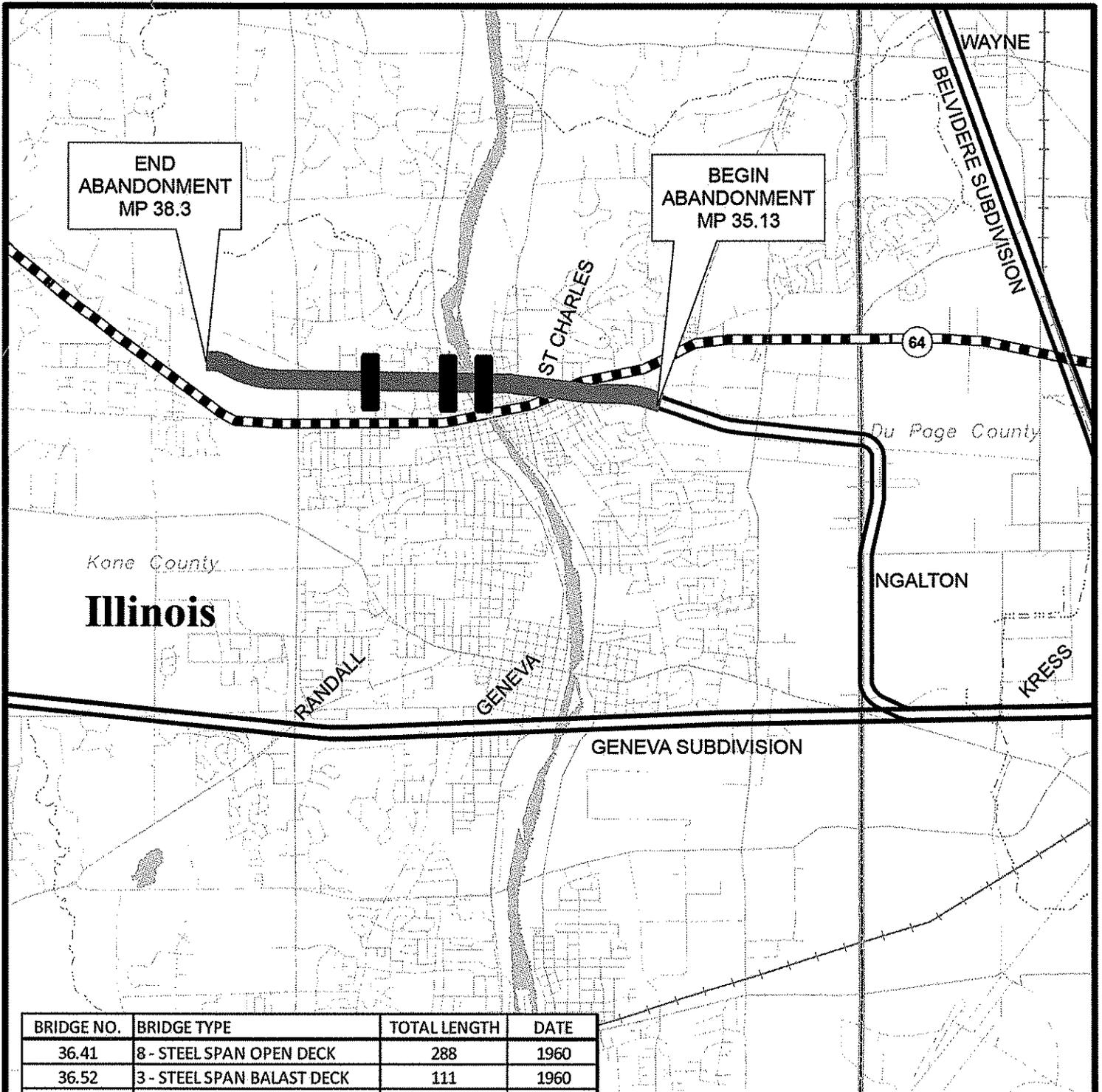
State Historic Preservation Office:

Mr. William L. Wheeler
State Historic Preservation Officer
Illinois Historic Preservation Agency
1 Old State Capitol Plaza
Springfield, IL 62701-1512

Dated this 7th day of June, 2010.



Mack H. Shumate, Jr.



Legend

- UPRR TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS

ST. CHARLES INDUSTRIAL LEAD

MP 35.13 TO MP 38.30
TOTAL OF 3.17 MILES IN KANE COUNTY
IN ILLINOIS

**UNION PACIFIC RAILROAD CO.
ST. CHARLES INDUSTRIAL LEAD
ILLINOIS**

INCLUDING 50+ YEAR OLD STRUCTURES



Q:\abandonments\lab33_284x_St_Charles.mxd

August 5, 2009

State Clearinghouse (or alternate):

Mr. Steve Klokkenga
State Single Point of Contact
Office of the Governor
State of Illinois
107 Stratton
Springfield, IL 62706

State Environmental Protection Agency:

Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276

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

Mr. Daniel Injerd, Chief
Lake Michigan Management Section
Division of Water Resources
Illinois Department of Transportation
310 South Michigan Ave., Room 1606
Chicago, IL 60604

Head of County:

Kane County Supervisor
Kane County Government Center
719 S. Batavia Ave.
Building C
Geneva, IL 60134

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

Ken Westlake
U.S. Environmental Protection Agency
Region V
77 West Jackson Boulevard
Chicago, IL 60604-3590

U.S. Fish and Wildlife:

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

U.S. Army Corps of Engineers:

U.S. Army Engineer District, Chicago
111 N Canal St # 600
Chicago, IL 60606-7221

National Park Service:

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

U.S. Natural Resources Conservation Service:

Natural Resource Conservation Service
2118 W. Park Court
Champaign, IL 61821

National Geodetic Survey:

National Geodetic Survey
SSMC-3 #9209
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Mr. William L. Wheeler
State Historic Preservation Officer
Illinois Historic Preservation Agency
1 Old State Capitol Plaza
Springfield, IL 62701-1512

Re: Proposed Abandonment of the St. Charles Industrial Lead from Milepost 35.13 to the end of the Line at Milepost 38.3 near St. Charles, a total distance of 3.17 miles in Kane County, Illinois; STB Docket No. AB-33 (Sub-No. 284X)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the St. Charles Industrial Lead from Milepost 35.13 to the end of the Line at Milepost 38.3 near St. Charles, a total distance of 3.17 miles in Kane County, Illinois. A map of the proposed track abandonment shown in black is attached.

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

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

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

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

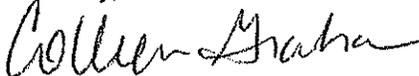
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

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

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

Thank you for your assistance. Please send your reply to the undersigned.

Sincerely,



Colleen K. Graham
Paralegal
Union Pacific Railroad
Law Department
1400 Douglas St., Stop 1580
Omaha, NE 68179
(w) 402-544-1643
cgraham@up.com

CKG/

Enclosure(s)

KANE COUNTY
DIVISION of TRANSPORTATION

Carl Schoedel, P.E.
Director of Transportation
County Engineer



41W011 Burlington Road
St. Charles, IL 60175
Phone: (630) 584-1170
Fax: (630) 584-5265

September 9, 2009

Ms. Colleen K. Graham
Paralegal
Union Pacific Railroad
Law Department
1400 Douglas St., Stop 1580
Omaha, NE 68179

RE: Proposed Abandonment of the St. Charles Industrial Lead from Milepost 35.13 to the end of the line at Milepost 38.3 near St. Charles, a total distance of 3.17 miles in Kane County, Illinois; **STB Docket No. AB-33 (Sub-No. 284X)**

Dear Ms. Graham:

This is in response to your letter, dated August 5, 2009, requesting Kane County's assistance in identifying any potential effects from the proposed abandonment of the St. Charles Industrial Lead.

Your letter is addressed to the "Head of County: Kane County Supervisor, Kane County Government Center, 719 Batavia Avenue, Building C, Geneva, IL 60134". The most appropriate official to represent Kane County Government in this matter is the County Board Chairman. To insure timely and appropriate responses in the future, I suggest you update your distribution list as follows:

County Board Chairman
Kane County Government Center
719 Batavia Avenue, Building A
Geneva, IL 60134

Kane County staff has reviewed the effects of the proposed abandonment of this portion of the St. Charles Industrial Lead spur line and has determined that this action is generally consistent with existing and proposed land use and transportation plans. We are not aware of any adverse environmental impacts associated with the proposed abandonment.

Should the abandonment be approved, we are also aware of local interest in adaptive re-use of the railroad right-of-way. Specifically, portions of the line may be appropriate to convert to multi-use (bicycle/pedestrian) trails.

Should you have any questions or require additional information, feel free to contact me.

Sincerely,

Carl Schoedel, P.E.
Director of Transportation

United States Department of Agriculture



Natural Resources Conservation Service
2315 Dean Street, Suite 100
St. Charles, IL. 60175-4825
(630) 584-8240 extension 3

thomas.ryterske@il.usda.gov
www.il.nrcs.usda.gov

August 18, 2009

Union Pacific Railroad
Law Department
ATTN: Colleen K. Graham
1400 Douglas Street, Stop 1580
Omaha, NE 68179

RE: Saint Charles Industrial Lead STB Docket No. AB-33 (Sub-No. 284X)

I have reviewed the proposed abandonment relative to impacts to the effect of this action on any prime agricultural land.

The majority of the project is in areas that are presently in residential, commercial or industrial use and therefore do not qualify as prime agricultural land.

The industrial lead runs adjacent to several open areas that are farmed and another that is part of the Kane County Leroy Oakes Forest Preserve. These areas include soils that are considered to be "prime".

Many years ago the rail line that extended west from this project through Kane County was abandoned and converted to a regional hiking/biking path with no impacts to adjacent prime agricultural lands. I expect that this project will also have no significant impacts to the areas of prime agricultural lands.

Thank you,

A handwritten signature in black ink that reads "Thomas P. Ryterske".

Thomas P. Ryterske
District Conservationist

Enclosures
CF: McLeese

Helping People Help the Land
An Equal Opportunity Provider and Employer

ATTACHMENT 4



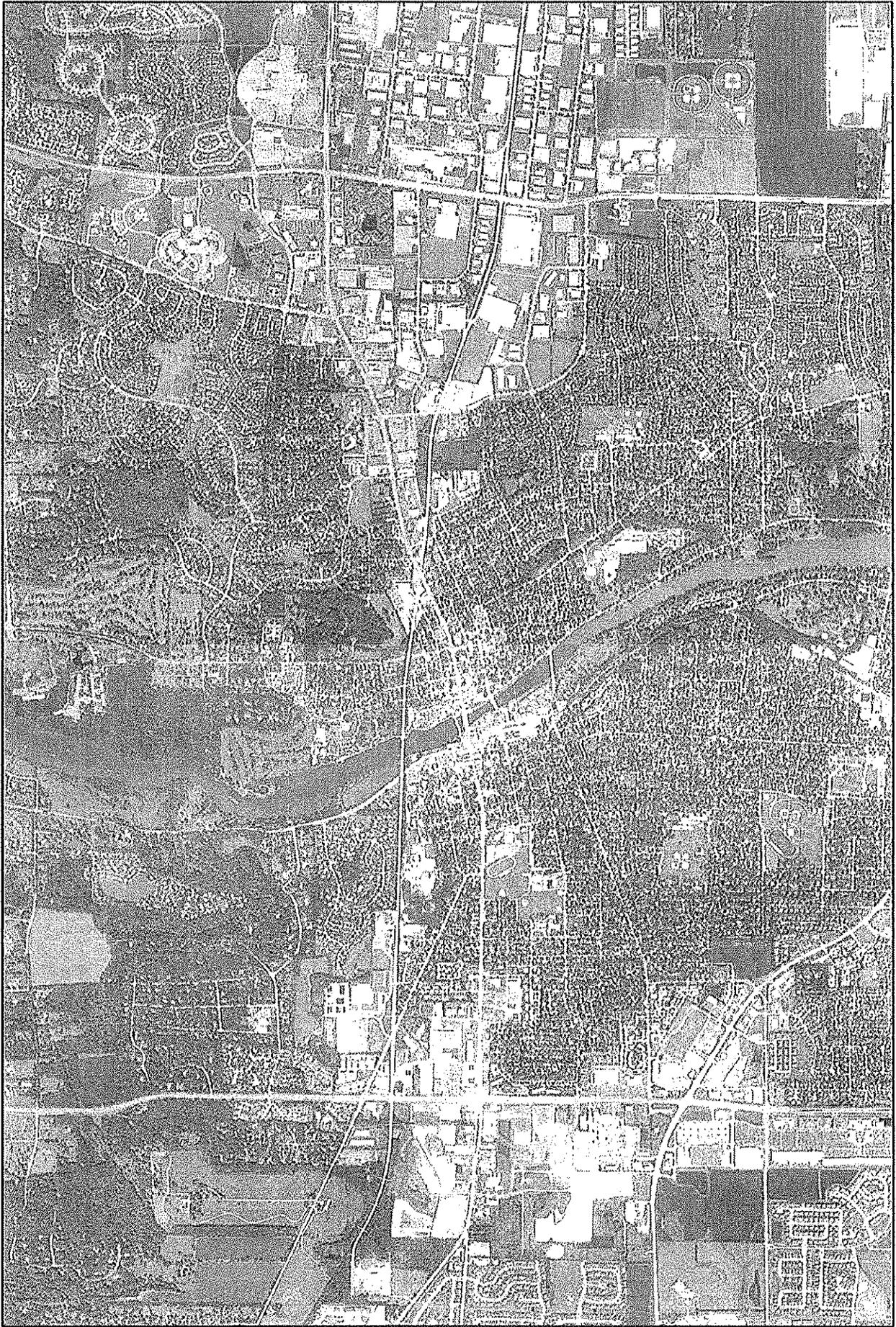
St. Charles Industrial Lead

Assisted By: Thomas P. Ryterske

Date: 4/27/2009

Legend

railroads06 | i1089





United States Department of the Interior



FISH AND WILDLIFE SERVICE
Chicago Ecological Services Field Office
1250 South Grove Avenue, Suite 103
Barrington, Illinois 60010
Phone: (847) 381-2253 Fax: (847) 381-2285

IN REPLY REFER TO:
FWS/AES-CIFO/9-FA-0545 / SL-0466

September 17, 2009

Ms. Colleen K. Graham
Union Pacific Railroad
Law Department
1400 Douglas Street, Stop 1580
Omaha, Nebraska 68179

Dear Ms. Graham:

This responds to your letter dated August 5, 2009, but received in this office on September 3, 2009 requesting information on endangered or threatened species for the proposed abandonment of the St. Charles Industrial Lead from milepost 35.13 to the end of the line at milepost 38.3 (STB Docket No. AB-33 (Sub-No.284X)) in or near the Village of St. Charles Kane County, Illinois as depicted on the map you enclosed.

In an effort to streamline the Section 7 informal review process, we have developed a new on-line service. You can access it at <http://www.fws.gov/midwest/Endangered> and click on the Section 7 Technical Assistance green shaded box in the lower right portion of the screen. Then you should carefully follow the instructions. There are three steps to this process; however, your project may or may not reach step 3. Depending upon the outcome of the answers to specific questions for each project, you may determine that your project would have no effect on federally listed species (i.e., make a "no effect" finding for the project.). You can then actually print documentation of your "no effect" determination for a particular project to retain for your records. You may use this "no effect" determination as documentation when you apply for Federal permits (e.g., COE 404 permits) or Federal funding (e.g., HUD grants). We encourage you to use this new service, but feel free to contact this office if you have any questions.

Based on the information provided in your submittal and a review of our records, we do not believe that any federally endangered or threatened species occur in the vicinity of the site. This conclusion is based on the best available information, including information in your submittal, the scientific and technical literature, and our own files. Newer information based on updated surveys, changes in the abundance and distribution of listed species, changed habitat conditions,

Ms. Colleen K. Graham

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or other factors could change the conclusion. This could become more likely if projects experience significant delays in implementation. Feel free to contact us if you need more current information or assistance regarding the potential presence of federally listed species.

These comments only address federally listed species. Please contact the Illinois Department of Natural Resources for information on State-listed species. Also, we may have the opportunity to review the project for a broader range of fish and wildlife impacts if it requires a Section 404 permit. We are willing to work with you in advance of formal submittal if it would help streamline the approval process.

If you have any questions, please contact Ms. Cathy Pollack at 847/381-2253 ext. 20, or me at 847/381-2253 ext. 12.

Sincerely,

A handwritten signature in cursive script that reads "Karla J. Kramer".

Karla J. Kramer
Assistant Field Supervisor



Illinois Historic
Preservation Agency

FAX (217) 782-8161

1 Old State Capitol Plaza • Springfield, Illinois 62701-1512 • www.illinois-history.gov

Kane County
St. Charles

Railway Abandonment, St. Charles Industrial Lead
Milepost 35.13 to Milepost 38.3
STB-AB-33 (Sub-No. 284X)
IHPA Log #005090109

September 15, 2009

Colleen Graham
Union Pacific Railroad
Law Department
1400 Douglas St.
Stop 1580
Omaha, NE 68179

Dear Ms. Graham:

We have reviewed the documentation submitted for the referenced project(s) in accordance with 36 CFR Part 800.4. Based upon the information provided, no historic properties are affected. We, therefore, have no objection to the undertaking proceeding as planned.

Please retain this letter in your files as evidence of compliance with section 106 of the National Historic Preservation Act of 1966, as amended. This clearance remains in effect for two years from date of issuance. It does not pertain to any discovery during construction, nor is it a clearance for purposes of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440).

If you have any further questions, please contact me at 217/785-5027.

Sincerely,

Anne E. Haaker
Deputy State Historic
Preservation Officer