

228326

FLETCHER & SIPP LLC
ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

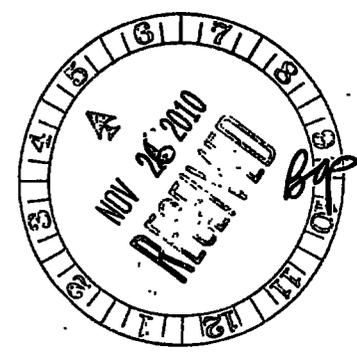
Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

November 23, 2010

VIA OVERNIGHT DELIVERY

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20024



Re: Docket No. AB-1003 (Sub No. 1X) – Mohall Central Railroad, Inc. –
Abandonment Exemption – Cavalier County, North Dakota

ENTERED
Office of Proceedings
NOV 26 2010
Part of
Public Record *Bap*

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the Verified Notice of Exemption of Mohall Central Railroad, Inc. dated November 23, 2010, pursuant to 49 C.F.R. § 1152.50. A check for the filing fee of \$3,600.00 is also enclosed.

An extra copy of this transmittal letter and Notice is included as well. I would request that you date-stamp the transmittal letter and Notice to show receipt of this filing and return them to me in the provided envelope.

The Environmental and Historic Reports for this proceeding have already been filed with the Board. Should any questions arise regarding this filing, please feel free to contact me. Thank you for your assistance on this matter.

FEE RECEIVED
NOV 26 2010 *Bap*
SURFACE
TRANSPORTATION BOARD

Respectfully submitted,

Michael J. Barron, Jr.
Counsel for Mohall Central Railroad, Inc.

MJB/jc
Enclosures

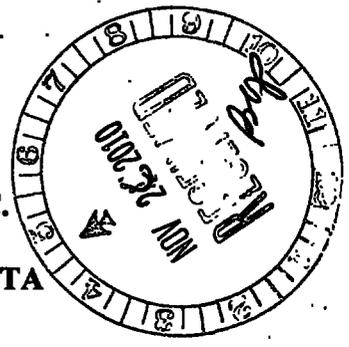
FILED
NOV 26 2010 *Bap*
SURFACE
TRANSPORTATION BOARD

728326

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO AB-1003 (SUB-NO. 1X)

**MOHALL CENTRAL RAILROAD, INC.
— ABANDONMENT EXEMPTION —
IN CAVALIER COUNTY, NORTH DAKOTA**



**ENTERED
Office of Proceedings**

NOV 26 2010

**Part of
Public Record** *By*

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

FILED

NOV 26 2010 *By*

**SURFACE
TRANSPORTATION BOARD**

FEE RECEIVED

NOV 26 2010 *By*

**SURFACE
TRANSPORTATION BOARD**

Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 N. Wacker Dr., Suite 920
Chicago, Illinois 60606
312-252-1500
ATTORNEY FOR
MOHALL CENTRAL RAILROAD, INC.

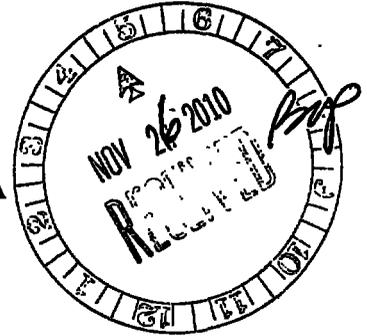
Dated November 23, 2010

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO AB-1003 (SUB-NO. 1X)

**MOHALL CENTRAL RAILROAD, INC.
ABANDONMENT EXEMPTION —
IN CAVALIER COUNTY, NORTH DAKOTA**

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



Mohall Central Railroad, Inc. ("MCR") hereby submits this Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F, to abandon its line of railroad in Cavalier County, North Dakota, referred to herein as the "Line" between milepost 67.5, near Calvin, North Dakota, and milepost 72.9 at Sarles, North Dakota, a distance of 5.4 miles.

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

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

MCR is a class III common carrier by rail which owns and operates approximately 25 miles of rail line in North Dakota. The complete name and address of MCR is:

Mohall Central Railroad, Inc.
PO 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, MCR intends to abandon its line of railroad between milepost 67.5, near Calvin, North Dakota, and milepost 72.9 at Sarles, North Dakota, a distance of 5.4 miles in Cavalier County, North Dakota.

Map: 49 C.F.R. § 1152.22(a)(4)

A map of the Line to be abandoned is attached hereto as Exhibit A.

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

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

Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 N. Wacker Dr., Suite 920
Chicago, IL 60606
312-252-1500

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

The Line traverses United States Postal Service ZIP Codes 58323 and 58372.

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

Per the certificate and verification attached hereto as Exhibit B, MCR certifies that no local revenue traffic has moved over the Line for at least the last two years, there is no overhead traffic on this trackage that would have to be rerouted over other lines, and no formal complaint filed by a user of rail service of the Line (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 years¹.

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

MCR will not consummate the proposed abandonment any earlier than January 15, 2011.

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

The Line may be suitable for a trail. Given the already-developed road system in the vicinity of the Line between Sarles and Calvin, it would not be suitable for a roadway. Based on information in our possession, the Line does not appear to contain 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 of requirements of 49 C.F.R. § 1152(d)(1) 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 Report and Historic Report, prepared pursuant to 49 C.F.R. §§ 1105.7 and 1105.8, were already filed with the Surface Transportation Board in this proceeding. Since serving the Environmental Report and Historic Report, MCR has received correspondence from the North Dakota Department of Health, Environmental Health Section, the Army Corps of

¹ In Northern Plains Railroad, Inc. – Operation Exemption – Rail Line of Mohall Central Railroad, Inc., STB Finance Docket 34780 (STB served December 29, 2005), Northern Plains Railroad, Inc. (“NPR”) filed a Notice of Exemption to operate the Line, but NPR never began service on the Line. Therefore, discontinuance authority is not required for NPR. See AB-1003X, Mohall Central Railroad, Inc. – Abandonment Exemption – in Nelson, Ramsey and Cavalier Counties, ND, fn. 1, STB served October 29, 2007.

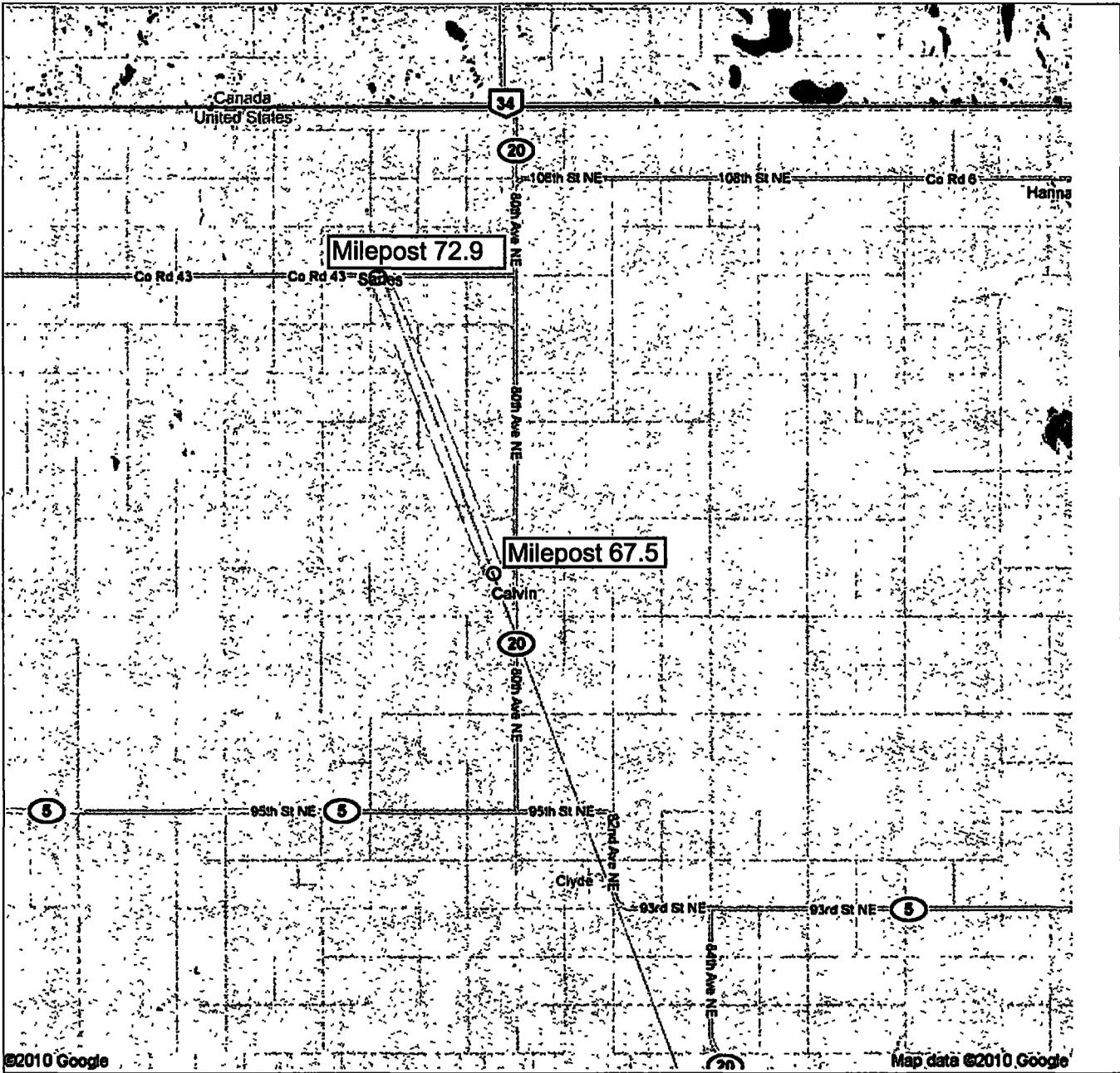
Engineers and the State Historical Society of North Dakota. The North Dakota Department of Health indicated that any impacts from the abandonment would be minor. The Corps simply acknowledged receipt of documentation. The State Historical Society felt that no historic properties would be affected. See correspondence attached as Exhibits D, E and F, respectively.

Respectfully submitted,



Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 N. Wacker Dr., Suite 920
Chicago, IL 60606
312-252-1500
ATTORNEY FOR MOHALL CENTRAL RAILROAD, INC.

Dated: November 23, 2010



DOCKET NO AB-1003 (SUB-NO. 1X)

MOHALL CENTRAL RAILROAD, INC.
— ABANDONMENT EXEMPTION —
IN CAVALIER COUNTY, NORTH DAKOTA

CERTIFICATE AND VERIFICATION

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

Byron D. Olsen, being duly sworn, deposes and says

1. That no local traffic has moved over that segment of the line of Mohall Central Railroad, inc. ("MCR") extending from milepost 67.5 to 72.9, a distance of 5.4 miles, crossing through Cavalier County, North Dakota for at least two years, and that there is no overhead traffic to be rerouted over other lines; and

2. That no formal complaint filed by a user of rail service on the subject line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the last two years; and

3. That he has read the foregoing Notice of Exemption, knows the facts therein asserted, and that the same are true as stated.

Dated: 11/18, 2010



Byron D. Olsen
Title: Vice President Operations
Mohall Central Railroad, Inc.

Subscribed and sworn to before me
this 18 day of Nov., 2010


Notary Public

CERTIFICATE

I, Michael J. Barron, Jr., an attorney for Mohall Central Railroad, Inc., hereby certify that, for the proceeding before the Surface Transportation Board known as Docket No. AB-1003 (Sub-No. 1X), Mohall Central Railroad, Inc. – Abandonment Exemption – in Cavalier County, North Dakota:

(1) The notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with, to wit: On November 8, 2010, written notice was mailed via first class U.S. mail 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) Recreation Resources Assistance Division, National Park Service; and (d) North Dakota Department of Transportation (copies of which are attached hereto as Attachments 1-4).

(2) The notice requirements of 49 C.F.R. § 1105.11 have been complied with, to wit: On November 5, 2010, the Environmental and Historic Reports for this proceeding, which reports have 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 is attached hereto as Attachment 5 along with a sample of November 16, 2010 follow-up letter attached 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 November 8, 2010 in the Cavalier County Republican, a newspaper of general circulation in Cavalier 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.

Dated this 23rd day of November, 2010.



Michael J. Barron, Jr.

Counsel for Mohall Central Railroad, Inc.

EXHIBIT C

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

November 8, 2010

Military Surface Deployment & Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

**Re: Docket No. AB 1003 (Sub No. 1X) Mohall Central Railroad, Inc.
Proposed Abandonment in Cavalier County, North Dakota**

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 Central Railroad, Inc. shall on or after November 24, 2010, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 5.4 mile line of railroad between milepost 67.5 near Calvin, North Dakota, and milepost 72.9 at Sarles, North Dakota, all in Cavalier County, North Dakota. Such line runs through U.S. Postal Zip Codes 58323 and 58372.

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 federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Michael J. Barron, Jr.
Attorney for Mohall Central Railroad, Inc.

MJB:mr

ATTACHMENT 1

FLETCHER & SIPPET LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

November 8, 2010

Mr. Tom Tidwell
Chief of the Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250-0003

**Re: Docket No. AB 1003 (Sub No. 1X) Mohall Central Railroad, Inc.
Proposed Abandonment in Cavalier County, North Dakota**

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 Central Railroad, Inc. shall on or after November 24, 2010, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 5.4 mile line of railroad between milepost 67.5 near Calvin, North Dakota, and milepost 72.9 at Sarles, North Dakota, all in Cavalier County, North Dakota. Such line runs through U.S. Postal Zip Codes 58323 and 58372.

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Very truly yours,



Michael J. Barron, Jr.
Attorney for Mohall Central Railroad, Inc.

MJB:mr

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

November 8, 2010

National Park Service
Recreation Resources Assistance Division
1849 C Street NW
Washington, DC 20240

**Re: Docket No. AB 1003 (Sub No. 1X) Mohall Central Railroad, Inc.
Proposed Abandonment in Cavalier County, North Dakota**

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 Central Railroad, Inc. shall on or after November 24, 2010, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 5.4 mile line of railroad between milepost 67.5 near Calvin, North Dakota, and milepost 72.9 at Sarles, North Dakota, all in Cavalier County, North Dakota. Such line runs through U.S. Postal Zip Codes 58323 and 58372.

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 federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Michael J. Barron, Jr.
Attorney for Mohall Central Railroad, Inc.

MJB:mr

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

November 8, 2010

North Dakota Department of Transportation
Attn: Rail Programs
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Re: Docket No. AB 1003 (Sub No. 1X) Mohall Central Railroad, Inc.
Proposed Abandonment in Cavalier County, North Dakota

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 Central Railroad, Inc. shall on or after November 24, 2010, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 5.4 mile line of railroad between milepost 67.5 near Calvin, North Dakota, and milepost 72.9 at Sarles, North Dakota, all in Cavalier County, North Dakota. Such line runs through U.S. Postal Zip Codes 58323 and 58372.

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 federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Michael J. Barron, Jr.
Attorney for Mohall Central Railroad, Inc.

MJB:mr

ATTACHMENT 4

FLETCHER & SIPPET LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

November 5, 2010

National Park Service
Department of Interior
1849 C Street, N.W.
Washington, DC 20240

**Re: Docket No. AB 1003 (Sub No. 1X) – Mohall Central Railroad, Inc.
Proposed Abandonment in Cavalier County, North Dakota**

To Whom It May Concern:

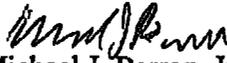
Any time on or after November 24, 2010, Mohall Central Railroad, Inc. ("MCR") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon a railroad line located in Cavalier County, North Dakota, starting at milepost 67.5 near Calvin, North Dakota, and continuing 5.4 miles to milepost 72.9 at Sarles, North Dakota. Enclosed is an Environmental Report and a Historic Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis of the STB's independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental and historic review process, please contact their Section of Environmental Analysis ("SEA"), at the Surface Transportation Board, 395 E. Street, S.W., Washington, D.C. 20423, telephone number (202)-245-0295, and refer to the above docket number.

MCR will file the Environmental Report and Historic Report with the STB on November 5, 2010. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (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 historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (312) 252-1511 or by mail at the above address.

Sincerely,


Michael J. Barron, Jr.
Counsel for Mohall Central Railroad, Inc.

Encl

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

November 16, 2010

National Park Service
Department of Interior
1849 C-Street, N.W.
Washington, DC 20240

**Re: Docket No. AB 1003 (Sub No. 1X) – Mohall Central Railroad, Inc.
Proposed Abandonment in Cavalier County, North Dakota**

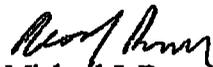
To Whom It May Concern:

On November 5, 2010, the cover letter accompanying the Environmental Report and Historic Report for the above-referenced abandonment indicated the reports would be filed with the Surface Transportation Board on November 5, 2010, and that the Notice of Exemption would be filed on or after November 24, 2010.

Please disregard these dates and note that the Environmental/Historic Report will be filed with the Surface Transportation Board on November 16, 2010, and that the Notice of Exemption will be filed on or after November 26, 2010.

If there are any questions concerning this proposal, please contact the undersigned directly at (312) 252-1511 or by mail at the above address.

Sincerely,



Michael J. Barron, Jr.
Counsel for Mohall Central Railroad, Inc.

MJB/jc

National Park Service
Department of Interior
1849 C Street, N.W.
Washington, DC 20240

National Geodetic Survey Information Services
SSMC-3, #9202
1315 East-West Highway
Silver Springs, MD 20910-3282

Mr. James Boyd
Division of Community Services
North Dakota Department of Commerce
600 East Boulevard Ave., Dept. 105
Bismarck, ND 58505-0170

U.S. Army Corps of Engineers
St. Paul District Office
180 5th Street East, Suite 700
St. Paul, MN 55101-1678

State Historical Society
612 E. Boulevard Ave.
Bismarck, ND 58505
Attn: Susan Quinnell

Mr. Tom Borgen
Cavalier County Commissioner
Cavalier County Courthouse
901 3rd Street
Langdon, ND 58249-2457

Mr. Richard Flanders
Cavalier County Commissioner
Cavalier County Courthouse
901 3rd Street
Langdon, ND 58249-2457

Mr. Ole Nowatski
Cavalier County Commissioner
Cavalier County Courthouse
901 3rd Street
Langdon, ND 58249-2457

Mr. Alvin Carlson
Cavalier County Commissioner
Cavalier County Courthouse
901 3rd Street
Langdon, ND 58249-2457

Mr. Harvey Hope
Cavalier County Commissioner
Cavalier County Courthouse
901 3rd Street
Langdon, ND 58249-2457

Mr. Dave Glatt, Chief
North Dakota Department of Health
Environmental Health Section
918 East Divide Avenue
Bismarck, ND 58501-1947

U.S. Environmental Protection Agency
Regional Office
1595 Wynkoop Street
Denver, CO 80202-1129

U.S. Fish & Wildlife Service
Regional Office
3425 Mirlam Ave.
Bismarck, ND 58501-7926

U.S. Natural Resources Conservation Service
Regional Office
220 E. Rosset Ave.
Federal Building, Room 270
Bismarck, ND 58501

North Dakota Department of
Transportation
Attn: Rail Programs
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Affidavit of Publication

STATE OF NORTH DAKOTA,
County of Cavalier } ss.

MICHELE GRATTON, being first duly sworn, says that she is a typesetter of that certain newspaper known as Cavalier County Republican, that said newspaper is a paper of general circulation, is printed and published weekly at Langdon, North Dakota, in said county of Cavalier, and is qualified to do legal printing; that the printed copy of

NOTICE FLETCHER & SIPPEL LLC

to which this affidavit is annexed was printed and published in each copy of every issue of said paper for and during the period of ONE successive weeks, the time when publication of such notice was made being as follows, to-wit:

- First Publication NOVEMBER 8, 2010 (.60 per line)
- Second Publication 2010 (.60 per line)
- Third Publication 2010 (.60 per line)
- Fourth Publication 2010 (.60 per line)
- Fifth Publication 2010 (.60 per line)
- Sixth Publication 2010 (.60 per line)

Michele Gratton

Subscribed and sworn to before me this 15th day of NOVEMBER, 2010

Lori Peterson
Notary Public for Cavalier County, N.D.

My commission expires APRIL 15, 2014

LORI PETERSON
Notary Public, State of North Dakota
My Commission Expires April 15, 2014

Notice

Notice of Intent To Abandon Rail Service

Mohall Central Railroad, Inc. gives notice that, on or about November 24, 2010, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart B-Exempt Abandonments permitting the abandonment of a 5.4 mile line of railroad between railroad milepost 67.3, near Calvin, North Dakota and milepost 72.9 at Saries, North Dakota which traverses through United States Postal Service ZIP Codes 58323 and 58372 in Cavalier County, North Dakota. The proceeding will be docketed as No. AB1003 (Sub-No. 1X).

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)-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 Section of Administration, Office of Proceedings, 395 B Street SW, Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' 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 Public Assistance, Governmental Affairs, and Compliance at (202)-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Michael J. Barron, Jr., Fletcher & Sippel LLC, 29 N. Wacker Dr., Suite 920, Chicago, IL 60606-2832, ph. 8312-252-1511.

NB

Publication Fee \$ 44.40



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



October 26, 2010

Mr. Michael J. Barron, Jr.
Fletcher & Sippel, LLC
Attorneys At Law
29 North Wacker Dr., Suite 920
Chicago, IL 60606-2832

Re: Docket No. AB-1003 (Sub-No. 1X), Mohall Central Railroad, Inc.
Proposed Railroad Abandonment, Southern Milepost Limit Change
Cavalier County, N.D.

Dear Mr. Barron:

This department has reviewed the information concerning the above-referenced project submitted under date of October 22, 2010, 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 October 20, 2010 letter to you (copy attached).

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

Sincerely,

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

LDG:cc
Attach.

EXHIBIT D

Environmental Health Section Chief's Office 701.328.5150	Division of Air Quality 701.328.5188	Division of Municipal Facilities 701.328.5211	Division of Waste Management 701.328.5166	Division of Water Quality 701.328.5210
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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



November 10, 2010

Mr. Michael J. Barron, Jr.
Fletcher & Sippel, LLC
Attorneys At Law
29 North Wacker Dr., Suite 920
Chicago, IL 60606-2832

Re: Environmental/Historic Report for
Docket No. AB-1003 (Sub-No. 1X), Mohall Central Railroad, Inc.
Proposed Railroad Abandonment, Cavalier County, N.D.

Dear Mr. Barron:

This department has reviewed the information concerning the above-referenced report submitted under date of November 5, 2010, 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 those in our October 20, 2010 response to you (copy included in the report).

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

Sincerely,

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

LDG:cc

Environmental Health
Section Chief's Office
701.328.5150

Division of
Air Quality
701.328.5188

Division of
Municipal Facilities
701.328.5211

Division of
Waste Management
701.328.5186

Division of
Water Quality
701.328.5210 20

Michael Barron, Jr.

From: Totten, Richard G NWO [Richard.G.Totten@usace.army.mil]
Sent: Tuesday, November 09, 2010 12:52 PM
To: Michael Barron, Jr.
Cc: Tracy, Thomas J NWO; Reilly, Michael W NWO
Subject: RE: Sarles-Calvin Abandonment (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Mr. Barron:

Thank you.

I have my Regulatory Law attorney coordinating this matter with our Regulatory Branch to ensure that there are no U.S. Army Corps of Engineers issues regarding our jurisdictional authorities.

Thank you for the follow-up concern.

Rick Totten

RICHARD G. TOTTEN
District Counsel
Omaha District
U.S. Army Corps of Engineers
402-995-2609

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

From: Michael Barron, Jr. [mailto:mbarron@fletcher-sippel.com]
Sent: Monday, November 08, 2010 3:15 PM
To: Totten, Richard G NWO
Subject: Sarles-Calvin Abandonment

Dear Mr. Totten. Please note the attached correspondence.

Michael J. Barron, Jr.

Fletcher & Sippel

29 N. Wacker Dr., Ste. 920

Chicago, IL 60606-2832

ph: 312-252-1511

fax: 312-252-2400

email: mbarron@fletcher-sippel.com

Classification: UNCLASSIFIED
Caveats: FOUO

EXHIBIT E



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

John Hoeven
Governor of North Dakota

North Dakota
State Historical Board

Chester E. Nelson, Jr.
Bismarck - President

Gerald Gertholz
Valley City - Vice President

Richard Kloubec
Fargo - Secretary

Albert I. Berger
Grand Forks

Calvin Grinnell
New Town

Diane K. Larson
Bismarck

A. Ruric Todd III
Jamestown

Sara Otte Coleman
*Director
Tourism Division*

Kelly Schmidt
State Treasurer

Alvin A. Jaeger
Secretary of State

Mark A. Zimmerman
*Director
Parks and Recreation Department*

Francis Ziegler
*Director
Department of Transportation*

Merlan E. Paaverud, Jr.
Director

*Accredited by the
American Association
of Museums since 1986*

November 12, 2010

Mr. Michael J. Barron, Jr.
Fletcher and Sippel LLC
29 North Wacker Drive, Suite 920
Chicago IL 60606-2832

ND SHPO Ref.:11-0098 STB Docket No, AB 1003 (Sub No. 1X) Mohall
Central Railroad, Inc. Proposed Abandonment at Mile Post 67.5 near Calvin,
and ending at MP 72.9 at Sarles, in portions of [T163N R64W Sections 18,
19, 29, 30, 32 and T162N R64W Sections 4, 5, 9, and 16] Cavalier County,
North Dakota

Dear Mr. Barron,

We received ND SHPO Ref.:11-0098 STB Docket No. AB 1003 (Sub No. 1X)
Mohall Central Railroad, Inc. Proposed Abandonment at Mile Post 67.5 near
Calvin, and ending at MP 72.9 at Sarles, in portions of [T163N R64W Sections
18, 19, 29, 30, 32 and T162N R64W Sections 4, 5, 9, and 16] Cavalier County,
North Dakota. If consulted by a federal agency, we would concur with a "No
Historic Properties Affected" determination, provided the rail removal proceeds
in the location described and with no ground disturbance.

Thank you for the opportunity to review this action. 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

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer
(North Dakota)
and
Director, State Historical Society of North Dakota