

228248

FLETCHER & SIPPEL LLC

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

November 16, 2010

VIA ELECTRONIC FILING

ENTERED
Office of Proceedings
NOV 16 2010
Part of
Public Record

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423

Re: Environmental Report, Historic Report and Required Certifications for
Docket No. AB 1003 (Sub No. 1X) – Mohall Central Railroad, Inc.
Notice of Exemption for Abandonment in Cavalier County, North Dakota

Dear Ms. Brown:

Mohall Central Railroad, Inc. intends on filing a Notice of Exemption for the above-reference proposed abandonment any time on or after November 26, 2010. Enclosed for the above-referenced Notice of Exemption are the following, which are required by 49 C.F.R. Part 1105:

1. A sample of the transmittal letter that accompanied the reports, as well as a sample follow-up letter;
2. An original of a certificate demonstrating compliance with the requirements of 49 C.F.R. Part 1105; and
3. An original of the Environmental/Historic Report.

Thank you for your assistance in this matter, and please feel free to call me if you have any questions.

Respectfully submitted,



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

MB/jc
Enclosures

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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 & SIPPEN LLC

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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

Docket No. AB-1003 (Sub-No. 1X)

MOHALL CENTRAL RAILROAD, INC.

NOTICE OF EXEMPTION FOR
ABANDONMENT IN CAVALIER
COUNTY, NORTH DAKOTA

To: Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423

CERTIFICATE OF COMPLIANCE WITH 49 C.F.R. PART 1105

I hereby certify that on November 5, 2010, copies of the Environmental Report and Historic Report for the above-captioned proceeding were served on the agencies listed at 49 C.F.R. § 1105.7(b), all agencies consulted in preparing the reports, and on the North Dakota State Historical Society. A service list is attached and incorporated into this certificate as Attachment A. The reports have been sent within the time period specified, as Mohall Central Railroad, Inc. intends to file its Notice of Exemption in the above-captioned matter no earlier than November 26, 2010. All appropriate agencies as listed in 49 C.F.R. § 1105.7(e) have been consulted well in advance of preparing the Environmental Report.

I also certify that 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 notices alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. A copy of the notice and the affidavit of publication is attached to this certificate as Attachment B.

Dated this 16th day of November, 2010



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

ATTACHMENT A

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 Miriam 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.

Page 2 Monday, November 8, 2010

Notice

MICHELLE 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 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 F—Exempt Abandonments permitting the abandonment of a 5.4 mile line of railroad between railroad milepost 67.5, near Calvin, North Dakota and milepost 72.9 at Sules, 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).

NOTICE FLETCHER & SIPPEL LLC

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.

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:

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 R 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 Public Assistance, Governmental Affairs, and Compliance at (202)-245-0239. 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. 8312-282-1511.

- 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)

Michelle Gratton

Subscribed and sworn to before me this 18th 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

Publication Fee \$ 44.40

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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

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

ENVIRONMENTAL/HISTORIC REPORT

**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 5, 2010

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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

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

ENVIRONMENTAL/HISTORIC REPORT

Mohall Central Railroad, Inc. ("MCR") submits this Environmental/Historic Report in compliance with the reporting requirements of 49 C.F.R. §§1105.7 and 1105.8. Supporting correspondence is attached. It is the conclusion of this Report that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

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

1. **Proposed Action and Alternatives.** MCR seeks to abandon its line of railroad between milepost 67.5 near Calvin, and milepost 72.9 at Sarles, North Dakota, in Cavalier County, North Dakota (the "Line"). The Line extends a total distance of approximately 5.4 miles.

The Line has not been required to serve any customer for at least two years. There have been no rail shipments of any kind on the Line in the last two years, and no reasonable possibility for the development of new rail traffic exists. As the Line stub ends at milepost 72.9, there is no overhead traffic.

Following abandonment, MCR intends to salvage rail, ties and track materials from the Line. The rail bed and subgrade of the Line will not be disturbed. The Line may be suitable for a

trail. Given the already-developed road system between Calvin and Sarles, it would not be suitable for a roadway.

No alternatives to the proposed abandonment have been considered. The only alternative is retention of the Line in its unused state. A map showing the location of the Line is attached herein as Exhibit A.

MCR has contacted and requested comments from the Cavalier County Officials. See correspondence attached herein as Exhibits B through F. MCR has received no comments to date from them.

2. Transportation System. MCR does not anticipate that existing regional or local transportation systems or patterns will be affected by the proposed abandonment. No rail service is currently provided on the Line. Thus, no traffic will be diverted to other transportation systems or modes as a result of the proposed abandonment. There is no overhead traffic on the Line, and no passenger trains are operated over the Line.

MCR has contacted and requested comments from the State Department of Transportation. See correspondence attached herein as Exhibit G. No response has been received to date.

3. Land Use.

(i) MCR does not foresee any inconsistency with regional and/or local land use plans, but has contacted and requested comments from the State Department of Transportation and the State Department of Health, Environmental Health Section. See correspondence attached herein as Exhibits G and H. MCR has received no comments to date from the State Department of Transportation. The State Department of Health, Environmental Health Section requests that MCR observe best management practices during salvage and to

report any releases of hazmat, etc. that may have occurred. See correspondence that is part of Exhibit H. To the best of MCR's knowledge, there are no known hazardous waste sites on the Line.

(ii) The proposed abandonment lies within the limits of Cavalier County, North Dakota. The Line is in a primarily rural area, but no prime agricultural land will be affected as MCR will simply salvage rail, ties and track material and leave the rail bed and subgrade undisturbed. The Natural Resource Conservation Service (NRCS) has been contacted and comments requested. See correspondence attached herein as Exhibit I. MCR has received no comments to date.

(iii) No coastal zones are found within the State of North Dakota.

(iv) The right-of-way of the Line may be suitable for an alternative public use under 49 U S C. § 10905 as a trail. MCR does not believe the Line would be suitable for other public purposes, such as a road, because the road system parallel and close to the Line is already developed.

4. Energy.

(i) The proposed abandonment will not have any effect on the transportation of energy resources. No energy resource commodities move on the Line, and MCR foresees little or no possibility that such on-line traffic would develop in the future.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by this abandonment. No such traffic has been handled on this line, and MCR foresees little or no possibility that any online recyclable commodity traffic would develop in the future.

(iii) Abandonment will not result in an increase or decrease in overall energy efficiency. There is no freight traffic on the Line and thus there will be no changes in existing transportation patterns or energy usage as a result of the proposed abandonment.

(iv) Not applicable. Abandonment of the Line will not cause the diversion of more than 1,000 rail carloads per year or an average of 50 rail carloads per mile per year to motor carriers.

5. Air.

(i) Not applicable. Abandonment will not result in (A) a minimum increase in rail traffic of 100% or eight trains per day on any segment of rail line, (B) an increase in rail yard activity of at least 100%, or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles per day on any road segment.

(ii) Not applicable. Abandonment of the Line will not result in traffic increases which exceed the thresholds specified in 49 C.F.R. § 1105.7(e)(5)(ii)(A), (B) or (C).

(iii) Not applicable. This is an abandonment of a line on which there have been no customers for at least two years and there is no overhead traffic on the line.

6. Noise. Not applicable. As indicated above, none of the thresholds identified in 49 C.F.R § 1105.7(c)(5)(i) will be exceeded as a result of the abandonment.

7. Safety.

(i) The proposed action will have no adverse effect upon public health or safety. At least 17 at-grade crossings (both public and private) will be removed. During any salvage operations, precautions will be taken to ensure public safety.

(ii) Not applicable. To MCR's knowledge, no hazardous commodities have been handled on this Line for at least two years, if ever. Accordingly, the proposed abandonment will have no effect on the transportation of hazardous materials.

(iii) To the best of MCR's knowledge, there are no known hazardous waste sites or any hazardous waste materials involved on the Line.

8. Biological Resources.

(i) The U.S. Fish and Wildlife Service ("FWS") has been contacted and MCR has requested comments. The FWS responded and its response is attached as part of Exhibit J. The FWS indicates that it is not aware of any federally listed species in the area of the Line. MCR does not believe this abandonment will affect the wetlands or any endangered or threatened species that may be present in this area. See correspondence attached as Exhibit J.

(ii) MCR believes that no national or state parks, forests or refuges will be affected by this abandonment. The Line travels through a primarily agricultural area.

9. Water.

(i) MCR believes the abandonment is consistent with applicable water quality standards. MCR has contacted the Wisconsin Department of Health, Environmental Health Section for comment. See correspondence attached herein as Exhibit H.

(ii) The Army Corps of Engineers has been contacted to determine if the proposed abandonment requires permits under Section 404 of the Clean Water Act. See correspondence attached herein as Exhibit K. MCR has received no substantive response to date. MCR does not anticipate that the abandonment will involve discharge of dredged or fill material into any existing wetlands.

In addition, abandonment should not impact any 100-year floodplain if no additional fill is placed in any floodplain.

(iii) MCR concludes that no permits under Section 402 of the Clean Water Act are required. No material will be disposed of into a waterway as part of the abandonment. MCR has contacted the regional office of the Environmental Protection Agency and asked for their comments. See correspondence attached herein as Exhibit L. MCR has received no comments to date.

10. **Proposed Mitigation.** As no adverse impact is anticipated, MCR does not propose any mitigation activities.

HISTORIC REPORT - 49 C.F.R. § 1105.8(d)

1. **Map.** A map of the Line is attached hereto as Exhibit A.
2. **Description of Line.** The line to be abandoned extends from milepost 67.5, near Calvin, North Dakota, to milepost 72.9 at Sarles, North Dakota. The Line is situated in Cavalier County, North Dakota and extends a total distance of approximately 5.4 miles.
3. **Photographs.** A photograph of the one structure, a bridge, on the Line is enclosed.
4. **Information on Structures.** There is one structure on the Line – a bridge located at milepost 70.7.
5. **History of Operations.** The Line was constructed around 1905. Other railroad lines in the vicinity, including the lines now operated by Northern Plains Railroad (“NPR”), were also built at about the same time to encourage settlement and development of agriculture in the region. The Line was built and subsequently operated by the Great Northern Railway, now part

of BNSF. The NPR lines were built by the Soo Line Railroad, now part of Canadian Pacific Railway. For its entire existence, the Line has existed to move grain (primarily wheat) from farm to market, and to move inbound commodities needed for agricultural production.

6. **Engineering Documents.** MCR will provide copies of any documents in its possession.

7. **Historic Criteria.** MCR has contacted and given notice of the proposed abandonment to The State Historical Society. See correspondence attached as Exhibit M. The State Historical Society responded that it does not have information on any structures on the Line and awaits further information, such as this report which is being served on them, from MCR.

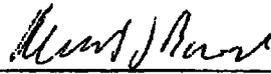
A photograph of the one structure on the Line, a bridge at milepost 70.77, is enclosed as Exhibit N. MCR does not believe this bridge qualifies for listing in the National Register. It is not associated with any historic event or person, does not embody any distinctive characteristics or items of artistic value, nor will it yield any historical information.

8. **Ground Disturbances.** Access to the line is good. MCR does not believe abandonment and salvage of the Line will disturb or reveal any archeological resources as the subgrade and roadbed will remain undisturbed and only the rail, ties and track material will be removed.

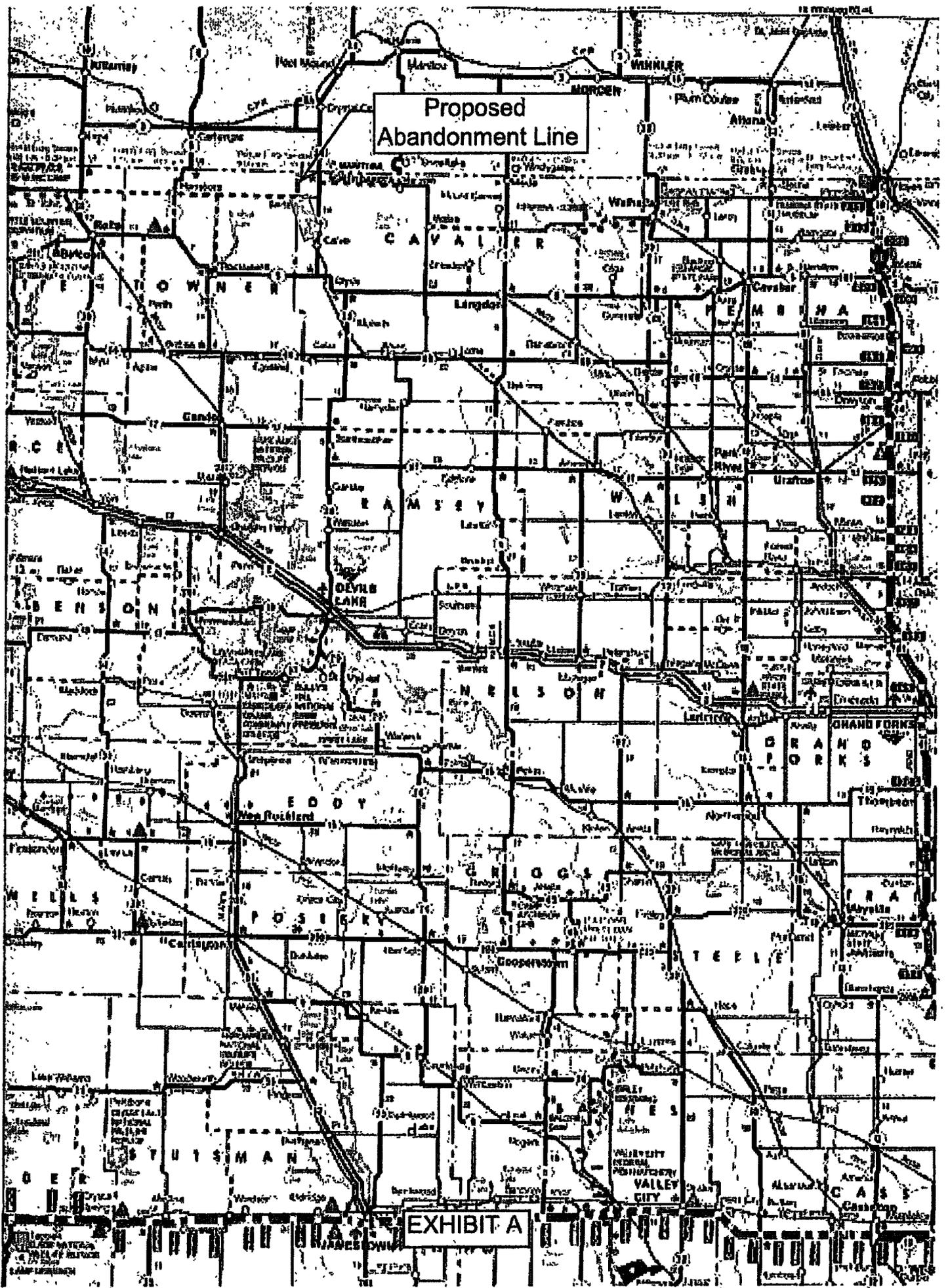
9. **Request by State Historic Preservation Office.** Upon request of the State Historical Society, MCR will provide such additional information as may be requested under Section 1105.8(d)(9).

Dated November 5, 2010

Respectfully submitted,

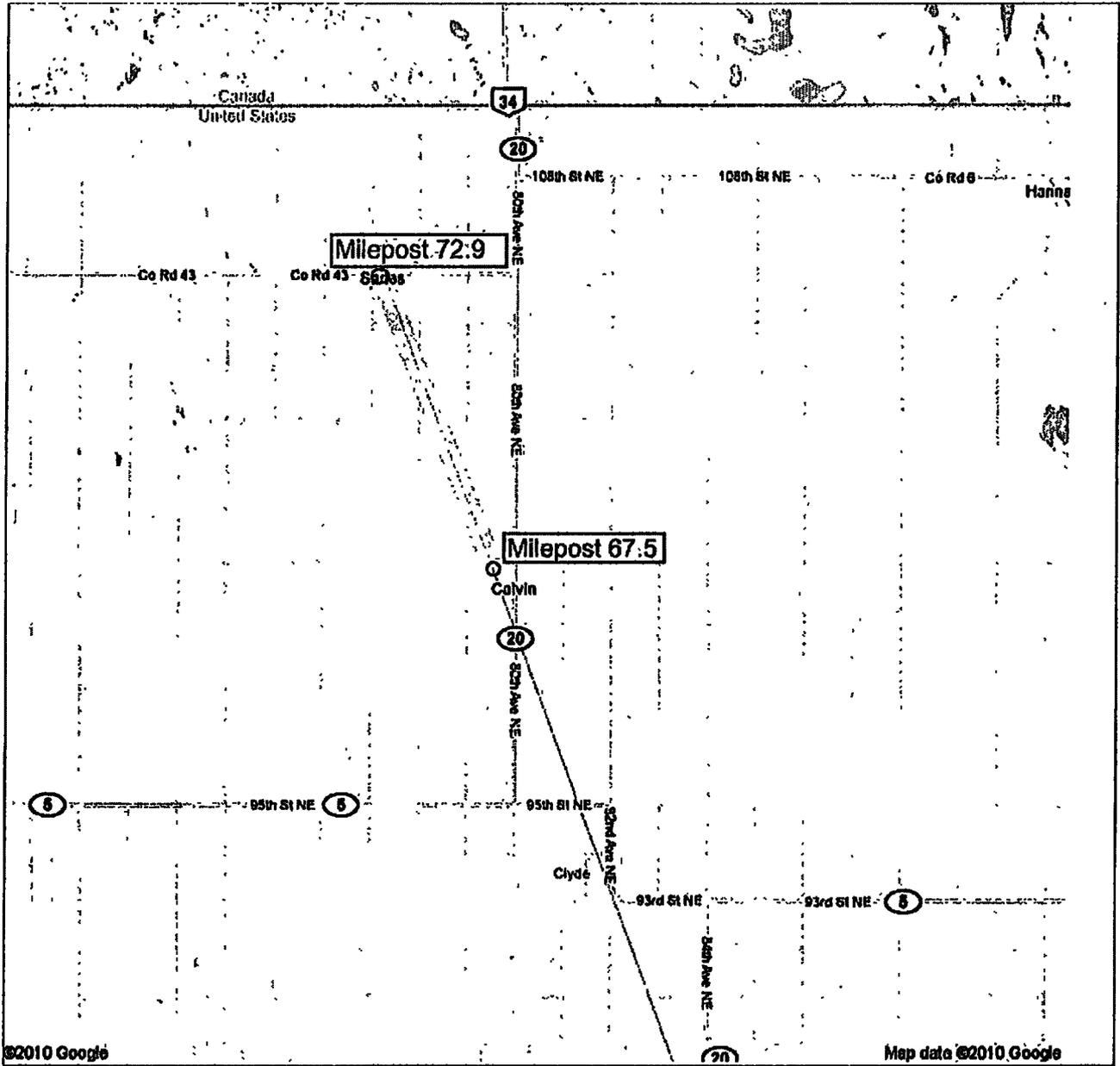


Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 N. Wacker Dr., Suite 920
Chicago, Illinois 60606
Telephone: 312-252-1500
Fax: 312-252-2400



Proposed
Abandonment Line

EXHIBIT A



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

October 14, 2010

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

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

Dear Mr. Borgen:

Mohall Central Railroad, Inc. ("MCR") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 7.4 miles of railroad line starting at MP 65.5 near Calvin, North Dakota, and ending at MP 72.9, the end of track, at Sarles, North Dakota, in Cavalier County, North Dakota. For your convenience, we have attached a map for your reference. MCR is advising you of the proposed action so that you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

1. Water quality;
2. Designated wetlands;
3. 100-year-old flood plains;
4. Endangered or threatened species;
5. Critical habitats;
6. Wildlife sanctuaries or refuges;
7. National or State Parks or forests;
8. Coastal zone management;
9. Soil and natural resource conservation;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.



FLETCHER & SIPPEL LLC

Mr. Tom Borgen
October 14, 2010
Page 2

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in three weeks.

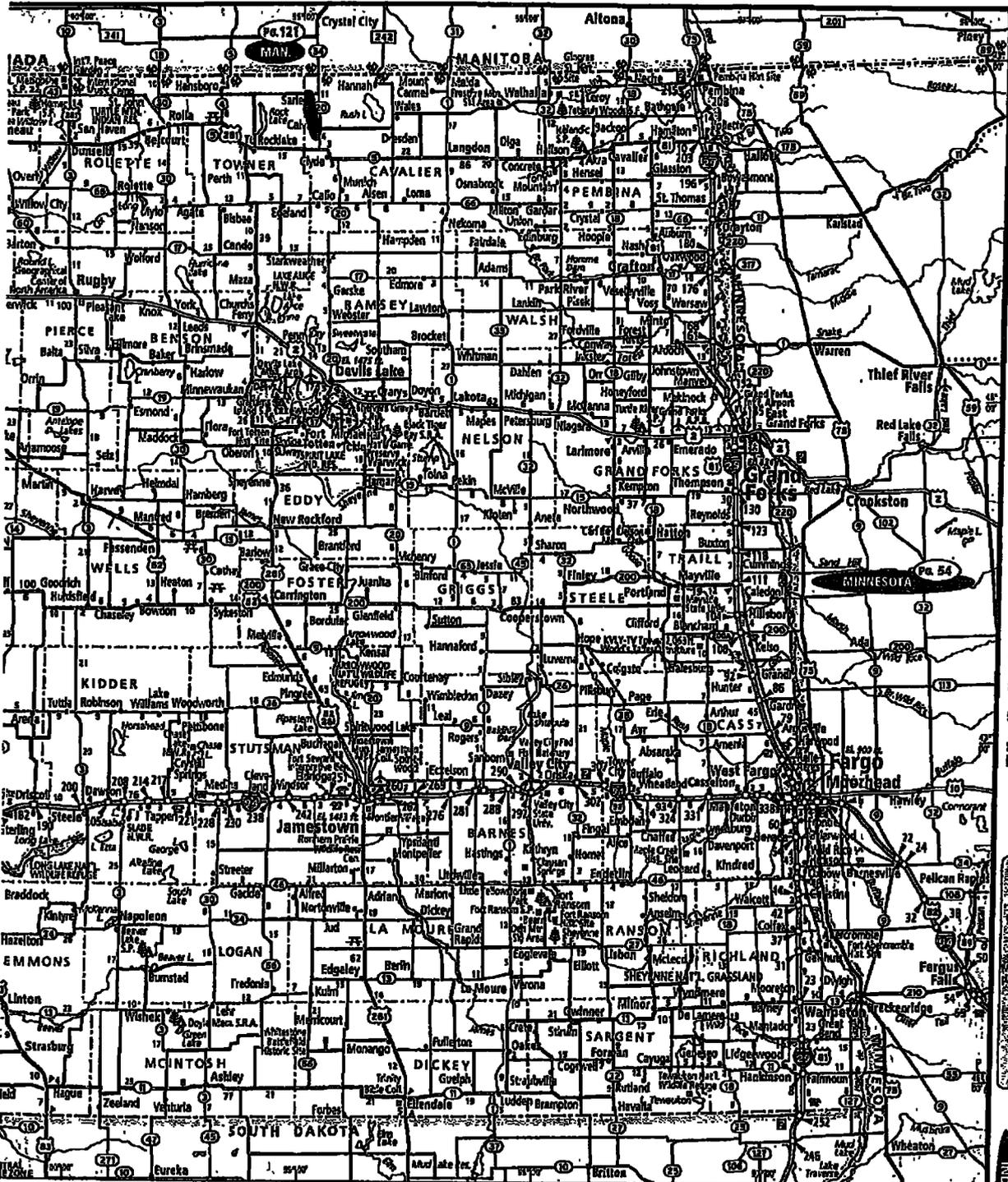
Thank you for your assistance.

Very truly yours,



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

MJB:mr
Enclosure



City	179	180	181	182	183	184	185	186	187	188	189	190
GRAND FORKS	179	180	181	182	183	184	185	186	187	188	189	190
FARGO	191	192	193	194	195	196	197	198	199	200	201	202
BISMARCK	203	204	205	206	207	208	209	210	211	212	213	214
WYOMING	215	216	217	218	219	220	221	222	223	224	225	226
MINNESOTA	227	228	229	230	231	232	233	234	235	236	237	238

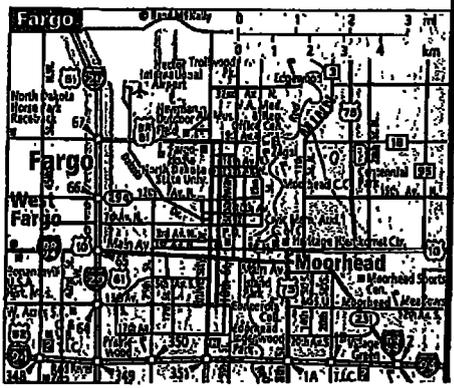
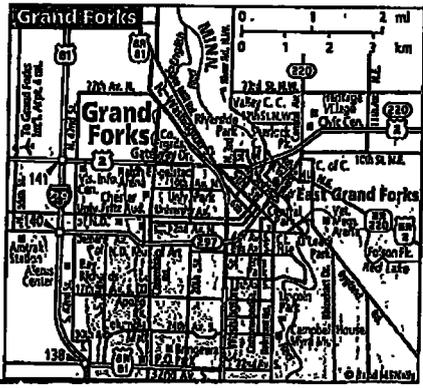
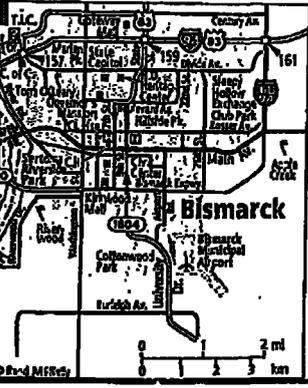
MORE MILEAGES
PA 138

Calvin to Sarsis Line

Distance scale
0 to 30 miles
0 to 30 km



INDEX OF CITIES
PA 138



North Dakota 77

Median: The Peace Garden State
Land area: 82,976 sq. mi. (rank: 17th)
Population: 653,837 (rank: 48th)
Largest city: Fargo, 91,684

Plan a trip
randmcnally.com/N

FLETCHER & SIPPEL LLC

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Chicago, Illinois 60606-2875

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

October 22, 2010

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

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

Dear Mr. Borgen:

I previously sent you a letter dated October 14, 2010 regarding the referenced proposed abandonment. The southern milepost limit for the proposed abandonment has been changed from 65.5 to 67.5. Therefore, the proposed abandonment now runs from MP 67.5 to MP 72.9, approximately 5.4 miles.

Very truly yours,


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

MJB:mr

FLETCHER & SIPPET LLC

ATTORNEYS AT LAW

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

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Fax: (312) 252-2400
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MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

October 14, 2010

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

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

Dear Mr. Flanders:

Mohall Central Railroad, Inc. ("MCR") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 7.4 miles of railroad line starting at MP 65.5 near Calvin, North Dakota, and ending at MP 72.9, the end of track, at Sarles, North Dakota, in Cavalier County, North Dakota. For your convenience, we have attached a map for your reference. MCR is advising you of the proposed action so that you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

1. Water quality;
2. Designated wetlands;
3. 100-year-old flood plains;
4. Endangered or threatened species;
5. Critical habitats;
6. Wildlife sanctuaries or refuges;
7. National or State Parks or forests;
8. Coastal zone management;
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FLETCHER & SIPPEL LLC

Mr. Richard Flanders

October 14, 2010

Page 2

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Thank you for your assistance.

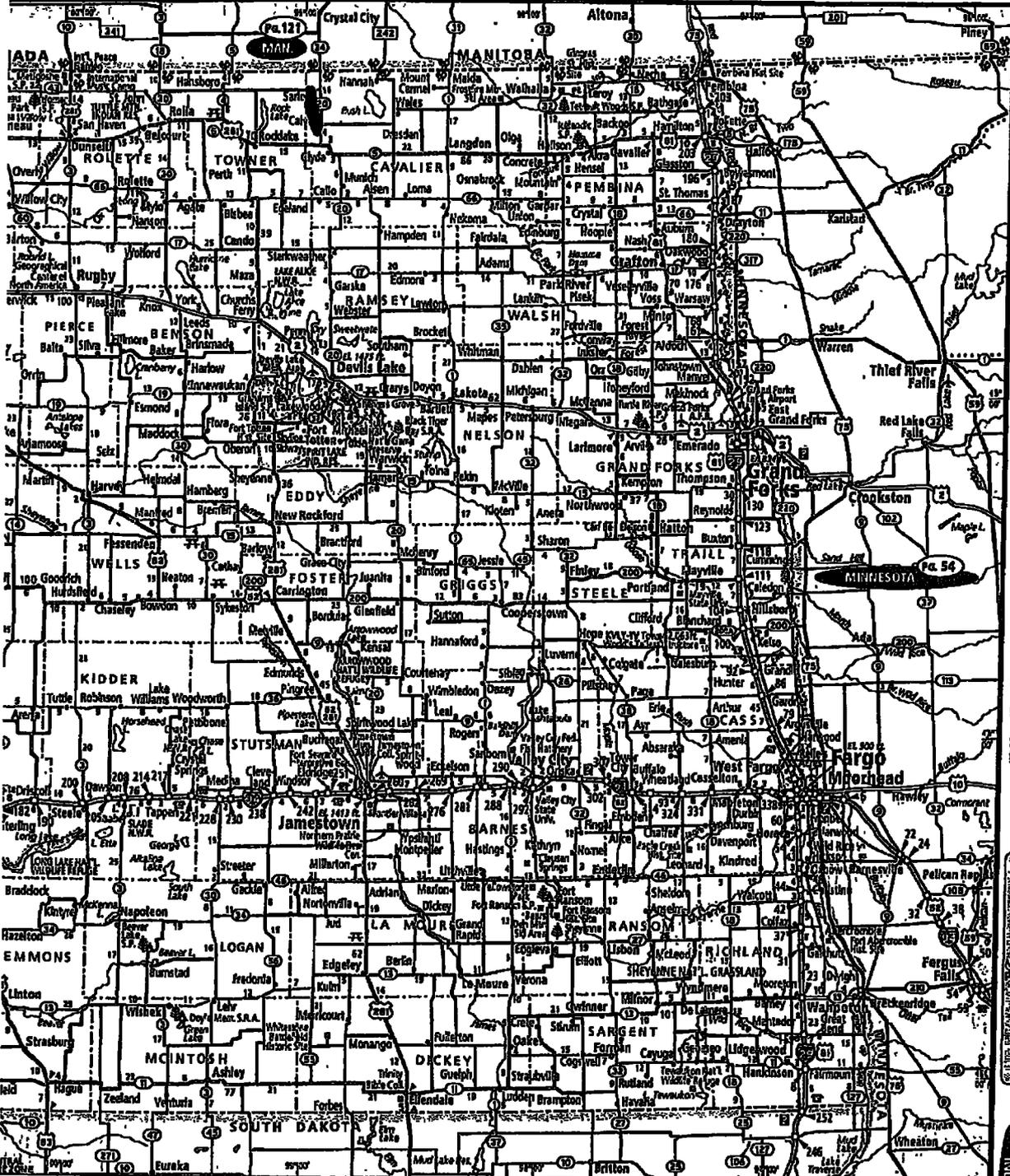
Very truly yours,



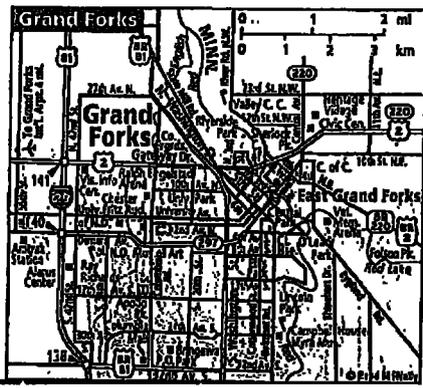
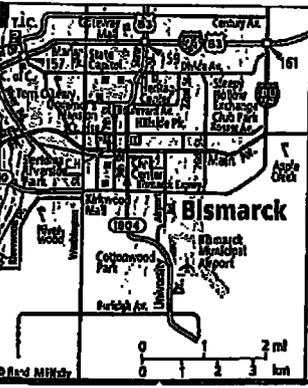
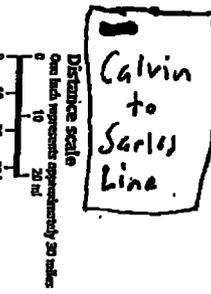
Michael J. Barron, Jr.

Attorney for Mohall Central Railroad, Inc.

MJB:mr
Enclosure



County	Area (sq. miles)	Population (1990)	Population (2000)	Population (2010)
Adair	1,179	18,318	18,318	20,111
Barnes	1,143	18,318	18,318	20,111
Bismarck	1,143	18,318	18,318	20,111
Grand Forks	1,143	18,318	18,318	20,111
Minot	1,143	18,318	18,318	20,111
Wahpeton	1,143	18,318	18,318	20,111



North Dakota 77

Reference: The Peace Garden State
Largest city: Grand Forks (17th)
Population: 683,837 (19th)
Largest city: Fargo (5th)

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FLETCHER & SIPPEL LLC

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mbarron@fletcher-sippel.com

October 22, 2010

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

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

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October 14, 2010

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

Re: **Docket No. AB 1003 (Sub No. 1X) Mohall Central Railroad, Inc.
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FLETCHER & SIPPEL LLC

Mr. Ole Nowatski
October 14, 2010
Page 2

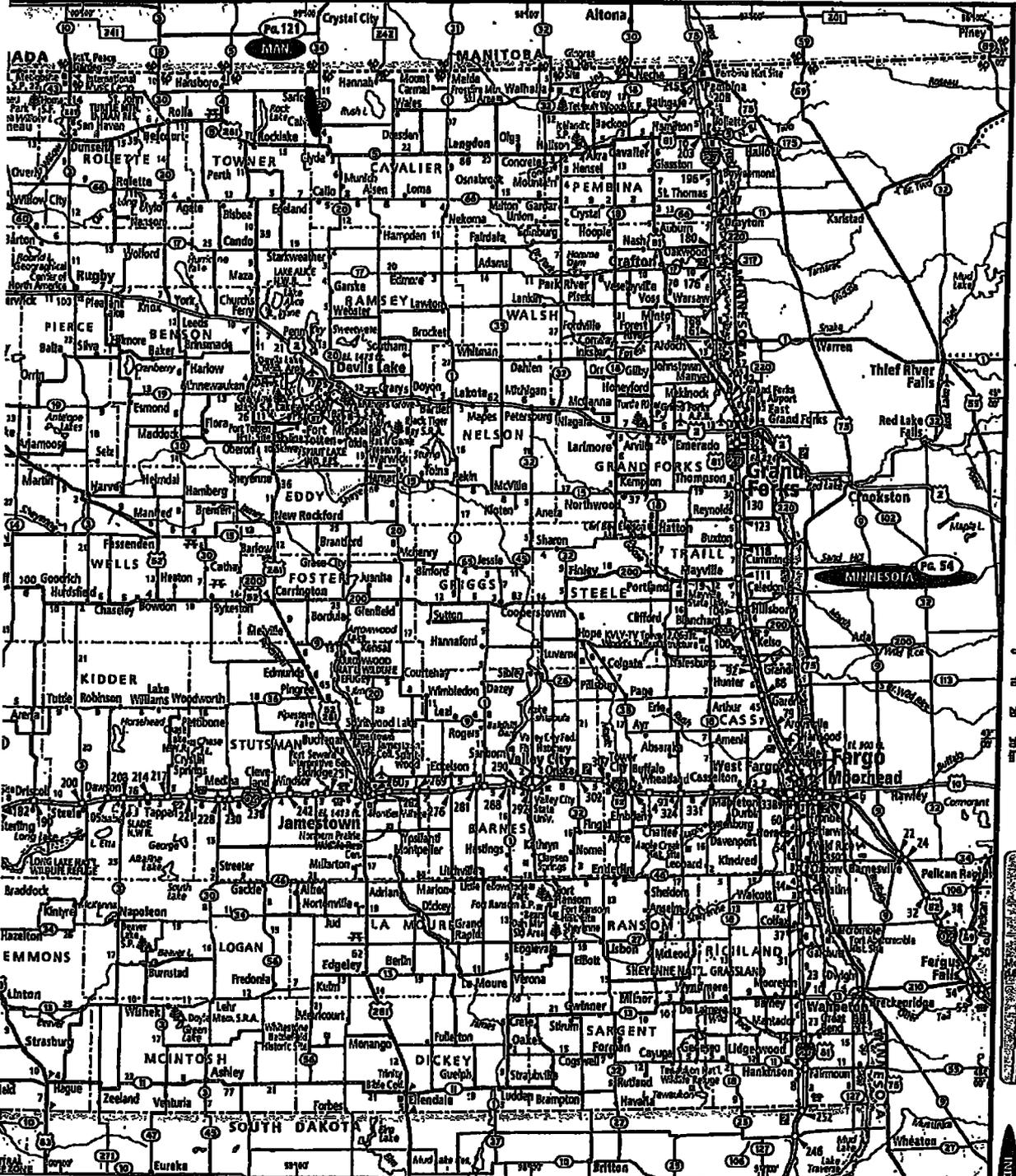
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Thank you for your assistance.

Very truly yours,


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

MJB:mr
Enclosure



City	Pop.	Dist. to Grand Forks	Dist. to Fargo	Dist. to Bismarck
Grand Forks	179,350	0	111	240
Fargo	103,225	111	0	240
Bismarck	78,240	111	240	0
Minot	111,121	183	263	47
Williston	249,311	420	441	126

Calvin to Series Line

Distances scale
One inch represents approximately 20 miles

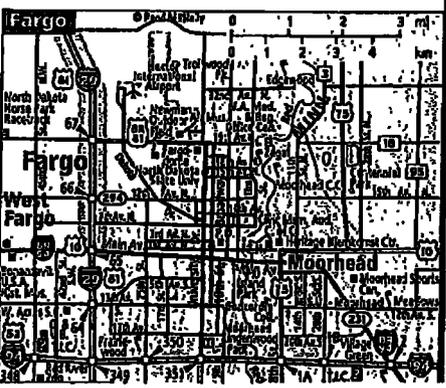
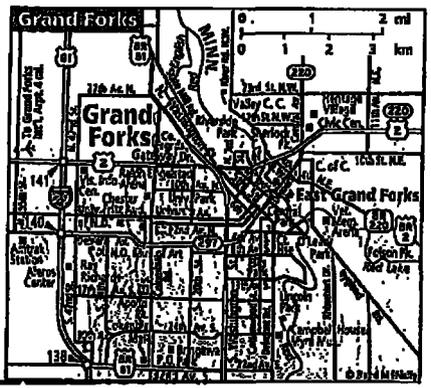
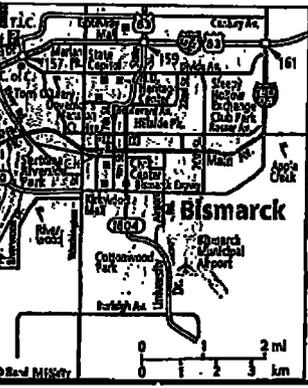
0 10 20 30 mi



INDEX OF CITIES

North Dakota 71

Land area: 68,976 sq. mi. (rank 17th)
Population: 633,837 (rank 48th)
Largest city: Fargo, 91,684



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October 22, 2010

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Cavalier County Commissioner
Cavalier County Courthouse
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October 14, 2010

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Cavalier County Commissioner
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901 3rd Street
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FLETCHER & SIPPEL LLC

Mr. Alvin Carlson
October 14, 2010
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October 22, 2010

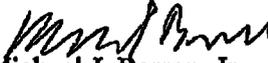
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October 14, 2010

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

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

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FLETCHER & SIPPEL LLC

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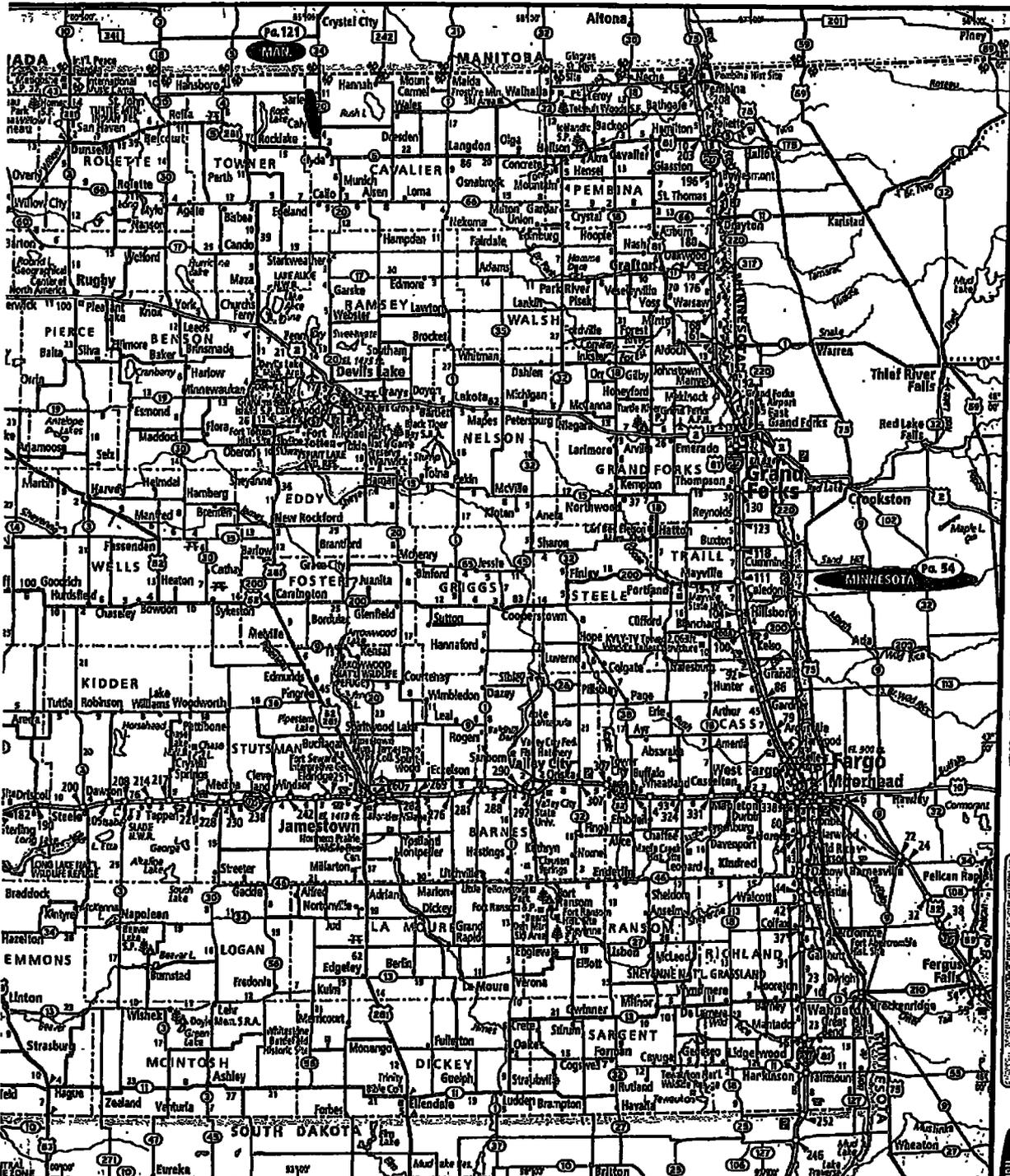
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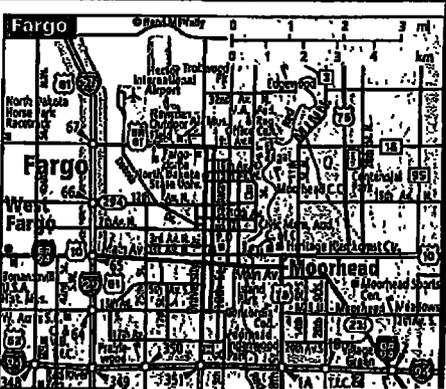
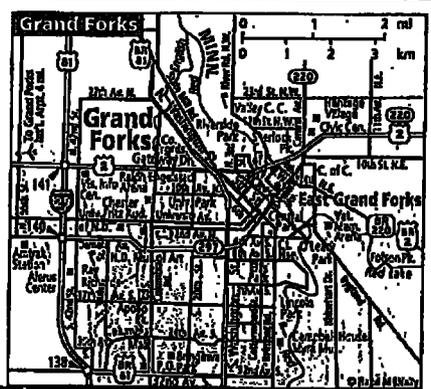
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Enclosure



City	Population
Grand Forks	28,800
Fargo	28,500
Bismarck	27,500
Minot	22,000
Devils Lake	12,000
Wahpeton	11,000
Grand Forks	10,000
Wahpeton	9,000
Wahpeton	8,000
Wahpeton	7,000
Wahpeton	6,000
Wahpeton	5,000
Wahpeton	4,000
Wahpeton	3,000
Wahpeton	2,000
Wahpeton	1,000

Distance scale
0 10 20 30 miles
0 10 20 30 kilometers

Calvin to Sargis Line



North Dakota 71

Plan a trip
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INDEX OF CITIES Pa. 53

North Dakota
Largest cities: Fargo, 28,500
Minot, 22,000
Grand Forks, 28,800
Bismarck, 27,500
Devils Lake, 12,000
Wahpeton, 11,000
Wahpeton, 10,000
Wahpeton, 9,000
Wahpeton, 8,000
Wahpeton, 7,000
Wahpeton, 6,000
Wahpeton, 5,000
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Wahpeton, 1,000

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October 14, 2010

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

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FLETCHER & SIPPEL LLC

North Dakota Department of Transportation
October 14, 2010
Page 2

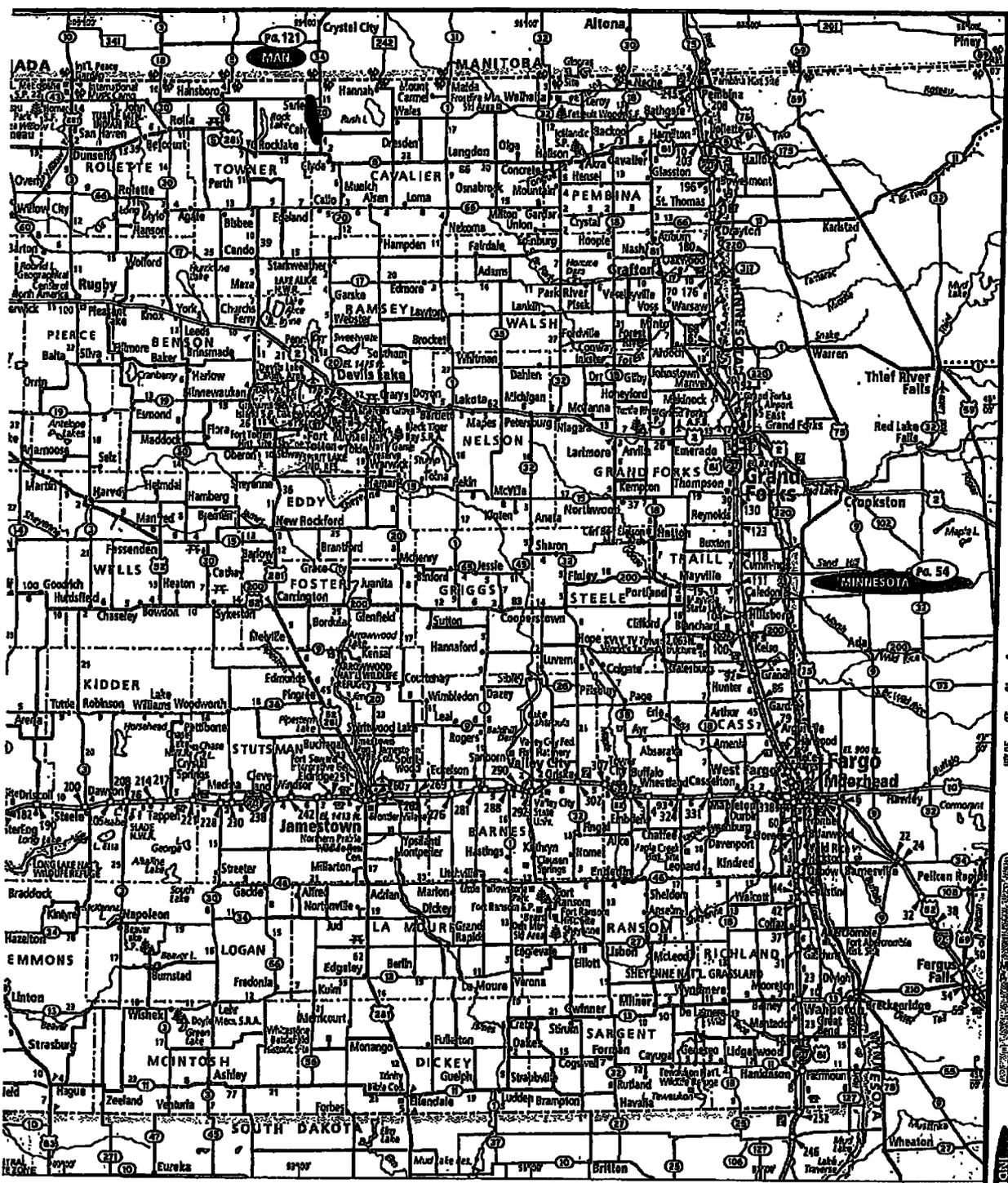
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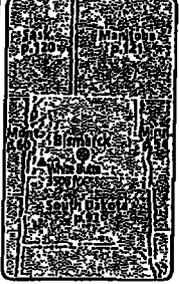


GRAND FORKS	175	180	185	190	195	200	205	210	215	220
MINOT	115	120	125	130	135	140	145	150	155	160
WALLSTON	220	225	230	235	240	245	250	255	260	265

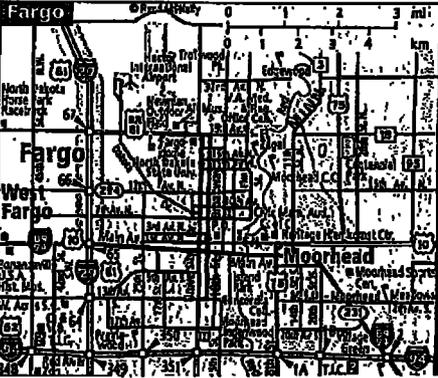
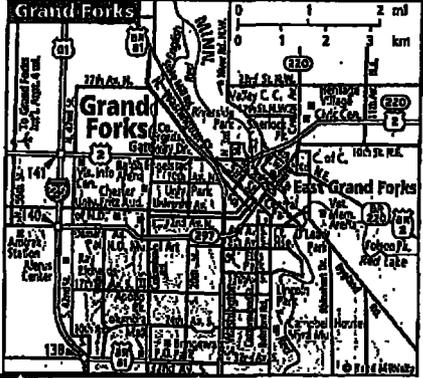
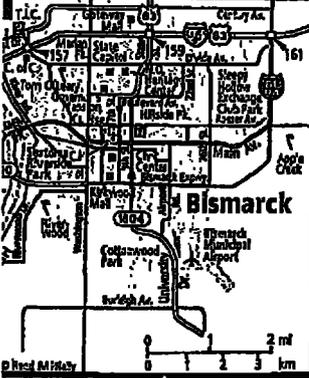
More Mileages Pg. 133

Calvin to Sargis Line

Distance scale
0 10 20 30 mi
0 10 20 30 km



INDEX OF CITIES Pg. 133



North Dakota 71

Midwestern The Peace Garden State
Largest state: 69,975 sq. mi. (rank: 17th)
Population: 623,637 (rank: 46th)
Largest city: Fargo, 51,404

Plan a trip
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October 14, 2010

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

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FLETCHER & SIPPEL LLC

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North Dakota Department of Health
October 14, 2010
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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



October 20, 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, Cavalier County, N.D.

Dear Mr. Barron:

This department has reviewed the information concerning the above-referenced project submitted under date of October 14, 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, 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. Guidelines for minimizing degradation to waterways during construction are attached.
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.

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,

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

LDG:cc

Attach.

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



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.

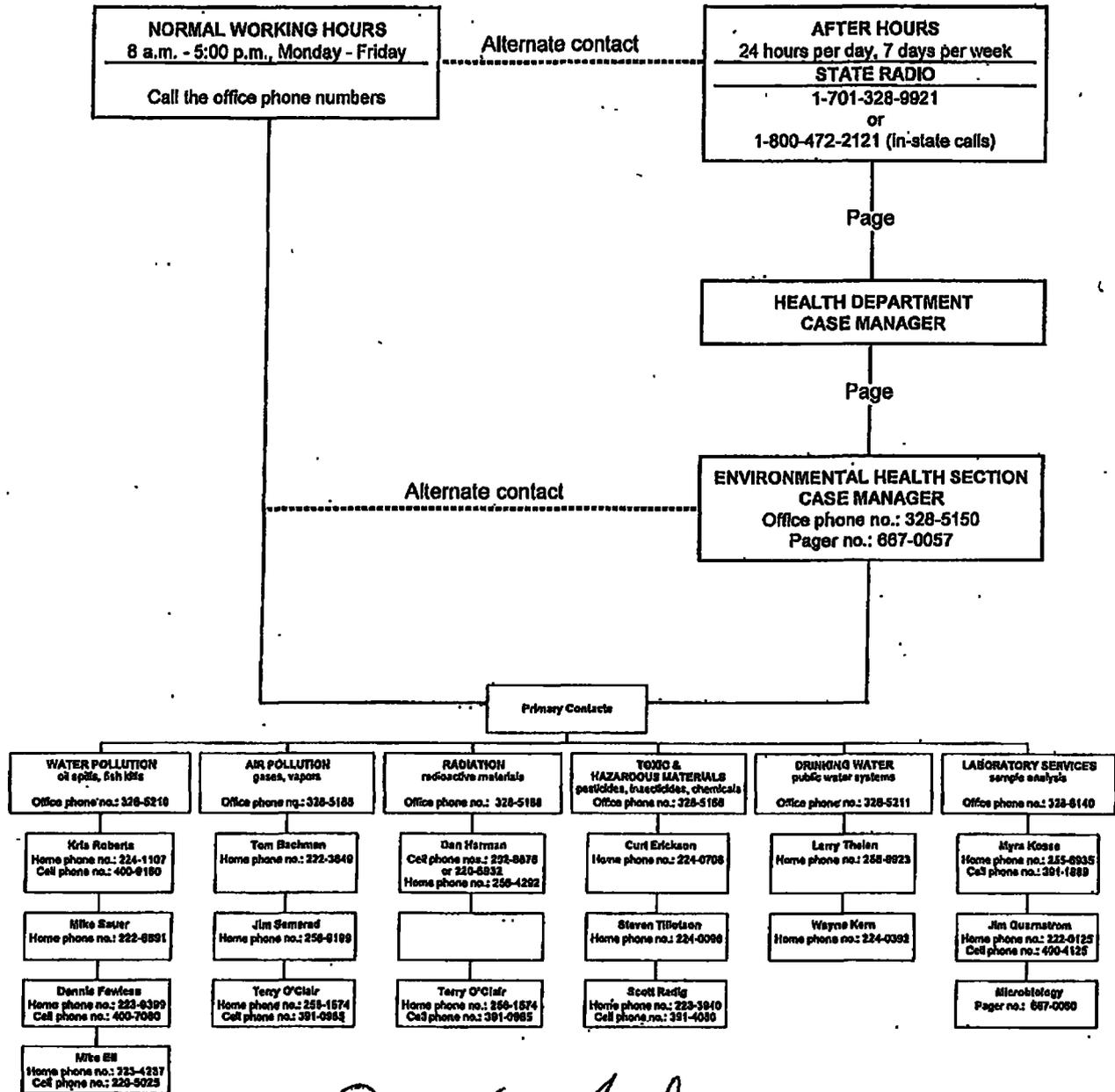
Surface Waters

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.

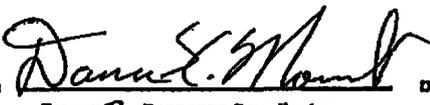
Fill Material

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**



1st Alternative Contact
Dana Mount
 Office phone no.: 328-5202
 Home phone no.: 223-6738
 Cell phone no.: 428-7273

Approved by:  Date: August 21, 2008
 Emergency Response Coordinator

2nd Alternative Contact
L. David Glatt
 Office phone no.: 328-5152
 Home phone no.: 255-6391
 Cell phone no.: 220-3102

Approved by:  Date: August 21, 2008
 Chief, Environmental Health Section

ND Department of Health
 Environmental Health Section
 Gold Seal Center
 918 East Divide Avenue
 Bismarck, ND 58501-1847

August 21, 2008

FLETCHER & SIPPEN 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

October 14, 2010

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

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

To Whom It May Concern:

Mohall Central Railroad, Inc. ("MCR") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 7.4 miles of railroad line starting at MP 65.5 near Calvin, North Dakota, and ending at MP 72.9, the end of track, at Sarles, North Dakota, in Cavalier County, North Dakota. For your convenience, we have attached a map for your reference. MCR is advising you of the proposed action so that you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

1. Water quality;
2. Designated wetlands;
3. 100-year-old flood plains;
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5. Critical habitats;
6. Wildlife sanctuaries or refuges;
7. National or State Parks or forests;
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11. Regional and/or local use plans; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We



FLETCHER & SIPPEN LLC

U.S. Natural Resources Conservation Service
October 14, 2010
Page 2

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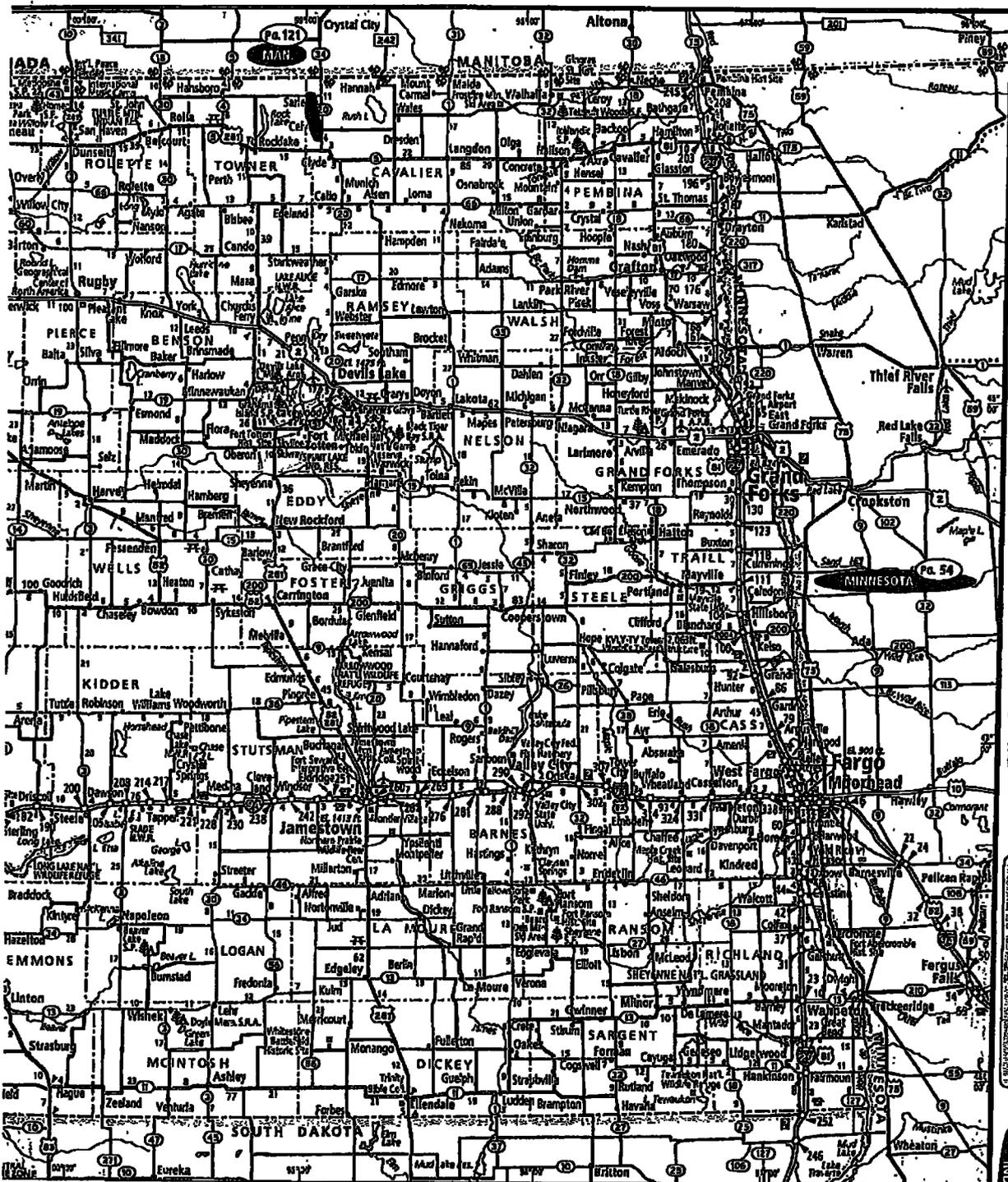
Thank you for your assistance.

Very truly yours,



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

MJB:mr
Enclosure



County	Area (sq. mi.)	Population (1990)
BENNETT	1,179	15,128
BURKE	1,179	15,128
DAKOTA	1,179	15,128
DEWING	1,179	15,128
DICKINSON	1,179	15,128
FARGO	1,179	15,128
GRAND FORKS	1,179	15,128
MINNAPOLIS	1,179	15,128
WILLISTON	1,179	15,128

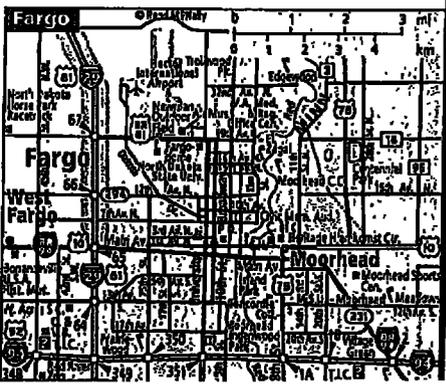
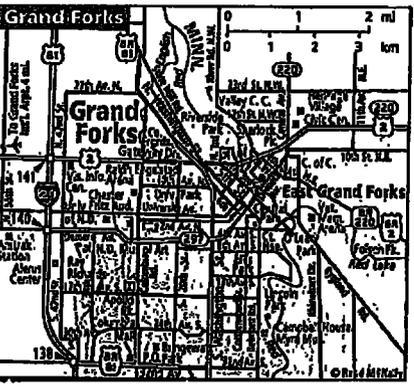
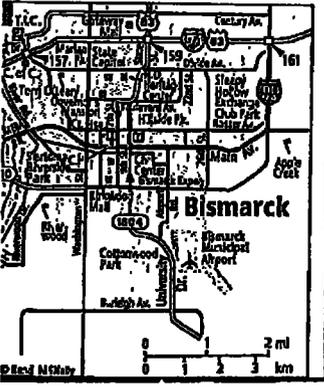
Calvin to Serles Line

Distance scale
 One inch represents approximately 20 miles
 0 10 20 30 40 miles



INDEX OF CITIES

McNamee: The Peace Garden State
 Land area: 68,576 sq. mi. (rank 17th)
 Population: 633,837 (rank 49th)
 Largest city: Fargo, 91,494



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FLETCHER & SIPPET LLC

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October 22, 2010

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

Re: **Docket No. AB 1003 (Sub No. 1X) Mohall Central Railroad, Inc.**
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Attorney for Mohall Central Railroad, Inc.

MJB:mr

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mbarron@fletcher-sippel.com

October 14, 2010

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

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FLETCHER & SIPPEL LLC

U.S. Fish & Wildlife Service
October 14, 2010
Page 2

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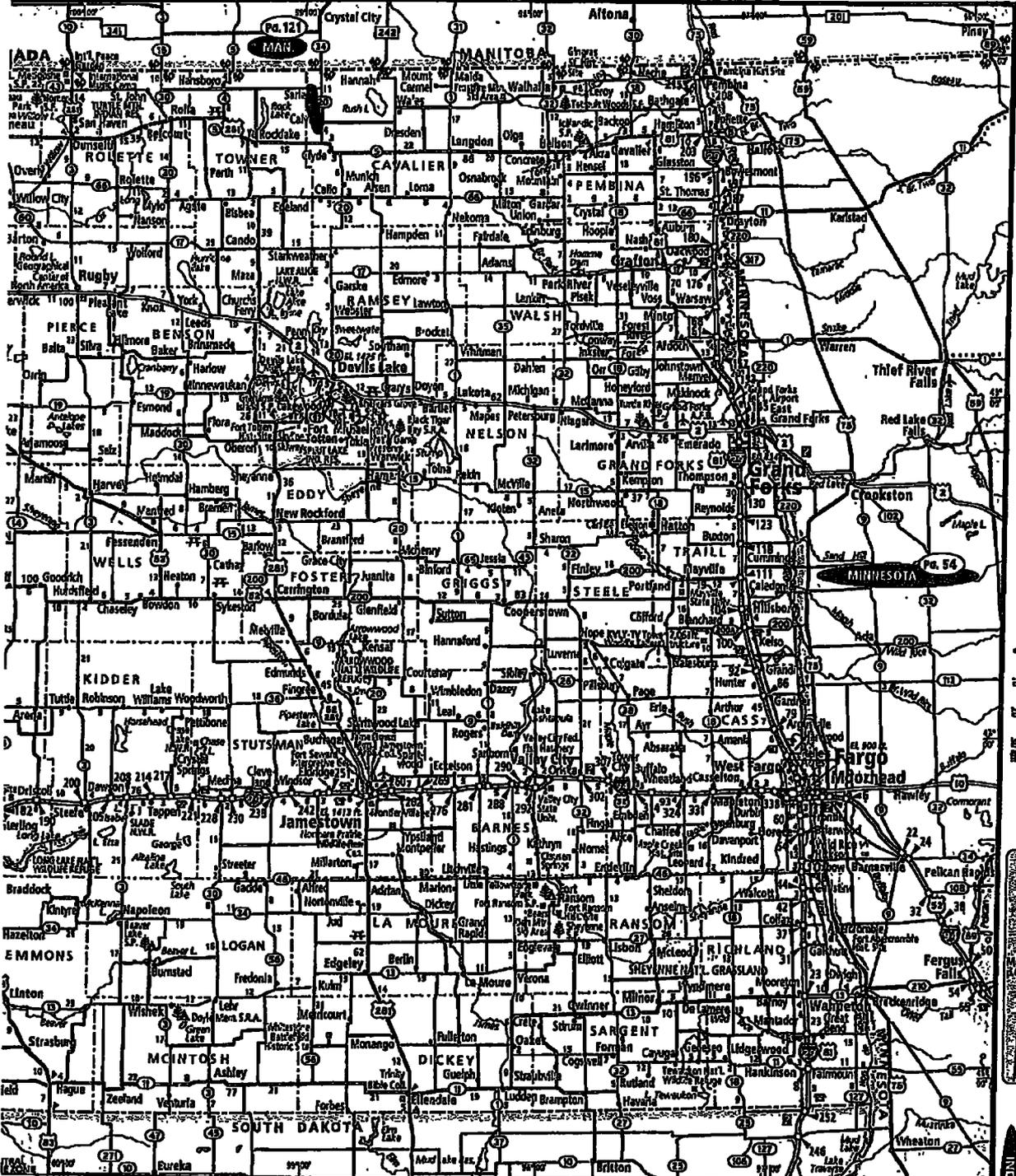
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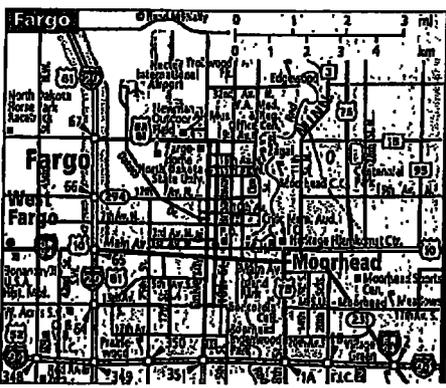
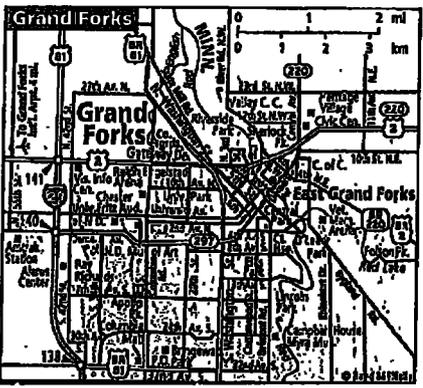
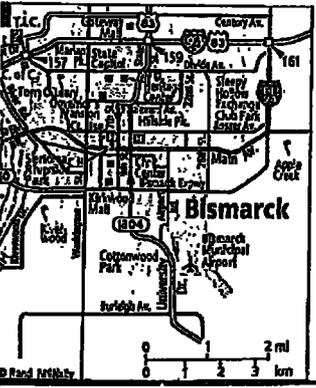
MJB:mr
Enclosure



City	Pop.	Dist. to Fargo
Grand Forks	28,889	0
Fargo	71,188	10
Minot	18,408	20
Wahpeton	11,111	30
Williston	20,000	40
Devils Lake	1,000	50
St. Cloud	1,000	60
Watson	1,000	70
Wegot	1,000	80
Washburn	1,000	90
Ward	1,000	100
Wells	1,000	110
West Fargo	1,000	120
Weston	1,000	130
Wheaton	1,000	140
Wheat	1,000	150
Wheatland	1,000	160
Wheaton	1,000	170
Wheaton	1,000	180
Wheaton	1,000	190
Wheaton	1,000	200
Wheaton	1,000	210
Wheaton	1,000	220
Wheaton	1,000	230
Wheaton	1,000	240
Wheaton	1,000	250
Wheaton	1,000	260
Wheaton	1,000	270
Wheaton	1,000	280
Wheaton	1,000	290
Wheaton	1,000	300

Calvin to Sures Line

Distance scale
One inch represents approximately 20 miles



INDEX OF CITIES

North Dakota 77

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October 22, 2010

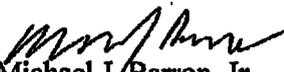
U.S. Fish & Wildlife Service
Regional Office
3425 Miriam Ave.
Bismarck, ND 58501-7926

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

To Whom It May Concern:

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Very truly yours,


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

MBJ:mr



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501



OCT 29 2010

Mr. Michael J. Barron, Jr.
Attorney at Law
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 920
Chicago, Illinois 60606-2832

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

Dear Mr. Barron:

This is in response to your October 14, 2010, letter regarding a proposed railroad abandonment project located in Cavalier County, North Dakota. Mohall Central Railroad, Inc. (Mohall) proposes to abandon their railway line between Milepost 67.5 near Calvin, and Milepost 72.9, the end of track, at Sarles. The proposed abandonment may require removal of bridges or other structures and the removal of track materials such as rails and ties, but the roadbed will be left intact.

We offer the following comments under the authority of and in accordance with the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) (MBTA), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.) (NEPA), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250) (BGEPA), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", and the Endangered Species Act (16 U.S.C. 1531 et seq.) (ESA).

Threatened and Endangered Species

If a Federal agency, in this case the Surface Transportation Board (STB), authorizes, funds, or carries out a proposed action, the responsible Federal agency, or its designated agent, is required to evaluate whether the action "may affect" listed species. If the Federal agency determines the action "may affect, is likely to adversely affect" listed species or designated critical habitat, then the responsible Federal agency shall request formal section 7 consultation with this office, or work with this office to remove the likely adverse effects before proceeding. If the evaluation shows a "no effect" determination on listed species or designated critical habitat, further consultation is not necessary. If a non-Federal entity receives Federal funding for an activity, or

if a Federal permit or license is required, the Federal funding, licensing, or permitting agency may designate the fund recipient or permittee as its agent for purposes of informal section 7 consultation. The funding, permitting, or licensing Federal agency is responsible to ensure that its actions comply with the ESA, including obtaining concurrence from the U.S. Fish and Wildlife Service (Service) for any action that may affect a threatened or endangered species or designated critical habitat prior to carrying out the activity.

A list of federally endangered and threatened species that may be present within the proposed project's area of influence is enclosed. This list fulfills requirements of the Service under Section 7 of the ESA. This list remains valid for 90 days. The STB or designated non-Federal agent should make a determination of the proposed project's effects on listed species and designated critical habitat. This determination may be included in the EA. It should state whether or not the STB plans to incorporate the Service's recommendations to avoid and minimize any adverse effects. If the STB does not plan to take the recommended measures, the document should explain why not.

While STB or their designated agent should perform their own determination of the potential impacts of the proposed projects on federally listed species, from the information provided, the Service is not aware of federally listed species in the proposed project area.

High Value Habitat Avoidance

Our review of the proposed project area indicates that there are no Service property interests in the area. Service review of the National Wetland Inventory (NWI) maps and photographs indicate that a number of wetland basins lie adjacent to the proposed abandonment. You may access the NWI data directly through their website (wetlands.fws.gov). To minimize disturbance to fish and wildlife habitat in the project area, the Service provides the following recommendations:

- Install and maintain appropriate erosion control measures to reduce sediment transport to and water quality degradation of wetlands and streams near the project area.
- Make no stream alterations or changes in drainage patterns.
- Defer the timing of abandonment related construction activities to late summer (after July 15) or fall so as not to disrupt waterfowl or other wildlife during the nesting season and to avoid high water conditions.
- Reseed disturbed areas with a mixture of native grasses and forbes.

If construction routes intersect wetlands, streams, or rivers, the Corps of Engineers (Corps) may require a Department of the Army permit for the placement of dredge or fill material into waters of the U.S., including some wetlands, or other impacts to navigable waters. We suggest you contact Mr. Daniel Cimarosti, Regulatory Office, Corps of Engineers, 1513 South 12th Street, Bismarck, North Dakota 58504 (701-255-0015), to determine the Corps' permit requirements.

Thank you for the opportunity to comment on this project. If you require further information or the project plans change, please contact me or Breanne Vander Naald of my staff at (701) 250-4481 or at the letterhead address.

Sincerely,



Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

Enclosure

cc: Army Corps of Engineers Regulatory Office, Bismarck
(Attn: Daniel Cimarosti)
Director, ND Game & Fish Department, Bismarck

FEDERAL ENDANGERED AND CANDIDATE SPECIES
FOUND IN CAVALIER COUNTY
NORTH DAKOTA
October 2010

ENDANGERED SPECIES

Birds

Whooping crane (Grus Americana): Aransas-Wood Buffalo Population (264 birds) occurs in North Dakota counties during spring and fall migration between breeding and wintering areas. Whooping cranes prefer to roost overnight in shallow open water wetland habitat with good visibility during migration stopovers.

Mammals

Gray wolf (Canis lupus): Occasional visitor in North Dakota. Most frequently observed in the Turtle Mountains area.

CANDIDATE SPECIES

Birds

Sprague's Pipit (Anthus spragueii): Nests in native and planted grassland. Prefers patches of grassland at least 72 acres (29 hectares).

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October 14, 2010

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

Re: **Docket No. AB 1003 (Sub No. 1X) Mohall Central Railroad, Inc.
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FLETCHER & SIPPEL LLC

U.S. Army Corps of Engineers

October 14, 2010

Page 2

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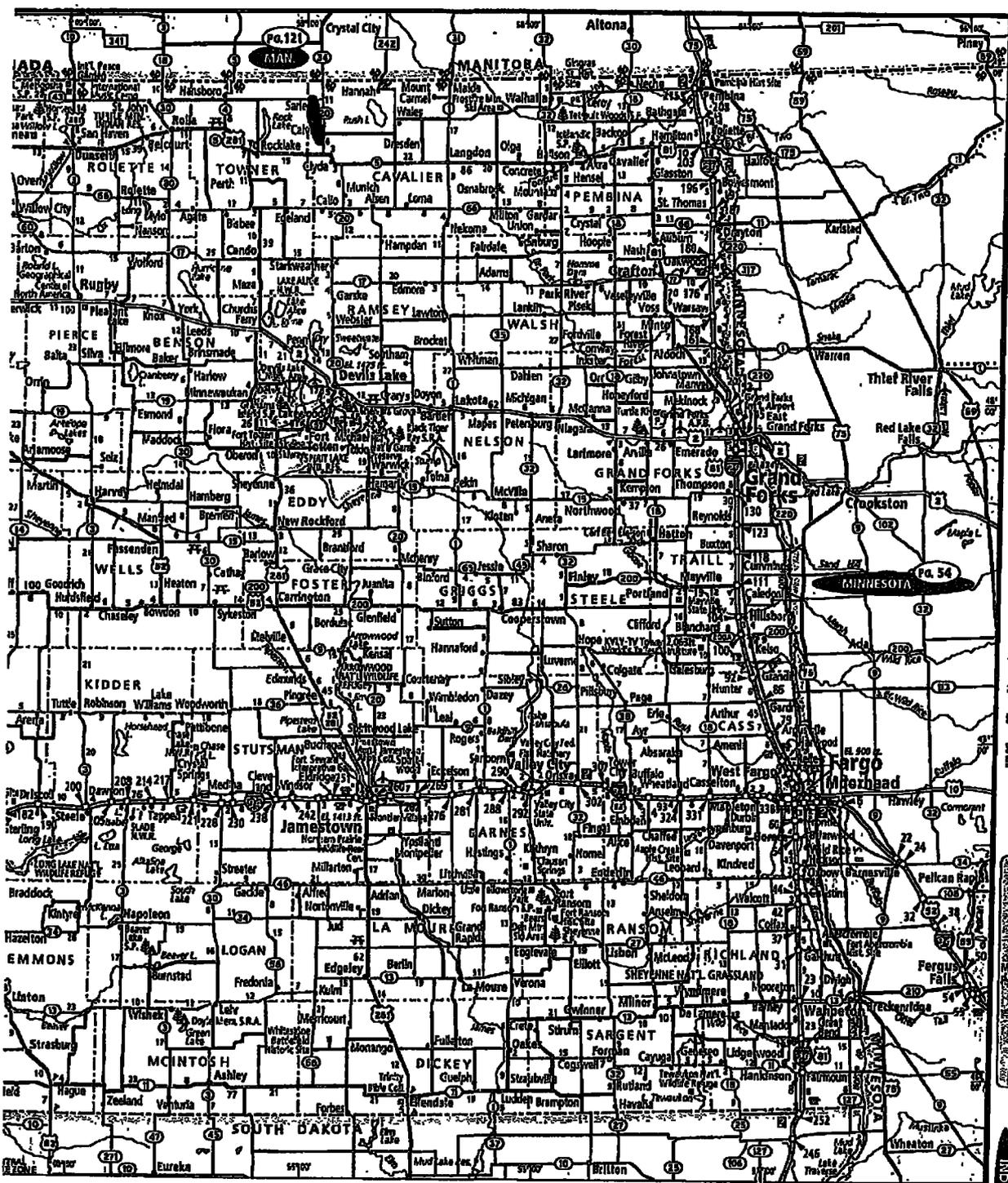
Very truly yours,



Michael J. Barron, Jr.

Attorney for Mohall Central Railroad, Inc.

MJB:mr
Enclosure



City	1970	1980	1990	2000	2010	2020
BISMARCK	175	205	245	285	325	365
GRAND FORKS	105	135	165	195	225	255
FARGO	115	145	175	205	235	265
MINOT	75	95	115	135	155	175
WILLISTON	35	45	55	65	75	85

MORE MILEAGES

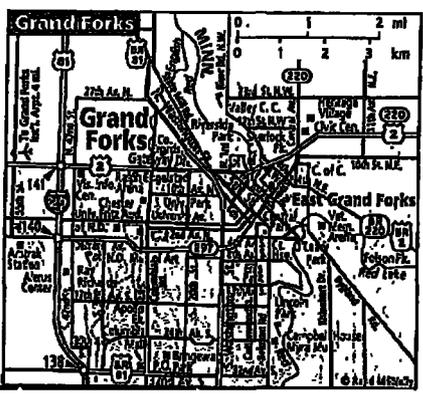
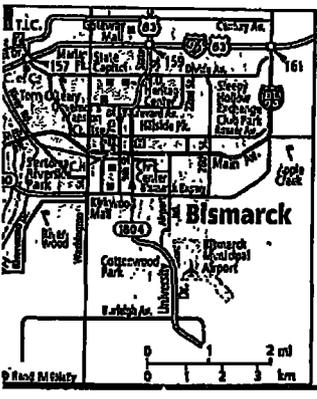
Distance scale
0 10 20 30 mi
0 10 20 30 km

Calvin to Sørley Line



INDEX OF CITIES

Midwest: The Peace Garden State
Largest city: Grand Forks, 25,000 (rank 17th)
Population: 623,827 (rank 48th)
Largest city: Fargo, 51,494



North Dakota 71

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Michael Barron, Jr.

From: Willging, Joseph M MVP [Joseph.M.Willging@usace.army.mil]
Sent: Monday, October 18, 2010 5:01 PM
To: Michael Barron, Jr.
Subject: Railroad Line Abandonment, Cavalier County, ND

Attachments: RR Abandonment ND.pdf



RR Abandonment
ND.pdf (576 KB)...

Dear Mr. Barron,

My office received the attached letter regarding the proposed abandonment of a railroad line in Cavalier County, North Dakota. This is to advise you that I have forwarded your letter to the Army Corps' Omaha District. From my reading of your letter, it appears your main interest, as far as Corps programs are concerned, is with respect to our regulatory authority under Section 404 of the Clean Water Act. For purposes of Section 404, the state of North Dakota is within the regulatory jurisdiction of the Omaha District, rather than the St. Paul District.

If I'm reading your letter too narrowly, please don't hesitate to contact me.

Sincerely,

Joseph M. Willging
District Counsel
US Army Corps of Engineers
St. Paul District
180 5th Street East, Suite 700
St. Paul, MN 55101-1678

Voice: 651-290-5500
Fax: 651-290-5758

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Attorney for Mohall Central Railroad, Inc.

MJB:mr

Michael Barron, Jr.

From: Willging, Joseph M MVP [Joseph.M.Willging@usace.army.mil]
Sent: Monday, October 25, 2010 3:39 PM
To: Michael Barron, Jr.
Subject: RE: Railroad Line Abandonment, Cavalier County, ND

We received it this morning and I sent it along to Omaha. Joe

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

From: Michael Barron, Jr. [mailto:mbarron@fletcher-sippel.com]
Sent: Monday, October 25, 2010 1:58 PM
To: Willging, Joseph M MVP
Subject: RE: Railroad Line Abandonment, Cavalier County, ND

Dear Mr. Willging, can you forward this recently sent letter to the Omaha office as well? It changed the mileposts for the project. Thank you for your time.

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

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Voice: 651-290-5500
Fax: 651-290-5758

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October 14, 2010

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

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11. Regional and/or local use plans; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the



FLETCHER & SIPPEL LLC

U.S. Environmental Protection Agency
October 14, 2010
Page 2

environmental report, which we will file with the STB. We intend on filing the Environmental Report in three weeks.

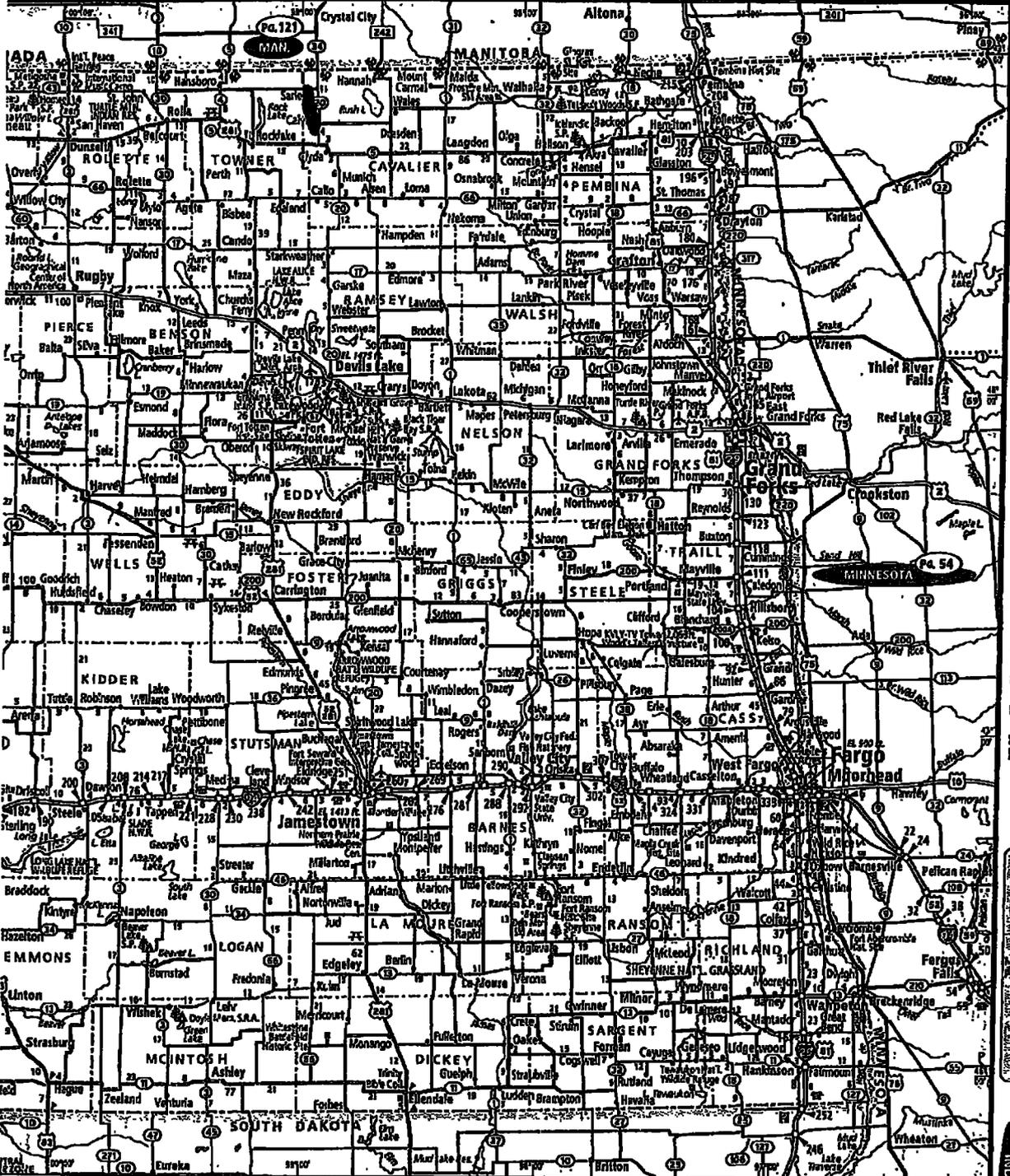
Thank you for your assistance.

Very truly yours,



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

MJB:mr
Enclosure



Distances from Grand Forks, ND

Grand Forks	0
Fargo	112
Bismarck	178
Minneapolis	218
Chicago	312
St. Paul	328
Denver	412
Portland	428
Seattle	512
San Francisco	528
Los Angeles	612
Houston	628
Phoenix	712
San Diego	728
Las Vegas	812
Albuquerque	828
Phoenix	912
San Antonio	928
San Jose	1012
San Francisco	1028
Portland	1112
Seattle	1128
Denver	1212
Chicago	1228
St. Paul	1312
Minneapolis	1328
Grand Forks	1412
Fargo	1428
Bismarck	1512
Sioux Falls	1528
Denver	1612
Chicago	1628
St. Paul	1712
Minneapolis	1728
Grand Forks	1812
Fargo	1828
Bismarck	1912
Sioux Falls	1928
Denver	2012
Chicago	2028
St. Paul	2112
Minneapolis	2128
Grand Forks	2212
Fargo	2228
Bismarck	2312
Sioux Falls	2328
Denver	2412
Chicago	2428
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Minneapolis	2528
Grand Forks	2612
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Denver	2812
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Chicago	3228
St. Paul	3312
Minneapolis	3328
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St. Paul	3712
Minneapolis	3728
Grand Forks	3812
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Sioux Falls	3928
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Sioux Falls	27928
Denver	28012

FLETCHER & SIPPET LLC

ATTORNEYS AT LAW

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

October 22, 2010

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

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

To Whom It May Concern:

I previously sent you a letter dated October 14, 2010 regarding the referenced proposed abandonment. The southern milepost limit for the proposed abandonment has been changed from 65.5 to 67.5. Therefore, the proposed abandonment now runs from MP 67.5 to MP 72.9, approximately 5.4 miles.

Very truly yours,



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

MJB:mr

FLETCHER & SIPPEN LLC

ATTORNEYS AT LAW

29 North Wacker Drive
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Chicago, Illinois 60606-2832

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

October 14, 2010

State Historic Preservation Office
612 E. Boulevard Ave.
Bismarck, ND 58505

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

To Whom It May Concern:

Mohall Central Railroad, Inc. ("MCR") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 7.4 miles of railroad line starting at MP 65.5 near Calvin, North Dakota, and ending at MP 72.9, the end of track, at Sarles, North Dakota, in Cavalier County, North Dakota.

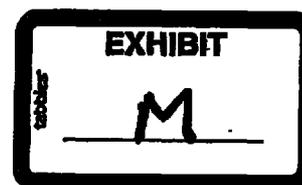
MCR is advising you of the proposed action so that you may assist us in the historical review process. A map has been enclosed for your reference. MCR is in the process of determining what, if any, structures are on the line and will provide photographs of any structures that may be on the line.

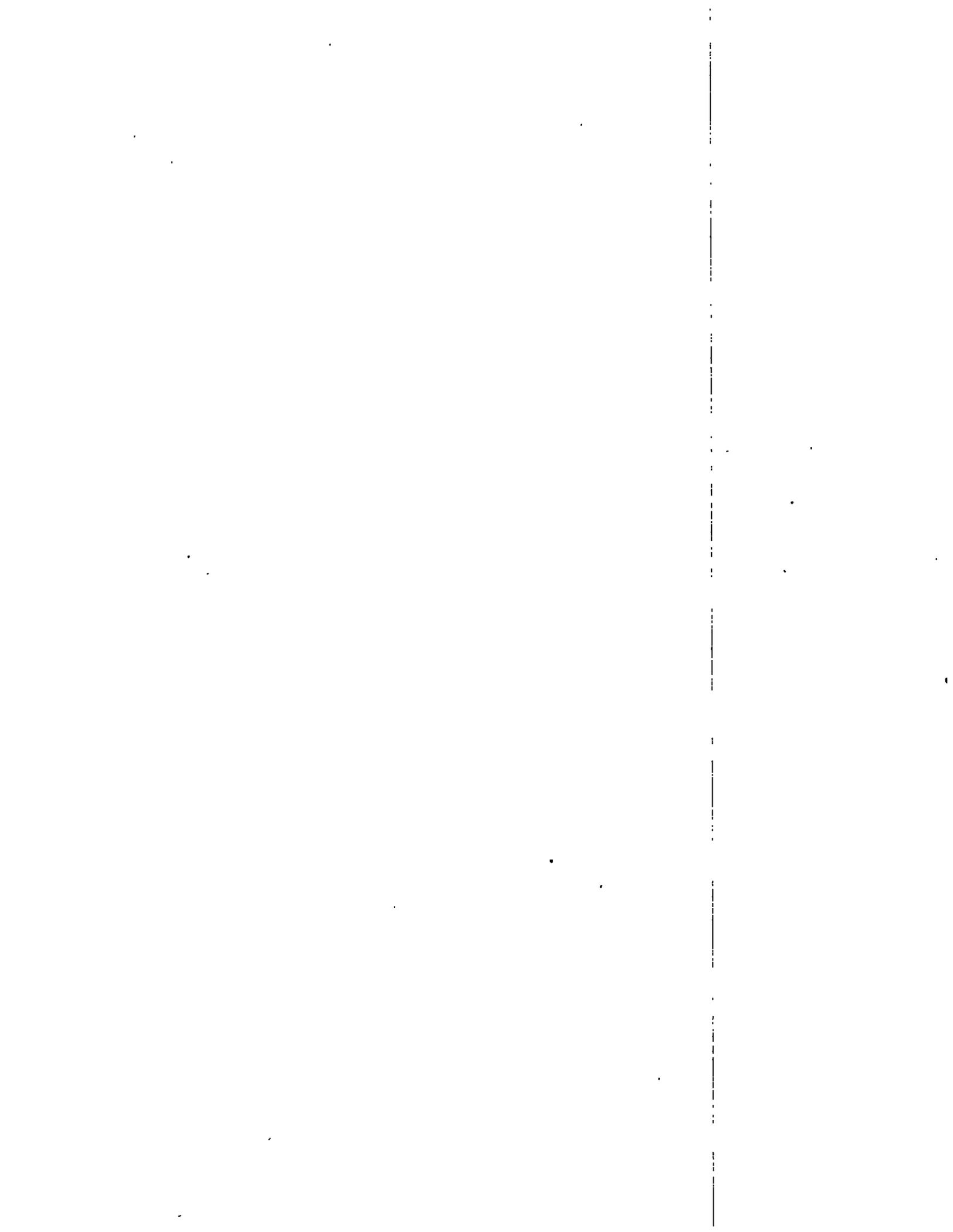
Very truly yours,



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

MJB:mr
Enclosure





FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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

October 22, 2010

State Historic Preservation Office
612 E. Boulevard Ave.
Bismarck, ND 58505

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

To Whom It May Concern:

I previously sent you a letter dated October 14, 2010 regarding the referenced proposed abandonment. The southern milepost limit for the proposed abandonment has been changed from 65.5 to 67.5. Therefore, the proposed abandonment now runs from MP 67.5 to MP 72.9, approximately 5.4 miles.

Very truly yours,



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

MJB:mr



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

John Hoeven
Governor of North Dakota

North Dakota
State Historical Board

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Bismarck - President

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Parks and Recreation Department

Francis Ziegler
Director
Department of Transportation

Merlan E. Paaverud, Jr.
Director

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October 20, 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 65.5 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

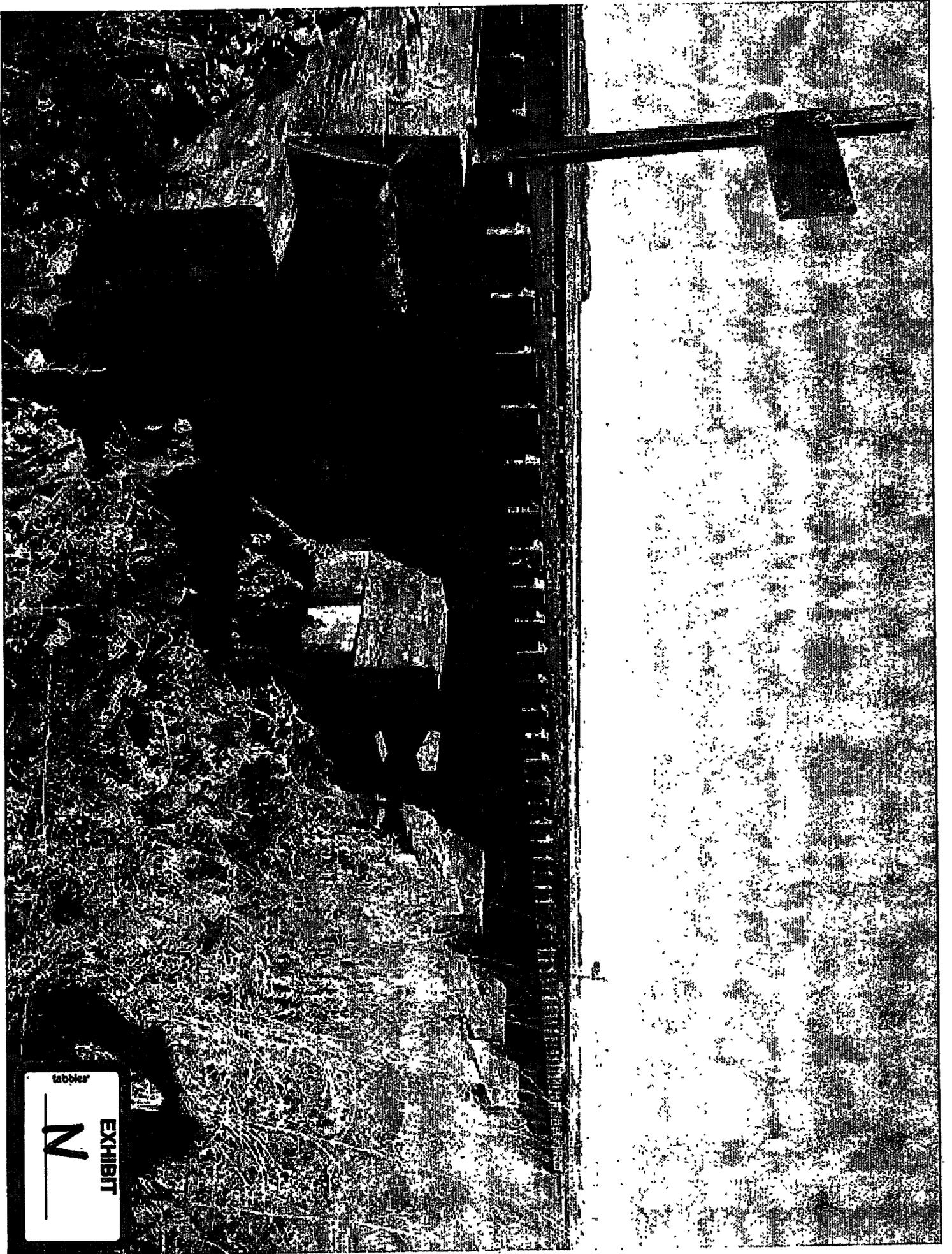
Dear Mr. Barron,

We received ND SHPO Ref.: 11-0098 STB Docket No. AB 1003 (Sub No. 1X) Mohall Central Railroad, Inc. Proposed Abandonment at Mile Post 65.5 near Calvin, and ending at MP 72.9 at Sarles. We do not have any information regarding structures on this portion of the railroad. If any borrow fill material (gravel, sand, etc) is required for the project, the material must be derived from an approved source, that is, one surveyed by an archaeologist and found to contain no significant cultural resources.

Thank you for the opportunity to review this action to date. We look forward to review of your information on this portion of the line. 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



tabbles

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EXHIBIT