



Kristy D. Clark  
General Attorney

222377  
BNSF Railway Company  
PO Box 981039  
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Kristy.Clark@BNSF.com

**VIA UPS OVERNIGHT MAIL**

December 3, 2010

Ms. Victoria Rutson  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
395 E Street S.W.  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings

DEC 6 - 2010

Part of  
Public Record

**Re: STB Docket No. AB-6 (Sub-No. 473X); BNSF Railway Company –  
Abandonment Exemption – in Rolette and Towner Counties, North Dakota**

Dear Ms. Rutson:

Enclosed for filing in STB Docket No. AB-6 (Sub-No. 473X) are the original and ten copies of BNSF Railway Company's Environmental and Historic Reports and Certificate of Service prepared pursuant to 49 CFR§1105.7 and §1105.8.

BNSF anticipates filing a Notice of Exemption seeking authority to abandon the 17.75-mile rail line on or after December 23, 2010.

Sincerely,

Kristy D. Clark  
General Attorney

Enclosures: As stated

KDC/js



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General Attorney

BNSF Railway Company  
PO Box 881039  
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December 3, 2010

U.S. Department of the Interior  
Bureau of Land Management  
North Dakota Field Office  
99 23<sup>rd</sup> Avenue West, Suite A  
Dickinson, ND 58601

**Re: STB Docket No. AB-6 (Sub-No. 473X) - BNSF Railway Company – Abandonment  
Exemption – in Rolette and Towner Counties, North Dakota**

In approximately three weeks BNSF will be filing with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon 17.75 miles of rail line located in Rolette and Towner Counties, North Dakota, beginning at Milepost 30.00, north of Bisbee and ending at the end of the line at Milepost 47.75, in Rolla. The line traverses United States Postal ZIP Codes 58317 and 58367. Enclosed are environmental and historic reports describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental and historic analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street S.W., Washington, D.C. 20423-0001, telephone (202) 245-0295, and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA, with a copy to BNSF, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning these reports, please contact John Sims at 817-352-2376 or [john.sims@bnsf.com](mailto:john.sims@bnsf.com) or me at 817-352-3394 or [kristy.clark@bnsf.com](mailto:kristy.clark@bnsf.com).

Sincerely,

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817-352-2397 fax

*Kristy.Clark@BNSF.com*

December 3, 2010

Bisbee City Hall  
Planning Commission  
302 Main St.  
Bisbee, ND 58317

**Re: STB Docket No. AB-6 (Sub-No. 473X) - BNSF Railway Company – Abandonment Exemption – in Rolette and Towner Counties, North Dakota**

In approximately three weeks BNSF will be filing with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon 17.75 miles of rail line located in Rolette and Towner Counties, North Dakota, beginning at Milepost 30.00, north of Bisbee and ending at the end of the line at Milepost 47.75, in Rolla. The line traverses United States Postal ZIP Codes 58317 and 58367. Enclosed are environmental and historic reports describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

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*Kristy.Clark@BNSF.com*

December 3, 2010

City of Rolla  
Planning & Zoning  
Box 1200  
Rolla, ND 58367

**Re: STB Docket No. AB-6 (Sub-No. 473X) - BNSF Railway Company – Abandonment Exemption – in Rolette and Towner Counties, North Dakota**

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December 3, 2010

NOAA  
National Geodetic Survey  
VIA E-mail: [NGS.InfoCenter@noaa.gov](mailto:NGS.InfoCenter@noaa.gov)

**Re: STB Docket No. AB-6 (Sub-No. 473X) - BNSF Railway Company – Abandonment Exemption – in Rolette and Towner Counties, North Dakota**

In approximately three weeks BNSF will be filing with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon 17.75 miles of rail line located in Rolette and Towner Counties, North Dakota, beginning at Milepost 30.00, north of Bisbee and ending at the end of the line at Milepost 47.75, in Rolla. The line traverses United States Postal ZIP Codes 58317 and 58367. Enclosed are environmental and historic reports describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

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*Kristy.Clark@BNSF.com*

December 3, 2010

North Dakota State Water Commission  
900 East Boulevard Avenue  
Bismarck, ND 58505-0850

**Re: STB Docket No. AB-6 (Sub-No. 473X) - BNSF Railway Company – Abandonment Exemption – in Rolette and Towner Counties, North Dakota**

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December 3, 2010

U.S. Environmental Protection Agency  
Region 8  
1595 Wynkoop St.  
Denver, CO 80202-1129

**Re: STB Docket No. AB-6 (Sub-No. 473X) - BNSF Railway Company -- Abandonment Exemption – in Rolette and Towner Counties, North Dakota**

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December 3, 2010

U.S. Fish and Wildlife Service  
Mountain-Prairie Region  
134 Union Blvd.  
Lakewood, CO 80228

**Re: STB Docket No. AB-6 (Sub-No. 473X) - BNSF Railway Company – Abandonment  
Exemption – in Rolette and Towner Counties North Dakota**

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*Kristy.Clark@BNSF.com*

December 3, 2010

Mr. Ernie Quintana, Regional Director  
U.S. Department of the Interior  
National Park Service  
601 Riverfront Drive  
Omaha, NE 68102-4226

**Re: STB Docket No. AB-6 (Sub-No. 473X) - BNSF Railway Company – Abandonment  
Exemption – in Rolette and Towner Counties, North Dakota**

Dear Mr. Quintana,

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December 3, 2010

North Dakota NRCS State Office  
Natural Resources Conservation Service  
220 East Rosser Avenue  
Federal Building, Room 270  
Bismarck, ND 58501

**Re: STB Docket No. AB-6 (Sub-No. 473X) - BNSF Railway Company – Abandonment  
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December 3, 2010

Rolette County  
Planning Commission  
102 NE 2<sup>nd</sup> Street  
Rolla, ND 58367

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December 3, 2010

State Historical Society of North Dakota  
612 East Boulevard Ave.  
Bismarck, North Dakota 58505

**Re: STB Docket No. AB-6 (Sub-No. 473X) - BNSF Railway Company – Abandonment  
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December 3, 2010

Towner County  
Planning Commission  
P.O. Box 517  
Cando, ND 58324

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December 3, 2010

U.S. Army Corps of Engineers  
St. Paul District  
180 5<sup>th</sup> St. East  
Suite 700  
St. Paul, MN 55101-1678

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Exemption – in Rolette and Towner Counties, North Dakota**

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We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental and historic analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street S.W., Washington, D.C. 20423-0001, telephone (202) 245-0295, and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA, with a copy to BNSF, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning these reports, please contact John Sims at 817-352-2376 or [john.sims@bnsf.com](mailto:john.sims@bnsf.com) or me at 817-352-3394 or [kristy.clark@bnsf.com](mailto:kristy.clark@bnsf.com).

Sincerely,

Kristy D. Clark  
General Attorney

KDC/js

Enclosures as stated



Kristy D. Clark  
General Attorney

BNSF Railway Company  
PO Box 961039  
Fort Worth, TX 76161  
2500 Lou Menk Drive – AOB-3  
Fort Worth, TX 76131-2828  
817-352-3394  
817-352-2397 fax  
*Kristy.Clark@BNSF.com*

December 3, 2010

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

**Re: STB Docket No. AB-6 (Sub-No. 473X) - BNSF Railway Company – Abandonment  
Exemption – in Rolette and Towner Counties, North Dakota**

In approximately three weeks BNSF will be filing with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon 17.75 miles of rail line located in Rolette and Towner Counties, North Dakota, beginning at Milepost 30.00, north of Bisbee and ending at the end of the line at Milepost 47.75, in Rolla. The line traverses United States Postal ZIP Codes 58317 and 58367. Enclosed are environmental and historic reports describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental and historic analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street S.W., Washington, D.C. 20423-0001, telephone (202) 245-0295, and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA, with a copy to BNSF, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning these reports, please contact John Sims at 817-352-2376 or [john.sims@bnsf.com](mailto:john.sims@bnsf.com) or me at 817-352-3394 or [kristy.clark@bnsf.com](mailto:kristy.clark@bnsf.com).

Sincerely,

Kristy D. Clark  
General Attorney

KDC/js

Enclosures as stated



Kristy D. Clark  
General Attorney

BNSF Railway Company  
PO Box 961039  
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Fort Worth, TX 76131-2828  
817-352-3394  
817-352-2397 fax  
*Kristy.Clark@BNSF.com*

December 3, 2010

North Dakota Public  
Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480

**Re: STB Docket No. AB-6 (Sub-No. 473X) - BNSF Railway Company – Abandonment  
Exemption – in Rolette and Towner Counties, North Dakota**

In approximately three weeks BNSF will be filing with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon 17.75 miles of rail line located in Rolette and Towner Counties, North Dakota, beginning at Milepost 30.00, north of Bisbee and ending at the end of the line at Milepost 47.75, in Rolla. The line traverses United States Postal ZIP Codes 58317 and 58367. Enclosed are environmental and historic reports describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental and historic analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street S.W., Washington, D.C. 20423-0001, telephone (202) 245-0295, and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA, with a copy to BNSF, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning these reports, please contact John Sims at 817-352-2376 or [john.sims@bnsf.com](mailto:john.sims@bnsf.com) or me at 817-352-3394 or [kristy.clark@bnsf.com](mailto:kristy.clark@bnsf.com).

Sincerely,

Kristy D. Clark  
General Attorney

KDC/js

Enclosures as stated

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**BNSF RAILWAY COMPANY )  
ABANDONMENT EXEMPTION )  
IN ROLETTE AND TOWNER COUNTIES, )  
NORTH DAKOTA**

**DOCKET NO. AB-6  
(SUB-NO. 473X)**

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**ENVIRONMENTAL REPORT**

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

**Kristy D. Clark**  
General Attorney  
BNSF Railway Company  
2500 Lou Menk Drive, AOB-3  
Fort Worth, Texas 76131-2828

**Service Date: December 3, 2010**

## **ENVIRONMENTAL REPORT**

**(49 C.F.R. § 1105.7)**

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

BNSF Railway Company (“BNSF”) proposes to abandon the 17.75-mile rail line located between Milepost 30.00, at Bisbee, and Milepost 47.75, at Rolla, in Rolette and Towner counties, North Dakota (the “Line”). A map of the project area is attached as **Exhibit A**.

BNSF's salvage process as it relates to this project is as follows:

The proposed abandonment will include the removal of the rails, ties, the remnants of two fire damaged bridges and the one remaining bridge. The railroad right-of-way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right-of-way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Office of Environmental Analysis of the Surface Transportation Board (“OEA”) in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including OEA-imposed conditions, if applicable.

The Line has had no local traffic since March 2007. The Line is stub-ended and, therefore, not capable of handling overhead traffic. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

The only alternative to abandonment would be to not abandon the Line and forego the opportunity costs from salvaging the Line.

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

There will be no passenger or freight traffic diverted to other transportation systems as a result of the proposed abandonment. There has been no local or overhead traffic on this line since March, 2007 and the line has been embargoed since that time.

**(3) Land Use**

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

The proposed action is consistent with existing land use plans. BNSF contacted the Bisbee City Hall, Planning Commission, the City of Rolla, Planning & Zoning, the Rolette County, Planning Commission, and the Towner County, Planning Commission.

Kent M. Haugen, Towner County Auditor/Treasurer, replied in an e-mail dated November 19, 2010, stating that he received the information regarding the abandonment and that it would be added to the commission agenda at the next meeting on Tuesday, December 7, 2010. He said he would contact BNSF after the meeting to let BNSF know of any inconsistencies. A copy of the e-mail is attached as **Exhibit B**. The other agencies have not commented as of the date of this report. Copies of the letters to the other agencies are attached as **Exhibit C**.

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

BNSF does not believe that the proposed abandonment will have an adverse effect

on prime agriculture land. BNSF sent a letter to the North Dakota NRCS State Office, Natural Resources Conservation Service, dated November 15, 2010, and as of the date of this report we have not received a reply. A copy of the letter is attached as **Exhibit D**.

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

Not applicable.

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

The proposed abandonment may be suitable for alternative public use. BNSF contacted the Bisbee City Hall, Planning Commission, the City of Rolla, Planning & Zoning, the Rolette County, Planning Commission, and the Towner County, Planning Commission and as of the date of this report has not received a reply regarding alternative public use of the rail line. Copies of the respective letters are attached as **Exhibit C**.

**(4) Energy**

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

The proposed abandonment will have no effect on the transportation of energy resources.

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

The proposed abandonment will not adversely affect the movement or recovery of recyclable commodities.

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

The proposed action will not result in an increase or decrease in overall energy efficiency as there has been no traffic on the line for more than two years.

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

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

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

The proposed abandonment will not result in a diversion of rail to motor carriage.

**(5) Air**

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

**(A) an increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line affected by the proposal, or**

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

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

The proposed action will not result in meeting or exceeding the specified thresholds for increased rail or truck traffic as outlined in (i) (A), (B) or (C) above.

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

**(A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on**

*any segment of rail line,*

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

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

The proposed action will not result in meeting or exceeding the specified thresholds in (ii) (A), (B) or (C) above.

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

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

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

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

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

Not applicable.

**(7) Safety**

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

This abandonment should have no adverse effect on health or public safety. There are six (6) private at-grade crossings and twenty (20) public at-grade crossings on the Line.

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

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

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

There are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way.

**(8) Biological Resources**

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

BNSF does not believe that the proposed abandonment will have an adverse effect on endangered or threatened species or areas designated as a critical habitat. By letter dated November 15, 2010, BNSF contacted the U.S. Fish and Wildlife

Service, Mountain-Prairie Region, in reference to this proposed abandonment. As of the date of this Environmental Report, the agency has not responded to our inquiry. A copy of the letter is attached as **Exhibit E**.

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

BNSF does not believe that any wildlife sanctuaries or refuges, National or State parks or forests will be adversely affected by the proposed abandonment. By letters dated November 15, 2010, BNSF contacted the U.S. Department of the Interior, Bureau of Land Management (North Dakota Field Office), and the U.S. Department of the Interior, National Park Service in reference to the proposed abandonment. As of the date of this Environmental Report, neither agency has responded to our inquiries. Copies of the letters are attached as **Exhibit F**.

**(9) Water**

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

By letter dated November 15, 2010, BNSF contacted the U.S. Environmental Protection Agency, Region 8, and as of the date of this report has not responded to our inquiry. A copy of the letter is attached as **Exhibit G**. By letter dated November 24, 2010, Larry Knudtson, Research Analyst for the North Dakota State Water Commission, provided the following comments: 1) The property is not located in an identified floodplain and it is believed the project will not affect an identified floodplain; 2) It is the responsibility of the project sponsor to ensure that local, state and federal agencies are contacted for any required approvals,

permits, and easements; 3) All waste material associated with the project must be disposed of properly and not placed in identified floodway areas; and 4) No sole-source aquifers have been designated in ND. The letter is attached as **Exhibit H**.

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

BNSF is confident that no designated wetlands or 100-year flood plains will be adversely affected by the proposed abandonment. By letter dated November 15, 2010, BNSF contacted the St. Paul District of the U.S. Army Corps of Engineers in reference to the proposed abandonment. As of the date of this Environmental Report, the Corps has not responded to our inquiry. A copy of the letter is attached as **Exhibit I**.

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

By letter dated November 15, 2010, BNSF contacted the U.S. Environmental Protection Agency, Region 8 regarding this proposed abandonment and as of the date of this report has not responded to our inquiry. A copy of the letter is attached as **Exhibit G**. By letter dated November 24, 2010, Larry Knudtson, Research Analyst for the North Dakota State Water Commission, provided the following comments: 1) The property is not located in an identified floodplain and it is believed the project will not affect an identified floodplain; 2) It is the responsibility of the project sponsor to ensure that local, state and federal agencies

are contacted for any required approvals, permits, and easements; 3) All waste material associated with the project must be disposed of properly and not placed in identified floodway areas; and 4) No sole-source aquifers have been designated in ND. The letter is attached as **Exhibit H**.

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

BNSF does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. BNSF will, of course, consult (as required) with any recipients of this Environmental Report regarding appropriate mitigation actions and will comply with those mitigation actions required by the Board.

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**BNSF RAILWAY COMPANY                    )**  
**ABANDONMENT EXEMPTION                )**  
**IN ROLETTE AND TOWNER COUNTIES, )**  
**NORTH DAKOTA**

**DOCKET NO. AB-6**  
**(SUB-NO. 473X)**

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**HISTORIC REPORT**

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

**Kristy D. Clark**  
General Attorney  
BNSF Railway Company  
2500 Lou Menk Drive, AOB-3  
Fort Worth, Texas 76131

**Service Date:** December 3, 2010

## **HISTORIC REPORT**

### **(49 C.F.R. § 1105.8)**

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

BNSF Railway Company (“BNSF”) proposes to abandon the 17.75-mile rail line located between Milepost 30.00, at Bisbee, and Milepost 47.75, at Rolla, in Rolette and Towner counties, North Dakota (the “Line”).

BNSF's salvage process as it relates to this project is as follows:

The proposed abandonment will include the removal of the rails, ties, the remnants of two fire damaged bridges and the one remaining bridge. The railroad right-of-way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right-of-way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Office of Environmental Analysis of the Surface Transportation Board ("OEA") in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including OEA-imposed conditions, if applicable.

The Line has had no local traffic since March 2007. The Line is stub-ended and, therefore, not capable of handling overhead traffic. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

The only alternative to abandonment would be to not abandon the Line and forego the opportunity costs from salvaging the Line.

## **HISTORIC REPORT**

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

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

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

The subject Line extends approximately 17.75 miles between Milepost 30.00, at Bisbee, and Milepost 47.75, at Rolla, in Rolette and Towner counties, North Dakota. The average width of the right-of-way is generally 100 feet, 50 feet on each side of the centerline of the Line. The width increases on some segments to 200 feet, 100 feet on each side of the centerline and then changes back to 100 feet wide. Station grounds are 300 feet wide, 100 feet on one side and 200 feet on the other. There are federally granted rights of way involved.

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

There are three bridges on the Line, two of which have severe fire damage. The two bridges were destroyed on separate occasions by controlled burns of non-BNSF personnel. The two destroyed bridges are less than 50 years old. The one remaining bridge is 50 years old or older. See **Exhibit J**, attached photographs.

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

There are three bridges on the Line, two of which have severe fire damage caused by controlled burns of non-BNSF personnel. The one remaining bridge is 50 years or older. The location and description of that bridge is as follows: Mile Post 35.8 – 69 foot open deck timber trestle, built in 1947. See **Exhibit J**, attached photographs.

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

On May 23, 1879, The Saint Paul, Minneapolis and Manitoba Railway Company (“SPMM”) was incorporated by Special Act of Minnesota Legislature. On November 1, 1907, SPMM sold the Line to the Great Northern Railway Company (“GN”). In 1970, GN merged with Northern Pacific Railway Company, Pacific Coast Railroad Company and Chicago, Burlington & Quincy Railroad Company to become Burlington Northern Inc. The latter changed its name to Burlington Northern Railroad Company (“BNRR”) in 1981. BNRR merged with The Atchison, Topeka and Santa Fe Railway Company in 1996 to become The Burlington Northern and Santa Fe Railway Company, which name was changed to BNSF Railway Company in 2005.

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

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

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

BNSF contacted the State Historical Society of North Dakota ("SHPO") in reference to the proposed abandonment. By letter dated November 23, 2010, Merlan E. Paaverud, Jr., State Historic Preservation Officer (North Dakota) stated, "We do not know of any structures eligible for listing in the National Register of Historic Places along this segment." The letter is attached as **Exhibit K**.

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

The Line was disturbed during original construction by cuts and fill and any archaeological resources that may have been located in the proposed project area would have been affected at that time. Our records do not indicate any environmental conditions that might affect the archaeological recovery of resources.

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

If any additional information is requested, BNSF will promptly supply the necessary information.

**CERTIFICATE OF SERVICE  
ENVIRONMENTAL AND HISTORIC REPORTS**

The undersigned hereby certifies that a copy of the foregoing Environmental and/or Historic Reports in STB Docket No. AB-6 (Sub-No. 473X) for the Bisbee to Rolla rail line in Rolette and Towner Counties, North Dakota was served by first class mail on the 3<sup>rd</sup> day of December, 2010 on the following:

Ms. Victoria Rutson  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
395 E Street S.W.  
Washington, DC 20423-0001

Mr. Ernie Quintana, Regional Director  
U.S. Department of the Interior  
National Park Service  
601 Riverfront Drive  
Omaha, NE 68102-4226

---

U.S. Department of the Interior  
Bureau of Land Management  
North Dakota Field Office  
99 23<sup>rd</sup> Avenue West, Suite A  
Dickinson, ND 58601

North Dakota NRCS State Office  
Natural Resources Conservation Service  
220 East Rosser Avenue  
Federal Building, Room 270  
Bismarck, ND 58501

Bisbee City Hall  
Planning Commission  
302 Main St.  
Bisbee, ND 58317

Rolette County  
Planning Commission  
102 NE 2<sup>nd</sup> Street  
Rolla, ND 58367

City of Rolla  
Planning & Zoning  
Box 1200  
Rolla, ND 58367

State Historical Society of North Dakota  
612 East Boulevard Ave.  
Bismarck, ND 58505

NOAA  
National Geodetic Survey  
VIA E-Mail: [NGS.InfoCenter@noaa.gov](mailto:NGS.InfoCenter@noaa.gov)

Towner County  
Planning Commission  
P.O. Box 517  
Cando, ND 58324

North Dakota State Water Commission  
900 East Boulevard Avenue  
Bismarck, ND 58505-0850

U.S. Army Corps of Engineers  
St. Paul District  
180 5<sup>th</sup> St. East  
Suite 700  
St. Paul, MN 55101-1678

U.S. Environmental Protection Agency  
Region 8  
1595 Wynkoop St.  
Denver, CO 80202-1129

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

U.S. Fish and Wildlife Service  
Mountain-Prairie Region  
134 Union Blvd.  
Lakewood, CO 80228

North Dakota Public  
Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480

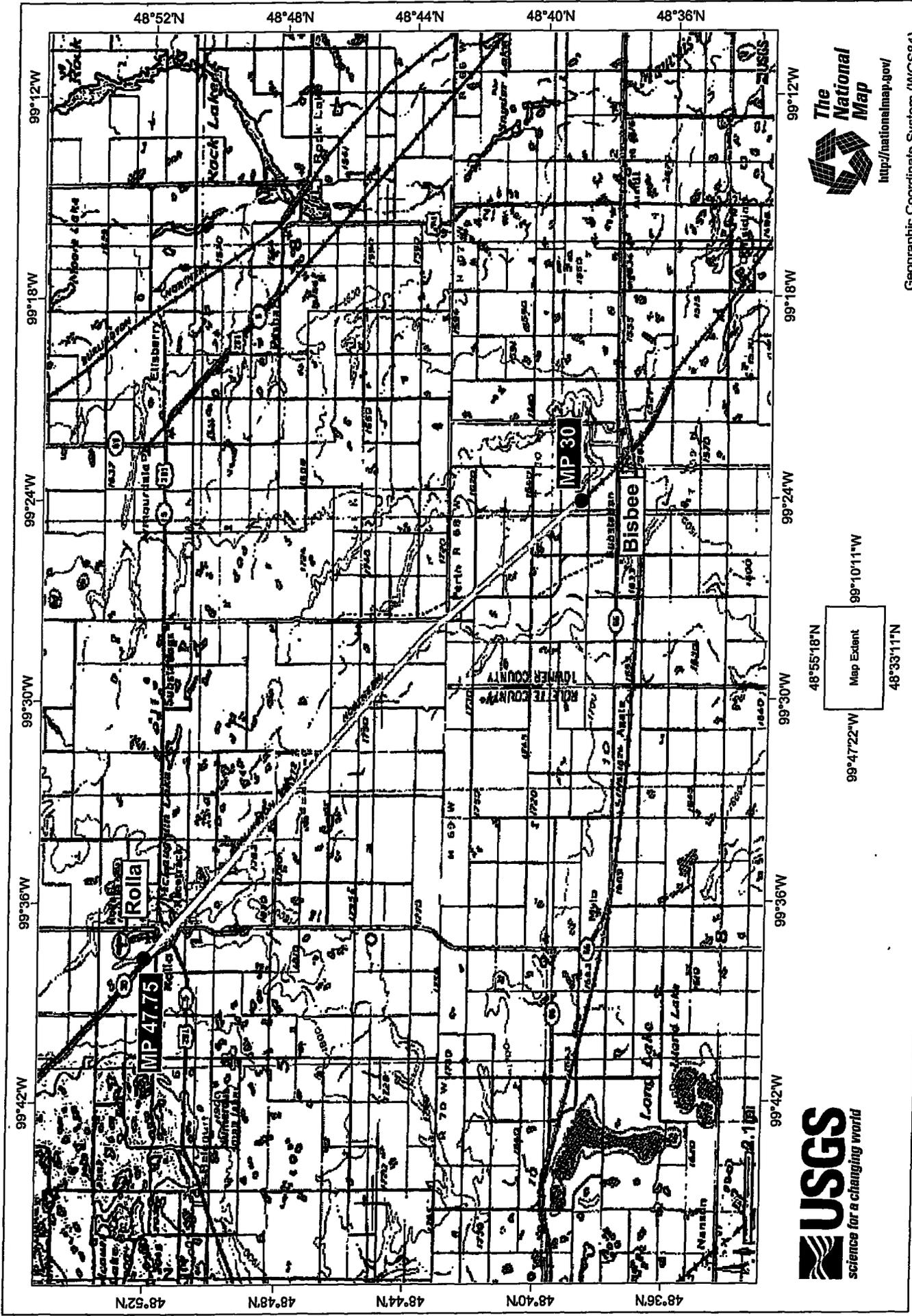
Dated this 3<sup>rd</sup> day of December, 2010

---

  
Kristy D. Clark





48°55'18"N  
 99°47'22"W  
 Map Extent  
 99°10'11"W  
 48°33'11"N



<http://nationalmap.gov/>

Geographic Coordinate System (WGS84)



**Sims, John A**

---

**From:** Kent Haugen [kmhaugen@nd.gov]

**Sent:** Friday, November 19, 2010 4:46 PM

**To:** Sims, John A

**Subject:** Rail Line Abandonment

**Re: STB Docket No. AB-6 (Sub-No. 473X) BNSF Railway Company-  
Abandonment Exemption – in Rolette and Towner Counties, North Dakota**

Received the information concerning the rail line abandonment of 17.75 miles in Rolette and Towner Counties, North Dakota, beginning at Mile Post 30.00 north of Bisbee and ending at the end of the line at Mile Post 47.75, in Rolla.

This will be added to the commission agenda at the next meeting on Tuesday, December 7, 2010. I will contact you after that meeting to let you know of any inconsistencies. Thank you.

Kent M Haugen  
Towner County Auditor/Treasurer  
701-968-4340  
kmhaugen@nd.gov

11/29/2010





John A. Sims, CP  
Paralegal  
Law Department

BNSF Railway Company  
2500 Lou Menk Drive – AOB-3  
Fort Worth, Texas 76131-2828  
tel 817-352-2376  
fax 817-352-2397  
Email - john.sims@bnsf.com

November 15, 2010

Bisbee City Hall  
Planning Commission  
302 Main St.  
Bisbee, ND 58317

**Re: STB Docket No. AB-6 (Sub-No. 473X) BNSF Railway Company –  
Abandonment Exemption – in Rolette and Towner Counties, North Dakota**

BNSF Railway Company ("BNSF") anticipates filing in mid-December a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 17.75 miles of rail line in Rolette and Towner counties, North Dakota, beginning at Mile Post 30.00 north of Bisbee and ending at the end of the line at Mile Post 47.75, in Rolla.

As part of the environmental report, BNSF is required to contact you to determine if the proposed abandonment is consistent with existing land use plans. If applicable, please describe any inconsistencies.

Your assessment and comments are respectfully requested. For your reference a map of the subject railroad line is attached. Please provide your response to me at the address above, if at all possible, by December 1, 2010. You may contact me by email or phone with any questions or concerns. Thank you in advance for your time and contribution.

Sincerely,

John A. Sims, CP  
Paralegal

Enclosure as stated

cc via email: Kristy Clark – BNSF – [kristy.clark@bnsf.com](mailto:kristy.clark@bnsf.com)  
Kari Morell – Ball Janik LLP – [kmorell@bjllp.com](mailto:kmorell@bjllp.com)  
Susan Odom – BNSF [susan.odom@bnsf.com](mailto:susan.odom@bnsf.com)  
Dennis Eytcheson – BNSF – [dennis.eytcheson@bnsf.com](mailto:dennis.eytcheson@bnsf.com)



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Paralegal  
Law Department

BNSF Railway Company  
2500 Lou Menk Drive – AOB-3  
Fort Worth, Texas 76131-2828  
tel 817-352-2378  
fax 817-352-2397  
Email - john.sims@bnsf.com

November 15, 2010

City of Rolla  
Planning & Zoning  
Box 1200  
Rolla, ND 58367

**Re: STB Docket No. AB-6 (Sub-No. 473X) BNSF Railway Company –  
Abandonment Exemption – in Rolette and Towner Counties, North Dakota**

BNSF Railway Company ("BNSF") anticipates filing in mid-December a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 17.75 miles of rail line in Rolette and Towner counties, North Dakota, beginning at Mile Post 30.00 north of Bisbee and ending at the end of the line at Mile Post 47.75, in Rolla.

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Sincerely,

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Paralegal

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Dennis Eytcheson – BNSF – [dennis.eytcheson@bnsf.com](mailto:dennis.eytcheson@bnsf.com)



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Law Department

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Fort Worth, Texas 76131-2828  
tel 817-352-2376  
fax 817-352-2397  
Email - john.sims@bnsf.com

November 15, 2010

Rolette County  
Planning Commission  
102 NE 2<sup>nd</sup> Street  
Rolla, ND 58367

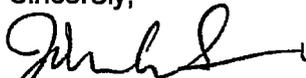
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Abandonment Exemption – in Rolette and Towner Counties, North Dakota**

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Sincerely,

  
John A. Sims, CP  
Paralegal

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Dennis Eytcheson – BNSF – [dennis.eytcheson@bnsf.com](mailto:dennis.eytcheson@bnsf.com)





**John A. Sims, CP**  
Paralegal  
Law Department

**BNSF Railway Company**  
2500 Lou Menk Drive – AOB-3  
Fort Worth, Texas 76131-2828  
tel 817-352-2376  
fax 817-352-2397  
Email [John.sims@bnsf.com](mailto:John.sims@bnsf.com)

November 15, 2010

North Dakota NRCS State Office  
Natural Resources Conservation Service  
220 East Rosser Avenue  
Federal Building, Room 270  
Bismarck, ND 58501

**Re: STB Docket No. AB-6 (Sub-No. 473X) BNSF Railway Company –  
Abandonment Exemption – in Rolette and Towner Counties, North Dakota**

BNSF Railway Company ("BNSF") anticipates filing in mid-December a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 17.75 miles of rail line in Rolette and Towner counties, North Dakota, beginning at Mile Post 30.00 north of Bisbee and ending at the end of the line at Mile Post 47.75, in Rolla.

As part of the requisite environmental report, BNSF needs to know whether or not the proposed abandonment will have any effect on prime agricultural lands. Your assessment and comments are respectfully requested.

For your reference a map of the subject railroad line is attached. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The referenced proposed abandonment will include the removal of the rails, ties and bridges, however, railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Office of Environmental Analysis of the Surface Transportation Board in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including OEA-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by December 1, 2010. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



John a. Sims, CP  
Paralegal

Enclosure as stated

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November 15, 2010

U.S. Fish and Wildlife Service  
Mountain-Prairie Region  
134 Union Blvd.  
Lakewood, CO 80228

**Re: STB Docket No. AB-6 (Sub-No. 473X) BNSF Railway Company –  
Abandonment Exemption – in Rolette and Towner Counties, North Dakota**

BNSF Railway Company ("BNSF") anticipates filing in mid-December a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 17.75 miles of rail line in Rolette and Towner counties, North Dakota, beginning at Mile Post 30.00 north of Bisbee and ending at the end of the line at Mile Post 47.75, in Rolla.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges, or areas designated as critical habitat adjacent to or near the line, and 2) if so, what effects the proposed action may have on same.

For your reference I have attached a map of the subject railroad line. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The referenced proposed abandonment will include the removal of the rails, ties and bridges however, railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping, and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The bridges, culverts and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

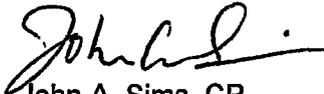
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Thank you in advance for your time and contribution.

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John A. Sims, CP  
Paralegal

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**John A. Sims, CP**  
Paralegal  
Law Department

**BNSF Railway Company**  
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Fort Worth, Texas 76131-2828  
tel 817-352-2376  
fax 817-352-2397  
Email – john.sims@bnsf.com

November 15, 2010

U.S. Department of the Interior  
Bureau of Land Management  
North Dakota Field Office  
99 23<sup>rd</sup> Avenue West, Suite A  
Dickinson, ND 58601

**Re: STB Docket No. AB-6 (Sub-No. 473X) BNSF Railway Company –  
Abandonment Exemption – in Rolette and Towner Counties, ND**

BNSF Railway Company ("BNSF") anticipates filing in mid-December a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 17.75 miles of rail line in Rolette and Towner counties, North Dakota, beginning at Mile Post 30.00 north of Bisbee and ending at the end of the line at Mile Post 47.75, in Rolla.

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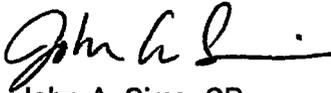
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Please provide your assessment and comments to me at the address above, if at all possible, by December 1, 2010. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP  
Paralegal

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**John A. Sims, CP**  
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2500 Lou Menk Drive – AOB-3  
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fax 817-352-2397  
Email - john.sims@bnsf.com

November 15, 2010

Mr. Ernie Quintana, Regional Director  
U.S. Department of the Interior  
National Park Service  
601 Riverfront Drive  
Omaha, NE 68102-4226

**Re: STB Docket No. AB-6 (Sub-No. 473X) BNSF Railway Company –  
Abandonment Exemption – in Rolette and Towner Counties, North Dakota**

BNSF Railway Company ("BNSF") anticipates filing in mid-December a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 17.75 miles of rail line in Rolette and Towner counties, North Dakota, beginning at Mile Post 30.00 north of Bisbee and ending at the end of the line at Mile Post 47.75, in Rolla.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not there are any wildlife sanctuaries or National or State parks or forests adjacent to or near the line, and 2) if so, what effects the proposed action may have on same.

For your reference I have attached a map of the subject railroad line. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

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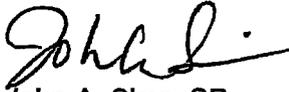
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Please provide your assessment and comments to me at the address above, if at all possible, by December 1, 2010. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

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Paralegal  
Law Department

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Fort Worth, Texas 76131-2828  
tel 817-352-2376  
fax 817-352-2397  
Email john.sims@bnsf.com

November 15, 2010

U.S. Environmental Protection Agency  
Region 8  
1595 Wynkoop St.  
Denver, CO 80202-1129

**Re: STB Docket No. AB-6 (Sub-No. 473X) BNSF Railway Company –  
Abandonment Exemption – in Rolette and Towner Counties, North Dakota**

BNSF Railway Company ("BNSF") anticipates filing in mid-December a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 17.75 miles of rail line in Rolette and Towner counties, North Dakota, beginning at Mile Post 30.00 north of Bisbee and ending at the end of the line at Mile Post 47.75, in Rolla.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not this action will be consistent with Federal, State or local water quality standards, and 2) whether or not Section 402 and/or National Pollutant Discharge Elimination System ("NPDES") permits are required for performance of the salvage activity described below. Please note: **BNSF anticipates the proposed abandonment should not disturb more than one (1) acre of land.**

For your reference I have attached a map of the subject railroad line. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The referenced proposed abandonment will include the removal of the rails, ties and bridges however, railroad right of way, ballast and culverts will remain in place.

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Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP  
Paralegal

Enclosure as stated

cc via email: Kristy Clark – BNSF – [kristy.clark@bnsf.com](mailto:kristy.clark@bnsf.com)  
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Dennis Eytcheson – BNSF – [dennis.eytcheson@bnsf.com](mailto:dennis.eytcheson@bnsf.com)





# North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850  
701-328-2750 • TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: <http://swc.nd.gov>

November 24, 2010

John Sims  
BNSF Railway  
2500 Lou Menk Drive AOB - 3  
Fort Worth, TX 76131

Dear Mr. Sims:

This is in response to your request for review of environmental impacts associated with the STB Docket No. AB-6(Sub-No. 473X) - BNSF Railway Company - Abandonment Exemption in Rolette and Towner Counties, ND.

The proposed project has been reviewed by State Water Commission staff and the following comments are provided:

- The property is not located in an identified floodplain and it is believed the project will not affect an identified floodplain.
- It is the responsibility of the project sponsor to ensure that local, state and federal agencies are contacted for any required approvals, permits, and easements.
- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.
- No sole-source aquifers have been designated in ND.

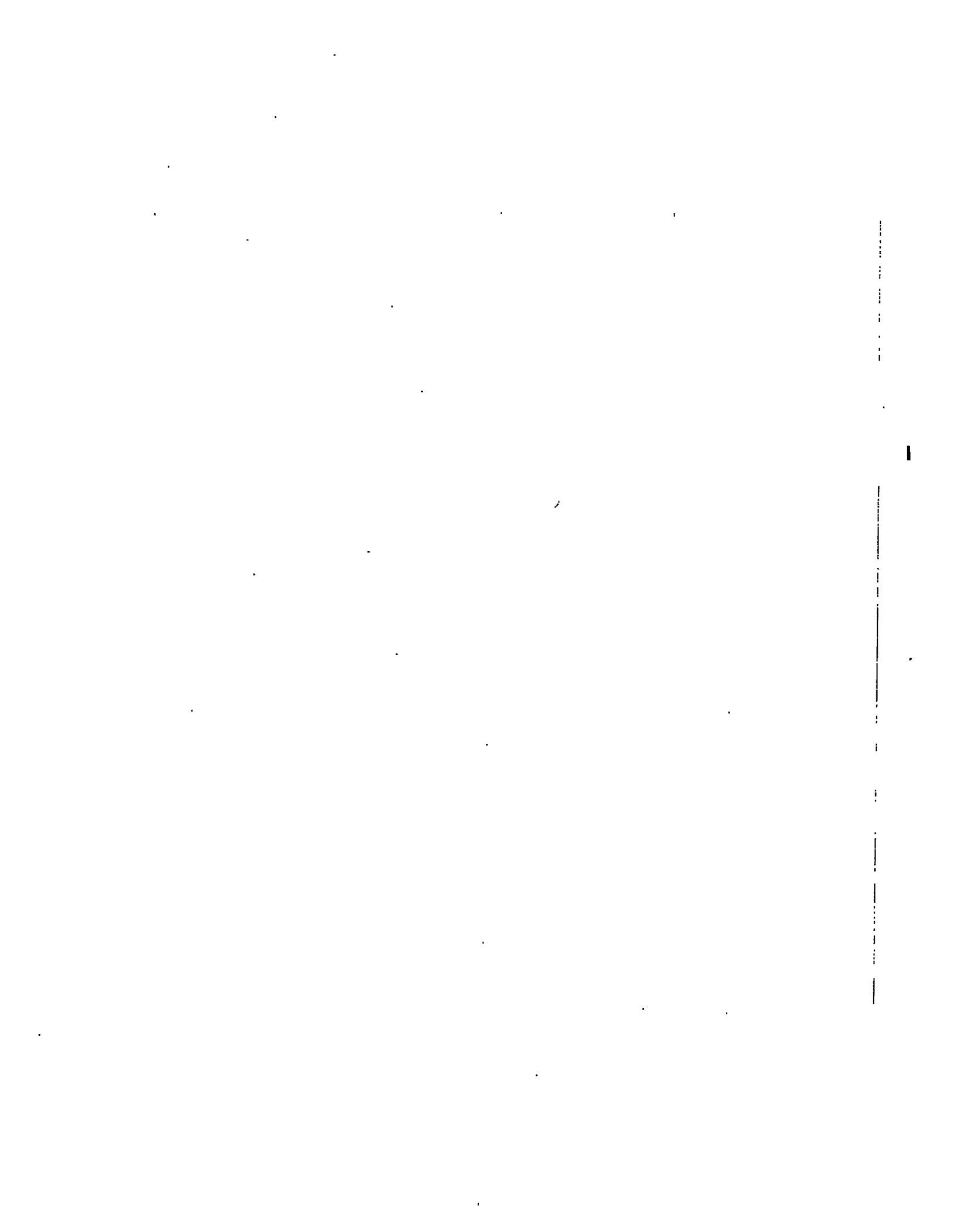
There are no other concerns associated with this project that affect State Water Commission or State Engineer regulatory responsibilities.

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 328-4969.

Sincerely,

Larry Knudtson  
Research Analyst

LJK:dp/1570





John A. Sims, CP  
Paralegal  
Law Department

BNSF Railway Company  
2500 Lou Menk Drive – AOB-3  
Fort Worth, Texas 76131-2828  
tel 817-352-2376  
fax 817-352-2397  
Email – john.sims@bnsf.com

November 15, 2010

U.S. Army Corps of Engineers  
St. Paul District  
180 5<sup>th</sup> St. East  
Suite 700  
St. Paul, MN 55101-1678

**Re: STB Docket No. AB-6 (Sub-No. 473X) BNSF Railway Company –  
Abandonment Exemption – in Rolette and Towner Counties, North Dakota**

BNSF Railway Company ("BNSF") anticipates filing in mid-December a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 17.75 miles of rail line in Rolette and Towner counties, North Dakota, beginning at Mile Post 30.00 north of Bisbee and ending at the end of the line at Mile Post 47.75, in Rolla.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not Section 404 permits will be required for the performance of salvage activity, and 2) if the proposed abandonment will affect any 100-year floodplains or any designated wetlands. Your assessment and comments are respectfully requested. In addition, if it is your determination that floodplains will be affected please furnish, if available, 8½" x 11" black and white maps of each designated floodplain area. Please note: **BNSF does not anticipate any potential impacts to waters of the U.S. as a result of the proposed abandonment.**

For your reference a map of the subject railroad line is attached. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The referenced proposed abandonment will include the removal of the rails, ties and bridges however, railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted. Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Office of Environmental Analysis of the Surface Transportation Board in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including OEA-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by December 1, 2010. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

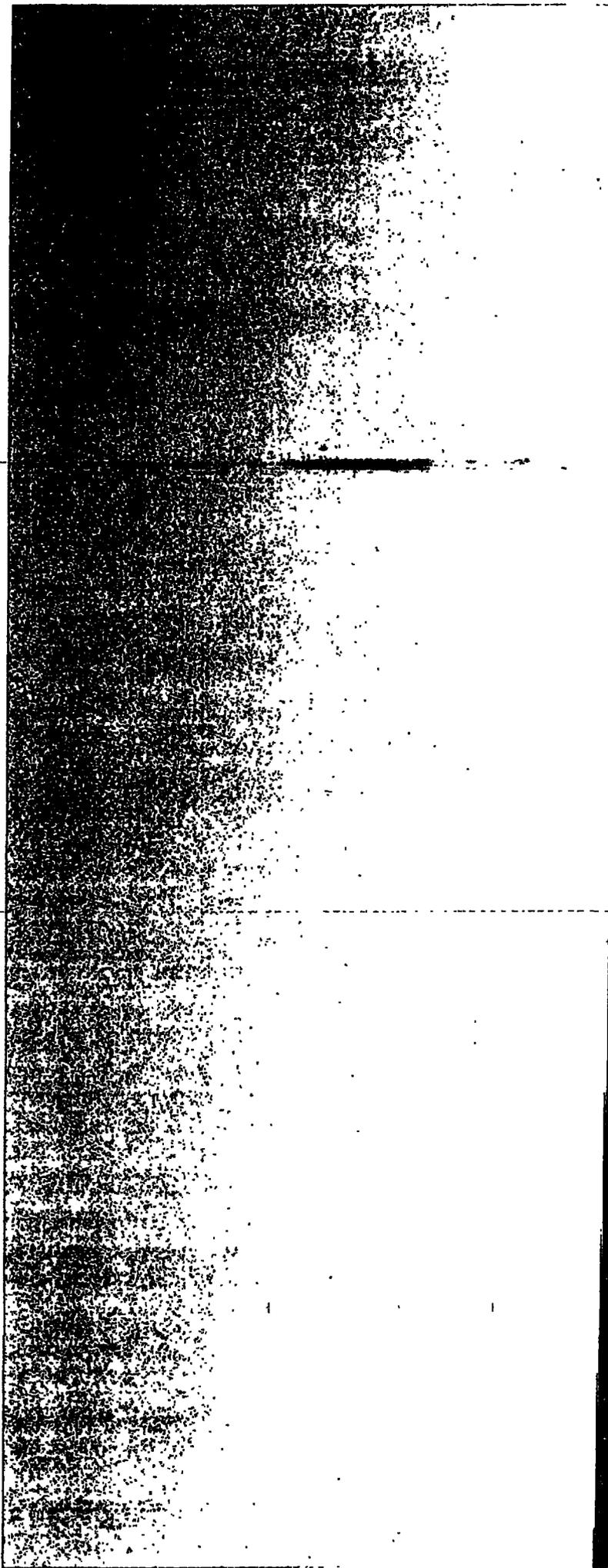


John A. Sims, CP  
Paralegal

Enclosure as stated

cc via email: Kristy Clark – BNSF – [kristy.clark@bnsf.com](mailto:kristy.clark@bnsf.com)  
Karl Morell – Ball Janik LLP – [kmorell@bjllp.com](mailto:kmorell@bjllp.com)  
Susan Odom – BNSF [susan.odom@bnsf.com](mailto:susan.odom@bnsf.com)  
Dennis Eytcheson – BNSF – [dennis.eytcheson@bnsf.com](mailto:dennis.eytcheson@bnsf.com)









K



**STATE  
HISTORICAL  
SOCIETY  
OF NORTH DAKOTA**

John Hoeven  
Governor of North Dakota

November 23, 2010

North Dakota  
State Historical Board

Mr. John A Sims CP  
BNSF Railway Company  
2500 Lou Menk Drive - AOB-3  
Fort Worth TX 76131-2828

Chester E. Nelson, Jr.  
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Mark A. Zimmerman  
Director  
Parks and Recreation Department

Francis Ziegler  
Director  
Department of Transportation

Merlan E. Paaverud, Jr.  
Director

ND SHPO Ref.:11-0275 STB Docket No. AB-6 (Sub No. 473X) BNSF  
Railway Company Abandonment Exemption 17.75 miles from Mile Post 30.0  
north of Bisbee and ending at the end of the line at Mile Post 47.75 in Rolla,  
Rolette and Towner Counties, North Dakota

Dear Mr. Sims,

We received ND SHPO Ref.:11-0275 STB Docket No. AB-6 (Sub No. 473X)  
BNSF Railway Company Abandonment Exemption 17.75 miles from Mile Post  
30.0 north of Bisbee and ending at the end of the line at Mile Post 47.75 in  
Rolla, Rolette and Towner Counties, North Dakota. We do not know of any  
structures eligible for listing in the National Register of Historic Places along this  
segment. I'm enclosing a historic form update that may be useful in your historic  
report.

Thank you for the opportunity to review this action to date. We look forward to  
review of the historic report on 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](mailto:squinnell@nd.gov)

Sincerely,

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

Accredited by the  
American Association  
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# UPDATE

## NDCRS SITE FORM HISTORICAL ARCHAEOLOGICAL SITES Page 1

SITS# 32 RO 0065  
County Number

Update

### SITE ID SECTION

Field Code \_\_\_\_\_ Site Name Burlington Northern RR  
Field Code \_\_\_\_\_ Site Name 0

Map Quad ST. JOHN (1969)  
Map Quad \_\_\_\_\_

LTL	TWP	<u>162</u>	R	<u>69W</u>	SEC	<u>6</u>	QQQ	____	QQ	____	Q	<u>8</u>
LTL	TWP	____	R	____	SEC	<u>6</u>	QQQ	<u>5</u>	QQ	<u>5</u>	Q	<u>7</u>
LTL	TWP	____	R	____	SEC	<u>6</u>	QQQ	____	QQ	____	Q	<u>6</u>
LTL	TWP	____	R	____	SEC	<u>7</u>	QQQ	<u>5</u>	QQ	<u>5</u>	Q	<u>5</u>

- |    |     |
|----|-----|
| 1. | N½  |
| 2. | E½  |
| 3. | S½  |
| 4. | W½  |
| 5. | NE¼ |
| 6. | SE¼ |
| 7. | SW¼ |
| 8. | NW¼ |

### SITE DESCRIPTION SECTION

#### FEATURE TYPE

- CM Scatter
- Chimney
- Depression
- Dump
- Earthworks
- Fortification
- Foundation
- Grave
- Hearth
- Machinery
- Quarry/Mine
- Rock Art
- Trail
- Wreck
- Other

#### CULTURAL MATERIAL

- Bone
- Ceramics
- Charcoal
- Cloth
- Faunal Remains
- Fire Cracked Rock
- Floral Remains
- Glass
- Hide, Hair, Fur
- Human Remains
- Masonry
- Metal
- Plastic
- Rubber
- Shell
- Wood
- Other

48 Site Type  
25 Context  
24400 Site Area(m)  
 \_\_\_\_\_ Cultural Depth  
 \_\_\_\_\_ Depth Indicator  
 Occupation Date(s)  
1905 Begin  
 \_\_\_\_\_ End  
10 Basis for Dating  
 \_\_\_\_\_ CM Density  
 \_\_\_\_\_ Isolated Find

### ENVIRONMENT

Landform 1 7 Landform 2 10 Slope/Exposure \_\_\_\_\_ Ecosystem 7  
 Landform 1 \_\_\_\_\_ Landform 2 \_\_\_\_\_ Slope/Exposure \_\_\_\_\_ Ecosystem \_\_\_\_\_

Elevation 585 m Drainage System Devils Lake View Degree 4 View Distance 2  
 Distance to Permanent Water 740 m Permanent Water Type 1  
 Distance to Seasonal Water 0 m Seasonal Water Type 4

### CRM

Ownership 4 Fieldwork Date 10/14/08 Ownership \_\_\_\_\_ Fieldwork Date \_\_\_\_\_  
3 Site Condition 0 Collection 0 Test/Probe 0 Excavation Management Recommendation 1

Additional Information \_\_\_\_\_

### SHSND USE

Soil Association \_\_\_\_\_ Ecozone 20 Area Significance 3  
 Soil Association \_\_\_\_\_ Ecozone \_\_\_\_\_ Area Significance \_\_\_\_\_

1 CR Type 1 Verified Site \_\_\_\_\_ Non-Site 2 ECF 2 TF \_\_\_\_\_ State Registry \_\_\_\_\_ National Register

CODED BY J. Strait DATE CODED 2/16/09

# UPDATE

## NDCRS SITE FORM HISTORICAL ARCHAEOLOGICAL SITES Page 1

SITS# 32 RO 0065  
County Number

### SITE ID SECTION

Field Code \_\_\_\_\_ Site Name Burlington Northern RR  
Field Code \_\_\_\_\_ Site Name \_\_\_\_\_

- |    |     |
|----|-----|
| 1. | N½  |
| 2. | E½  |
| 3. | S½  |
| 4. | W½  |
| 5. | NE¼ |
| 6. | SE¼ |
| 7. | SW¼ |
| 8. | NW¼ |

Map Quad \_\_\_\_\_  
Map Quad \_\_\_\_\_

(Cont)

LTL	TWP	<u>162</u>	R	<u>69w</u>	SEC	<u>8</u>	QQQ	_____	QQ	_____	Q	<u>4</u>
LTL	TWP	_____	R	_____	SEC	<u>8</u>	QQQ	_____	QQ	<u>7</u>	Q	<u>6</u>
LTL	TWP	_____	R	_____	SEC	<u>17</u>	QQQ	_____	QQ	_____	Q	<u>5</u>
LTL	TWP	<u>163</u>	R	<u>70w</u>	SEC	<u>31</u>	QQQ	<u>7</u>	QQ	<u>7</u>	Q	<u>7</u>

### SITE DESCRIPTION SECTION

<input type="checkbox"/> CM Scatter	<input type="checkbox"/> Bone	<input type="checkbox"/> Site Type
<input type="checkbox"/> Chimney	<input type="checkbox"/> Ceramics	<input type="checkbox"/> Context
<input type="checkbox"/> Depression	<input type="checkbox"/> Charcoal	_____ Site Area(m)
<input type="checkbox"/> Dump	<input type="checkbox"/> Cloth	_____ Cultural Depth
<input type="checkbox"/> Earthworks	<input type="checkbox"/> Faunal Remains	<input type="checkbox"/> Depth Indicator
<input type="checkbox"/> Fortification	<input type="checkbox"/> Fire Cracked Rock	Occupation Date(s)
<input type="checkbox"/> Foundation	<input type="checkbox"/> Floral Remains	_____ Begin
<input type="checkbox"/> Grave	<input type="checkbox"/> Glass	_____ End
<input type="checkbox"/> Hearth	<input type="checkbox"/> Hide, Hair, Fur	_____ Basis for Dating
<input type="checkbox"/> Machinery	<input type="checkbox"/> Human Remains	_____ CM Density
<input type="checkbox"/> Quarry/Mine	<input type="checkbox"/> Masonry	_____ Isolated Find
<input type="checkbox"/> Rock Art	<input type="checkbox"/> Metal	
<input type="checkbox"/> Trail	<input type="checkbox"/> Plastic	
<input type="checkbox"/> Wreck	<input type="checkbox"/> Rubber	
<input type="checkbox"/> Other	<input type="checkbox"/> Shell	
	<input type="checkbox"/> Wood	
	<input type="checkbox"/> Other	

### ENVIRONMENT

\_\_\_\_ Landform 1    \_\_\_\_ Landform 2    \_\_\_\_ Slope/Exposure    \_\_\_\_ Ecosystem  
 \_\_\_\_ Landform 1    \_\_\_\_ Landform 2    \_\_\_\_ Slope/Exposure    \_\_\_\_ Ecosystem

Elevation \_\_\_\_\_ m    Drainage System \_\_\_\_\_    View Degree \_\_\_\_\_    View Distance \_\_\_\_\_  
 Distance to Permanent Water \_\_\_\_\_ m    Permanent Water Type \_\_\_\_\_  
 Distance to Seasonal Water \_\_\_\_\_ m    Seasonal Water Type \_\_\_\_\_

### CRM

Ownership \_\_\_\_\_ Fieldwork Date \_\_\_\_\_ Ownership \_\_\_\_\_ Fieldwork Date \_\_\_\_\_  
 \_\_\_\_ Site Condition    \_\_\_\_ Collection    \_\_\_\_ Test/Probe    \_\_\_\_ Excavation    Management Recommendation \_\_\_\_\_

Additional Information \_\_\_\_\_

### SHSND USE

\_\_\_\_ Soil Association    \_\_\_\_ Ecozone    3 Area Significance  
 \_\_\_\_ Soil Association    \_\_\_\_ Ecozone    \_\_\_\_ Area Significance

1 CR Type    1 Verified Site    \_\_\_\_ Non-Site    2 ECF    2 TF    \_\_\_\_ State Registry    \_\_\_\_ National Register

CODED BY J. Strait    DATE CODED 2/16/2009

**NDCRS ARCHEOLOGICAL SITE FORM**

**Descriptive Section**

**Page 2**

**FIELD CODE:**

**SITS NO.: 32RO0065**

**1. ACCESS:** Site segment is located along the eastern side of Highway 30, north of Rolla, ND.

**2. DESCRIPTION OF SITE:**

This linear site consist of an abandoned segment of a Great Northern (GN) railroad branch line originally extending from the GN main line at Churchs Ferry to the branch terminus at St John. The segment within the project area extends north from downtown Rolla to a road junction known locally as the "five-corners", where ND Highway 30 turns north away from the railroad toward a US-Canadian border crossing station. The site consists of the original standard gage railroad grade measuring six feet wide at the top and widening to approximately nine feet at the base. A portion of the railroad grade from Rolla to approximately 3/4 miles north of the city also has tracks and ties still in place. The visibility of the remaining grade (absent rail and ties) varies from barely discernable to highly noticeable, depending on the location. The abandoned railroad grade was previously recorded as part of the Burlington Northern railroad (BN), successor of the GN, and is currently under development as a nature trail (Bluemle 2007).

*Historic overview*

The townsite of Rolla was platted in 1888 in anticipation of the completion of a GN branch line to the community. The town was founded by the Northwest Land Company, a land development company organized to plat new towns along the GN west of Devils Lake, North Dakota (Hudson 1985:77). The railroad opened the area for settlement and the population of Rolla rapidly expanded, due in part to active promotion by the Northwest Land Company. Two years later, in 1890, Rolla replaced St. John as the Rolette County seat (Wick 1988:229). The founding of Rolla and subsequent shift of county political and economic power led to a lawsuit filed by some citizens of St. John against the Northwest Land Company. The lawsuit claimed Solomon G. Comstock and Almond A. White, owners of the Northwest Land Company, deliberately blighted St. John by establishing Rolla within 12 miles of St. John, promoting settlement of Rolla in preference to St. John, departing from the usual practice of establishing the railroad terminus (i.e., St. John) as the primary trade center, and disrupting St. John by arranging for purchase of land and reorganization of the town (Hudson 1985:132-133). Comstock and White denied any misrepresentation or deliberate effort to adversely affect St. John, but the court disagreed and ordered land in St. John obtained by the Northwest Land Company be deeded back to the plaintiffs.

In 1906, the branch line was extended north into Canada by the Brandon, Saskatchewan and Hudson's Bay Railway (BS&HB), a subsidiary of the GN. It offered service from Brandon, Manitoba to St. John, North Dakota (Storie n.d.), and then south via the GN to main line and the busy markets of the Midwest. The BS&HB line operated from 1906 to 1935 and offered a trade and travel route for many small rural areas and for Canadian goods. The BS&HB, however, had difficulty competing with the Minneapolis, St Paul & Sault St. Marie railroad (Soo Line), a subsidiary of the Canadian Pacific railroad operating in North Dakota and Minnesota. The Great Depression caused the GN to eliminate marginal routes, and the BS&HB line was abandoned in 1936 and the track removed in 1938. The town of St. John further declined after abandonment of the BS&HB (Hidy et al 1988). The line from St. John to Rolla continued in operation until 1982, when it was abandoned by the BN. Sources indicate its use by the GN up to the 1950's for grain and passenger transport (Champagne 2006), though certainly after 1935 the importance of the line greatly decreased.

**3. DESCRIPTION OF CULTURAL MATERIALS (Quantify and Identify):** none observed.

# of Items of Cultural Material Observed    0    # Collected 0

**4. ARTIFACT REPOSITORY:** NA

**5. DESCRIPTION OF SUBSURFACE TESTING:** NA

**RECORDED BY:** J. Strait, Ethnoscience, Inc.

**DATE:** 10-30-08

NDCRS ARCHEOLOGICAL SITE FORM

Descriptive Section

Page 3

FIELD CODE:

SITS NO.: 32RO0065

6. FIELD CONDITIONS (✓):

WET DRY WINDY ✓ RAINING SNOWING  
OVERCAST ✓ BRIGHT SUN TWILIGHT

7. TECHNIQUE(S) USED TO ESTIMATE SITE AREA ( ):

TRANSIT TAPE MEASURE PACED VISUAL ESTIMATE ✓

OTHER (explain): WAS corrected GPS/AllTopo map program

8. RATIONALE FOR SITE BOUNDARY DETERMINATION ( ):

SURFACE CULTURAL MATERIALS FEATURES ✓ TOPOGRAPHY  
CONTINUOUS STRATIGRAPHIC EXPOSURE SUBSURFACE TESTING  
SYSTEMATIC SUBSURFACE PROBING OTHER (explain):

9. CURRENT USE OF SITE: Abandoned, public trail

10. OWNER'S NAME/ADDRESS: Unk

11. VEGETATION: Mixed tall prairie grasses

12. VEGETATION COVER (% of visual ground): 20%

13. SNOW COVER (% visible): NA

MAN-HOURS SPENT ON SITE: 1

15. PROJECT TITLE: NDDOT Rolla

P.I.: Lynelle Peterson

16. REPORT TITLE: HIGHWAY 30: A CULTURAL RESOURCE INVENTORY of PORTIONS of ND STATE HIGHWAY 30 NORTH OF ROLLA TO THE CANADIAN BORDER, ROLETTE COUNTY, NORTH DAKOTA.

AUTHOR: James Strait

17. OTHER PUBLISHED REFERENCES: NA

DESCRIPTION OF COLLECTIONS OBSERVED: NA

19. OWNER-ADDRESS OF COLLECTIONS OBSERVED: NA

20. STATEMENT OF INTEGRITY:

The abandoned rail line retains its integrity of location and association as the original rail bed for the Great Northern rail branch from Rolla to St. John. However, time, modern developments, and removal of the original track has impacted the integrity of feeling, setting, materials, design and workmanship.

21. STATEMENT OF SIGNIFICANCE:

RECORDED BY: J. Strait, Ethnoscience, Inc.

DATE: 10-30-08

NDCRS ARCHEOLOGICAL SITE FORM

**Descriptive Section**

**Page 4**

**FIELD CODE:**

**SITS NO.: 32RO0065**

This site was recommended not eligible for inclusion in the National Register of Historic Places (NRHP) by Bluemle (2007). Additional information has come to light regarding this particular segment of rail line. The line is an original portion of the Great Northern Rail line, which played a critical roll in the historical development of the local region, North Dakota and the Western United States as a whole. As the main source of mass transportation during the turn of the 20<sup>th</sup> Century, the Great Northern Railroad

As a linear site, the Rolla to St. John segment of the Great Northern Railroad is recommended as a non-contributing element to the NRHP eligibility of the Great Northern Railroad. The site is not recommended eligible under Criterion A as it has no physical integrity and is unable to reflect its historic appearance and character. Beyond its loose association with the owners and developers of the Great Northern Railroad, the site is not associated with any notable persons in local history, thus the site is not recommended under Criterion B. The site is not recommended eligible under Criterion C as it has no architectural value and no longer retains integrity of workmanship and design. The site does not have the potential to address pertinent archaeological or historical research questions and is, therefore, not recommended under Criterion D.

**22. COMMENTS/REFERENCES:**

Bluemle, W. J.

2007 Wakopa Trail Survey: A Class III cultural Resources Inventory in Rolette County, North Dakota. Metcalf Archaeological Consultants, Inc. for Wold Engineers, P.C.

Champagne, Duane

2006 Social Change and Cultural Continuity Among Native Nations. Rowman Altamira

Hidy, R. W., M. E. Hidy, R. V. Scott and D. L. Hofsommer

1988 The Great Northern Railway: A History. The University of Minnesota Press.

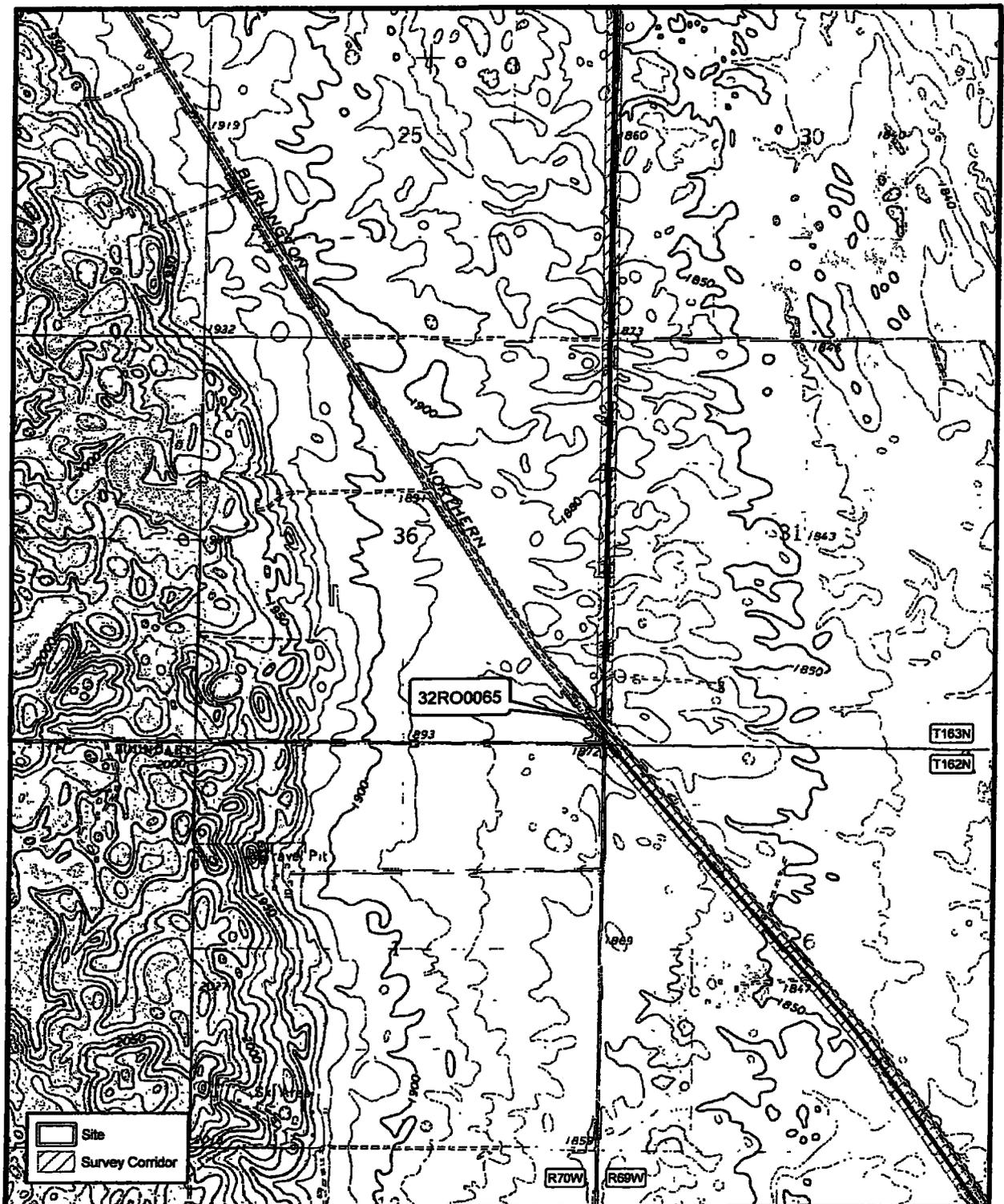
Hudson, J.C.

1985 Plains Country Towns. University of Minnesota Press, Minneapolis.

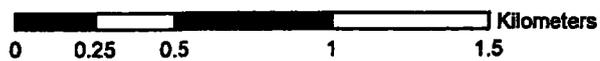
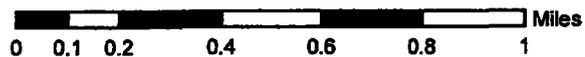
Storie, K.

n.d. Waiting for Trains: The Great Northern Line E-Document

<http://216.147.75.89/Trains/GNR/intro.htm>



Saint John,  
N. Dak.-Man. (1969)  
7.5 Minute Quadrangle





Great Northern/Burlington Northern rail grade still intact, view to the south



Great Northern/Burlington Northern rail grade still intact, view to the north



Great Northern/Burlington Northern rail grade bed near 5-corners, view to the south



Great Northern/Burlington Northern rail bed, view to the south