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MAR 28 2012

March 26, 2012

Karl Morell  
Of Counsel

**PUBLIC SERVICE COMMISSION** kmorell@balljanik.com

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

**Re: STB Docket No. AB-6 (Sub-No. 481X) - BNSF Railway Company -  
Abandonment Exemption - in Walsh and Pembina Counties, North  
Dakota**

Dear Sir or Madam:

In approximately three weeks BNSF will be filing with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon 18.12 miles of rail line located in Walsh and Pembina Counties, North Dakota, between Milepost 42.08 in Grafton and the end of the line at Milepost 60.20 in Glasston. The line traverses United States Postal ZIP Codes 58236 and 58237. 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 or me at 202-638-3307 or kmorell@balljanik.com.

Sincerely,

Karl Morell  
Of Counsel

KM:mjl  
Enclosure

1 **RR-12-126** Filed: 3/28/2012 Pages: 60  
**Notice of intended filing with STB of Notice of  
Exemption to abandon rail-line**

BNSF Railway Company

Karl Morell, Ball Janik, L.L.P.

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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<b>BNSF RAILWAY COMPANY</b>	)	
<b>ABANDONMENT EXEMPTION</b>	)	<b>DOCKET NO. AB 6</b>
<b>IN WALSH AND PEMBINA COUNTIES,</b>	)	<b>(SUB-NO. 481X)</b>
<b>NORTH DAKOTA</b>		

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**ENVIRONMENTAL AND HISTORIC REPORTS**

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**Service Date:** March 26, 2012

## 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 18.12-mile rail line located between Milepost 42.08 in Grafton and ending at the end of the line at Milepost 60.20 in Glasston, in Walsh and Pembina Counties, North Dakota (the “Line”). A map of the project area is attached as **Exhibit A**.

The Dakota Northern Railroad, Inc. (“DNR”) is currently leasing the Line from BNSF. In October, 2009, DNR filed to discontinue service over the Line and was granted authority by the Surface Transportation Board (“STB”) in early 2010. See STB Docket No. 1041X, *Dakota Northern Railroad, Inc. – Discontinuance of Service Exemption – in Walsh and Pembina Counties, ND* (not printed), served January 22, 2010. BNSF intends to exercise the abandonment authority and convert the portion of the Line between Milepost 42.08 and Milepost 52.50 to industry track. The remainder of the Line between Milepost 52.50 and Milepost 60.20 will be abandoned.

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

The proposed abandonment will include the removal of the rails, ties, and bridges. 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 recommended by the Office of Environmental Analysis (“OEA”) and imposed by the STB in the 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 STB-imposed conditions, if applicable.

The Line has had no traffic since 2009. The Line is stub-ended and, therefore, not capable of handling overhead traffic. Due to lack of traffic on the Line, very limited maintenance has been performed on the Line. 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 a portion of 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. Since 2009, the line has been embargoed and there has been no local or overhead traffic on this line. .

**(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.**

BNSF believes that the proposed action is consistent with existing land use plans. BNSF contacted the City of Grafton - City Hall, Pembina County – Planning Office, and Walsh County – Planning Office. As of the date of this Environmental Report, none of the agencies has responded as to whether the proposed action is consistent with existing land use plans. Copies of the letters are attached as **Exhibit B**.

**(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. Mr. Michael G. Ulmer, State Soil Scientist/MO 7 Leader (Acting), replied in a letter dated February 28, 2012, stating: “Your proposed project appears to be within the existing railroad right-of-way; therefore, FPPA (Farmland Protection Policy Act) has previously been addressed and no further action is required.” A copy of the letter is attached as **Exhibit C.**

***(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 portion of the Line between Milepost 52.50 and Milepost 60.20 may be suitable for alternative public use. BNSF contacted the City of Grafton - City Hall, Pembina County – Planning Office, and Walsh County – Planning Office.

**See Exhibit B.**

**(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 since 2009.

**(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 eight (8) private at-grade crossings (seven active and one closed) and thirty-two (32) public at-grade crossings (all active) 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 an 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. 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 replied to BNSF's inquiry. A copy of the letter is

attached as **Exhibit D**.

*(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. BNSF contacted the U.S. Department of the Interior, Bureau of Land Management (North Dakota Field Office), and the National Park Service, Midwest Region. As of the date of this Environmental Report, neither agency has responded to our inquiries. Copies of the letters are attached as **Exhibit E**.

**(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.*

BNSF contacted the North Dakota State Water Commission (“Water Commission”) and the U.S. Environmental Protection Agency, Region 8 (“EPA”) regarding the proposed abandonment. The Water Commission responded as follows:

“There are no floodplains identified and/or mapped where this proposed project is to take place. The area is designated as a Zone X. It is also believed that the project will not affect an identified floodplain as identified by the National Flood Insurance Program (NFIP).

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.”

As of the date of this Environmental Report, EPA has not responded to BNSF’s

inquiry. Copies of the letters are attached as **Exhibit F**.

*(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. 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 agency has not responded to BNSF's inquiry. A copy of the letter is attached as **Exhibit G**.

*(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).*

BNSF contacted the North Dakota State Water Commission and the U.S. Environmental Protection Agency, Region 8 regarding the proposed abandonment. As of the date of this Environmental Report, neither agency has responded to BNSF's inquiry. Copies of the letters are attached as **Exhibit F**.

*(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 STB.

## 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 18.12-mile rail line located between Milepost 42.08 in Grafton and ending at the end of the line at Milepost 60.20 at Glasston in Walsh and Pembina Counties, North Dakota (the “Line”). A map of the project area is attached as **Exhibit A**.

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representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

The Line has had no local traffic since 2009. The Line is stub-ended and, therefore, not capable of handling overhead traffic. Due to lack of traffic on the Line, very limited maintenance has been performed on the Line. 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 a portion of 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 18.12 miles between Milepost 42.08 in Grafton and the end of the Line at Milepost 60.20 in Glasston, in Walsh and Pembina Counties, North Dakota. The rural right-of-way is generally 100 to 200 feet wide and 300 feet wide in station ground (urban) areas. 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 eight bridges on the Line that are 50 years old or older. They are as follows:

- 1) Milepost 42.1 – 92’ long, 12’ high, open deck timber trestle, built in 1964
- 2) Milepost 43.2 – 28’ long, 5’ high, open deck timber trestle, built in 1953
- 3) Milepost 52.9 – 109’ long, 14’ high, thru plate girder, built in 1909
- 4) Milepost 55.6 – 56’ long, 6’ high, open deck timber trestle, built in 1969
- 5) Milepost 55.9 – 56’ long, 6’ high, open deck timber trestle, built in 1969
- 6) Milepost 57.2 – 28’ long, 6’ high, open deck timber trestle, built in 1949
- 7) Milepost 58.5 – 70’ long, 6’ high, open deck timber trestle, built in 1956
- 8) Milepost 58.9 – 42’ long, 6’ high, open deck timber trestle, built in 1953

See **Exhibit H**, 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 eight bridges on the Line that are 50 years old or older. They are as follows:

- 1) Milepost 42.1 – 92’ long, 12’ high, open deck timber trestle, built in 1964
- 2) Milepost 43.2 – 28’ long, 5’ high, open deck timber trestle, built in 1953
- 3) Milepost 52.9 – 109’ long, 14’ high, thru plate girder, built in 1909
- 4) Milepost 55.6 – 56’ long, 6’ high, open deck timber trestle, built in 1969
- 5) Milepost 55.9 – 56’ long, 6’ high, open deck timber trestle, built in 1969
- 6) Milepost 57.2 – 28’ long, 6’ high, open deck timber trestle, built in 1949
- 7) Milepost 58.5 – 70’ long, 6’ high, open deck timber trestle, built in 1956
- 8) Milepost 58.9 – 42’ long, 6’ high, open deck timber trestle, built in 1953

See **Exhibit H**, 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 St. 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 February 1, 2012, Merlan E. Paaverud, Jr., State Historic Preservation Officer (North Dakota) stated: “We concur with your ‘No Historic Properties Affected’ determination along this segment.” The letter is attached as **Exhibit I**.

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.*

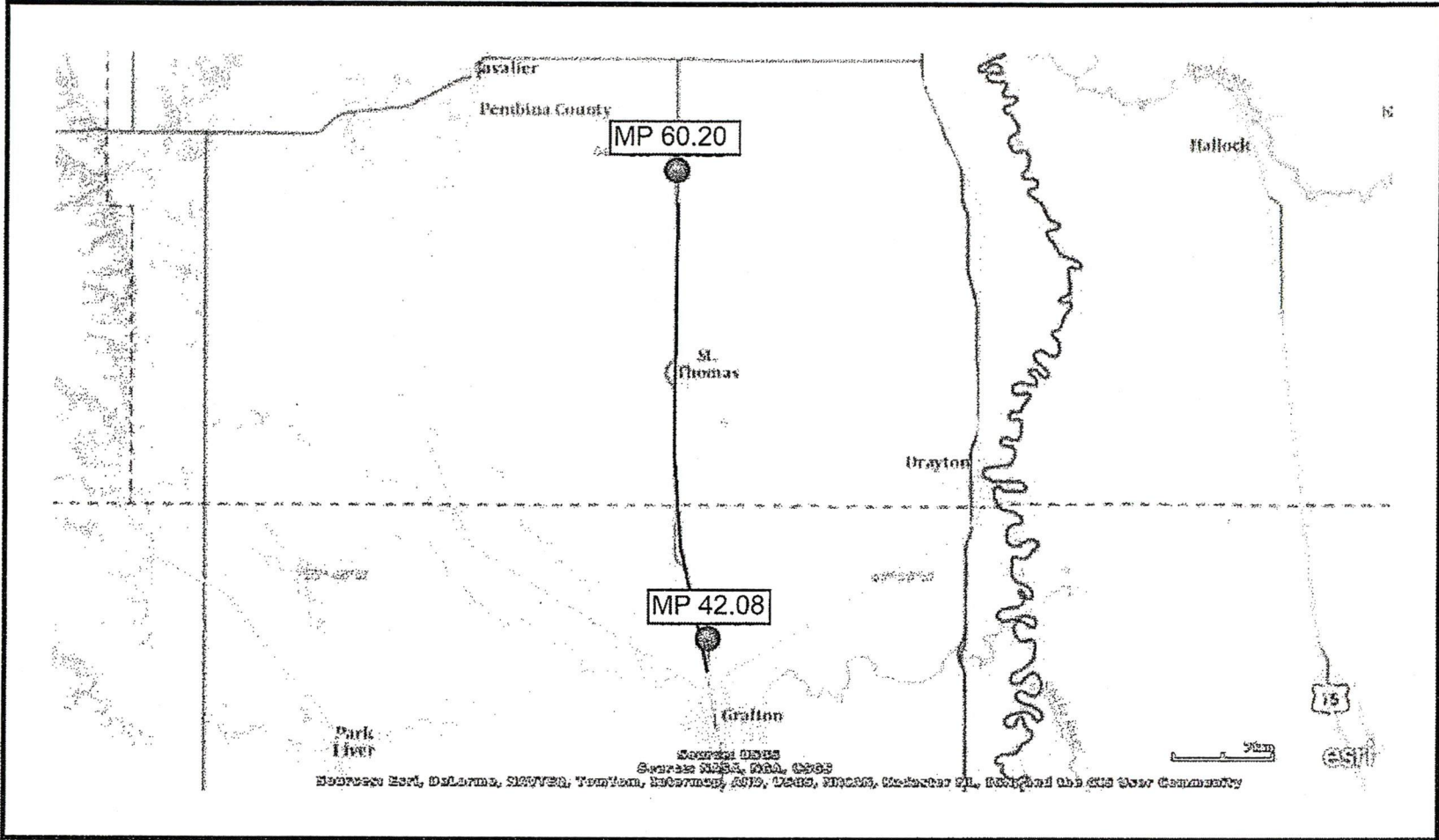
The Line was disturbed during original construction by cuts and fill and any archaeological resources that may have been located in the proposed project area would

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.

A







**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

January 25, 2012

City of Grafton  
City Hall  
5 East 4<sup>th</sup> Street  
P.O. Box 578  
Grafton, ND 58237

**Re: STB Docket No. AB-6 (Sub-No. 481X); BNSF Railway Company –  
Abandonment Exemption – in Walsh and Pembina Counties, North Dakota**

BNSF Railway Company ("BNSF") anticipates filing in a few weeks a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 18.12 miles of rail line in Walsh and Pembina Counties, North Dakota, beginning at Milepost 42.08 in Grafton and ending at the end of the line at Milepost 60.20 in Glasston.

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 enclosed. Please provide your response to me at the address above, if at all possible, by February 29, 2012. 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: Courtney Estes – BNSF – [courtney.estes@bnsf.com](mailto:courtney.estes@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)  
Mark Norton – BNSF – [mark.norton@bnsf.com](mailto:mark.norton@bnsf.com)  
Farah Ali – BNSF – [farah.ali@bnsf.com](mailto:farah.ali@bnsf.com)



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

**BNSF Railway Company**  
2500 Lou Menk Drive -- AOB-3  
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tel 817-352-2376  
fax 817-352-2397  
Email - john.sims@bnsf.com

January 25, 2012

Pembina County  
Planning Office  
301 Dakota Street W. #1  
Cavalier, ND 58220

**Re: STB Docket No. AB-6 (Sub-No. 481X); BNSF Railway Company –  
Abandonment Exemption – in Walsh and Pembina Counties, North Dakota**

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Sincerely,

John A. Sims, CP  
Paralegal

Enclosure as stated

cc via email: Courtney Estes – BNSF – [courtney.estes@bnsf.com](mailto:courtney.estes@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)  
Mark Norton – BNSF – [mark.norton@bnsf.com](mailto:mark.norton@bnsf.com)  
Farah Ali – BNSF – [farah.ali@bnsf.com](mailto:farah.ali@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)

January 25, 2012

Walsh County  
Planning Office  
Administration Building  
638 Cooper Avenue, Suite #2  
Grafton, ND 58237

**Re: STB Docket No. AB-6 (Sub-No. 481X) BNSF Railway Company –  
Abandonment Exemption – in Walsh and Pembina Counties, North Dakota**

BNSF Railway Company ("BNSF") anticipates filing in a few weeks a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 18.12 miles of rail line in Walsh and Pembina Counties, North Dakota, beginning at Milepost 42.08 in Grafton and ending at the end of the line at Milepost 60.20 in Glasston.

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 enclosed. Please provide your response to me at the address above, if at all possible, by February 29, 2012. 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: Courtney Estes – BNSF – [courtney.estes@bnsf.com](mailto:courtney.estes@bnsf.com)  
Karl Morell – Ball Janik LLP – [kmorell@bjllp.com](mailto:kmorell@bjllp.com)  
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Farah Ali – BNSF – [farah.ali@bnsf.com](mailto:farah.ali@bnsf.com)





Natural Resources Conservation Service  
P.O. Box 1458  
Bismarck, ND 58502-1458

---

February 28, 2012

John A. Sims  
BNSF Railway Company  
2500 Lou Menk Drive – AOB-3  
Fort Worth, Texas 76131-2828

RE: STB Docket No AB-6 (Sub-No. 481X); BNSF Railway Company –  
Abandonment Exemption – in Walsh and Pembina Counties, North Dakota

Dear Mr. Sims:

The Natural Resources Conservation Service (NRCS) has reviewed your letter dated January 25, 2012, concerning abandonment of a railroad in Walsh and Pembina Counties, North Dakota.

NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., prime, statewide, and local importance) to non-agricultural use when federal funding is utilized. Your proposed project appears to be within the existing railroad right-of-way; therefore, FPPA has previously been addressed and no further action is required.

If you have additional questions pertaining to FPPA, please contact Steve Sieler, State Soil Liaison, at (701) 530-2019.

Sincerely,

A handwritten signature in black ink that reads "Michael G. Ulmer".

MICHAEL G. ULMER  
State Soil Scientist/MO 7 Leader (Acting)



D



**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

January 25, 2012

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

**Re: STB Docket No. AB-6 (Sub-No. 481X); BNSF Railway Company –  
Abandonment Exemption – in Walsh and Pembina Counties, North Dakota**

BNSF Railway Company ("BNSF") anticipates filing in a few weeks a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 18.12 miles of rail line in Walsh and Pembina Counties, North Dakota, beginning at Milepost 42.08 in Grafton and ending at the end of the line at Milepost 60.20 in Glasston.

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 enclosed 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 proposed abandonment will include the removal of the rails, ties and bridges; however, 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 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 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 recommended by the Office of Environmental Analysis and imposed by 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 STB-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by February 29, 2012. 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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Paralegal  
Law Department

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

January 25, 2012

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. 481X); BNSF Railway Company –  
Abandonment Exemption – in Walsh and Pembina Counties, North Dakota**

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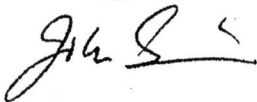
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Please provide your assessment and comments to me at the address above, if at all possible, by February 29, 2012. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP  
Paralegal

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Farah Ali – [farah.ali@bnsf.com](mailto:farah.ali@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

January 25, 2012

Mr. Michael Reynolds, Regional Director  
Midwest Region  
National Park Service  
601 Riverfront Drive  
Omaha, NE 68102-4226

**Re: STB Docket No. AB-6 (Sub-No. 481X); BNSF Railway Company –  
Abandonment Exemption – in Walsh and Pembina Counties, North Dakota**

BNSF Railway Company ("BNSF") anticipates filing in a few weeks a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 18.12 miles of rail line in Walsh and Pembina Counties, North Dakota, beginning at Milepost 42.08 in Grafton and ending at the end of the line at Milepost 60.20 in Glasston.

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

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Please provide your assessment and comments to me at the address above, if at all possible, by February 29, 2012. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

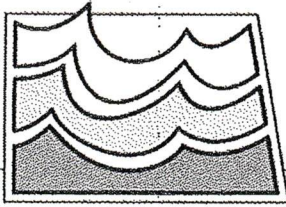


John A. Sims, CP  
Paralegal

Enclosure as stated

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Farah Ali – BNSF – [farah.ali@bnsf.com](mailto:farah.ali@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>

March 13, 2012

John Sims  
BNSF Railway  
2500 Lou Menke Drive – AOB-3  
Fort Worth, TX 76131-2828

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. 481X); BNSF Railway Company - Abandonment Exemption in Walsh and Pembina Counties, ND.

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

- There are no floodplains identified and/or mapped where this proposed project is to take place. The area is designated as a Zone X. It is also believed that the project will not affect an identified floodplain as identified by the National Flood Insurance Program (NFIP).

- 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.

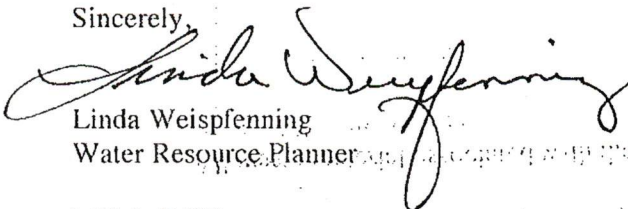
- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.

- 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 328-4967.

Sincerely,

  
Linda Weispfenning  
Water Resource Planner

LW: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

January 25, 2012

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

**Re: STB Docket No. AB-6 (Sub-No. 481X); BNSF Railway Company –  
Abandonment Exemption – in Walsh and Pembina Counties, North Dakota**

BNSF Railway Company ("BNSF") anticipates filing in a few weeks a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 18.12 miles of rail line in Walsh and Pembina Counties, North Dakota, beginning at Milepost 42.08 in Grafton and ending at the end of the line at Milepost 60.20 in Glasston.

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 will not disturb more than one (1) acre of land.**

For your reference I have enclosed 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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Please provide your assessment and comments to me at the address above, if at all possible, by February 29, 2012. 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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Farah Ali – BNSF – [farah.ali@bnsf.com](mailto:farah.ali@bnsf.com)

G



**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

January 25, 2012

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. 481X); BNSF Railway Company –  
Abandonment Exemption – in Walsh and Pembina Counties, North Dakota**

BNSF Railway Company ("BNSF") anticipates filing in a few weeks a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 18.12 miles of rail line in Walsh and Pembina Counties, North Dakota, beginning at Milepost 42.08 in Grafton and ending at the end of the line at Milepost 60.20 in Glasston.

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 enclosed. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

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Paralegal

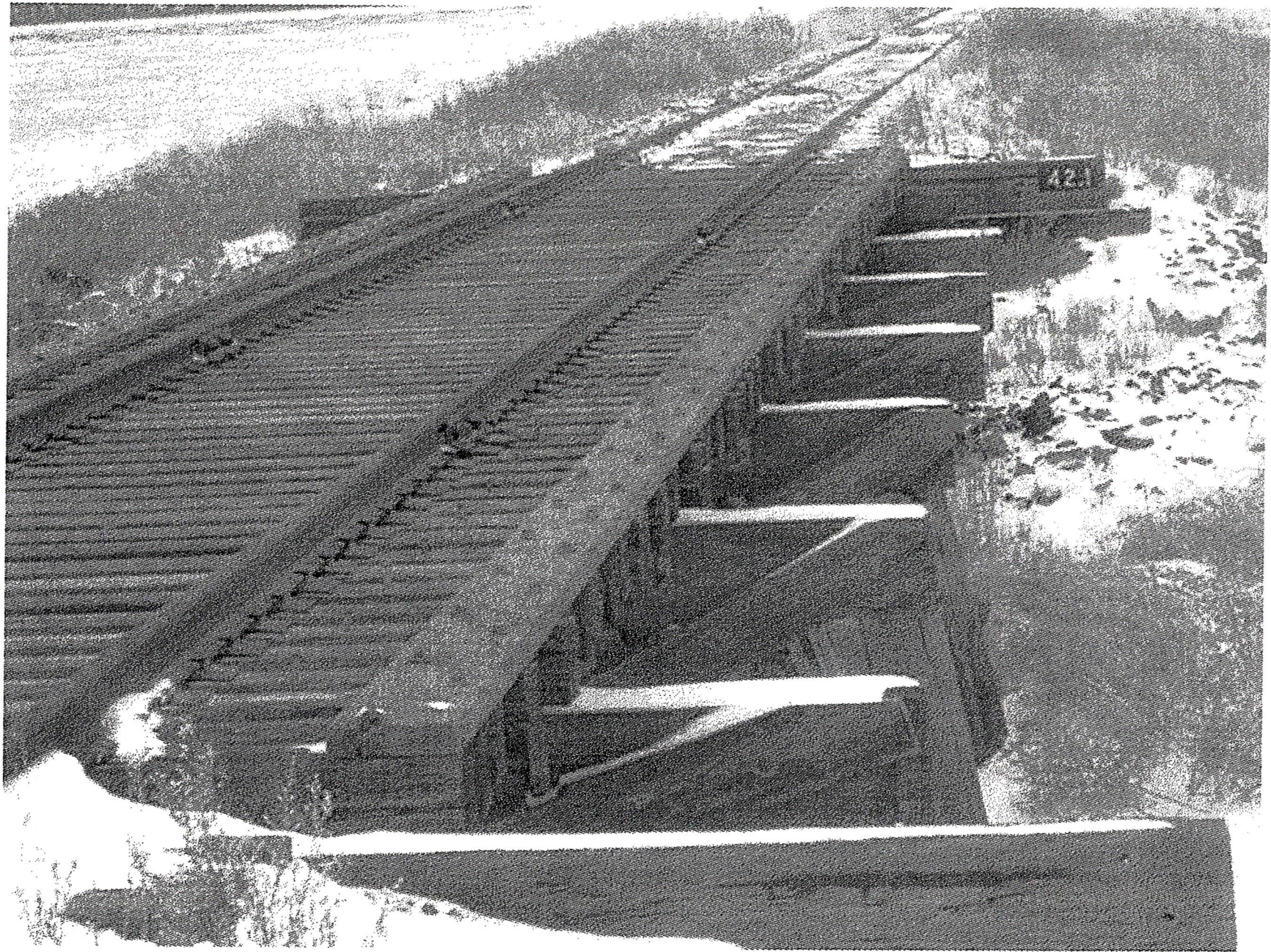
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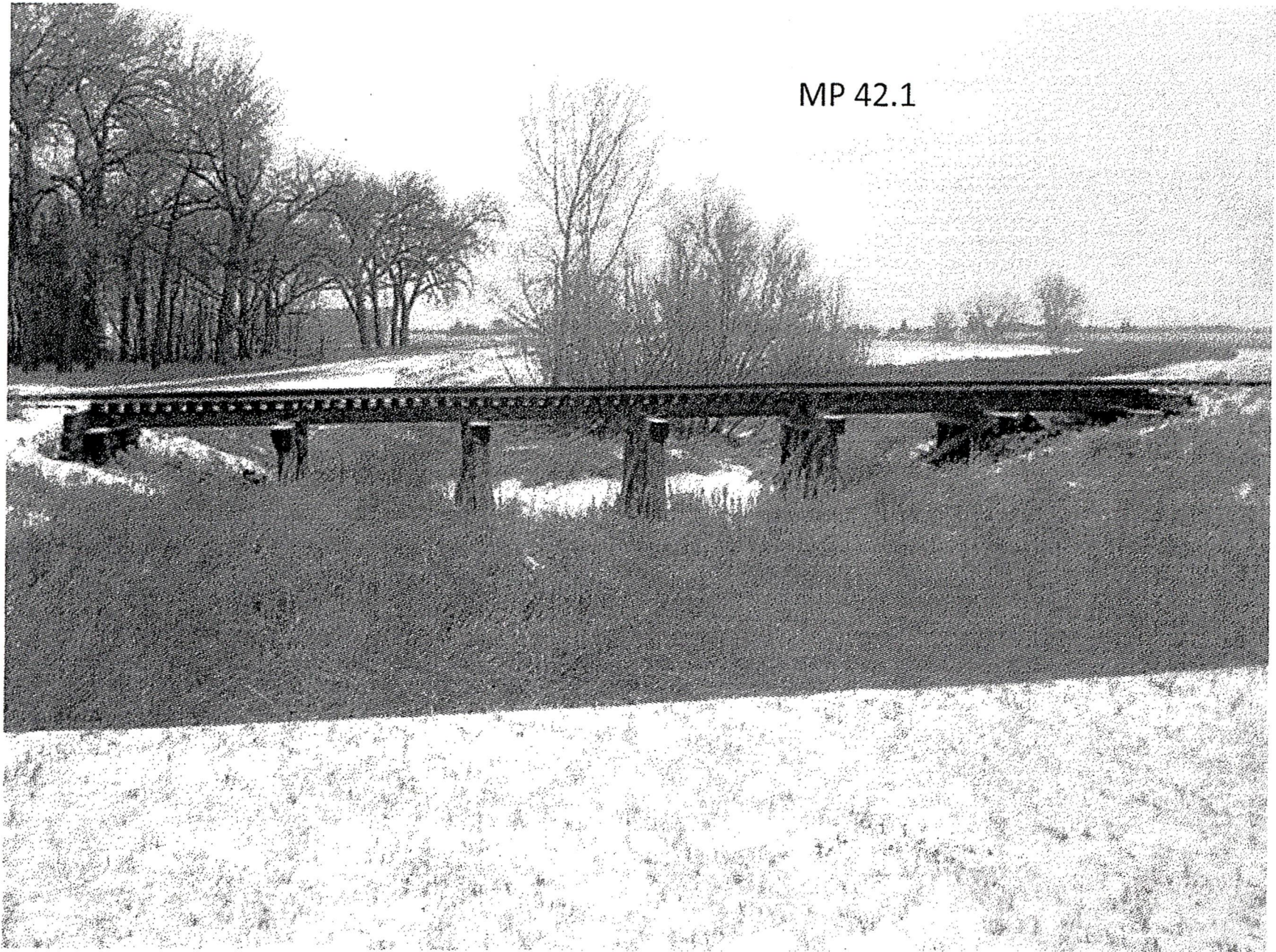
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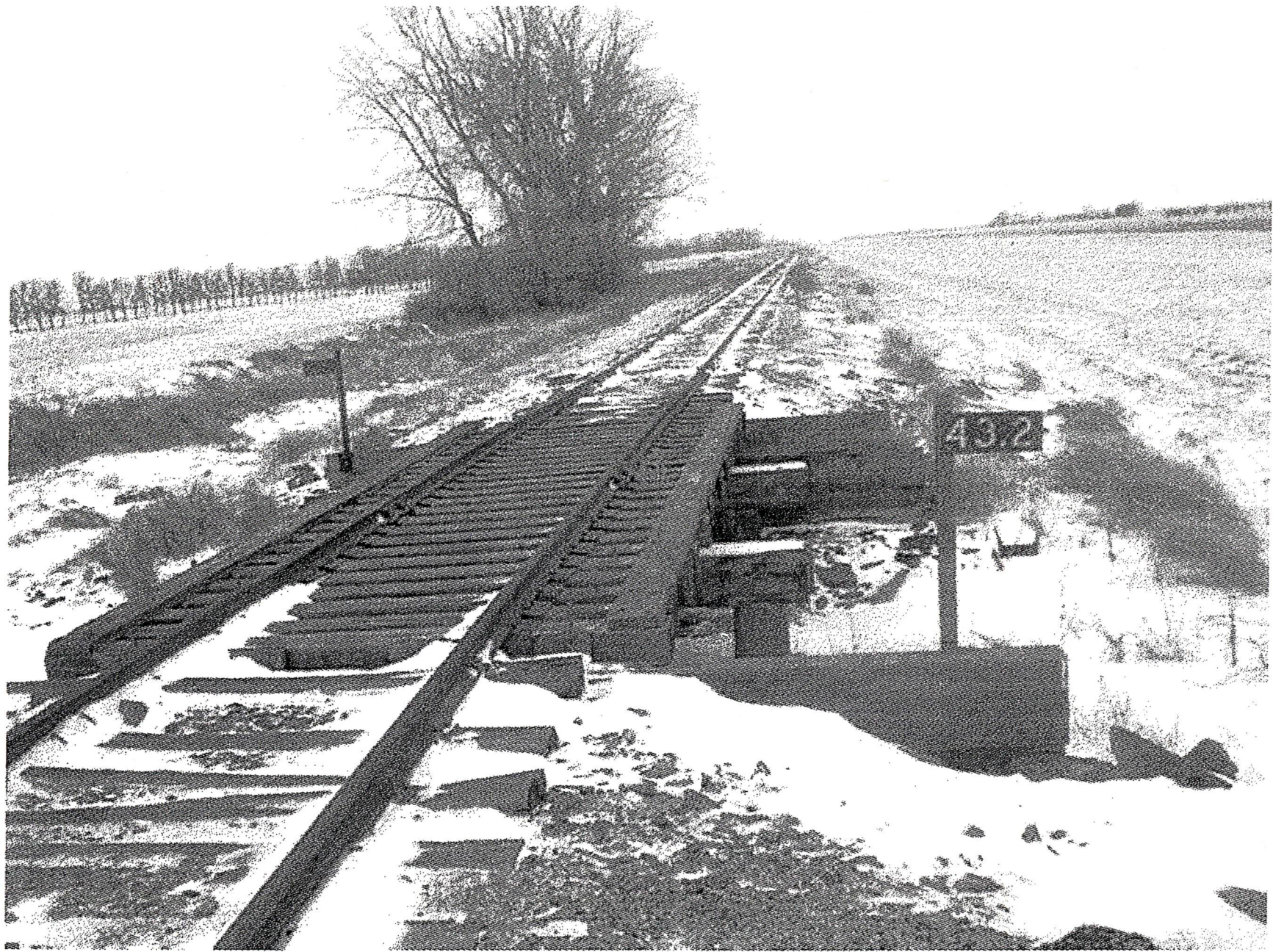
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bridge pictures

1-23-2012

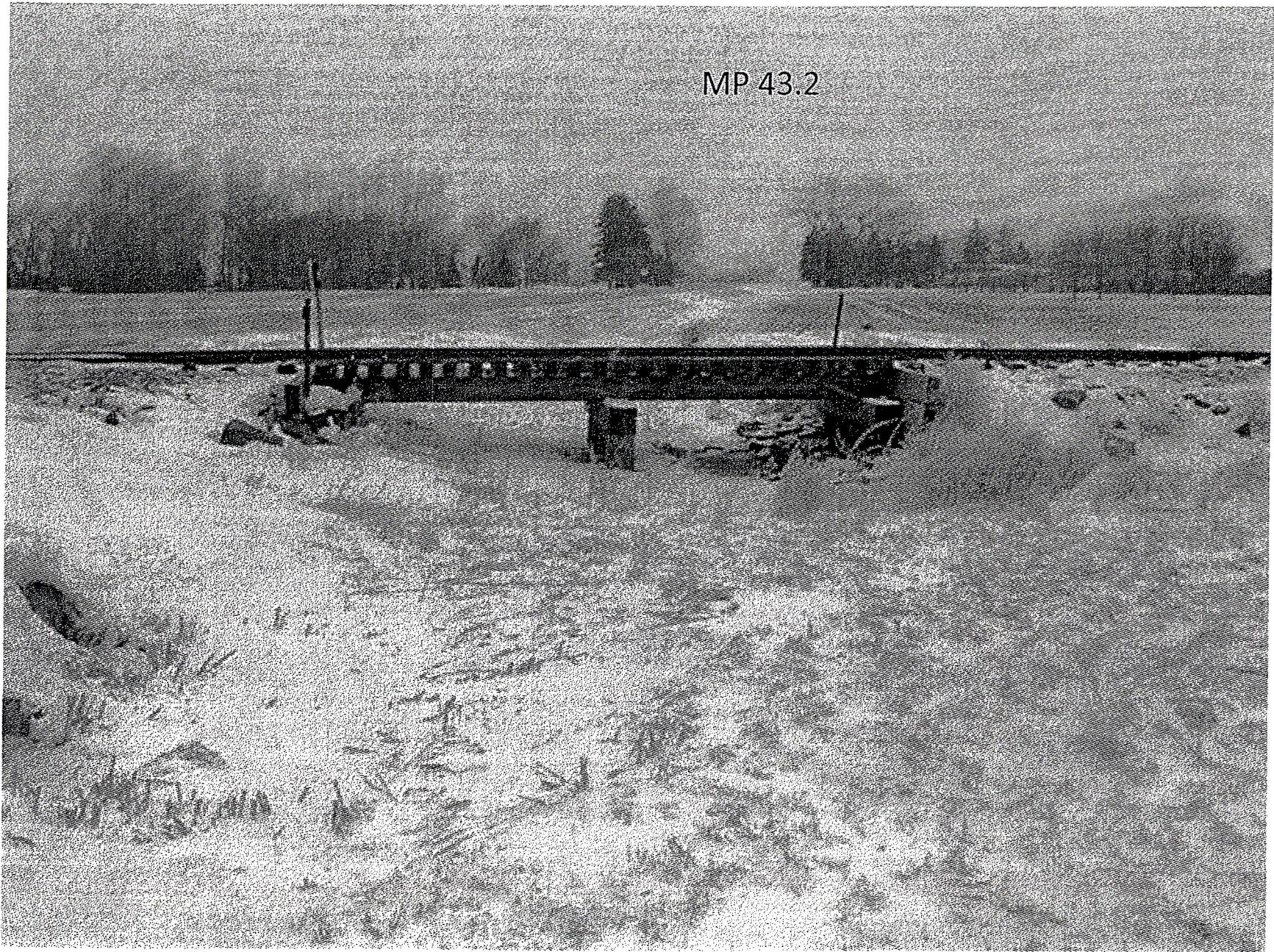


MP 42.1

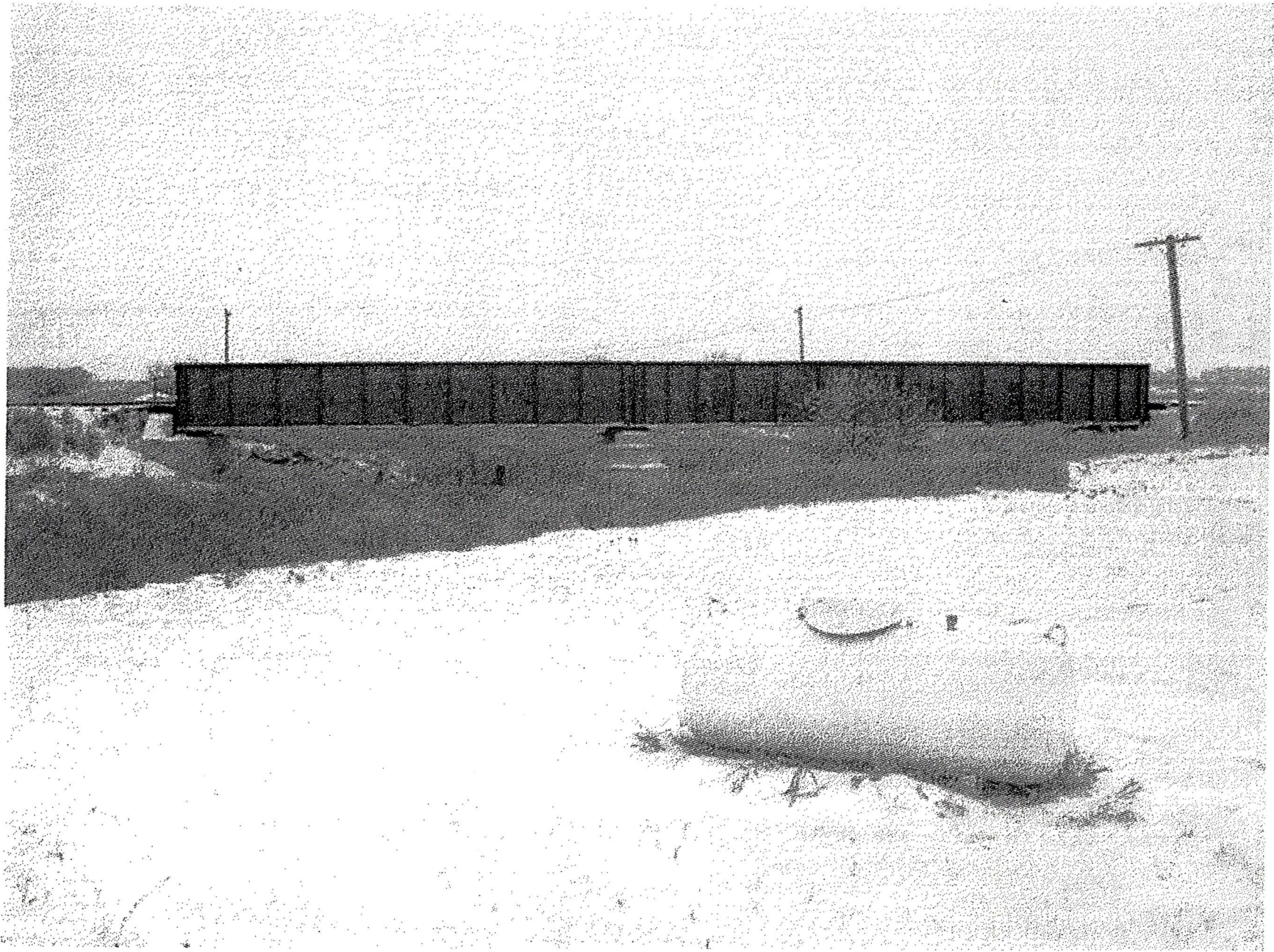


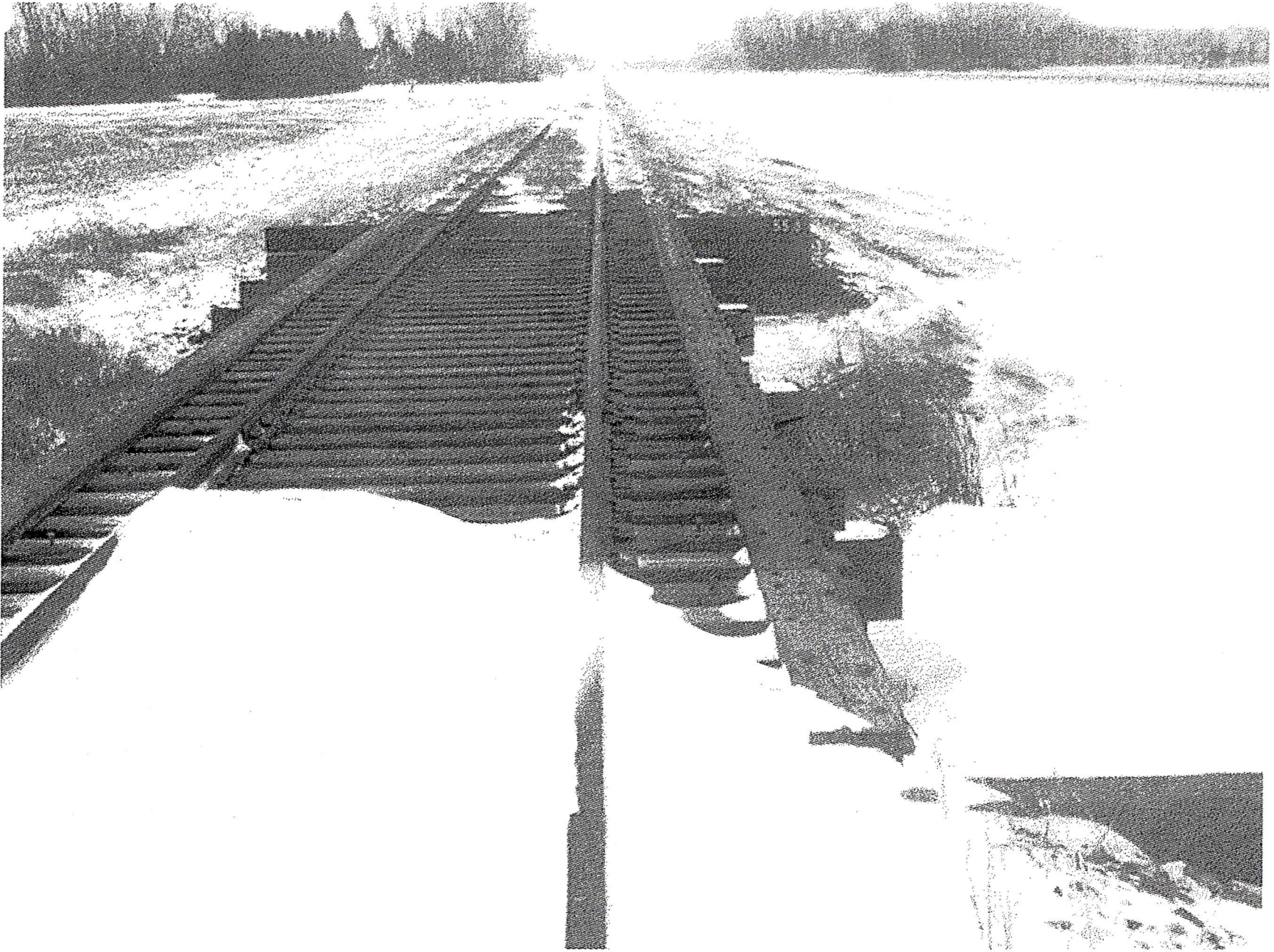


MP 43.2

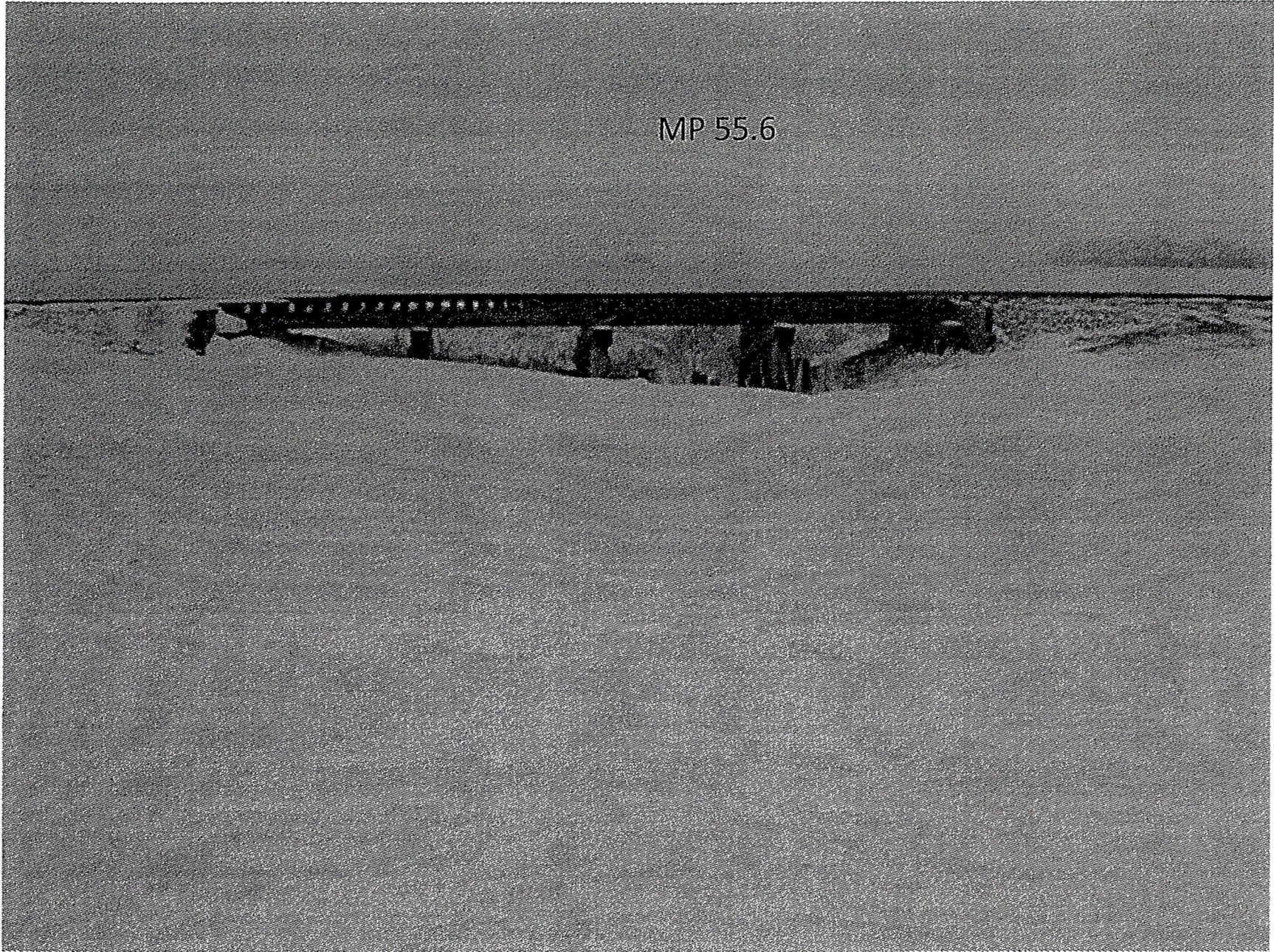






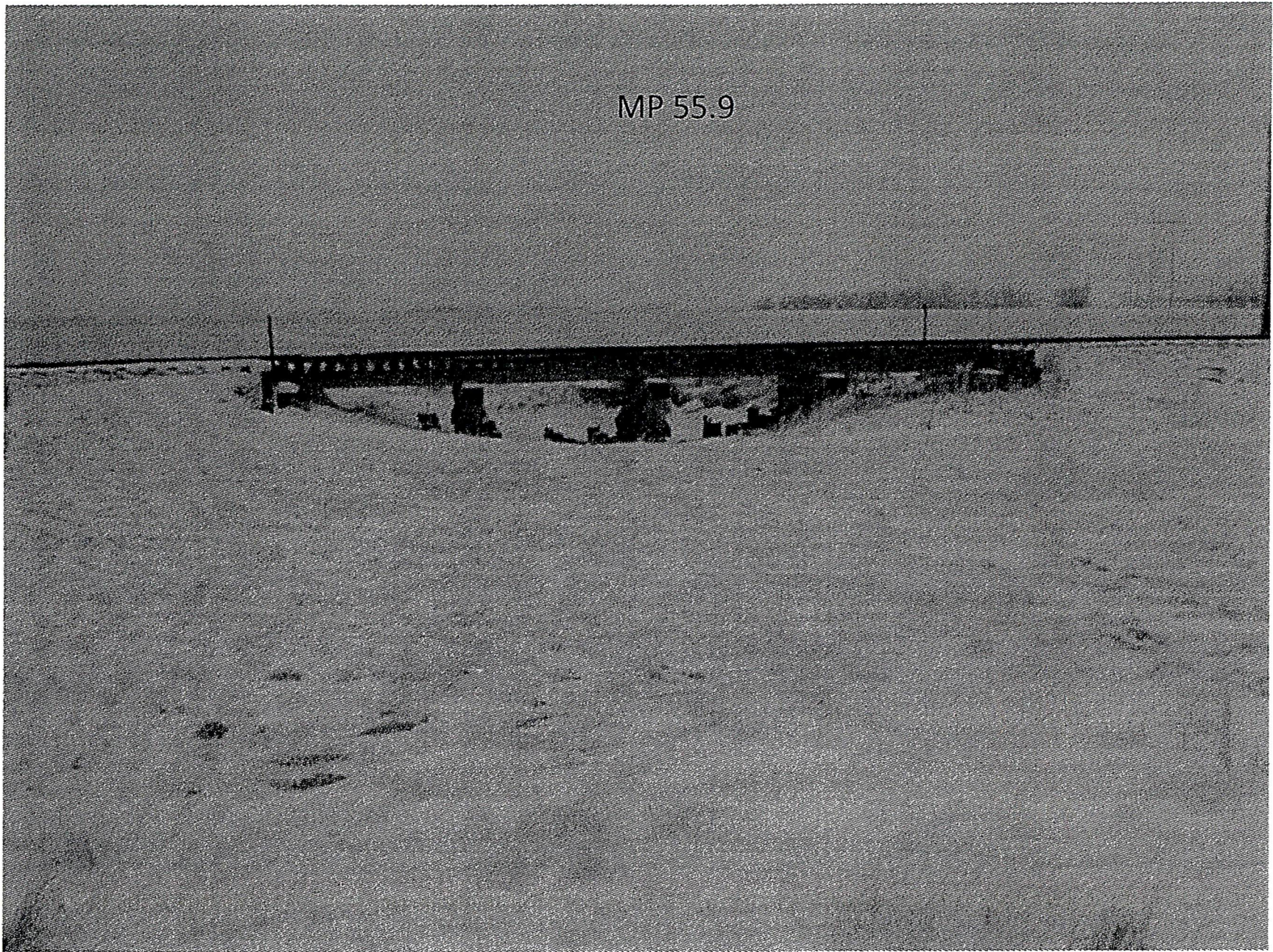


MP 55.6

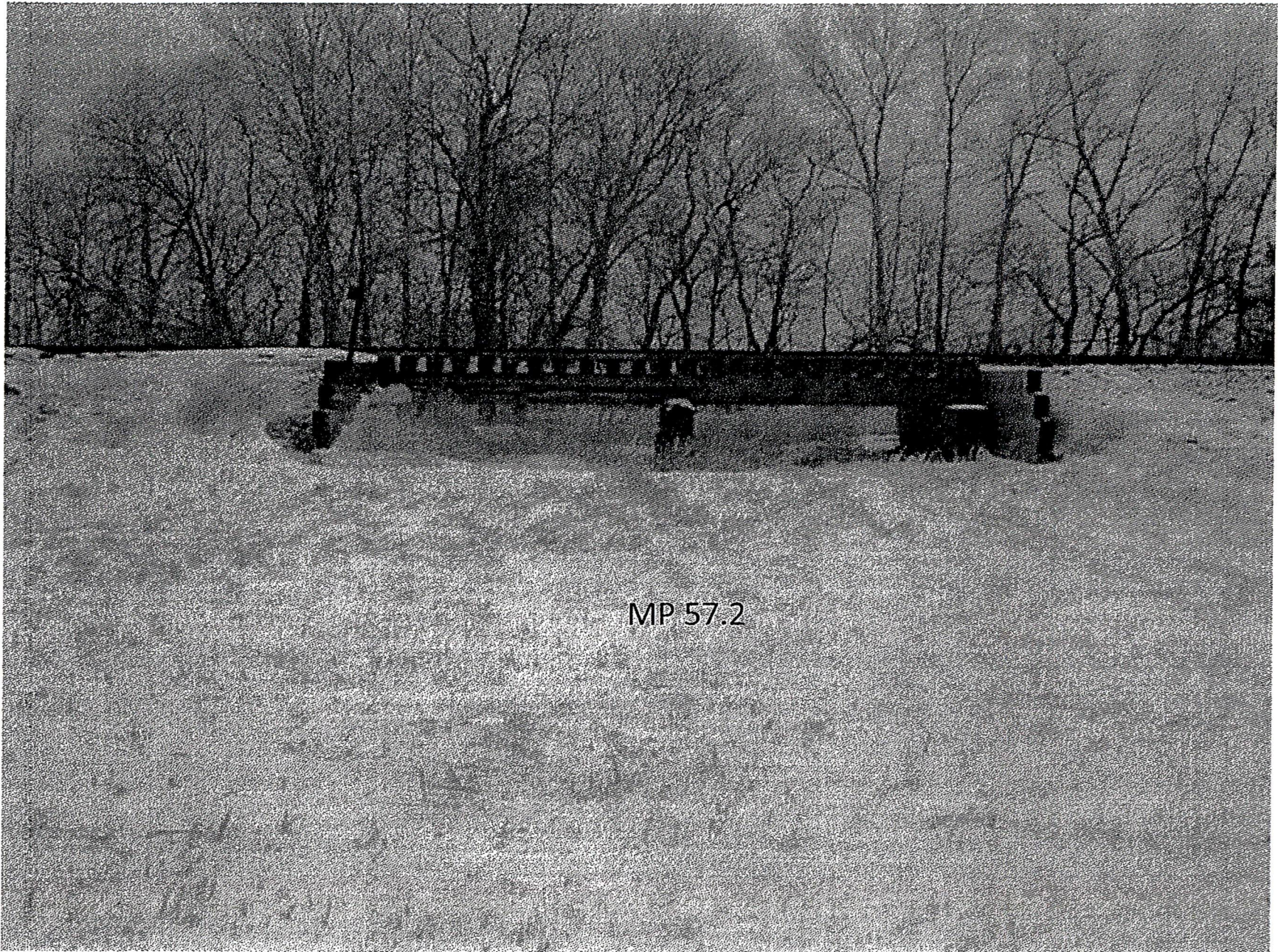




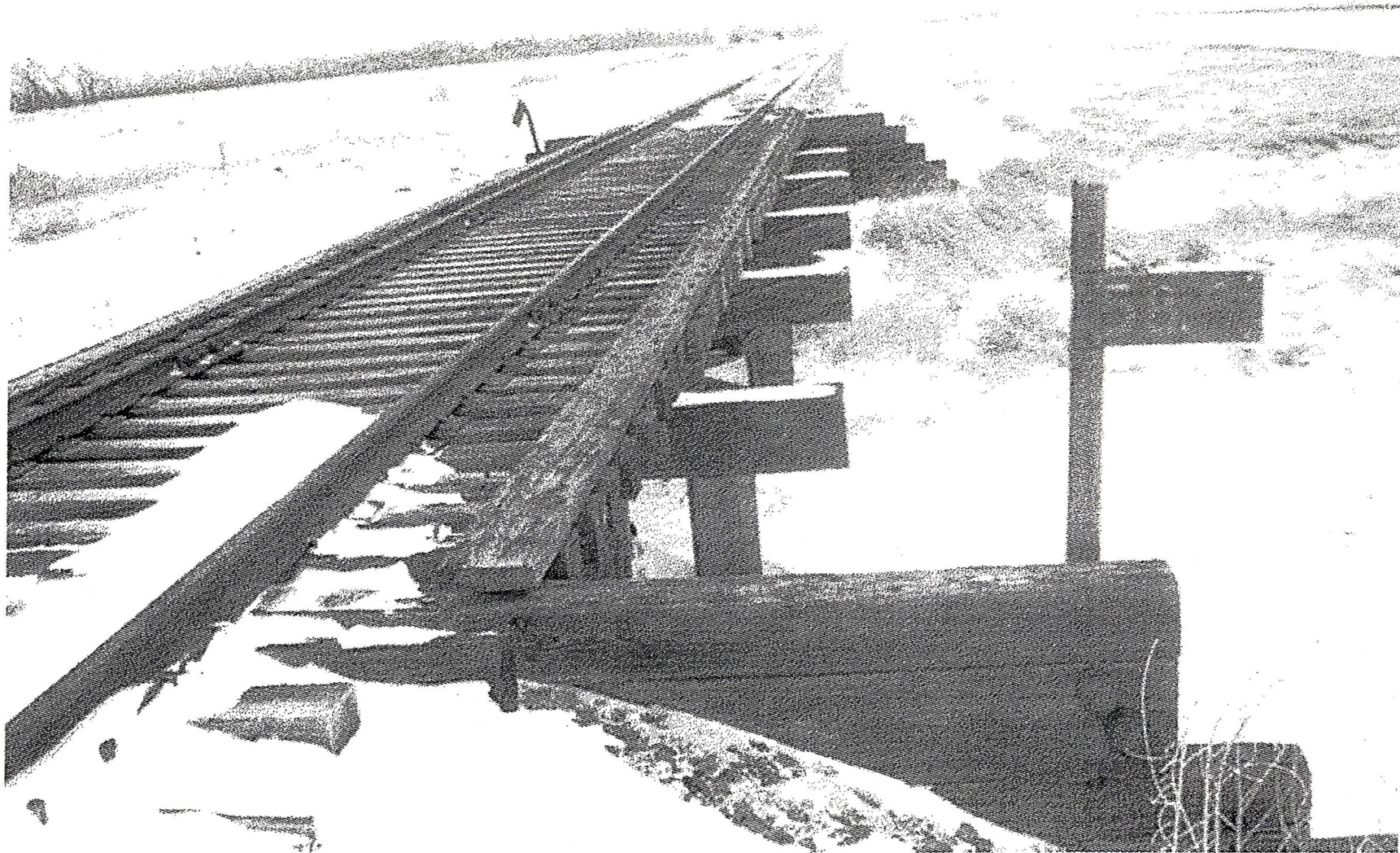
MP 55.9



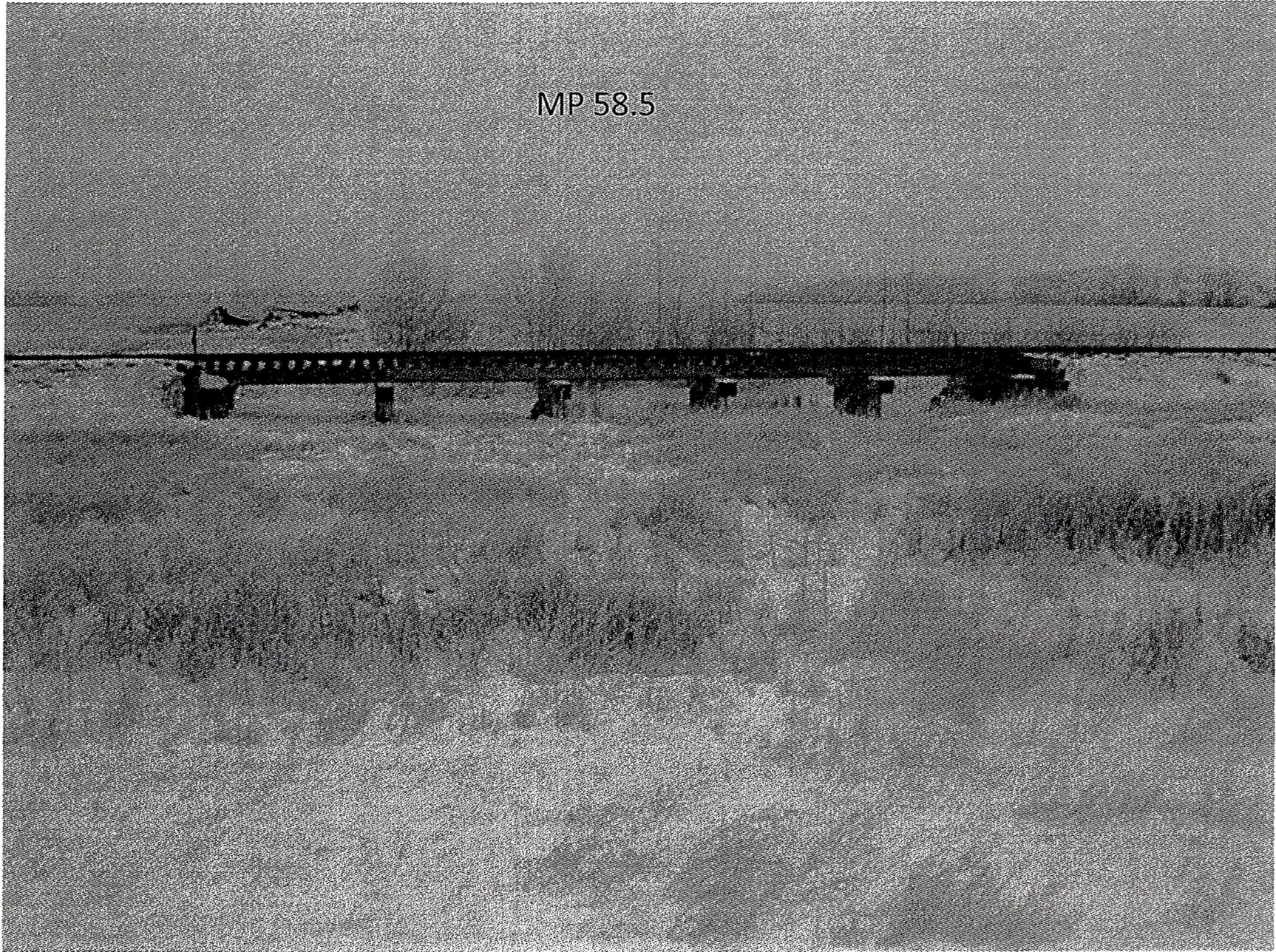




MP 57.2

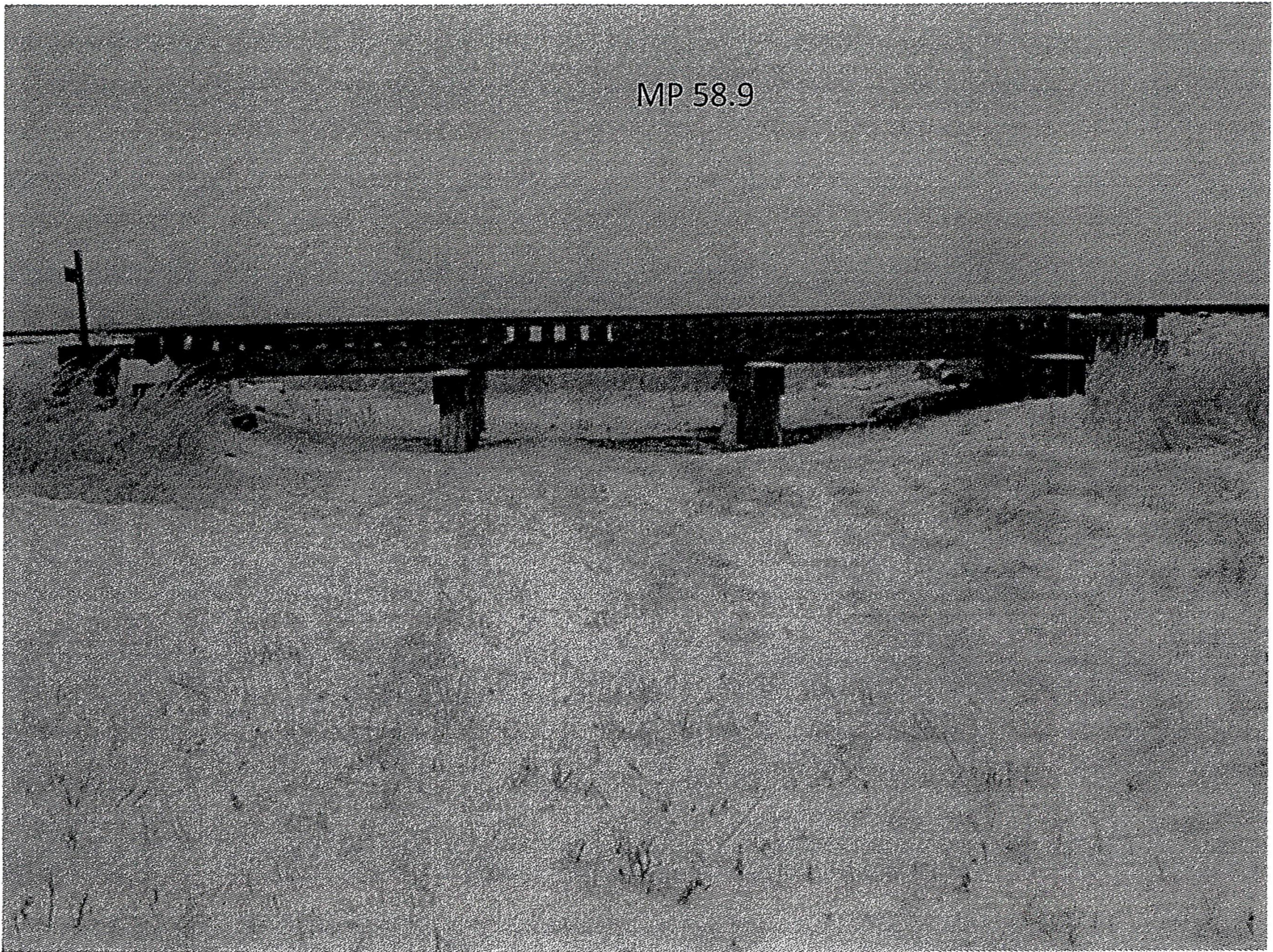


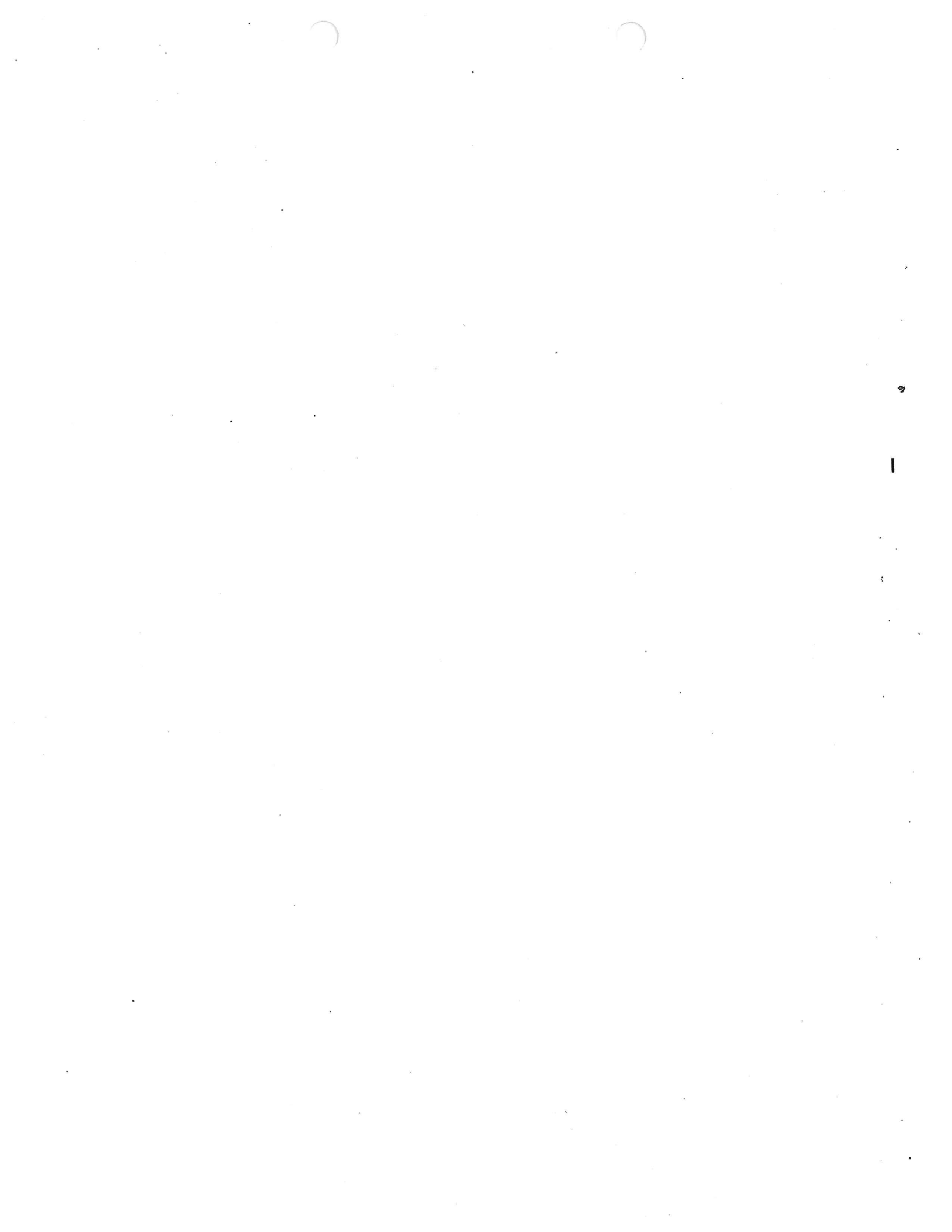
MP 58.5





MP 58.9







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February 1, 2012

Mr. John A. Sims CP  
Paralegal  
Law Department  
NBNSF Railway Company  
2500 Lou Menk Drive - AOB-3  
Fort Worth Texas 76131-2828

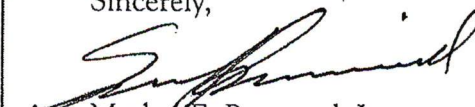
ND SHPO Ref.:12-0587 STB Docket No. AB-6 (Sub No. 481X) BNSF  
Railway Company Abandonment Exemption in Walsh and Pembina  
Counties from milepost 42.08 in Grafton and Milepost 60.20 in Glasston,  
Walsh and Pembina Counties, North Dakota

Dear Mr. Sims,

We reviewed ND SHPO Ref.:12-0587 STB Docket No. AB-6 (Sub No. 481X)  
BNSF Railway Company Abandonment Exemption in Walsh and Pembina  
Counties from milepost 42.08 in Grafton and Milepost 60.20 in Glasston,  
Walsh and Pembina Counties, North Dakota. We concur with your "No  
Historic Properties Affected" determination along this segment.

Thank you for the opportunity to review this project. 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