

205218

21.2

April 15, 2002

**VIA FEDERAL EXPRESS**  
Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001



Freeborn & Peters

DID# 0101925001

**Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 393X);  
The Burlington Northern and Santa Fe Railway Company Abandonment  
between between Tolna and Hamar, North Dakota**

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Brian Nettles  
Paralegal  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

*Chicago*

*Springfield*

Dear Secretary Williams:

Enclosed for filing in the referenced docket are the original and ten copies of The Burlington Northern and Santa Fe Railway Company's Notice of Exemption, and a check for \$2,600.00, covering the filing fee.

Please acknowledge receipt of this material by date stamping the enclosed copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

The environmental and historic reports have been forwarded to the responsible agencies and copies have been directed to the Section of Environmental Analysis. The Notice of Exemption includes a certificate of notice upon various interested state and federal authorities (the U. S. Department of the Interior – National Park Service, Recreation and Conservation Assistance Program; the U. S. Department of the Interior – National Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the North Dakota Public Service Commission, the North Dakota Department of Transportation and the Chief of Forest Service, U. S. Department of Agriculture).

Sincerely,

Brian Nettles

/bn  
Enclosures

**FEE RECEIVED**

APR 19 2002

SURFACE  
TRANSPORTATION BOARD

ENTERED  
Office of the Secretary

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APR 19 2002

SURFACE  
TRANSPORTATION BOARD

Freeborn & Peters

April 17, 2002

**VIA FEDERAL EXPRESS**

Tim Cambridge  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

**Re: *Surface Transportation Board Docket No. AB-6 (Sub-No. 393X);  
The Burlington Northern and Santa Fe Railway Company Abandonment  
between between Tolna and Hamar, North Dakota***

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Brian Nettles  
Paralegal  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

*Chicago*

*Springfield*

Dear Mr. Cambridge:

Enclosed for the referenced docket is a check for \$100 to cover the increase in filing fees to go along with the \$2,600.00 check I have already sent for the filing fee.

Sincerely,



Brian Nettles

/bn  
Enclosures



205218

BEFORE THE  
SURFACE TRANSPORTATION BOARD



Abandonment of a line of Railroad  
Between BNSF M.P. 92.00 in Tolna,  
North Dakota and M.P. 98.000  
in Hamar, North Dakota

NOTICE OF EXEMPTION  
Docket No. AB-6  
(Sub-No. 393X)

TO THE SURFACE TRANSPORTATION BOARD:

The Burlington Northern and Santa Fe Railway Company (BNSF) hereby notifies the Board that it intends to abandon its line of railroad between M.P. 92.00 in Tolna, Nelson County, North Dakota and M.P. 98.00 in Hamar, Eddy County, North Dakota, total distance of 6.00 miles, pursuant to the Board's Exemption of Out of Service Rail Lines, 49 C.F.R. § 1152.50 and in support of the Notice, respectfully provides the following information:

- I. Proposed consummation date for the abandonment.

June 5, 2002

- II. Certification required in 49 C.F.R. § 1152.50(b)

The attached Certification of Michael Smith certifies that no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two years. The attached Verification of Richard A. Batie certifies that no local traffic has moved over this line for at least two (2) years and any overhead traffic on the line can be rerouted over other lines.

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Office of the Secretary

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TRANSPORTATION BOARD

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TRANSPORTATION BOARD

III. Information required by C.F.R. § 1152.22(a)(1-4), (7), (8) and (e)(4).

(a) General

- (1) Exact name of Applicant.

The Burlington Northern and Santa Fe Railway  
Company.

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) Relief sought.

BNSF seeks an exemption from Surface Transportation Board approval authorizing the abandonment and discontinuance of service of the Tolna, North Dakota to Hamar, North Dakota line specified above.

- (4) Detailed map of the subject line.

See Exhibit A.

- (5) Name, title and address of representative of applicant to whom correspondence should be sent.

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr., Suite 3000  
Chicago, Illinois 60606-6677

- (6) List of all United State Postal Service ZIP Codes that the line traverses.

The Tolna, North Dakota to Hamar, North Dakota line traverses United States Postal Service Zip code 58380.

- (7) Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

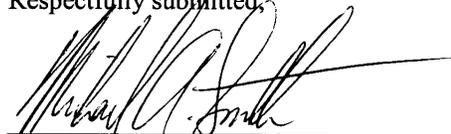
The right of way may be suitable for use for other public purposes such as a trail. On part of the properties involved, title considerations may affect the conveyance of the land for use other than railroad purposes. Based on information in our possession, the line does contain federally granted rights-of-way on one parcel. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. Level of protection.

The interest of railroad employees will be protected by the conditions imposed in Oregon Short Line RR Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979)

V. Certification that the notice requirements of §§ 1152.50(d)(1) and 1105.11 have been met. See attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Smith", written over a horizontal line.

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr., Suite 3000  
Chicago, Illinois 60606-6677  
(312) 360-6724  
FAX (312) 360-6598

Dated: April 15, 2002

VERIFICATION

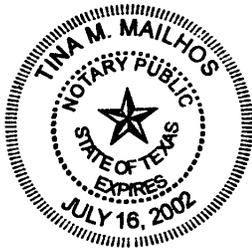
STATE OF TEXAS            )  
                                  )ss  
COUNTY OF TARRANT    )

Richard A. Batie makes oath and says he is Manager, Shortline Development in the Network Development department of The Burlington Northern and Santa Fe Railway Company; that he has been authorized by the Applicant to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-6 (Sub-No. 393X); that he affirms that the line has had no local traffic in the prior two (2) years and that there is no overhead traffic to be rerouted; that he has carefully examined all of the statements in the Notice; that he has knowledge of the facts and matters relied upon in the Notice; and that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.

*Richard A. Batie*

Richard A. Batie  
Manager, Shortline Development

Subscribed and sworn to before me the 1<sup>st</sup> day of April, 2002



*Tina M. Mailhos*  
Notary Public

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY  
NO. AB-6 (Sub No. 393X)

**CERTIFICATION**

I hereby certify that (1) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two (2) years; (2) service of notice upon the U.S. Department of the Interior, National Park Service, Recreation Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the North Dakota Public Service Commission; the North Dakota Department of Transportation; and the Chief Forest Service, U.S. Department of Agriculture was accomplished by mailing a copy thereof on March 4, 2002; (3) the environmental and historic reports were serviced upon the agencies identified in 49 C.F.R. § 1105.7(b) and the State Historic Preservation Offices on March 4, 2002; (4) service of notice upon the State Clearinghouses was accomplished by mailing a copy thereof on March 4, 2002; and (5) the publication requirements of 49 C.F.R. § 1105.12 have been complied with, to wit: publication of notice was accomplished on March 18, 2002 in the New Rockford Transcript and on March 13, 2002 in the Lakota American (affidavits of publication are attached).



Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr., Suite 3000  
Chicago, Illinois 60606-6677  
(312) 360-6724  
FAX (312) 360-6598

Dated: April 15, 2002

# Affidavit of Publication

STATE OF NORTH DAKOTA, }  
 County of Eddy, } ss.

I, Victoria Ryan, of said County and State, being first duly sworn, on my oath says: That the New Rockford Transcript is a weekly newspaper of general circulation, printed and published in the City of New Rockford in said County and State by Transcript Publishing and has been such newspaper during the time hereinafter mentioned, and that I, the undersigned, am bookkeeper and have personal knowledge of all the facts stated in this affidavit, and the advertisement headed Notice of Intent to Abandon

a. printed copy of which is hereunto attached, was printed and published in the said newspaper for a period of one consecutive week(s), to wit:

<u>18 March 20 02</u>	<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>

Line rate of .67 per line times 52 lines of straight and/or tabulated matter times 1 insertion(s). \$ 34.84

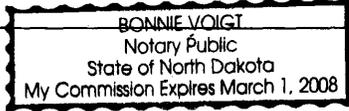
Inch rate of \_\_\_\_\_ times \_\_\_\_\_ columns times depth of \_\_\_\_\_ times \_\_\_\_\_ insertion(s). \$ \_\_\_\_\_

TOTAL PUBLISHER'S FEE \$ 34.84

Subscribed and sworn before me this Victoria Ryan  
18th day of March, 20 02

Bonnie Voigt  
 Notary Public, State of North Dakota

My commission expires \_\_\_\_\_, 20 \_\_\_\_\_



**NOTICE OF INTENT TO ABANDON**  
 The Burlington Northern and Santa Fe Railway Company gives notice that on or after March 25, 2002, it intends to file with the Surface Transportation Board, Washington, DC 20423, an abandonment notice of exemption under 49 CFR 1152 Subpart F -- Exempt Abandonments permitting the abandonment of or discontinuance of service on 6.00 miles of railroad line between railroad milepost 92.00 near Tolna and milepost 98.00 in Hamar, which line segment traverses through United States Postal Zip Code 58380 in Nelson and Eddy County, North Dakota. The proceeding will be docketed as No. AB-6 (Sub-No. 393X).  
 The Board's Section of Environmental Analyses (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1538.  
 Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative Michael Smith, Freeborn & Peters, 311 S. Wacker Drive, Suite 3000, Chicago, Illinois 60606-6677 - telephone (312) 360-6724.  
 Published March 18, 2002

# AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA )  
 )ss  
 COUNTY OF NELSON )

Lyle Pederson of said State and County, being duly sworn on his oath says: That he is Publisher of THE LAKOTA AMERICAN, a weekly newspaper of general circulation, printed and published at Lakota, in said County and State, and that said Lakota American was duly and legally elected and designated as the official and legal newspaper, and that the advertisement of

*Notice of Intent to  
Abandon*

a printed copy of which is hereunto annexed, was printed and published in every copy of each issue of said newspaper for a period of 1 consecutive weeks, to-wit:

Straight Matter Lines	_____	<u>Mar 13</u>	<u>2002</u>
First Time Line Rate	_____	_____	_____
Subsequent Line Rates	_____	_____	_____
Tabulated Lines	_____	_____	_____
First Time Line Rate	_____	_____	_____
Subsequent Lines Rates	_____	_____	_____
Column Inches	_____	_____	_____
First Time Inch Rate	_____	_____	_____
Subsequent Inch Rates	_____	_____	_____

and that the full amount of the legal fee for the publication of the annexed notice insures to the benefit of the publisher of said newspaper, that no arrangement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person, whomsoever, and the amount of

said fee is \$ 33.00

*Lyle Pederson*

Sworn to and subscribed before me this 28<sup>th</sup> day of

March A. D. 2002

*Ellen L. Pederson*  
Notary Public, Nelson County, N.D.

My Commission Expires

ELLEN L. PEDERSON  
Notary Public  
State of North Dakota  
My Commission Expires Jan. 3, 2007

**NOTICE OF INTENT TO ABANDON**

The Burlington Northern and Santa Fe Railway Company gives notice that on or after March 25, 2002, it intends to file with the Surface Transportation Board, Washington, DC 20423, an abandonment notice of exemption under 49 CFR 1152 Subpart F - Exempt abandonments permitting the abandonment of or discontinuance of service on 6.00 miles of railroad line between railroad milepost 92.00 near Tolna and milepost 98.00 in Hamar, which line segment traverses through United States Postal Zip Code 58380 in Nelson and Eddy County, North Dakota. The proceeding will be docketed as No. AB-6 (Sub-No. 393X).

The Board's Section of Environmental Analyses (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1536.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington DC 20423-0001 [See 49 CFR 104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative Michael Smith, Freeborn & Peters, 311 S. Wacker Drive, Suite 3000, Chicago, Illinois 60606-6677 - telephone (312) 360-6724.

(Publish March 13, 2002)

BEFORE THE  
SURFACE TRANSPORTATION BOARD

In the Matter of The  
Burlington Northern and Santa Fe  
Railway Company  
Notice of Exemption to Abandon  
Its Line of Railroad Between M.P.  
92.00 in Tolna, North Dakota and  
M.P. 98.00 in Hamar, North Dakota

Docket No. AB-6  
(Sub No. 393X)

**ENVIRONMENTAL REPORT**

The following information is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between M.P. 92.00 in Tolna, Nelson County, North Dakota and M.P. 98.00 in Hamar, Eddy County, North, a total distance of 6.00 miles.

**(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 seeks to abandon and discontinue service of the line. A map of the line is attached as Exhibit A.

**(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.

The proposed abandonment will have no affect on existing transportation systems or patterns as the line is out of service.

**(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 abandonment should be consistent with local land use plans. See Exhibit B, letter from Eddy County Board of Commissioners.

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

The proposed abandonment will have no effect on prime farmland. See Exhibit C, letter from USDA Natural Resources Conservation Service.

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

N/A

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The line may be suitable for alternative public use. See Exhibit B, letter from Eddy County Board of Commissioners.

**(4) Energy:**

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

To the best of BNSF's knowledge there are no undeveloped energy resources such as oil, natural gas or coal in the vicinity of this line.

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

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service.

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

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(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.

There will be no diversion of traffic because the line is out of service.

**(5) Air:**

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

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

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

No.

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

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles per day on any affected road segment as the line is out of service.

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

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

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 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 in 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 abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) 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.

This action will have no effect on the transportation of ozone-depleting materials as the line is out of service.

**(6) Noise:** If any of the thresholds identified in item (5)(c) 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,

N/A

(ii) An increase to a noise level of 76 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 those receptors if the thresholds are surpassed.

N/A

**(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. The proposed abandonment will eliminate 6 public crossings and 2 private crossings. During salvage operations on the line, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(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.

Abandonment will not result in transportation of hazardous materials.

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

To the best of BNSF's knowledge, there are no known hazardous waste sites or sites where there have been known hazardous spills on the right-of-way between M.P 92.0 and M.P. 98.0.

**(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.

The abandonment will have no significant impact on fish and wildlife resources. No endangered species or threatened species are known to occupy the area. See Exhibit D, response from the U.S. Fish and Wildlife Service.

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

The abandonment will not affect any state or National Park. See Exhibit E letter from the North Dakota Parks & Recreation Department, see Exhibit F, letter from the Bureau of Land Management, North Dakota Field Office.

**(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.

This operation should not be inconsistent with any local, state or federal laws. Private contractors conduct salvage operations. Contracts for salvage

provide that the contractor shall comply with all federal, state and local laws pertaining to the environment. State water quality officials have been contacted and have not stated any inconsistencies with applicable Federal, State or local water quality standards. See Exhibit G, letter from the North Dakota Department of Health, Environmental Health Section.

(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 floodplains will be affected. Describe the effects.

Permits under Section 404 of the Clean Water Act are not required.

See Exhibit H, letter from the Department of the Army, U.S. Army Corps of Engineers, Omaha District; See Exhibit G, letter from the North Dakota Department of Health, Environmental Health Section. Neither Eddy County nor Nelson County has a 100-year floodplain identified in the area of the proposed abandonment. Since a 100-year floodplain has not been identified or mapped in this area, there will be no impact on any designated floodplain. See Exhibit I, letter from the North Dakota State Water Commission.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) 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.)

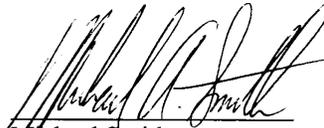
Permits under Section 402 of the Clean Water Act are not required.

See Exhibit G, letter from the North Dakota Department of Health, Environmental Health Section.

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

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael A. Smith", is written over a horizontal line.

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr., Suite 3000  
Chicago, Illinois 60606-6677

Dated: April 15, 2002

BEFORE THE  
SURFACE TRANSPORTATION BOARD

In the Matter of The  
Burlington Northern and Santa Fe  
Railway Company  
Notice of Exemption to Abandon  
Its Line of Railroad Between  
M.P. 92.00 in Tolna, North Dakota  
and M.P. 98.00 in Hamar, North Dakota

Docket No. AB-6  
(Sub No. 393X)

**HISTORICAL REPORT**

The following is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting the Board's environmental and historical assessment regarding BNSF's Notice of Exemption to abandon its line of railroad between M.P.92.00 in Tolna, Nelson County, North Dakota and M.P. 98.00 in Hamar, Eddy County, North Dakota, a total distance of 6.00 miles

(1) A U.S.G.S. topographic map (or 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 the railroad structures that are 50 years old or older and are part of the proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the State Historical Society of North Dakota and one copy is being provided to the Surface Transportation Board's Section of the Environmental Analysis upon filing of this Report.

(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 Tolna to Hamar line connects the rural communities of Tolna and Hamar through an unincorporated rural area of Nelson and Eddy counties in North Dakota. The 1990 population listed in the latest Rand McNally atlas indicates 202 people live in Tolna. No listing is made for Hamar. Much of the adjoining land consists of farmland that produces edible grains. Wheat is a primary agricultural crop in this area. The rail line corridor is irregular in width varying from 100 to 300 feet wide.

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

There are no buildings along the proposed abandonment. There is one bridge and five culverts along the proposed abandonment. Photographs of the bridge and information regarding the bridge and culverts are enclosed. See Exhibit J.

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

There are no structures. Information regarding the bridge is enclosed. See Exhibit J.

(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:

The Dakota & Great Northern Railway Company acquired most of the rail line corridor between Tolna and Hamar, North Dakota between 1906 and 1910. The Dakota & Great Northern Railway Company was a predecessor of the Great Northern Railway Company (GN). In 1970 the GN merged with the Northern Pacific Railway, the Chicago Burlington & Quincy Railroad Company and the Spokane Portland and Seattle Railway to become the Burlington Northern Railroad Company (BN). BN subsequently merged

with the Atchison Topeka and Santa Fe Railway in 1995 to become The Burlington Northern and Santa Fe Railway Company (BNSF).

The Tolna to Hamar line has been out of service for over two years.

(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 to be historic;

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

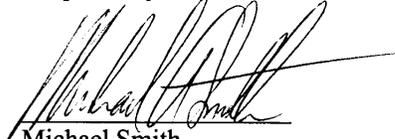
(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously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

To the best of BNSF's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. BNSF is not aware of any unique sites or structures with significant historical associations. The State Historical Society of North Dakota has concluded that no historic properties will be affected by the proposed abandonment. See Exhibit K, letter from the State Historical Society of North Dakota.

(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 archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", written over a horizontal line.

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

Dated: April 15, 2002

**CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c)**

The Burlington Northern and Santa Fe Railway Company ("BNSF") by and through its authorized representative, Sarah Whitley Bailiff, certifies that on March 4, 2002, BNSF sent copies of the foregoing Environmental and Historical Reports by first class mail to the following agencies:

Ms. Victoria Rutson  
Chief, SEA  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

Merlan Paaverud, Jr.  
Historic Preservation Division  
State Historic Society of North Dakota  
612 East Boulevard  
Bismarck, ND 58505-0830

Douglas Burger  
Field Manager  
Bureau of Land Management  
U.S. Department of the Interior  
2933 Third Ave. West  
Dickinson, ND 58601-2619

Thomas Jewett  
State Conservationist  
USDA Natural Resources Conservation  
Service  
P.O. Box 1458  
Bismarck, ND 58501

State Water Commission  
901 E. Boulevard Ave.  
Bismarck, ND 58505-0850

Jesse Hanson  
North Dakota Parks and Recreation  
1835 Bismarck Expressway  
Bismarck, ND 58504

Lorraine Allnaras  
Eddy County Board of Commissioners  
6141 17<sup>th</sup> Street NE  
New Rockford, ND 58356

Dan Marquart  
Nelson County Board of Commissioners  
P.O. Box 563  
Lakota, ND 58344

Jim Winters  
State Program Manager  
U.S. Army Corps of Engineers  
Bismarck Regulatory Office  
1513 South 12<sup>th</sup> Street  
Bismarck, ND 58504

Allyn Sapa  
U.S. Fish and Wildlife Service  
3425 Miriam Ave.  
Bismarck, ND 58501

Scott Radig  
North Dakota Department of Health  
Water Quality Division  
P.O. Box 5520  
Bismarck, ND 58506

U. S. Environmental Protection Agency  
Region 8  
999 18<sup>th</sup> St., Suite 300  
Denver, CO 80202-2466

North Dakota Department of Health  
Environmental Health Section  
1200 Missouri Ave.  
P.O. Box 5520  
Bismarck, N.D. 58506-5520

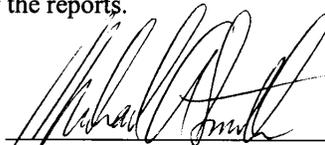
North Dakota Dept. of Transportation  
608 East Boulevard Ave.  
Bismarck, ND 58505-0700

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

U.S. Department of the Interior  
National Park Service  
Land Resource Division  
1849 C Street, N.W.  
Washington, DC 20240

Edward McKay  
National Geodetic Survey  
NOAA - SSMC3  
1315 East-West Highway  
Silver Spring, MD 20914

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.

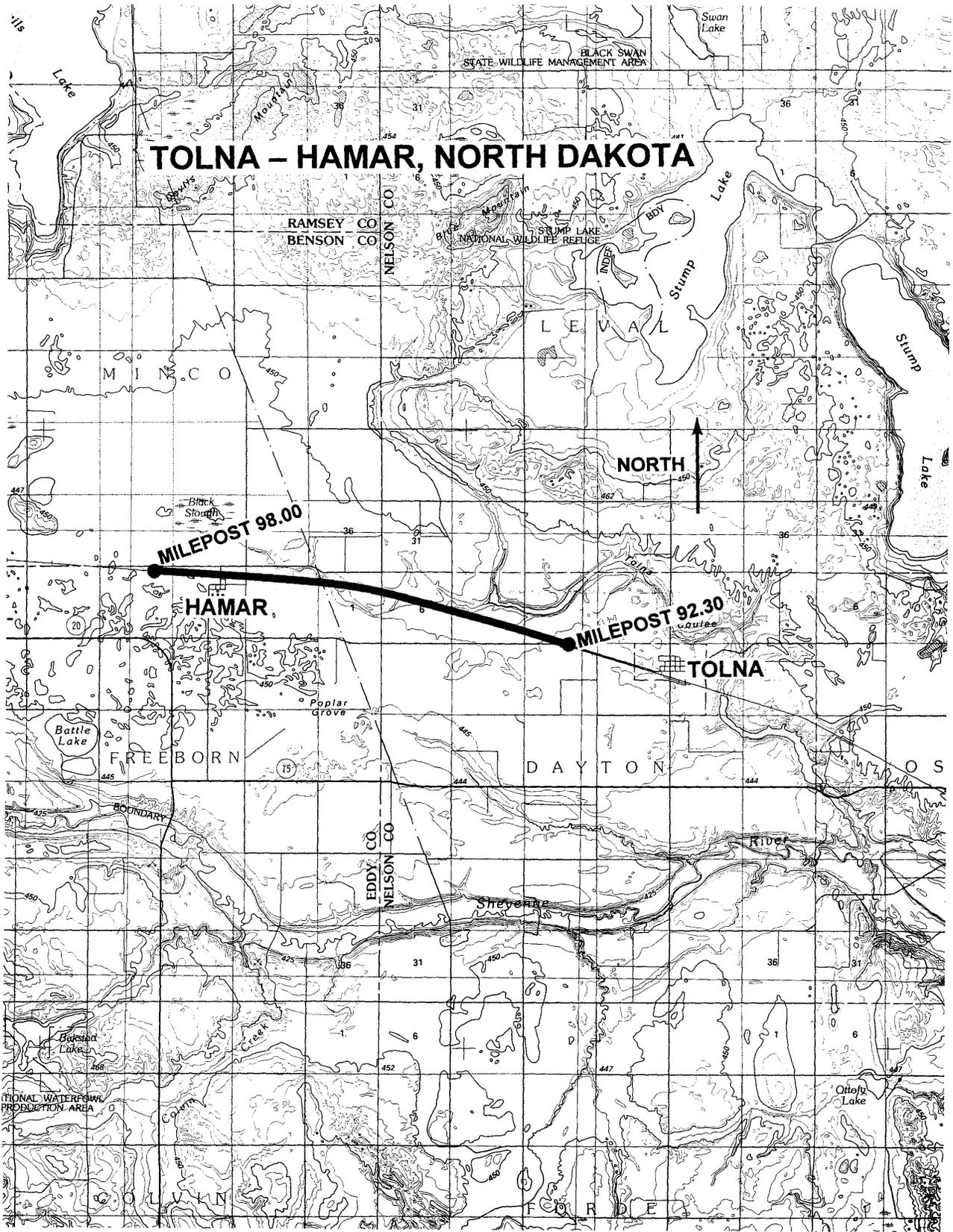


Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

Dated: April 15, 2002

A

# TOLNA - HAMAR, NORTH DAKOTA



**B**



# Eddy County

NORTH DAKOTA.

524 Central Avenue

Telephone (701)947-2434

Fax (701)947-2279

NEW ROCKFORD, NORTH DAKOTA

Darlene Haugen, Auditor  
Mary Ripplinger, Deputy

COMMISSIONERS:  
Lorraine Allmaras  
Earl Sauer  
Dick Turcotte

May 15, 2001

Brian Nettles  
Litigation Clerk

RE: The Burlington Northern and Santa Fe Railway Company Abandonment between  
Tolna and Hamar, North Dakota

A reply to the "part of the environmental report BNSF needs to know whether or not the proposed action is consistent with local land use plans and if there are any alternate public uses for the corridor such as a recreational trail".

The Board of Eddy County Commissioners reply was "to reclaim & deed to adjacent property owners and property must be maintained as to noxious weeds, and also public safety."

Sincerely,

Board of Eddy County Commissioners  
524 Central Avenue  
New Rockford, North Dakota 58356

c

Mary

Freeborn & Peters

May 4, 2001

Thomas Jewett  
State Conservationist  
P.O. Box 1458  
Bismarck, North Dakota 58501

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Brian Nettles  
Litigation Clerk  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment  
between Tolna and Hamar, North Dakota***

Dear Mr. Jewett:

The Burlington Northern and Santa Fe Railway Company ("BNSF") plans to file an exemption to abandon its line of railroad from Tolna (Milepost 92.30) to Hamar (Milepost 98.00), North Dakota, a distance of 5.70 miles in the near future.

As part of the environmental report BNSF needs to know whether or not the proposed abandonment will have any effect on prime agricultural lands.

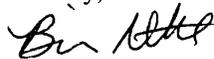
The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

Please provide this information by June 5, 2001. Thank you for your cooperation.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,

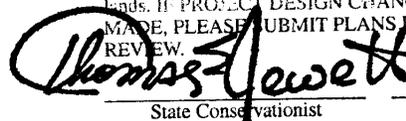


Brian Nettles

/bn  
Enclosure

USDA  
NATURAL RESOURCES  
CONSERVATION SERVICE

Project as described will have NO EFFECT on  
prime farmlands or wetlands on agricultural  
lands. IF PROJECT DESIGN CHANGES ARE  
MADE, PLEASE SUBMIT PLANS FOR  
REVIEW.

 5/7/01  
State Conservationist Date

D

Freeborn & Peters

May 7, 2001

Allyn Sapa  
U. S. Fish and Wildlife Service  
3425 Miriam Avenue  
Bismarck, North Dakota 58501

**Re: The Burlington Northern and Santa Fe Railway Company Abandonment  
between Tolna and Hamar, North Dakota**

Attorneys at Law

511 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Brian Nettles  
Litigation Clerk  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

Dear Mr. Sapa:

The Burlington Northern and Santa Fe Railway Company ("BNSF") plans to file an exemption to abandon its line of railroad from Tolna (Milepost 92.30) to Hamar (Milepost 98.00), North Dakota, a distance of 5.70 miles in the near future.

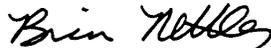
As part of the environmental report BNSF needs to know whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges or areas designated as critical habitat adjacent or near the line and if so, what effects the proposed action may have.

- : The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by June 5, 2001. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

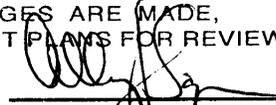
/bn  
Enclosure

U.S. FISH AND WILDLIFE SERVICE  
ECOLOGICAL SERVICES  
ND FIELD OFFICE

Project as described will have no significant impact on fish and wildlife resources. No endangered or threatened species are known to occupy the project area. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT PLANS FOR REVIEW.

5/22/01

Date



Allyn J. Sapa  
Field Supervisor

Chicago

Springfield

E



## North Dakota Parks & Recreation Department

1835 Bismarck Expressway, Bismarck, ND 58504

Phone: (701) 328-5357 Fax: (701) 328-5363 E-Mail: parkrec@state.nd.us Web: <http://www.ndparks.com>

John Hoeven, Governor

Douglass A. Prchal, Director

Field Manager

Brad Pozarnsky  
#2 Lake Metigoshe State Park  
Bottineau, ND 58318  
Ph. (701) 263-4054

Cross Ranch

1403 River Road  
Center, ND 58530  
Ph. (701) 794-3731  
•Little Missouri-Killdeer

Devils Lake

152 S. Duncan Dr.  
Devils Lake, ND 58301  
Ph. (701) 766-4015  
•Black Tiger Bay  
•Grahams Island  
•Shelvers Grove

Ft. Abraham Lincoln

4480 Fort Lincoln Road  
Mandan, ND 58554  
Ph. (701) 663-9571  
•Sully Creek-Medora

Ft. Ransom

5981 Wait Hjelle Parkway  
Ft. Ransom, ND 58033  
Ph. (701) 973-4331  
•Beaver Lake-Wishek  
Ph. (701) 452-2752

Ft. Stevenson

1252A 41st Ave. NW  
Garrison, ND 58540  
Ph. (701) 337-5576

Icelandic

13571 Hwy. 5  
Cavalier, ND 58220  
Ph. (701) 265-4561

Lake Metigoshe

#2 Lake Metigoshe State Park  
Bottineau, ND 58318  
Ph. (701) 263-4651

Lake Sakakawea

Box 732  
Riverdale, ND 58565  
Ph. (701) 487-3315

Lewis & Clark

4904 119th Rd. NW  
Epping, ND 58843  
Ph. (701) 859-3071

Turtle River

3084 Park Ave.  
Arvilla, ND 58214  
Ph. (701) 594-4445  
•Elmwood-Grafton

May 30, 2001

Brian Nettles  
Freeborn & Peters  
311 South Wacker Drive, Suite 3000  
Chicago, IL 60606-6677

Re: The Burlington Northern and Santa Fe Railway Company Abandonment between Tolna and Hamar, North Dakota

Dear Mr. Nettles:

The North Dakota Parks & Recreation Department has reviewed the above referenced project submitted by Burlington Northern and Santa Fe Railway Company to abandon its line of railroad from Tolna to Hamar, North Dakota.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare species and natural communities). The project as defined does not affect state parks that we manage, or Land and Water Conservation Fund recreation projects that we coordinate.

The ND Natural Heritage Inventory Program has limited rare species information from the project area. However, that does not mean the area is clear of rare, threatened, unique or otherwise sensitive species. We recommend that a survey be conducted to fill the information gaps.

Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

We appreciate the opportunity to provide recommendations on the proposed project. If you have any questions regarding these comments, please contact Kathy Duttonhefner of our staff.

Sincerely,

Jesse Hanson, Coordinator  
Planning and Natural Resource Division

R.USNDNHI\*871

✓

F



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

North Dakota Field Office  
2933 Third Avenue West  
Dickinson, North Dakota 58601-2619  
701-225-9148

IN REPLY TO:

2800  
LRG

August 29, 2001

Brian Nettles, Litigation Clerk  
Freeborn & Peters  
311 South Wacker Drive, Suite 3000  
Chicago, IL 60606-6677

Re: The Burlington Northern and Santa Fe Railway Company  
Abandonment between Tolna and Hamar, North Dakota

Dear Mr. Nettles:

The Bureau of Land Management has no wildlife sanctuaries or refuges, National or State parks or forests in the proposed project impact area.

However, please keep the Bureau informed as to the continued processes. We appreciate the opportunity to comment and do apologize for missing the first reply date of June 5, 2001. Thank you.

Sincerely,

*Linda Gisvold*  
Linda Gisvold  
Realty

G



**NORTH DAKOTA DEPARTMENT OF HEALTH**  
**Environmental Health Section**

**Location:**

1200 Missouri Avenue  
Bismarck, ND 58504-5264

**Fax #:**

701-328-5200

**Mailing Address:**

P.O. Box 5520  
Bismarck, ND 58506-5520

May 21, 2001

Brian Nettles  
Freeborn & Peters  
311 S Wacker Dr., Ste. 3000  
Chicago, IL 60606-6677

Re: Burlington Northern - Santa Fe Railway Company  
Line Abandonment Btw. Tolna and Hamar, ND

Dear Mr. Nettles:

This letter is in response to your questions regarding compliance with water quality standards and other requirements as a result of the proposed line abandonment. The attached sheet outlines the minimum construction and environmental disturbance requirements of the North Dakota Department of Health. A Section 402 permit is not required for this project, but please check with the US Army Corps of Engineers for their requirements on Section 404 permits. The Department also requests that a Phase I/II environmental audit be completed for railroad property in Hamar where activities may have taken place that may have impacted soils or groundwater.

If you have any questions, please call me at 701-328-5233.

Sincerely,

Scott Radig  
Environmental Engineer  
Div. Of Water Quality

SR:dgg

xc: Mike Sauer, Div. Of Water Quality  
Dave Glatt, Div. Of Waste Management

Environmental Health  
Section Chief's Office  
701-328-5150

Air  
Quality  
701-328-5188

Municipal  
Facilities  
701-328-5211

Waste  
Management  
701-328-5166

Water  
Quality  
701-328-5210



NORTH DAKOTA  
DEPARTMENT OF HEALTH

ENVIRONMENTAL HEALTH SECTION

1200 Missouri Avenue  
P.O. Box 5520  
Bismarck, North Dakota 58506-5520  
Fax #701-328-5200

**Construction and Environmental Disturbance Requirements**

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

**Soils**

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

**Surface Waters**

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

**Fill Material**

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.

Environmental Health Section  
and Enforcement  
701-328-5150

Environmental  
Engineering  
701-328-5188

Municipal  
Facilities  
701-328-5211

Waste  
Management  
701-328-5166

Water  
Quality  
701-328-5210

H



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS, OMAHA DISTRICT**  
**NORTH DAKOTA REGULATORY OFFICE**  
**1513 S. 12<sup>TH</sup> STREET**  
**BISMARCK, NORTH DAKOTA 58504-6640**

May 15, 2001

North Dakota Regulatory Office  
1513 South 12th Street  
Bismarck, North Dakota 58504

Mr. Brian Nettles  
Freeborn & Peters  
311 South Wacker Drive  
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

This is in reference to your letter dated May 8, 2001, requesting Department of the Army comments, under Section 404 of the Clean Water Act on the proposed Burlington Northern and Santa Fe Railway Company ("BNSF") railroad abandonment project between Tolna (Milepost 92.30) and Hamar (Milepost 98.00). This project is located along several sections in Eddy and Nelson Counties, North Dakota.

Based on the information you provided to this office, it has been determined this project, as presently designed, would be accomplished above Section 404 jurisdictional boundaries. Therefore, a Section 404 permit would not be required for this project as proposed. However, should future plans involve a discharge of fill into waters of the United States, a Department of the Army permit may be required.

The fact that a Section 404 permit is not required does not relieve ("BNSF") of the obligation to obtain required approvals from other agencies that may have regulatory jurisdiction over this project.

Should you have any questions regarding this determination, please do not hesitate to contact this office by letter or telephone (701)-255-0015 and reference project number 200160174.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Winters".

James L. Winters  
Regulatory Program Manager  
North Dakota



May 30, 2001

**Office of the State Engineer**

Brian Nettles  
Freeborn & Peters, Attorneys at Law  
311 South Wacker Drive, Suite 3000  
Chicago, Illinois 60606-6677

Re: BN-SF Abandonment of rail line between Tolna and Hamar, North Dakota  
relative to flood hazard identified.

Dear Mr. Nettles:

The rail line from Tolna (Milepost 92.20) to Hamar (Milepost 98.00) crosses  
part of two counties which participate in the National Flood Insurance  
Program (NFIP) - Eddy County and Nelson County. Neither county has the  
100-year flood identified in this area.

<u>County:</u>	<u>NFIP #:</u>	<u>Mapping status:</u>
Eddy County	#380694	No special flood hazard identified
Nelson County	#380683	Zone D - Areas in which flood hazards are undetermined

Eddy County has no Flood Insurance Rate Map (FIRM) and a partial copy of the  
Nelson County FIRM is enclosed.

Since the 100-year floodplain has not been identified or mapped in this area,  
there will be no impact on any designated floodplain by this action.

Sincerely,

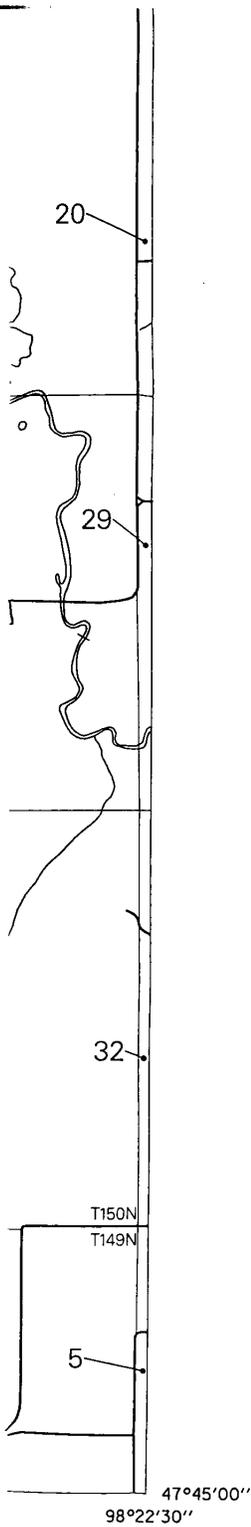
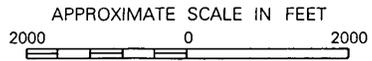
Jeff Klein  
State NFIP Coordinator

ndswc 1721

MAY 2, 1995  
FLOOD INSURANCE RATE MAP REVISIONS:

Map revised January 19, 2001 to add base flood elevations, and to update map format.

To determine if flood insurance is available, contact an insurance agent or call the National Flood Insurance Program at (800) 638-6620.



NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
FLOOD INSURANCE RATE MAP

NELSON COUNTY,  
NORTH DAKOTA  
(UNINCORPORATED AREAS)

PANEL 475 OF 725  
(SEE MAP INDEX FOR PANELS NOT PRINTED)

(PARTIAL COPY)

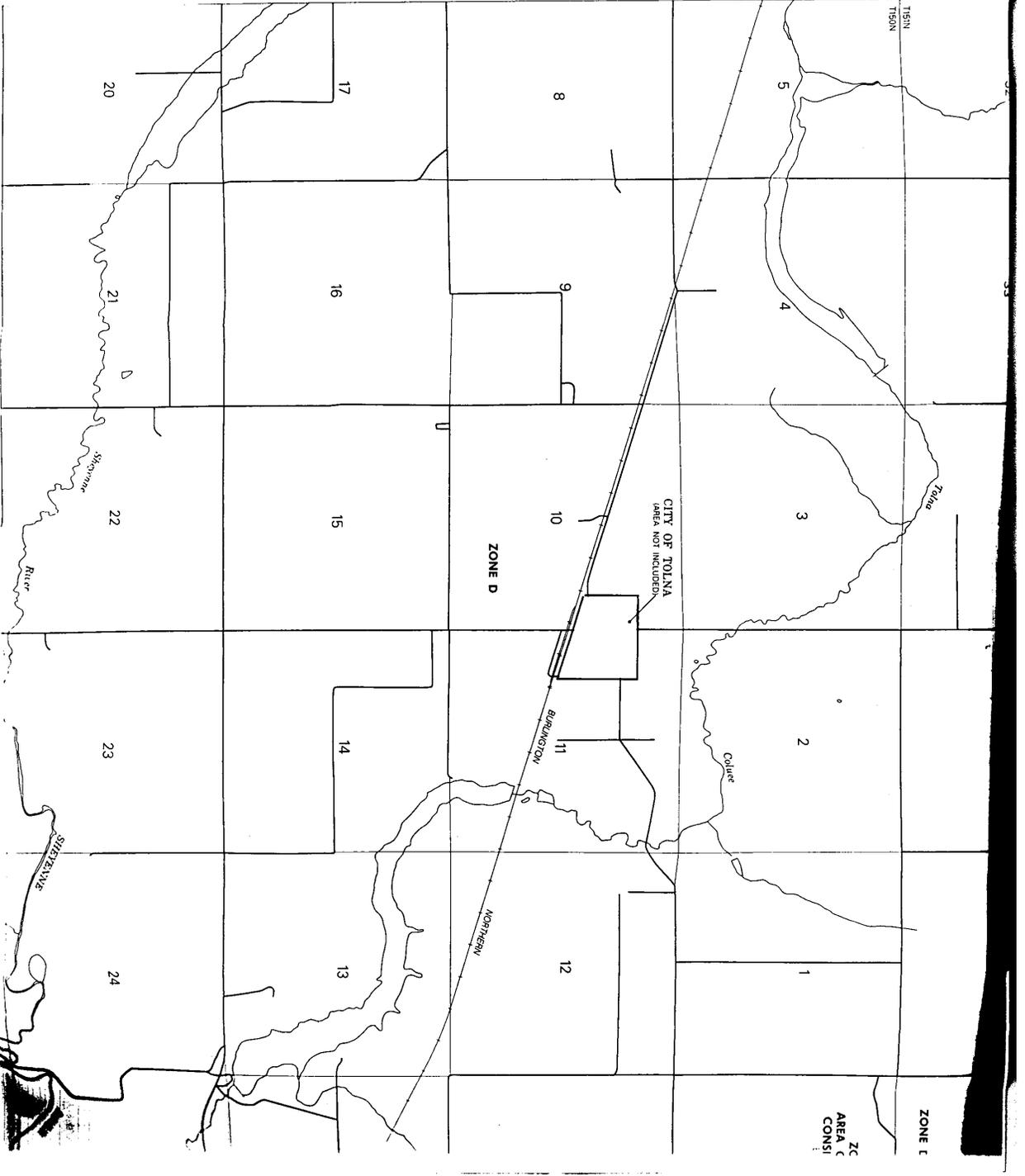
COMMUNITY-PANEL NUMBER  
380683 0475 B

MAP REVISED:  
JANUARY 19, 2001



Federal Emergency Management Agency

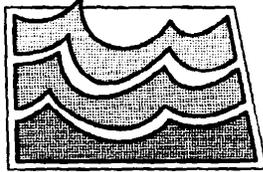
JOINS PANEL 0450



Aug 28 01 02:47p

Water Development Divisio 701-328-3747

P.1



**NORTH DAKOTA STATE WATER COMMISSION**  
**Water Development Division**  
Phone (701) 328-2752  
FAX (701) 328-3747

---

TO: *BRIAN NETTLES*

FAX NO: *312-360-6596*

FROM: *BRUCE LANGE*

DATE: *8-28-01*

TIME:

NUMBER OF PAGES (incl. Transmittal Page): *2*

MESSAGE: *THE LETTER DATED MAY 30, 2001 ALSO APPLIES TO THE ABANDONMENT BETWEEN MILEPOST 92.00 AND MILEPOST 98.00*

*Bruce Lange*



May 30, 2001

Office of the State Engineer

Brian Nettles  
Freeborn & Peters, Attorneys at Law  
311 South Wacker Drive, Suite 3000  
Chicago, Illinois 60606-6677

Re: BN-SF Abandonment of rail line between Tolna and Hamar, North Dakota  
relative to flood hazard identified.

Dear Mr. Nettles:

The rail line from Tolna (Milepost 92.20) to Hamar (Milepost 98.00) crosses  
part of two counties which participate in the National Flood Insurance  
Program (NFIP) - Eddy County and Nelson County. Neither county has the  
100-year flood identified in this area.

<u>County:</u>	<u>NFIP #:</u>	<u>Mapping status:</u>
Eddy County	#380694	No special flood hazard identified
Nelson County	#380683	Zone D - Areas in which flood hazards are undetermined

Eddy County has no Flood Insurance Rate Map (FIRM) and a partial copy of the  
Nelson County FIRM is enclosed.

Since the 100-year floodplain has not been identified or mapped in this area,  
there will be no impact on any designated floodplain by this action.

Sincerely,

Jeff Klein  
State NFIP Coordinator

ndswc 1721







Lin Seg.	Milepost Name	SFX	Spur Milepo	Asset Type	Use Town	Description/Remarks	Feature Intersected	Design Len.	Ht.	Walk
24	92.79			Culvert		TP				
24	93.03			Culvert		TP				
24	93.618			Culvert		RCP				
24	93.797			Culvert		RCP				
24	94.4	A		Bridge	RR TOLNA	5-OPT	SLOUGH	58	69	12 X
24	95.675			Culvert		CMP				

**SIR Asset Maintenance - CULVERT**

<b>Line Segment:</b>	24	<b>Mile Post Name:</b>	92.790	<b>Spur Mile Post Name:</b>	
<b>Culvert Asset ID:</b>	0000000000028198	<b>*Culvert Asset Status:</b>	Active (In Service)	<b>Mile Post Suffix:</b>	
<b>Track Type:</b>	S	<b>Track/CLIC #:</b>	S	<b>Section Layout:</b>	A
<b>*Description:</b>	TP				

<b>*Culvert Under:</b>	Under Track	<b>Mainline Direction:</b>		<b>Mainline Distance (ft.):</b>	0
<b>Stream Name:</b>		<b>Culvert Angle (deg.):</b>	0.0	<b>Cover Depth (ft.):</b>	0.0
<b>Culvert Slope (%):</b>	0.00	<b>Culvert End Protector:</b>		<b>Drain Area:</b>	0
<b>Remarks:</b>					

Alpha ID	*Type	**Diameter (in)	**Width (ft)	**Height (ft)	*Length (ft)	Thickness	Liner Type	Liner Len. (ft)	Install Year
A		18	0.0	0.0	33.0			0.0	
<b>Total</b>					<b>33.0</b>				

\* Indicates that the specified field must be filled in before saving

\*\* Indicates you must enter EITHER Diameter OR Width & Height for a culvert section

**SPRAWL TRACK UNDER-CULVERT**

Line Segment:	24	Mile Post Name:	93.030	Spur Mile Post Name:	
Culvert Asset ID:	0000000000028199	*Culvert Asset Status:	Active (In Service)	Mile Post Suffix:	
Track Type:	S	Track/CLIC #:	S	Section Layout:	A
*Description:	TP				

*Culvert Under:	Under Track	Mainline Direction:		Mainline Distance (ft.):	0
Stream Name:		Culvert Angle (deg):	0.0	Cover Depth (ft.):	0.0
Culvert Slope (%):	0.00	Culvert End Protection:		Drain Acres:	0
Remarks:					

Alpha ID	*Type	**Diameter (ft)	**Width (ft)	**Height (ft)	*Length (ft)	Thickness	Liner Type	Liner Len. (ft)	Install Year
A		27	0.0	0.0	58.0			0.0	
<b>Total</b>					<b>58.0</b>				

- \* Indicates that the specified field must be filled in before saving
- \*\* Indicates you must enter EITHER Diameter OR Width & Height for a culvert section

**SIR Asset Management - CULVERT**

Line Segment:	24	Mile Post Name:	93.618	Spur Mile Post Name:	
Culvert Asset ID:	0000000000028200	*Culvert Asset Status:	Active (In Service)	Mile Post Suffix:	
Track Type:	S	Track/CLIC #:	S	Section Layout:	A
*Description:	RCP				

*Culvert Under:	Under Track	Mainline Direction:		Mainline Distance (ft.):	0
Stream Name:		Culvert Angle (deg.):	0.0	Cover Depth (ft.):	0.0
Culvert Slope (%):	0.00	Culvert End Protector:		Drain Area:	0
Remarks:					

Alpha ID	*Type	**Diameter (in)	**Width (ft)	**Height (ft)	*Length (ft)	Thickness	Liner Type	Liner Len. (ft)	Install Year
A		24	0.0	0.0	42.0			0.0	
<b>Total</b>					42.0				

\* Indicates that the specified field must be filled in before saving  
 \*\* Indicates you must enter EITHER Diameter OR Width & Height for a culvert section

SR Assets - Infrastructure - CULVERTS

Line Segment:	24	Mile Post Name:	93.797	Spur Mile Post Name:	
Culvert Asset ID:	0000000000028201	*Culvert Asset Status:	Active (In Service)	Mile Post Suffix:	
Track Type:	S	Track/GLIC #:	S	Section Layout:	A
*Description:	RCP				

*Culvert Under:	Under Track	Mainline Direction:		Mainline Distance (ft.):	0
Stream Name:		Culvert Angle (deg.):	0.0	Cover Depth (ft.):	0.0
Culvert Slope (%):	0.00	Culvert End Protection:		Drain Across:	0
Remarks:					

Alpha ID	*Type	**Diameter (in)	**Width (ft)	**Height (ft)	*Length (ft)	Thickness	Liner Type	Liner Len. (ft)	Install Year
A		24	0.0	0.0	56.0			0.0	
<b>Total</b>					56.0				

\* Indicates that the specified field must be filled in before saving  
 \*\* Indicates you must enter EITHER **Diameter** OR **Width & Height** for a culvert section

**SIR Asset Maintenance - BRIDGE**

Identification and Overview					
Line Segment:	24	Mile Post Name:	94.400	Spur Mile Post Name:	
*Asset Status:	Active (In Service)	Mile Post Suffix:		Alpha ID:	A
*Use:	Railroad	*Length (ft.):	69	Alpha Layout:	
Asset ID:	000000000002287	Year Built:	1961	Height (ft.):	12
Track Type:	Mainline or Branchline	Track Number:	S	*Walkway:	No walk
*Description:	5-OPT				

**Bridge Attributes**

Bridge Attributes					
D.O.T. Number:					
Near Town:	TOLNA	*Intersection:	SLOUGH		
Design File:	E58	Scour Rate:		*Inner Guard Rail:	No inner guard rail
USGS Elev. Marker:		Deflect. Type(s):		Site Access:	Rail Access Only
RR Clear Control:		Vertical Road Clear:		Vertical Rd. Clear Sign:	
Slow Order MPH:		Slow Order Reason:		Bridge Alignment:	Tangent
Builder Type:		Bridge Fabricator:			
Owner:	BNRR	Maint. Resp.:	BNRR		
Timber Length (ft.):	69	Steel Length (ft.):	0	Concrete Length (ft.):	0
Bridge Remarks:					

**Special Inspection Details**

Special Inspection Details			
Underwater Insp.:	<input type="radio"/> Yes <input type="radio"/> No	Underwater Insp. Date:	
Scooper Insp.:	<input type="radio"/> Yes <input type="radio"/> No	Scooper Insp. Date:	

**Timber Inspection Details**

**Hydrologic Details**

Hydrologic Details		
Water Presence:		Drain (Acres): 0
Scour Protection:		Scour Prot. Location:
Scour Prot. Remarks:		

**Special Condition**

\* Indicates that the specified field must be filled in before saving.

**SRVASS - TRACK AND CULVERT DATA**

Line Segment:	24	Mile Post Name:	95.675	Spur Mile Post Name:	
Culvert Asset ID:	0000000000028202	*Culvert Asset Status:	Active (In Service)	Mile Post Suffix:	
Track Type:	S	Track/CLIC #:	S	Section Layout:	A
*Description:	CMP				

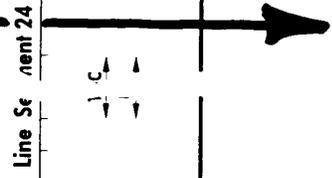
*Culvert Under:	Under Track	Mainline Direction:		Mainline Distance (ft.):	0
Stream Name:		Culvert Angle (deg):	0.0	Cover Depth (ft.):	0.0
Culvert Slope (%):	0.00	Culvert End Protection:		Drain Area:	0
Remarks:					

Alpha ID	*Type	**Diameter (in)	**Width (ft)	**Height (ft)	*Length (ft)	Thickness	Liner Type	Liner Len. (ft)	Install Year
A		36	0.0	0.0	70.0			0.0	
<b>Total</b>					<b>70.0</b>				

\* Indicates that the specified field must be filled in before saving  
 \*\* Indicates you must enter EITHER **Diameter** OR **Width & Height** for a culvert section



MILEPOST	LINE	STATION	GRADE	CURVES	SPEED	RAILS	TIES	SBC	UC
95	Hamar, ND	1488.10	.35	78 PVT 10312K	1.0'				
94	1487.30	1453.00	.40	.01 PUB XBUCKS 103110W					
93	1483.50	1460.28	.00	.03 T 27" 58" TP					
92	1760.00	1468.90	.05	.47 PUB XBUCKS 103106G		85-06			
91	1759.14	1462.07	.16	.79 T 18" 33" TP			73-16661		
90	Warwick Jct., ND	1453.00	.40	.00 T 18" 32" CMP					
				.39 PVT 103104T					
				.86 PUB XBUCKS 103103L MAIN ST					
				.64 PUB XBUCKS 103102E MARJORIE					
				.57 #11 L M 858					
				.09 T 10X7' 198" DBL RCB					



TOLNA  
M.P. 90.9

Burlington Northern and Santa Fe Railway Company

WAR002 DGN

Revised: 1977

Warwick Subdivision



**K**





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**ND SHPO Ref.: 01-0633, BNSF Railway Company Abandonment Between Tolna and Hamar, ND.**

Dear Mr. Nettles,

We have reviewed Project: 01-0633, BNSF Railway Company abandonment of 5.7 miles of rail line between the towns of Tolna and Hamar, ND.

We concur with "No Historic Properties Affected" determination provided the project is of the nature specified and takes place in the legal description listed and plotted in the correspondence.

We thank your department, and the BNSF Railway Company, for the opportunity to review this project. Please include the ND SHPO Reference number listed above in any further correspondence for this specific project. If you have any questions please contact Duane Klinner at (701) 328-3576.

Sincerely,

Merlan E. Paaverud, Jr.  
State Historic Preservation Officer  
(North Dakota)