



Kristy D. Clark
General Attorney

228598

BNSF Railway Company
PO Box 981039
Fort Worth, TX 76161
2500 Lou Menk Drive – AOB-3
Fort Worth, TX 76131-2828
817-352-3394
817-352-2397 fax

Kristy.Clark@BNSF.com

January 6, 2011

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

ENTERED
Office of Proceedings

JAN 07 2011

Part of
Public Record

**Re: STB Docket No. AB-6 (Sub-No. 472X); BNSF Railway Company –
Abandonment Exemption – Stearns County, MN**

Dear Ms. Rutson:

Enclosed for filing in STB Docket No. AB-6 (Sub-No. 472X) are the original and ten copies of BNSF Railway Company's Environmental and Historic Reports and Certificate of Service prepared pursuant to 49 CFR§1105.7 and §1105.8.

BNSF anticipates filing a Petition for Exemption seeking authority to abandon and discontinue service of the 7.05 miles of railroad line located between Milepost 9.16, at Rockville, and Milepost 16.21, at Cold Spring, in Stearns County, Minnesota in approximately three weeks.

Sincerely,


Kristy D. Clark
General Attorney

Enclosures: As stated

KDC/js



Kristy D. Clark
General Attorney

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PO Box 961039
Fort Worth, TX 76161
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Fort Worth, TX 76131-2828
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January 6, 2011

Commission Chair Toni Honer
City of Rockville
Planning Commission
PO Box 93
Rockville, MN 56369

**Re: STB Docket No. AB-6 (Sub-No. 472X) - BNSF Railway Company – Abandonment
Exemption – Stearns County, MN**

Dear Commissioner Honer:

In approximately three weeks BNSF will be filing with the Surface Transportation Board (STB) a Petition for Exemption seeking authority to abandon and discontinue service of 7.05 miles of railroad line located between Milepost 9.16, at Rockville, and Milepost 16.21, at Cold Spring, in Stearns County, Minnesota. The line traverses United States Postal ZIP Codes 56369 and 56320. 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 817-352-3394 or kristy.clark@bnsf.com.

Sincerely,


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January 6, 2011

City of Cold Spring
Planning Commission
27 Red River Avenue South
Cold Spring, MN 56320

**Re: STB Docket No. AB-6 (Sub-No. 472X) - BNSF Railway Company – Abandonment
Exemption – Stearns County, MN**

In approximately three weeks BNSF will be filing with the Surface Transportation Board (STB) a Petition for Exemption seeking authority to abandon and discontinue service of 7.05 miles of railroad line located between Milepost 9.16, at Rockville, and Milepost 16.21, at Cold Spring, in Stearns County, Minnesota. The line traverses United States Postal ZIP Codes 56369 and 56320. Enclosed are environmental and historic reports describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

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January 6, 2011

Stearns County
Planning Commission
705 Courthouse Square
St. Cloud, MN 56303

**Re: STB Docket No. AB-6 (Sub-No. 472X) - BNSF Railway Company – Abandonment
Exemption – Stearns County, MN**

In approximately three weeks BNSF will be filing with the Surface Transportation Board (STB) a Petition for Exemption seeking authority to abandon and discontinue service of 7.05 miles of railroad line located between Milepost 9.16, at Rockville, and Milepost 16.21, at Cold Spring, in Stearns County, Minnesota. The line traverses United States Postal ZIP Codes 56369 and 56320. Enclosed are environmental and historic reports describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

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Kristy.Clark@BNSF.com

January 6, 2011

NOAA
National Geodetic Survey
VIA E-mail: NGS.InfoCenter@noaa.gov

**Re: STB Docket No. AB-6 (Sub-No. 472X) - BNSF Railway Company – Abandonment
Exemption – Stearns County, MN**

In approximately three weeks BNSF will be filing with the Surface Transportation Board (STB) a Petition for Exemption seeking authority to abandon and discontinue service of 7.05 miles of railroad line located between Milepost 9.16, at Rockville, and Milepost 16.21, at Cold Spring, in Stearns County, Minnesota. The line traverses United States Postal ZIP Codes 56369 and 56320. Enclosed are environmental and historic reports describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

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Kristy.Clark@BNSF.com

January 6, 2011

U.S. Army Corps of Engineers
Mississippi Valley Division
PO Box 80
Vicksburg, MS 39181-0080

**Re: STB Docket No. AB-6 (Sub-No. 472X) - BNSF Railway Company – Abandonment
Exemption – Stearns County, MN**

In approximately three weeks BNSF will be filing with the Surface Transportation Board (STB) a Petition for Exemption seeking authority to abandon and discontinue service of 7.05 miles of railroad line located between Milepost 9.16, at Rockville, and Milepost 16.21, at Cold Spring, in Stearns County, Minnesota. The line traverses United States Postal ZIP Codes 56369 and 56320. Enclosed are environmental and historic reports describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

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Kristy.Clark@BNSF.com

January 6, 2011

Milwaukee Field Office
Bureau of Land Management
626 E. Wisconsin Avenue, Suite 200
Milwaukee, WI 53202-4617

**Re: STB Docket No. AB-6 (Sub-No. 472X) - BNSF Railway Company – Abandonment
Exemption – Stearns County, MN**

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Fort Worth, TX 76131-2828
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Kristy.Clark@BNSF.com

January 6, 2011

U.S. Environmental Protection Agency
Region 5
Office of Strategic Environmental Analysis
77 West Jackson Boulevard, Mailcode B-19J
Chicago, IL 60604

**Re: STB Docket No. AB-6 (Sub-No. 472X) - BNSF Railway Company – Abandonment
Exemption – Stearns County, MN**

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Kristy.Clark@BNSF.com

January 6, 2011

Jason Holm
Assistant Regional Director of External Affairs
U.S. Fish and Wildlife Service
One Federal Drive
Fort Snelling, MN 55111-4056

**Re: STB Docket No. AB-6 (Sub-No. 472X) - BNSF Railway Company – Abandonment
Exemption – Stearns County, MN**

Dear Mr. Holm:

In approximately three weeks BNSF will be filing with the Surface Transportation Board (STB) a Petition for Exemption seeking authority to abandon and discontinue service of 7.05 miles of railroad line located between Milepost 9.16, at Rockville, and Milepost 16.21, at Cold Spring, in Stearns County, Minnesota. The line traverses United States Postal ZIP Codes 56369 and 56320. Enclosed are environmental and historic reports describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

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January 6, 2011

Midwest Region
National Park Service
U.S. Department of Interior
601 Riverfront Drive
Omaha, NE 68102-4226

**Re: STB Docket No. AB-6 (Sub-No. 472X) - BNSF Railway Company – Abandonment
Exemption – Stearns County, MN**

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Sincerely,

A handwritten signature in black ink that reads "Kristy Clark" followed by a stylized flourish.

Kristy D. Clark
General Attorney

KDC/js

Enclosures as stated



Kristy D. Clark
General Attorney

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January 6, 2011

Natural Resources Conservation Service - USDA
800 E Main Street
Suite 400
Marshall, MN 56258

**Re: STB Docket No. AB-6 (Sub-No. 472X) - BNSF Railway Company – Abandonment
Exemption – Stearns County, MN**

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January 6, 2011

Minnesota Department of Natural Resources
Division of Waters
1568 Highway 2
Two Harbors, MN 55616

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Exemption – Stearns County, MN**

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January 6, 2011

Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

**Re: STB Docket No. AB-6 (Sub-No. 472X) - BNSF Railway Company – Abandonment
Exemption – Stearns County, MN**

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January 6, 2011

Mary Ann Heidemann, Manager
Government Programs and Compliance
Minnesota Historical Society
345 Kellogg Boulevard West
Saint Paul, Minnesota 55102

**Re: STB Docket No. AB-6 (Sub-No. 472X) - BNSF Railway Company – Abandonment
Exemption – Stearns County, MN**

Dear Ms. Heidemann:

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January 6, 2011

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

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Sincerely,

Kristy D. Clark
General Attorney

KDC/js

Enclosures as stated



Kristy D. Clark
General Attorney

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

January 6, 2011

Bill Gardner, Director
Minnesota Department of Transportation
Freight, Rail, & Waterways
Office of Freight and Commercial Vehicle Operations
Mail Stop 470
395 John Ireland Boulevard
St. Paul, MN 55155

**Re: STB Docket No. AB-6 (Sub-No. 472X) - BNSF Railway Company – Abandonment
Exemption – Stearns County, MN**

Dear Mr. Gardner:

In approximately three weeks BNSF will be filing with the Surface Transportation Board (STB) a Petition for Exemption seeking authority to abandon and discontinue service of 7.05 miles of railroad line located between Milepost 9.16, at Rockville, and Milepost 16.21, at Cold Spring, in Stearns County, Minnesota. The line traverses United States Postal ZIP Codes 56369 and 56320. 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 817-352-3394 or kristy.clark@bnsf.com.

Sincerely,

Kristy D. Clark
General Attorney

KDC/js

Enclosures as stated

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY	)	
ABANDONMENT EXEMPTION	)	DOCKET NO. AB-6
IN STEARNS COUNTY, MINNESOTA	)	(SUB-NO. 472X)

ENVIRONMENTAL REPORT

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

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

Service Date: January 6, 2011

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 7.05 miles of railroad line located between Milepost 9.16, at Rockville, and Milepost 16.21, at Cold Spring, in Stearns County, Minnesota (the "Line"). The Line is currently under lease to Northern Lines Railroad who will also be filing a discontinuance of service over this line. A map of the project area is attached as **Exhibit A**.

The last customer on the Line, Wenner Gas Company, Inc. (Wenner), has relocated its facility to a new industrial park located in Rockville, MN and supports the abandonment of this Line. See **Exhibit B**, attached letter from Wenner. Also, the cities of Rockville, Cold Spring and Richmond have formed a trail association, ROCORI Trail, and wish to railbank and purchase the Line to develop a trail to connect with other trail networks in the area. See **Exhibit C**, attached letter from ROCORI Trail.

The following information addresses BNSF's salvage process as it relates to this project:

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

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related

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

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

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

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

Because of the low volume of traffic on the Line, only limited maintenance has been

performed on the Line in recent years. Therefore, the proposed abandonment will have limited impact on rail freight operations and maintenance practices on the Line.

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

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

No passenger traffic will be diverted to other modes as a result of the proposed abandonment. The last customer on the Line, Wenner, has relocated its facility to a new industrial park located in Rockville, MN and supports the abandonment of this Line. There has been no overhead traffic on this Line for many years. Therefore, the proposed abandonment will have no adverse effect on local or regional transportation systems or patterns.

(3) Land Use

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

The proposed action is consistent with existing land use plans. The cities of Rockville, Cold Spring and Richmond have formed a trail association, ROCORI Trail, and wish to railbank and purchase the Line to develop a trail to connect with other trail networks in the area. See **Exhibit D**, attached letters from the cities of Rockville and Cold Spring.

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

John E. Beckwith, Water Resources Staff Leader, Natural Resources Conservation

Service, states in his letter dated April 20, 2010 (see attached **Exhibit E**), "Because of the location and type of activity proposed, this project may impact agricultural lands."

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

BNSF does not believe the proposed abandonment is located within a designated coastal zone. BNSF contacted the Minnesota Department of Natural Resources concerning the proposed abandonment (see attached **Exhibit F**) and as of the date of this Environmental Report, Minnesota Department of Natural Resources has not responded to our inquiry.

(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 right-of-way does not appear to be suitable for alternative public use other than a recreational trail. The cities of Rockville, Cold Spring and Richmond have formed a trail association, ROCORI Trail, and wish to railbank and purchase the Line to develop a trail to connect with other trail networks in the area.

(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 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 the only customer on the Line has relocated its transload facility to Rockville.

(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 action will not cause such diversions.

(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 reinstitution 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 public health or safety. There is one pedestrian at-grade crossing, 18 private at-grade crossings, two public railroad under

crossings, and 13 public at-grade crossings on the Line. The cities of Rockville, Cold Spring and Richmond have formed a trail association, ROCORI Trail, and wish to railbank and purchase the Line to develop a trail to connect with other trail networks in the area.

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

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

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

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

(8) Biological Resources

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

BNSF does not believe the proposed abandonment is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. BNSF contacted the United States Fish and Wildlife Service concerning the proposed abandonment (see attached Exhibit G) and as of the date of this Environmental Report, the United States Fish and Wildlife Service has not responded to our inquiry.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or

forests will be affected, and describe any effects.

BNSF does not believe the proposed abandonment is likely to affect any wildlife sanctuaries or refuges, or any National or State parks or forests. BNSF contacted the Midwest Region, National Park Service concerning the proposed abandonment (see attached **Exhibit H**) and as of the date of this Environmental Report, the National Park Service has not responded to our inquiry.

BNSF also contacted Marcia Sieckman, Bureau of Land Management, concerning the proposed abandonment and she states in her letter dated April 19, 2010 (see attached **Exhibit I**), "With respect to your request for information on endangered or threatened species, wildlife sanctuaries or refuges, or areas of critical habitat concern, the Bureau of Land Management (BLM) does not have natural resource information relevant to your proposal." The letter goes on to state that: "The ROW was granted for railroad purposes only and reverts to the Federal government upon provisions of abandonment in the 1922 Act and the 1988 National Trails Amendment Act." By follow-up e-mail dated August 20, 2010 (see attached **Exhibit I**), from Carol Grundman, Realty Specialist with BLM, she states, "There is not a Federal reversionary interest in the land proposed for abandonment by your railroad as previously thought."

(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 believes the proposed abandonment is consistent with applicable Federal, State and local water quality standards. BNSF contacted the United States Environmental Protection Agency concerning the proposed abandonment (see attached **Exhibit J**) and as

of the date of this Environmental Report, the United States Environmental Protection Agency has not responded to our inquiry.

(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 does not believe the proposed abandonment will affect any designated wetlands or 100-year flood plains. BNSF contacted the U.S. Army Corps of Engineers, Mississippi Valley Division concerning the proposed abandonment (see attached **Exhibit K**) and as of the date of this Environmental Report, the U.S. Army Corps of Engineers has not responded to our inquiry.

(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 believes the proposed abandonment will not require any permits under Section 402 of the Clean Water Act. BNSF contacted the United States Environmental Protection Agency concerning the proposed abandonment (see attached **Exhibit J**) and as of the date of this Environmental Report, the United States Environmental Protection Agency has not responded to our inquiry.

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

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

appropriate mitigation actions and will comply with those mitigation actions required by the Board.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY	)	
ABANDONMENT EXEMPTION	)	DOCKET NO. AB-6
IN STEARNS COUNTY, MINNESOTA	)	(SUB-NO. 472X)

HISTORIC REPORT

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

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

Service Date: January 6, 2011

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 7.05 miles of railroad line located between Milepost 9.16, at Rockville, and Milepost 16.21, at Cold Spring, in Stearns County, Minnesota (the "Line"). The Line is currently under lease to Northern Lines Railroad who will also be filing a discontinuance of service over this line. A map of the project area is attached as **Exhibit A**.

The last customer on the Line, Wenner Gas Company, Inc. (Wenner), has relocated its facility to a new industrial park located in Rockville, MN and supports the abandonment of this Line. See **Exhibit B**, attached letter from Wenner. Also, the cities of Rockville, Cold Spring and Richmond have formed a trail association, ROCORI Trail, and wish to railbank and purchase the Line to develop a trail to connect with other trail networks in the area. See **Exhibit C**, attached letter from ROCORI Trail.

Following is information addresses BNSF's salvage process as it relates to this project:

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

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

The bridges, culverts, 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 historic conditions imposed by the Office of Environmental Analysis of the Surface Transportation Board (OEA) in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including OEA-imposed conditions, if applicable.

Because of the low volume of traffic on the Line, only limited maintenance has been performed on the Line in recent years. Therefore, the proposed abandonment will have limited impact on rail freight operations and maintenance practices on the Line.

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

HISTORIC REPORT

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

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

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

The subject Line extends approximately 7.05 miles between Milepost 9.16, at Rockville, and Milepost 16.21, at Cold Spring, in Stearns County, Minnesota. The average width of the right-of-way between these two stations is 100 feet, being 50 feet on each side of the centerline of the Line. There are no 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 two bridges on the Line and they are both 50 years or older. All bridges and culverts on the Line will remain intact. See **Exhibit L**, 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.*

The two bridges on the Line were built in 1929 and thus are 50 years or older. All bridges and culverts on the Line will remain intact. See Exhibit L, 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 24, 1886, the original Grantee, St. Cloud Mankato & Austin Railroad Company, sold the Line to The St. Paul, Minneapolis and Manitoba Railway Company (SPMM). 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 January 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 Minnesota Historical Society (SHPO) in reference to the proposed abandonment. By letter dated November 29, 2010, addressed to Ms. Victoria Rutson (Office of Environmental Analysis, STB), Mary Ann Heidemann, SHPO's Manager of Government Programs and Compliance, stated, "...the project will have no adverse effect on this portion of the historic Great Northern Railroad corridor." See Exhibit M, attached letters from SHPO.

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

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

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

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

**CERTIFICATE OF SERVICE
ENVIRONMENTAL AND HISTORIC REPORTS**

The undersigned hereby certifies that a copy of the foregoing Environmental and/or Historic Reports in STB Docket No. AB-6 (Sub-No. 472X) for the Rockville to Cold Spring line in Stearns County, Minnesota was served by first class mail on the 6th day of January, 2011 on the following:

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

Commission Chair Toni Honer
City of Rockville
Planning Commission
PO Box 93
Rockville, MN 56369

City of Cold Spring
Planning Commission
27 Red River Avenue South
Cold Spring, MN 56320

Stearns County
Planning Commission
705 Courthouse Square
St. Cloud, MN 56303

NOAA
National Geodetic Survey
VIA E-Mail: NGS.InfoCenter@noaa.gov

U.S. Army Corps of Engineers
Mississippi Valley Division
PO Box 80
Vicksburg, MS 39181-0080

Milwaukee Field Office
Bureau of Land Management
626 E. Wisconsin Avenue, Suite 200
Milwaukee, WI 53202-4617

U.S. Environmental Protection Agency
Region 5
Office of Strategic Environmental Analysis
77 West Jackson Boulevard, Mailcode B-19J
Chicago, IL 60604

Jason Holm
Assistant Regional Director of External Affairs
U.S. Fish and Wildlife Service
One Federal Drive
Fort Snelling, MN 55111-4056

Midwest Region
National Park Service
U.S. Department of Interior
601 Riverfront Drive
Omaha, NE 68102-4226

**Natural Resources Conservation Service -
USDA**
800 E Main Street
Suite 400
Marshall, MN 56258

Minnesota Department of Natural Resources
Division of Waters
1568 Highway 2
Two Harbors, MN 55616

Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Mary Ann Heidemann, Manager
Government Programs and Compliance
Minnesota Historical Society
345 Kellogg Boulevard West
Saint Paul, Minnesota 55102

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

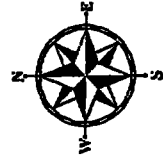
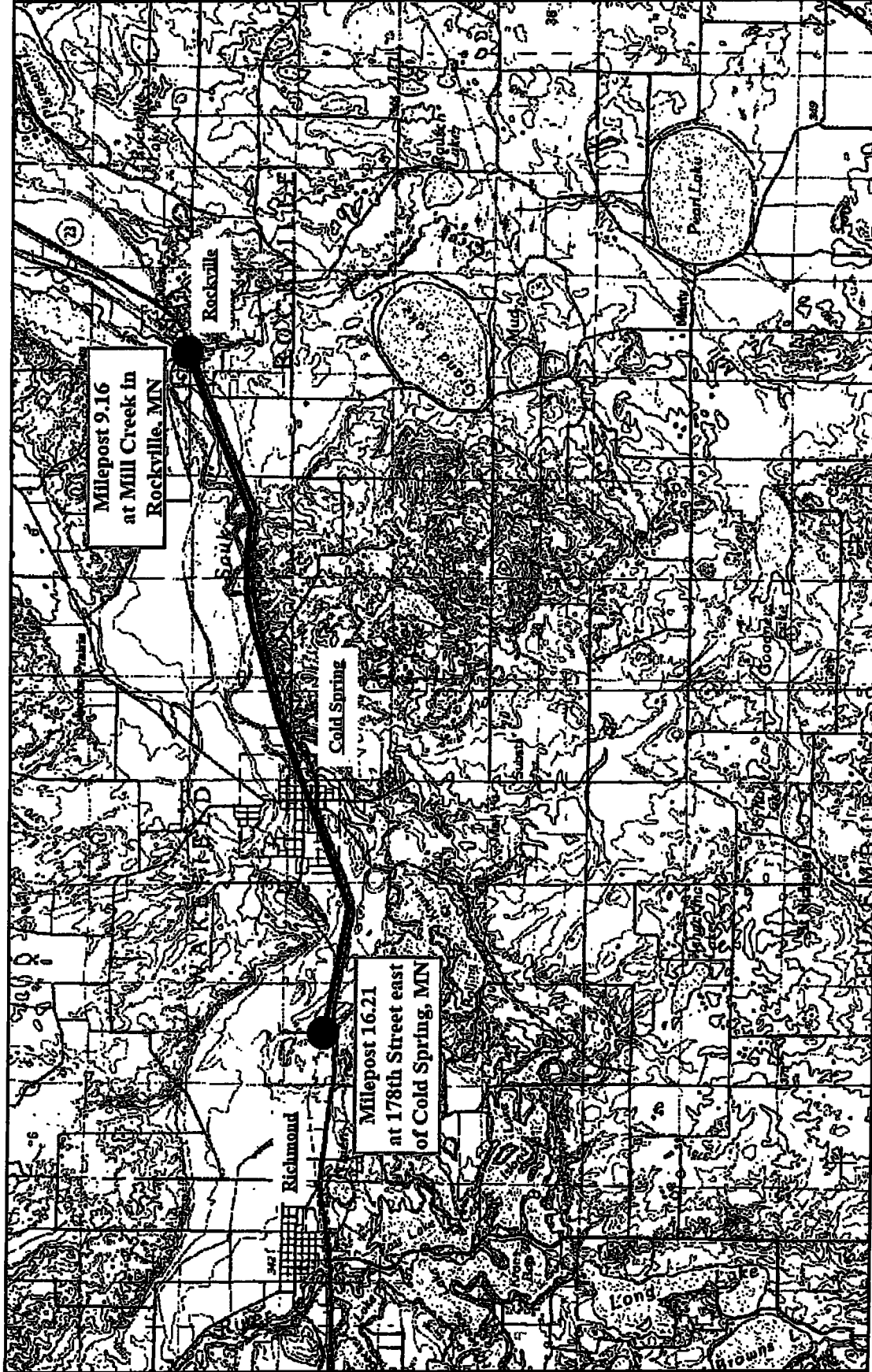
Bill Gardner, Director
Minnesota Department of Transportation
Freight, Rail, & Waterways
Office of Freight and Commercial Vehicle
Operations
Mail Stop 470
395 John Ireland Boulevard
St. Paul, MN 55155

Dated this 6th day of January, 2011



Kristy D. Clark

A



Base Map - United States Geological Survey
 Litchfield, Minnesota
 30 x 60 minute series
 45094-A1-TM-100
 1986

BNSF Line Segment 203
 Milepost 9.16 to Milepost 16.21
 Cold Spring Branch
 Stearns County

STB Docket No.
 AB-6 (Sub-No. 472X)
 Rockville to Cold Spring,
 Minnesota

WENNER GAS COMPANY, INC.

**319 Main Street
Cold Spring, MN 56320**

November 25, 2009

**Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20473-0001**

Dear Ms. Brown:

Wenner Gas is a distributor of liquid petroleum gas ("LPG"). We are located in Cold Spring, MN, adjacent to a line of BNSF that is leased and operated by Northern Lines Railroad ("NLR"). We received an average of 30 loaded cars of LPG per year from April 2005 through December 31, 2008. As of October 31, 2009, we have received 47 loaded cars of LPG for the year 2009. Although Wenner does not have a track for receiving and transloading LPG, the railroads (BNSF, and now NLR), have accommodated Wenner by allowing use of a sidetrack (the "Track") for that purpose. We have agreed with NLR that our use of the Track will terminate, with no prospect of renewal, on October 1, 2010.

We have received advance notice that (i) BNSF plans to seek authority from the Surface Transportation Board ("STB") to abandon the rail line from mile post 9.16 in Rockville to mile post 16.21 near Cold Spring (the "Subject Line"), and (ii) NLR plans to seek authority from the STB to discontinue its operations on the Subject Line. The Subject Line is used for rail service to the Track. Our understanding is that BNSF and NLR will make their respective regulatory filings with the STB in the first quarter of 2010.

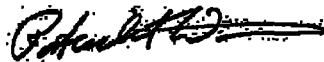
Chief Cynthia T. Brown

2

November 25, 2009

Wenner has agreed with BNSF and NLR that, no later than October 1, 2010, it will relinquish use of the Track. Please be advised that Wenner supports the abandonment and discontinuance of rail operations on the Subject Line, subject to the provisions of the Industry Track Sublease Agreement between NLR and Wenner, dated November 25, 2009. The abandonment and discontinuance will allow for increased economic development and quality of life for the residents of Cold Spring.

Very truly yours,



Pat Wenner, Vice President

cc: Dan Rickel (NLR)
Chris Randall (BNSF)

C



ROCORI TRAIL CONSTRUCTION BOARD

27 RED RIVER AVENUE SOUTH

COLD SPRING, MN 56320

FAX: (320) 685-8551

PHONE: (320) 685-3653

February 15, 2010

BNSF Railway
Attn: Ms. Susan Odom
2500 Lou Menk Drive
Fort Worth, TX 76131

RE: Railway Abandonment in Stearns County Minnesota for Rocori Trail

Dear Susan:

It's been a number of months since we met with you, and much progress has been made on our *Rocori Trail* project. Our *Rocori Trail Construction Board* is aware that the last remaining business receiving rail shipments to Cold Spring has agreed that shipments will cease no later than October 31, 2010. Our project has very strong support from our elected officials at the local, State and even **national** levels.

Our attorney Adam Ripple has done a great job of keeping our Board informed of developments related to our collective request for abandonment. As all the pieces continue to fall into place, we remain faced with one impediment that we have very little control over, and that brings us to our purpose in writing you today. We trust that by the conclusion of your visit to our communities last July 22nd that it was clear how important the requested abandonment is to the Rocori Trail project. With all of the positive developments over those six months, the urgency of that abandonment has also grown. The federal and state grant funds that have already been committed come with deadlines by which the money must be spent.

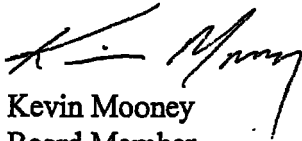
There is a tremendous amount of time required to complete our process up to and including construction, most of which cannot begin until the abandonment process is at least well underway. Out of necessity we've been forced to consider an alternative northerly route in the event that the abandonment does not occur as quickly as necessary. Our Board does not see that there are any viable shipping purposes for the railway from the Sauk River in Cold Spring westward, and use of the railroad corridor is *by far* our preferred route. However, our trail project cannot afford to lose access monies pledged for the project.

We know that you're incredibly busy, but we felt it was important to ensure that you're aware of the status of our project. Our Board has instructed support staff that anything whatsoever that you may need to expedite this process is to be their absolute highest priority...so please know that we stand ready to act and assist.

Thank you for your interest, time, and support. Please feel free to contact Adam Ripple or Cold

Spring City Administrator Larry Lahr if there's any development on this abandonment. We are anxious to hear from you. Thank you!

Sincerely,



Kevin Mooney
Board Member


Tim Paczkowski
Board Member
Jerry Schmitt
Board Member
Doug Schmitz
Board Member
Bob Thelen
Board Member
Duane Willenbring
Board Member

cc: Ms Amy Hawkins, VP Governmental Affairs
Senator Amy Klobuchar
Senator Allen Franken
Congresswoman Michele Bachmann
Congressman Jim Oberstar

D



CITY OF ROCKVILLE

P.O. Box 93 • 229 Broadway Street East • Rockville, Minnesota 56369

(320) 251-5836 • FAX (320) 240-9620

www.rockvillecity.org

April 15, 2010

**ROCKVILLE CITY
COUNCIL**

MAYOR
JEFF HAGEN
(320) 266-0377 CELL

COUNCILORS

BILL BECKER
(320) 253-9352 HOME

JOHN KOERBER
(320) 252-0499 HOME

SUSAN PALMER
(320) 253-8191 HOME

JERRY SCHMITT
(320) 252-4111 HOME

RANDY VOLKMUTH
(320) 240-6889 HOME

DUANE WILLENBRING
(320) 685-7775 HOME

CITY STAFF

RENA WEBER
CITY ADMINISTRATOR/CLERK
rweber@rockvillecity.org

JUDY NEU
UTILITY BILLING/
ADMINISTRATIVE ASSISTANT

CINDY ANDERSON
RECEPTIONIST

RICK HANSEN
PUBLIC WORKS DIRECTOR
250-2601 CELL

NICK PUNG
MAINTENANCE/
PUBLIC WORKS

Susan L. Odom
Manager Network Strategy
BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131

Re: STB Docket No. AB-6 (Sub-No.472X) – Abandonment Exemption
Milepost 9.16 to 16.21 on BNSF Railway Company's Staples
Subdivision in Stearns County, Minnesota

Dear Ms. Odom,

The Rockville City Planning reviewed your letter at their regular meeting on April 13, 2010 and has determined that the proposed abandonment is consistent with the existing land use plan (Comprehensive Plan 2004). Specifically we reference the following:

Chapter 4 District Two (2)

Recommendations

1. Recommended land uses within District Two (2) in the future include:

- ◆ Page 19 (3). The City should encourage the development of trail/pathways connecting single-family neighborhoods in Planning District Two to existing/future parks and to residential uses in other portions of the City and Sauk River and Mill Creek.

Chapter 4 District Five (5)

Recommendations

1. Recommended land uses within District Five (5) in the future include:

- ◆ Page 32, (j). Park/trail development.

Chapter 4 District Six (6)

Recommendations

1. Recommended land uses within District Six (6) in the future include:

- ◆ Page 39, (e). Park/trail development.

Feel free to contact Rena Weber – Administrator/Clerk should you have any questions.

Sincerely,

CITY OF ROCKVILLE

Toni Honer
Planning Commission Chair

Cc: file

BNSF Abandonment.wd.doc



CITY OF COLD SPRING
27 RED RIVER AVENUE SOUTH
COLD SPRING, MN 56320
Phone: (320) 685-3653
Fax: (320) 685-8551
www.ColdSpring.GovOffice.com

Mayor Doug Schmitz
City Council Members:
Jan Dingmann
Dale Giinthir
Brigetta Klemek
Bob Thelen
Larry Lahr, City Administrator

April 23, 2010

Susan L. Odom
Manager Network Strategy
BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, TX 76131

Re: STB Docket No. AB-6 (Sub-No.472X) – Abandonment Exemption
Milepost 9.16 to 16.21 on BNSF Railway Company's Staples
Subdivision in Stearns County, Minnesota

Dear Ms. Odom:

The Cold Spring Planning Commission as well as the City Council have reviewed your letter, which was dated March 30, 2010, and have determined that the proposed abandonment is indeed consistent with the City of Cold Spring's existing land use plan for the following reasons:

CHAPTER 10, OBJECTIVE 2: PEDESTRIAN. Increase the opportunities for pedestrian traffic in the community for both recreational activity and for functionally as a means of transportation.

Policy/Recommendations:

1. **Pedestrian plan & policy.** The City should develop a trail and pedestrian plan to link existing parks and neighborhoods and coordinate the trail development with the school district; Stearns County (County Road turn backs and reconstruction projects) and DNR grant programs. The City shall carefully review proposals from developers relative to proposed trail and sidewalk facilities within new subdivisions. The City should develop a more detailed sidewalk/trail policy indicating when/where sidewalks or trails should be placed. Trails connecting the new housing areas of the City to the heart of the City should be considered. The Planning Commission and City Council should require developers to install identified portions of trails/pedestrian ways with subdivision construction, even if the trail/pedestrian way temporarily dead-ends.

CHAPTER 5, RESIDENTIAL LAND USE – NEW RESIDENTIAL NEIGHBORHOOD

Policy/Recommendations:

3. Require the development of parks, trails and/or sidewalks along collector streets to service neighborhoods and provide access to other community amenities such as places of commerce, educational facilities and larger community parks.

CHAPTER 12, IMPLEMENTATION – NEW RESIDENTIAL NEIGHBORHOOD

Policy/Recommendations:

1. **Trails & sidewalks.** The City should develop a more detailed pedestrian policy pertaining, to reduce conflict that has arisen since the existing policy was developed. Furthermore, the City should conduct regular review, and updates plat review standards relative to sidewalk and trail requirements, as warranted.

If you have any questions, please feel free to contact me at 320-685-3653.

Sincerely,


Doug Schmitz
Mayor


Aaron Cheeley
Planning Commission Chair

E



Natural Resources Conservation Service
800 E Main Street
Suite 400
Marshall, MN 56258

*Helping People
Help the Land*

Phone: (507) 537-0541
FAX: (507) 537-0734

April 20, 2010

Susan L. Odom
Manager Network Strategy
BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131

IN REPLY REFER TO: BNSF Railway Company

Dear Ms. Odom:

The Minnesota Natural Resources Conservation Service (NRCS) has reviewed the above referenced project. The project sponsors are not USDA program benefit recipients, thus the wetland conservation provisions of the 1985 Food Security act, as amended are not applicable. It should be noted, however, that actions by a non-USDA participant third party (project sponsor) which impact agricultural wetlands owned or operated by USDA participants, may jeopardize the owner/operators USDA eligibility. If such impacts are anticipated, the owner/operator should contact the county Farm Service Agency (FSA) office to consider an application for a third party exemption.

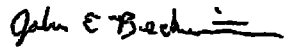
The following agencies may have federal or state wetlands, cultural resources, water quality or threatened and endangered species jurisdiction in the proposed project, and should be consulted.

- Army Corps of Engineers (USACOE) – Clean Water Act
- US Fish and Wildlife Service (FWS) – Endangered Species Act
- Board of Water and Soil Resources (BWSR) - Minnesota Wetlands Conservation Act
- Minnesota Department of Natural Resources (MDNR)
- Minnesota Pollution Control Agency (MPCA)
- State Historic Preservation Officer/State Archaeologist (SHPO)

Finally, if as a result of your proposal you are affecting agricultural lands, and if any federal monies are involved, it is a requirement that a Farmland Policy Protection Act (FPPA) site assessment be appropriately filed. Because of the location and type of activity proposed, this project may impact agricultural lands. If so, you should submit a Farmland Conversion Impact Rating form (Form AD-1006) for each Minnesota county with part one filled out. Along with the AD-1006, send a detailed map of the area impacted. We will then complete the form and mail it back to you. FPPA land evaluations are conducted by local NRCS personnel who review the project for possible effects on unique, prime or statewide important farmland. You can find the FPPA form AD-1006 at <http://www.nrcs.usda.gov/programs/fppa/>. Please refer specific FPPA requests in

Stearns County to Peter Weikle, Area Resource Soil Scientist, at (763) 566-2941 or peter.weikle@mn.usda.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Beckwith", with a horizontal line extending from the end of the name.

JOHN E. BECKWITH
Water Resources Staff Leader

cc: Peter Weikle, ARSS, NRCS, Brooklyn Center, MN

F



Susan Odom
Manager Network Strategy
BNSF Network Development

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131
tel 817-352-6432
fax 817-352-7154
email susan.odom@bnsf.com

March 30, 2010

Minnesota Department of Natural Resources
Division of Waters
1568 Highway 2
Two Harbors, MN 55616

**Re: STB Docket No. AB-6 (Sub-No. 472X) – Abandonment Exemption
Milepost 9.16 to Milepost 16.21 on BNSF Railway Company's Staples
Subdivision in Stearns County, Minnesota**

BNSF Railway Company ("BNSF") anticipates filing, within the next 2 months, a Petition for Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 7.05 miles of railroad line between Milepost 9.16 and Milepost 16.21 on BNSF's Staples Subdivision in Stearns, Minnesota.

As part of the environmental report, BNSF is required to contact your agency to determine if the proposed abandonment:

1. will affect land or water uses within a designated coastal zone;
2. is consistent with applicable Federal, State or local water quality standards (with a description of any inconsistencies identified); and
3. will require permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342).

NOAA publication Definition of State's Coastal Zone describes Minnesota's coastal zone boundaries as follows:

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

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

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

Continued

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

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

Please provide your assessment and comments to me at the address above, if at all possible, by April 30, 2010. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Susan L. Odom
Manager Network Strategy

Enclosure as stated

cc via email: Kristy Clark – BNSF – kristy.clark@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjlp.com
Dennis Eytcheson – BNSF – dennis.eytcheson@bnsf.com

G



Susan Odom
Manager Network Strategy
BNSF Network Development

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131
tel 817-352-6432
fax 817-352-7154
email susan.odom@bnsf.com

March 30, 2010

Region 5 Director
United States Fish and Wildlife Service
Office of Strategic Environmental Analysis
Chicago, IL 60604

**Re: STB Docket No. AB-6 (Sub-No. 472) – Abandonment Exemption
Milepost 9.16 to Milepost 16.21 on BNSF Railway Company's Staples
Subdivision in Stearns County, Minnesota**

BNSF Railway Company ("BNSF") anticipates filing, within the next 2 months, a Petition for Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 7.05 miles of railroad line between Milepost 9.16 and Milepost 16.21 on BNSF's Staples Subdivision in Stearns County, Minnesota.

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

For your reference I have attached a map of the subject railroad line as well as a species and habitat list from the USFWS Web site. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

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

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

The bridges, culverts and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and not to place

Continued

fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

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

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

Please provide your assessment and comments to me at the address above, if at all possible, by April 30, 2010. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Susan L. Odom
Manager Network Strategy

Enclosure as stated

cc via email: Kristy Clark – BNSF – kristy.clark@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjlp.com
Dennis Eytcheson – BNSF – dennis.eytcheson@bnsf.com



Susan Odom
Manager Network Strategy
BNSF Network Development

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131
tel 817-352-6432
fax 817-352-7154
email susan.odom@bnsf.com

March 30, 2010

Midwest Region
National Park Service
United States Department of Interior
601 Riverfront Drive
Omaha, NE 68102-4226

**Re: STB Docket No. AB-6 (Sub-No. 472X) – Abandonment Exemption
Milepost 9.16 to Milepost 16.21 on BNSF Railway Company's Staples
Subdivision in Stearns County, Minnesota**

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

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

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

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

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and **not** to place

Continued

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Please provide your assessment and comments to me at the address above, if at all possible, by April 30, 2010. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Susan L. Odom
Manager Network Strategy

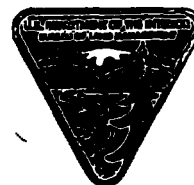
Enclosure as stated

cc via email: Kristy Clark – BNSF – kristy.clark@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Dennis Eytcheson – BNSF – dennis.eytcheson@bnsf.com



United States Department of the Interior

**Bureau of Land Management-Eastern States
Milwaukee Field Office
626 E. Wisconsin Avenue, Suite 200
Milwaukee, Wisconsin 53202-4617**



IN REPLY REFER TO:
2000 (03420)

APR 19 2010

Susan L. Odom
Manager Network Strategy
BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131

RE: STB Docket No. AB-6 (Sub. No. 472) – Abandonment Exemption Milepost 9.16 to Milepost 16.21 on BNSF Railway Company's Staples Subdivision in Stearns County, Minnesota

Dear Ms. Odom:

This is in response to your letter of March 30, 2010, to our office concerning the proposal by the Burlington Northern and Santa Fe Railway Company (BNSF) to file a Petition for Exemption with the Surface Transportation Board (STB) to abandon 7.05 miles of railroad line between Milepost 9.16 and Milepost 16.21 in Stearns County, Minnesota.

With respect to your request for information on endangered or threatened species, wildlife sanctuaries or refuges, or areas of critical habitat concern, the Bureau of Land Management (BLM) does not have natural resource information relevant to your proposal. However, a search of public land records indicates that the right-of-way (ROW) proposed for abandonment is a limited fee ROW subject to the Railroad Right-of-Way Forfeiture and Abandonment Act of March 8, 1922, 43 U.S.C. § 912 (the 1922 Abandonment Act); and the National Trails System Improvement Act of October 4, 1988, Public Law 100-470, 16 U.S.C. § 1248 (c) - (f). The land for the railroad ROW was originally granted to the Territory of Minnesota for aid in the construction of railroads on March 3, 1857. The ROW was granted for railroad purposes only and it reverts to the Federal government upon provisions of abandonment in the 1922 Act and the 1988 National Trails Amendment Act.

Thank you for giving us the opportunity to comment on this proposal. If you require additional information, please contact Carol Grundman, Realty Specialist at (414) 297-4447.

Sincerely,

Marcia Sieckman
Assistant Field Manager
Division of Natural Resources

Odom, Susan

From: Carol_Grundman@blm.gov
Sent: Friday, August 20, 2010 11:37 AM
To: Odom, Susan
Subject: RE: Cold Spring to Rockville, MN

Attachments: jacyby-pcl43.pdf; jacyby-pcl43-cor.pdf; maurin-cor.pdf; maurin-obl.pdf; maurin-pcl77.pdf; maurin-reg.pdf; schneider-pcl66.pdf; schneider-pcl66b.pdf; schneider-pcl66-cor.pdf; theisen-cor.pdf; theisen-pcl76.pdf



jacyby-pcl43.pdf
(99 KB)



jacyby-pcl43-cor.pdf
(22 KB)



maurin-cor.pdf (23 KB)



maurin-obl.pdf (40 KB)



maurin-pcl77.pdf (86 KB)



maurin-reg.pdf (78 KB)



schneider-pcl66.pdf (121 KB)



schneider-pcl66b.pdf (96 KB)



schneider-pcl66-cor.pdf (22 KB)



theisen-cor.pdf (21 KB)



theisen-pcl76.pdf (93 KB)

Hi Susan,

We can resolve this issue today. There is not a Federal reversionary interest in the land proposed for abandonment by your railroad as previously thought. I reviewed and confirmed with a National Realty Specialist in the Bureau of Land Management, that the lands in the right-of-way proposed for abandonment by BNSF overlap with lands provided through the territory of Minnesota to aid in the construction of railroads. Lands in Township 123 North, Range 30 West, section 13, N 1/2 SW, NWSE is an example of this overlap. These lands were conveyed to Minnesota pursuant to the Act of March 3, 1857, the Act of March 3, 1865 which approved an increase in land, and the Legislative Assembly of the State of Minnesota, approved February 6, 1866. However, the lands that overlaps with your right-of-way including those cited above were selected by the railroads but not used to locate the construction of the railroad line. Therefore, although there is an overlap, there is no reversionary interest held by the Federal government.

I know that it has taken me awhile to locate all of our documents that relate to your right-of-way and I appreciate your patience with our process. These issues are complicated and require extensive document retrieval. Our tract book identified the lands correctly as being conveyed through the territory of Minnesota under the various Acts of Congress, but it required retrieving all the patents that conveyed the land to understand the full picture.

I hope this answers all of our questions about your abandonment of the railroad line from Cold Spring to Rockville. If you need any additional information please don't hesitate to call me.

Carol Grundman
Realty Specialist
Milwaukee Field Office
414-297-4447

"Odom, Susan"
<Susan.Odom@BNSF.com>

To

08/16/2010 03:48
PM

"Carol_Grundman@blm.gov"
<Carol_Grundman@blm.gov>

cc

Subject
RE: Cold Spring to Rockville, MN

Carol:

Thank you for your diligence. Hopefully we are close to a conclusion.

My team has spent a good deal of time and effort researching BNSF property records and corporate history related to the subject line. BNSF records indicate the line was constructed in approximately 1886 by the St. Cloud, Mankato & Austin Railroad (formerly known as the Minneapolis & St. Cloud Railroad). At the time the line was constructed, the St. Cloud, Mankato & Austin Railroad was a separate and distinct entity from other railroads listed on the tract index (the Minnesota and Pacific Railroad and its successor, the St. Paul and Pacific). Consequently, because the St. Cloud, Mankato & Austin Railroad was a separate and distinct operating entity from the Minnesota and Pacific Railroad, it would not have owned or operated the land or right-of-way set forth in the tract index which was granted to the Minnesota and Pacific. The tract index also indicates that land originally granted to the Minnesota and Pacific Railroad pre-dates construction of the line and that at least some of the land granted to the Minnesota and Pacific was re-conveyed back to the federal government. (It is difficult to read, but it looks like it was re-conveyed in 1900.)

With regard to John Schneider and Nicholas Jacoby, the tract index indicates these gentlemen obtained sections of land over which the line runs from the U.S. government. Schneider and Jacoby later sold portions of the same land to the St. Cloud, Mankato & Austin Railroad or its successor in fee. The Schneider and Jacoby deeds are provided with this e-mail. Additional deeds that typify those that make up the entirety of the line are also attached for your reference.

As we have discussed, all the deeds on the subject line were acquired from private parties. This and the above lead BNSF to conclude that the land underlying this rail line does not have its origin in the referenced federal acts and does not revert to the government upon abandonment.

I will be in touch later this week. Thank you, again.

Susan Odom / Manager Network Strategy
BNSF Railway Company
817-352-6432 office
682-429-0930 mobile

This message may be confidential and should be read or retained only by the intended recipient.

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

From: Carol_Grundman@blm.gov [mailto:Carol_Grundman@blm.gov]
Sent: Wednesday, August 11, 2010 11:57 AM
To: Odom, Susan
Subject: RE: Cold Spring to Rockville, MN

Hi Susan,

I sincerely hope things will slow down for both of us, and I appreciate

your patience. Since we last communicated, I did gather more information and sent some information to our Solicitor, but I really haven't worked with the details and that's what I need to do. As I have time, I've been researching old documents through the Minnesota Historical Society and the Iron Range Research Center, but this is not something I can put down and pick up later without almost starting over. I'm sure your work takes you in many directions at once too.

Most of the summer I've been involved in a major pipeline project, and although it's not completed, I am going to have a reprieve in early September, and maybe we can both work on this together. But in the meantime, early next week I could pick up some work on this. Let me review where I am and give you a call Monday afternoon or Tuesday. Would that work out for you and would you have a preference?

Thanks for checking in and keeping us moving on this.

Carol

"Odom, Susan"
<Susan.Odom@BNSF.com>

08/11/2010 11:15
AM

"Carol_Grundman@blm.gov"
<Carol_Grundman@blm.gov>

To

cc

Subject

RE: Cold Spring to Rockville, MN

Good morning, Carol.

So, I guess the big question is will things slow down for either one of us once summer is over so we can actually concentrate on our little shared project? J

Have you had a chance to look at the information below?

Susan Odom / Manager Network Strategy
BNSF Railway Company
817-352-6432 office
682-429-0930 mobile

This message may be confidential and should be read or retained only be the intended recipient.

From: Carol_Grundman@blm.gov [mailto:Carol_Grundman@blm.gov]
Sent: Friday, July 16, 2010 8:09 AM
To: Odom, Susan
Subject: RE: Cold Spring to Rockville, MN

Susan,

Thank you for the information. I will call you next week.

Have a good weekend.

Carol

"Odom, Susan"
<Susan.Odom@BNSF.com>

07/15/2010 04:50 PM

To
"Carol_Grundman@blm.gov"
<Carol_Grundman@blm.gov>
cc

Subject
RE: Cold Spring to Rockville,
MN

Carol:
Following are the sections involved in our abandonment filing.

123N 29W
Section 9 - SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 16 - NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 17 - N $\frac{1}{4}$ NE $\frac{1}{4}$
Section 18 - SE $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{4}$ S $\frac{1}{4}$

123N 30W
Section 13 - N $\frac{1}{4}$ S $\frac{1}{4}$
Section 14 - S $\frac{1}{4}$ SE $\frac{1}{4}$
Section 20 - S $\frac{1}{4}$ NE $\frac{1}{4}$
Section 21 - N $\frac{1}{4}$ S $\frac{1}{4}$
Section 22 - N $\frac{1}{4}$
Section 23 - NW $\frac{1}{4}$ NW $\frac{1}{4}$

I think you will find that these areas are not covered by the railroads recordings in the tract book. In addition, it is my understanding the BLM's claim is based on the 1857 federal government grant to the Territory of Minnesota which was eventually granted to the Minnesota and Pacific Railroad. It is the Minnesota and Pacific that certified certain parcels in the general vicinity, however, the Minnesota and Pacific and its successor The Saint Paul and Pacific Railroad Company had both met their demise by the time the Cold Spring line was built. The deeds in our possession show the real estate was purchased from various individuals by the St. Cloud, Mankato & Austin Railroad Company in the mid-1880s. Though all the aforementioned railroads are predecessor BNSF companies, they were distinct entities during the period of time under discussion. Once you have had a chance to look at the section information above, please give me a call and we can discuss some of our other findings. Thank you so very much for your help in resolving this. I look forward to talking to you.

Susan Odom / Manager Network Strategy

BNSF Railway Company
817-352-6432 office
682-429-0930 mobile

This message may be confidential and should be read or retained only
be the intended recipient.

From: Carol_Grundman@blm.gov [mailto:Carol_Grundman@blm.gov]
Sent: Thursday, July 15, 2010 10:59 AM
To: Odom, Susan
Subject: Re: Cold Spring to Rockville, MN

Hi Susan,

It sounds like we are both scrambling to catch up from being away
from the office. I will send you copies of two railroad patents
early next week. These are long documents that contain lists of land
conveyed through the State. Were you able to pull together the legal
descriptions for the portion of the route under consideration for
abandonment? I would just need township, range, section and aliquot
part. If that's available I could highlight the areas on the patent
for you.

I hope to be caught up by early next week. In addition to sending
you the patents, maybe we could just spend some time on the phone
discussing the information.

Carol

"Odom, Susan"
<Susan.Odom@BNSF.com>

07/15/2010 09:49 AM

To
"Carol_Grundman@blm.gov"
<Carol_Grundman@blm.gov>
cc
Subject
Cold Spring to Rockville, MN

Carol:

I trust you are safely back in your office and have had time to catch up from having been out. I have also been in very little in the past two weeks and am treading quickly to stay afloat. Following up on our June 17 email exchange, I was wondering if you have had a chance to verify the railroad patents. We have had additional research done by outside counsel and still believe we hold good title to the land involved in our abandonment proceeding. Thank you for your help in resolving this. I look forward to hearing from you.

Susan Odom / Manager Network Strategy / BNSF Railway Company/
817-352-6432 phone

Network Development is now Network Strategy
New name, same areas of oversight: Interline Development ~ Network
Strategies ~ Public Private Partnerships ~ Short Line Development

(Embedded image moved to file: pic06840.gif)

This message may be confidential and should be read or retained only
be the intended recipient.

(See attached file: jacoby-pcl43.pdf) (See attached file:
jacoby-pcl43-cor.pdf) (See attached file: maurin-cor.pdf) (See attached file:
maurin-obl.pdf) (See attached file: maurin-pcl77.pdf) (See attached file:
maurin-reg.pdf) (See attached file: schneider-pcl66.pdf) (See attached file:
schneider-pcl66b.pdf) (See attached file: schneider-pcl66-cor.pdf) (See
attached file: theisen-cor.pdf) (See attached file: theisen-pcl76.pdf)



Susan Odom
Manager Network Strategy
BNSF Network Development

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131
tel 817-352-6432
fax 817-352-7154
email susan.odom@bnsf.com

March 30, 2010

United States Environmental Protection Agency
Region 5
Office of Strategic Environmental Analysis
77 West Jackson Boulevard, Mailcode B-19J
Chicago, IL 60604

**Re: STB Docket No. AB-6 (Sub-No. 472X) – Abandonment Exemption
Milepost 9.16 to Milepost 16.21 on BNSF Railway Company's Staples
Subdivision in Stearns County, Minnesota**

BNSF Railway Company ("BNSF") anticipates filing, within the next 2 months, a Petition for Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 7.05 miles of railroad line between Milepost 9.16 and Milepost 16.21 on BNSF's Staples Subdivision in Stearns, Minnesota.

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

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

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

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.

Continued

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

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

Please provide your assessment and comments to me at the address above, if at all possible, by April 30, 2010. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Susan L. Odom
Manager Network Strategy

Enclosure as stated

cc via email: Kristy Clark – BNSF – kristy.clark@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Dennis Eytcheson – BNSF – dennis.eytcheson@bnsf.com

K



Susan Odom
Manager Network Strategy
BNSF Network Development

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131
tel 817-352-6432
fax 817-352-7154
email susan.odom@bnsf.com

March 30, 2010

U.S. Army Corps of Engineers
Mississippi Valley Division
PO Box 80
Vicksburg, MS 39181-0080

**Re: STB Docket No. AB-6 (Sub-No.472X) – Abandonment Exemption
Milepost 9.16 to Milepost 16.21 on BNSF Railway Company's Staples
Subdivision in Stearns County, Minnesota**

BNSF Railway Company ("BNSF") anticipates filing, within the next 3 months, a Petition for Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 7.05 miles of railroad line between Milepost 9.16 and Milepost 16.21 (+/- 85 acres) on BNSF's Staples Subdivision in Stearns County, Minnesota.

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 USGS map that includes of the subject railroad line is attached, as are photos of the subject line. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

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

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

Continued

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

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

Please provide your assessment and comments to me at the address above, if at all possible, by April 30, 2010. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



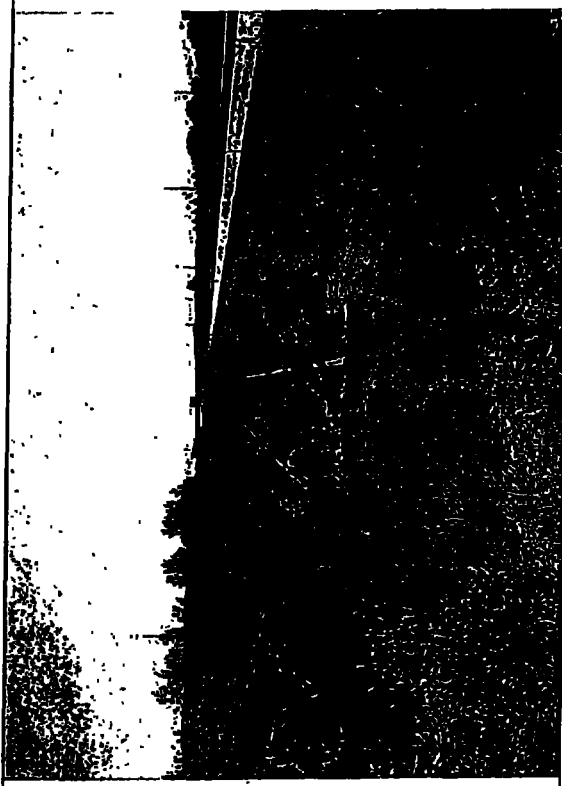
Susan L. Odom
Manager Network Strategy

Enclosure as stated

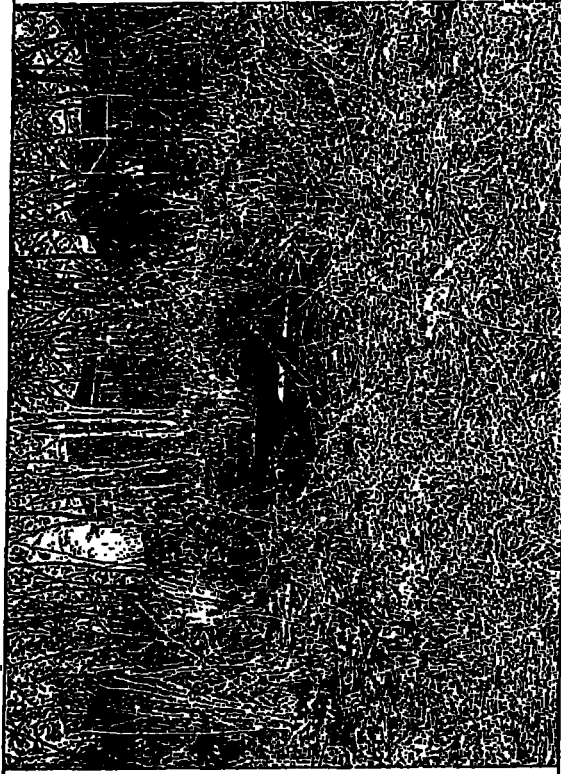
cc via email: Kristy Clark – BNSF – kristy.clark@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Dennis Eytcheson – BNSF – dennis.eytcheson@bnsf.com

Photo inventory of BNSF line segment 203,
milepost 9.16 to milepost 16.21

Rockville to Cold Spring, MN
AB-6 (Sub-No. 472X)



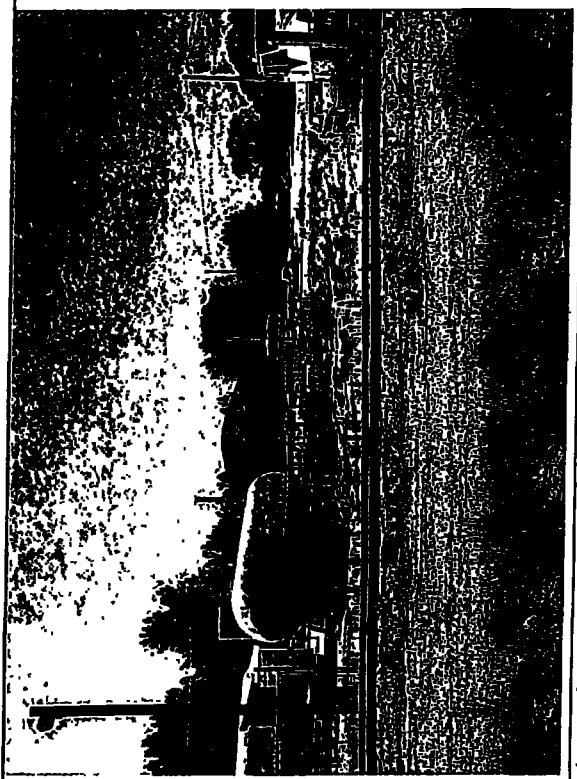
MP 16.21 (178th Street near Cold Spring) looking east



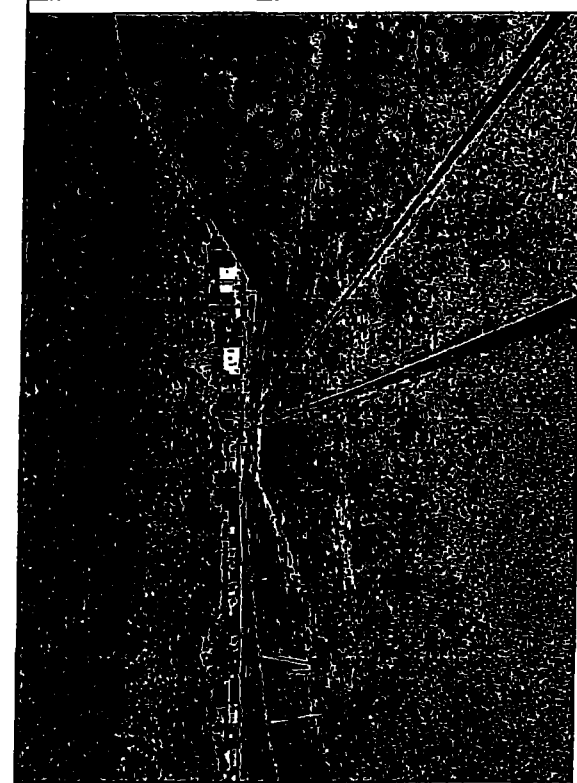
MP 14.5



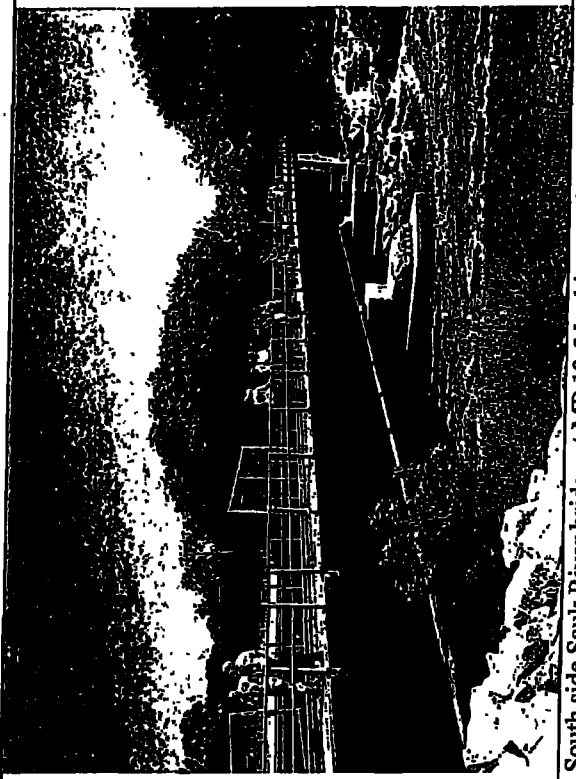
MP 14.5



Approximate MP 13.9 looking south (Hwy. 23 in background)



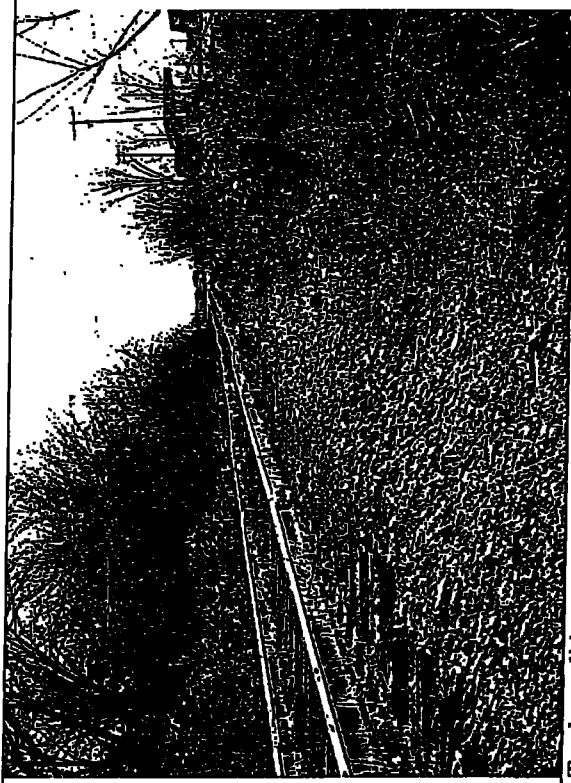
MP 13.6



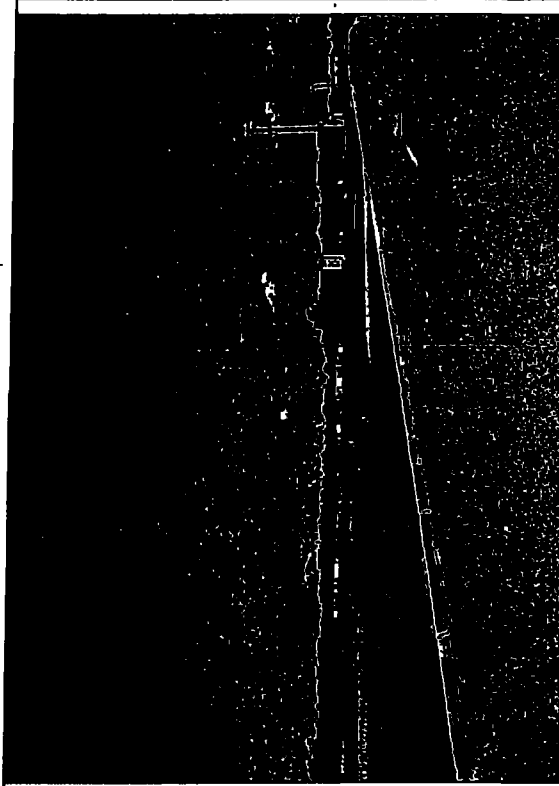
South side Sauk River bridge at MP 13.5 looking northwest



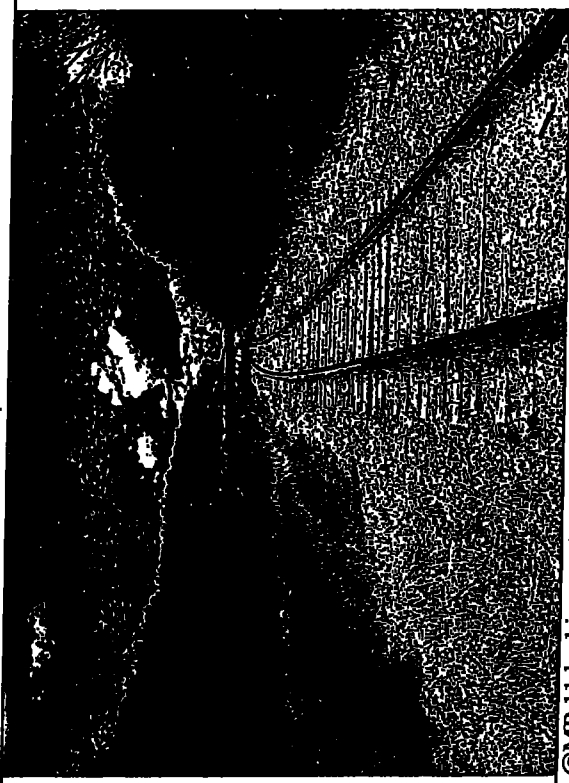
North side of Sauk River bridge at MP 13.5 looking southwest



Track conditions approximate MP 13.2



Approximate MP 12.3 from County Road 140 looking south (track not visible)



@MP 11 looking west



@MP 11 looking east



Bridge at MP 9.2



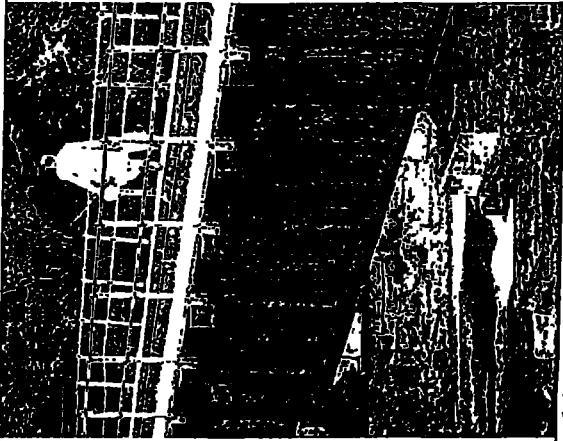
Bridge at MP 9.2



Bridge at MP 9.2



Bridge at MP 9.2



North side of Sauk River bridge at MP 13.5 looking southwest



Sauk River bridge at MP 13.5 looking east



Approximate MP 13.4 (Main Street in background) looking east

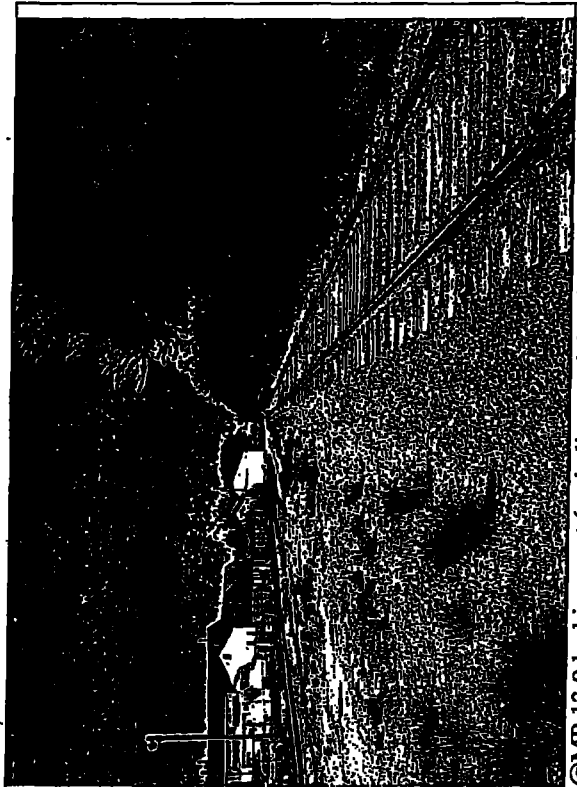


Main Street looking southeast

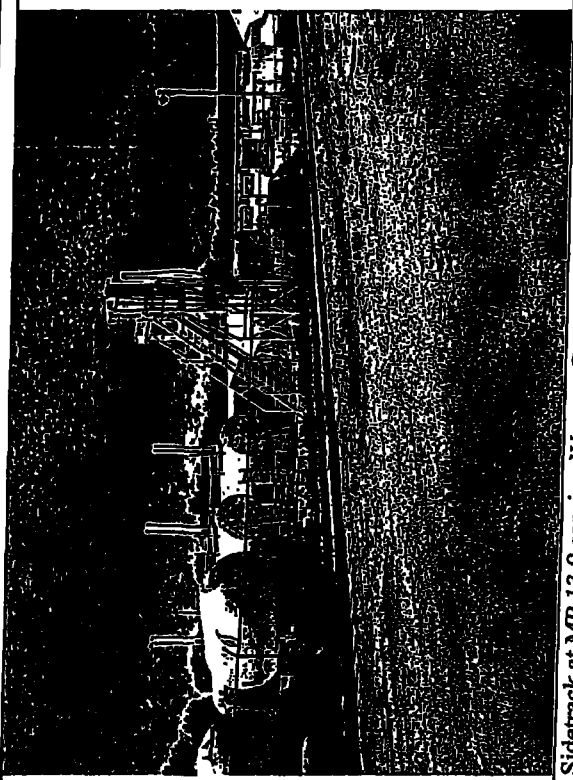




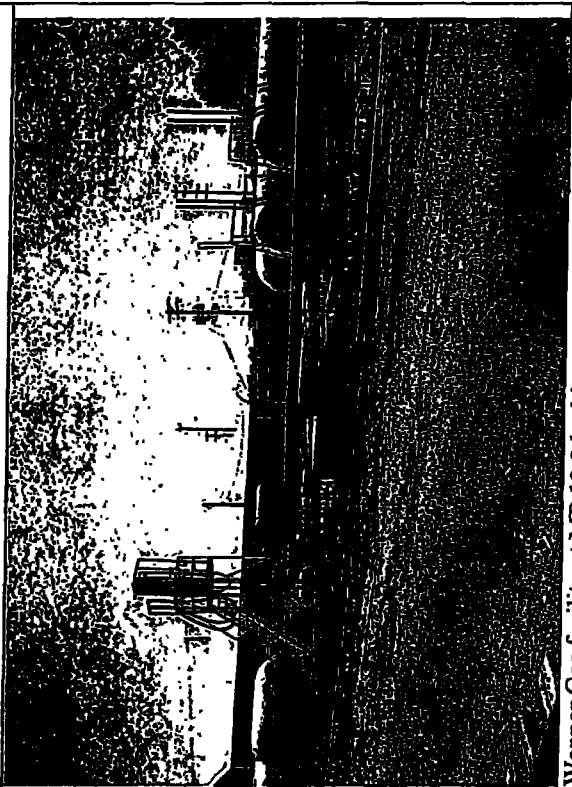
Entering Cold Spring looking east (Red River Street crossing in background)



@MP 13.9 looking west (main line on right, side track on left)



Sidetrack at MP 13.9 serving Wenner Gas



Wenner Gas facility at MP 13.9 looking southeast

10/1/73

10/1/73

10/1/73

10/1/73

M

10/1/73

10/1/73

 **Minnesota
Historical Society**
STATE HISTORIC PRESERVATION OFFICE

November 29, 2010

Ms. Victoria Ruston, Chief
Section of Environmental Analysis
Surface Transportation Board
395 East Street SW
Washington, DC 20423-0001

RE: STB Docket No. AB-6 (Sub-No. 472X)
BNSF Rail Abandonment, Rockville to Cold Spring, MN
Stearns County
SHPO Number: 2010-2492

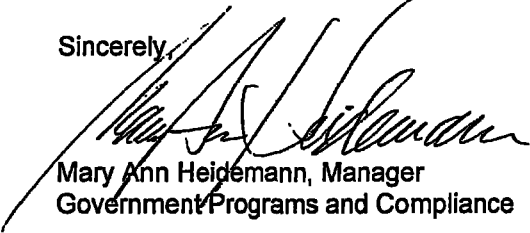
Dear Ms. Ruston:

We received a letter dated November 24, 2010, from John Sims, a paralegal from the BNSF Railway legal department. According to Mr. Sims, the materials submitted earlier to this office were in error regarding the proposed removal of two railroad bridges as part of this project. In fact, neither bridge will be removed and this segment will be railbanked with the bridges (and culverts) in place. In light of Mr. Sims's letter, I think we now have a better understanding of all aspects of this project, and can proceed based on the corrected information.

Therefore, in conformance with the past determinations of this office, we agree that removal of rail ties, rails and crossing control equipment will have no adverse effect, so long as the ballast, rail grade, bridges and culverts remain in place. Based on the revised information submitted regarding this project, we find that the project will have **no adverse effect on this portion of the historic Great Northern Railroad corridor.**

If you have any further questions on our review of this project, please contact me at (651) 259-3456.

Sincerely,



Mary Ann Heidemann, Manager
Government Programs and Compliance

cc: Susan Odom, Network Strategy Manager, BNSF Railway
Mr. Adam Ripple, Rinke Noonan, Attorneys at Law

 **Minnesota
Historical Society**
STATE HISTORIC PRESERVATION OFFICE

November 23, 2010

Ms. Victoria Ruston, Chief
Section of Environmental Analysis
Surface Transportation Board
395 East Street SW
Washington, DC 20423-0001

RE: STB Docket No. AB-6 (Sub-No. 472X)
BNSF Rail Abandonment, Rockville to Cold Spring, MN
Stearns County
SHPO Number: 2010-2492

Dear Ms. Ruston:

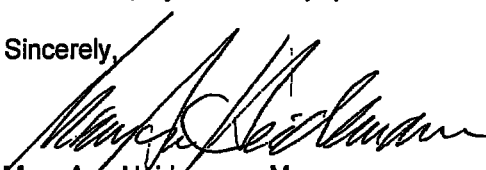
We received a letter dated November 12, 2010, from Adam Ripple of Rinke Noonan, asking why an eligibility study needed to be done for the above project. Spurred by his comments, we dug a bit deeper in the files. Attached you will find the eligibility documentation he was seeking, in a letter from MnDOT dated Jan. 30, 2009. The letter notes that the former Great Northern Railroad corridor from East St. Cloud to Sioux Falls, South Dakota, has been previously determined eligible for the National Register. The segment involved in the present project is contained within that larger eligible corridor and is therefore a contributing part of the eligible corridor.

With eligibility established, we can proceed to analyze the effect of this project on the historic character of the rail corridor. In conformance with the past determinations of this office, we agree that removal of rail ties, rails and crossing control equipment will have no adverse effect, so long as the ballast and rail grade itself remain in place. However, this project also proposes to remove two railroad bridges, both of which are contributing elements in the Register-eligible East St. Cloud to Sioux Falls line.

We find that **the removal of the two railroad bridges in question would constitute an adverse effect on this portion of the historic Great Northern Railroad corridor.** Procedures of the National Historic Preservation Act require that the responsible Federal Agency seek to avoid, minimize or mitigate adverse effects to historic properties. With this in mind, please let us know why the rail bridges cannot be left in place, especially considering that nearby segments of this rail line are being adaptively re-used in trail systems that could ultimately make good use of intact bridges.

Also, please notify the Advisory Council of the potential adverse effect, and invite their participation as required by the Act. We look forward to working with you to resolve the potential adverse effects. Meanwhile, if you have any questions on our review of this project, please contact me at (651) 259-3456.

Sincerely,


Mary Ann Heidemann, Manager
Government Programs and Compliance

cc: Susan Odom, Network Strategy Manager,
Mr. Adam Ripple, Rinke Noonan, Attorneys at Law



Minnesota Department of Transportation

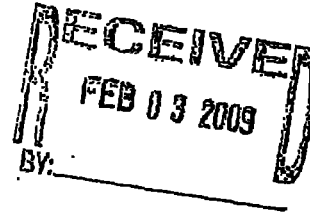
Transportation Building
395 John Ireland Boulevard
St. Paul, Minnesota 55155-1899

January 30, 2009

Direct Line: (651) 366-3604

Mail Stop 620

Mr. Dennis A. Gimmestad
Government Programs & Compliance Officer
State Historic Preservation Office
Minnesota Historical Society
345 Kellogg Boulevard W.
St. Paul, MN 55101



Re: D108-07-3C (Glacial Lakes State Trail surfacing, Richmond to Kandiyohi County line)
Stearns County

Dear Mr. Gimmestad:

We have reviewed the above-referenced undertaking pursuant to our FHWA-delegated responsibilities for compliance with Section 106 of the National Historic Preservation Act, as amended (36 CFR 800).

The Minnesota DNR plans to pave an approximately 14-mile segment of the Glacial Lakes State Trail between Richmond and the Stearns/Kandiyohi county line (see enclosed project map). The trail is located along an abandoned Burlington Northern corridor and all construction will occur within the 100-foot wide railroad right of way. The existing railroad bed will essentially serve as the subgrade for trail construction. The DNR will install a 2.5-inch, 10-foot wide bituminous layer over a compacted aggregate base. The trail will have 2-foot wide gravel or grass shoulders. This trail segment includes 10 at-grade roadway crossings. For all crossings, the DNR will provide advanced warning signs along the trail as well as stop signs for trail users at the crossings. In addition, there are six timber railroad bridges along this portion of the trail. No work will be done on these bridges as part of the present project. Bridge renovations were previously reviewed by both our offices under NRTP 0037-05-3C/SHPD 2006-0218.

The Glacial Lakes State Trail is located along a former Great Northern Railroad corridor (E. St. Cloud to Sioux Falls segment) that is considered eligible for the National Register by our office. The project will place aggregate and bituminous pavement over the existing rail grade. There will be no alterations to the grade itself, no changes to railroad drainage features, and no changes to the surrounding vegetation. Construction of a trail along this historic corridor will help to preserve the property as a linear transportation feature.

Therefore, it is the finding of this office that the undertaking as currently proposed will result in no adverse effects to historic properties. As per the terms of the 2005 PA, please provide your comments on our findings within 30 days of receipt of this letter.

Sincerely,

Elizabeth J. Abel
Historical Archaeologist/Historian
Cultural Resources Unit (CRU)

enc.

cc: Trygve Hanson, MnDNR Mn/DOT CRU Project File
Joe Hudak, Mn/DOT CRU Mn/DOT CO File

 **Minnesota
Historical Society**
STATE HISTORIC PRESERVATION OFFICE

May 11, 2010

Ms. Victoria Ruston, Chief
Section of Environmental Analysis
Surface Transportation Board
395 East Street SW
Washington, DC 20423-0001

RE: STB Docket No. AB-6 (Sub-No. 472X)
BNSF Rail Abandonment, Rockville to Cold Spring, MN
Steams County
SHPO Number: 2010-2492

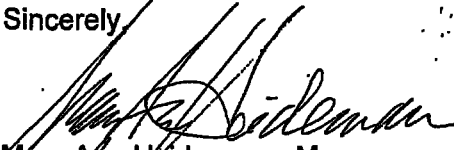
Dear Ms. Ruston:

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council on Historic Preservation (36CFR800).

Due to the nature and location of the proposed project, we are not recommending that an archaeological survey be completed. However, the rail line itself needs to be evaluated. The necessary analysis must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation, and should include an evaluation of National Register eligibility for the rail line itself and any associated properties that may be identified. For your information, we have enclosed a list of qualified consultants who have expressed an interest in undertaking such work.

If you have any questions on our review of this project, please contact me at (651) 259-3456.

Sincerely,


Mary Ann Heidemann, Manager
Government Programs and Compliance

cc: Susan Odom, Network Strategy Manager

Enclosure: List of Consultants

**State Historic Preservation Office
Contract Historians
11/20/2009**

This list is provided for informational purposes to those who may require the services of a historical consultant. Inclusion on the list does not constitute an endorsement of the consultant's professional qualifications or past performance. It is comprised of individuals and firms who have completed cultural resource work in the State of Minnesota and have requested to be included on this list.

It is recommended that work references be checked and multiple bids be obtained before initiating a contractual agreement. The SHPO will not recommend specific contractors, but may be able to comment on previous work reviewed pursuant to state and federal standards and guidelines. The SHPO can be contacted at the Minnesota History Center, 345 Kellogg Blvd. W., St. Paul, MN 55102, 651-259-3450.

AECOM Environment
Amy Ollendorf, Ph.D.
161 Cheshire Lane North
Suite 500
St. Louis Park, MN 55441
763-852-4200
612-599-1255 Cell
763-473-0400 Fax
amy.ollendorf@aecom.com
www.aecom.com
Specialties: Historic Landscape Reports,
Preservation Planning, National Register Nominations

David C. Anderson, Ph.D.
169 Lundy Bridge Drive
Waukon, IA 52172
563-382-3079
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register
Nominations

Rolf T. Anderson
212 West 36th Street
Minneapolis, MN 55408
612-824-7807
roanders6@aol.com
Specialties: Historic Context Studies,
History/Architecture Surveys, Local Designations,
National Register Nominations, Re-use Studies,
Historic Landscape Reports

ARCH³, LLC
Daniel Pratt
1386 Idaho Avenue West
Falcon Heights, MN 55108
651-308-8749 Cell
651-917-9291 Fax
arch3llc@gmail.com
www.arch3llc.com
Specialties: Historic Context Studies,
History/Architecture Surveys, National Register
Nominations, HABS/HAER/MHPR Recordation,
Preservation Planning, Historic Landscape Reports,
Federal Investment Tax Credit Applications

Louis Berger Group, Inc.
Camilla R. Deiber
950 50th Street
Marion, IA 52302
319-373-3043 Phone
cdeiber@louisberger.com
www.culturalresourcegroup.com or
www.louisberger.com
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register
Nominations, HABS/HAER/MHPR Recordation

Michael J. Burns Architects, Ltd.
824 Center Avenue
Moorhead, MN 56560
218-233-6620 Phone
218-233-6621 Fax
mike@mjbald.com
Specialties: Historic context Studies,
History/Architecture Surveys, Re-Use Studies,
Preservation Planning, Federal Investment Tax Credit
Applications

Claybaugh Preservation Architecture, Inc.
Robert Claybaugh, AIA
361 West Government Street
Taylors Falls, MN 55084
651-206-0980
claybaugh@frontiernet.net
www.claybaugh.com
Specialties: Local Design Guidelines, Re-use
Studies, Historic Structures Reports

Commonwealth Cultural Resources Group, Inc.
Evelyn M. Tidlow
Minneapolis Office Director
1298 Yukon Court North
Golden Valley, MN 55427
763-545-8167
612-812-5478 Cell
etidlow@ccrginc.com
www.ccrinc.com
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register

Nominations, Local Designations, Local Design Guidelines, HABS/HAER/MHPR Recordation, Re-Use Studies, Preservation Planning, Historic Landscape Reports, Federal Investment Tax Credit Applications

Cornerstone Preservation

Anne Biebel
2326 Center Street
Suite 101
PO Box 248
Cross Plains, WI 53528
608-798-0188
info@cornerstonepreservation.com
Specialties: Historic Context Studies,
National Register Nominations, Local Design Guidelines, Preservation Planning

Donald Empson
1206 North Second Street
Stillwater, MN 55082
651-351-0172 Phone
651-430-2051 Fax
empson@usfamily.net
Specialties: History/Architectural Surveys

Emily Ganzel
5317 14th Avenue South
Minneapolis, MN 55417
612-824-9960
emily@ganzelworks.com
Specialty: National Register Nominations

Denis Gardner
5309 Vera Cruz Avenue North
Crystal, MN 55429
763-535-0701
landloper@earthlink.net
Specialties: Historic Context Studies,
National Register Nominations, HABS/HAER/MHPR Documentation

Gemini Research
Susan Granger and Scott Kelly
15 East 9th Street
Morris, MN 56267
320-589-3846 Phone
320-589-1737 Fax
gemres@info-link.net
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register Nominations, Local Designations, Local Design Guidelines, HABS/HAER/MHPR Recordation, Re-Use Studies, Preservation Planning, Historic Landscape Reports, Federal Investment Tax Credit Applications

HDR One Company
Joseph R. Trnka or Michael Madson
Senior Cultural Resources Specialists
701 Xenia Avenue South

Suite 600
Minneapolis, MN 55416
Phone 763-278-5945
Fax 763/591-5413
joe.trnka@hdrinc.com or
michael.madson@hdrinc.com
Specialties: Historic Context Studies
History/Architectural Surveys
HABS/HAER/MHPR Recordation
Preservation Planning
Historic Landscape Reports

Heritage Research, Ltd.
N89 W 16785 Appleton Avenue
Menomonee Falls, WI 53501
262-251-7792
262-251-3776 Fax
jnvogel@hrltd.org
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register Nominations, HABS/HAER/MHPR Recordation, Preservation Planning, Historic Landscape Reports, Federal Investment Tax Credit Applications

Hess, Roise and Company
Charlene Roise
100 North First Street
Minneapolis, MN 55401
612-338-1987 Phone
612-338-2668 Fax
roise@hessroise.com
www.hessroise.com
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register Nominations, Local Designations
Local Design Guidelines, HABS/HAER/MHPR Recordation, Re-Use Studies, Preservation Planning, Historic Landscape Reports, Federal Investment Tax Credit Applications

Hoisington Preservation Consultants
Daniel J. Hoisington
PO Box 13790
Roseville, MN 55113
651-415-1034
preservation@edinborough.com
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register Nominations, Local Designations,
Local Design Guidelines, HABS/HAER Recordation, Re-Use Studies, Preservation Planning, Federal Investment Tax Credit Applications

Suzzane Kelley
3803 Willow Road
West Fargo, ND 58078
701-799-3064
kelley@kindredhouse.net
www.kindredhouse.net
Specialties: Historic Context Studies,

History/Architectural Surveys, National Register
Nominations

Debra Kellner
2729 South Lake Avenue
Duluth, Minnesota 55802
218-727-3707
dkpk@clearwire.net
Specialties: History/Architectural Surveys,
National Register Nominations, Local Designations,
Local Design Guidelines

Landscape Research LLC
Carole Zellie and Amy Lucas
1466 Hythe St.
St. Paul, MN 55108
651-641-1230 Phone
651-644-5553 Fax
info@landscaperesearch.net
www.landscaperesearch.net
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register
Nominations, Local Designations, Local Design
Guidelines, HABS/HAER/MHPR Recordation,
Re-Use Studies, Preservation Planning, Historic
Landscape Reports, Federal Investment Tax Credit
Applications

Paul Clifford-Larson
HistoryHere
N2073 Spring Street
PO Box 634
Stockholm, WI 54769
651-224-2231
historyhere@gmail.com
Specialties: Historic Context Studies,
National Register Nominations, Local Designations,
Federal Investment Tax Credit Applications

John Lauber
Historic Preservation and Community Planning
3220 Edmund Boulevard
Minneapolis, MN 55406
612-722-0172
612-991-8983 Cell
jflauber@comcast.net
www.jlauberco.com
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register
Nominations, Local Designations, Local Design
Guidelines, HABS/HAER/MHPR Recordation,
Re-Use Studies, Preservation Planning, Historic
Landscape Reports, Federal Investment Tax Credit
Applications

MacDonald & Mack Architects, Ltd
Robert C. Mack, FAIA
400 South 4th Street
Suite 712
Minneapolis, MN 55415

612-341-4051 Phone
612-337-5843 Fax
info@mmarchltd.com
www.mmarchltd.com
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register
Nominations, Local Designations, Local Design
Guidelines, HABS/HAER/MHPR Recordation
Re-Use Studies, Preservation Planning, Federal
Investment Tax Credit Applications

Steve C. Martens
Associate Professor
North Dakota State University
PO Box 742
Fargo, ND 58107-0742
701-361-3943
steve.martens@ndsu.edu
Specialties: History/Architectural Surveys,
National Register Nominations, Local Design
Guidelines, HABS/HAER/MHPR Recordation,
Re-Use Studies, Preservation Planning,
Historic Landscape Reports, Federal Investment Tax
Credit Applications

Mead & Hunt, Inc.
Heather Goodson
7900 West 78th Street
Suite 370
Minneapolis, MN 55439
952-941-5619 Phone
952-941-5622 Fax
heather.goodson@meadhunt.com
www.meadhunt.com
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register
Nominations, Local Designations,
HABS/HAER/MHPR Recordation, Re-Use Studies,
Preservation Planning, Historic Landscape Reports,
Federal Investment Tax Credit Applications

Mead & Hunt, Inc.
Christina Slattery
6501 Watts Road
Suite 101
Madison, WI 53719
608-273-6380 Phone
608-273-6391 Fax
christina.slattery@meadhunt.com
www.meadhunt.com
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register
Nominations, Local Designations,
HABS/HAER/MHPR Recordation, Re-Use Studies,
Preservation Planning, Historic Landscape Reports,
Federal Investment Tax Credit Applications

Merjent
Peggy J. Boden
Cultural Resource Specialist
615 First Avenue NE

Minneapolis, MN 55413
612-746-3663 Phone
612-325-5840 Cell
612-746-3679 Fax
pboden@merjent.com
Specialties: Historic Context Studies,
National Register Nominations, Local Designations,
Preservation Planning, Historic Landscape Reports,
Federal Investment Tax Credit Applications

Miller Dunwiddie Architecture, Inc.
Chuck Liddy, AIA, NCARB
123 North Third Street
Suite 104
Minneapolis, MN 55401
612-337-0000
612-337-0031 Fax
cliddy@millerdunwiddie.com
www.millerdunwiddie.com
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register
Nominations, Local Design Guidelines,
HABS/HAER/MHPR Recordation, Re-Use
Studies, Preservation Planning, Federal
Investment Tax Credit Applications

Oertel Architects
Jeffrey Oertel, President
Diane Trout-Oertel, Vice President
1795 St. Clair Avenue
St. Paul, MN 55105
651-696-5186 Phone
651-696-5188 Fax
joertel@oertelarchitects.com
doertel@oertelarchitects.com
www.oertelarchitects.com

Specialties: History/Architecture Surveys,
National Register Nominations, Preservation
Planning, Re-Use Studies

Pathfinder CRM, LLC
Robert C. Vogel
Senior Historian & Managing Partner
Minnesota Office
118 E. Main Street
PO Box 503
Spring Grove, MN 55974-0503
507-498-3810
rcvogel@springgrove.coop
www.pathfindercrm.com
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register
Nominations, Local Designations, Local Design
Guidelines, HABS/HAER/MHPR Recordation,
Re-Use Studies, Preservation Planning, Historic
Landscape Reports

Regional Research Associates
Deborah Morse-Kahn, Director
4314 Linden Hills Boulevard
Minneapolis, MN 55410

612/925-0749
dmk@regionalresearch.net
www.regionalresearch.net
Specialties: History Context Studies,
History Surveys, National Register Nominations,
Local Designations

SCI Engineering, Inc.
Steve Dasovich, Ph.D.
130 Point West Boulevard
St. Charles, MO 63301
636-949-8200
314-220-4965 Cell
636-949-8269 Fax
sdasovich@sciengineering.com
www.sciengineering.com
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register
Nominations, HABS/HAER Recordation,
Preservation Planning, Historic Landscape
Reports, Federal Investment Tax Credit
Applications

Stark Preservation Planning LLC
Will Stark
2840 43rd Avenue South
Minneapolis, MN 55406
651-353-2628
will@starkpreservation.com
www.starkpreservation.com
Specialties: History/Architectural Surveys,
National Register Nominations, Local Designations,
HABS/HAER/MHPR Recordation, Re-Use Studies,
Preservation Planning, Federal Investment Tax Credit
Applications

Summit Envirosolutions, Inc.
Andrew Schmidt
Senior Architectural Historian/Project Manager
1217 Bandana Boulevard North
St. Paul, MN 55108
651-842-4202
651-647-0888 Fax
612-845-4788 Cell
aschmidt@summite.com
www.summite.com
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register
Nominations, Local Designations,
HABS/HAER/MHPR Recordation, Preservation
Planning

The 106 Group Limited
Anne Ketz
The Dacotah Building
370 Selby Avenue
St. Paul, MN 55102
651-290-0977 Phone
651-290-0979 Fax
anneketz@106group.com

www.106group.com
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register
Nominations, Local Designations, Local Design
Guidelines, HABS/HAER/MHPR Recordation,
Re-Use Studies, Preservation Planning, Historic
Landscape Reports, Federal Investment Tax Credits

Nominations, Local Designations, Local Design
Guidelines, HABS/HAER/MHPR Recordation,
Re-Use Studies, Preservation Planning,
Federal Investment Tax Credit Applications

The Midwestern Company
104 South Pierre Street
Pierre, SD 57501
605-945-5105 Phone
866-218-5452 Toll Free
midwesterncompany@mail.com
Specialties: History/Architectural Surveys,
National Register Nominations, Local Design
Guidelines, Preservation Planning, Federal
Investment Tax Credit Applications

Trefoil Cultural and Environmental
Richard Rothaus, PhD
1965 W. Highview Drive
Sauk Rapids, MN 56379
320-761-9090
866-651-5859 Fax
rothaus.@trefoilcultural.com
Specialties: Historic Context Studies,
History/Architecture Surveys, National Register
Nominations, Historic Landscape Reports

Carmen Tschofen
2667 Parkview Boulevard
Robbinsdale, MN 55422
763-522-5709
tschofen@email.com
Specialties: History/Architecture Surveys,
National Register Nominations, Historic Context
Studies

Two Pines Resource Group, LLC
Michelle M. Terrell, Ph.D.
17711 260th Street
Shafer, MN 55074
651-257-4766 Phone
651-257-4474 Fax
mterrell@twopinesresource.com
www.twopinesresource.com
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register
Nominations

Thomas R. Zahn & Assoc., LLC
Historical Design, Research & Preservation
Consultants
807 Holly Avenue
St. Paul, MN 55104
651-221-9765
tom@tzahn.com
Specialties: Historic Context Studies,
History/Architectural Surveys, National Register