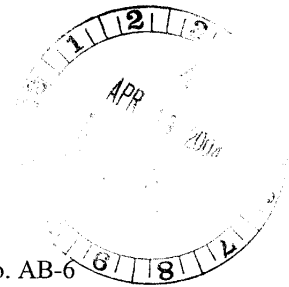


210691

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company Notice of Exemption
to Abandon Its Line of Railroad
Between M.P. 22.00 in Walum,
North Dakota and M.P. 17.31
near Dazey, North Dakota

Docket No. AB-6
(Sub No. 419X)



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APR 13 2004

Part of
Public Record

ENVIRONMENTAL REPORT

The following information is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between M.P. 22.00 Walum, Griggs County, North Dakota and M.P. 17.31 near Dazey, Barnes, North Dakota, total distance of 4.69 miles.

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

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

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

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

(3) Land Use:

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

BNSF believes that the proposed exemption will be consistent with existing land use plans. The Barnes County Board of Commissioners and the Griggs County Board of Commissioners were notified by letters dated January 9, 2004. See Exhibits B and C. As of the date of this report, neither has responded. BNSF will provide the Board copies of any responses it may receive.

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

Since the roadbed will be left intact and only rails and ties are to be removed, it has been determined by NRCS that no prime farmland will be affected. See Exhibit D, letter from the Natural Resources Conservation Service.

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

N/A

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

The right-of-way may be suitable for an alternative public use. However, the Barnes County Board of Commissioners and the Griggs County Board of Commissioners were notified by letters dated January 9, 2004. See Exhibits B and C. As of the date of this report, neither has responded. BNSF will provide the Board copies of any responses it may receive.

(4) Energy:

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

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

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

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

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

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

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

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

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

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

(5) Air:

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

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

No.

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

No.

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

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

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

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

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

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the

reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

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

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

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

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) Safety:

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

This abandonment should have no adverse effect on health or public safety. There are seven public crossings and no private crossings. During salvage operations on the line, if any may be required, precautions

will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

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

Abandonment will not result in transportation of hazardous materials.

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

BNSF leased property to Rogers Fertilizer doing business as North Central Oil at Dazey, North Dakota. The lease was canceled in 1/13/99. Although BNSF is not aware of any hazmat spills by BNSF, a small amount of gasoline and other petroleum hydrocarbons have been located on the lease site adjacent to the operating right of way at Dazey, North Dakota.

(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 project as described will have any significant impact on fish and wildlife resources. The U.S. Fish and Wildlife does not object to the project as proposed. See Exhibit E, letter from the U.S. Fish and Wildlife Service. The North Dakota Game and Fish Department was notified by letter dated January 9, 2004. See

Exhibits F. As of the date of this report, the North Dakota Game and Fish Department has not responded. BNSF will provide the Board copies of any response it may receive.

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

The Bureau of Land Management does not have any wildlife sanctuaries or refuges, National or State parks or forests in the proposed impact area. See Exhibit G, letter from the Bureau of Land Management. Approximately 1 mile of the line crosses USFWS wetland easements. Wetlands easements are held in private property, but are considered part of the National Wildlife Refuge System. See Exhibit E, letter from the USFWS. The project as defined does not affect state park lands that the North Dakota Parks and Recreation Department manages or Land and Water Conservation Fund recreation projects that the Department coordinates. See Exhibit H, letter from the North Dakota Parks and Recreation Department.

(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 that the proposed exemption will be consistent with applicable Federal, State or local water quality standards. Approximately one mile of the line crosses USFWS wetland easements. When removing track material, no fill should be placed in the wetlands, and there should

be no hydrologic alterations that may drain or otherwise affect the wetlands. See Exhibit E, letter from the USFWS.

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

A Section 404 permit is not required. See Exhibit I, letter from the Army Corps of Engineers. BNSF believes the proposed abandonment should not adversely affect any 100-year floodplains. The Officials from Barnes County and Griggs County were notified by letters dated January 9, 2004. See Exhibits J and K. As of the date of this report, neither has responded. BNSF will provide the Board copies of any response it may receive.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.

BNSF believes that permits under Section 402 of the Clean Water Act are not required for the proposed abandonment. The North Dakota Department of Health was notified by letter dated January 9, 2004. See Exhibit K. As of the date of this report, the North Dakota Department of Health has not responded. BNSF will provide the Board copies of any response it may receive.

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

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

Respectfully Submitted,

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

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

Date: April 14, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company Notice of Exemption
to Abandon Its Line of Railroad
Between M.P. 22.00 near Walum,
North Dakota and M.P. 17.31
near Dazey, North Dakota

Docket No. AB-6
(Sub No. 419X)

HISTORICAL REPORT

The following is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting the Board's environmental and historical assessment regarding BNSF's Notice of Exemption to abandon its line of railroad between M.P. 22.00 near Walum, Griggs County, North Dakota to M.P. 17.31 near Dazey, Barnes County, North Dakota, a total distance of 4.69 miles.

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

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

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

The Walum to Dazey, North Dakota line connects the rural towns of Walum and Dazey. Walum is unincorporated and Dazey has a population of 91 according to the North Dakota League of Cities City Directory for 2002 - 2004. Much of the adjoining land is generally flat. Wheat is the primary agricultural crop.

Most of the rail corridor is 100 feet wide, however, there are parts of the right of way that are 200 or 250 feet in width.

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

There is one bridge that is 50 years or older in the immediate area of the abandonment. Photographs of the bridge is attached to this report. See Exhibit L.

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

The bridge was constructed in 1952.

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

The corridor was acquired by The Sanborn Cooperstown and Turtle Mountain Railroad Company in 1882 and 1904. The Sanborn Coopertown and Turtle Mountain Railroad Company was a predecessor of the Northern Pacific Railway (NP). In 1970 the NP merged into the Burlington Northern Railroad (BN). In 1995 BN merged with The Atchison Topeka and Santa Fe Railway (ATSF) to become The Burlington Northern and Santa Fe Railway Company (BNSF).

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

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

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

The State Historical Society of North Dakota recommends that a Class I Cultural Inventory of the Area of Potential Effect (APE) be prepared and submitted to them for consultations. The State Historical Society of North Dakota also recommends that the one bridge be formally recorded on NDCRS site forms. See Exhibit M, letter from the State Historical Society of North Dakota. BNSF has commissioned an inventory by a qualified historian. Upon completion of the survey, it will be provided to the North Dakota Historical Society.

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

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

Respectfully submitted,

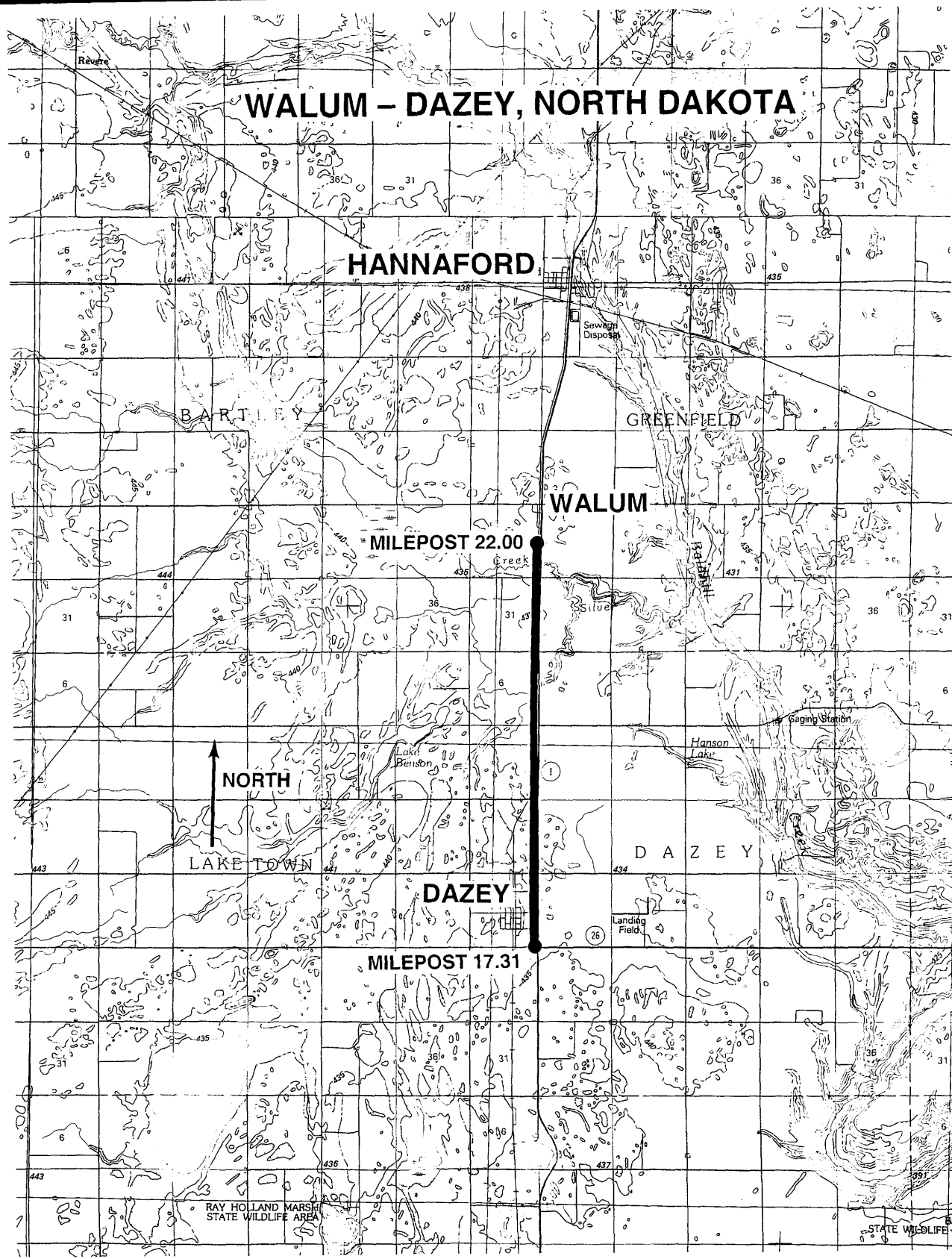
A handwritten signature in black ink, appearing to read "Michael Smith", with a horizontal line underneath.

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

Date: April 14, 2004

A

WALUM - DAZEY, NORTH DAKOTA



B

Freeborn & Peters LLP

January 9, 2004

Rodger Berntson
County Commission Chair
Barnes County Board of Commissioners
230 4th Street, NW
County Courthouse
Valley City, ND 58072-2947

Attorneys at Law

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

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

Chicago

Springfield

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Walum, North Dakota to Dazey, North Dakota***

Dear Mr. Berntson:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 4.69 miles of railroad line between M.P. 17.31 in Dazey, North Dakota to M.P. 22.00 in Walum, North Dakota.

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

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

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

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

C

Freeborn & Peters LLP

January 9, 2004

Roger Nelson
County Commission Chair
Griggs County Board of Commissioners
808 Rollin Avenue, SW
County Courthouse
Cooperstown, ND 58425-7315

Attorneys at Law

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

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

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Walum, North Dakota to Dazey, North Dakota***

Dear Mr. Nelson:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 4.69 miles of railroad line between M.P. 17.31 in Dazey, North Dakota to M.P. 22.00 in Walum, North Dakota.

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

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

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

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

Chicago

Springfield

D

United States Department of Agriculture



Natural Resources Conservation Service
P.O. Box 2096
Jamestown, ND 58402-2096

January 28, 2004

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

Re: The Burlington Northern and Santa Fe Railway Company Abandonment of Walum, ND to Dazey, ND

Dear Mr. Nettles,

This letter is in reply to letters sent to the NRCS offices in Cooperstown, ND and Valley City, ND.

Since the roadbed will be left intact and only rails and ties are to be removed, it has been determined by NRCS that no prime farmland will be impacted. A Farmland Conversion Impact Rating Sheet (form AD-1006) will therefore not be required for the project.

Potential environmental impacts could occur from the project. The following comments are provided as suggestions for avoiding or keeping impacts to a minimum.

- ▶ Traffic on nearby agricultural soils in or outside of the right-of-way should be minimized to avoid soil rutting and compaction that may lead to loss of soil quality and productivity. Traffic should be confined to existing roads, trails and the railroad roadbed when feasible.
- ▶ Nearby wetlands could be affected by sedimentation due to soil disturbance along the roadbed. Erosion control measures should be used if any excessive roadbed disturbance occurs during removal.
- ▶ Any filling, ditching, or dredging to dewater areas of wetness along the railroad to gain access for rail and tie removal could jeopardize adjacent landowner eligibility for farm programs under Swampbuster requirements. The respective landowners and NRCS should be consulted if any activity would impact a wetland. Upon landowner approval wetland maps can be provided by the county NRCS offices if needed.
- ▶ All natural drainage patterns should be maintained. Roadbed disturbance that could impede flow of water should be avoided or returned to original condition prior to disturbance.
- ▶ Farm Service Agency and landowners should be consulted if Conservation Reserve Program (CRP) lands will be disturbed or traversed with vehicular traffic.

Thank you for the opportunity to comment on the project. If you need additional information or have questions please contact me at phone # 701-252-1460 or e-mail address hal.weiser@nd.usda.gov.

Sincerely,

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

HAL WEISER
Area Resource Soil Scientist

Cc: Chris Nelson, DC, NRCS, Cooperstown, ND
Brent Gustafson, DC, NRCS, Valley City, ND
Todd Schwagler, ASTC(FO), NRCS, Jamestown, ND

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

E



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501



MAR 11 2003

Mr. Brian Nettles
Freeborn and Peters LLP
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606

RE: BNSF Railroad Abandonment, Walum to
Dazey, North Dakota

Dear Mr. Nettles:

In response to your January 9, 2003, letter, the U.S. Fish and Wildlife Service (Service) has reviewed the plan submitted by Burlington Northern Sante Fe Railway Company, to abandon 4.69 miles of railroad line between M.P. 17.31 in Dazey, North Dakota, and M.P. 22.00 in Walum, North Dakota. Approximately 1 mile of the line crosses Service wetland easements in T. 143 N., R. 59 W., Section 18, SE¼, Section 19, NE¼NE¼ and SE¼SE¼, and Section 30. Wetlands easements are held in private property, but are considered part of the National Wildlife Refuge System. When removing track material, no fill should be placed in the wetlands, and there should be no hydrologic alterations that may drain or otherwise affect the wetlands. Draining, filling or burning the wetlands may constitute an easement violation on behalf of the landowner. I have included a map depicting wetland easement locations. If further guidance is needed in determining the easement boundaries, please contact Kory Richardson of Valley City Wetland Management District at 701-845-3466.

The Service does not object to the project as proposed, provided our recommendations are incorporated into the project plan. Thank you for the opportunity to provide comments. If further information is required, please contact Ms. Kelly McDermott of my staff at 701-250-4402, or at the letterhead address.

Sincerely,

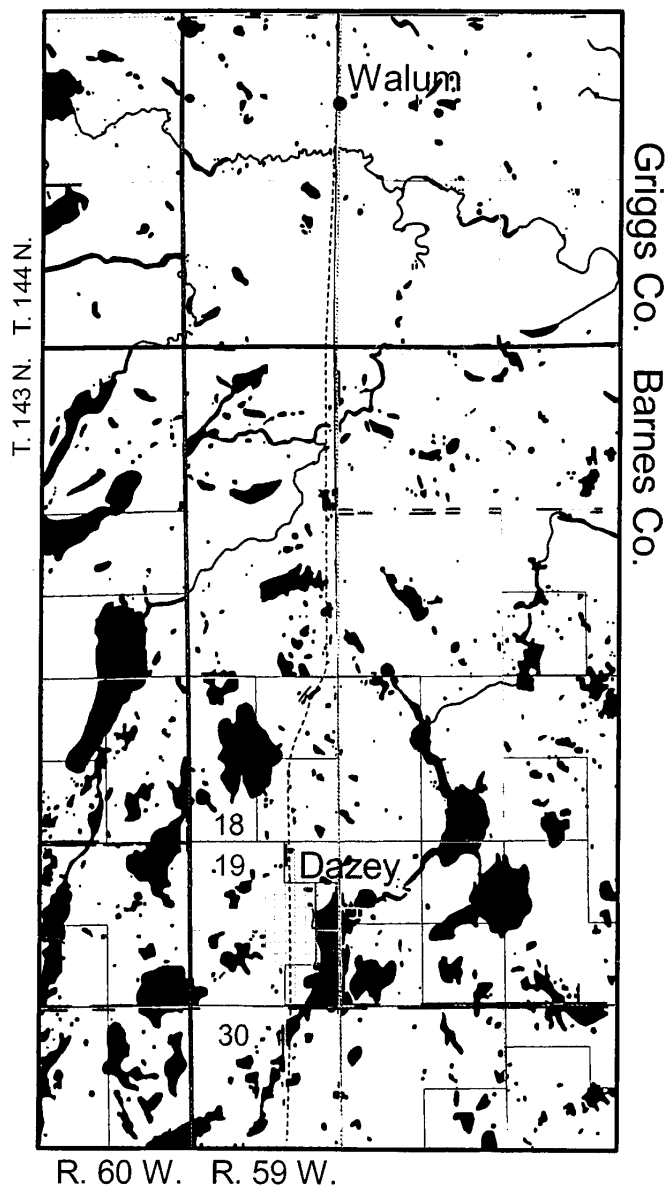
for Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

Enclosure

cc: Project Leader, Valley City WMD



BNSF Railway Abandonment Dazey to Walum



All data is for representative purposes only and may not depict actual size, shape or boundary.
For more detailed information on the boundaries of fee-title land or easement areas,
please contact the USFWS, Bismarck, North Dakota.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501



JAN 14 2004

Mr. Brian Nettles
Freeborn and Peters LLP
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606

RE: BNSF Railroad Abandonment, Walum to
Dazey, North Dakota

Dear Mr. Nettles:

In response to your January 9, 2003, letter, the U.S. Fish and Wildlife Service (Service) has reviewed the plan submitted by Burlington Northern Sante Fe Railway Company, to abandon 4.69 miles of railroad line between M.P. 17.31 in Dazey, North Dakota, and M.P. 22.00 in Walum, North Dakota. Approximately 1 mile of the line crosses Service wetland easements in T. 143 N., R. 59 W., Section 18, SE¼, Section 19, NE¼NE¼ and SE¼SE¼, and Section 30. Wetlands easements are held in private property, but are considered part of the National Wildlife Refuge System. When removing track material, no fill should be placed in the wetlands, and there should be no hydrologic alterations that may drain or otherwise affect the wetlands. Draining, filling or burning the wetlands may constitute an easement violation on behalf of the landowner. I have included a map depicting wetland easement locations. If further guidance is needed in determining the easement boundaries, please contact Kory Richardson of Valley City Wetland Management District at 701-845-3466.

The Service does not object to the project as proposed, provided our recommendations are incorporated into the project plan. Thank you for the opportunity to provide comments. If further information is required, please contact Ms. Kelly McDermott of my staff at 701-250-4402, or at the letterhead address.

Sincerely,

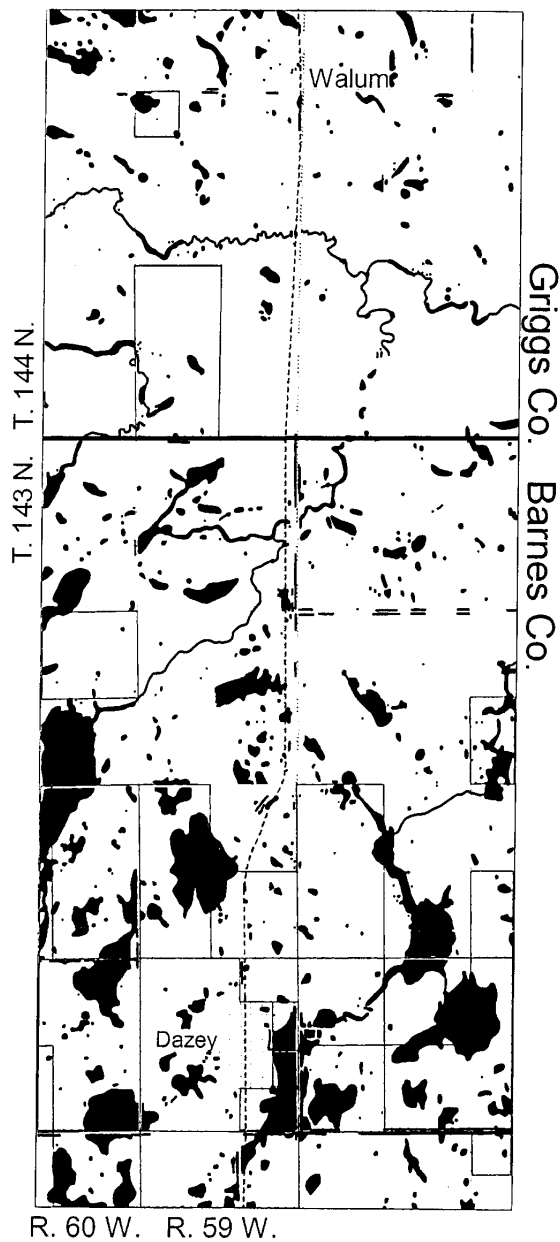
Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

Enclosure

cc: Project Leader, Valley City WMD



BNSF Railway Abandonment Dazey to Walum, North Dakota



 Wetland easements
 Wetlands

 Railroad
Roads



F

Freeborn & Peters LLP

January 9, 2004

North Dakota Game and Fish Department
100 N. Bismarck Expressway
Bismarck, ND 58501-5095

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Walum, North Dakota to Dazey, North Dakota***

Attorneys at Law

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

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

Chicago

Springfield

Dear Sir or Madam:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 4.69 miles of railroad line between M.P. 17.31 in Dazey, North Dakota to M.P. 22.00 in Walum, North Dakota.

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

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

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by February 9, 2004. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

G



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

North Dakota Field Office

2933 3rd Ave West

Dickinson, ND 58601

701-227-7700

<http://www.mt.blm.gov/ndfo/>

In Reply To:

2700

LRG

January 21, 2004

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

RE: The Burlington Northern and Santa Fe Railway Company Abandonment of Walum, North Dakota to Dazey, North Dakota

Dear Mr. Nettles:

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

The BLM does manage small surface property in T. 143 N., R. 60 W., Section 12, Lot 1 (2.29 acres) and Lot 2 (2.27 acres), Barnes County. However, the BNSF line is located to the east of these parcels. Please keep the BLM informed as to the continued process. These railroad abandonments depending under which Act they were granted, impact the BLM. We appreciate the opportunity to comment.

Sincerely,

Linda Gisvold
Realty

H



1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649

Phone 701-328-5357
Fax 701-328-5363
E-mail parkrec@state.nd.us
www.NDparks.com

January 27, 2004

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

Re: Burlington Northern and Santa Fe Railway Company Abandonment of Walum, ND to Dazey, ND

Dear Mr. Nettles:

The North Dakota Parks and Recreation Department (NDPRD) has reviewed the above referenced application submitted by BNSF to abandon 4.69 miles of railroad line located in Sections 29, 30, 31 and 32, T144N, R59W; and Sections 5, 6, 7, 8, 17, 18, 19 and 20, T143N, R59W, Barnes and Griggs Counties.

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

The North Dakota Natural Heritage Inventory has limited rare species information from the project area. Due to the lack of available survey data we cannot give an accurate assessment as to potential impacts to rare species and associated habitats.

The NDPRD recommends that any impacted areas be revegetated with species native to the project area.

Thank you for the opportunity to comment on this project. Please contact Kathy Duttonhefner (701-328-5370 or kgduttonhefner@state.nd.us) of our staff if additional information is needed.

Sincerely,

Jesse Hanson, Coordinator
Planning and Natural Resources Division

R.USNDNHI*1247

.....
Play in our backyard!



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND 58504-6640
January 15, 2004

North Dakota Regulatory Office

[200460008]
[200460010]

Brian Nettles
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

This is in reference to your solicitation letter, on behalf of the **Burlington Northern and Santa Fe Railway Company (BNSF)**, for a Department of the Army (DA) review in accordance with Section 404 of the Clean Water Act. The BNFS project consists of the abandonment of railroad line between M.P. 17.31 in Dazey, North Dakota to M.P. 22.00 in Walum, North Dakota. The proposed abandonment may require the removal of the track materials such as the rails and ties, but the roadbed will be left intact. The legal description is Sections 6, 7, 18, and 19, Township 143 North, Range 59 West, Barnes County, North Dakota and in Sections 30 and 31, Township 144 North, Range 59 West, Griggs County, North Dakota.

Based on the information provided to this office, it has been determined that your proposed project, as presently designed, would be accomplished without discharging in a jurisdictional area and therefore, a Section 404 permit would not be required. However, DA authorization may be required should changes be made in your project.

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

If you have any questions concerning this determination, please do not hesitate to contact this office by letter or telephone (701) 255-0015 and reference project number **200460008**.

Sincerely,

Daniel G. Cummings
for James L. Winters
Regulatory Program Manager
North Dakota

Freeborn & Peters LLP

January 9, 2004

LaVonne Zinck
Barnes County Recorder
230 4th Street, NW
County Courthouse
Valley City, ND 58072-2947

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Walum, North Dakota to Dazey, North Dakota***

Attorneys at Law

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

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

Dear Ms. Zinck:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 4.69 miles of railroad line between M.P. 17.31 in Dazey, North Dakota to M.P. 22.00 in Walum, North Dakota.

As part of the environmental report BNSF needs to know if the proposed abandonment will affect any 100-year floodplains. If so, please furnish 8 & ½ by 11 black and white maps in the area of each designated floodplain if they are available.

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

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by February 9, 2004. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

Chicago

Springfield

K

Freeborn & Peters LLP

January 9, 2004

Griggs County Agent
808 Rollin Avenue, SW
County Courthouse
Cooperstown, ND 58425-7315

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Walum, North Dakota to Dazey, North Dakota***

Attorneys at Law

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

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

Chicago

Springfield

Dear Sir or Madam:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 4.69 miles of railroad line between M.P. 17.31 in Dazey, North Dakota to M.P. 22.00 in Walum, North Dakota.

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Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

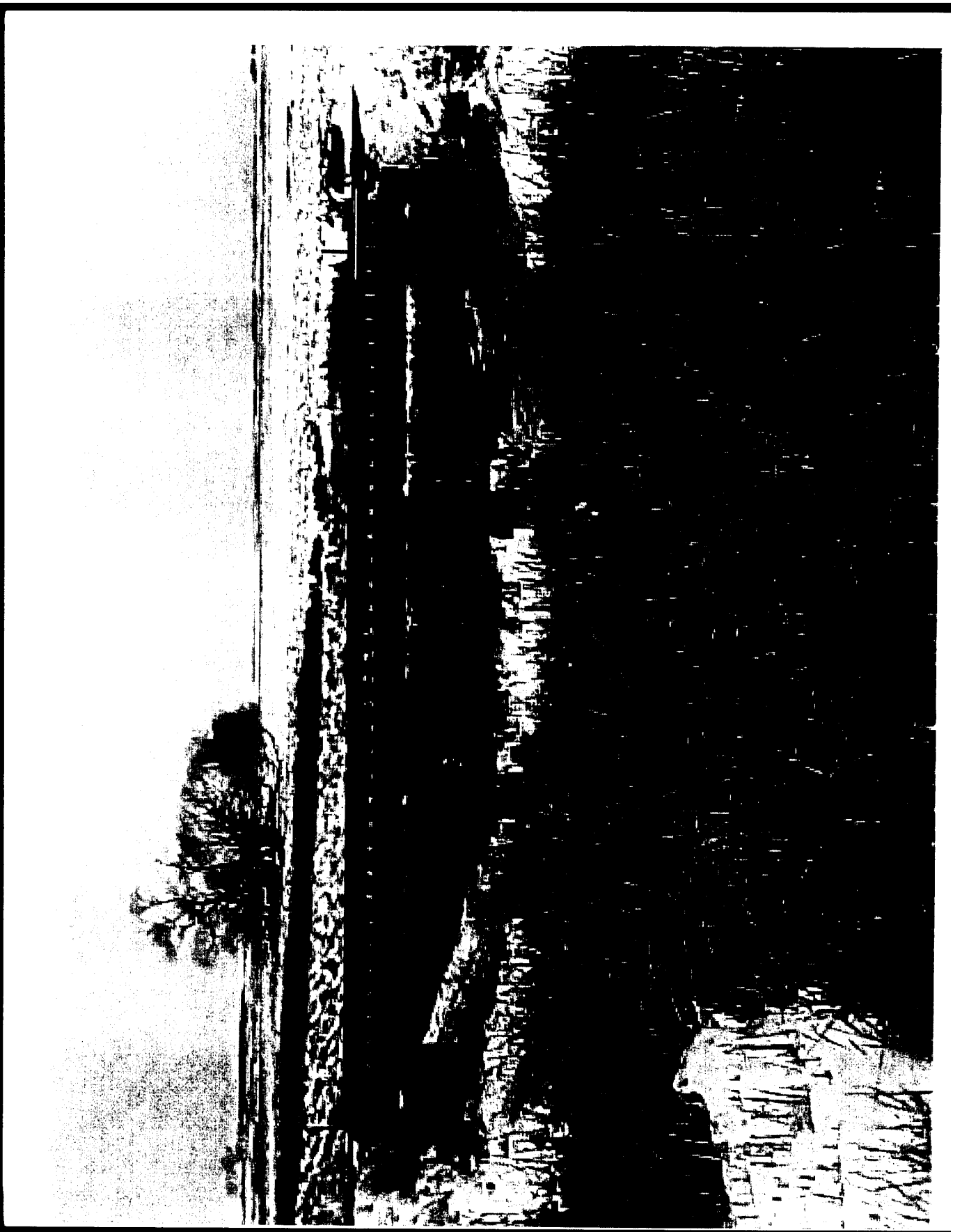
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Enclosure

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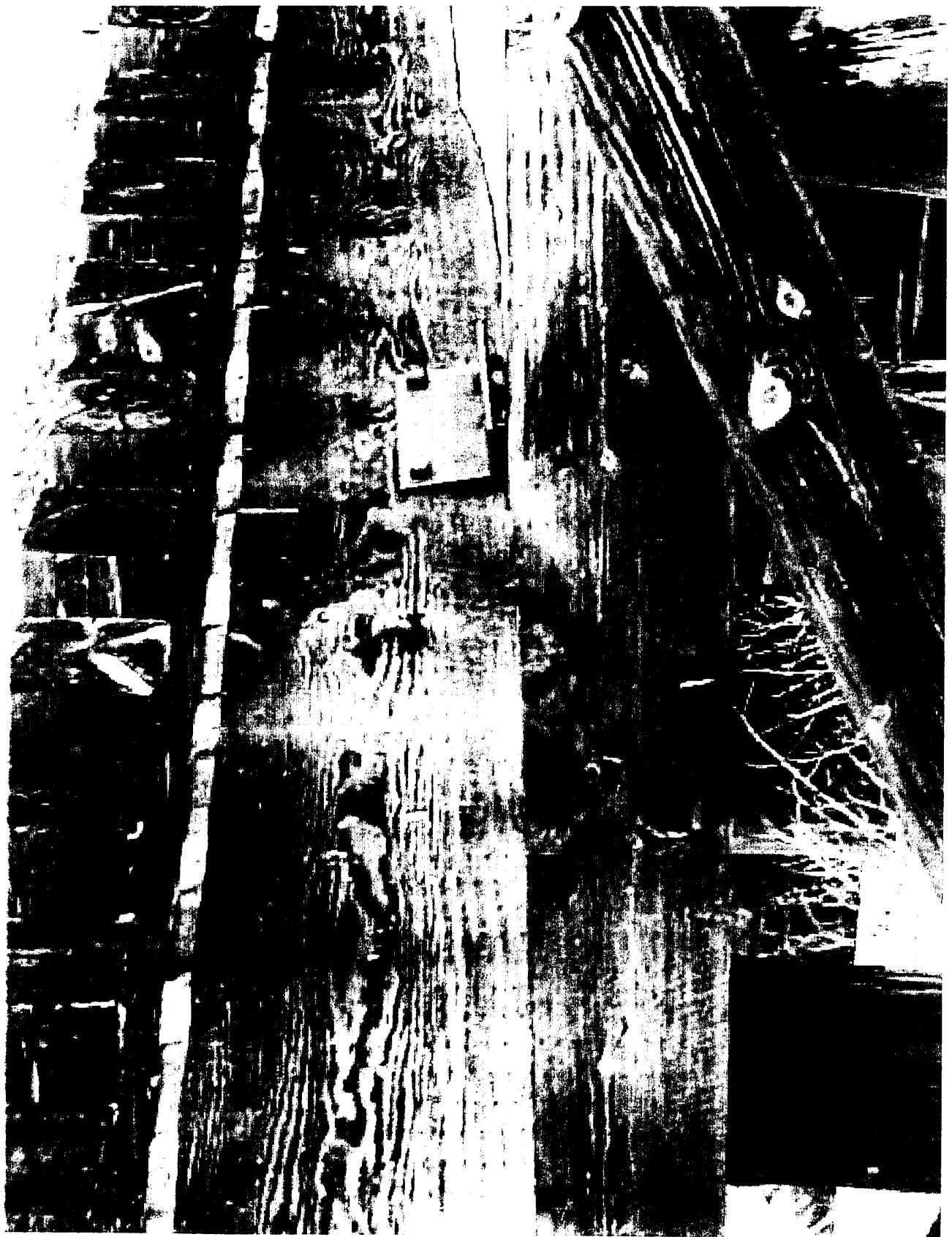
Abandonment Documentation (M.P. 17.31 to M.P. 22.00)

List of Bridges

Bridge:	20.888	Built: 1952	Length: 45'	Height: 11'	Description: Open Pile Trestle	Obstacle: High Water
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**STATE
HISTORICAL
SOCIETY**
OF NORTH DAKOTA

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Governor of North Dakota

North Dakota
State Historical Board

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Parks and Recreation
Department

David A. Sprynczynatyk
Director
Department of Transportation

John E. Von Rueden
Bismarck

Merlan E. Paaverud, Jr.
Director

Accredited by the
American Association
of Museums

January 22, 2004

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

NDSHPO REF.: 04-0222, Proposed BN&SF Railway Co. Abandonment,
Walum to Dazey, Barnes and Griggs Counties, ND.

Dear Mr. Nettles:

We have reviewed Project: 04-0222, proposed abandonment of the Burlington Northern and Santa Fe Railway Company line between the Cities of Walum and Dazey in Barnes and Griggs Counties, North Dakota.

We recommend that a Class I Cultural Resources Inventory (i.e., files search) of the Area of Potential Effect (APE) be prepared and submitted to our office for consultation. The results of the files search should include a short report detailing all cultural resources (including potential or actual historic properties) in the legal sections of the APE and 7.5' topographic maps with the cultural resource locations and previously inventoried areas plotted and marked on it.

We also recommend that the one bridge over 50 years of age be formally recorded on NDCRS site forms. The recording should be completed by a state permitted cultural resource firm/architectural historian, and include preliminary evaluations. We have previously provided your office with a list of state permitted firms.

Thank you for the opportunity to review this project. Please include the ND SHPO Reference number listed above in any further correspondence for this specific project. If you have any questions please contact Duane Klinner at (701) 328-3576.

Sincerely,

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