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September 13, 2012

Karl Morell
Of Counsel
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E-FILED

Ms. Victoria Rutson, Esq.
Environmental Analysis Chief
Surface Transportation Board
395 E Street, SW, Room 1106
Washington, DC 20423

Re: STB Docket No. AB 6 (Sub-No. 485X), BNSF Railway
Company -- Abandonment Exemption -- in McKinley County,
New Mexico

Dear Ms. Rutson:

On August 10, 2012, BNSF Railway Company ("BNSF") filed with the Board its Environmental and Historic Reports in the above-captioned matter. Attached please find the additional response BNSF received from the New Mexico Environment Department.

Sincerely,

A handwritten signature in cursive script that reads "Karl Morell".

Karl Morell
Of Counsel



NEW MEXICO
ENVIRONMENT DEPARTMENT

Office of the Secretary

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DAVE MARTIN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

September 13, 2012

Ball Janik LLP
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RESPONSE BY EMAIL

RE: BNSF Railway Abandonment in McKinley County

Dear Mr. Morell:

Your letter regarding the above named project was received in the New Mexico Environment Department (NMED) and was sent to various Bureaus for review and comment. Comments were provided by the Surface Water Quality Bureau, Air Quality Bureau, and Ground Water Quality Bureau and are as follows.

Surface Water Quality Bureau

Surface Water Quality Bureau staff reviewed the project description, and determined that the project as described would probably have no impact to surface water quality.

Air Quality Bureau

The Air Quality Bureau has evaluated the information submitted with respect to the proposed BNSF Railway Company Abandonment Exemption In McKinley County.

The BNSF will need to contact the appropriate tribal agency for any part of the project that is located on tribal land. The AQB has evaluated the information submitted with respect to the BNSF Railway Company Abandonment Exemption in McKinley County. McKinley County is considered to be in attainment with all New Mexico and National Ambient Air Quality Standards.

To further ensure air quality standards are met, applicable local or county regulations requiring noise and/or dust control must be followed; if none are in effect, controlling construction-related air quality impacts during projects should be considered to reduce the impact of fugitive dust and/or noise on community members.

Potential exists for temporary increases in dust and emissions from earthmoving, construction equipment, and other vehicles; however the increases should not result in non-attainment of air quality standards. Dust control measures should be taken to minimize the release of particulates due to vehicular traffic and construction. Areas disturbed by the construction activities, within and adjacent to the project area should be reclaimed to avoid long-term problems with erosion and fugitive dust

All asphalt, concrete, quarrying, crushing and screening facilities contracted in conjunction with the proposed project must have current and proper air quality permits. For more information on air quality permitting and modeling requirements, please refer to 20.2.72 NMAC.

The project as proposed should have no long-term significant impacts to ambient air quality.

Ground Water Quality Bureau

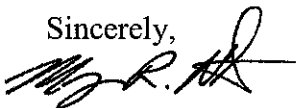
Ground Water Quality Bureau (GWQB) staff reviewed the above-referenced letter as requested, focusing specifically on the potential effect to ground water resources in the area of the proposed project.

BNSF Railway Company is proposing to abandon 5.11 miles of railway between milepost 14.50 and milepost 19.61 north of Defiance in McKinley County. Rails and ties will be removed and recycled or disposed of, but the roadbed will remain intact, as will ballast and culverts. Railroad crossing equipment will be removed and the areas repaved with gravel or concrete.

Please note that while implementation of the improvement project is not expected to adversely affect ground water, it will likely involve the use of heavy equipment, thereby leading to a possibility of contaminant releases (e.g., fuel, hydraulic fluid, etc.) associated with equipment malfunctions. The GWQB advises all parties involved in the project to be aware of notification requirements for accidental discharges contained in 20.6.2.1203 NMAC. Compliance with the notification and response requirements will further ensure the protection of ground water quality in the vicinity of the project.

I hope this information is helpful to you.

Sincerely,



Morgan R. Nelson
Environmental Impact Review Coordinator
NMED File Number: EIR 3769