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March 8, 2017

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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. 495X), BNSF Railway
Company -- Abandonment Exemption -- In Flathead County,
Montana

Dear Ms. Rutson:

Attached for filing is a copy of BNSF Railway Company's ("BNSF")
Environmental and Historic Reports prepared pursuant to 49 C.F.R.
§§1105.7 and 1105.8.

BNSF anticipates filing a Petition for Abandonment seeking
authority to abandon the 2.7-mile rail line on or after March 29,
2017.

Sincerely,

A handwritten signature in black ink that reads "Karl Morell". The signature is written in a cursive, flowing style.

Karl Morell

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY	)	
ABANDONMENT EXEMPTION	)	DOCKET NO. AB 6
IN FLATHEAD COUNTY,	)	(SUB-NO. 495X)
MONTANA		

ENVIRONMENTAL AND HISTORIC REPORTS

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Service Date: March 8, 2017

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 approximately 2.7 miles of rail line from Milepost 1225.19 to the south end of the line at Milepost 1227.58 and to the west end of the line at Engineering Station 189+36 (Milepost 1227.10) in Kalispell, Flathead County, Montana (the “Line”). A map of the project area is attached as **Exhibit A**.

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

The proposed abandonment will include the removal of track materials such as rails, ties, and four (4) bridges. The railroad right-of-way, ballast and culverts will remain in place. If any portion of the Line is railbanked, the bridges on any railbanked segment of the Line will not be removed.

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

by BNSF to an EPA-approved disposal site.

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

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

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

The two customers on the Line, Northwest Drywall and CHS Inc., do not oppose the abandonment of this Line and will be relocating to Glacier Rail Park (*see Exhibit B*). There is no overhead traffic on the portion of the Line included in the proposed abandonment. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

The only alternative to abandonment is to decline to pursue abandonment of the Line and forgo the opportunity costs from 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 or freight traffic will be diverted to other transportation systems as a result of the proposed abandonment. The two customers on the Line, Northwest Drywall and CHS Inc., do not oppose the abandonment of this Line and will be relocating to Glacier Rail Park (see *Exhibit B*). There is no overhead traffic on the subject line.

(3) Land Use

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

The proposed action should be consistent with existing land use plans. BNSF contacted Tom Jentz, Planning Director at the City of Kalispell Planning Department, who replied in a letter dated February 9, 2017, stating “[t]he City of Kalispell has been working diligently since early 2010 to bring this proposed rail abandonment to fruition...[W]e do find that the abandonment of the BNSF rail line through Kalispell is consistent with the City's existing land use plans and that there are no inconsistencies with this action.” A copy of the letter is attached as **Exhibit B**. On January 31, 2017, BNSF contacted the State of Montana Public Service Commission. As of the date of this Environmental Report, State of Montana Public Service Commission has not responded to our inquiry. A copy of the letter is attached as **Exhibit C**. BNSF also contacted Flathead County Planning and

Zoning. Mark Mussman, CFM, Director, Flathead County Planning and Zoning, replied in a letter dated February 14, 2017, stating “[w]hile much of the current right-of-way is located within the limits of the City of Kalispell, small portions are located within the County’s jurisdiction. The Flathead County Planning and Zoning Department is in support of BNSF’s request as it will be consistent with the County’s Growth Policy. More importantly, the abandonment of the rail tracks will enable the City of Kalispell to advance The Core Area Plan which will bring exciting opportunities not only to the City of Kalispell but to all of Flathead County.” A copy of the letter is attached as **Exhibit D**.

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

BNSF understands that the proposed abandonment will have no adverse effect on prime agriculture land. BNSF sent a letter to the Montana NRCS State Office. Jay Brooker, Resource Soil Scientist, replied in an email dated February 8, 2017, stating “[i]t does not appear that any farmland will be converted as a part of this activity and that impacts to these lands would be minimal.” A copy of the email is attached as **Exhibit E**.

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

BNSF understands that the proposed abandonment is not located within a designated coastal zone. Montana does not have a state coastal zone management approved program.

(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 proposed abandonment may be suitable for alternative public use. BNSF contacted Tom Jentz, Planning Director at the City of Kalispell Planning Department, who replied in a letter dated February 9, 2017, stating “[t]he City of Kalispell has been working diligently since early 2010 to bring this proposed rail abandonment to fruition...[W]e do find that the abandonment of the BNSF rail line through Kalispell is consistent with the City's existing land use plans and that there are no inconsistencies with this action.” A copy of the letter is attached as **Exhibit B**. Mark Mussman, CFM, Director, Flathead County Planning and Zoning, replied in a letter dated February 14, 2017, stating “[t]he Flathead County Planning and Zoning Department is in support of BNSF’s request as it will be consistent with the County’s Growth Policy. More importantly, the abandonment of the rail tracks will enable the City of Kalispell to advance The Core Area Plan which will bring exciting opportunities not only to the City of Kalispell but to all of Flathead County.” A copy of the letter is attached as **Exhibit D**.

(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 have no adverse effect on the movement or recovery of recyclable commodities.

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

The proposed action will not result in an increase or decrease in overall energy efficiency because the two existing rail users are being relocated to the new rail park, Glacier Rail Park (see *Exhibit B*). There is no overhead traffic on the subject line.

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

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

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

The proposed abandonment will not result in a diversion of rail to motor carriage.

(5) Air

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

(A) an increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line affected by the proposal, or

(B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or

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

The proposed action will not result in meeting or exceeding the specified thresholds for increased rail or truck traffic as outlined in (i) (A), (B) or (C) above.

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

(A) an increase in rail traffic of at least 50 percent (measured in gross

ton miles annually) or an increase of at least three trains a day on any segment of rail line,

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

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

BNSF expects that this abandonment will have no adverse effect on health or public safety. There are seven (7) private at-grade crossings, six (6) public at-grade crossings, and four (4) bridges on the Line.

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

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

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

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

(8) Biological Resources

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

BNSF expects that the proposed abandonment will have no adverse effect on endangered or threatened species or areas designated as a critical habitat. BNSF contacted the U.S. Fish and Wildlife Service Region 6, Mountain-Prairie Region Office (“USFWS”), in reference to this proposed abandonment. On February 8, 2017, David Allen, J.D., Realty Specialist, National Wildlife Refuge System, USFWS, responded to our letter with an email stating, “[o]ur staff reviewed the proposal and determined that there are no endangered or threatened species that

will be affected by the project, no critical habitat adjacent or near the line, and no National wildlife Refuges or other lands managed by Fish and Wildlife Service adjacent or near the line.” On March 7, 2017, Ben Conard, U.S. Fish and Wildlife Service – Montana Ecological Services Office, responded to our letter with an email stating, “[t]he USFWS Montana Ecological Services Office has no concerns about threatened, endangered, or candidate species; there should be no effects.” A copy of USFWS responses are attached as **Exhibit F**.

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

BNSF expects that no wildlife sanctuaries or refuges, National or State parks or forests will be adversely affected by the proposed abandonment. On January 31, 2017, BNSF contacted the U.S. Department of the Interior, Bureau of Land Management Montana-Dakotas State Office (“BLM”). On February 13, 2017, Chris Boone, State Biologist, responded to our letter with an email stating, “BLM has no lands in those locations.” A copy of BLM response is attached as **Exhibit G**. On January 31, 2017, BNSF contacted the National Park Service, Intermountain Region (“National Park Service”). As of the date of this Environmental Report, the National Park Service has not replied to BNSF’s inquiry. A copy of the letter is attached as **Exhibit H**.

(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.

On January 31, 2017, BNSF sent a letter to the Montana Department of

Environmental Quality. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit I**.

BNSF also contacted the U.S. EPA Region 8 regarding the proposed abandonment. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit J**.

(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 understands that no designated wetlands or 100-year flood plains will be adversely affected by the proposed abandonment. BNSF contacted the U.S. Army Corps of Engineers Omaha District in reference to the proposed abandonment. On February 6, 2017, Dylan Hickey, Regulatory Project Manager responded to our letter, stating "it appears that the proposed work will not result in the discharge of dredged or fill material within waters of the United States and does not involve work in, over or under navigable waters of the United States. Therefore, a DA permit is not required for this work.". A copy of the letter is attached as **Exhibit K**.

(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).

On January 31, 2017, BNSF sent a letter to the Montana Department of Environmental Quality. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit I**.

BNSF also contacted the U.S. EPA Region 8 regarding the proposed abandonment.

As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit J**.

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

BNSF expects that no adverse environmental impact will result from the proposed abandonment and, therefore, is aware of 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.

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 approximately 2.7 miles of rail line from Milepost 1225.19 to the south end of the line at Milepost 1227.58 and to the west end of the line at Engineering Station 189+36 (Milepost 1227.10) in Kalispell, Flathead County, Montana (the “Line”). A map of the project area is attached as **Exhibit A**.

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

The proposed abandonment will include the removal of track materials such as rails, ties, and four (4) bridges. The railroad right-of-way, ballast and culverts will remain in place. If any portion of the Line is railbanked, the bridges on any railbanked segment of the Line will not be removed.

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

by BNSF to an EPA-approved disposal site.

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

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

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

The two customers on the Line, Northwest Drywall and CHS Inc., do not oppose the abandonment of this Line and will be relocating to Glacier Rail Park (*see Exhibit B*). There is no overhead traffic on the portion of the Line proposed for abandonment. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

The only alternative to abandonment is to decline to pursue abandonment of the Line and forgo the opportunity costs from 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 2.7 miles from Milepost 1225.19 to the south end of the line at Milepost 1227.58 and to the west end of the line at Engineering Station 189+36 (Milepost 1227.10) in Kalispell, Flathead County, Montana. The urban right-of-way is generally 100 feet wide, 50 feet on each side of the track. 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 four bridges on the Line. They are as follows:

- 1) Milepost 1225.2; steel bridge; 177' long, 20' high; built in 1936.
- 2) Milepost 1227.1; open deck timber pile bridge; 138' long, 21' high; built in 1945.
- 3) Milepost 1227.1; open deck timber pile bridge; 160' long, 21' high, built in 1928.
- 4) Milepost 1227.4; open deck timber pile bridge; 125' long, 22' high; built in 1948.

If any portion of the Line is railbanked, the bridges on any railbanked segment of the Line will not be removed. 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.***

There are four bridges on the Line. They are as follows:

- 1) Milepost 1225.2; steel bridge; 177' long, 20' high; built in 1936.
- 2) Milepost 1227.1; open deck timber pile bridge; 138' long, 21' high; built in 1945.
- 3) Milepost 1227.1; open deck timber pile bridge; 160' long, 21' high, built in 1928.
- 4) Milepost 1227.4; open deck timber pile bridge; 125' long, 22' high; built in 1948.

If any portion of the Line is railbanked, the bridges on any railbanked segment of the Line will not be removed. 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.***

Milepost 1225.19 to Milepost 1227.10 was acquired by The Saint Paul Minneapolis and Manitoba Railway Company in 1892. Milepost 1226.91 to Milepost 1227.58 was acquired by The Saint Paul Minneapolis and Manitoba Railway Company in 1900. In 1907, The Saint Paul Minneapolis and Manitoba Railway Company was sold to Great Northern Railway Company. In 1961, Great Northern Railway Company and Northern Pacific Railway Company were merged into Great Northern Pacific and Burlington Lines, Inc. In 1970, Great Northern Pacific and Burlington Lines, Inc.'s name changed to Burlington Northern Inc. In 1981, Burlington Northern Inc.'s name changed to Burlington Northern Railroad Company. Burlington Northern Railroad Company merged with The Atchison, Topeka and Santa Fe Railway Company in 1996 to become The Burlington Northern and Santa Fe Railway Company, which changed its name to BNSF Railway Company in 2005.

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

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

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

BNSF contacted the Montana State Historic Preservation Office (“SHPO”) in reference to the proposed abandonment. On February 16, 2017, Jessica Bush, M.A., Review and Compliance Officer, Deputy SHPO, responded to our letter, stating “[i]s this project an extension of the City of Kalispell, Glacier Rail Park and Core Area Trail Project? If so we are in the process of working with Larry Squires from the FTA and the City of Kalispell to complete the Section 106 process.” A copy of the letter is attached as **Exhibit M**. The proposed abandonment is part of the City of Kalispell’s Core Area Plan (*see Exhibit B*).

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.

EXHIBIT A

Kalispell, MT Abandonment Map

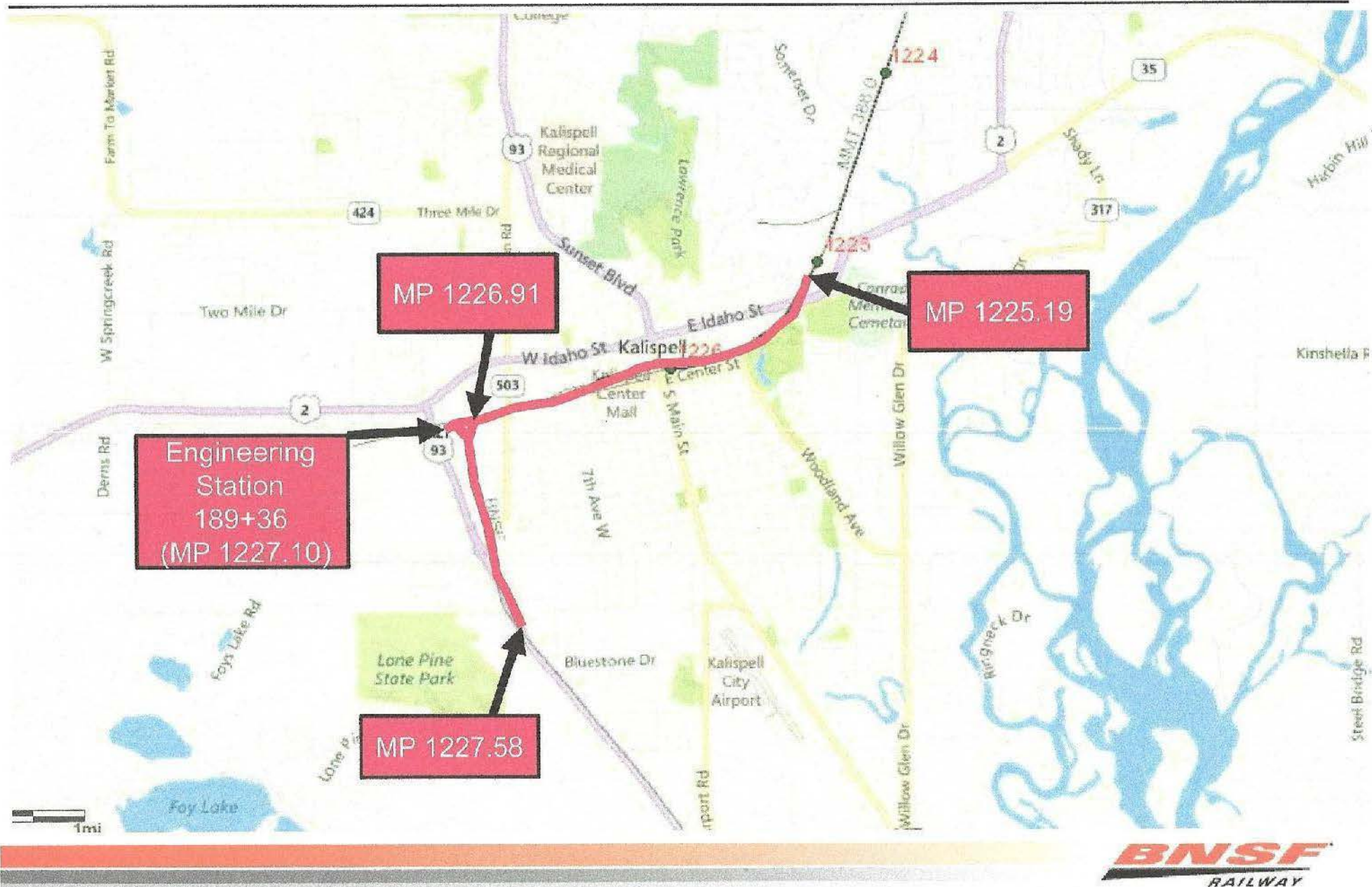


EXHIBIT B



Planning Department
201 1st Avenue East
Kalispell, MT 59901
Phone: (406) 758-7940
Fax: (406) 758-7739
www.kalispell.com/planning

February 9, 2017

Emily Thompson, Paralegal
Law Department
BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, TX 76131-2828

RE: STB Docket No. AB 6 (Sub-no. 495X): BNSF Railway Company – Abandonment Exemption
– in Flathead County, Montana

Dear Ms. Thompson:

I am responding to your request for comment on the proposed abandonment of approximately 2.7 miles of BNSF track in Kalispell, MT. You ask if this proposed abandonment is consistent with existing land use plans and to describe any inconsistencies in our land use plans with such an action.

The City of Kalispell has been working diligently since early 2010 to bring this proposed rail abandonment to fruition. In 2012, the City of Kalispell adopted a significant amendment to our long range growth policy (land use) plan. This amendment was entitled “The Core Area Plan”. A primary pillar of the plan was the abandonment of the BNSF rail line through the middle (Core Area) of our city. This is specifically recited in the following Goal, Strategy and Policy statements from the plan:

Goal #1 - *Relocation of the railroad tracks from the core area.*

Strategy #1 - Implement a program to relocate the Burlington Northern Santa Fe Railroad tracks from within the Core Area.

- a. Utilization of railroad R/W for a multi-functional linear public feature (i.e. pedestrian/bike trail and park) providing for non-motorized transportation, urban recreation, increased vehicular traffic flow and accessibility, aesthetic function and utility corridor.

- Policies:**
1. Work with the BNSF Railroad to develop a seamless program to remove the tracks from the Core Area and provide a new rail terminus at the Flathead County Economic Development Authority (FCEDA) rail served industrial site.
 2. The City should take the lead in coordinating with the current track users and the railroad for relocation of the businesses out of the Core Area and for track removal.
 3. A program should be developed for the relocation of existing rail dependent business out of the Core Area into the FCEDA Rail Industrial Park.

The Core Area Plan was the impetus for the City of Kalispell to apply for and receive a \$10 million TIGER grant from the US Department of Transportation administered by the Federal Rail Administration. This grant program matched by \$12 million dollars in local government funding and a like amount in private funding has laid the ground work to develop a new rail industrial park on the east side of town to provide new rail served lots for the two existing businesses in Kalispell as well as providing sites for new industry coming into Kalispell. The second component of this TIGER grant funding is the abandonment of the BNSF rail line and redevelopment of this site into a linear pedestrian transportation system.

Keeping in step with this program, the Kalispell City Council formally passed Resolution 5799 on February 4, 2017, notifying BNSF that both existing rail users are being relocated to the new rail park and therefore officially requesting that BNSF Railroad begin the abandonment process of the existing rail line through Kalispell based on the Core Area Plan. (Resolution 5799 attached).

In closing, we do find that the abandonment of the BNSF rail line through Kalispell is consistent with the City's existing land use plans and that there are no inconsistencies with this action. If you have any questions, do not hesitate to contact me at your earliest convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Jentz", with a stylized flourish at the end.

Tom Jentz
Kalispell Planning Director

Attachment - Kalispell Resolution 5799

RESOLUTION NO. 5799

A RESOLUTION EXPRESSING TO THE BURLINGTON NORTHERN SANTA FE RAILROAD THE DESIRE OF THE CITY THAT THE EXISTING RAILROAD TRANSPORTATION INFRASTRUCTURE WITHIN THE CITY BEGIN TO BE ABANDONED FOR THE REASON THAT ALL RAIL USERS WITHIN THE CITY HAVE AGREED TO SUPPORT THE ABANDONMENT.

WHEREAS, on February 4, 2013 the Kalispell City Council, through Resolution No. 5605, adopted the Kalispell Core Area Plan as an amendment to the Kalispell West Side Urban Renewal District Plan, overlaid with a Tax Increment Financing District; and

WHEREAS, essential elements of the Kalispell Core Area Plan are the removal of the Burlington Northern Santa Fe Railroad [BNSF] tracks traversing it, as well as removing the industries served by rail to a location outside of the Core Area; and

WHEREAS, by letter dated July 10, 2015, BNSF advised the City of Kalispell that it agreed to abandon the railroad services and existing rail transportation infrastructure in the city upon the support of existing rail users located on the rail section proposed for abandonment; and

WHEREAS, the businesses located on the real property at 160 8th Avenue West North, Kalispell, Montana consisting of approximately 1.6 acres identified as Tract 2821X07-MDC-2 in the Meridian Complex East Subdivision of the City of Kalispell, in addition to a private easement area of approximately .5 acres that benefits the subject property, have been served with railroad transportation by BNSF and are the last remaining businesses so served that have not already expressed support for the removal of the track; and

WHEREAS, the owner of the subject property set forth above and the businesses located thereon have entered into a Memorandum of Understanding with the City in which the parties have agreed that those entities receiving rail transportation services at 160 8th Street West North, Kalispell, Montana shall finally and forever relinquish all rights and privileges of receiving such services as well as any rights to assign such rights and privileges, in consideration for certain relocation funding provided by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KALISPELL AS FOLLOWS:

SECTION 1. That the Kalispell City Council continues to support the abandonment of the existing BNSF Rail infrastructure in the City as well as a program to assist the relocation of businesses in the city served by rail transportation to the Glacier Rail Park.

SECTION 2. That the City Manager is hereby directed to communicate with BNSF regarding the Memorandum of Understanding set forth in the recitals above in which the last remaining users of the rail services in the City have agreed to relinquish all rights and privileges of receiving such services as well as any rights to assign such rights and privileges, in consideration for certain relocation funding provided by the City and to request that BNSF begin its abandonment processes.

PASSED AND APPROVED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR OF THE CITY OF KALISPELL, THIS 17TH DAY OF JANUARY, 2017.



Mark Johnson
Mayor

ATTEST:



Aimee Brunckhorst, CMC
City Clerk

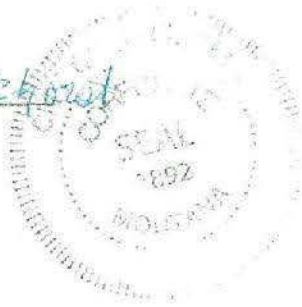


EXHIBIT C



Emily Thompson
Paralegal
Law Department

BNSF Railway Company
2500 Lou Merk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-2376
fax 817-352-2397
Email – emily.thompson@bnsf.com

February 7, 2017

State of Montana Public Service Commission
1701 Prospect Ave.
P.O. Box 202601
Helena, MT 59620

**Re: STB Docket No. AB 6 (Sub-No. 495X); BNSF Railway Company –
Abandonment Exemption – in Flathead County, Montana**

Enclosed please find BNSF Railway Company's ("BNSF") original correspondence dated January 31, 2017. Also enclosed is a revised map of the subject railroad line.

Please provide your response to me at the address above as soon as possible. You may contact me by email or telephone with any questions or concerns. Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in blue ink, appearing to read "ET", written over a horizontal line.

Emily Thompson
Paralegal

Enclosure as stated

cc via email: Karl Morell – Karl Morell & Associates – karlm@karmorell.com
James Mecone – BNSF – james.mecone@bnsf.com



Emily Thompson
Paralegal
Law Department

BNSF Railway Company
2500 Lou Monk Drive -- AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-2376
fax 817-352-2387
Email - emily.thompson@bnsf.com

January 31, 2017

State of Montana Public Service Commission
1701 Prospect Ave.
P.O. Box 202601
Helena, MT 59620

**Re: STB Docket No. AB 6 (Sub-No. 495X); BNSF Railway Company –
Abandonment Exemption – in Flathead County, Montana**

BNSF Railway Company ("BNSF") anticipates filing in March a Petition for Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 2.7 miles of track from Milepost 1225.19 to the south end of the line at Milepost 1227.58 and to the west end of the line at Engineering Station 189+36 (Milepost 1227.10) in Kalispell, Flathead County, Montana.

As part of the environmental report, BNSF is required to contact you to determine if the proposed abandonment is consistent with existing land use plans. If applicable, please describe any inconsistencies.

Your assessment and comments are respectfully requested. For your reference a map of the subject railroad line is enclosed. Please provide your response to me at the address above as soon as possible. You may contact me by email or telephone with any questions or concerns. Thank you in advance for your time and contribution.

Sincerely,

Emily Thompson
Paralegal

Enclosure as stated

cc via email: Karl Morell – Karl Morell & Associates – karlm@karlmorell.com
James Mecone – BNSF – james.mecone@bnsf.com
Mark Norton – BNSF – mark.norton@bnsf.com
John Sims – BNSF – john.sims@bnsf.com

Kalispell, MT Abandonment Map

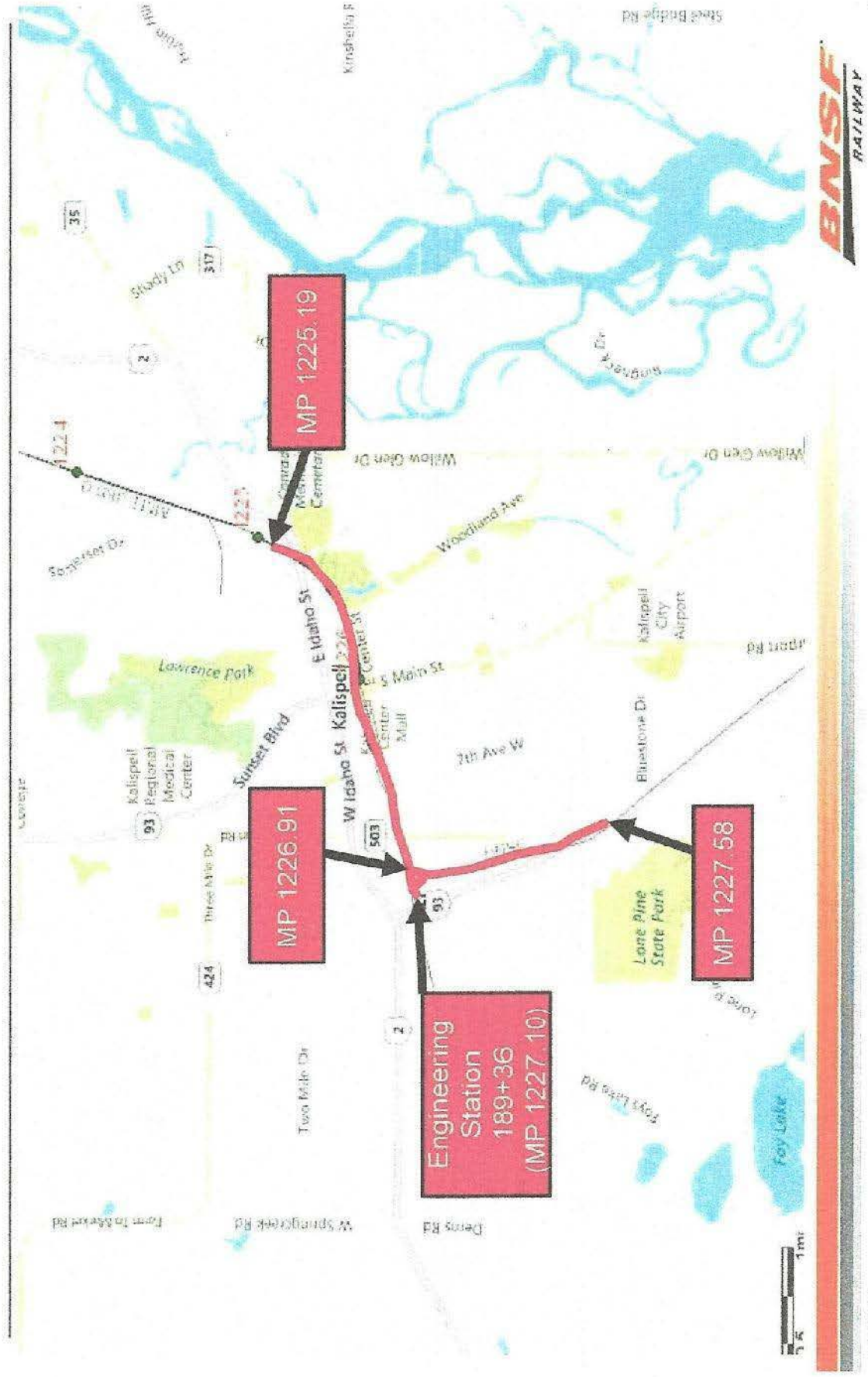
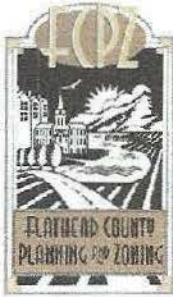


EXHIBIT D



401 1TH STREET WEST, STE. 220
KALISPELL, MT. 59901
PHONE: 406.751.8200
FAX: 406.751.8210
EMAIL: PLANNING@FLATHEAD.MT.GOV
WEB: FLATHEAD.MT.GOV/PLANNING_ZONING

February 14, 2017

Delivered via Email

Emily Thompson
BNSF Railway Company
2500 Lou Menk Drive – AOB - 3
Fort Worth, TX 76131-2828

RE: BNSF Right-of-way Abandonment Exemption

Dear Ms. Thompson:

I am responding to your request for comment on the proposed abandonment of approximately 2.7 miles of BNSF right-of-way in Flathead County, Montana. While much of the current right-of-way is located within the limits of the City of Kalispell, small portions are located within the County's jurisdiction. The Flathead County Planning and Zoning Department is in support of BNSF's request as it will be consistent with the County's Growth Policy. More importantly, the abandonment of the rail tracks will enable the City of Kalispell to advance The Core Area Plan which will bring exciting opportunities not only to the City of Kalispell but to all of Flathead County.

Thank you for giving Flathead County the opportunity to comment on this matter. Please do not hesitate to contact me with any questions.

Sincerely,

Mark Mussman, CFM
Director

EXHIBIT E

From: [Brooker, Jay - NRCS, Missoula, MT](#)
To: [Thompson, Emily Jean](#)
Cc: [Blaine, John - NRCS, Missoula, MT](#); [Gullett, Kale - NRCS, Bozeman, MT](#); [Rosario, Angel - NRCS, Kalispell, MT](#)
Subject: railroad abandonment project - Kalispell
Date: Wednesday, February 8, 2017 2:41:44 PM
Attachments: [02072017 BNSF Railway Abandonment Flathead County Prime Farm Land \(002\).pdf](#)
[railroad Kalispell Farmland Classification.pdf](#)

EXTERNAL EMAIL

Emily,

I am responding to your request for soils information along the BN rail line in Kalispell, MT. The line appears to be slated for abandonment in March, 2017. The soils map was generated from Web Soil Survey: <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

Much of the line goes through the city of Kalispell and the soils are mapped as "Urban Land" which means they have been disturbed by development. There are some soils that are "prime if irrigated" and "farmland of statewide importance" along the southern and western parts of the project. It does not appear that any farmland will be converted as a part of this activity and that impacts to these lands would be minimal.

Please contact me if you have any further questions.

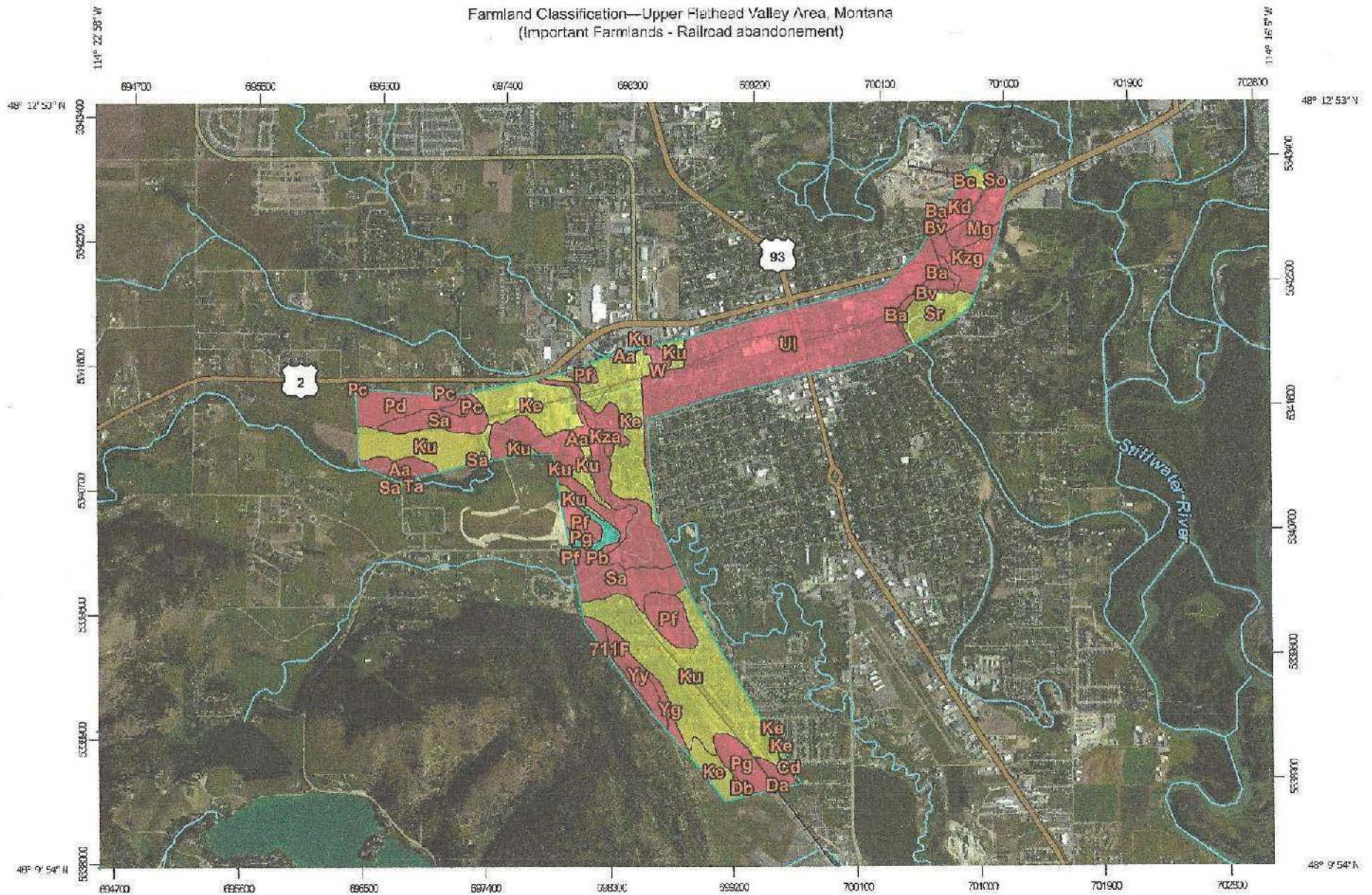
Thanks,

Jay

Jay Brooker - NRCS
Resource Soil Scientist
3550 Mullan Road, Suite 106
Missoula, MT 59808
406-829-3395 x 117
jay.brooker@mt.usda.gov

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

Farmland Classification—Upper Flathead Valley Area, Montana (Important Farmlands - Railroad abandonment)



Map Scale: 1:38,900 if printed on A landscape (11" x 8.5") sheet.

0 500 1000 2000 3000 Meters

0 500 1000 2000 3000 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 11N WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

2/8/2017
Page 1 of 5

Farmland Classification—Upper Flathead Valley Area, Montana
(Important Farmlands – Railroad abandonment)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season

-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of local importance
-  Farmland of unique importance
-  Not rated or not available

Soil Rating Lines

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained

-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60

-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of local importance
-  Farmland of unique importance
-  Not rated or not available

Soil Rating Points

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season

-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of local importance
-  Farmland of unique importance
-  Not rated or not available

Water Features

Farmland Classification—Upper Flathead Valley Area, Montana
(Important Farmlands - Railroad abandonment)

MAP INFORMATION

-  Streams and Canals
- Transportation**
 -  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
 -  Local Roads
- Background**
 -  Aerial Photography

The soil surveys that comprise your AOI were mapped at 1:20,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Upper Flathead Valley Area, Montana
Survey Area Data: Version 12, Sep 3, 2014

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 11, 2011—Jul 30, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Farmland Classification

Farmland Classification— Summary by Map Unit — Upper Flathead Valley Area, Montana (MT617)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
711F	Kingspoint-Rock outcrop-Sharrott complex, 15 to 50 percent slopes	Not prime farmland	8.7	0.8%
Aa	Alluvial land, poorly drained	Not prime farmland	111.7	9.7%
Ba	Banks loamy fine sand, 0 to 4 percent slopes	Not prime farmland	8.4	0.7%
Bc	Birch fine sandy loam, 0 to 5 percent slopes	Not prime farmland	0.5	0.0%
Bv	Blanchard very fine sandy loam, 20 to 45 percent slopes	Not prime farmland	9.4	0.8%
Cd	Corvallis silty clay loam, 0 to 3 percent slopes	Prime farmland if irrigated	1.7	0.1%
Da	Demers-Kalispell silt loams, 0 to 3 percent slopes	Not prime farmland	7.9	0.7%
Db	Demers-Kalispell silt loam, 3 to 7 percent slopes	Not prime farmland	2.8	0.2%
Kd	Kalispell gravelly loam, moderately deep over gravel, 12 to 40 percent slopes	Not prime farmland	16.2	1.4%
Ke	Kalispell loam, 0 to 3 percent slopes	Prime farmland if irrigated	147.8	12.8%
Ku	Kalispell silt loam, heavy subsoil, 0 to 3 percent slopes	Prime farmland if irrigated	239.4	20.8%
Kza	Kalispell-Tuffit silt loams, 0 to 3 percent slopes	Not prime farmland	17.0	1.5%
Kzg	Kiwanis-Birch fine sandy loams, 0 to 5 percent slopes	Not prime farmland	28.6	2.5%
Mg	Mires gravelly loam, 0 to 3 percent slopes	Not prime farmland	24.8	2.2%
Pb	Prospect loam, 3 to 7 percent slopes	Farmland of statewide importance	9.9	0.9%
Pc	Prospect loam, 7 to 12 percent slopes	Not prime farmland	4.8	0.4%
Pd	Prospect loam, 12 to 20 percent slopes	Not prime farmland	33.1	2.9%
Pf	Prospect stony loam, 7 to 12 percent slopes	Not prime farmland	40.5	3.5%



Farmland Classification— Summary by Map Unit — Upper Flathead Valley Area, Montana (MT617)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Pg	Prospect stony loam, 12 to 20 percent slopes	Not prime farmland	26.1	2.3%
Sa	Saline-Alkali land	Not prime farmland	95.5	8.3%
So	Swims silt loam, 0 to 3 percent slopes	Prime farmland if irrigated	7.1	0.6%
Sr	Swims silty clay loam, 0 to 4 percent slopes	Prime farmland if irrigated	29.2	2.5%
Ta	Tally, Blanchard, and Flathead soils, 0 to 3 percent slopes	Not prime farmland	1.2	0.1%
U1	Urban land	Not prime farmland	242.2	21.0%
W	Water	Not prime farmland	6.8	0.6%
Yg	Yeoman gravelly loam, 12 to 30 percent slopes	Not prime farmland	8.2	0.7%
Yy	Yeoman stony loam, 12 to 35 percent slopes	Not prime farmland	22.3	1.9%
Totals for Area of Interest			1,151.7	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

EXHIBIT F

From: [Allen, David](#)
To: [Thompson, Emily Jean](#)
Cc: [Greg Langer](#)
Subject: STB Docket No. AB (Sub-No. 495X)
Date: Wednesday, February 8, 2017 11:45:05 AM

EXTERNAL EMAIL

Hello Emily,

U.S. Fish and Wildlife Service Region 6 received your letter dated January 31, 2017 regarding the above referenced rail line abandonment in Flathead County. Our staff reviewed the proposal and determined that there are no endangered or threatened species that will be affected by the project, no critical habitat adjacent or near the line, and no National wildlife Refuges or other lands managed by Fish and Wildlife Service adjacent or near the line.

Thank you,

David Allen, J.D.
Realty Specialist
National Wildlife Refuge System
U.S. Fish & Wildlife Service
585 Shepard Way, Suite 1
Helena, MT 59601
P: 406-671-8508
F: 406-449-5339

Working with others to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.

From: [Conard, Ben](#)
To: [Thompson, Emily Jean](#)
Cc: [karlm@karlmorell.com](#); [Mecone, James M](#); [Norton, Mark A](#); [john.simms@bnsf.com](#); [David Allen](#); [Greg Langer](#)
Subject: Fwd: BNSF railway abandonment
Date: Tuesday, March 7, 2017 11:16:48 AM

EXTERNAL EMAIL

Ms. Thompson: I've reviewed your letter of February 7, 2017, and the referenced BNSF letter of January 31, 2017, regarding STB Docket No. AB 6 (Sub-No 495X); BNSF Railway Company - Abandonment Exemption - in Flathead County, Montana.

The USFWS Montana Ecological Services Office has no concerns about threatened, endangered, or candidate species; there should be no effects. This email thread displays our earlier response to the USFWS Realty Division at our Regional Office in Lakewood Colorado.

Please let me know if you need anything more. Regards, -Ben

----- Forwarded message -----

From: **Conard, Ben** <ben_conard@fws.gov>
Date: Wed, Feb 8, 2017 at 9:22 AM
Subject: Re: BNSF railway abandonment
To: "Allen, David" <david_allen@fws.gov>
Cc: Greg Langer <greg_langer@fws.gov>, Gary Sullivan <gary_l_sullivan@fws.gov>, Jodi Bush <jodi_bush@fws.gov>

Thank you David. Actually this is the first I've seen this particular proposal. I've reviewed the latter and map. Montana Ecological Services Office has no concerns about threatened, endangered, or candidate species; there should be no effects. Let me know if you need anything more. - Ben

On Tue, Feb 7, 2017 at 4:02 PM, Allen, David <david_allen@fws.gov> wrote:

Hello Ben and Greg,

Ben, please see the attached letter from BNSF regarding their proposed abandonment of a rail line through the town of Kalispell. You may be in the loop on this project already, but in case you are not, BNSF has some ES-related questions.

Greg, as to the Refuge questions, the closest land the Service manages to this line is Batavia WPA, about 3 miles to the west. I do not imagine that qualifies as "adjacent to or near the line," but I'm sure that is a call for someone else to make.

Please let me know if I can help with the response to BNSF. Thanks,

David Allen, J.D.
Realty Specialist
National Wildlife Refuge System
U.S. Fish & Wildlife Service
585 Shepard Way, Suite 1
Helena, MT 59601
P: 406-671-8508
F: 406-449-5339

Working with others to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.

----- Forwarded message -----

From: **Greg Langer** <greg_langer@fws.gov>

Date: Tue, Feb 7, 2017 at 3:39 PM

Subject: BNSF railway abandonment

To: David Allen <david_allen@fws.gov>, William Rogers <william_rogers@fws.gov>

Cc: Gary L Sullivan <Gary_L_Sullivan@fws.gov>

David,

Received this today, please review.

Also,

Can you please forward to the appropriate ES Montana field office employee for me.

thanks

Greg Langer

Realty Chief, R6

134 Union Blvd

Lakewood, CO 80228

303-236-8130 Office

720-320-8943 Cell

--

Ben Conard

U.S. Fish and Wildlife Service - Montana Ecological Services Office

Creston Fish and Wildlife Center

780 Creston Hatchery Road

Kalispell, MT 59901
phone: (406) 758-6882

EXHIBIT G

From: [Boone, Christopher](#)
To: [Thompson, Emily Jean](#)
Subject: STB Docket No. AB6 (Sub-No. 495x)
Date: Monday, February 13, 2017 11:37:09 AM

EXTERNAL EMAIL

Hi Emily,

Per your request for the above project. The BLM has no lands in those locations. Further, Threatened and/or Endangered species or their critical habitats, wildlife sanctuaries or refuge information can be obtained from the local US Fish and Wildlife Service or Montana Fish, Wildlife and Parks.

Thank you
Chris Boone
State Biologist

EXHIBIT H



Emily Thompson
Paralegal
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-2376
fax 817-352-2397
Email – emily.thompson@bnsf.com

February 7, 2017

Sue Masica, Regional Director
National Park Service
Intermountain Region
12795 Alameda Parkway
Denver, CO 80225

**Re: STB Docket No. AB 6 (Sub-No. 495X); BNSF Railway Company –
Abandonment Exemption – in Flathead County, Montana**

Enclosed please find BNSF Railway Company's ("BNSF") original correspondence dated January 31, 2017. Also enclosed is a revised map of the subject railroad line.

Please provide your assessment and comments to me at the address above as soon as possible. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in blue ink, appearing to read "ET", followed by a horizontal line.

Emily Thompson
Paralegal

Enclosure as stated

cc via email: Karl Morell – Karl Morell & Associates – karlm@karlmorell.com
James Mecone – BNSF – james.mecone@bnsf.com



Emily Thompson
Paralegal
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-2376
fax 817-352-2397
Email – emily.thompson@bnsf.com

January 31, 2017

Sue Masica, Regional Director
National Park Service
Intermountain Region
12795 Alameda Parkway
Denver, CO 80225

**Re: STB Docket No. AB 6 (Sub-No. 495X); BNSF Railway Company –
Abandonment Exemption – in Flathead County, Montana**

BNSF Railway Company ("BNSF") anticipates filing in March a Petition for Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 2.7 miles of track from Milepost 1225.19 to the south end of the line at Milepost 1227.58 and to the west end of the line at Engineering Station 189+36 (Milepost 1227.10) in Kalispell, Flathead County, Montana.

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

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

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

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

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and **not** to place fills or other material in water bodies, including inland waterways.

When the salvage process is complete, waterflows in the area should not be disrupted.

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

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

Please provide your assessment and comments to me at the address above as soon as possible. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Emily Thompson
Paralegal

Enclosure as stated

cc via email: Karl Morell – Karl Morell & Associates – karlm@karlmorell.com
James Mecone – BNSF – james.mecone@bnsf.com
Mark Norton – BNSF – mark.norton@bnsf.com
John Sims – BNSF – john.sims@bnsf.com

Kalispell, MT Abandonment Map

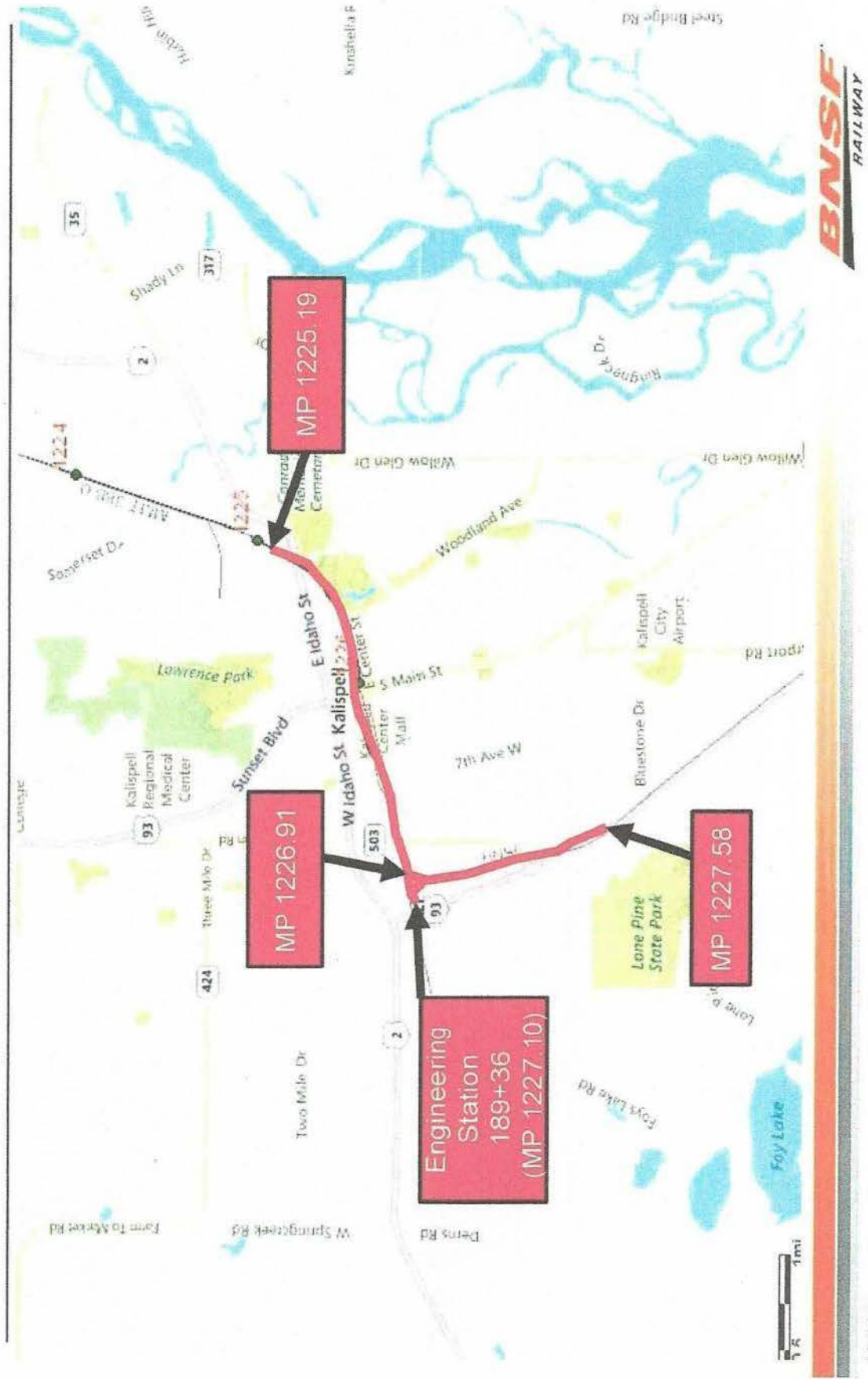


EXHIBIT I



Emily Thompson
Paralegal
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-2376
fax 817-352-2397
Email emily.thompson@bnsf.com

February 7, 2017

Montana Department of Environmental Quality
P.O. Box 200901
Helena, MT 5620-0901

**Re: STB Docket No. AB 6 (Sub-No. 495X); BNSF Railway Company –
Abandonment Exemption – in Flathead County, Montana**

Enclosed please find BNSF Railway Company's ("BNSF") original correspondence dated January 31, 2017. Also enclosed is a revised map of the subject railroad line.

Please provide your assessment and comments to me at the address above as soon as possible. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in blue ink, appearing to read "Emily Thompson".

Emily Thompson
Paralegal

Enclosure as stated

cc via email: Karl Morell – Karl Morell & Associates – karlm@karlmorell.com
James Mecone – BNSF – james.mecone@bnsf.com



Emily Thompson
Paralegal
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-2376
fax 817-352-2397
Email emily.thompson@bnsf.com

January 31, 2017

Montana Department of Environmental Quality
P.O. Box 200901
Helena, MT 5620-0901

**Re: STB Docket No. AB 6 (Sub-No. 495X); BNSF Railway Company –
Abandonment Exemption – in Flathead County, Montana**

BNSF Railway Company ("BNSF") anticipates filing in March a Petition for Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 2.7 miles of track from Milepost 1225.19 to the south end of the line at Milepost 1227.58 and to the west end of the line at Engineering Station 189+36 (Milepost 1227.10) in Kalispell, Flathead County, Montana.

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

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

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

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

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and **not** to place fills or other material in water bodies, including inland waterways.

When the salvage process is complete, waterflows in the area should not be disrupted.

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

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

Please provide your assessment and comments to me at the address above as soon as possible. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Emily Thompson
Paralegal

Enclosure as stated

cc via email: Karl Morell – Karl Morell & Associates – karlm@karlmorell.com
James Mecone – BNSF – james.mecone@bnsf.com
Mark Norton – BNSF – mark.norton@bnsf.com
John Sims – BNSF – john.sims@bnsf.com

Kalispell, MT Abandonment Map

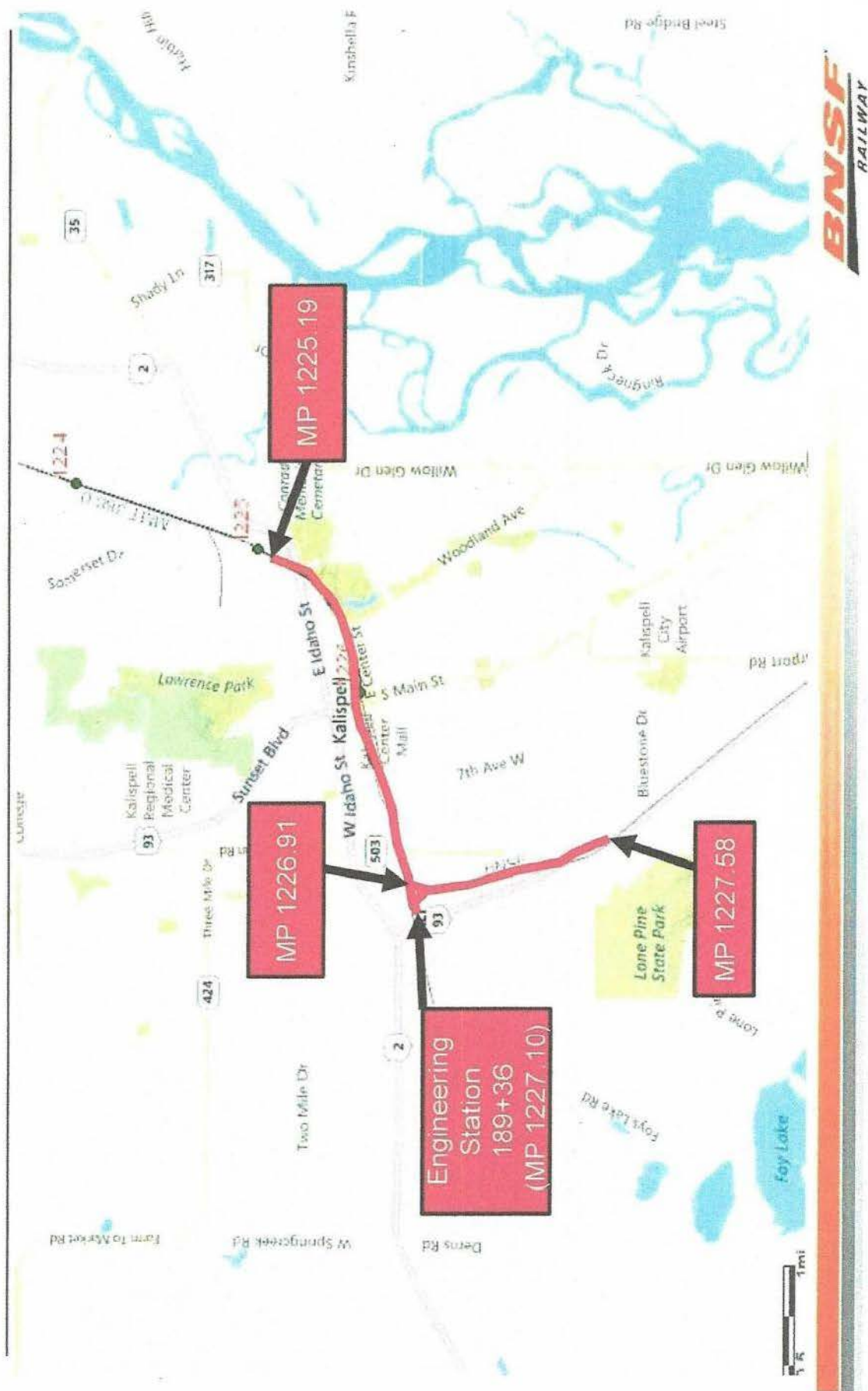


EXHIBIT J



Emily Thompson
Paralegal
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-2376
fax 817-352-2397
Email emily.thompson@bnsf.com

February 7, 2017

US EPA Region 8
80C-EISC
1595 Wynkoop Street
Denver, CO 80202-1129

**Re: STB Docket No. AB 6 (Sub-No. 495X); BNSF Railway Company –
Abandonment Exemption – in Flathead County, Montana**

Enclosed please find BNSF Railway Company's ("BNSF") original correspondence dated January 31, 2017. Also enclosed is a revised map of the subject railroad line.

Please provide your assessment and comments to me at the address above as soon as possible. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in blue ink, appearing to read "ET", followed by a long horizontal stroke.

Emily Thompson
Paralegal

Enclosure as stated

cc via email: Karl Morell – Karl Morell & Associates – karlm@karlmorell.com
James Mecone – BNSF – james.mecone@bnsf.com



Emily Thompson
Paralegal
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-2376
fax 817-352-2397
Email emily.thompson@bnsf.com

January 31, 2017

US EPA Region 8
80C-EISC
1595 Wynkoop Street
Denver, CO 80202-1129

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Please provide your assessment and comments to me at the address above as soon as possible. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Emily Thompson
Paralegal

Enclosure as stated

cc via email: Karl Morell – Karl Morell & Associates – karlm@karlmorell.com
James Mecone – BNSF – james.mecone@bnsf.com
Mark Norton – BNSF – mark.norton@bnsf.com
John Sims – BNSF – john.sims@bnsf.com

Kalispell, MT Abandonment Map

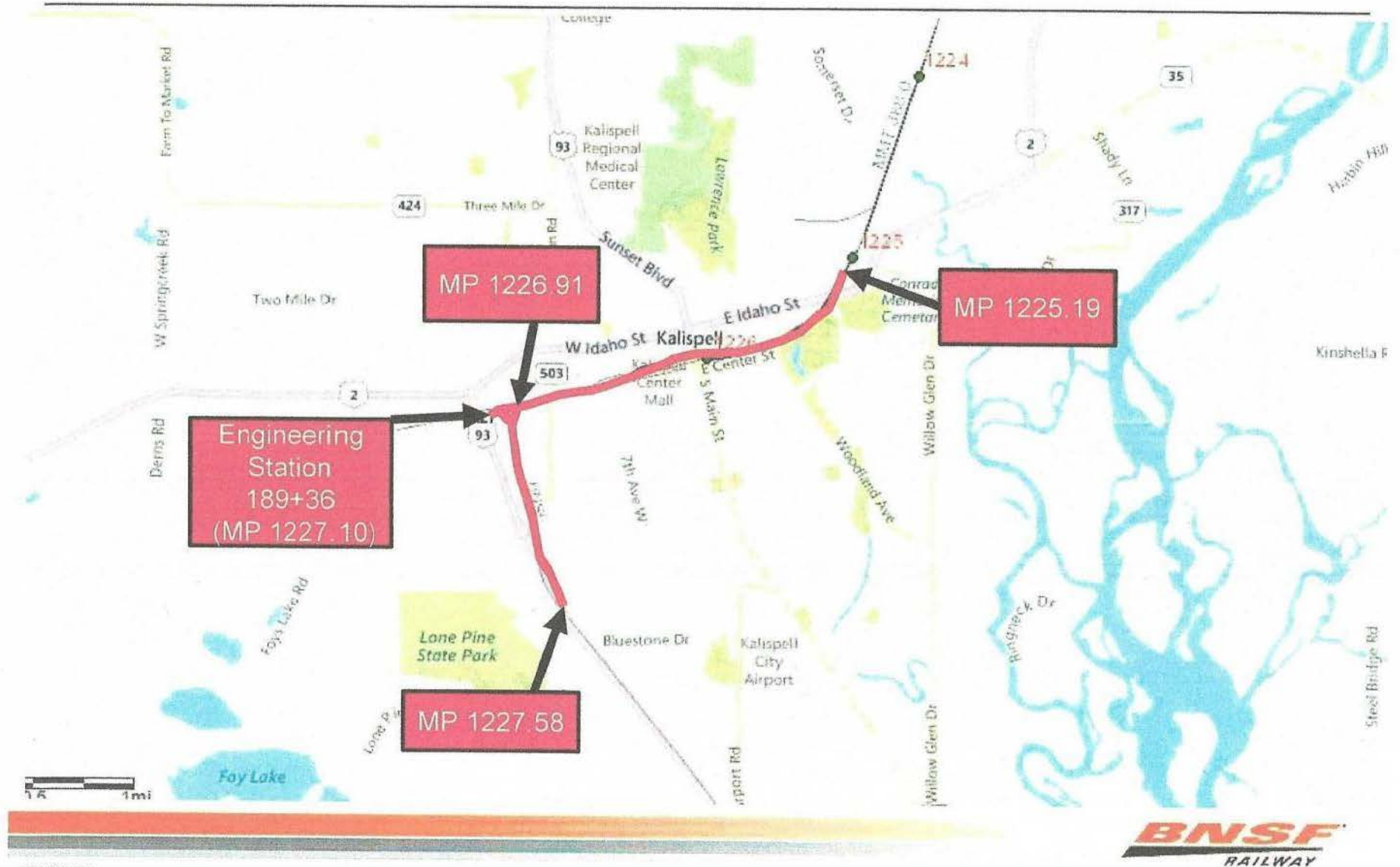


EXHIBIT K



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
HELENA REGULATORY OFFICE
10 WEST 15TH STREET, SUITE 2200
HELENA, MONTANA 59626

February 6, 2017

Regulatory Branch
Montana State Program
Corps No. NWO-2017-00190-MTH

Subject: BNSF Railway – Rail and Tie Removal – Ashley Creek (Flathead County)

Emily Thompson
BNSF Railway Company
2500 Lou Menk Drive - AOB-3
Fort Worth, Texas 76131-2828

Dear Ms. Thompson:

We are responding to your request for if a 404 permit is required for the above-referenced project. Specifically, you are proposing the removal of the rail and ties for a 2.7 mile length of track. The project is located within Kalispell City, within Section 19, Township 28 N, Range 21 W, Principal Meridian, Latitude 48.193573°, Longitude -114.323974°, Flathead County, Montana.

This project has been reviewed in accordance with Section 404 of the Clean Water Act. Under the authority of Section 404, Department of the Army (DA) permits are required for the discharge of fill material into waters of the U.S. Waters of the U.S. include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters. Isolated waters and wetlands, as well as man-made channels, may be waters of the U.S. in certain circumstances, which must be determined on a case-by-case basis. Based on the information provided, a Department of the Army permit will not be required for this activity.

Based on the information you have provided on February 6, 2017, it appears that the proposed work will not result in the discharge of dredged or fill material within waters of the United States and does not involve work in, over or under navigable waters of the United States. Therefore, a DA permit is not required for this work. Measures should be taken to prevent construction materials, rails and related steel, railway ties and/or activities from entering any waters of the United States. Appropriate soil erosion and sediment controls should be implemented onsite to achieve this end.

Although a Department of the Army permit will not be required for this activity, this does not eliminate the requirements that other applicable federal, state, tribal, and local permits are obtained if needed. Please be advised that deviations from the original plans and specifications of this project could require additional authorization from this office.

Please refer to identification number NWO-2017-00190-MTH in any correspondence concerning this project. If you have any questions, please contact Dylan Hickey by email at Dylan.J.Hickey@usace.army.mil, or telephone at (406) 441-1364.

Sincerely,

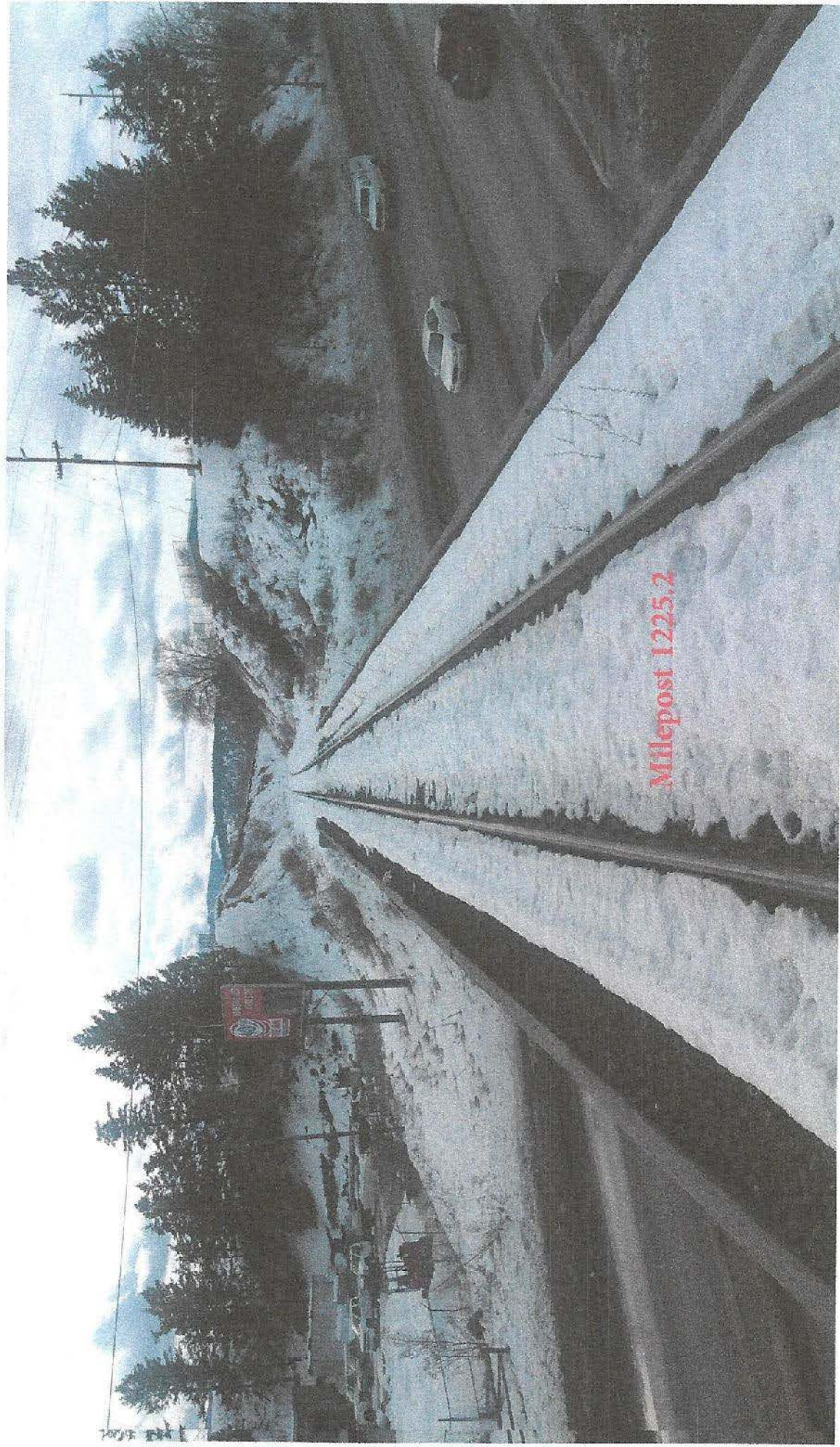
HICKEY,DYLAN,JER

EMIAH.1535865112

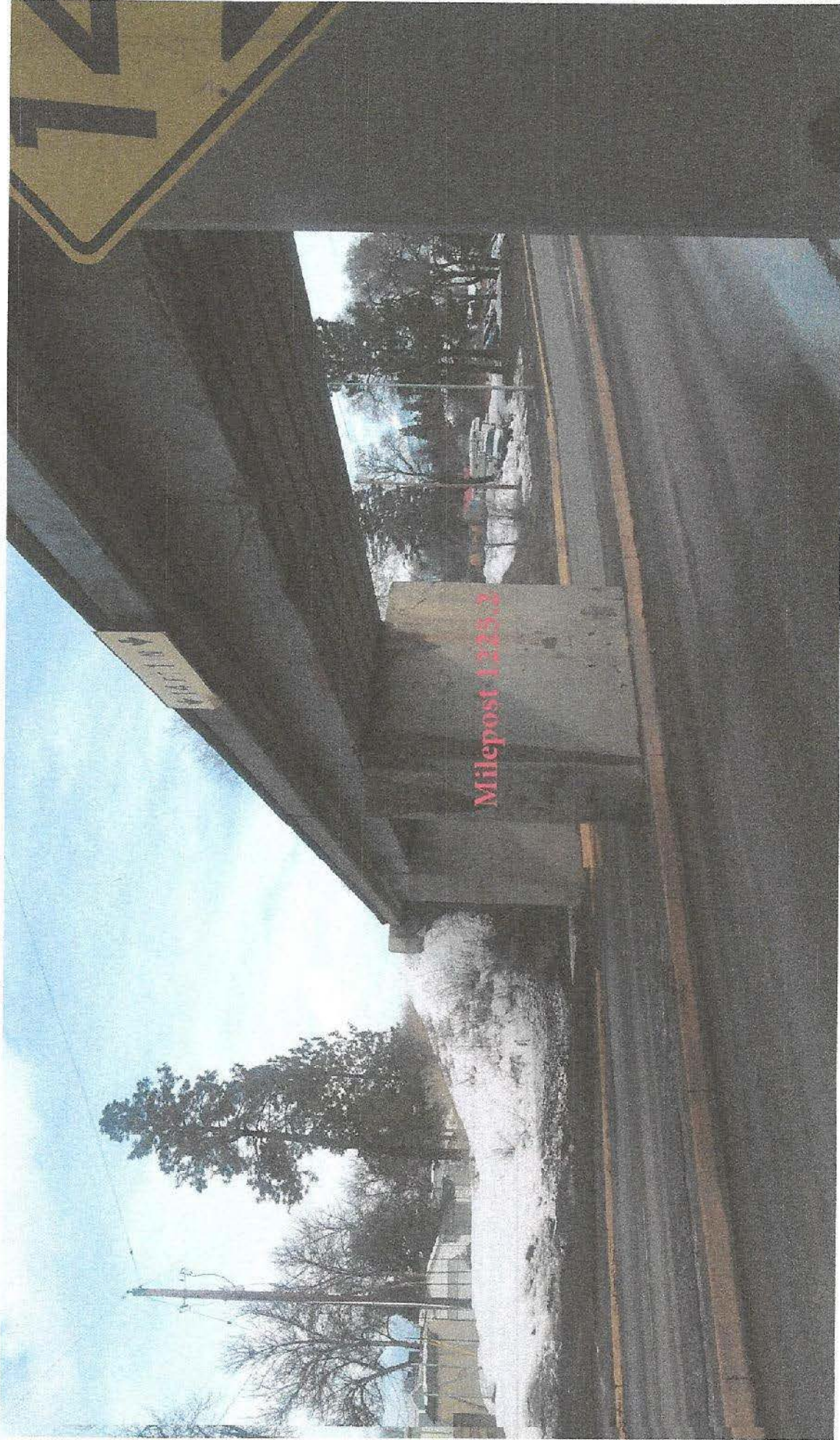
Digitally signed by
HICKEY,DYLAN,JER/EMIAH.1535865112
DN: c=US, o=US Government, email=D.Hickey@usace.army.mil,
ou=JSA, cn=HICKEY,DYLAN,JER/EMIAH.1535865112
Date: 2017.02.16 13:03:23 -0700

Dylan Hickey
Regulatory Project Manager

EXHIBIT L

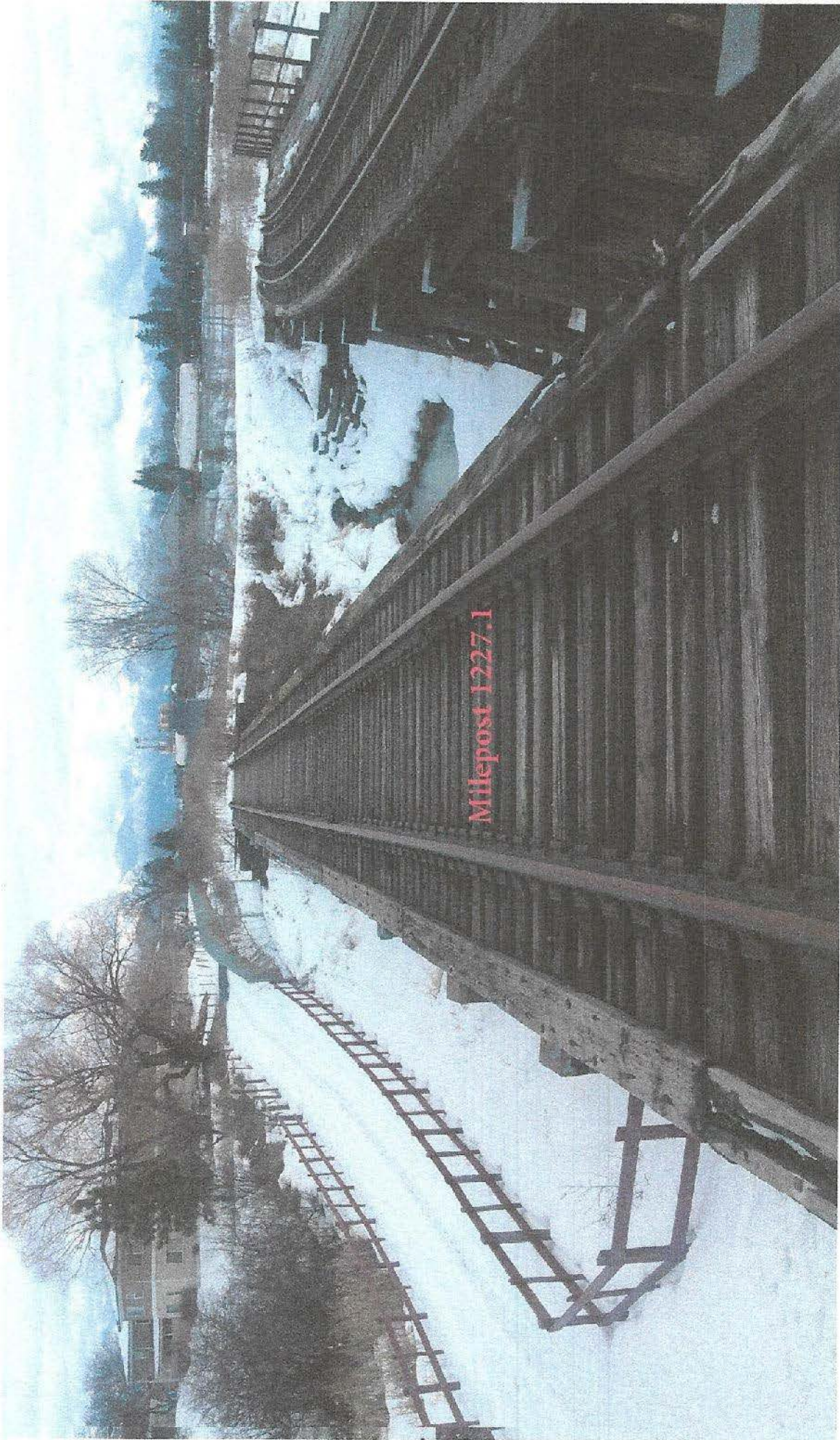








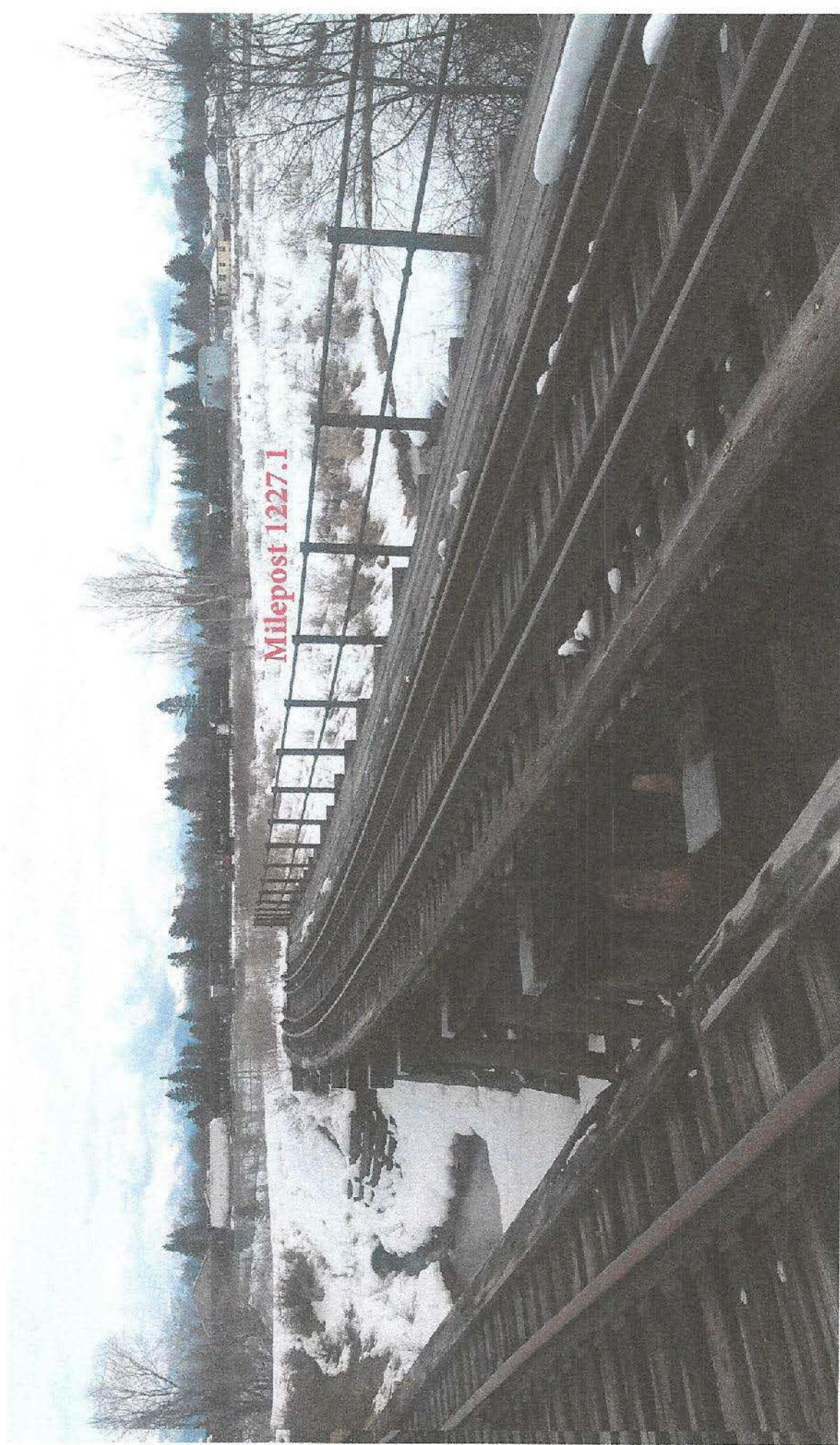




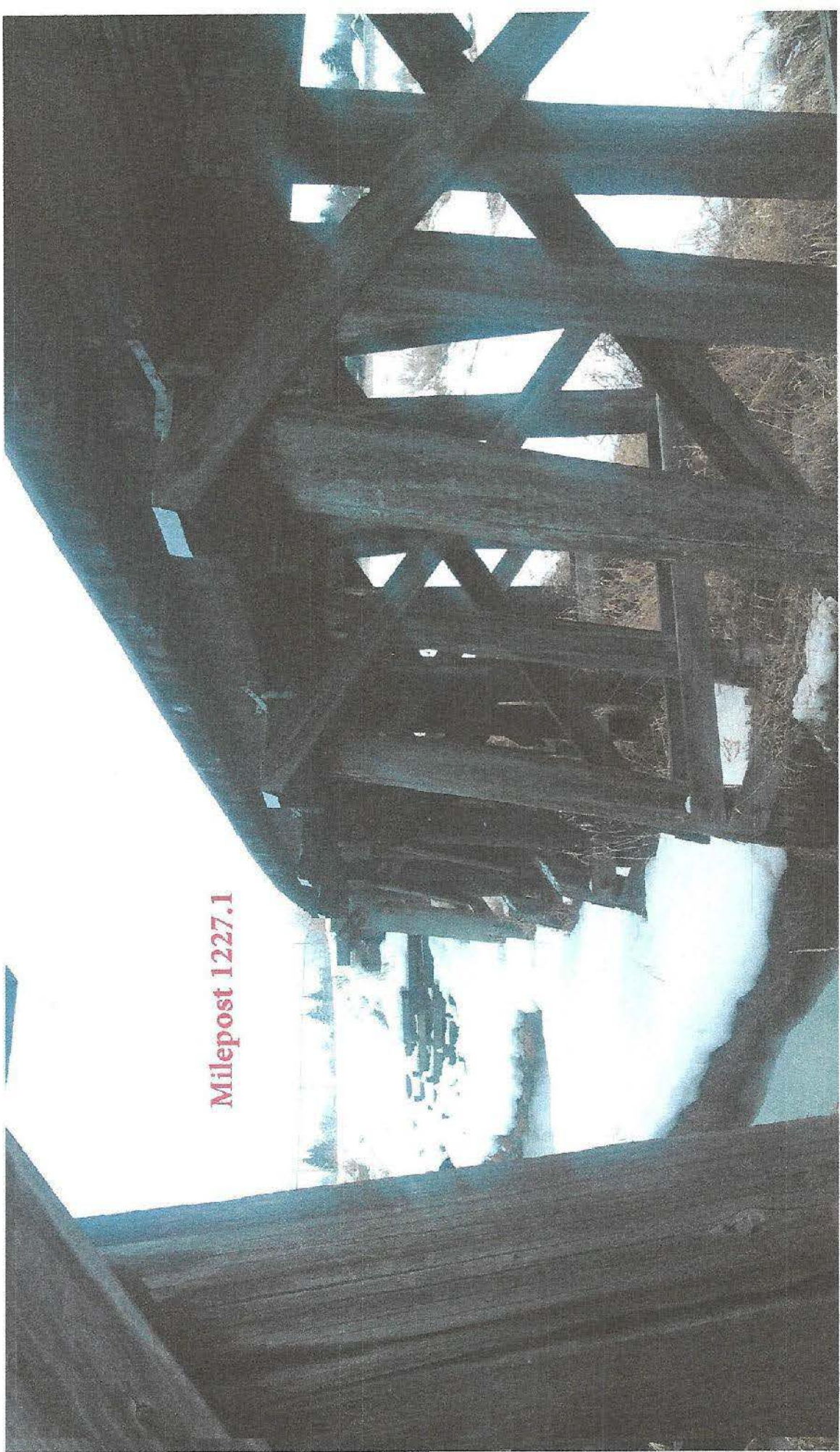
Milepost 1227.1



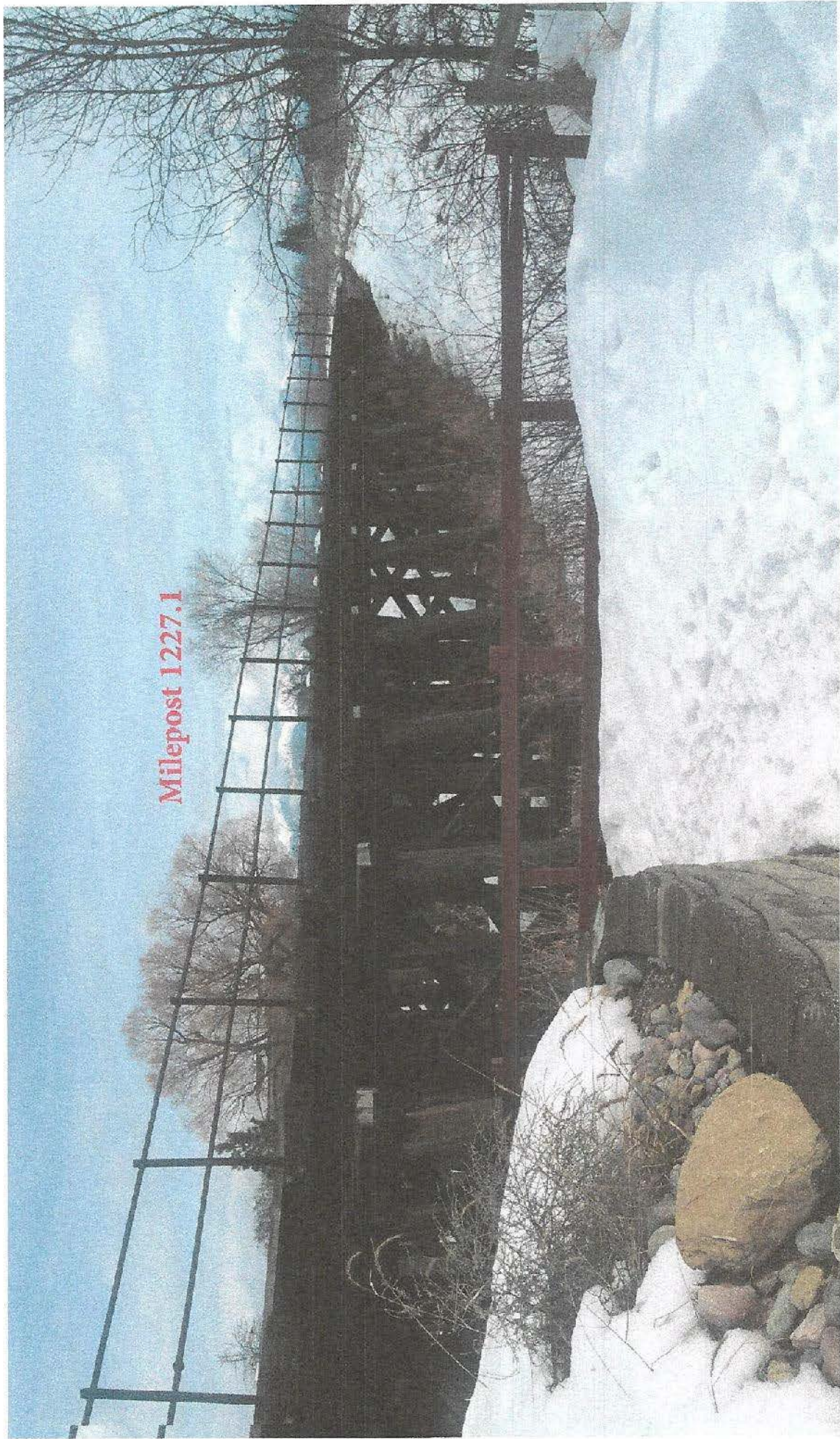




Milepost 1227.1



Milepost 1227.1



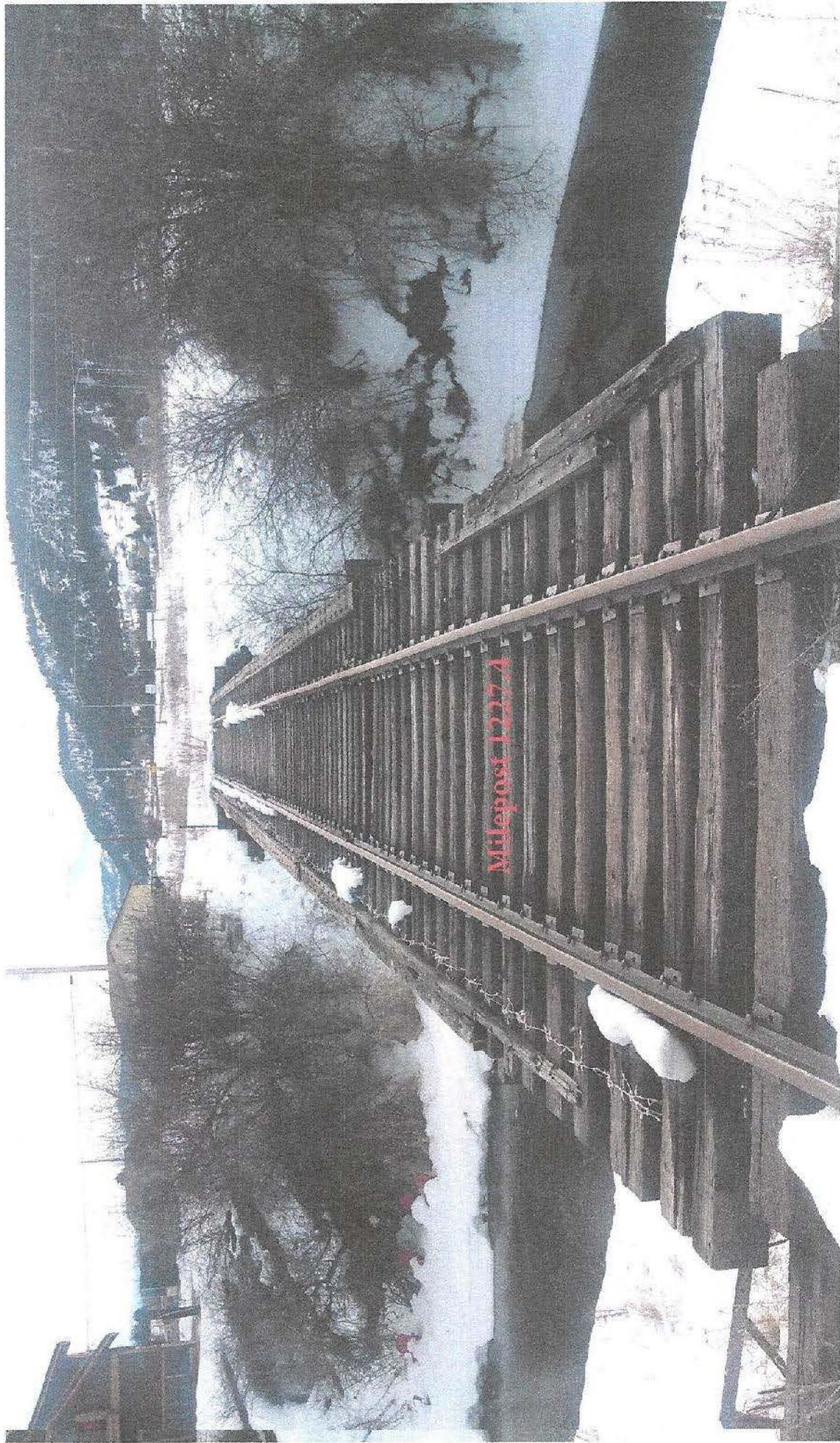




EXHIBIT M



*Historic Preservation
Museum
Outreach & Interpretation
Publications
Research Center*

February 16, 2017

Ms. Emily Thompson
BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, TX 76131-2828

RE: BNSF Railway Company Abandonment Exemption
Flathead County, Montana

Dear Ms. Thompson:

Thank you for the letter (received February 10, 2017) regarding the BNSF Railway Company Abandonment Exemption project in Flathead County, Montana. Is this project an extension of the City of Kalispell, Glacier Rail Park and Core Area Trail Project? If so we are in the process of working with Larry Squires from the FTA and the City of Kalispell to complete the Section 106 process.

If this is a different project, you will need to complete a records search with our office in order to determine any eligible cultural resources that may be within the project area. The form you need to complete to receive a record search can be found at <http://mhs.mt.gov/Shpo/CulturalRecords>. Please note that in the State of Montana, we consider all major railroads Eligible for the National Register of Historic Places under Criterion A.

If you have any comments or questions, do not hesitate to contact me at (406) 444-0388 or JBush2@mt.gov. Thank you for informing us of this project.

Sincerely,

Jessica Bush, M.A.
Review and Compliance Officer, Deputy SHPO
Montana State Historic Preservation Office

File: Local/Other – 2017 – 2017021006

225 North Roberts Street
P.O. Box 201201
Helena, MT 59620-1201
(406) 444-2694
(406) 444-2696 FAX
montanahistoricalsociety.org