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**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.**



SOO LINE RAILROAD COMPANY)
ABANDONMENT OF TRackage LOCATED)
BETWEEN HARLOW, NORTH DAKOTA)
AND DEVILS LAKE, NORTH DAKOTA)

DOCKET NO. AB- 57
(SUB-NO 54X)

NOTICE OF EXEMPT ABANDONMENT OF TRackage LOCATED
BETWEEN MILE POST 446.0 +/- IN DEVILS LAKE, NORTH DAKOTA AND MILE POST
474.35 +/- LOCATED IN HARLOW, NORTH DAKOTA, WHICH TRAVERSES THROUGH
UNITED STATES POSTAL ZIP CODES 58301, 58325, 58346, 58351 AND 58362

ENVIRONMENTAL AND HISTORIC REPORTS

In compliance with 49 C.F.R. § 1105.8

ENTERED
Office of Proceedings

OCT 04 2004

Part of
Public Record

SOO LINE RAILROAD COMPANY
d/b/a Canadian Pacific Railway, Inc.

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**ENVIRONMENTAL AND HISTORIC REPORTS
IN COMPLIANCE WITH 49 C.F.R. § 105**

The Soo Line Railroad Company, d/b/a Canadian Pacific Railway Company ("Soo Line"), submits the following information to the Surface Transportation Board in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7. The purpose of this information is to assist the Board in its preparation of an environmental document regarding Soo Line's Notice of Exemption under 49 U.S.C. § 10505 from the prior approval requirements of 49 U.S.C. § 10903, et seq., permitting the abandonment of a 28.35 +/- mile portion of its line of railroad between milepost 446.0 +/-, in Devils Lake, Ramsey County, North Dakota and milepost 474.35 +/- in Harlow, Benson County, North Dakota, which traverses through United States Postal Zip Codes 58301, 58325, 58346, 58351 and 58362.

I. NOTIFICATION OF PROPOSED ABANDONMENT

Section 1105.7(b)(1) – (11) Distribution: (b) At least 20 days prior to filing with the Board a notice of exemption, petition for exemption, or an application for abandonment or discontinuance the applicant must serve copies of the Environmental Report on the following agencies: The State Clearinghouse of each State involved (or other state equivalent agency if the State has no clearinghouse); The State Environmental Protection Agency of each State involved; The State Coastal Zone Management Agency for any state where the proposed activity would affect land or water uses within that State's coastal zone; The head of each county (or comparable political entity including any Indian reservation) through which the line goes; The appropriate regional offices of the Environmental Protection Agency; The U.S. Fish and Wildlife Service; The U.S. Army Corps of Engineers; The National Park Service; The U.S. Soil Conservation Service; The National Geodetic Survey (formerly known as the Coast and Geodetic Survey) as designated agent for the National Geodetic Survey and the U.S. Geological Survey; and; Any other agencies that have been consulted in preparing the report.

The abovementioned agencies ("Agencies Consulted") were first notified on June 3, 2004 that Soo Line was planning to abandon the 28.35 +/- mile portion of its line of railroad between milepost 446.0 +/-, in Devils Lake, Ramsey County, North Dakota and milepost 474.35 +/- in Harlow, Benson County, North Dakota. After receiving input from the Agencies Consulted, the agencies' comments were incorporated into these Environmental and Historic Reports. Upon the completion of these reports, copies were mailed to the Agencies Consulted on August 12, 2004, which is more than twenty (20) days prior to filing with the Board. See attached *List of Agencies Consulted* and the *Certificate of Service*, which are located at **Exhibit No. 1**

Section 1105.7(c) Certification of Service of Environmental Report: In its Environmental Report, the applicant must certify that it has sent copies of the Environmental Report to the agencies listed and within the time specified in paragraph (b) of this section and that it has consulted with all appropriate agencies in preparing the report. These consultations should be made far enough in advance to afford those agencies a reasonable opportunity to provide meaningful input.

The Environmental and Historic Reports were mailed to the Agencies Consulted on August 12, 2004. The Certification of Service is located at **Exhibit 1**.

Section 1105.7(c) Publication of Newspaper Notice of Intent to Abandon: In every abandonment exemption case, applicant shall certify that it has published in a newspaper of general circulation in each county through which the line passes a notice that alerts the public to the proposed abandonment, to available reuse alternatives, and to how it may participate in the STB proceeding.

The Notice of Intent to Abandon, addressing the required issues, was published on Wednesday, June 16, 2004, in the BENSON COUNTY FARMER'S PRESS and the DEVILS LAKE JOURNAL. See **Exhibit No. 2** for a copy of the newspaper notice, the Certificate of Counsel, and the Affidavit of Publication.

II. STATUS OF RESPONSES RECEIVED

Section 1105.7(d) Documentation: Any written responses received from agencies that were contacted in preparing the Environmental Report shall be attached to the report. Oral responses from such agencies shall be briefly summarized in the report and the names, titles, and telephone numbers of the persons contacted shall be supplied. A copy of, or appropriate citation to, any reference materials relied upon also shall be provided.

The Agencies Consulted were advised of the abandonment and their comments were solicited in a letter dated June 3, 2004. See **Exhibit 3**. Input received as of this date has been incorporated within this report, along with Soo Line's analysis. Written responses from the Agencies Consulted are included in **Exhibit No. 4**. The Agencies Consulted were advised to provide additional comments to the SEA.

1105.7(b)(1) State Clearinghouse:

North Dakota does not have a State Clearinghouse. Therefore, in accordance with 49 C.F.R. § 1105.7(b)(1), an equivalent agency, the North Dakota Governor's Office, was contacted by letter on June 3, 2004. No response has been received to date.

1105.7(b)(2) State Environmental Protection Agency:

The North Dakota Department of Health, Environmental Health Section (NDDH), was contacted by letter on June 3, 2004. Its response is included in **Exhibit No. 4**. Both the NDDH and Soo Line are confident that the environmental impacts caused by the proposed salvaging activities will be minor. Additionally, Soo Line will conduct its construction activities in accordance with the NDDH's recommendations.

1105.7(b)(3) State Coastal Zone Management Agency for North Dakota:

North Dakota does not have a State Division of Coastal Zone Management.

1105.7(b)(4) Head of Each County Through Which The Line Goes:

The head of each county and Indian reservation through which the tracks run through were contacted by letter on June 3, 2004. No responses have been received to date.

1105.7(b)(5) Appropriated Regional Offices of the Environmental Protection Agency:

The Regional Director of the Regional Environmental Protection Agency was contacted by letter on June 3, 2004. No response has been received to date.

1105.7(b)(6) U.S. Fish and Wildlife Services:

The Regional Director of the U.S. Fish and Wildlife Service was contacted by letter on June 3, 2004. The Bismarck, North Dakota office responded to the June 3, 2004 letter. It made various recommendations (See **Exhibit No. 4**), which Soo Line intends to follow during the proposed abandonment activities.

1105.7(b)(7) U.S. Army Corps of Engineers:

The District Office of the U.S. Army Corps of Engineers (USACE) was contacted by letter on June 3, 2004. Based on the limited salvaging work and soil disruption that will occur during the salvaging operations, the Bismarck office of the USACE notified Soo Line by letter, dated July 29, 2004, that a Section 404 permit will not be necessary. Soo Line will, however, salvage the track in accordance with the Army Corps of Engineers recommendations (See **Exhibit No. 4**). Additionally, should the Army Corps of Engineers require a 404 Permit in the future, Soo Line will accommodate the Army Corps' request.

1105.7(b)(8) National Park Service:

The Midwest Region of the National Park Service was contacted by letter on June 3, 2004. No response has been received to date.

1105.7(b)(9) U.S. Soil Conservation Service:

The USDA Soil Conservation Service's regional office in North Dakota, the Natural Resources Conservation Service ("NRCS"), was contacted by letter on June 3, 2004. Its responses related to the importance of protecting both wetlands and primary farmlands. Neither wetlands nor primary farmlands will be negatively impacted by this proposed abandonment. A copy of the NRCS letter is located in **Exhibit No. 4**.

1105.7(b)(10) National Geodetic Survey:

The National Oceanic and Atmospheric Administration National Geodetic Survey was contacted by letter on June 3, 2004. It identified two geodetic markers that may be affected by the proposed abandonment. Soo Line intends to manage its abandonment activities with minimal disturbance of the geodetic markers. A copy of the National Oceanic and Atmospheric Administration National Geodetic Survey's response is included in **Exhibit No. 4**.

1105.7(d)(3) Local and Regional Planning Activities:

The City of Devils Lake Planning Commission was contacted by letter on June 3, 2004. No response has been received to date.

Other Comments Received:

Soo Line has not received other comments, outside of the comments identified in this Environmental Report.

III. CONTENT

Section 1105.7(e) Content: The Environmental Report shall include all of the information specified in this paragraph, except to the extent that applicant explains why any portion(s) are inapplicable. If an historic report is required under Section 1105.8, the Environmental Report should also include the Historic Report required by that section.

A Historic Report is included and attached to this Report (See Exhibit No. 5).

IV. ALTERNATIVES

Section 1105.7(e)(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.

As shown on the map in **Appendix A to Exhibit 5**, the rail line includes approximately 28.35 miles of unused track is located between milepost 446.0 +/-, in Devils Lake, Ramsey County, North Dakota and milepost 474.35 +/-, in Harlow, Benson County, North Dakota and traverses through United States Postal Zip Codes 58301, 58325, 58346, 58351 and 58362. Most of the line consists of single and removed track with an average right-of-way width of 100 feet. Portions of the rail line are submerged under the waters of both Pelican Lake and Devils Lake. The proposed action includes abandoning an out-of-service line and salvaging equipment and materials that are present on the line. Additionally, the proposed action includes some removal of rails, ties, spikes, plates, railroad-related utilities, and signaling devices. The ballast and other structures would remain in place. All equipment and materials that are removed from the line would either be reused, sold as scrap, or disposed of in accordance with applicable environmental regulations.

V. TRANSPORTATION SYSTEMS

Section 1105.7(e)(2) Transportation System: Describe the effects 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 effects on rail traffic are anticipated by the abandonment of this out-of-service line of railroad.

VI. LAND USE

Section 1105.7(d)(3) Land Use: Based on consultation with local and/or regional planning agencies and/or a 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 City of Devils Lake Planning Commission, the Ramsey County Commission, the Benson County Commission, and the Spirit Lake Dakota Nation were all contacted by letter, dated June 3, 2004. Soo Line has not received any land-use comments from the aforementioned commissions, nor the Spirit Lake Dakota Nation.

Section 1105.7(e)(3)(ii): Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

The proposed action will not have an effect on any prime agricultural land.

Section 1105.7(e)(3)(iii): If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

North Dakota does not have a State Division of Coastal Zone Management

Section 1105.7(e)(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. 10906 and explain why.

The line is suitable for public use, and corridor reuse as a trail and roadway is being considered.

VII. ENERGY

Section 1105.7(c)(4) Energy: Describe the effect of the proposed action on transportation of energy resources.

The proposed abandonment will have no effect on the development and transportation of energy resources, or on the movement and/or recovery of recyclable commodities as no such energy resources or recyclable commodities are presently transported over this line.

Section 1105.7(e)(4)(ii): Describe the effect of the proposed action on recyclable commodities.

No impact is anticipated.

Section 1105.7(e)(4)(iii): State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

No impact is anticipated.

Section 1105.7(e)(4)(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 energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in § 1105.7(e)(4)(iii) need not be supplied if the more detailed information § 1105.7(e)(4)(iv) is required.

The proposed action will not cause diversions from rail to truck of more than 1,000 rail carloads per year or more than 50 rail cars per mile per year.

VIII. AIR

Section 1105.7(e)(5)(i) Air: 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 rail 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 or 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. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

Use of this line ended in 2000. Therefore, the proposed abandonment will not (A) result in an increase in rail traffic of at least 100% or an increase of at least 8 trains per day on any segment of rail line affected by the proposed abandonment; (B) result in an increase in rail yard activity of at least 100% (measured by carload activity); or (C) result in an increase in total traffic by 10% or 50 - vehicles per day for any affected road segment.

Section 1105.7(e)(5)(ii): If the proposed action affects a class I or non-attainment 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 or 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 the 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 affect a class I non-attainment area under the Clean Air Act.

Section 1105.7(e)(5)(iii): If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency or 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.

Transportation of ozone depleting materials are not involved in this abandonment.

IX. NOISE

Section 1105.7(e)(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.

This proposed abandonment will not cause an increase in noise levels. .

X. SAFETY

Section 1105.7(e)(7)(i): Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Public health and safety will not be impacted by the proposed abandonment.

Section 1105.7(e)(7)(ii): If hazardous materials are expected to be transported, identify the following: 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.

This is not applicable because hazardous materials will no longer be transported over this line segment.

Section 1105.7(e)(7)(iii): If there are any known hazardous waste sites 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.

There are no known hazardous waste sites and there are no known hazardous material spills on the right of way. Although the Phase I Environmental Site Assessment ("Phase I"), completed November 11, 2003, identified fourteen Recognized Environmental Conditions ("RECs") at the various Station Grounds, these Station Grounds and RECs were not listed on any of the twelve federal and state environmental regulatory agency databases required to be checked by the American Society for Testing and Materials (ASTM) Standard E 1527-00. Most notably, these RECs include one aboveground petroleum storage tank and one underground petroleum storage tank on the active Harlow Station Grounds. Additionally, agricultural chemicals may have been used and/or stored at the Darby, Harlow, Tilden and Comstock Station Grounds. Finally, during the Phase I, no active water supplies, water closets, pit toilets, cisterns, or septic systems were observed on the rail line.

XI. BIOLOGICAL RESOURCES

Section 1105.7(e)(8)(i) Wildlife: 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.

According to the response received from the North Dakota office of the U.S. Fish and Wildlife Service, the proposed action is not likely to adversely affect endangered or threatened species or areas designated as a critical habitat. **See Exhibit 3.**

Section 1105.7(e)(8)(ii): State whether wildlife sanctuaries or refuges National or State parks or forests be affected and describe any effects.

No sanctuaries, state parks, or refuges will be adversely affected by the proposed abandonment as none exist along the right-of-way. **See Appendix A to the Historic Report.**

XII. WATER

Section 1105.7(e)(9)(i) Water: 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.

The Proposed abandonment does not appear to be inconsistent with applicable federal, state, and/or local water quality standards. The Soo Line salvage operations will not impact water quality and will be conducted in accordance with comments received from the Agencies Consulted.

Section 1105.7(e)(9)(ii) and (iii): (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. (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).

The U.S. Army Corps of Engineers was notified of the proposed abandonment, including the fact that some of the track is underwater and wave action from Devils Lake will likely result in continued roadbed erosion, which will eventually allow two severed bodies of water to rejoin. Even so, based on how the salvage operations will be conducted, the U.S. Army Corps of Engineers North Dakota Regulatory Office stated in a July 29, 2004 letter that Section 404 permits are not required for the proposed action. In addition, no designated wetlands or 100 year flood plains will be adversely affected. Furthermore, permits under Section 402 of the Clean Water Act (NPDES permit requirements) are not required for this action, as no in-stream salvage activities are contemplated.

Section 1105.7(e)(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

No adverse environmental impacts are anticipated. Other than using appropriate care in conducting salvage operations, no mitigation will be necessary.

Section 1105.7(e)(11) Additional Information for Rail Constructions: The following additional information should be included for rail construction proposals (including connecting track construction).

Not applicable.

Section 1105.8 Historic Reports: (a) An applicant proposing an action identified in Section 1105.6(a) or (b)), or an action in Section 1105.6(c) that will result in the lease, transfer, or sale of a railroad's line, sites or structures, must submit (with its application, petition or notice) the Historic Report described in paragraph (d) of this section, unless excepted under paragraph (b) of this section. This report should be combined with the Environmental Report where one is required. The purpose of the Historic Report is to provide the Board with sufficient information to conduct the consultation process required by the National Historic Preservation Act.

The Historic Report is attached hereto. See **Exhibit No. 5**.

Section 1105.9 Coastal Zone Management Act Requirements: If the proposed action affects land or water uses within a State coastal zone designated pursuant to the Coastal Zone Management Act (16 U.S.C. 1451 et seq.) applicant must comply with the following procedures.

Not applicable.

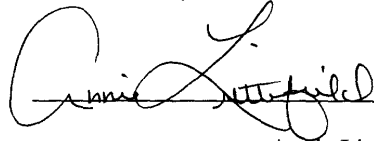
END OF REPORT

Exhibit No. 1
Certificate of Service of the Environmental & the Historic Reports
List of Agencies Consulted

Certificate of Service of Environmental and Historic Report

I hereby certify that on August 12, 2004, I served the Environmental Report and Historic Report relative to STB Docket No. AB-57 (Sub No. 54X) pursuant to C.F.R. Parts 1152.50, 1105.7(b)(c) and 1105.11 by First Class U.S. Mail, properly addressed, and with postage prepaid upon the parties listed on the attached List of Parties Consulted.

Dated at Minneapolis, Minnesota this 12th day of August, 2004.


Annie Littlefield, Esq.

Agencies Consulted

U.S. Environmental Protection Agency

Robert Roberts, Regional Director
EPA Region 8 Office
999-18th St. Suite 300
Denver, CO 80202-2466
(303) 312-6312

U.S. Fish and Wildlife Service

Office of the Regional Director
U. S. Fish & Wildlife Service
Mountain-Prairie Region
Denver Federal Center
P. O. Box 25486
Denver, CO 80225-0286

U.S. Army Corps of Engineers

Col. Robert L. Ball
U. S. Army Engineer District, St. Paul
190 Fifth Street East
St. Paul, MN 55101-1638

National Park Service

William W. Schenk, Regional Director
National Park Service Midwest Region
1709 Jackson St.
Omaha, NE 68102
(402) 221-3471

U.S. Soil and Conservation Service

USDA Natural Resources Conservation
Service
Attn: Serapio "J.R." Flores
State Conservationist
220 East Rosser Avenue
PO Box 1458
Bismarck, ND 58502-1458

National Geodetic Survey

National Geodetic Survey
Director Charlie Challstrom
NGS Information Services
NOAA, N/NGS12
SSMC-3, #9202
1315 East-West Highway
Silver Spring, MD 20910-3282
(301) 713-3242

State Clearinghouse

State Single Point of Contact
Governor's Office
600 East Boulevard Avenue
Bismarck, ND 58505-3001
(701) 328-2200

State Department of Transportation for North Dakota

David A. Spryncznatyk
Department of Transportation
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

State Environmental Protection Agency for North Dakota

North Dakota Department of Health
Attn: Dave Glatt, Environmental Health
Section Chief
600 E. Boulevard Ave.
Bismarck, N.D. 58505-0200
Phone: 701.328.5152
E-mail: dglatt@state.nd.us

State Historic Preservation Office for North Dakota

Mr. James E. Sperry
State Historic Preservation Officer
State Historical Society of N.D.
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Phone: (701) 328-2667
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State Historic Preservation Office for North Dakota

Mr. Louis N. Hafermehl
Deputy State Historic Preservation Officer
State Historical Society of N.D.
Heritage Center, 612 E. Boulevard Avenue
Bismarck, ND 58505
Phone: (701) 328-3566

Other Political Entities and/or Indian Reservations

Ramsey County Commission
524 4th Avenue #6
Devils Lake, ND 58301

Benson County Commission
P. O. Box 206
Minnewaukan, ND 58351

Valentino White, Tribal Chairman
Spirit Lake Dakota Nation
P. O. Box 99
Fort Totten, ND 58335
701-766-1708

Si Ironheart
Environmental Administrator
Spirit Lake Dakota Nation
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701-766-1708

Fred Bott
Devils Lake City President
P. O. Box 1048
423 6th Street
Devils Lake, ND 58301
701-662-7600

Local and Regional Planning Agencies

City of Devils Lake Planning Commission
P. O. Box 1048
423 6th Street
Devils Lake, ND 58301
701-662-7600

Additional Parties:

Jeffrey K. Towner,
Field Supervisor
U.S. Dept. of Interior
Fish and Wildlife Service
3425 Miriam Avenue
Bismarck, ND 58501

Merlan E. Paaverud, Jr.
State Historical Society
North Dakota Heritage Center
612 East Boulevard Ave.
Bismarck, ND 58505-0830

William A. May, Project Manager
Department of the Army
Corps of Engineers, Omaha District
North Dakota Regulatory Office
1513 South 12th Street
Bismarck, ND 58504-6640

Richard A. Snay, Chief
Spatial Reference System Division
U.S. Dept. of Commerce
National Oceanic and Atmospheric
National Ocean Service
National Geodetic Survey
Silver Spring, MD 20910-3282

L. David Glatt, P.E. Chief
North Dakota Department of Health
Environmental Health Section
P.O. Box 5520
Bismarck, ND 58506-5520

EXHIBIT B

Title 49: Transportation

PART 1105—PROCEDURES FOR IMPLEMENTATION OF ENVIRONMENTAL LAWS

(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.

(7) *Safety.* (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (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. (iii) If there are any known hazardous waste sites 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.

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

(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. (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. (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.)

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

(11) *Additional Information for Rail Constructions.* The following additional information should be included for rail construction proposals (including connecting track construction): (i) Describe the proposed route(s) by State, county, and subdivision, including a plan view, at a scale not to exceed 1:24,000 (7 1/2 minute U.S.G.S. quadrangle map), clearly showing the relationship to the existing transportation network (including the location of all highway and road crossings) and the right-of-way according to ownership and land use requirements. (ii) Describe any alternative routes considered, and a no-build alternative (or why this would not be applicable), and explain why they were not selected. (iii) Describe the construction plans, including the effect on the human environment, labor force requirements, the location of borrow pits, if any, and earthwork estimates. (iv) Describe in detail the rail operations to be conducted upon the line, including estimates of freight (carloads and tonnage) to be transported, the anticipated daily and annual number of train movements, number of cars per train, types of cars, motive power requirements, proposed speeds, labor force, and proposed maintenance-of-way practices. (v) Describe the effects, including indirect or down-line impacts, of the new or diverted traffic over the line if the thresholds governing energy, noise and air impacts in §§1105.7(e)(4), (5), or (6) are met. (vi) Describe the effects, including impacts on essential public services (e.g., fire, police, ambulance, neighborhood schools), public roads, and adjoining properties, in communities to be traversed by the line. (vii) Discuss societal impacts, including expected change in employment during and after construction.

Exhibit No. 4
Responses to the Environmental Comment Letter



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1638

June 9, 2004

Project Management and Development Branch
Planning, Programs and Project Management Division

SUBJECT: Request for Comments on Potential Environmental Impacts of Proposed Line Abandonment located between milepost 446.0 +/-, in Devils Lake, Ramsey County, North Dakota, and milepost 474.35 +/-, in Harlow, Benson County, North Dakota, which traverses through U.S. Postal Zip codes 58301, 58325, 58346, 58351 and 58362 STB Docket No.: AB-57 (Sub No. 54X)

Ms. Annie Littlefield, J.D.
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402

Dear Ms. Littlefield:

We are responding to your letter of June 3, 2004, which requested comments on the proposed abandonment of a rail line that extends from milepost 446.0 in Devils Lake, North Dakota, to milepost 474.35 in Harlow, North Dakota. The Soo Line Railroad Company is seeking to abandon all freight rail operations over approximately 28.35 miles of rail line and adjacent property in Ramsey and Benson Counties, North Dakota.

No St. Paul District real estate or current projects would be affected by the proposed rail line abandonment.

Although this project is within the St. Paul District's civil works boundaries, the project area is within the Omaha District's regulatory boundaries. Accordingly, we have provided a copy of your letter and enclosures to Mr. Jim Winters at the Bismarck Regulatory Office, Omaha District, Corps of Engineers, 1513 South 12th Street, Bismarck, North Dakota 58504, for review concerning permit requirements.

Sincerely,

Michael R. Knoff, P.E.
Acting Chief, Project Management and
Development Branch

RECEIVED
JUN 15 2004



DEPARTMENT OF THE ARMY
MILITARY SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND
200 STOVALL STREET
ALEXANDRIA, VA 22332-5000

June 23, 2004

Office of the
Staff Judge Advocate

Annie Littlefield
Leonard, Street and Deinard
Professional Association
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402

Dear Ms. Littlefield:

Exhibit 3, U.S. DEPARTMENT OF DEFENSE, (A) is incorrect. Military Traffic Management Command has changed its name to Military Surface Deployment and Distribution Command. Mr. Earl E. Washington does not work with railroad concerns. Please change (A) to reflect the following:

- (A) Military Surface Deployment and Distribution Command
ATTN: SDJA, Room 12N67
200 Stovall Street
Alexandria, VA 22332-5000

Please contact me with any questions or concerns at (703) 428-2132.

Sincerely,

Pamela S. Branstetter
Administrative Officer

Enclosure

RECEIVED
JUN 24 2004



EXHIBIT 3

SERVICE LIST
NOTICE OF INTENT TO FILE EXEMPT ABANDONMENT
Soo Line Railroad Company Abandonment of Trackage
Located between Devils Lake and Harlow, North Dakota
Docket No.: AB-57 (Sub No. 54X)

NORTH DAKOTA PUBLIC SERVICE COMMISSION (OR EQUIVALENT AGENCY)

North Dakota Public Service Commission
Susan E. Wefald & Kevin Cramer, Commissioners
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
701.328.2400 (phone)
701.328.2410 (fax)

U.S. DEPARTMENT OF DEFENSE

- | | |
|---|--|
| (A) Military Traffic Management Command
Earl E. Washington, Jr.
Deputy Chief Information Management
200 Stovall St.
Alexandria, VA 22332 | (A) Military Surface Deployment
and Distribution Command
ATTN: SDJA, Room 12N67
200 Stovall Street
Alexandria, VA 22332-5000 |
| (B) Transportation Engineering Agency
Attn: M.T.T.E. - S.A.
720 Thimble Shoals Boulevard, Suite 130
Newport News, VA 23606-2574 | |
| (C) Railroad for National Defense Program
William Cooper, Director
720 Thimble Shoals Boulevard
Newport News, VA 23606-2574 | |

NATIONAL PARK SERVICE, RECREATION RESOURCES ASSISTANCE DIVISION

National Center for Recreation and Conservation
U.S. Department of the Interior - National Park Service
1849 C Street NW
Org. Code 2240
Washington, DC 20240

U.S. DEPARTMENT OF AGRICULTURE, CHIEF OF THE FOREST SERVICE

U.S.D.A. Forest Service
Attn: Dale N. Bosworth, Chief of the Forest Service
1400 Independence Ave. SW
Washington, D.C. 20250-0003



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

July 12, 2004

North Dakota Regulatory Office

[200460466]

Annie Littlefield
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402

Dear Ms. Littlefield:

This is in response to your request for Department of the Army, Corps of Engineers comments concerning a proposed rail line abandonment located between milepost 446.0 in Devils Lake, North Dakota and milepost 474.35 in Harlow, North Dakota. This project is also referenced in your letter as **STB Docket No.:AB-57(Sub No. 54X)**.

Based on the information provided to this office, it appears that this project site involve jurisdictional waters of the United States, specifically Devils Lake, Pelican Lake, Mauvais Coulee and several unnamed tributaries to Pelican Lake and Devils Lake. Therefore, in accordance with 33 C.F.R., 320-330, a Department of the Army permit will be required for any proposed construction work affecting jurisdictional waters of the United States, including jurisdictional wetlands.

The Corps' review of the above mentioned project for Section 404 authorization requires the submittal of a complete Corps of Engineers permit application, including a project location map. It is essential to identify impacts to waters of the United States resulting from this proposed project. Should construction activities associated with the proposed project result in impacts to waters of the United States, please complete and submit the enclosed Corps of Engineers permit application to the U. S. Army Corps of Engineers, North Dakota Regulatory Office, 1513 South 12th Street, Bismarck, North Dakota 58504.

If we can be of further assistance or should you have any questions regarding our program, please do not hesitate to contact this office by letter or phone at (701) 255-0015 and reference project number **200460466**.

Sincerely,

William A. May
Project Manager
North Dakota Regulatory Office

Enclosure

RECEIVED

JUL 16 2004

Instructions for Preparing a
Department of the Army Permit Application

Blocks 1 through 4. To be completed by Corps of Engineers.

Block 5. Applicant's Name. Enter the name of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked Block 5.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. Applicant Telephone Number(s). Please provide the number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed, if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, or any other person or organization. Note: An agent is not required.

Blocks 9 and 10. Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by applicant, if an agent is to be employed.

Block 12. Proposed Project Name or Title. Please provide name identifying the proposed project, *e.g.*, Landmark Plaza, Burned Hills Subdivision, or Edsall Commercial Center.

Block 13. Name of Waterbody. Please provide the name of any stream, lake, marsh, or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Project Street Address. If the proposed project is located at a site having a street address (not a box number), please enter it here.

Block 15. Location of Proposed Project. Enter the county and state where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked Block 15.

Block 16. Other Location Descriptions. If available, provide the Section, Township, and Range of the site and / or the latitude and longitude. You may also provide description of the proposed project location, such as lot numbers, tract numbers, or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site.

Block 18. Nature of Activity. Describe the overall activity or project. Give appropriate dimensions of structures such as wingwalls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 18.

Block 19. Proposed Project Purpose. Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

Block 20. Reasons for Discharge. If the activity involves the discharge of dredged and/or fill material into a wetland or other waterbody, including the temporary placement of material, explain the specific purpose of the placement of the material (such as erosion control).

Block 21. Types of Material Being Discharged and the Amount of Each Type in Cubic Yards. Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes: rock, sand, clay, concrete, etc.

Block 22. Surface Areas of Wetlands or Other Waters Filled. Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If more space is needed, attach an extra sheet of paper marked Block 22.

Block 23. Is Any Portion of the Work Already Complete? Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, acres filled, if a wetland or other waterbody (in acres or square feet). If the work was done under an existing Corps permit, identify the authorization, if possible.

Block 24. Names and Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Project Site. List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the waterbody or aquatic site where the work is being proposed so that they may be notified of the proposed activity (usually by public notice). If more space is needed, attach an extra sheet of paper marked Block 24.

Information regarding adjacent landowners is usually available through the office of the tax assessor in the county or counties where the project is to be developed.

Block 25. Information about Approvals or Denials by Other Agencies. You may need the approval of other federal, state, or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for a Corps permit.

Block 26. Signature of Applicant or Agent. The application must be signed by the owner or other authorized party (agent). This signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross-Section Map. Identify each illustration with a figure or attachment number.

Please submit one original, or good quality copy, of all drawings on 8½ x 11 inch plain white paper (tracing paper or film may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations.

Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section). While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
(33 CFR 325)

OMB APPROVAL NO. 0710-0003
Expires December 31, 2004

The public reporting burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies. Submission of requested information is voluntary, however, if information is not provided, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO. 200460466	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
---------------------------------	----------------------	------------------	-------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required)
6. APPLICANT'S ADDRESS	9. AGENT'S ADDRESS
7. APPLICANT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business	10. AGENT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business

11. STATEMENT OF AUTHORIZATION

I hereby authorize _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE	DATE
NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY	

12. PROJECT NAME OR TITLE (see instructions)

13. NAME OF WATERBODY, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable)
15. LOCATION OF PROJECT _____ COUNTY STATE	

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

17. DIRECTIONS TO THE SITE

18. Nature of Activity (Description of project, include all features)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

23. Is Any Portion of the Work Already Complete? Yes _____ No _____ IF YES, DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

25. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up any trick scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



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

July 29, 2004

North Dakota Regulatory Office

200460466

Annie Littlefield, J.D.
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402

Dear Ms. Littlefield:

This is in reference to your Department of the Army (DA) solicitation, on behalf of **Soo Line Railroad Company**, dated **June 3, 2004**, for a DA review in accordance with Section 404 of the Clean Water Act. The project consists of the proposed line abandonment located between milepost 446.0+/-, in Devils Lake, Ramsey County, North Dakota and milepost 474.35 +/-, in Harlow, Benson County, North Dakota, which traverses through U.S. Postal Zip Codes 58301, 58325, 58346, 58351 and 58362 STB Docket No.: AB-57 (Sub No. 54X). The legal description is numerous sections in Ramsey and Benson Counties, North Dakota.

Based on the information provided, specifically, that the proposed action includes some removal of rails, ties, spikes, plates, railroad-related utilities, and signaling devices. Furthermore, that ballast and other structures, including culverts and bridges, would remain in place, we have determined that the activity is not subject to Department of the Army (DA) regulatory authorities and no permit pursuant to Section 404 of the Clean Water Act is required from the Corps of Engineers.

Although a DA permit will not be required for the project, this does not eliminate the requirement that you obtain any other applicable Federal, state, tribal or local permits as required.

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 **200460466**.

Sincerely,

Daniel E. C. Winters

for James L. Winters
Regulatory Program Manager
North Dakota

RECEIVED
AUG - 2 2004



NORTH DAKOTA DEPARTMENT OF HEALTH
Environmental Health Section

Location:

1200 Missouri Avenue
Bismarck, ND 58504-5264

Fax #:

701-328-5200

Mailing Address:

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

June 24, 2004

Annie Littlefield, J.D.
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402

RECEIVED
JUN 28 2004

Re: Proposed Rail Line Abandonment Between Devils Lake and Harlow, ND
Ramsey & Benson Counties

Dear Ms. Littlefield:

This department has reviewed the information concerning the above-referenced project submitted under date of June 3, 2004, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
2. Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any

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

Air
Quality
701-328-5188

Municipal
Facilities
701-328-5211

Waste
Management
701-328-5166

Water
Quality
701-328-5210

Website: www.health.state.nd.us/ndhd/enviro

Annie Littlefield

2.

June 24, 2004

additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "L. David Glatt", written over the typed name.

L. David Glatt, P.E., Chief
Environmental Health Section

LDG:cc
Attach.



NORTH DAKOTA DEPARTMENT OF HEALTH
Environmental Health Section

Location:
1200 Missouri Avenue
Bismarck, ND 58504-5264

Fax #:
701-328-5200

Mailing Address:
P.O. Box 5520
Bismarck, ND 58506-5520

December 2000

Construction and Environmental Disturbance Requirements

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

Soils

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

Surface Waters

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

Fill Material

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

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

Air
Quality
701-328-5188

Municipal
Facilities
701-328-5211

Waste
Management
701-328-5166

Water
Quality
701-328-5210

EXHIBIT B

Title 49: Transportation

PART 1105—PROCEDURES FOR IMPLEMENTATION OF ENVIRONMENTAL LAWS

(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.

(7) *Safety.* (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (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. (iii) If there are any known hazardous waste sites 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.

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

(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. (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. (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.)

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

(11) *Additional Information for Rail Constructions.* The following additional information should be included for rail construction proposals (including connecting track construction): (i) Describe the proposed route(s) by State, county, and subdivision, including a plan view, at a scale not to exceed 1:24,000 (7 1/2 minute U.S.G.S. quadrangle map), clearly showing the relationship to the existing transportation network (including the location of all highway and road crossings) and the right-of-way according to ownership and land use requirements. (ii) Describe any alternative routes considered, and a no-build alternative (or why this would not be applicable), and explain why they were not selected. (iii) Describe the construction plans, including the effect on the human environment, labor force requirements, the location of borrow pits, if any, and earthwork estimates. (iv) Describe in detail the rail operations to be conducted upon the line, including estimates of freight (carloads and tonnage) to be transported, the anticipated daily and annual number of train movements, number of cars per train, types of cars, motive power requirements, proposed speeds, labor force, and proposed maintenance-of-way practices. (v) Describe the effects, including indirect or down-line impacts, of the new or diverted traffic over the line if the thresholds governing energy, noise and air impacts in §§1105.7(e)(4), (5), or (6) are met. (vi) Describe the effects, including impacts on essential public services (e.g., fire, police, ambulance, neighborhood schools), public roads, and adjoining properties, in communities to be traversed by the line. (vii) Discuss societal impacts, including expected change in employment during and after construction.

Exhibit No. 4
Responses to the Environmental Comment Letter



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1638

June 9, 2004

Project Management and Development Branch
Planning, Programs and Project Management Division

SUBJECT: Request for Comments on Potential Environmental Impacts of Proposed Line Abandonment located between milepost 446.0 +/-, in Devils Lake, Ramsey County, North Dakota, and milepost 474.35 +/-, in Harlow, Benson County, North Dakota, which traverses through U.S. Postal Zip codes 58301, 58325, 58346, 58351 and 58362 STB Docket No.: AB-57 (Sub No. 54X)

Ms. Annie Littlefield, J.D.
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402

Dear Ms. Littlefield:

We are responding to your letter of June 3, 2004, which requested comments on the proposed abandonment of a rail line that extends from milepost 446.0 in Devils Lake, North Dakota, to milepost 474.35 in Harlow, North Dakota. The Soo Line Railroad Company is seeking to abandon all freight rail operations over approximately 28.35 miles of rail line and adjacent property in Ramsey and Benson Counties, North Dakota.

No St. Paul District real estate or current projects would be affected by the proposed rail line abandonment.

Although this project is within the St. Paul District's civil works boundaries, the project area is within the Omaha District's regulatory boundaries. Accordingly, we have provided a copy of your letter and enclosures to Mr. Jim Winters at the Bismarck Regulatory Office, Omaha District, Corps of Engineers, 1513 South 12th Street, Bismarck, North Dakota 58504, for review concerning permit requirements.

Sincerely,

Michael R. Knoff, P.E.
Acting Chief, Project Management and
Development Branch

RECEIVED
JUN 15 2004



DEPARTMENT OF THE ARMY
MILITARY SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND
200 STOVALL STREET
ALEXANDRIA, VA 22332-5000

June 23, 2004

Office of the
Staff Judge Advocate

Annie Littlefield
Leonard, Street and Deinard
Professional Association
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402

Dear Ms. Littlefield:

Exhibit 3, U.S. DEPARTMENT OF DEFENSE, (A) is incorrect. Military Traffic Management Command has changed its name to Military Surface Deployment and Distribution Command. Mr. Earl E. Washington does not work with railroad concerns. Please change (A) to reflect the following:

- (A) Military Surface Deployment and Distribution Command
ATTN: SDJA, Room 12N67
200 Stovall Street
Alexandria, VA 22332-5000

Please contact me with any questions or concerns at (703) 428-2132.

Sincerely,

Pamela S. Branstetter
Administrative Officer

Enclosure

RECEIVED
JUN 24 2004



EXHIBIT 3

SERVICE LIST
NOTICE OF INTENT TO FILE EXEMPT ABANDONMENT
Soo Line Railroad Company Abandonment of Trackage
Located between Devils Lake and Harlow, North Dakota
Docket No.: AB-57 (Sub No. 54X)

NORTH DAKOTA PUBLIC SERVICE COMMISSION (OR EQUIVALENT AGENCY)

North Dakota Public Service Commission
Susan E. Wefald & Kevin Cramer, Commissioners
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
701.328.2400 (phone)
701.328.2410 (fax)

U.S. DEPARTMENT OF DEFENSE

- | | |
|---|--|
| (A) Military Traffic Management Command
Earl E. Washington, Jr.
Deputy Chief Information Management
200 Stovall St.
Alexandria, VA 22332 | (A) Military Surface Deployment
and Distribution Command
ATTN: SDJA, Room 12N67
200 Stovall Street
Alexandria, VA 22332-5000 |
| (B) Transportation Engineering Agency
Attn: M.T.T.E. - S.A.
720 Thimble Shoals Boulevard, Suite 130
Newport News, VA 23606-2574 | |
| (C) Railroad for National Defense Program
William Cooper, Director
720 Thimble Shoals Boulevard
Newport News, VA 23606-2574 | |

NATIONAL PARK SERVICE, RECREATION RESOURCES ASSISTANCE DIVISION

National Center for Recreation and Conservation
U.S. Department of the Interior - National Park Service
1849 C Street NW
Org. Code 2240
Washington, DC 20240

U.S. DEPARTMENT OF AGRICULTURE, CHIEF OF THE FOREST SERVICE

U.S.D.A. Forest Service
Attn: Dale N. Bosworth, Chief of the Forest Service
1400 Independence Ave. SW
Washington, D.C. 20250-0003



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

July 12, 2004

North Dakota Regulatory Office

[200460466]

Annie Littlefield
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402

Dear Ms. Littlefield:

This is in response to your request for Department of the Army, Corps of Engineers comments concerning a proposed rail line abandonment located between milepost 446.0 in Devils Lake, North Dakota and milepost 474.35 in Harlow, North Dakota. This project is also referenced in your letter as **STB Docket No.:AB-57(Sub No. 54X)**.

Based on the information provided to this office, it appears that this project site involve jurisdictional waters of the United States, specifically Devils Lake, Pelican Lake, Mauvais Coulee and several unnamed tributaries to Pelican Lake and Devils Lake. Therefore, in accordance with 33 C.F.R., 320-330, a Department of the Army permit will be required for any proposed construction work affecting jurisdictional waters of the United States, including jurisdictional wetlands.

The Corps' review of the above mentioned project for Section 404 authorization requires the submittal of a complete Corps of Engineers permit application, including a project location map. It is essential to identify impacts to waters of the United States resulting from this proposed project. Should construction activities associated with the proposed project result in impacts to waters of the United States, please complete and submit the enclosed Corps of Engineers permit application to the U. S. Army Corps of Engineers, North Dakota Regulatory Office, 1513 South 12th Street, Bismarck, North Dakota 58504.

If we can be of further assistance or should you have any questions regarding our program, please do not hesitate to contact this office by letter or phone at (701) 255-0015 and reference project number **200460466**.

Sincerely,

William A. May
Project Manager
North Dakota Regulatory Office

Enclosure

RECEIVED

JUL 16 2004

Instructions for Preparing a
Department of the Army Permit Application

Blocks 1 through 4. To be completed by Corps of Engineers.

Block 5. Applicant's Name. Enter the name of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked Block 5.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. Applicant Telephone Number(s). Please provide the number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed, if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, or any other person or organization. Note: An agent is not required.

Blocks 9 and 10. Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by applicant, if an agent is to be employed.

Block 12. Proposed Project Name or Title. Please provide name identifying the proposed project, *e.g.*, Landmark Plaza, Burned Hills Subdivision, or Edsall Commercial Center.

Block 13. Name of Waterbody. Please provide the name of any stream, lake, marsh, or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Project Street Address. If the proposed project is located at a site having a street address (not a box number), please enter it here.

Block 15. Location of Proposed Project. Enter the county and state where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked Block 15.

Block 16. Other Location Descriptions. If available, provide the Section, Township, and Range of the site and / or the latitude and longitude. You may also provide description of the proposed project location, such as lot numbers, tract numbers, or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site.

Block 18. Nature of Activity. Describe the overall activity or project. Give appropriate dimensions of structures such as wingwalls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 18.

Block 19. Proposed Project Purpose. Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

Block 20. Reasons for Discharge. If the activity involves the discharge of dredged and/or fill material into a wetland or other waterbody, including the temporary placement of material, explain the specific purpose of the placement of the material (such as erosion control).

Block 21. Types of Material Being Discharged and the Amount of Each Type in Cubic Yards. Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes: rock, sand, clay, concrete, etc.

Block 22. Surface Areas of Wetlands or Other Waters Filled. Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If more space is needed, attach an extra sheet of paper marked Block 22.

Block 23. Is Any Portion of the Work Already Complete? Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, acres filled, if a wetland or other waterbody (in acres or square feet). If the work was done under an existing Corps permit, identify the authorization, if possible.

Block 24. Names and Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Project Site. List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the waterbody or aquatic site where the work is being proposed so that they may be notified of the proposed activity (usually by public notice). If more space is needed, attach an extra sheet of paper marked Block 24.

Information regarding adjacent landowners is usually available through the office of the tax assessor in the county or counties where the project is to be developed.

Block 25. Information about Approvals or Denials by Other Agencies. You may need the approval of other federal, state, or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for a Corps permit.

Block 26. Signature of Applicant or Agent. The application must be signed by the owner or other authorized party (agent). This signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross-Section Map. Identify each illustration with a figure or attachment number.

Please submit one original, or good quality copy, of all drawings on 8½ x 11 inch plain white paper (tracing paper or film may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations.

Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section). While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
(33 CFR 325)

OMB APPROVAL NO. 0710-0003
Expires December 31, 2004

The public reporting burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies. Submission of requested information is voluntary, however, if information is not provided, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO. 200460466	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
---------------------------------	----------------------	------------------	-------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required)
6. APPLICANT'S ADDRESS	9. AGENT'S ADDRESS
7. APPLICANT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business	10. AGENT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business

11. STATEMENT OF AUTHORIZATION

I hereby authorize _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE	DATE
NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY	

12. PROJECT NAME OR TITLE (see instructions)

13. NAME OF WATERBODY, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable)
15. LOCATION OF PROJECT COUNTY STATE	

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

17. DIRECTIONS TO THE SITE

18. Nature of Activity (Description of project, include all features)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

23. Is Any Portion of the Work Already Complete? Yes _____ No _____ IF YES, DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

25. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up any trick scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



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

July 29, 2004

North Dakota Regulatory Office

200460466

Annie Littlefield, J.D.
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402

Dear Ms. Littlefield:

This is in reference to your Department of the Army (DA) solicitation, on behalf of **Soo Line Railroad Company**, dated **June 3, 2004**, for a DA review in accordance with Section 404 of the Clean Water Act. The project consists of the proposed line abandonment located between milepost 446.0+/-, in Devils Lake, Ramsey County, North Dakota and milepost 474.35 +/-, in Harlow, Benson County, North Dakota, which traverses through U.S. Postal Zip Codes 58301, 58325, 58346, 58351 and 58362 STB Docket No.: AB-57 (Sub No. 54X). The legal description is numerous sections in Ramsey and Benson Counties, North Dakota.

Based on the information provided, specifically, that the proposed action includes some removal of rails, ties, spikes, plates, railroad-related utilities, and signaling devices. Furthermore, that ballast and other structures, including culverts and bridges, would remain in place, we have determined that the activity is not subject to Department of the Army (DA) regulatory authorities and no permit pursuant to Section 404 of the Clean Water Act is required from the Corps of Engineers.

Although a DA permit will not be required for the project, this does not eliminate the requirement that you obtain any other applicable Federal, state, tribal or local permits as required.

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 **200460466**.

Sincerely,

Daniel E. C. Winters

for James L. Winters
Regulatory Program Manager
North Dakota

RECEIVED
AUG - 2 2004



NORTH DAKOTA DEPARTMENT OF HEALTH
Environmental Health Section

Location:

1200 Missouri Avenue
Bismarck, ND 58504-5264

Fax #:

701-328-5200

Mailing Address:

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

June 24, 2004

Annie Littlefield, J.D.
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402

RECEIVED
JUN 28 2004

Re: Proposed Rail Line Abandonment Between Devils Lake and Harlow, ND
Ramsey & Benson Counties

Dear Ms. Littlefield:

This department has reviewed the information concerning the above-referenced project submitted under date of June 3, 2004, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
2. Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any

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

Air
Quality
701-328-5188

Municipal
Facilities
701-328-5211

Waste
Management
701-328-5166

Water
Quality
701-328-5210

Website: www.health.state.nd.us/ndhd/enviro

Annie Littlefield

2.

June 24, 2004

additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "L. David Glatt", written over the typed name.

L. David Glatt, P.E., Chief
Environmental Health Section

LDG:cc
Attach.



NORTH DAKOTA DEPARTMENT OF HEALTH
Environmental Health Section

Location:
1200 Missouri Avenue
Bismarck, ND 58504-5264

Fax #:
701-328-5200

Mailing Address:
P.O. Box 5520
Bismarck, ND 58506-5520

December 2000

Construction and Environmental Disturbance Requirements

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

Soils

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

Surface Waters

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

Fill Material

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

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

Air
Quality
701-328-5188

Municipal
Facilities
701-328-5211

Waste
Management
701-328-5166

Water
Quality
701-328-5210



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

John Hoeven
Governor of North Dakota

North Dakota
State Historical Board

Diane K. Larson
Bismarck - President

Marvin L. Kaiser
Williston - Vice President

Albert I. Berger
Grand Forks - Secretary

Chester E. Nelson, Jr.
Bismarck

Gerold Gernholz
Valley City

A. Ruric Todd III
Jamestown

Sara Otte Coleman
Director
Tourism Division

Kathi Gilmore
State Treasurer

Alvin A. Jaeger
Secretary of State

Douglass Prchal
Director
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

June 14, 2004

Annie Littlefield
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402

ND SHPO REF.: 04-0783, Proposed Soo Line Railroad Company Line
Abandonment, Benson and Ramsey Counties, ND.

Dear Ms. Littlefield:

We have reviewed Project: 04-0783, proposed abandonment of the Soo Line
Railroad Company line between the Cities of Harlow and Devils Lake in portions
of Benson and Ramsey 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 any unrecorded railway bridges and/or stations with
standing structures over 50 years of age that are to be abandoned be formally
recorded on NDCRS site forms. The recording should be completed by a state
permitted cultural resource firm, and include recommended evaluations. We are
providing 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)

RECEIVED
JUN 17 2004

2004 NORTH DAKOTA CULTURAL RESOURCE INVESTIGATION PERMIT HOLDERS

<u>PERMIT HOLDER</u>	<u>EXPERTISE</u>		
	Archeology	Historic Architecture	History
Anthropology Research Department of Anthropology University of North Dakota P. O. Box 7094 Grand Forks, ND 58202-7094 Contact: Dr. Dennis Toom Telephone: 701-777-2436 or 2437 Fax: 701-777-2435 email: dennis_toom@und.nodak.edu (01/2004)	X	X	X
OR			
UNDAW-West P. O. Box 737 Belfield, ND 58622-0737 Contact: Greg Wermers Telephone: 701-575-4074 Fax: 701-575-4180 email: undawst@pop.crcetel.com (01/2004)	X	X	X
Bear Creek Archeology, Inc. P. O. Box 347 Cresco, Iowa 52136 Contact: David Stanley Telephone: 563-547-4545 (01/2004)	X		
Ethnoscience, Inc. 4140 King Avenue East Billings, MT 59101 Contact: Lynelle Peterson Telephone: 406-252-7945 Fax: 406-252-9483 (01/2004)	X		X
Florin Cultural Resource Services N12047 280th Street Boyceville, WI 54725 Contact: Frank Florin Telephone: 715-643-2918 (2/2004)	X		
.410 Corporation 3803 Willow Road West Fargo, ND 58078 Contact: Dr. Tom Isern Telephone: 701-799-2942 (2/2004)		X	X

2004 NORTH DAKOTA CULTURAL RESOURCE INVESTIGATION PERMIT HOLDERS

<u>PERMIT HOLDER</u>	<u>EXPERTISE</u>		
	Archeology	Historic Architecture	History
GCM Services, Inc. Box 3047 Butte, MT 59702 Contact: David Ferguson Telephone: 406-723-4387 (01/2004)	X		X
Greystone Environmental Consultants, Inc. 5231 South Quebec St. Greenwood Village, CO 80111 Contact: Carl Späth Telephone: 303-850-0930 (01/2004)	X		
Hess, Roise and Company The Foster House 100 north First Street Minneapolis, MN 55401 Contact: Charlene K. Roise Telephone: 612-338-1987 (2/2004)		X	X
HDR Engineering, Inc. 6190 Golden Hills Drive Minneapolis, MN 55416 Contact: Daniel R. Pratt Telephone: 763-278-5921 (1/2004)	X	X	
Jeff Kinney & Associates, Inc. P. O. Box 43 Manvel, ND 58256 Contact: Jeff Kinney Telephone: 701-696-2289 (4/2004)	X		
Lou Hafermehl 610 North 7th Street #11 Bismarck, ND 58501 Telephone: 701-250-8544 (01/2004)		X	X
Kent Good & Associates 1920 E. Capitol Avenue #204 Bismarck, ND 58501 Contact: Kent Good Telephone: 701-224-9821 (02/2004)	X		
The Louis Berger Group, Inc. 950 50 th Street	X	X	

2004 NORTH DAKOTA CULTURAL RESOURCE INVESTIGATION PERMIT HOLDERS

<u>PERMIT HOLDER</u>	<u>EXPERTISE</u>		
	Archeology	Historic Architecture	History
Marion, IA 52302 Contact: Randall Withrow Telephone: 319-373-3043 (01/2004)			
Metcalf Archaeological Consultants, Inc. P. O. Box 899 Eagle, CO 81631 Contact: Mike Metcalf Telephone: 970-328-6244 1-800-755-6241 (01/2004)	X		
OR			
Metcalf Archaeological Consultants, Inc. P. O. Box 2154 Bismarck, ND 58502 Contact: Suzanne Nelsen Telephone: 701-258-1215 (01/2004)	X		
Minnesota State University Moorhead 1104 7 th Avenue South Moorhead, MN 56563 Contact: Dr. Michael Michlovic Telephone: 218-477-2035 (2/2004)	X		
ND Department of Transportation 508 E. Blvd. Ave Bismarck, ND 58505 Contact: Kent Good Telephone: 701-328-2731 (01/2004)	X		X
ND Institute for Regional Studies Box 5075 NDSU Fargo, ND 58105-5075 Contact: Dr. Thomas J. Riley Telephone: 701-231-8338 (03/2004)	X		
Quality Cultural Resource Services 2416 Jackson Blvd. Rapid City, SD 57702 Telephone: 605-721-0701 Contact: Lance Rom (1/2004)	X	X	

PERMIT HOLDEREXPERTISE

Archeology

Historic
Architecture

History

Renewable Technologies, Inc.
511 Metals Bank Bldg.
Butte, MT 59701
Contact: Kimberly L. Tintinger
Telephone: 406-782-0494
Fax: 406-782-3064
(01/2004)

X

X

X

FRC Mariah Associates, Inc.
505 Skyline Drive
Laramie, WY 82070-8909
Contact: Craig S. Smith
Telephone: 307-742-3843
Fax: 307-745-8317
(01/2004)

X

X

United States Department of Agriculture



Natural Resources Conservation Service
P.O. Box 1458
Bismarck, ND 58502-1458

June 23, 2004

RECEIVED
JUN 28 2004

Annie Littlefield, J.D.
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402

RE: Proposed line abandonment located between milepost 446.0 +/-, in Devils Lake, Ramsey County, North Dakota, and milepost 474.35 +/-, in Harlow, Benson County, North Dakota.

Dear Ms. Littlefield:

The Natural Resources Conservation Service (NRCS) addresses impacts to wetlands and prime farmlands at the field office level. Our input to the environmental review of construction projects includes the following:

Wetlands - NRCS is the lead agency for wetland delineation on agricultural lands, including cropland, rangeland, and pastureland. If requested, the local NRCS office will provide a certified wetland inventory for the project to be utilized in the 404 permitting process. (Note: the Corps of Engineers is the lead agency for non-agricultural lands, such as urban areas.)

Any unavoidable wetland impacts should be properly mitigated whenever possible. The local NRCS Field Office should be provided detailed information showing locations of wetlands impacted by this project. This information will be used to document that these areas are considered converted wetlands for non-agricultural purposes (CWNA) for Swampbuster program concerns. (Note: If all of the wetland impacts occur on the existing railway road right-of-way, then the adjacent landowners agricultural lands are not impacted.)

Prime (Important) Farmlands - The Farmland Protection Policy Act was passed in 1981. Purposes of the Act are to minimize the extent to which federal programs contribute to the conversion of important farmlands to non-agricultural uses and to encourage State and local units of government to protect important farmlands.

If it is determined that prime farmland will be converted directly or indirectly by this

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

An Equal Opportunity Provider and Employer

Ms. Littlefield

Page 2

project and technical assistance and federal funds are being used, then Form AD-1006 will need to be initiated by the federal agency funding the project. This form, along with a site specific map showing the area to be converted, will need to be sent to the NRCS field office in the county for processing.

Thank you for the opportunity to review and comment on this project. Should you require additional information, please contact Doug Van Daalen, Planning Specialist, at 701-530-2094.

Sincerely,



J.R. FLORES

ACTING State Conservationist

cc:

Becky Clow, DC, NRCS, Devils Lake, ND

Jack Russell, ASTC (FO), NRCS, Devils Lake, ND



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501



JUN 28 2004

Ms. Annie Littlefield, J.D.
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402

RE: Soo Line Railroad Abandonment, Devils Lake
to Harlow, North Dakota

Dear Ms. Littlefield:

In response to your June 3, 2004, letter, the U.S. Fish and Wildlife Service (Service) has reviewed the plan submitted by Canadian Pacific Railway Company to abandon 28.35 ± miles of railroad line between M.P. 446.0 in Devils Lake, North Dakota, and M.P. 474.35 in Harlow, North Dakota. The line crosses or borders numerous Service wetland easements and three Waterfowl Production Areas (WPAs). Wetlands easements are held in private property, but are considered part of the National Wildlife Refuge System. WPAs are owned in fee title by the Service and are also 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 the wetlands, including the removal of culverts. Draining, filling or burning the wetlands may constitute an easement violation on behalf of the landowner or a WPA violation on behalf of Canadian Pacific Railway Company. I have included a map depicting wetland easement and WPA locations. We request that the track material, such as the rails and ties, be removed from portions of the line that cross WPAs. If further guidance is needed in determining the property boundaries, please contact Roger Hollevoet of Devils Lake Wetland Management District at 701-662-8611.

Wetland Easements

Benson County

- T. 154 N., R. 67 W., Section 15, W½ north of township road; SW¼SW¼
- T. 154 N., R. 67 W., Section 16, E½
- T. 154 N., R. 67 W., Section 19, W½
- T. 154 N., R. 68 W., Section 18, SE¼
- T. 154 N., R. 68 W., Section 19, NE¼
- T. 154 N., R. 68 W., Section 20, NE¼
- T. 154 N., R. 68 W., Section 24, E½
- T. 154 N., R. 69 W., Section 13, W½; NW¼ SE¼
- T. 154 N., R. 69 W., Section 14, N½

T. 154 N., R. 69 W., Section 15, S½NE¼

T. 154 N., R. 69 W., Section 16, N½

Ramsey County

T. 154 N. R. 64 W., Section 19, NW¼; NW¼NE¼

T. 154 N. R. 64 W., Section 28, W½NE½ north of Soo Line Railway; E½W½ north of Soo Line Railway

T. 154 N. R. 64 W., Section 29, NW¼

T. 154 N. R. 65 W., Section 14, N½SE¼

T. 154 N. R. 65 W., Section 15, S½N½

T. 154 N. R. 65 W., Section 16, N½SE¼; S½NE¼

T. 154 N. R. 65 W., Section 17, N½

T. 154 N. R. 65 W., Section 18, N¾

T. 154 N. R. 66 W., Section 13, NW¼; N¼ SW¼; E½SE¼

T. 154 N. R. 66 W., Section 15, N½S½; S½NE¼; SE¼ NW¼

T. 154 N. R. 66 W., Section 16, W½NW¼

T. 154 N. R. 66 W., Section 17, NE¼; SW¼NW¼

T. 154 N. R. 66 W., Section 18, NE¼; E½NW¼

Waterfowl Production Areas

Benson County

T. 154 N., R. 67 W., Section 13, NE¼SE¼

T. 154 N., R. 68 W., Section 18, S½SW¼

T. 154 N., R. 68 W., Section 21, NE¼ south of Soo Line railway; portion of NE¼NE¼ north of Soo Line Railway

T. 154 N., R. 68 W., Section 22 W½W½NW¼

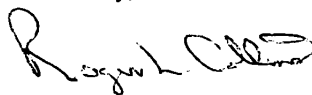
Ramsey County

T. 154 N., R. 66 W., Section 17, S½

T. 154 N., R. 66 W., Section 18, S½

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 Bill Bicknell of my staff at 701-250-4402, or at the letterhead address.

Sincerely,



for Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

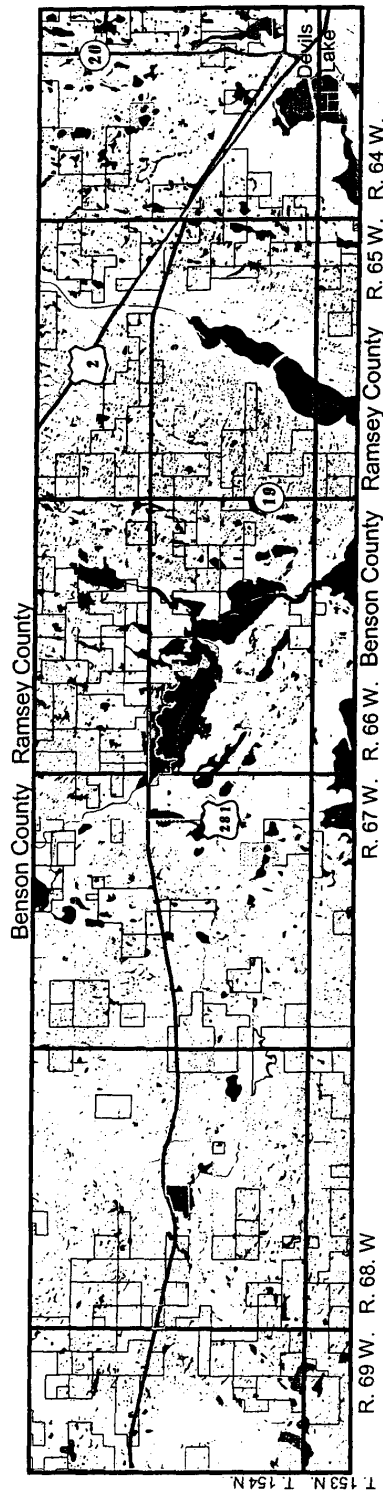
Enclosure

cc: Project Leader, Devils Lake WMD



Soo Line Railroad Abandonment

Devils Lake to Harlow



- Wetlands
- Waterfowl production area
- Wetland easements
- Roads
- Railroad

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 COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

JUN 17 2004

Ms. Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Dear Ms. Rutson:

The area in question on the map with the Environmental and Historic Reports for the proposed rail line abandonment of Soo Line Railroad Company for approximately 28.35 miles of rail line between milepost 446.0 +/-, in Devils Lake, Ramsey County, North Dakota, and milepost 474.35 +/-, in Harlow, Benson County, North Dakota, STB Docket No. AB-57 (Sub-No. 54X), has been reviewed within the areas of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

As a result of this review, 2 geodetic station markers have been identified that may be affected by the proposed abandonment; a listing of these markers is enclosed. Additional information about these station markers can be obtained via the Internet or NGS CD-ROM. A fact sheet for these two data retrieval methods is enclosed. If there are any planned activities which will disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

If further information is needed for these geodetic markers, contact Mr. Frank C. Maida. His address is NOAA, N/NGS2, Room 8736, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, telephone: 301-713-3198, fax: 301-713-4324, e-mail: Frank.Maida@noaa.gov.

Sincerely,

Richard A. Snay
Chief, Spatial Reference System Division

Enclosures

cc: N/NGS1 - G. Mitchell
Annie Littlefield, Leonard, Street & Deinard



Printed on Recycled Paper

RECEIVED
JUN 17 2004



THE SOO LINE RAILROAD COMPANY
BETWEEN DEVILS LAKE AND HARLOW
IN RAMSEY AND BENSON COUNTIES, NORTH DAKOTA

STB DOCKET NO. AB-57 (SUB-NO.54X)

2 GEODETIC CONTROL MARKS IN THE PROPOSED ABANDONMENT AREA

PIDS	DESIGNATION	LATITUDE	LONGITUDE
TE1997	MADE (AZ MK)	N480927	W0991722
TE1259	K 73	N480855	W0991846



National Geodetic Survey - News Flash!



GEODETTIC DATA AVAILABLE FREE ON THE INTERNET

Are you interested in getting the most current position, height, and descriptive information for all the geodetic control points in the National Spatial Reference System? Are you interested in getting this information immediately, free of cost, and whenever you want it? With an Internet connection, this information is yours to download.

The National Geodetic Survey's (NGS) data sheet contains position, height, and descriptive information for approximately 750,000 control points throughout the United States. The data sheet provides:

- ▶ The geodetic coordinates and the orthometric height for each point
- ▶ The horizontal and vertical datums on which the information is based
- ▶ State plane coordinates and Universal Transverse Mercator coordinates
- ▶ Modeled geoid height, ellipsoidal height, modeled gravity, and Laplace correction
- ▶ A description of the station's location and how to reach it

To obtain this information, set your Web browser to
http://www.ngs.noaa.gov/products_services.html

For more information contact:

NOAA, National Geodetic Survey, N/NGS12

1315 East-West Highway, Station 09202

Silver Spring, MD 20910

Telephone: (301) 713-3242; Fax: (301) 713-4172

Monday through Friday, 7:00 a.m. - 4:30 p.m., Eastern Time

<http://www.ngs.noaa.gov>



NGS: Tying America Together

Exhibit No. 5
Historic Report

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.**

SOO LINE RAILROAD COMPANY)
ABANDONMENT OF TRACKAGE LOCATED)
BETWEEN HARLOW, NORTH DAKOTA)
AND DEVILS LAKE, NORTH DAKOTA)

DOCKET NO. AB- 57
(SUB-NO 54X)

NOTICE OF EXEMPT ABANDONMENT OF TRACKAGE LOCATED
BETWEEN MILE POST 446.0 +/- IN DEVILS LAKE, NORTH DAKOTA AND MILE POST
474.35 +/- LOCATED IN HARLOW, NORTH DAKOTA, WHICH TRAVERSES THROUGH
UNITED STATES POSTAL ZIP CODES 58301, 58325, 58346, 58351 AND 58362

HISTORIC REPORT

In compliance with 49 C.F.R. § 1105.8

SOO LINE RAILROAD COMPANY
d/b/a Canadian Pacific Railway, Inc.

Jean M. Hamm, Esq. (Att. No. 01446)
Annie Littlefield, Esq. (Att. No. 329277)
LEONARD, STREET AND DEINARD
PROFESSIONAL ASSOCIATION
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402
Telephone (612) 335-1500
Facsimile (612) 335-1657

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

SOO LINE RAILROAD COMPANY –)
ABANDONMENT OF TRACKAGE LOCATED)
BETWEEN HARLOW, NORTH DAKOTA AND)
DEVILS LAKE, NORTH DAKOTA)
)

DOCKET NO. AB- 57
(SUB-NO 54X)

HISTORIC REPORT

The Soo Line Railroad Company, d/b/a Canadian Pacific Railway Company ("Soo Line"), submits the following historical information to the Surface Transportation Board in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7(e) and 1105.8. The purpose of this information is to assist the Board in its preparation of a historical document regarding Soo Line's Notice of Exemption under 49 U.S.C. § 10505 from the prior approval requirements of 49 U.S.C. § 10903, et seq., permitting the abandonment of a 28.35 +/- mile portion of its line of railroad between milepost 446.0 +/-, in Devils Lake, Ramsey County, North Dakota and milepost 474.35 +/- in Harlow, Benson County, North Dakota, which traverses through United States Postal Zip Codes 58301, 58325, 58346, 58351 and 58362.

Section 1105.8(c) Distribution: The applicant must send the Historic Report to the appropriate State Historic Preservation Officer(s), preferably at least 60 days in advance of filing the application, petition, or notice, but not later than 20 days prior to filing with the Board.

The State Historical Society of North Dakota was first notified on June 3, 2004 that Soo Line was planning to abandon the 28.35 +/- mile portion of its line of railroad between milepost 446.0 +/-, in Devils Lake, Ramsey County, North Dakota and milepost 474.35 +/- in Harlow, Benson County, North Dakota. A copy of its response is located at **Exhibit 4 to the Environmental Report**. Upon the completion of this Historic Report, a copy was mailed to the agency on August 12, 2004, which is more than twenty (20) days prior to filing with the Board. The Certificate of Service is attached as **Exhibit 1 to the Environmental Report**.

Section 1105.8(d)(1) U.S.G.S. Topographic Maps: 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;

See Appendix A.

Section 1105.8(d)(2) Right-of-Way: 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 rail line includes approximately 28.35 miles of unused track, the adjacent right of way, inactive sidings at the station grounds, and active and inactive lease parcels. Most of the line consists of single and removed track with an average right-of-way width of 100 feet. The line runs through primarily rural areas.

Section 1105.8(d)(3) Photographs: 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;

See Appendix B.

Section 1105.8(d)(4): The dates of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

Currently, there are no known historical structures on the line. Therefore, at this time, Soo Line will refrain from pursuing a Class I Cultural Inventory. Additionally, because there are no known rail bridges, and/or stations with standing structures over 50 years of age that are to be abandoned, Soo Line will refrain from making any recordations on North Dakota Cultural Resources Survey forms of such structures. Should historic structures be identified in the future, Soo Line will work with the State Historical Society of North Dakota to identify and protect these structures. A copy of the State Historical Society of North Dakota's recommendations relating to this abandonment (ND SHPO REF: 04-0783) are located at Exhibit 4 in the Environmental Report.

Section 1105.8(d)(5) History: 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 rail line is owned by Soo Line. The line is the stub end of a grain branch line. Northern Plains Railroad operated the railroad corridor from 1998 to 2000.

Section 1105.8(d)(6) Documents: 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.

The carrier's files consist primarily of maps and photos of the line, some engineering drawings, and recent maintenance records.

Section 1105.8 (d)(7) Opinion: 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);

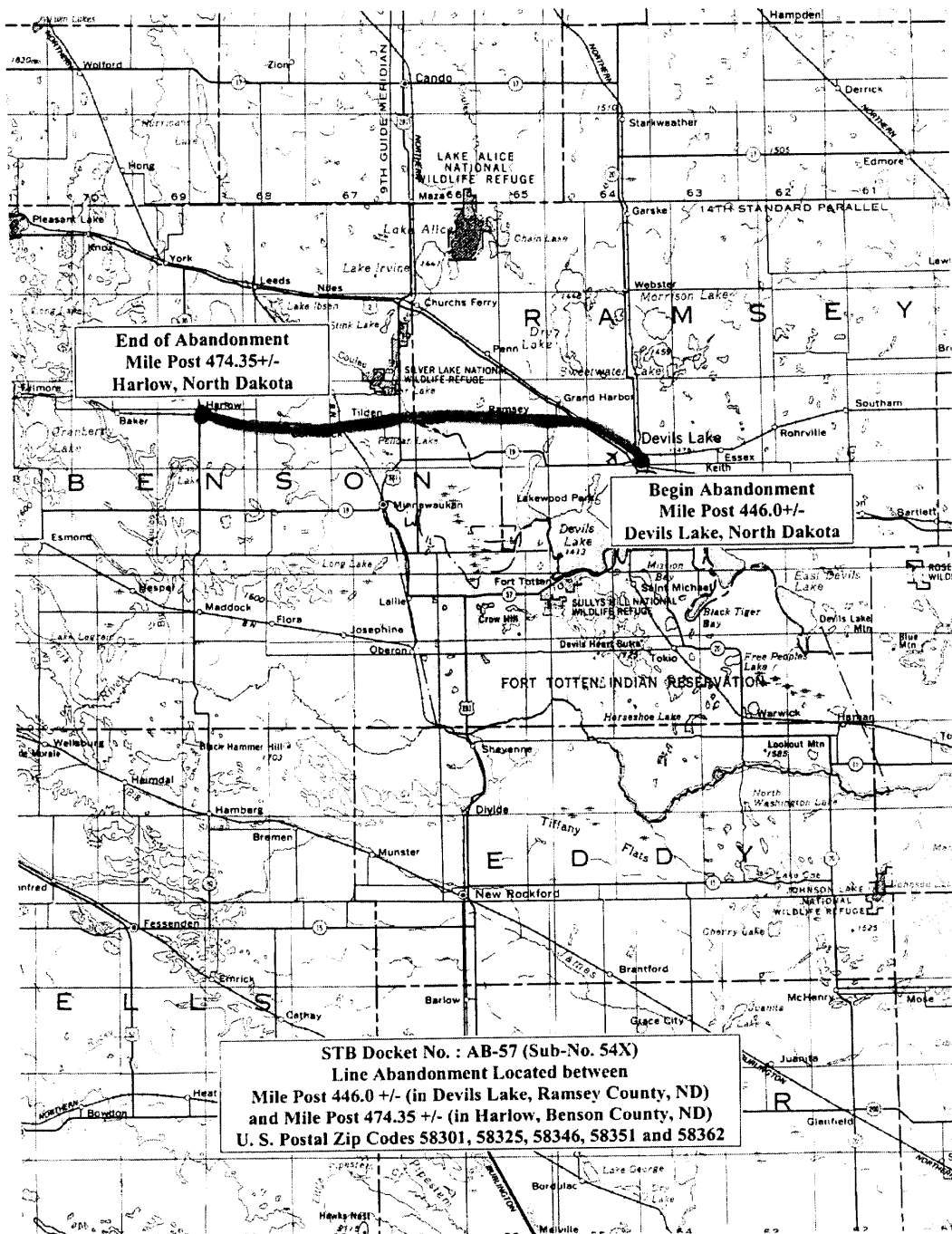
It is the opinion of the railroad that this line would not meet the criteria for listing in the National Register of Historic Places.

Section 1105.8(d)(8) Archaeological Resources: 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.

There are no known ground disturbances or fills other than those which would have occurred during original construction of this line or any subsequent maintenance or rehabilitation. There are no known toxic waste areas within the right-of-way of this line segment. Salvage activities should not adversely impact previously undisturbed archaeological sites.

END OF REPORT

APPENDIX A
Consolidated USGS Topographic Map



APPENDIX B

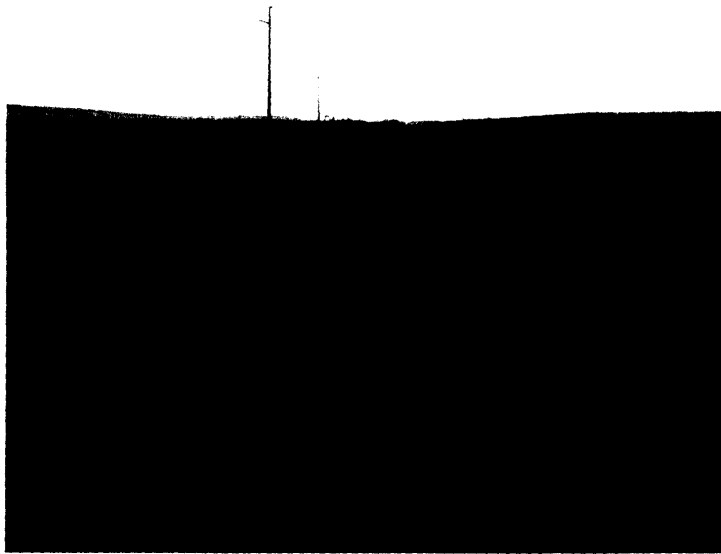
Photos of Railroad Structures

This Appendix contains color photographs

ARCADIS

Project Photos

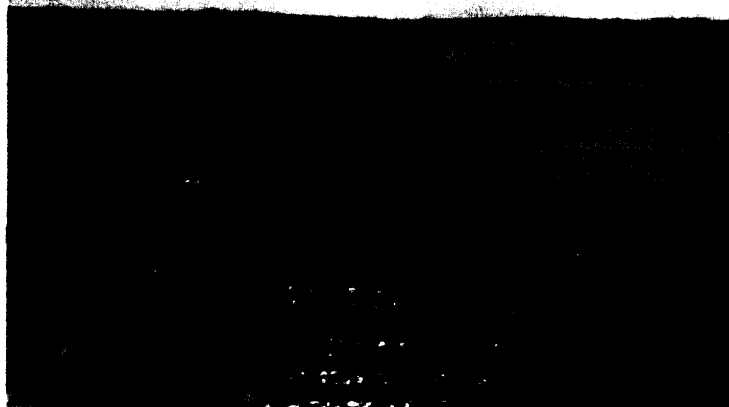
Canadian Pacific Railway
Devils Lake to Harlow
North Dakota



Photograph 19. View of typical track segment west of Tilden. Rail has been removed in most areas but ties remain.



Photograph 20. View of the track at Comstock. No structures or foundation remnants were identified at the Comstock location. At the time of the site reconnaissance, the former station grounds were part of a cultivated field.



Photograph 26. Track approximately 1 mile east of the Ramsey station where rising waters of Devils Lake have degraded the roadbed and track has slumped into the lake.



Photograph 22. Above ground tank, fill pipe, and vent pipe for underground tank, and fuel dispenser observed at the west end of the Farmers Union Cooperative Elevator Company site in Harlow (LPN 3518). The Harvest States Cooperative site is comprised of multiple lease sites (Lease Packet #'s 1777, 1779, 3518, 17281, 20387, and 29551).

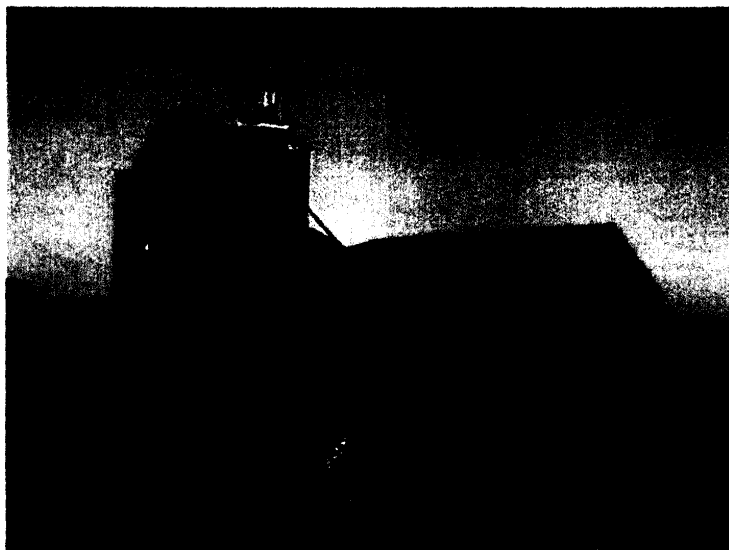
ARCADIS

Project Photos

Canadian Pacific Railway
Devils Lake to Harlow
North Dakota



Photograph 5. View of tracks approximately one mile west of the Darby Station where roadbed is damaged by high water and rail is nearly submerged.



Photograph 6. Abandoned Ramsey/Osborne-McMillan elevator in Ramsey, North Dakota. Elevator is lease parcel # 1771. Main track and spur line are hidden by tall grass in the foreground of the photograph.

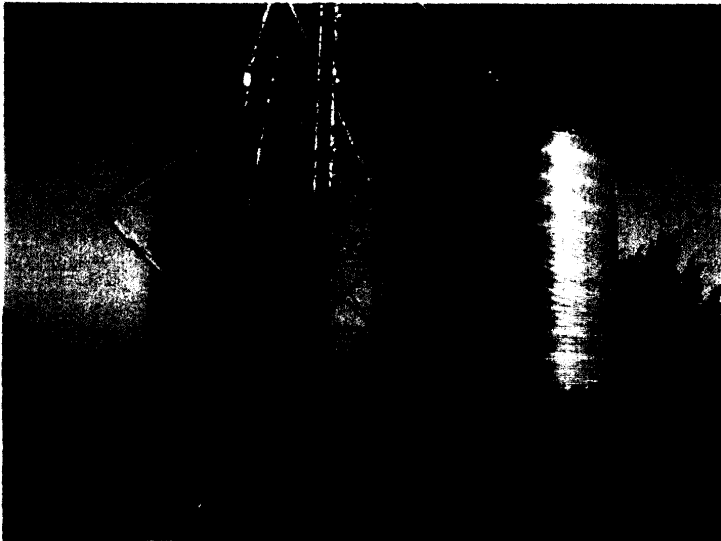
ARCADIS

Project Photos

Canadian Pacific Railway
Devils Lake to Harlow
North Dakota



Photograph 7. Surplus ties piled along the north side of the main line in Ramsey. Ties remain from the track rebuilding that was conducted in 1999.



Photograph 8. Grain bins and elevator leg at the Ramsey site. These bins and equipment are part of the Thomas and Howard Schmid active lease at the Ramsey site (LPN 22063)

ARCADIS

Project Photos

Canadian Pacific Railway
Devils Lake to Harlow
North Dakota



Photograph 11. Abandoned grain elevator at the Tilden station site. This abandoned elevator is an inactive lease site Lease Packet # 3510. The structure includes a coal shed on the west (left) side and equipment shed on the east (right) side.



Photograph 12. Liquefied Petroleum Gas tank observed on the abandoned elevator site. Tank is located on the south side of the elevator structure.

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Project Photos

Canadian Pacific Railway
Devils Lake to Harlow
North Dakota



Photograph 23. View looking to the west at the Farmers Union Cooperative Elevator Company lease sites that collectively make up the elevator (LPNs 3518 and 1777F).



Photograph 24. Harlow Cooperative Elevator and Seed Company lease sites at the east side of Harlow (LPNs 1779D and 20387B).