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243723

June 7, 2017

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Office of Proceedings
June 7, 2017
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Ms. Victoria Rutson, Esq.
Environmental Analysis Chief
Surface Transportation Board
395 E Street, SW, Room 1106
Washington, DC 20423

Re: STB Docket No. AB 6 (Sub-No. 494X), BNSF Railway
Company -- Abandonment Exemption -- In Larimer County,
Colorado

Dear Ms. Rutson:

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

BNSF anticipates filing shortly a Notice of Exemption seeking
authority to abandon the 0.5-mile rail line.

Sincerely,



Karl Morell

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY	)	
ABANDONMENT EXEMPTION	)	DOCKET NO. AB 6
IN LARIMER COUNTY,	)	(SUB-NO. 494X)
COLORADO		

ENVIRONMENTAL AND HISTORIC REPORTS

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

James M. Mecone
Assistant General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131-2828

Karl Morell
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Service Date: May 7, 2017

ENVIRONMENTAL REPORT

(49 C.F.R. § 1105.7)

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

BNSF Railway Company ("BNSF") proposes to abandon 0.5 miles of rail line located between Milepost 74.5 and Milepost 75.0 in Fort Collins, Larimer County, Colorado (the "Line"). A map of the project area is attached as **Exhibit A**.

The proposed abandonment will include the removal of any remaining track materials such as rails and ties. The railroad right-of-way, ballast and culverts will remain in place.

The culverts, ballast and right-of-way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

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

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and, in general, it is awarded based on bidding in an open market. Each salvage contract includes detailed information on any environmental or historical conditions

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

No traffic has traveled over the Line since prior to 2009. There is no overhead traffic on the portion of the Line included in the proposed abandonment. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

If as an alternative BNSF does not pursue this abandonment, it will forgo the opportunity costs from salvage of the Line.

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

No passenger or freight traffic will be diverted to other transportation systems as a result of the proposed abandonment. No local or overhead traffic has traveled on the Line since prior to 2009.

(3) Land Use

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

The proposed action should be consistent with existing land use plans. BNSF

contacted Cameron Gloss, Fort Collins City Planning, and Mr. Gloss replied in a letter dated November 7, 2016, stating “[t]he staff has evaluated the proposed abandonment against existing adopted land use plans and proposed amendments to such plans, and found the request consistent with the plans... The City of Fort Collins has been actively pursuing acquisition of this railroad right-of-way area should BNSF abandon the area.” A copy of the letter is attached as **Exhibit B**. On October 19, 2016, BNSF contacted Pam Fischhaber, Colorado Public Utilities Commission. As of the date of this Environmental Report, Colorado Public Utilities Commission has not responded to our inquiry. A copy of the letter is attached as **Exhibit C**. BNSF also contacted the Larimer County Planning Department, and Matt Lafferty, Larimer County Principal Planner, replied in an email message dated November 1, 2016, stating “Larimer County does not have any comments or concerns with this abandonment as the property is situated entirely within the City Limits of Fort Collins and has no impacts to either County Owned Property or Properties subject to our regulations.” A copy of the email is attached as **Exhibit D**.

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

BNSF understands that the proposed abandonment will have no adverse effect on prime agriculture land. BNSF sent a letter to the Colorado NRCS State Office, and John E. Andrews, PE, State Conservation Engineer, replied in a letter dated October 19, 2016, stating “NRCS believes that abandonment of approximately 0.5 miles of track within the City of Fort Collins, Colorado will not cause any impacts on prime, unique, or important agricultural lands.” A copy of the letter is attached as **Exhibit**

E.

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

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

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

The proposed abandonment may be suitable for alternative public use. BNSF contacted Cameron Gloss, Fort Collins City Planning. Cameron Gloss, AICP, Planning Manager for the City of Fort Collins, replied in a letter dated November 7, 2016, stating “[t]he City of Fort Collins has been actively pursuing acquisition of this railroad right-of-way area should BNSF abandon the area.” A copy of the letter is attached as **Exhibit B**.

(4) Energy

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

The proposed abandonment will have no effect on the transportation of energy resources.

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

The proposed abandonment will have no adverse effect on the movement or recovery of recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease

in overall energy efficiency and explain why.

The proposed action will not result in an increase or decrease in overall energy efficiency because no traffic has traveled on the Line since prior to 2009.

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

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

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

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

(5) Air

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

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

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

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

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

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

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

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

(C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed action will not result in meeting or exceeding the specified thresholds identified in (ii) (A), (B) or (C) above.

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

The proposed abandonment will not affect the transportation of ozone depleting materials.

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

- (i) an incremental increase in noise levels of three decibels Ldn or more; or*
- (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.*

Not applicable.

(7) Safety

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

BNSF expects that this abandonment will have no adverse effect on health or public safety. There are two inactive public at-grade crossings on the Line.

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

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

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

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

(8) Biological Resources

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

BNSF expects that the proposed abandonment will have no adverse effect on endangered or threatened species or areas designated as a critical habitat. BNSF contacted the U.S. Fish and Wildlife Service, Colorado Ecological Field Office ("USFWS"), in reference to this proposed abandonment, and on October 19, 2016, Drue L. Deberry, Acting Colorado Field Supervisor, responded to our letter with "No Comment." A copy of USFWS response is attached as **Exhibit F**.

BNSF generated and reviewed the list of Endangered Species Act Species List for the project area and determined that the abandonment project will have "no effect" on listed species, their habitats, or proposed or designated critical habitat as the project area is located in the city streets and salvage activities will be restricted to

the railroad right-of-way. The USFWS Official Species List states that “[t]here are no critical habitats within your project area.” A copy of the generated USFW Official Species List is attached as **Exhibit G**.

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

BNSF expects that no wildlife sanctuaries or refuges, National or State parks or forests will be adversely affected by the proposed abandonment. On October 6, 2016, BNSF contacted the U.S. Department of the Interior, Bureau of Land Management Colorado State Office (“BLM”) and the National Park Service, Intermountain Region. As of the date of this Environmental Report, the BLM and the National Park Service have not replied to BNSF’s inquiry. Copies of the letters are attached as **Exhibits H and I** respectively.

(9) Water

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

On October 6, 2016, BNSF sent a letter to the Colorado Department of Public Health and Environment. As of the date of this Environmental Report, the agency has not replied to BNSF’s inquiry. A copy of the letter is attached as **Exhibit J**.

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

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are

required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

BNSF understands that no designated wetlands or 100-year flood plains will be adversely affected by the proposed abandonment. BNSF contacted the U.S. Army Corps of Engineers Omaha District in reference to the proposed abandonment. On October 24, 2016, Kiel Downing, Chief, Denver Regulatory Office responded to our letter. A copy of the letter is attached as **Exhibit L**.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).

On October 6, 2016, BNSF sent a letter to the Colorado Department of Public Health and Environment. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit J**.

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

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

BNSF expects that no adverse environmental impact will result from the proposed abandonment and, therefore, is aware of no need for any mitigating actions. BNSF will, of course, consult (as required) with any recipients of this Environmental Report regarding appropriate mitigation actions and will comply with those mitigation actions required by the Board.

HISTORIC REPORT

(49 C.F.R. § 1105.8)

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

BNSF Railway Company ("BNSF") proposes to abandon 0.5 miles of rail line located between Milepost 74.5 and Milepost 75.0 in Fort Collins, Larimer County, Colorado (the "Line"). A map of the project area is attached as **Exhibit A**.

The proposed abandonment will include the removal of any remaining track materials such as rails and ties. The railroad right-of-way, ballast and culverts will remain in place.

The culverts, ballast and right-of-way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

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

BNSF salvage work for abandonments is always performed by experienced rail material

salvagers and, in general, it is awarded based on bidding in an open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis ("OEA") and imposed by the Surface Transportation Board ("STB") in the final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

The Line has had no traffic since prior to 2009. There is no overhead traffic on the portion of the line proposed for abandonment. Because of the absence of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

If as an alternative BNSF does not pursue this abandonment, it will forgo the opportunity costs from salvage of the Line.

HISTORIC REPORT

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

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

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

The subject Line extends approximately 0.5 miles between Milepost 74.5 and Milepost

75.0 in Fort Collins, Larimer County, Colorado. The urban right-of-way is generally 100 feet wide, 50 feet on each side of the track. There are no federally granted rights of way involved.

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

None.

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

None.

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

The Line was built in 1882 by The Greeley Salt Lake & Pacific Railway Company. In 1890, The Greeley Salt Lake & Pacific Railway Company consolidated with eleven other railroads to form The Union Pacific, Denver and Gulf Railway Company. In 1898, The Union Pacific, Denver and Gulf Railway Company was sold under foreclosure and purchased by Henry Budge, John Kennedy Tog, and Edward C. Henderson and was later conveyed to The Colorado and Southern Railway Company. In 1981, The Colorado and Southern Railway Company was merged into Burlington Northern Railroad Company. Burlington Northern Railroad Company merged with The Atchison, Topeka and Santa Fe Railway Company in 1996 to become The Burlington Northern and Santa Fe Railway Company, which name was changed to BNSF Railway Company in 2005.

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

Documents in BNSF's possession concerning this abandonment may include alignment

maps showing the right-of-way and/or station maps. These documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

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

BNSF contacted the Colorado Office of Archaeology & Historic Preservation ("SHPO") in reference to the proposed abandonment. On October 18, 2016, Steve Turner, AIA, State Historic Preservation Officer, responded to our letter. A copy of the letter is attached as **Exhibit M.**

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

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

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

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

EXHIBIT A

Fort Collins, CO proposed abandonment

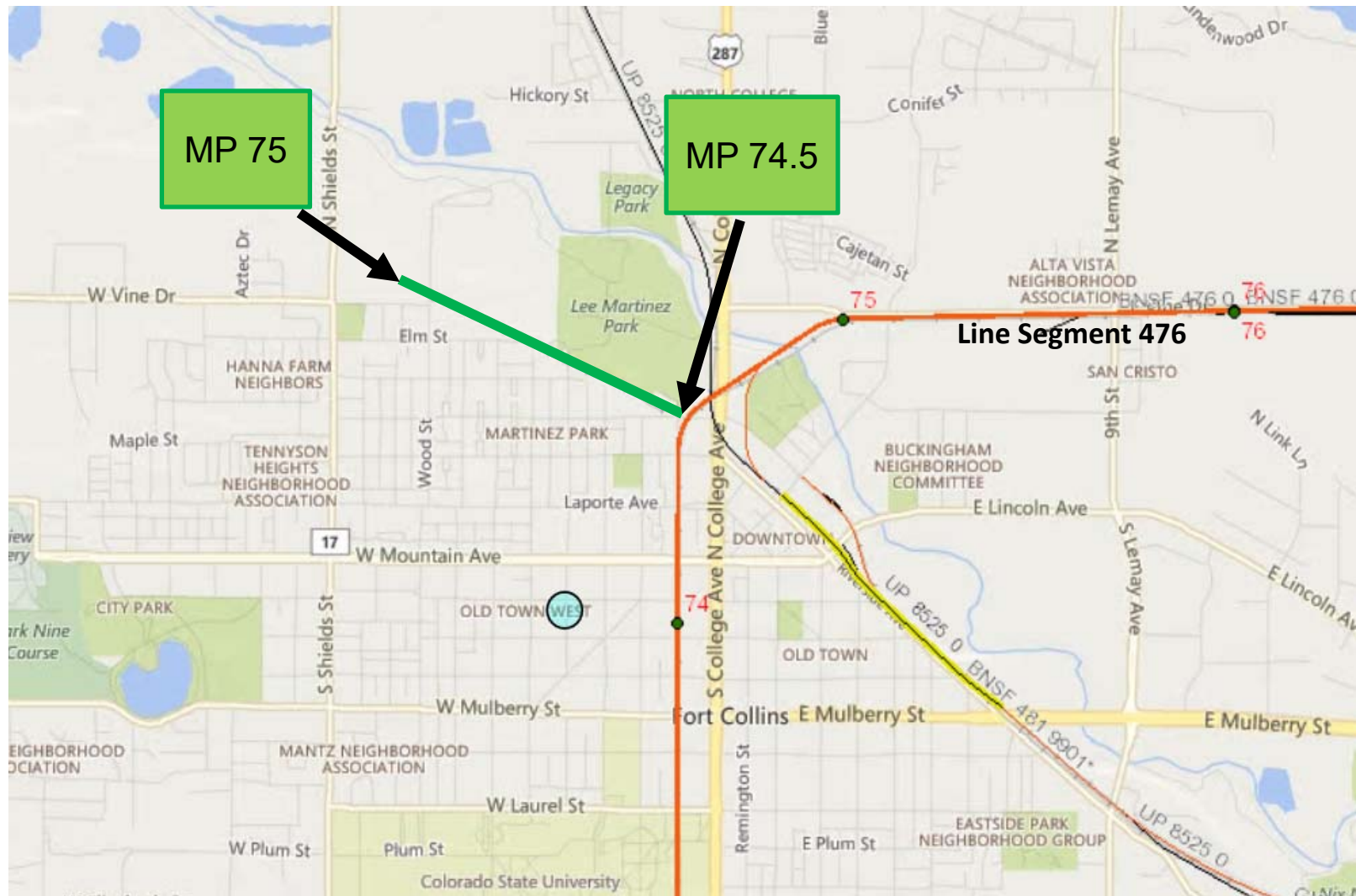


EXHIBIT B



**Community Development & Neighborhood Services
Planning**
281 North College Avenue
P.O. Box 580
Fort Collins, CO 80522.0580
970.221.6376
970.224.6111- fax

November 7, 2016

Emily Thompson
BNSF Railway Company
Law Department
2500 Lou Menk Drive - AOB-3
Fort Worth, TX 76131 - 2628

Subject: STB Docket No. AB 6 (Sub-No. 494X); BNSF Railway Company – Abandonment Exemption – in Larimer County, CO

Dear Ms. Thompson,

Thank you for providing the City of Fort Collins Planning Department a referral to abandon railroad ROW between Milepost 74.5 and 75.0.

The staff has evaluated the proposed abandonment against existing adopted land use plans and proposed amendments to such plans, and found the request consistent with the plans and the corresponding zoning classifications:

- Two overarching policy plans adopted by the City of Fort Collins govern the requested abandonment area: The Downtown and the Westside Neighborhood Plans, adopted in 1989. Both of these plans are undergoing substantial updates, with the amended Plans slated to be considered for adoption by the City Council in January, 2017. As a point of clarification, the Westside Neighborhood Plan has been consolidated with the Eastside Neighborhood Plan and this collective plan is now dubbed the 'Old Town Neighborhoods Plan'.
- Zoning designations within the proposed abandonment area includes five zone districts: D (Downtown), NCB (Neighborhood Conservation Buffer), LMN (Low-Density Mixed Use Neighborhood) E (Employment) and POL (Public Open Lands).

The City of Fort Collins has been actively pursuing acquisition of this railroad right-of-way area should BNSF abandon the area. Our representative from the City Attorney's Office is Senior City Attorney Ingrid Becker who can be reached at idecker@fcgov.com

Should you have any questions or require additional information, please free to contact me at 224-6174.

Sincerely,

A handwritten signature in black ink, appearing to read "Cameron Gloss". The signature is fluid and cursive, with a long horizontal stroke at the end.

Cameron Gloss, AICP
Planning Manager

cc: Laurie Kadrich, Director of Community Development and Neighborhood Services
Ingrid Decker, Senior City Attorney
Rick Richter, Director of Infrastructure Services

EXHIBIT C



Emily Thompson
Paralegal
Law Department

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

October 18, 2016

Pam Fischhaber
Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, CO 80202

**Re: STB Docket No. AB 6 (Sub-No. 494X); BNSF Railway Company –
Abandonment Exemption – in Larimer County, Colorado**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 0.5 miles of track between Milepost 74.5 and Milepost 75.0 in Fort Collins, Larimer County, Colorado.

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

Your assessment and comments are respectfully requested. For your reference a map of the subject railroad line is enclosed. Please provide your response to me at the address above, if at all possible, by November 18, 2016. You may contact me by email or telephone with any questions or concerns. Thank you in advance for your time and contribution.

Sincerely,

Emily Thompson
Paralegal

Enclosure as stated

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



EXHIBIT D

Thompson, Emily Jean

From: Matthew Lafferty <laffermn@co.larimer.co.us>
Sent: Tuesday, November 1, 2016 10:33 AM
To: Thompson, Emily Jean
Subject: STB Docket No AB 6 (Sub-No. 494X)

EXTERNAL EMAIL

Emily,

Thnaks you for the notice of the proposed ROW Abandonment.

Larimer County Does not have any comments or concerns with this abandonment as the property is situated entirely within the City Limits of Fort Collins and has no impacts to either County Owned Property or Properties subject to our regulations.

I hope this is adequate response to you inquiry, if not please contact me at 970-498-7721 or at mlafferty@larimer.org.

Respectfully,

Matt Lafferty, AICP
Larimer County Principal Planner

EXHIBIT E

United States Department of Agriculture



Natural Resources Conservation Service
Denver Federal Center
Building 56, Room 2604
P.O. Box 25426
Denver, Colorado 80225

19 October 2016

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

RE: STB Docket No. AB 6 (sub-No. 494X); BNSF Railway Company
Abandonment Exemption – in Larimer County, Colorado

Dear Ms. Thompson:

Based on review of the information you sent regarding the project named above, NRCS believes that abandonment of approximately 0.5 miles of track within the City of Fort Collins, Colorado will not cause any impacts to prime, unique, or important agricultural lands.

Sincerely,


John E. Andrews, PE
State Conservation Engineer

Helping People Help the Land

An Equal Opportunity Provider and Employer

EXHIBIT F



Emily Thompson
Paralegal
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2628
tel 817-352-2376
fax 817-352-2397
Email – emily.thompson@bnsf.com

October 6, 2016

U.S. Fish and Wildlife Service
Colorado Ecological Field Office
Denver Federal Center
P.O. Box 25486
Denver, CO 80225

2017-JA-0030

U.S. FISH AND WILDLIFE SERVICE	
☐ NO CONCERNS	RECEIVED OCT 12 2016
☐ CONCUR NOT LIKELY TO ADVERSELY AFFECT	
☒ NO COMMENT	
DRUE L. DEBERRY ACTING COLORADO FIELD SUPERVISOR	

10/14/16

**Re: STB Docket No. AB 6 (Sub-No. 494X); BNSF Railway Company –
Abandonment Exemption – in Larimer County, Colorado**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 0.5 miles of track between Milepost 74.5 and Milepost 75.0 in Fort Collins, Larimer County, Colorado.

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

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

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

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

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

EXHIBIT G



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Colorado Ecological Services Field Office

134 UNION BOULEVARD, SUITE 670

LAKEWOOD, CO 80228

PHONE: (303)236-4773 FAX: (303)236-4005

URL: www.fws.gov/coloradoES; www.fws.gov/platteriver

Consultation Code: 06E24000-2016-SLI-1114

September 27, 2016

Event Code: 06E24000-2016-E-01930

Project Name: Larimer County, CO rail line abandonment

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: Larimer County, CO rail line abandonment

Official Species List

Provided by:

Colorado Ecological Services Field Office

DENVER FEDERAL CENTER

P.O. BOX 25486

DENVER, CO 80225

(303) 236-4773

<http://www.fws.gov/coloradoES>

<http://www.fws.gov/platteriver>

Consultation Code: 06E24000-2016-SLI-1114

Event Code: 06E24000-2016-E-01930

Project Type: ** OTHER **

Project Name: Larimer County, CO rail line abandonment

Project Description: Salvage BNSF rail line within the city streets of Larimer County, CO.
Salvage will be done within the railroad right-of-way.

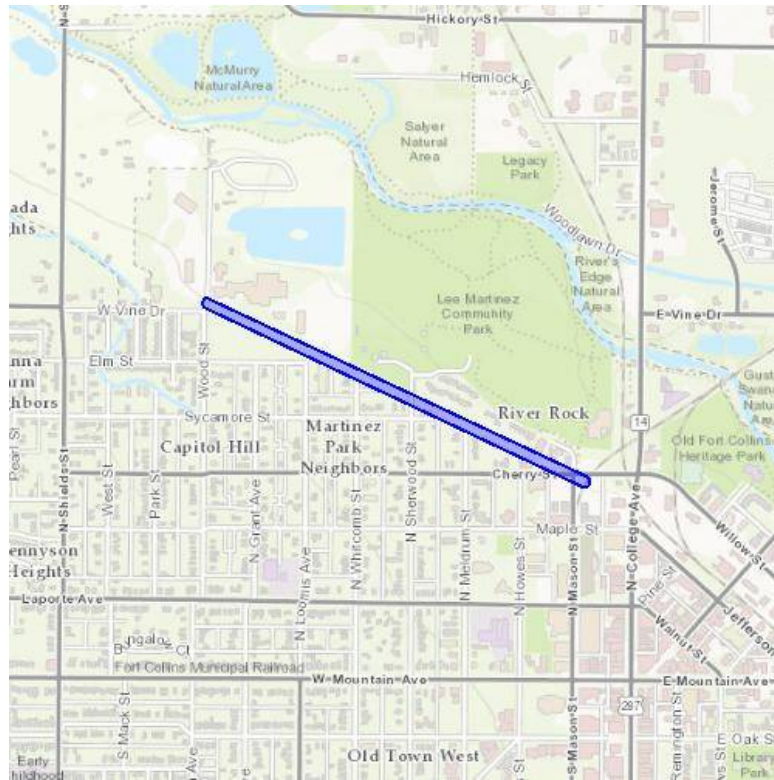
Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: Larimer County, CO rail line abandonment

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-105.09101254541265 40.59631056602386, -105.09109028522417 40.59638114026744, -105.09109535204584 40.59648601414154, -105.09102477780228 40.59656375395305, -105.09091990392817 40.596568820774735, -105.07847445409907 40.5921043726152, -105.07839671428755 40.592033798371624, -105.07839164746588 40.59192892449752, -105.07846222170944 40.591851184686014, -105.07856709558355 40.59184611786433, -105.09101254541265 40.59631056602386)))

Project Counties: Larimer, CO



United States Department of Interior
Fish and Wildlife Service

Project name: Larimer County, CO rail line abandonment

Endangered Species Act Species List

There are a total of 14 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 5 of these species should be considered only under certain conditions. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Birds	Status	Has Critical Habitat	Condition(s)
Least tern (<i>Sterna antillarum</i>) Population: interior pop.	Endangered		Water-related activities/use in the N. Platte, S. Platte and Laramie River Basins may affect listed species in Nebraska.
Mexican Spotted owl (<i>Strix occidentalis lucida</i>) Population: Wherever found	Threatened	Final designated	
Piping Plover (<i>Charadrius melodus</i>) Population: except Great Lakes watershed	Threatened	Final designated	Water-related activities/use in the N. Platte, S. Platte and Laramie River Basins may affect listed species in Nebraska.
Whooping crane (<i>Grus americana</i>) Population: Wherever found, except where listed as an experimental population	Endangered	Final designated	Water-related activities/use in the N. Platte, S. Platte and Laramie River Basins may affect listed



United States Department of Interior
Fish and Wildlife Service

Project name: Larimer County, CO rail line abandonment

			species in Nebraska.
Fishes			
Greenback Cutthroat trout (<i>Oncorhynchus clarki stomias</i>) Population: Wherever found	Threatened		
Pallid sturgeon (<i>Scaphirhynchus albus</i>) Population: Wherever found	Endangered		Water-related activities/use in the N. Platte, S. Platte and Laramie River Basins may affect listed species in Nebraska.
Flowering Plants			
Colorado Butterfly plant (<i>Gaura neomexicana</i> var. <i>coloradensis</i>) Population: Wherever found	Threatened	Final designated	
North Park phacelia (<i>Phacelia formosula</i>) Population: Wherever found	Endangered		
Ute ladies'-tresses (<i>Spiranthes diluvialis</i>) Population: Wherever found	Threatened		
Western Prairie Fringed Orchid (<i>Platanthera praeclara</i>) Population: Wherever found	Threatened		Water-related activities/use in the N. Platte, S. Platte and Laramie River Basins may affect listed species in Nebraska.
Insects			
Arapahoe Snowfly (<i>Arsapnia</i>)	Candidate		



United States Department of Interior
Fish and Wildlife Service

Project name: Larimer County, CO rail line abandonment

arapahoe) Population: Wherever found			
Mammals			
Canada Lynx (<i>Lynx canadensis</i>) Population: Contiguous U.S. DPS	Threatened	Final designated	
North American wolverine (<i>Gulo gulo luscus</i>) Population: Wherever found	Proposed Threatened		
Preble's meadow jumping mouse (<i>Zapus hudsonius preblei</i>) Population: wherever found	Threatened	Final designated	



United States Department of Interior
Fish and Wildlife Service

Project name: Larimer County, CO rail line abandonment

Critical habitats that lie within your project area

There are no critical habitats within your project area.



United States Department of Interior
Fish and Wildlife Service

Project name: Larimer County, CO rail line abandonment

Appendix A: FWS National Wildlife Refuges and Fish Hatcheries

There are no refuges or fish hatcheries within your project area.



United States Department of Interior
Fish and Wildlife Service

Project name: Larimer County, CO rail line abandonment

Appendix B: FWS Migratory Birds

The protection of birds is regulated by the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA). Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). The MBTA has no otherwise lawful activities. For more information regarding these Acts see: <http://www.fws.gov/birds/policies-and-regulations/laws-legislations/migratory-bird-treaty-act.php>
<http://www.fws.gov/birds/policies-and-regulations/laws-legislations/bald-and-golden-eagle-protection-act.php>

All project proponents are responsible for complying with the appropriate regulations protecting birds when planning and developing a project. To meet these conservation obligations, proponents should identify potential or existing project-related impacts to migratory birds and their habitat and develop and implement conservation measures that avoid, minimize, or compensate for these impacts. The Service's Birds of Conservation Concern (2008) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C 1531 et seq.).

For information about Birds of Conservation Concern, go to:

<http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>

For information about conservation measures that help avoid or minimize impacts to birds, please visit:

<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>

To search and view summaries of year-round bird occurrence data within your project area, go to the Avian Knowledge Network Histogram Tools at:

<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/akn-histogram-tools.php>



United States Department of Interior
Fish and Wildlife Service

Project name: Larimer County, CO rail line abandonment

Migratory birds that may be affected by your project:

There are 27 birds on your migratory bird list. The list may include birds occurring outside this FWS office jurisdiction.

Species Name	Bird of Conservation Concern (BCC)	Seasonal Occurrence in Project Area
American bittern (<i>Botaurus lentiginosus</i>)	Yes	Breeding
Bald eagle (<i>Haliaeetus leucocephalus</i>)	Yes	Year-round
Black Rosy-Finch (<i>Leucosticte atrata</i>)	Yes	Year-round
Black Swift (<i>Cypseloides niger</i>)	Yes	Breeding
Brewer's Sparrow (<i>Spizella breweri</i>)	Yes	Breeding
Burrowing Owl (<i>Athene cunicularia</i>)	Yes	Breeding
Cassin's Finch (<i>Carpodacus cassinii</i>)	Yes	Year-round
Dickcissel (<i>Spiza americana</i>)	Yes	Breeding
Ferruginous hawk (<i>Buteo regalis</i>)	Yes	Year-round
Flammulated owl (<i>Otus flammeolus</i>)	Yes	Breeding
Golden eagle (<i>Aquila chrysaetos</i>)	Yes	Year-round
Lark Bunting (<i>Calamospiza melanocorys</i>)	Yes	Breeding
Lewis's Woodpecker (<i>Melanerpes lewis</i>)	Yes	Breeding
Loggerhead Shrike (<i>Lanius ludovicianus</i>)	Yes	Breeding
Long-Billed curlew (<i>Numenius americanus</i>)	Yes	Breeding
McCown's Longspur (<i>Calcarius</i>	Yes	Breeding



United States Department of Interior
Fish and Wildlife Service

Project name: Larimer County, CO rail line abandonment

<i>mccownii</i>)		
Mountain plover (<i>Charadrius montanus</i>)	Yes	Breeding
Peregrine Falcon (<i>Falco peregrinus</i>)	Yes	Breeding
Prairie Falcon (<i>Falco mexicanus</i>)	Yes	Year-round
Red-headed Woodpecker (<i>Melanerpes erythrocephalus</i>)	Yes	Breeding
Sage Thrasher (<i>Oreoscoptes montanus</i>)	Yes	Breeding
Short-eared Owl (<i>Asio flammeus</i>)	Yes	Wintering
Swainson's hawk (<i>Buteo swainsoni</i>)	Yes	Breeding
Virginia's Warbler (<i>Vermivora virginiae</i>)	Yes	Breeding
Western grebe (<i>aechmophorus occidentalis</i>)	Yes	Breeding
Williamson's Sapsucker (<i>Sphyrapicus thyroideus</i>)	Yes	Breeding
Willow Flycatcher (<i>Empidonax traillii</i>)	Yes	Breeding



United States Department of Interior
Fish and Wildlife Service

Project name: Larimer County, CO rail line abandonment

Appendix C: NWI Wetlands

There are no wetlands within your project area.

EXHIBIT H



Emily Thompson
Paralegal
Law Department

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

October 6, 2016

U.S. Department of the Interior
Bureau of Land Management Colorado State Office
2850 Youngfield Street
Lakewood, CO 80215

**Re: STB Docket No. AB 6 (Sub-No. 494X); BNSF Railway Company –
Abandonment Exemption – in Larimer County, Colorado**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 0.5 miles of track between Milepost 74.5 and Milepost 75.0 in Fort Collins, Larimer County, Colorado.

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

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

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

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

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

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

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

Please provide your assessment and comments to me at the address above, if at all possible, by November 6, 2016. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Emily Thompson', with a stylized flourish at the end.

Emily Thompson
Paralegal

Enclosure as stated

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

Fort Collins, CO proposed abandonment



EXHIBIT I



Emily Thompson
Paralegal
Law Department

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

October 6, 2016

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

**Re: STB Docket No. AB 6 (Sub-No. 494X); BNSF Railway Company –
Abandonment Exemption – in Larimer County, Colorado**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 0.5 miles of track between Milepost 74.5 and Milepost 75.0 in Fort Collins, Larimer County, Colorado.

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

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

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

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

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

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

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

Please provide your assessment and comments to me at the address above, if at all possible, by November 6, 2016. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

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Emily Thompson
Paralegal

Enclosure as stated

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

Fort Collins, CO proposed abandonment

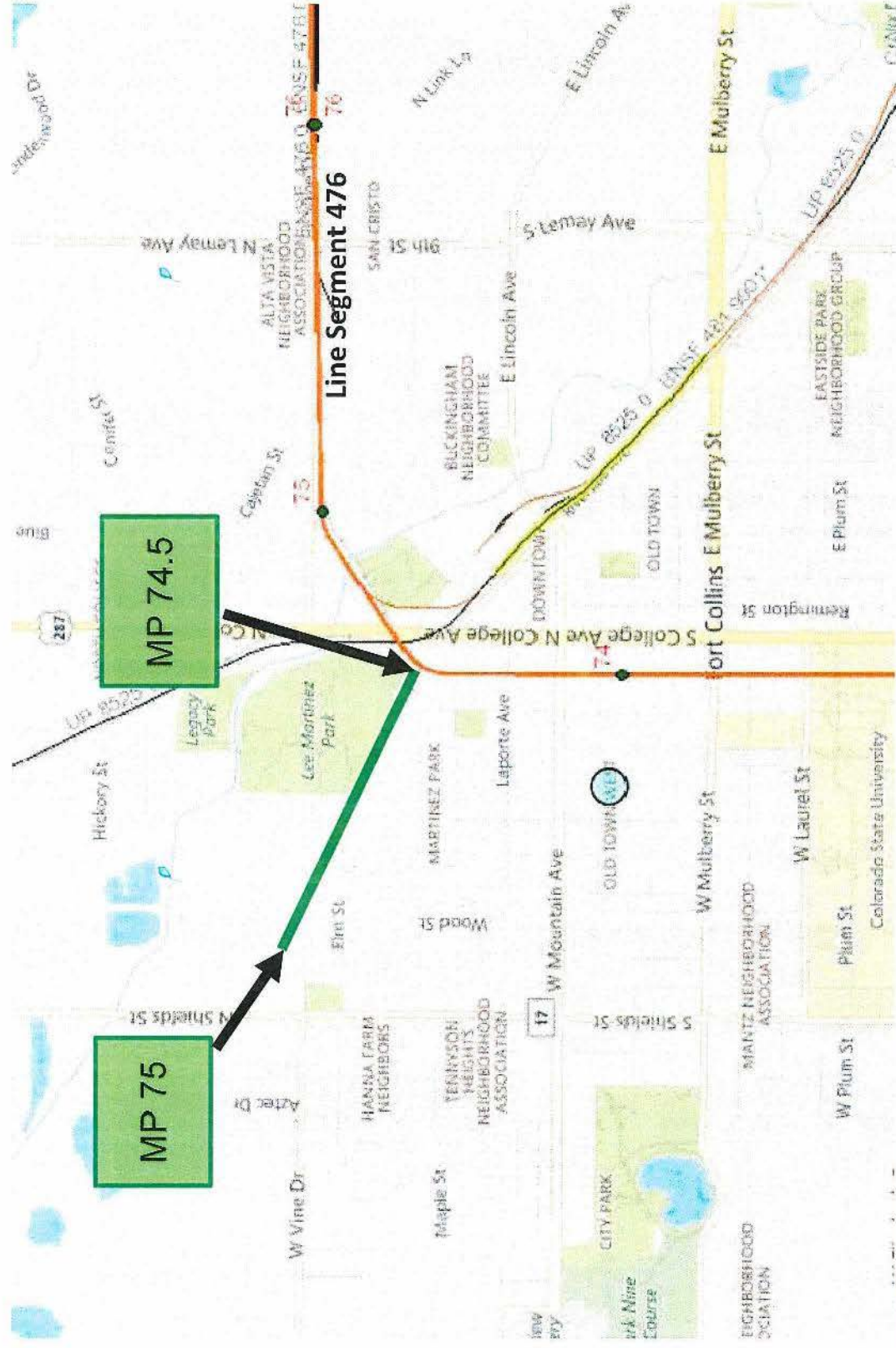


EXHIBIT J



Emily Thompson
Paralegal
Law Department

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

October 6, 2016

Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246

**Re: STB Docket No. AB 6 (Sub-No. 494X); BNSF Railway Company –
Abandonment Exemption – in Larimer County, Colorado**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 0.5 miles of track between Milepost 74.5 and Milepost 75.0 in Fort Collins, Larimer County, Colorado.

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

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

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

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Please provide your assessment and comments to me at the address above, if at all possible, by November 6, 2016. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Emily Thompson
Paralegal

Enclosure as stated

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Mark Norton – BNSF – mark.norton@bnsf.com
John Sims – BNSF – john.sims@bnsf.com

Fort Collins, CO proposed abandonment



EXHIBIT K



Emily Thompson
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Law Department

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

October 6, 2016

US EPA Region 8
1595 Wynkoop Street
Denver, CO 80202

**Re: STB Docket No. AB 6 (Sub-No. 494X); BNSF Railway Company –
Abandonment Exemption – in Larimer County, Colorado**

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Thank you in advance for your time and contribution.

Sincerely,

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Emily Thompson
Paralegal

Enclosure as stated

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Mark Norton – BNSF – mark.norton@bnsf.com
John Sims – BNSF – john.sims@bnsf.com

Fort Collins, CO proposed abandonment



EXHIBIT L



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-6901

RE: Section 404 of the Clean Water Act Initial Comments

To whom it concerns:

In accordance with Section 404 of the Clean Water Act, the Corps of Engineers regulates the discharge of dredged or fill material, and any excavation associated with a dredged or fill project, either temporary or permanent, into waters of the United States (WOUS). You should notify this office if the project proposed falls within these regulated activities because the project may require a Department of the Army Section 404 permit.

A WOUS may include ephemeral and/or perennial streams, wetlands, lakes, ponds, drainage ditches and irrigation ditches. A wetland delineation must be conducted, and verified by the Corps of Engineers, using the methods outlined in the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and *Regional Supplement to the Corps of Engineers Wetland Delineation Manual*: (using applicable Regional Supplement) to determine wetlands based on the presence of three wetland indicators: hydrophytic vegetation, hydric soils, and wetland hydrology. Wetland delineations must be conducted in the field by a qualified environmental consultant and any aquatic resource boundaries must be identified accordingly. Once the aquatic resources have been identified, only this office can determine if they are WOUS. Please note that development of the upland areas, avoiding stream and wetland resources, does not require authorization from this office.

Nationwide Permits (NWP) authorize common types of fill activities in WOUS that will result in a minimal adverse effect to the environment. Descriptions of the 52 types of nationwide permit activities and their general conditions can be found on our website:

<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Colorado.aspx>.

Some fill activities require notifying the Corps before starting work. Also, some types/sizes of work may require additional information or mitigation.

Regional General Permits (RGP) authorize specific types of fill activities in WOUS that will result in a minimal adverse effect to the environment. Descriptions of the 4 types of regional general permit activities and their general conditions can be found on our website:

<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Colorado/RegionalGeneralPermits.aspx>. These fill activities require notifying the Corps before starting work, and possibly other local or state agencies. Also, some types/sizes of work may require additional information or mitigation. Please note several of the RGP's are applicant and location specific.

Individual permits may authorize fill activities that are not covered under the NWP or Regional General Permits (RGP's). This permit will be processed through the public interest review procedures, including public notice and receipt of comments. An alternative analysis (AA) must be provided with this permit action. The AA must contain an evaluation of environmental impacts for a range of alternatives. These alternatives should include the preferred action, no action alternative, and other action alternatives that would be the identified project purpose. Other action alternatives should include other practicable (with regards to cost, logistics, and technology) that meet the overall project purpose. The alternatives could include offsite alternatives and alternative designs. When evaluating individual permit applications, the Corps can only issue a permit for the least environmentally damaging practicable alternative (LEDPA). In some cases, the LEDPA may not be the applicant's preferred action. The individual permit application form and form instructions can be found on our website: <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/ObtainPermit.aspx>.

If the activity requires a Department of the Army permit as a result of any impacts to WOUS or any earth disturbances within that resource, a federal action will occur. For the Corps to make a permit decision, the applicant must provide enough information to demonstrate compliance with Section 106 of the National Historic Preservation Act (NHPA) and Section 7 of the Endangered Species Act (ESA).

The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to WOUS to the maximum extent practicable at the project site. Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal. Any loss of an aquatic site may require mitigation. Mitigation requirements will be determined during the Department of the Army permitting review.

If the information that was submitted could impact WOUS, which are jurisdictional resources, this office should be notified. If a section 404 permit is required, work in an aquatic site should be identified by the proponent of the project and be shown on a map identifying the Quarter Section, Township, Range and County, Latitude and Longitude, Decimal Degrees (example 39.55555; -104.55555) and the dimensions of work in each aquatic site.

If there are any questions, please call the Denver Regulatory Office at **303-979-4120**.

Sincerely,

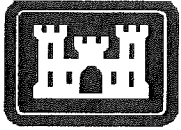
A handwritten signature in black ink, appearing to read 'K. Downing', with a long horizontal flourish extending to the right.

Kiel Downing
Chief, Denver Regulatory Office

Enclosures:

-PCN requirements

-How to request a NWP verification letter



Pre-Construction Notification (PCN) Requirements

(Nationwide Permit General Condition No. 31
from the February 21, 2012 Federal Register)

**US Army Corps of Engineers,
Omaha District, Denver Regulatory Office
9307 South Wadsworth Blvd,
Littleton, CO 80128
Phone: (303) 979-4120**

Website: <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Colorado.aspx>

Contents of Pre-Construction Notification:

The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed project;
- (3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);
- (4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;
- (5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.
- (6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and
- (7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.



How to Request a Nationwide Permit Verification Letter

US Army Corps of Engineers,
Omaha District, Denver Regulatory Office
9307 South Wadsworth Blvd,
Littleton, CO 80128
Phone: (303) 979-4120

Website: <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Colorado.aspx>

Nationwide permits authorize common types of fill activities in Waters of the US that will result in minimal adverse effects to the environment. Descriptions of the 52 types of Nationwide Permit activities and their general conditions can be found on our website. Some fill activities require notifying the Corps before starting work. Also, some types/sizes of work may require additional information or mitigation. Please call the Corps Denver Regulatory Office (303-979-4120) if you have questions. Upon receipt of your information, we may contact you with questions.

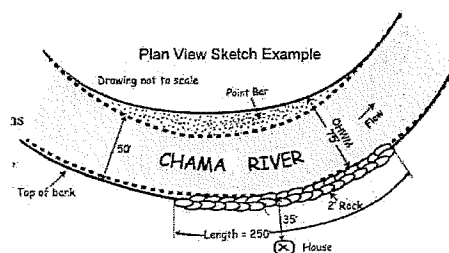
Please provide the following to the Corps:

1. Applicant's name, address, phone, email.
2. Agent or Contractor name, address, phone, e-mail (if applicable).
3. Describe your project and its purpose (describe what you are trying to accomplish or what you plan to do to address the problem).
4. Location of work – Section, Township, Range, County and/or Latitude/Longitude coordinates.
5. River, stream, lake, or pond name and footprint of impact (length x width).
6. Describe any wetlands on the site, and describe footprint of impact (if applicable). If no wetlands present, or no wetlands impacted, please state this.
7. Describe the volume (cubic yards) of fill material or excavated material.
8. Attach map and sketches – examples shown here.

Location Map: Photocopy from road or topo map; indicate site location, any landmarks, etc.



Plan View Sketch: "Bird's-eye view"; include all features- distances, length and width; dimensions of features and stream/wetlands.



Cross Section Sketch: "Cut away view"; include heights, widths of structures, channel, wetland, bank slopes, etc.

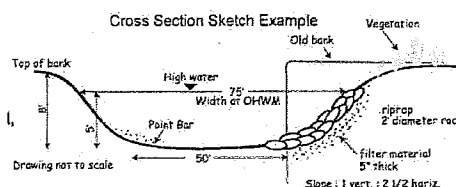


EXHIBIT M



18 October 2016

HC #71144

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

RE: STB Docket No. AB-6 (Sub-No. 494X), Abandonment of Track, Milepost 74.50 to
Milepost 75.00, Larimer County

Dear Ms. Thompson:

Thank you for your recent correspondence dated 6 October 2016, concerning the proposed abandonment of 0.5 miles of BNSF Railway track in Larimer County. Our office has reviewed the submitted materials. To obtain more information about previously-identified properties within the Area of Potential Effect, we recommend that you conduct a file search of our records. You can request a file search by contacting our Information Management division at (303) 866-5216. Please note that federal and state laws relating to the dissemination of information pertaining to archaeological sites applies to file searches; in order to obtain the most comprehensive list of sites, we recommend that your staff archaeologist (or a qualified archaeologist hired by your office) request the file search.

If you have any questions, please contact Joseph Saldibar, Architectural Services Manager, at (303) 866-3741.

Sincerely,


Steve Turner, AIA
State Historic Preservation Officer