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December 31, 2009

Mr. Andrew Schmidt
Summit EnviroSolutions
1217 Bandana Boulevard North
St. Paul, MN 55108

RE: **Chaska Industrial Lead Abandonment**
Section 106 Review
STB Docket # AB-33 (Sub-No. 255)

Dear Mr. Schmidt:

On behalf of the Carver Heritage Preservation Commission (HPC), please accept this letter as their comments on the "Historic Resources Evaluation for the Chaska Industrial Lead Abandonment, Scott and Carver Counties, Minnesota" prepared and submitted by Summit EnviroSolutions.

It should also be noted that the Carver City Council has not reviewed this document, and as of this date has not seen the recommendation of the Carver HPC. As such, there could be differences of opinion between the Carver HPC and the Carver City Council.

The Carver HPC submits the following comments:

1. The railroad was an important component on the historic development of the City of Carver, and the line is adjacent to the existing National Register District which contains the railroad water tower. The water tower is a contributing structure to the National Register District. The water tower is within Carver's Depot Park, which is maintained as a historic park containing the water tower as well as a caboose.
2. The Carver HPC understands that continued use of the Chaska Industrial Lead has been determined to not be feasible by the STB, particularly due to the costs associated with reconstruction of the collapsed Scott County Bridge as well as the lack of customers utilizing the line.
3. The City is concerned that the bridge span over the Minnesota River with its close pier spacing has historically contributed and will continue to contribute to expansive logjams in the Minnesota River. Already the resulting logjam has completely blocked watercraft

navigation through Carver, has created an eyesore on the scenic river, has created a sand island, and is damming up ice blocks flowing downstream. The HPC has concerns that logjams could essentially dam the river resulting in any or all of the following emergency situations:

- A breach in the Carver levee system
 - An overtopping of the Carver levee system
 - Backflow of water from the Minnesota River up Spring Creek, which enters the Minnesota River at downtown Carver just upstream from the Minnesota River Bridge
 - A collapse of the Minnesota River Bridge (Milepost 36.17 Bridge)
 - Loss of life, injury and damage to property.
 - Downstream flooding and emergency response concerns following a break or release of the dam
4. The segment of the railroad corridor adjacent to the Carver Historic District also serves as the City's levee system in that location, protecting the National Historic District from flood events. It must be noted that the levee system was built around the original bridge, which means that railroad infrastructure is both on top of and within the City's levee system. Activities associated with the abandonment of the railroad must be completed in a manner that does not negatively impact the levee system and protection of the District.
 5. Union Pacific's Application for Abandonment on file with the STB identifies some portions of Carver's Depot Park as being owned by Union Pacific rather than the City of Carver. The City of Carver has a deed to the property from Union Pacific and maintains the historic railroad water tower in its original site on this property. We presume that there is an error in the Abandonment Application and that the ownership of Depot Park is not in question.
 6. Carver is very concerned that a failure to determine a constructive solution to the issue at hand will result in continued degradation of the bridges and corridor itself. The Minnesota River bridge has visible deterioration and pier shifting. In addition, a lack of maintenance on the remainder of the corridor will likely result in an eventual overgrowth of the corridor by non-native plant species, which in addition to obscuring the corridor itself may also result in a threat to the ecology of the adjacent United States Fish and Wildlife refuge.

The Carver City Council has previously determined that the City has no interest in ownership of the Minnesota River span of Bridge 36.17 due to its deteriorated condition and numerous liability issues. The HPC anticipates that Union Pacific likely has no interest in maintaining an unused structure long-term, and does not see any practical solution that could result in the retention and rehabilitation of the Minnesota River span.

Given that there is no foreseeable railroad use of the corridor because of the 2007 bridge collapse, and recognizing the condition of the Minnesota River span of Bridge 36.17 as well as its potential impacts on the Historic District if it were to remain in place, the Carver HPC would be willing to recommend to the Carver City Council that it would be agreeable to the abandonment of the railroad line under the following conditions:

1. The Minnesota River span of Bridge 36.17 is to be removed. Although the HRE did not examine the impact that abandonment has on the Carver Historic District or whether the bridges or the railroad are contributing to the District, the HPC understands that the bridge is unlikely to be maintained and may pose a significant hazard to the entire Carver Historic District.
2. The span of the bridge over Main Street shall remain intact. This bridge is an important part of the viewshed from Main Street and its removal would be a significant adverse impact to the district. The HPC would recommend to the City Council that if all of the conditions listed in this letter are agreeable to Union Pacific, that the City should take ownership for this section of the bridge.
3. In order to preserve the visual integrity of the corridor as well as Carver's levee system, Union Pacific shall donate the parcels of the railroad corridor that it owns within the City of Carver corporate limits to the City of Carver. The HPC would then recommend that the City of Carver incorporate the railroad corridor into Depot Park and establish and maintain a trail system on the corridor which would preserve the integrity of the corridor to the greatest extent possible given the absence of a functioning railroad.
4. Union Pacific may salvage the tracks and ties, except for that portion immediately adjacent to Depot Park. The HPC would recommend that the City Council determine if the existing caboose could be placed on the tracks in this section before a determination is made on whether those tracks and ties should be removed.

Again, please note that the Carver City Council has not reviewed or endorsed the recommendation of the Carver HPC as outlined above. As the HPC's recommendation as outlined above would have management and fiscal impacts on the City's operations, the City Council would need to review this recommendation and investigate its options prior to the City entering into any agreements related to this project.

Thank you for the opportunity to submit comments. If you have any questions, please call me at 763-473-0569.

Sincerely,

Cynthia Nash, AICP

Cc: Britta Bloomberg, SHPO
Jim Elmquist, Carver City Administrator
Carver HPC
Carver City Council
Mack Shumate, Union Pacific
Victoria Rutson, STB