



MONTANA RAIL LINK, INC.
101 INTERNATIONAL WAY
POST OFFICE BOX 18390
MISSOULA, MONTANA 59808-6390
(406) 523-1500

August 6, 2002

State Historic Preservation Office
Montana Historical Society
P.O. Box 201202
Helena, Montana 59620

Subject: Surface Transportation Docket No. AB_575_1_X
Abandonment of Track near Polson, Montana

Montana Rail Link (MRL) has filed a petition for exemption from the requirements of 49 CFR U.S.C. 10903 for the abandonment of a segment of its track near Polson, Montana. The proposed abandonment includes 4.35 miles of track between Milepost 29.05 and Milepost 33.40 on MRL's 11th Branch Line Subdivision and includes the rail yard facilities in Polson, Montana.

As provided in 49 CFR 1105.8 a Historic Report is required to be prepared and sent to the appropriate State Historic Preservation Officer. Enclosed is a copy of the Historic Report prepared for this abandonment. Please review and provide any comments or recommendations you have on this proposal to the Surface Transportation Board.

If you require additional information or have any questions on this report or the abandonment in general, please contact me by telephone at (406) 523-1551, e-mail at swerner@montanarail.com, or at the address as shown above.

Sincerely,

Steven Werner
Public Works Engineer

tjm

Enclosure

pc ✓ Office of the Secretary w/ copy of report
Surface Transportation Board
1925 K St., N.W., Suite 840
Washington, DC 20423

Mr. Ken Blodgett w/ copy of report
Surface Transportation Board
1925 K St., N.W., Room 527
Washington, DC 20423

SW/C-79.....State Highway Project - Polson Yard Relocation w/ copy of report

ENTERED
Office of Proceedings

AUG 15 2002

Part of
Public Record

HISTORIC REPORT

PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Montana Rail Link, Inc. (MRL) is proposing to abandon 4.35 miles of track between Milepost 29.05 and Milepost 33.40 on MRL's 11th Subdivision including its rail yard and facilities in Polson, Montana (all as is shown more particularly on the attached Appendix "A").

The proposed reconstruction and realignment of US Highway 93 will require the highway to be moved into current MRL right-of-way requiring relocation of a minimum of 2,500 feet of track near the "Polson Hill". The loss of lumber mills in Polson and the development of tourist and related service businesses within the city enables MRL and the Montana Department of Transportation (MDT) to consider abandonment of a portion of the rail line and the Polson yard. Along with the rail line abandonment, MRL and MDT have agreed on a plan to construct new rail facilities, including a dock and storage tracks, just south of Caffrey Road (railroad Milepost 29). These new rail facilities will allow MRL to provide service to current and future customers in the Polson area. In exchange for the State of Montana funding construction of the new rail yard, MRL will deed its right-of-way between Milepost 29.05 and Milepost 32.89 (7th Ave. East Crossing) to MDT for use in Highway 93 construction and a possible pedestrian and bike trail. Attached is a letter from MDT's Missoula District Administrator outlining the department's need and plans for the railroad right of way to be acquired.

Relocation of the rail line on the Polson Hill would require an extensive system of costly retaining walls. For this reason the preferred alternative for MRL and MDT is relocation of the rail yard and abandonment of 4.35 miles of rail line as described above.

ADDITIONAL INFORMATION

- (1) Portions of the U.S.G.S. Topographic Map for this area have been attached as Appendix "A"

- (2) Description of Right of Way

The right of way width between railroad Milepost 29.05 and Milepost 32.89 varies, but is generally 50 feet on each side of the main track centerline. From Milepost 29.05 to approximately Milepost 31.75 is rural and from Milepost 31.75 to Milepost 32.89 is residential.

The right of way width between railroad Milepost 32.89 and Milepost 33.40 (Polson Yard) varies, but is generally 400 feet wide, being located in a mixed residential and small business neighborhood.

- (3) Structures On Rail Line

There is only one structure on the rail line being proposed for abandonment. This structure is a loading dock located within the existing Polson rail yard at railroad Milepost 33.2. MRL has researched its records and can find no information on when this dock was constructed. It is not shown on the Polson station map provided to MRL when MRL purchased the branch line in 1987 even though the dock was present at that time. As this station map has a revision date of May 16th, 1961 we assume the dock was constructed sometime between 1961 and 1987, but cannot verify a date of construction. As this dock could be more than 50 years old copies of digital photographs of this dock are attached to this report.

(4) History of Rail Operations within the limits of the Proposed Abandonment

Montana Rail Link's branch line extending from Dixon to Polson, Montana (Milepost 0.0 to Milepost 33.40) was built by the Northern Pacific Railway and completed in 1918. This line is now identified as the 11th Subdivision. In the past it has been called the Flathead Valley Branch and during Burlington Northern ownership, the 18th Subdivision of the Rocky Mountain Division. MRL acquired this branch line from the Burlington Northern Railroad Company in 1987.

Polson, the seat of Lake County with a population of 4,041 (2000 census), is located on the shores of Flathead Lake, the largest natural freshwater lake west of the Mississippi and was once the site of a considerable amount of industrial activity requiring railroad service. These industries included at least two saw mills, a plywood manufacturing plant, sweet cherry packing, a produce company, a stock yard, and a bee (apiary) supply company. A spur track called the "Lake Spur" that served a sawmill on the shores of Flathead Lake was removed in 1960. Due to its location, Polson has developed a service and tourist economy with much less need for downtown railroad service. The last sawmill in the Polson area, Pack River Lumber shut down in 1992.

All railroad structures except the above-mentioned dock have been removed. An engine house was removed in 1939. The Northern Pacific sold and removed its depot building in 1960, relocating to the former NP Transport building at a location offsite in downtown Polson. Following proceedings with the Montana Public Service Commission, MRL closed the agency in 1988 and the NP Transport building is now leased for retail purposes. The status and condition of the NP Transport building will not be affected by this track abandonment.

(5) Summary of Documents In MRL's Possession Related to Historic Structures

MRL has no documents in its possession documenting the loading dock's historic value other than the referenced station plat from 1961. Without any documentation, MRL cannot provide an opinion on the docks eligibility for listing in the National Register of Historic Places.

(6) Archaeological, Cultural and Historic Considerations

As this abandonment is located within the boundaries of the reservation of the Confederated Salish and Kootenai Tribes of the Flathead Nation (Tribes), MRL's environmental consultant requested comment from Tribes regarding this proposal. Attached is a copy of a letter received from the Tribes expressing support for the abandonment proposal. MRL believes the Tribes to be the best judge of the impacts this proposal may have on local cultural and archaeological sites. Based on support of the Tribes for the abandonment as proposed, MRL has no reason to believe there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment and is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery

(7) Additional information will be provided as appropriate.



Montana Department of Transportation

David A. Galt, Director
Judy Martz, Governor

Missoula District Office
2100 W Broadway
PO Box 7039
Missoula, MT 59807-7039

April 12, 2002

REC'D APR 26 2002

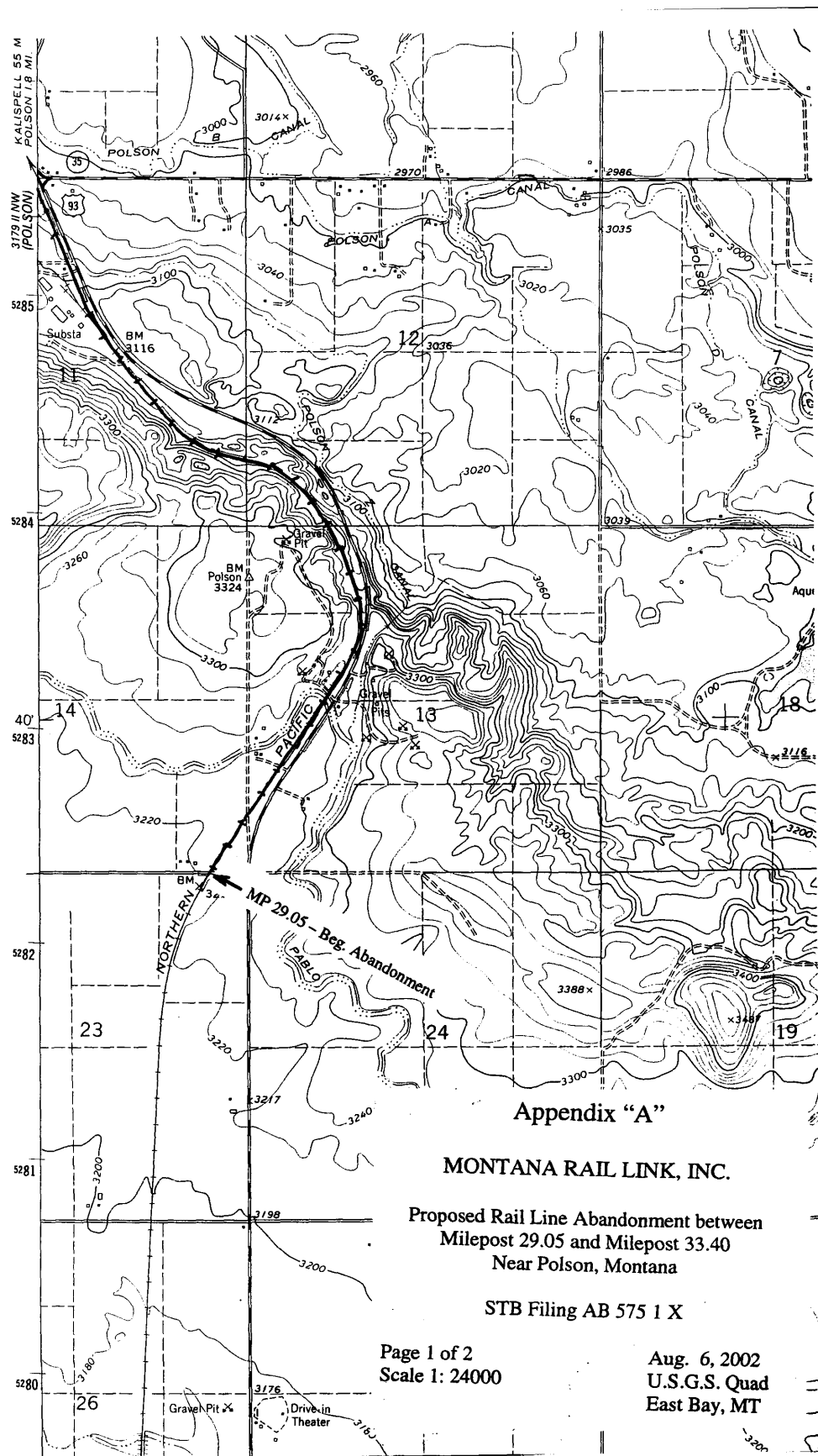
Steve Werner
Montana Rail Link
101 International Way
PO Box 8779
Missoula MT 59807

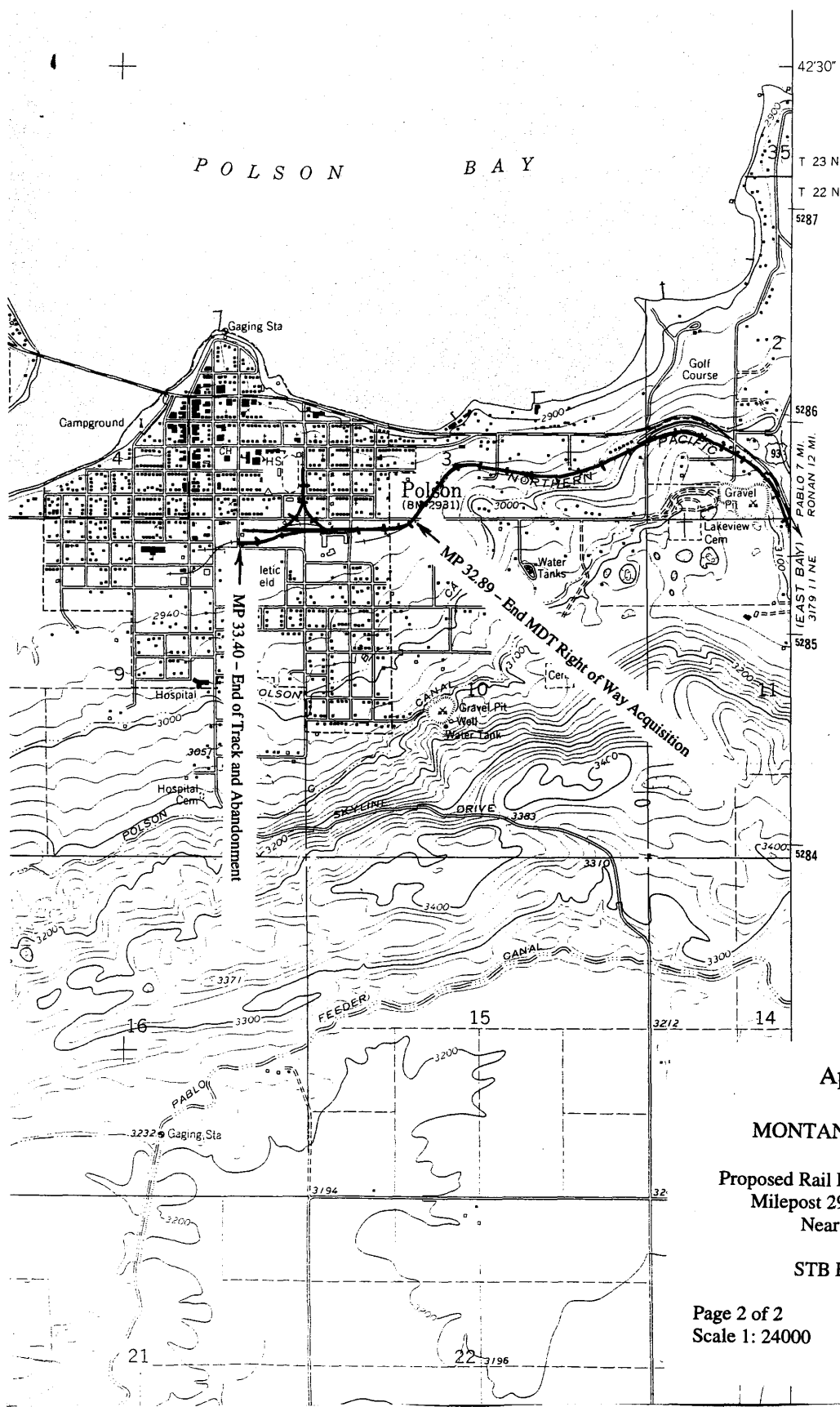
Subject: Proposed RR Abandonment at Polson and Arlee

Steve, the Department of Transportation has interest in the proposed abandonment of Railroad right-of-way in Polson and Arlee. We would plan to use the abandoned right-of-way for expanding the much needed improvements of Highway 93. Parts of the right-of-way near Polson not needed for roadway use would be utilized for alternate forms of transportation, primarily bicycles and pedestrians. If you have any questions or wish to discuss this further please contact me at 523-5800.

Loran Frazier
District Administrator

copies: John Horton, MDT Right-of-Way
Joe Hovenkotter, Confederated Salish and Kootenai Tribes
District file.





Appendix "A"

MONTANA RAIL LINK, INC.

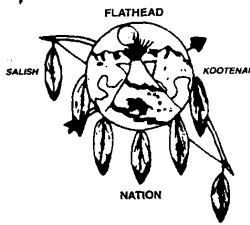
Proposed Rail Line Abandonment between
Milepost 29.05 and Milepost 33.40
Near Polson, Montana

STB Filing AB 575 1 X

Page 2 of 2
Scale 1: 24000

Aug. 6, 2002
U.S.G.S. Quad
Polson, MT

**MAP WILL BE SCANNED
AT A LATER DATE**



THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION

P.O. Box 278
Pablo, Montana 59855
(406) 675-2700
FAX (406) 275-2806
E-mail: csktcouncil@ronan.net



Joseph E. Dupuis - Executive Secretary
Vern L. Clairmont - Executive Treasurer
Leon Bourdon - Sergeant-at-Arms

TRIBAL COUNCIL MEMBERS:

D. Fred Matt - Chairman
Jami Hamel - Vice Chair
Carole J. Lankford - Secretary
Lloyd D. Irvine - Treasurer
Joel A. Clairmont
Margaret Goode
S. Kevin Howlett
Mary Lefthand
Elmer "Sonny" Morigeau
Ron Trahan

April 4, 2002

**Ms. Sady Babcock
Ecosystem Research Group
P.O. Box 8214
Missoula, MT 59807**

Dear Ms. Babcock:

The Confederated Salish and Kootenai Tribes have received your letter dated March 15, 2002 in which you give notice of Montana Rail Link's ("MRL") proposed abandonment of a section of their railroad line located in and around Polson, Montana. The Tribal staff has completed its review of your letter and the five specific issues you raise therein. The Tribes respond as follows:

The Confederated Salish and Kootenai Tribes support MRL's proposal. The Tribal Council first formalized this support in the Memorandum of Agreement for the US93 Evaro to Polson Project ("US93 MOA"), dated December 20, 2000. In that document, the Tribes made a joint commitment with the Federal Highway Administration ("FHWA") and the Montana Department of Transportation ("MDT") to explore the potential for constructing a bicycle/pedestrian trail on the existing MRL rail line. The Tribes have reaffirmed this commitment by continuing to work with FHWA, MDT, and MRL since entering into the US93 MOA toward acquisition of the MRL line for subsequent design and construction of a bicycle/pedestrian trail. The Tribes see MRL's proposal to abandon the rail line as one necessary step in that process.

The first specific issue you raise was whether the proposed abandonment would affect any 100-year floodplain. Tribal staff do not foresee any affects from the proposed abandonment on the 100-year floodplain.

The second specific issue you raise is whether Tribal Shoreline Protection or Aquatic Lands Conservation permits will be required to complete the abandonment action. Tribal regulatory staff have reviewed the existing railroad line. They have concluded that there are Flathead Reservation wetlands and waters located within or adjacent to the railroad right of way that are likely subject to Tribal regulatory jurisdiction. These wetlands and waters are located close in proximity to the where the railroad line intersects with Seventh Avenue East in Polson.

If abandonment activities undertaken to remove existing rails and ties would require physical impact or alteration to these wetlands or waters, then a Tribal regulatory permit is required. If, however, such abandonment activities will be wholly contained on the existing road prism underlying the railroad track, with no impacts to abutting wetlands, then no such permit is required. Please contact Lloyd Jackson at the Tribes' Shorelines Protection Office with any questions you may have regarding a more specific delineation of Tribal jurisdiction for your anticipated abandonment actions. Mr. Jackson can be contacted at 406.675.2700 ext. 1222.

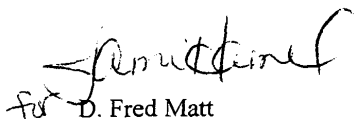
The third specific issue you raise regards Tribal environmental concerns. The Tribes' want MRL to utilize health and safety protocols during abandonment activities to assure that there will be no release of creosote or other hazardous or deleterious materials to the environment from the removed railroad rails and ties. The Tribes also want MRL to exercise best management practices before, during, and after the abandonment action to avoid and minimize potential erosion and sedimentation.

The fourth specific issue you raise is a query of whether there are any parks/recreation areas adjacent to the project that may be affected. There are no Tribal parks/recreation areas in the vicinity of the project that may be affected. With regard to county/municipal parks or recreation areas, the Tribes are not fully informed of where those are located, so do not have a fully informed response. The Tribal staff, however, is not aware of any county/municipal parks or recreation areas in the vicinity of the project that may be affected.

The fifth specific issue you raise is a solicitation of what the Tribes suggest as an alternative use for the abandoned route. The Tribes continue to advocate converting the abandoned railroad route into a bicycle/pedestrian trail.

Thank you for the opportunity to comment on MRL's proposed action. As stated above, the Tribes support MRL's proposal. If there are other actions that the Tribes might take in support of this proposal, please contact Joe Hovenkotter, Tribal Attorney, at 406.675.2700 ext. 1169.

Sincerely,


for D. Fred Matt
Chairman - Tribal Council

cc: Steve Werner, MRL
Dale Paulson, FHWA
Joel Marshik, MDT
Loran Frazier, MDT
Randy Ingram, City of Polson
Mike Hutchin, Lake County