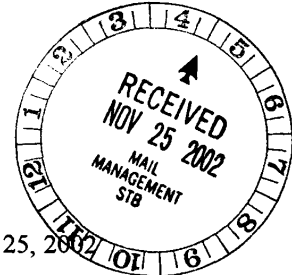


206717
DID# 0102089002 21.3

LAW OFFICES
FRITZ R. KAHN, P.C.
EIGHTH FLOOR
1920 N STREET, N.W.
WASHINGTON, D.C. 20036-1801
(202) 263-4152
FAX (202) 331-8330
e-mail: xicgc@worldnet.att.net

ORIGINAL



November 25, 2002

VIA HAND DELIVERY - RETURN COPY

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW (7th fl.)
Washington, DC 20423-0001

Dear Secretary Williams:

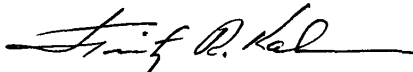
Enclosed for filing in STB Docket No. AB-845X, CHS Holdings, Inc.—Abandonment Exemption—In Pembina County, ND, are the original and ten copies of the Petition for Exemption of CHS Holdings, Inc..

This firm's check for \$4,700 in payment of the filing fee is attached.

Additional copies of this letter and of the Notice are enclosed for you to stamp to acknowledge your receipt of them and to return to me via the messenger.

If you have any question concerning the foregoing which you believe I may be able to answer or if I otherwise can be of assistance, please let me know.

Sincerely yours,


Fritz R. Kahn

enc.
cc: David A. Kastelic, Esq.

ENTERED
Office of Proceedings

NOV 26 2002

Part of
Public Record

NOV 25 2002

TRANSPORTATION BOARD

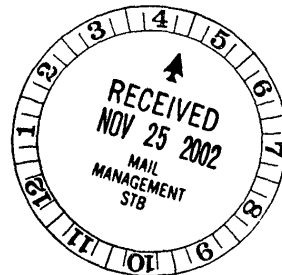
RECEIVED
NOV 25 2002
SURFACE
TRANSPORTATION BOARD

SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423

ORIGINAL

STB Docket No. AB-845X

CHS HOLDINGS, INC.
-- ABANDONMENT EXEMPTION --
IN PEMBINA COUNTY, ND



PETITION FOR EXEMPTION
OF
CHS HOLDINGS, INC.

FEE RECEIVED

NOV 25 2002

SURFACE
TRANSPORTATION BOARD

FILED

NOV 25 2002

TRANSPORTATION BOARD

Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036-1601
Tel.: (202) 263-4152

Attorney for

CHS HOLDINGS, INC.

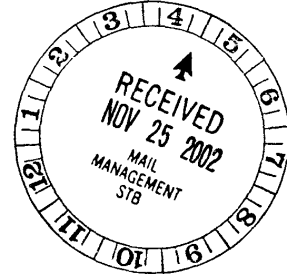
Dated: November 25, 2002

ENTERED
Office of Proceedings

NOV 26 2002

Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423



STB Docket No. AB-845X

CHS HOLDINGS, INC.
-- ABANDONMENT EXEMPTION --
IN PEMBINA COUNTY, ND

PETITION FOR EXEMPTION
OF
CHS HOLDINGS, INC.

CHS Holdings, Inc., of Inver Grove Heights, MN (hereinafter referred to as CHS), pursuant to 49 U.S.C. 10502(a) and 49 C.F.R. 1121.1, et seq., petitions to be relieved of the regulatory requirements of 49 U.S.C. 10903 and 49 C.F.R. 1152.1, et seq., to effect the whole-line abandonment of its line of railroad, between Milepost 177.44 and the end of the line at Milepost 179.55, for a distance of 2.11 miles in Joliette 58271, Pembina County, North Dakota.

The railroad line serves but a single shipper, its owner, Cenex Harvest States Cooperatives, although as an accommodation, it occasionally switches cars to and from the adjacent facility of J.R. Simplot Company.

The purpose of this filing is to change a common carrier railroad to a proprietary one. Both Cenex Harvest States Cooperatives and J.R. Simplot Company, by their letters. dated

November 14, 2002, and November 12, 2002, respectively, endorse the change in the status of the railroad line and urge that the Board take favorable action on this abandonment petition.

Copies of their letters are attached.

The railroad line in question connects with The Burlington Northern and Santa Fe Railway Company at Joliet, and it will continue, as it has in the past, to bring empty hopper cars to, and pick up loaded hopper cars from, the interchange with the cooperative.

The tracks, ties and other track materials, as well as all other structures along the railroad line proposed for abandonment, are not intended to be removed; rather, following the abandonment, if authorized by the Board, the line simply will change from a common carrier line to a proprietary line.

A map of the line proposed for abandonment is attached to the Environmental Report, which is appended.

The railroad line proposed for abandonment has no stations and traverses only United States Postal Zip Code 58271.

The right-of-way of the line, once abandoned, is unsuitable for public purposes or recreational uses, as it will be used as an industry spur by its owner.

No employee protective conditions should be attached, since this is a whole-line abandonment, and the railroad line proposed for abandonment is not part of a system of railroad lines which would benefit from the proposed abandonment.

The requisite certifications are included at the end of the Environmental Report, which is followed by a draft Federal Register notice.

Justification for the Exemption

CHS submits that detailed scrutiny of the proposed abandonment would further none of the objectives of the Rail Transportation Policy of 49 U.S.C. 10101. To the contrary, exempting the line's abandonment from the regulatory requirements which otherwise would apply would advance the Rail Transportation Policy goals "to minimize the need for Federal regulatory control", "to foster sound economic conditions in transportation" and "to reduce regulatory barriers to . . . exit from the industry."

The proposed abandonment is of limited scope, being of a line merely 2.11 miles long and serving a single shipper, its owner, Cenex Harvest States Cooperatives, which, in turn, as an accommodation, switches cars to and from the adjacent facility of J.R. Simplot Co. No other shippers are involved.

Neither Cenex Harvest States Cooperatives nor J.R. Simplot fears abuse of market power if the exemption for abandonment were granted by the Board; to the contrary, both urge that the Board take favorable action

WHEREFORE, Petitioner, CHS Holdings, Inc., asks that its whole-line abandonment be approved.

Respectfully submitted,

CHS HOLDINGS, INC

By its attorney,



Fritz R. Kahn

Fritz R. Kahn, P.C.

1920 N Street, NW (8th fl.)

Washington, DC 20036-1601

Tel.: (202) 263-4152

Dated: November 25, 2002



November 14, 2002

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW (7th Floor)
Washington, DC 20423-0001

Dear Secretary Williams:

This refers to STB Docket No. AB-845X, CHS Holdings, Inc. – Abandonment Exemption – In Joliette, Pembina County, ND, and the Petition for Exemption of CHS Holdings, Inc.

Cenex Harvest States Cooperatives is the parent of the petitioner, CHS Holdings, Inc. and we have had it seek the Board's abandonment authorization to change the 2.11-mile line from that of a common carrier railroad to a proprietary line. For all intents and purposes, we are the only shipper on the line, although as an accommodation to it, we have moved occasional cars to and from an adjacent facility of J.R. Simplot Co. We intend to continue doing so under contract with the company.

Accordingly, we support the abandonment project and request the Board to render a favorable decision.

Sincerely yours,

CENEX HARVEST STATES COOPERATIVES

A handwritten signature in dark ink, appearing to read "David A. Kastelic". The signature is fluid and cursive, with the first name "David" being the most prominent.

David A. Kastelic
Vice President and General Counsel

J.R. SIMPLOT COMPANY RTE 1 P.O. BOX 298
JOLIETTE, ND 58271-9715 (701) 454-6304

SOILBUILDERS

November 12, 2002

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW (7th fl)
Washington, DC 20423-0001

Dear Secretary Williams:

This refers to STB Docket No. AB-845X, CHS Holdings, Inc.-Abandonment Exemption-In Joliette, Pembina County, ND, and the Petition for Exemption of CHS Holdings, Inc.

We have been apprized that Cenex Harvest States Cooperatives, the parent of the petitioner, CHS Holdings, Inc., seeks the Board's abandonment authorization to change the 2.11-mile line from that of a common carrier railroad to a proprietary line. Cenex is really the only shipper on the line, although as an accommodation to Simplot, it has moved occasional cars to and from our facility which is adjacent to Cenex's. Cenex has assured Simplot that it will continue to do so under contract with Simplot.

Accordingly, we have no objection to the abandonment proposal or the Board's approval of it.

Sincerely yours,



Kelly Christianson
Simplot Growers Solutions
Area Operations Manager
Red River Valley North

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423

STB Docket No. AB-845X

CHS HOLDINGS, INC.
-- ABANDONMENT EXEMPTION --
IN JOLIETTE, PEMBINA COUNTY, ND

ENVIRONMENTAL REPORT
OF
CHS HOLDINGS, INC.

CHS Holdings, Inc., of Inver Grove Heights, MN (hereinafter referred to as CHS), pursuant to 49 C.F.R. 1105.7, submits this Environmental Report in support of its Verified Petition for Exemption.

1. Proposed action and alternatives. The railroad line which CHS proposes to abandon extends between Milepost 177.44 and the end of the line at Milepost 179.55, for a distance of 2.11 miles in Joliette 58271, Pembina County, ND. The line has been used largely to serve a single shipper, Cenex Harvest States Cooperatives, the owner of CHS, which proposes to change the line from that of a common carrier to a proprietary line. The property will remain intact, and no rails, ties or other track materials will be taken up. The line, however, cannot be converted to a proprietary line without the abandonment

authorization of the Board. Accordingly, there is no practicable alternative to the line's abandonment, the authorization for which CHS herein seeks. The North Dakota Single Point of Contact and the North Dakota Public Service Commission, by letters from CHS's representative, dated October 2, 2002, copies of which were mailed to Victoria J. Rutson, Esq., Chief of the Board's Section of Environmental Analysis, were notified of the proposed actions of CHS, and in the meantime no written response have been received from either one.

2. Transportation systems. As a practical matter, only a single shipper is served by the line proposed for abandonment, the railroad's owner, Cenex Harvest States Cooperatives, although it on occasion has moved cars to and from an adjacent facility of J. R. Simplot Co. As already noted, the intent of the proposed abandonment is to convert the line from that of a common carrier railroad to a proprietary line. Cenex Harvest States Cooperatives will continue to serve the adjacent facility of J.R. Simplot Co, under contract with the company. By letters dated October 2, 2002, respectively, with copies to Ms. Rutson, the North Dakota Single Point of Contact and the North Dakota Public Service Commission were notified of the proposed abandonment, and neither one has sent a reply in the meantime.

3. Land use. The proposed abandonment will affect no presently pending land use plans for Pembina County, ND, of which CHS is aware. By letter dated October 2, 2002, CHS's representative wrote to the State Conservationist of the U. S.

Department of Agriculture's Natural Resources Conservation Service, with copy to Ms. Rutson, to apprise the office of the proposed action of CHS, and no response has been received in the meantime.

4. Energy. No change in the number or nature of the shipments by rail to and from Cenex Harvest States Cooperatives or J.R. Simplot Co. will result from the proposed abandonment. The abandonment certainly will affect far fewer than an average of 50 carloads per mile per year, and, therefore, the Verified Petition for Exemption, if granted, will have no material effect on energy consumption. Neither are recyclable commodities affected by the proposed abandonment. By letters, dated October 2, 2002, the representative of CHS notified the regional office of the U. S. Environmental Protection Agency and the North Dakota Environmental Health Section, with copies to Ms. Rutson, of the proposed abandonment. To date only the North Dakota environmental Health Section has responded, and a copy of its clearance, dated November 4, 2002, is attached.

5. Air. No diversion of traffic from rail to truck transportation will occur as a result of the proposed abandonment, since the line is simply to be converted from railroad track to industry track. Accordingly, no significant increase in emissions will follow if the Verified Petition for Exemption were approved. By letters dated October 2, 2002, CHS's representative wrote to the regional office of the U. S. Environmental Protection Agency and the North Dakota

Environmental Health Section, with copies to Ms. Rutson, to advise them of the proposed abandonment. Only the North Dakota Environmental Health Section has yet responded, and a copy of its clearance, dated November 4, 2002, is attached..

6. Noise. No diversion of traffic from rail to truck transportation will occur as a result of CHS's proposed abandonment, There will not be an increase of truck traffic of more than ten percent of the average daily traffic or fifty vehicles a day on any affected road segment, and, therefore, no significant increase in noise will result if the Verified Petition for Exemption were approved. As already noted, the representative of CHS, by letters dated October 2, 2002, with copies to Ms. Rutson, alerted the regional office of the U. S. Environmental Protection Agency and the North Dakota Environmental Health Section to the abandonment proposal. Only the North Dakota Environmental Health Section has yet responded, and a copy of its clearance, dated November 4, 2002, is attached.

7. Safety. The proposed abandonment of the line will result in no increase in highway traffic and, therefore, will not jeopardize the safety of the traveling public. Nevertheless, in accordance with the Board's rules, by letters dated October 2, 2002, with copies to Ms. Rutson, the North Dakota Single Point of Contact and the North Dakota Public Service Commission were notified of the abandonment proposal, but no expressions of concern for safety has been received from either agency in the meantime. The abandonment, moreover, will affect neither the

transportation nor the dumping of hazardous materials or substances.

8. Biological resources. The proposed abandonment of the line will not adversely affect endangered or threatened species or areas designated as critical habitat, as far as CHS is aware. By letters dated October 2, 2002, with copies to Ms. Rutson, the representative of CHS notified the Regional Office of the U. S. Fish and Wildlife Service, the North Dakota Environmental Health Section and the regional office of the U. S. Environmental Protection Agency of the proposed abandonment. The U.S. Fish and Wildlife Service has responded in the interim, and a copy of its clearance, dated October 16, 2002 is attached. The North Dakota Environmental Health Section has responded, and a copy of its clearance, dated November 4, 2002, is attached.

9. Water. The proposed abandonment of the line will have no effect upon Federal, State or local water quality standards of which CHS is aware. The representative of CHS, by letter dated October 2, 2002, advised the District Office of the U. S. Army Corps of Engineers of the proposed action. Attached is a copy of the clearance of the Rock Island District of the U.S. Army Corps of Engineers, dated November 1, 2002.

10. Mitigation. Since CHS is unaware of any significant adverse environmental impact that the proposed abandonment would occasion, it perceives of no need for mitigating measures. Nevertheless, in accordance with the Board's regulations, in addition to the Federal and State of North Dakota agencies

previously identified, the representative of CHS, by letters dated October 2, 2002, with copies to Ms. Rutson, wrote to the Recreational Resources Assistance Division, National Park Service of the U.S. Department of Interior, the Chief of the National Forest System of the U.S. Department of Agriculture and the North Dakota Public Service Commission to advise them of the abandonment proposal, but to date none has responded to express any concerns about it. The representative of CHS, by letter, dated October 2, 2002, also wrote to the National Oceanic and Atmospheric Administration, and a copy of its reply, dated November 12, 2002 is attached. Neither of the geodetic station markers, A 59 and Z 58, will be affected, since, as already explained, the railroad line will not be disturbed, but only its status is proposed to be changed from that of a common carrier railroad to that of a proprietary one.

Historical Effects.

1. Map. A map of the line proposed for abandonment is attached.

2. Description. The railroad line which CHS proposes to abandon extends between Milepost 177.44 and the end of the line at Milepost 179.55, a distance of 2.11 miles in Joliette 58271, Pembina County, ND

3. Photographs. CHS knows of no structure along the line proposed for abandonment which is 50 years old or older. In any event, the railroad line proposed for abandonment is going to remain intact, to be operated as a proprietary line by the

railroad's owner, Cenex Harvest States Cooperatives. Accordingly, no trestles, bridges or other structures along the line will be dismantled or removed.

4. Dates. CHS knows of no structure along the line proposed for abandonment which is 50 years old or older. In any event, the railroad line proposed for abandonment is going to remain intact, to be operated as a proprietary line by the railroad's owner, Cenex Harvest States Cooperatives. Accordingly, no trestles, bridges or other structures along the line will be dismantled or removed

5. History. The line proposed for abandonment formerly was that of a predecessor of The Burlington Northern and Santa Fe Railway Company.

6. Documents. CHS has no documents in its possession that confirm the dates of construction of the line. Such documents are likely to be in the possession of The Burlington Northern and Santa Fe Railway Company, whose predecessor opened the line.

7. Opinion. CHS believes that there is no structures proposed for abandonment on the railroad line which warrants being listed in the Register of Historic Places. Similarly, CHS is unaware of any archeological resources or any other previously unknown historic properties in the area. Notice of the proposed abandonment was given the North Dakota State Historic Preservation Officer by letter from the representative of the CHS, dated October 2, 2002, with copy to Ms. Rutson. Copies of the correspondence between him and the representative of CHS,

including that office's clearance, are attached.

CERTIFICATIONS

CHS, by its attorney, certifies that, in preparing the foregoing Environmental Report, it sought the views on the consequences of the proposed abandonment on the programs administered by each of the Federal and State of North Dakota agencies identified in 49 C.F.R. 1105.7(b).

CHS, by its attorney, certifies that notices of the proposed abandonment, couched in the wording of 49 C.F.R. 1105.12, were published on October 9, 2002 in The Cavalier Chronicle, a newspaper of general circulation in Pembina County.

CHS, by its attorney, certifies that timely notice of the proposed abandonment was given to each of the agencies identified in 49 C.F.R. 1152.50(d).

CHS, by its attorney, certifies that, based on information in CHS's possession, the line proposed for abandonment does not contain federally granted rights-of-way. Any documentation in CHS's possession will be made available promptly to those requesting it.

CHS, by its attorney, certifies that copies of the foregoing Environmental Report on November 5, 2002, were served by mailing copies thereof, by letters couched in the wording of 49 C.F.R. 1105.11, sent by prepaid first-class mail to each of the Federal and State of North Dakota agencies identified in 49 C.F.R.

1105.7(b), and to the Chairman of the County Commission of
Pembina County, ND.

CHS, by its attorney, certified that copies of the foregoing
Petition for Exemption, including the Environmental Report, this
day were mailed by prepaid first-class mail to each of the
persons identified in the preceding paragraph and additionally to
Cenex Harvest States Cooperatives and J.R.Simplot Company,
Joliette, ND.

Respectfully submitted,

CHS HOLDINGS, INC.

By its attorney,


Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036-1601
Tel.: (202) 263-4152

Dated: November 25 2002



MAP OF

JOLIETTE

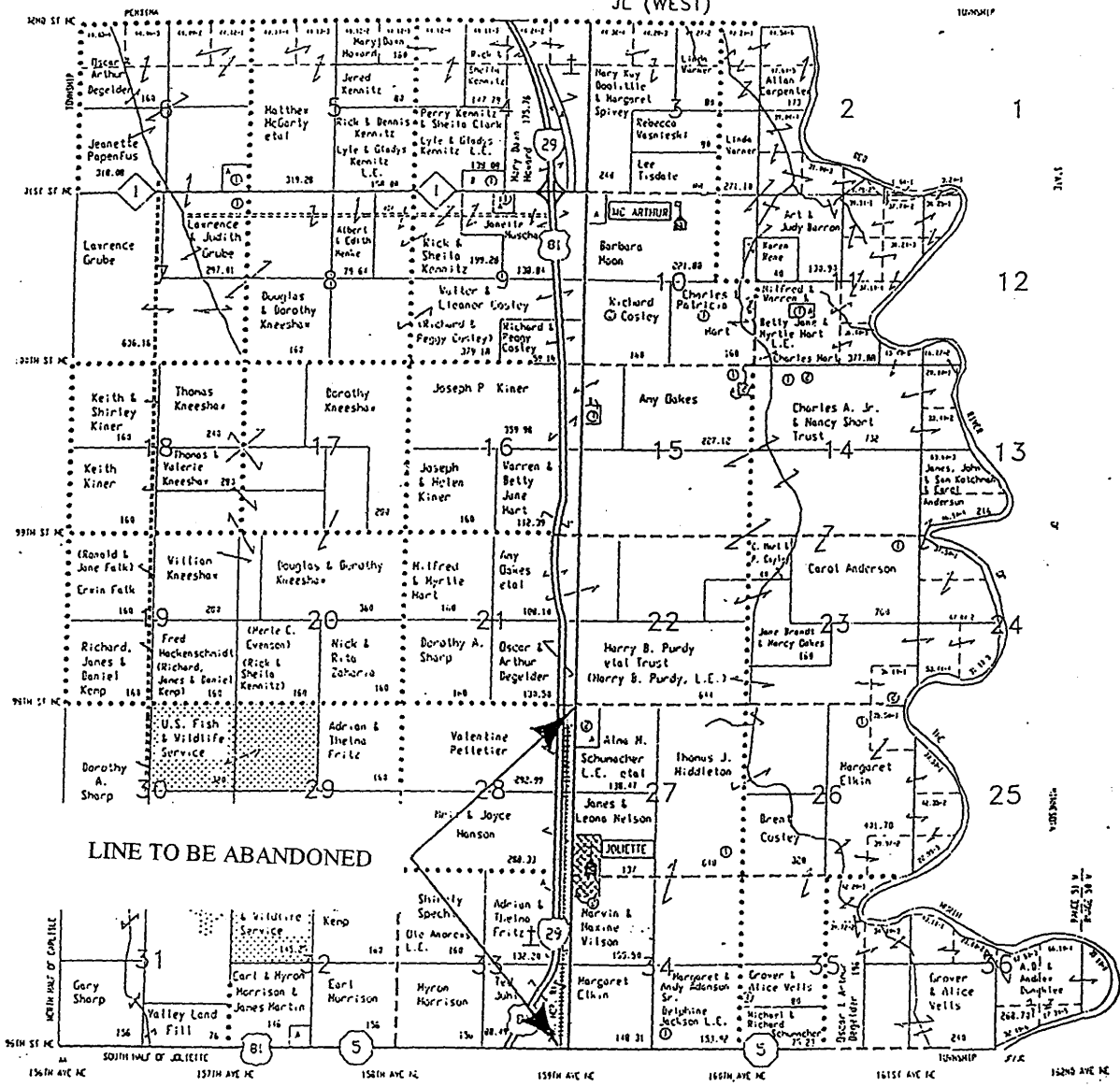


TOWNSHIP: 162 N

MIDLAND ATLAS CO. INC. COPYRIGHT 1976

RANGE: 50 & 51 W

CODE: JM (EAST)
JL (WEST)



LAW OFFICES
FRITZ R. KAHN, P.C.
EIGHTH FLOOR
1920 N STREET, N.W.
WASHINGTON, D.C. 20036-1801

(202) 263-4152
FAX (202) 331-8330
e-mail: xiccc@worldnet.att.net

CO Hwy 100
Pembina
U.S. FISH & WILDLIFE SER.
ECOLOGICAL SERVICES
FOT-8 02

October 2, 2002

U.S. Fish & Wildlife Service
P. O. Box 25486
Denver, CO 80225

Dear Sir/Madam:

CHS Holdings, Inc. ("CHS") anticipates that on or about November 25, 2002, it will be filing a Verified Petition for Exemption seeking Surface Transportation Board authorization to abandon its line of railroad, between Milepost 177.44 and the end of the line at Milepost 179.55 in Joliette 58271, a distance of 2.11 miles in Pembina County, ND. Based on information in CHS's possession, the line does not contain federally granted rights-of-way. Any documentation in CHS's possession will be made available promptly to those requesting it. A map is enclosed.

CHS is in the process of preparing its environmental report, pursuant to 42 U.S.C. 4332, et seq., and 49 C.F.R. 1105.1, et seq., a copy of which will be provided you at the time of the Petition's filing. In the meantime, CHS requests an early expression of your views as to the effects, if any, of the proposed abandonment on the programs administered by your office.

The line will be retained as a proprietary line by CHS's owner, and no tracks or ties will be removed. Accordingly, in CHS's view, the effect on the environment of the proposed abandonment should be insignificant.

The railroad is notifying you of this filing so that, if you require additional data or have any question concerning the STB's environmental review process, you will be able to contact me or the Section of Environmental Analysis, Surface Transportation Board, 1925 K street, NW, Washington, DC 20423 tel.: (202) 565-1538, referring to Docket No. AB-845X.

U.S. FISH AND WILDLIFE SERVICE

ECOLOGICAL SERVICES
ND FIELD OFFICE

Sincerely yours,

Fritz R. Kahn
Fritz R. Kahn

Project as described will have no significant impact on fish and wildlife resources. No endangered or threatened species are known to occupy the project area. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT PLANS FOR REVIEW.

enc

cc: Victoria J. Rutson, Esq..

Oct 16, 2002

Date

Kevin M. Johnson
Acting
Field Supervisor



State
Historical
Society of
North Dakota

Since 1895

October 18, 2002

John H. Hoeven
Governor of North Dakota

**North Dakota
State Historical Board**

Appointed Members:

John E. Von Rueden
Bismarck - President
Diane K. Larson
Bismarck - Vice President
Marvin L. Kaiser
Williston - Secretary
Albert I. Berger
Grand Forks
Chester E. Nelson, Jr.
Bismarck
Lydia S. Sage-Chase
New Town
A. Ruric Todd, III
Jamestown

Ex-Officio Members:

Kathi Gilmore
State Treasurer
Alvin A. Jaeger
Secretary of State
Douglass Prchal
Director
Parks and Recreation Department
David A. Sprynczynatyk
Director
Department of Transportation
Allan M. Stenehjem
Director
Tourism Department

*Accredited by the
American Association
of Museums*

Fritz R. Kahn
Law Offices, Fritz R. Kahn, P.C.
8th Floor
1920 N Street NW
Washington, D.C. 20036-1601

**ND SHPO Ref.: 03-0008, Abandonment of Rail-Line, Milepost 177.44 to
Milepost 179.55, Pembina County, ND. STB Docket No. AB-845X.**

Dear Mr. Kahn:

We have reviewed the additional information provided by your firm for
Project: 03-0008, proposed abandonment of the rail-line from Milepost
177.44 to Milepost 179.55 in Sections 28 and 33, T162N, R51W, Pembina
County, ND.

We concur with "No Historic Properties Affected" determination provided the
project is of the nature specified, takes place in the legal description given in
the correspondence, and that no trestles, bridges, or other structures over 50
years of age are within the APE.

Thank you for the opportunity to review this project. Please include the ND
SHPO Reference number listed above in any further correspondence for this
specific project. If you have any questions please contact Duane Kliner at
(701) 328-3576.

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer
(North Dakota)

LAW OFFICES
FRITZ R. KAHN, P.C.
EIGHTH FLOOR
1920 N STREET, N.W.
WASHINGTON, D.C. 20036-1601

(202) 263-4152
FAX (202) 331-8330
e-mail: xicgc@worldnet.att.net

October 15, 2002

VIA MAIL AND FAX (701) 328-3710

Mr. Merlan E. Paaverud, Jr.
State Historic Preservation Officer
612 East Boulevard Avenue
Bismark, ND 58505-0830

Re: ND SHPO Ref.: 03-0008
STB Docket No. AB 845X,
C. H. Holdings, Inc.

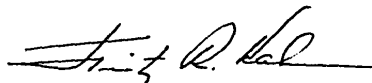
Dear Mr. Paaverud, Jr.:

Thank you for your letter, dated October 9, 2002, relating to the proposed abandonment by CHS Holdings, Inc., of its railroad line in Joliette, Pembina County, ND.

I am not aware of any trestles, bridges or other structures along the 2.11-mile line in Joliette which are fifty years old or older. In any event, as I thought I had explained in my letter of October 2, 2002, the railroad line proposed for abandonment is going to remain intact, to be operated as a proprietary line by the railroad's owner, Cenex Harvest States Cooperatives. Accordingly, no trestles, bridges or other structures along the line will be dismantled or removed.

If you have any question concerning the foregoing which you believe I may be able to answer or if I otherwise can be of assistance, please let me know.

Sincerely yours,


Fritz R. Kahn

cc: Victoria J. Rutson, Esq.



State
Historical
Society of
North Dakota

Since 1895

October 9, 2002

John H. Hoeven
Governor of North Dakota

**North Dakota
State Historical Board**

Appointed Members:

John E. Von Rueden
Bismarck - President
Diane K. Larson
Bismarck - Vice President
Marvin L. Kaiser
Williston - Secretary
Albert I. Berger
Grand Forks
Chester E. Nelson, Jr.
Bismarck
Lydia S. Sage-Chase
New Town
A. Ruric Todd, III
Jamestown

Ex-Officio Members:

Kathi Gilmore
State Treasurer
Alvin A. Jaeger
Secretary of State
Douglass Prchal
Director
Parks and Recreation Department
David A. Sprynczynatyk
Director
Department of Transportation
Allan M. Stenehjem
Director
Tourism Department

Fritz R. Kahn
Law Offices, Fritz R. Kahn, P.C.
8th Floor
1920 N Street NW
Washington, D.C. 20036-1601

**ND SHPO Ref.: 03-0008, Abandonment of Rail-Line, Milepost 177.44 to
Milepost 179.55, Pembina County, ND. STB Docket No. AB-845X.**

Dear Mr. Kahn:

We have reviewed Project: 03-0008, proposed abandonment of the rail-line
from Milepost 177.44 to Milepost 179.55 in Sections 28 and 33, T162N,
R51W, Pembina County, ND and request the following information for
consultation:

1) Are there any trestles, bridges, or other structures along the line which
were constructed over 50 years ago? For any feature over 50 years of age,
we need photographs of each side of the feature, the year that it was
constructed, the year(s) and type(s) of major structural modifications (if any),
and a photocopy of a 7.5' U.S.G.S. topographic map with the exact location
of the feature plotted and identified on it.

Thank you for the opportunity to review this project. Please include the ND
SHPO Reference number listed above in any further correspondence for this
specific project. If you have any questions please contact Duane Kliner at
(701) 328-3576.

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer
(North Dakota)

*Accredited by the
American Association
of Museums*

Natural Resources Conservation Service
4023 North State Street (#30)
Bismark, ND 58503

Environmental Health Section
P. O. Box 5520
Bismark, ND 58506-5520

State Historic Preservation Officer
612 East Boulevard Avenue
Bismark, ND 58505-0830

State Single Point of Contact
Governor's Office - Dept 101
600 East Boulevard Avenue
Bismark, ND 58505-3001

President, Public Service Commission
600 East Boulevard Avenue (12th fl.)
Bismark, ND 58505-0480

U.S. Environmental Protection Agency
999 18th Street (#500)
Denver, CO 80202-2466

U.S. Army Engineer District
180 East Kellog Blvd. (#1421)
St. Paul, MN 55101-1479

U.S. Fish & Wildlife Service
P. O. Box 25486
Denver, CO 80225

National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

Chief, National Forest System
U.S. Department of Agriculture
201 14th St., SW (3rd fl.)
Washington, DC 20250



EVERY®

Shipping Labels

Laser

5163®

Recreation & Conservation Ctr.
National Park Service
U.S. Department of the Interior (#3622)
Washington, DC 20240

Chairman, County Commission
Pembina County
301 Dakota Street West
Cavalier, ND 58220

Victoria J. Rutson, Esq.
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

David A. Kastelic, Esq.
Vice President and General Counsel
Cenex Harvest States Cooperatives
P. O. Box 64089
St. Paul, MN 55164-0089

J. R. Simplot Co.
P. O. Box 27
Boise, ID 83707



**NORTH DAKOTA DEPARTMENT OF HEALTH
Environmental Health Section**

Location:

1200 Missouri Avenue
Bismarck, ND 58504-5264

Fax #:

701-328-5200

Mailing Address:

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

November 4, 2002

Fritz R. Kahn, P.C.
1920 N Street, NW, 8th Floor
Washington, D.C. 20036-1601

Re: Docket No. AB-845X
CHS Railroad Abandonment Between Mileposts 177.44 and 179.55
Pembina County, North Dakota

Dear Mr. Kahn:

This department has reviewed the information concerning the above-referenced project submitted under date of October 2, 2002, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and has no additional comments.

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

Sincerely,

A handwritten signature in black ink, appearing to read "L. David Glatt".

L. David Glatt, Chief
Environmental Health Section

LDG:cc

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

Air
Quality
701-328-5188

Municipal
Facilities
701-328-5211

Waste
Management
701-328-5166

Water
Quality
701-328-5210

Website: www.health.state.nd.us/ndhd/environ
Printed on recycled paper.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ROCK ISLAND DISTRICT, CORPS OF ENGINEERS
CLOCK TOWER BUILDING - P.O. BOX 2004
ROCK ISLAND, ILLINOIS 61204-2004

November 1, 2002

Planning, Programs, and
Project Management Division

Mr. Fritz R. Kahn, P.C.
Fritz R. Kahn, P.C. Law Offices
Eight Floor
1920 N Street, N.W.
Washington, D.C. 20036-1601

Dear Mr. Kahn:

I received your letter dated August 15, 2002, with the attached environmental report concerning SF&L Railway, Inc. proposed abandonment of its entire line, between Milepost 194.5 at La Harpe 61450 and Milepost 123.0 at Peoria 61607, a distance of 71.5 miles in Hancock, McDonough, Fulton, and Peoria Counties, Illinois. Rock Island District staff reviewed the information you provided and have the following comments:

- a. Your proposal does not involve Corps of Engineers (Corps) administered land; therefore, no further Corps real estate coordination is necessary.
- b. Any proposed placement of fill or dredged material into waters of the United States (including wetlands) requires Department of the Army (DA) authorization. We require details of any work proposed that involves a discharge of dredged or fill material into waters of the U.S. We will also need details of plans for the Spoon River Bridge. When detailed plans are available, please submit them to the Rock Island District for our review.
- c. The Responsible Federal Agency should coordinate with the Illinois State Historic Preservation Officer, Old State Capitol, Springfield, Illinois 62701 to determine impacts to historic properties.
- d. The Rock Island Field Office of the U.S. Fish and Wildlife Service should be contacted to determine if any federally listed endangered species are being impacted and, if so, how to avoid or minimize impacts. The Rock Island Field Office address is: 4469 - 48th Avenue Court, Rock Island, Illinois 61201. Mr. Rick Nelson is the Field Supervisor. You can reach him by calling 309/793-5800.

No other concerns surfaced during our review. Thank you for the opportunity to comment on your proposal. If you need more information, please call Mr. Randy Kraciun of our Economic and Environmental Analysis Branch, telephone 309/794-5174.

You may find additional information about the Corps' Rock Island District on our web site at <http://www.mvr.usace.army.mil>. To find out about other Districts within the Corps, you may visit web site: <http://www.usace.army.mil/divdistmap.html>.

Sincerely,

A handwritten signature in black ink, appearing to read "John P. Carr". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Carr".

John P. Carr
Acting Chief, Economic and
Environmental Analysis Branch



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

November 12, 2002

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

Dear Ms. Rutson:

The area in question on the map with the letter of October 2, 2002, from Fritz R. Kahn (enclosed), for the proposed abandonment of CHS Holdings, Inc. track between Milepost 177.44 and the end of the line at Milepost 179.55 in Joliette, a distance of 2.11 miles in Pembina County, North Dakota, STB Docket No. Not Provided, has been reviewed within the scope of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

As a result of this review, two geodetic station markers, A 59 and Z 58, have been identified that may be affected by the proposed abandonment; data sheets for these markers are enclosed. If there are any planned activities which could disturb or destroy these markers, NGS requires not less than 90 days' notification in advance of such activities in order to plan for their relocation.

If further information is needed for these geodetic station markers, my address is NOAA, N/NGS2, Room 8813, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, telephone: 301-713-3191, fax: 301-713-4324, e-mail: Ed.McKay@noaa.gov.

Sincerely,

Edward J. McKay
Chief, Spatial Reference System Division

Enclosures

cc: F. Kahn



Printed on Recycled Paper



LAW OFFICES
FRITZ R. KAHN, P.C.
EIGHTH FLOOR
1920 N STREET, N.W.
WASHINGTON, D.C. 20036-1801
(202) 263-4152
FAX (202) 331-8330
e-mail: xicgc@worldnet.att.net

October 2, 2002

National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

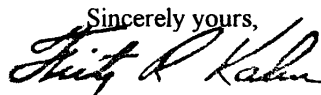
Dear Sir/Madam:

CHS Holdings, Inc. ("CHS") anticipates that on or about November 25, 2002, it will be filing a Verified Petition for Exemption seeking Surface Transportation Board authorization to abandon its line of railroad, between Milepost 177.44 and the end of the line at Milepost 179.55 in Joliette 58271, a distance of 2.11 miles in Pembina County, ND. Based on information in CHS's possession, the line does not contain federally granted rights-of-way. Any documentation in CHS's possession will be made available promptly to those requesting it. A map is enclosed.

CHS is in the process of preparing its environmental report, pursuant to 42 U.S.C. 4332, et seq., and 49 C.F.R. 1105.1, et seq., a copy of which will be provided you at the time of the Petition's filing. In the meantime, CHS requests an early expression of your views as to the effects, if any, of the proposed abandonment on the programs administered by your office.

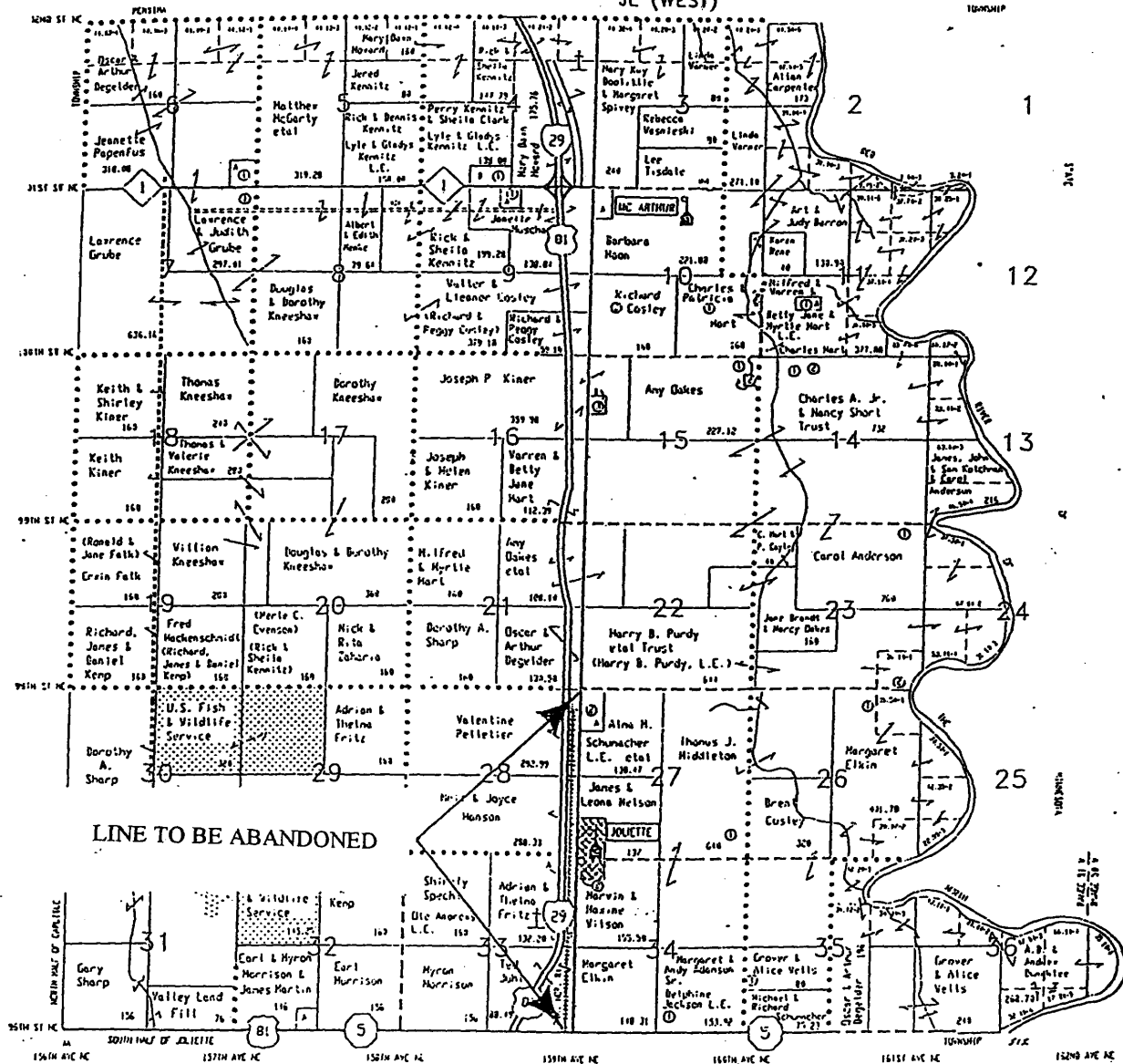
The line will be retained as a proprietary line by CHS's owner, and no tracks or ties will be removed. Accordingly, in CHS's view, the effect on the environment of the proposed abandonment should be insignificant.

The railroad is notifying you of this filing so that, if you require additional data or have any question concerning the STB's environmental review process, you will be able to contact me or the Section of Environmental Analysis, Surface Transportation Board, 1925 K street, NW, Washington, DC 20423 tel.: (202) 565-1538, referring to Docket No. AB-845X.

Sincerely yours,

Fritz R. Kahn

enc

cc: Victoria J. Rutson, Esq..



The NGS Data Sheet

See file dsdata.txt for more information about the datasheet.

DATABASE = Sybase , PROGRAM = datasheet, VERSION = 6.65

1 National Geodetic Survey, Retrieval Date = NOVEMBER 8, 2002

TD0295 *****

TD0295 DESIGNATION - A 59

TD0295 PID - TD0295

TD0295 STATE/COUNTY- ND/PEMBINA

TD0295 USGS QUAD - JOLIETTE (1979)

TD0295

TD0295 *CURRENT SURVEY CONTROL

TD0295

TD0295*	NAD 83(1986)	-	48 50 11.	(N)	097 13 39.	(W)	SCALED
---------	--------------	---	-----------	-----	------------	-----	--------

TD0295*	NAVD 88	-	243.718	(meters)	799.60	(feet)	ADJUSTED
---------	---------	---	---------	----------	--------	--------	----------

TD0295

TD0295	GEOID HEIGHT-	-26.78	(meters)				GEOID99
--------	---------------	--------	----------	--	--	--	---------

TD0295	DYNAMIC HT	-	243.784	(meters)	799.81	(feet)	COMP
--------	------------	---	---------	----------	--------	--------	------

TD0295	MODELED GRAV-	980,876.0	(mgal)				NAVD 88
--------	---------------	-----------	--------	--	--	--	---------

TD0295

TD0295 VERT ORDER - SECOND CLASS 0

TD0295

TD0295.The horizontal coordinates were scaled from a topographic map and have

TD0295.an estimated accuracy of +/- 6 seconds.

TD0295

TD0295.The orthometric height was determined by differential leveling

TD0295.and adjusted by the National Geodetic Survey in June 1991.

TD0295

TD0295.The geoid height was determined by GEOID99.

TD0295

TD0295.The dynamic height is computed by dividing the NAVD 88

TD0295.geopotential number by the normal gravity value computed on the

TD0295.Geodetic Reference System of 1980 (GRS 80) ellipsoid at 45

TD0295.degrees latitude (g = 980.6199 gals.).

TD0295

TD0295.The modeled gravity was interpolated from observed gravity values.

TD0295

TD0295;		North	East	Units	Estimated Accuracy
---------	--	-------	------	-------	--------------------

TD0295;SPC ND N	-	209,290.	840,170.	MT	(+/- 180 meters Scaled)
-----------------	---	----------	----------	----	-------------------------

TD0295

TD0295 SUPERSEDED SURVEY CONTROL

TD0295

TD0295	NGVD 29	-	243.311	(m)	798.26	(f)	ADJ UNCH	2 0
--------	---------	---	---------	-----	--------	-----	----------	-----

TD0295

TD0295.Superseded values are not recommended for survey control.

TD0295.NGS no longer adjusts projects to the NAD 27 or NGVD 29 datums.

TD0295.See file dsdata.txt to determine how the superseded data were derived.

TD0295

TD0295_MARKER: DB = BENCH MARK DISK

TD0295_SETTING: 7 = SET IN TOP OF CONCRETE MONUMENT

TD0295_STAMPING: A-59 1934

TD0295_STABILITY: C = MAY HOLD, BUT OF TYPE COMMONLY SUBJECT TO

TD0295+STABILITY: SURFACE MOTION

TD0295

TD0295	HISTORY	- Date	Condition	Report By
--------	---------	--------	-----------	-----------

TD0295	HISTORY	- 1934	MONUMENTED	CGS
--------	---------	--------	------------	-----

TD0295	HISTORY	- 1968	GOOD	NDHD
--------	---------	--------	------	------

TD0295

TD0295 STATION DESCRIPTION

TD0295

TD0295'DESCRIBED BY COAST AND GEODETIC SURVEY 1934

TD0295'9.6 MI S FROM PEMBINA.

TD0295'9.6 MILES SOUTH OF THE N.P.R. STATION AT PEMBINA. 1.3 MILES NORTH OF

TD0295'THE STATION AT JOLIETTE. 50 FT. NORTHEAST OF MILE POST NO. 180. 47

TD0295'FT. WEST OF CENTERLINE OF HY. NO. 44. 38 FT. EAST OF EAST RAIL OF

TD0295'TRACK. STANDARD TABLET SET IN TOP OF CONCRETE POST 6 IN. HIGH.

TD0295

TD0295

STATION RECOVERY (1968)

TD0295

TD0295'RECOVERY NOTE BY NORTH DAKOTA HIGHWAY DEPARTMENT 1968

TD0295'RECOVERED IN GOOD CONDITION.

*** retrieval complete.

Elapsed Time = 00:00:02

The NGS Data Sheet

See file dsdata.txt for more information about the datasheet.

DATABASE = Sybase ,PROGRAM = datasheet, VERSION = 6.65

1 National Geodetic Survey, Retrieval Date = NOVEMBER 8, 2002

TD0294 *****

TD0294 DESIGNATION - Z 58
 TD0294 PID - TD0294
 TD0294 STATE/COUNTY- ND/PEMBINA
 TD0294 USGS QUAD - JOLIETTE (1979)

TD0294

TD0294 *CURRENT SURVEY CONTROL

TD0294

TD0294*	NAD 83(1996) -	48 48 56.22762(N)	097 13 40.92872(W)	ADJUSTED
TD0294*	NAVD 88 -	243.188 (meters)	797.86 (feet)	ADJUSTED

TD0294

TD0294	LAPLACE CORR-	-5.36 (seconds)	DEFLEC99
--------	---------------	-----------------	----------

TD0294	GEOID HEIGHT-	-26.80 (meters)	GEOID99
--------	---------------	-----------------	---------

TD0294	DYNAMIC HT -	243.253 (meters)	798.07 (feet)	COMP
--------	--------------	------------------	---------------	------

TD0294	MODELED GRAV-	980,872.2 (mgal)	NAVD 88
--------	---------------	------------------	---------

TD0294

TD0294 HORZ ORDER - THIRD

TD0294 VERT ORDER - SECOND CLASS 0

TD0294

TD0294.The horizontal coordinates were established by classical geodetic methods

TD0294.and adjusted by the National Geodetic Survey in January 1998.

TD0294

TD0294.The orthometric height was determined by differential leveling

TD0294.and adjusted by the National Geodetic Survey in June 1991.

TD0294

TD0294.The Laplace correction was computed from DEFLEC99 derived deflections.

TD0294

TD0294.The geoid height was determined by GEOID99.

TD0294

TD0294.The dynamic height is computed by dividing the NAVD 88

TD0294.geopotential number by the normal gravity value computed on the

TD0294.Geodetic Reference System of 1980 (GRS 80) ellipsoid at 45

TD0294.degrees latitude (g = 980.6199 gals.).

TD0294

TD0294.The modeled gravity was interpolated from observed gravity values.

TD0294

TD0294;		North	East	Units	Scale	Converg.
---------	--	-------	------	-------	-------	----------

TD0294;SPC ND N	-	206,977.403	840,229.835	MT	1.00001736	+2 26 05.2
-----------------	---	-------------	-------------	----	------------	------------

TD0294;UTM 14	-	5,408,473.382	630,080.938	MT	0.99980788	+1 20 01.5
---------------	---	---------------	-------------	----	------------	------------

TD0294

TD0294 SUPERSEDED SURVEY CONTROL

TD0294

TD0294	NAD 83(1986) -	48 48 56.21867(N)	097 13 40.91797(W)	AD() 3
--------	----------------	-------------------	--------------------	---------

TD0294	NAD 27 -	48 48 56.26920(N)	097 13 39.66636(W)	AD() 3
--------	----------	-------------------	--------------------	---------

TD0294	NGVD 29 -	242.785 (m)	796.54 (f)	ADJ UNCH 2 0
--------	-----------	-------------	------------	--------------

TD0294

TD0294.Superseded values are not recommended for survey control.

TD0294.NGS no longer adjusts projects to the NAD 27 or NGVD 29 datums.

TD0294.See file dsdata.txt to determine how the superseded data were derived.

TD0294

TD0294_MARKER: DB = BENCH MARK DISK

TD0294_SETTING: 7 = SET IN TOP OF CONCRETE MONUMENT

TD0294_STAMPING: Z-58 1934

TD0294_STABILITY: C = MAY HOLD, BUT OF TYPE COMMONLY SUBJECT TO

TD0294+STABILITY: SURFACE MOTION

TD0294

TD0294	HISTORY	- Date	Condition	Report By
TD0294	HISTORY	- 1934	MONUMENTED	CGS
TD0294	HISTORY	- 1968	GOOD	NDHD
TD0294	HISTORY	- 1970	GOOD	USGS
TD0294	HISTORY	- 1990	GOOD	NDWC

TD0294

TD0294

TD0294

STATION DESCRIPTION

TD0294'DESCRIBED BY COAST AND GEODETIC SURVEY 1934

TD0294'11.1 MI S FROM PEMBINA.

TD0294'11.1 MILES SOUTH OF THE N.P.R. STATION AT PEMBINA. 0.5 OF MILE NORTH

TD0294'OF MILE POST NO. 178. 0.2 OF MILE SOUTH OF THE STATION AT JOLIETTE.

TD0294'300 YDS. SOUTH OF A ROAD CROSSING THE TRACK. 74 FT. WEST OF

TD0294'CENTERLINE OF U. S. HY. 81. 35.1 FT. EAST OF EAST RAIL OF TRACK.

TD0294'STANDARD TABLET SET IN TOP OF CONCRETE POST 8 IN. HIGH.

TD0294

TD0294

STATION RECOVERY (1968)

TD0294

TD0294

TD0294'RECOVERY NOTE BY NORTH DAKOTA HIGHWAY DEPARTMENT 1968

TD0294'RECOVERED IN GOOD CONDITION.

TD0294

TD0294

STATION RECOVERY (1970)

TD0294

TD0294

TD0294'RECOVERY NOTE BY US GEOLOGICAL SURVEY 1970

TD0294'PEMBINA, 11.1 MI S. OF ALONG N.P. RR. 0.2 MI S. OF JOLIETTE STATION.

TD0294'900 FT S. OF RD. 66 FT W. OF CENTER OF OLD U.S. HWY. 81. 35.5 FT E.

TD0294'OF E. RAIL. 1 FT N. OF A METAL WITNESS POST. IN CONCRETE POST. USC

TD0294'AND GS STANDARD DISK STAMPED---Z 58---. NOTE--DESCRIPTION ABOVE

TD0294'REFLECTS CHANGES IN DISTANCES TO LOCAL OBJECTS. MARK FOUND IN GOOD

TD0294'CONDITION.

TD0294

TD0294

STATION RECOVERY (1990)

TD0294

TD0294

TD0294'RECOVERY NOTE BY NORTH DAKOTA WATER COMMISSION 1990 (LK)

TD0294'RECOVERED IN GOOD CONDITION.

*** retrieval complete.

Elapsed Time = 00:00:02

DRAFT FEDERAL REGISTER NOTICE

STB Docket No. AB-845X

VERIFIED PETITION FOR
EXEMPTION TO ABANDON

On November 25, 2002, CHS Holdings, Inc., filed with the Surface Transportation Board, Washington, DC 20423, a Verified Petition for Exemption for the abandonment of its entire line of railroad, extending between Milepost 177.44 and the end of the line at Milepost 179.55, a distance of 2.110 miles in Joliette 58271, Pembina County, North Dakota. The railroad line traverses U.S. Postal Service Zip Code 58271. It connects with The Burlington Northern and Santa Fe Railway Company at Joliette..

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

As this is a whole-line abandonment, employee protective conditions are not expected to be imposed.

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after

notice of the filing of the petition for exemption is published in the Federal Register.

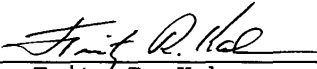
Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 C.F.R. 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) prepared by the Section of Environmental Analysis will be served upon all parties or record an upon any agencies or other persons who commented during its preparation. Any other person who would like to obtain a copy of the EA may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

CERTIFICATE OF SERVICE

I certify that I this day have served copies of the foregoing Verified Petition for Exemption, including the Environmental Report, by prepaid first-class mail upon each of the parties on the attached list.

Dated at Washington, DC, this 25th day of November 2002.


Fritz R. Kahn

Natural Resources Conservation Service
4023 North State Street (#30)
Bismark, ND 58503

Environmental Health Section
P. O. Box 5520
Bismark, ND 58506-5520

State Historic Preservation Officer
612 East Boulevard Avenue
Bismark, ND 58505-0830

State Single Point of Contact
Governor's Office - Dept 101
600 East Boulevard Avenue
Bismark, ND 58505-3001

President, Public Service Commission
600 East Boulevard Avenue (12th fl.)
Bismark, ND 58505-0480

U.S. Environmental Protection Agency
999 18th Street (#500)
Denver, CO 80202-2466

U.S. Army Engineer District
180 East Kellogg Blvd. (#1421)
St. Paul, MN 55101-1479

U.S. Fish & Wildlife Service
P. O. Box 25486
Denver, CO 80225

National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

Chief, National Forest System
U.S. Department of Agriculture
201 14th St., SW (3rd fl.)
Washington, DC 20250



Smooth Feed Sheets™

Use template for 5163®

Recreation & Conservation Ctr.
National Park Service
U.S. Department of the Interior (#3622)
Washington, DC 20240

Chairman, County Commission
Pembina County
301 Dakota Street West
Cavalier, ND 58220

Victoria J. Rutson, Esq.
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

David A. Kastelic, Esq.
Vice President and General Counsel
Cenex Harvest States Cooperatives
P. O. Box 64089
St. Paul, MN 55164-0089

J. R. Simplot Co.
P. O. Box 27
Boise, ID 83707