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DEC 31 2003

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December 23, 2003

209754

The Honorable Vernon Williams
Secretary, Surface Transportation Board
1925 K Street NW
Washington D.C. 20423-0001

Re: Hennepin County Regional Railroad Authority - Abandonment of a Line of
Railroad located in McLeod, Carver and Hennepin Counties, MN, between
milepost 24.6 and milepost 68.5 (U.S. Postal Zip Codes 55323, 55350, 55354,
55356, 55360, 55361, 55364, 55367, 55375, 55381, 55384, 55387, and 55391)
- STB Docket No.: AB-864 (Sub-No. 1X)

Dear Secretary Williams:

Please find enclosed for filing the original and ten copies of Hennepin County
Regional Railroad Authority's Environmental and Historical Report pursuant to 49 CFR
1105. A 3 1/2 inch disc with the report in WordPerfect format is enclosed, along with
one unbound copy of the report. I have enclosed a duplicate copy of this letter and a
self addressed, stamped envelope to be stamped with the filing date and returned to the
undersigned.

By copy of this letter, the parties on the attached service list are being served
via U.S. Mail.

If you have any questions regarding the above referenced matter, please feel
free to contact me.



MJM:kd
Enclosure

C: Parties on the Attached Service List
Marcia Wilda

Sincerely,

MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

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BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

209754

HENNEPIN COUNTY REGIONAL RAILROAD	)	
AUTHORITY (HCRRA) – ABANDONMENT	)	DOCKET No. AB-864
EXEMPTION, LOCATED IN MCLEOD, CARVER,	)	(SUB-No. 1X)
AND HENNEPIN COUNTIES, MINNESOTA	)	

NOTICE OF EXEMPT ABANDONMENT OF A LINE OF RAILROAD LOCATED BETWEEN MILE POST 24.6 +/-
NEAR WAYZATA AND MILE POST 68.5 +/- IN HUTCHINSON, MCLEOD, CARVER AND HENNEPIN
COUNTIES, MINNESOTA, WHICH TRAVERSES THROUGH UNITED STATES POSTAL ZIP CODES 55323,
55350, 55354, 55356, 55360, 55361, 55364, 55367, 55375, 55381, 55384, 55387, AND 55391

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

Hennepin County Regional Railroad Authority

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DATE OF FILING: DECEMBER 23, 2003



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

HENNEPIN COUNTY REGIONAL RAILROAD)	
AUTHORITY (HCRRA) – ABANDONMENT)	
EXEMPTION, LOCATED IN MCLEOD,)	DOCKET No. AB-864
CARVER, AND HENNEPIN COUNTIES,)	(SUB-No. 1X)
MINNESOTA	

NOTICE OF EXEMPT ABANDONMENT OF A LINE OF RAILROAD LOCATED BETWEEN MILE POST 24.6 +/- NEAR WAYZATA AND MILE POST 68.5 +/- IN HUTCHINSON, MCLEOD, CARVER AND HENNEPIN COUNTIES, MINNESOTA, WHICH TRAVERSES THROUGH UNITED STATES POSTAL ZIP CODES 55323, 55350, 55354, 55356, 55360, 55361, 55364, 55367, 55375, 55381, 55384, 55387, AND 55391

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

The following information is submitted to the Surface Transportation Board by Hennepin County Regional Railroad Authority ("HCRRA"), a political subdivision of the State of Minnesota, in accordance with the Board's reporting requirements as set forth in 49 C.F.R. Section 1105.7, for the purpose of assisting the Board in its preparation of an environmental document regarding HCRRA's Notice of Exemption under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the abandonment of a 43.9 mile line of railroad located between Mile Post 24.6 +/- near Wayzata and Mile Post 68.5 +/- in Hutchinson, McLeod, Carver and Hennepin Counties, Minnesota, which traverses through United States Postal Zip Codes 55323, 55350, 55354, 55356, 55360, 55361, 55364, 55367, 55375, 55381, 55384, 55387, and 55391.

REQUIREMENTS OF 49 C.F.R. SECTION 1105.7 (49 C.F.R. Ch. X)

Section 1105.7(b)(1) – (11) Distribution:

(b) At least 20 days prior to filing with the Board a notice of exemption, petition for exemption, or an application for abandonment or discontinuance the applicant must serve copies of the Environmental Report on:

(1) The State Clearinghouse of each State involved (or other state equivalent agency if the State has no clearinghouse);

- (2) The State Environmental Protection Agency of each State involved;
- (3) The State Coast Zone Management Agency for any state where the proposed activity would affect land or water uses within that State's coastal zone;
- (4) The head of each county (or comparable political entity including any Indian reservation) through which the line goes;
- (5) The appropriate regional offices of the Environmental Protection Agency;
- (6) The U.S. Fish and Wildlife Service;
- (7) The U.S. Army Corps of Engineers;
- (8) The National Park Service;
- (9) The U.S. Soil Conservation Service;
- (10) The National Geodetic Survey (formerly known as the Coast and Geodetic Survey) as designated agent for the National Geodetic Survey and the U.S. Geological Survey; and;
- (11) Any other agencies that have been consulted in preparing the report.

(See attached List of Parties Consulted and Certificate of Service – Attachment 1)

Section 1105.7(c) Certification of Service of Environmental Report:

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

(See attached List of Parties Consulted and Certificate of Service – Attachment 1)

Section 1105.7(c) Publication of Newspaper Notice of Intent to Abandon:

Finally, in every abandonment exemption case, applicant shall certify that it has published in a newspaper of general circulation in each county through which the line passes a notice that alerts the public to the proposed abandonment, to available reuse alternatives, and to how it may participate in the STB proceeding.

The Notice of Publication specified at 49 C.F.R. Part 1105.12 was published on December 11, 2003, in the *Waconia Patriot* and the *Glencoe Enterprise*; on December 12, 2003 in the *Chaska Herald*, and on December 12, 2003 in the *Finance and Commerce*. (See Attachment 2, a copy of the newspaper notices, Certificate of Counsel, and Affidavits of Publication.)

Section 1105.7(d) Documentation:

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

All of the agencies referenced at 49 C.F.R. Part 1105.7(b) (1) – (10) were contacted by letters dated November 25, 2003, to solicit comments (See Exhibits No. 2 & 3). Input received as of this date has been incorporated along with HCRRA's analysis, and copies of written responses are included in Exhibit No. 2. Subsequent written comments may be received by SEA and HCRRA.

ATTACHMENT AND EXHIBIT LIST FOR COMBINED ENVIRONMENTAL AND HISTORIC REPORTS

Environmental Report

Attachment 1	Certificate of Service of Environmental and Historic Reports, Service List and List of Parties Consulted and Certificate of Service on State Historic Preservation Officer
Attachment 2	Certification of Publication in Newspapers
Exhibit 1	Map of Abandonment
Exhibit 2	Letters Requesting Environmental Comment For Which Written Responses Were Received and Written Responses
Exhibit 3	Letters Requesting Environmental Comment for Which No Written Response Was Received

Historic Report

Exhibit 1	Map of Abandonment (same as Exhibit 1 of the Environmental Report and not copied here)
Exhibit 2	U.S.G.S. Map
Exhibit 3	Photographs of Railroad Structures
Exhibit 4	Executive Summary of Phase I Environmental Report

ENVIRONMENTAL REPORT
(49 C.F.R. 1105.7)
Docket No. **AB-864 (Sub.-No.1X)**
HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY
--ABANDONMENT EXEMPTION--
(BETWEEN WAYZATA AND HUTCHINSON)
IN MCLEOD, CARVER, AND HENNEPIN COUNTIES, MINNESOTA

- (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.

Hennepin County Regional Railroad Authority ("HCRRA"), a political subdivision of the State of Minnesota, proposes to abandon its entire 43.9-mile rail line from milepost 24.6, near Wayzata, to the end of the line at milepost 68.5, in Hutchinson, a distance of approximately 43.9 miles, in McLeod, Carver, and Hennepin Counties, MN. The line traverses U.S. Postal Service Zip Codes 55323, 55350, 55354, 55356, 55360, 55361, 55364, 55367, 55375, 55381, 55384, 55387, and 55391, and includes the stations of Wayzata at milepost 24.6, Crystal Bay at milepost 27.5, Minnetonka Beach at milepost 29.0, Spring Park at milepost 30.6, Mound at milepost 32.5, St. Bonifacius at milepost 37.0, Mayer at milepost 45.0, New Germany at milepost 48.7, Lester Prairie at milepost 52.5, Silver Lake at milepost 60.2, and Hutchinson at milepost 68.5 (the "Line"). The Line has not carried freight rail traffic for over three and one-half years. The last movement of traffic on the Line was on May 16, 2000. (According to a news report in the *Hutchinson Leader*, the last date was June 14, 2000.) Upon receipt of abandonment authority, HCRRA intends to preserve the Line for future rail and other compatible public transportation uses.

The Line has been troubled in recent years. In the mid-1980's, Burlington Northern Railroad Company (BN) sought and received approval for abandonment of the Line. BN consummated abandonment of the Line on September 16, 1985. *Burlington Northern Railroad Company-Abandonment in Hennepin, Carver and McLeod Counties, MN*, ICC Docket No. AB-6 (Sub. No. 247) (ICC served August 12, 1985) and *Dakota Rail, Inc.-Petition for Exemption from 49 U.S.C. 10901, 10903, and 11301*, ICC Finance Docket No. 30721 (ICC served November 14, 1985), affirmed in decision served April 10, 1986. Dakota Rail, Inc., then, acquired the Line and began operations on it.

In 1990, by order of bankruptcy court, new owners took over Dakota Rail, Inc. and took over operations on the Line. In 1995 RailAmerica, Inc. acquired Dakota Rail, Inc. and continued operations over the Line as Dakota Rail, Inc. On February 2, 1999, it embargoed the Line. Then on January 10, 2000, due to track conditions, it reissued an embargo of the Line. The embargo was limited to hazardous materials and dangerous commodities. This embargo superseded the February, 1999 embargo. On May 16, 2000, it extended the embargo to all stations and limited traffic to a "permit-only basis." Later on November 8, 2000 it lifted the embargo for non-hazardous materials and dangerous commodities as to all stations except Hutchinson due to the bridge condition at Milepost 67.9. Despite Dakota Rail, Inc.'s lifting of the embargo, it moved no traffic on the Line for the duration of its ownership. The final traffic movement on the Line was on May 16, 2000.

On August 13, 2001, Dakota Rail, Inc. (RailAmerica, Inc.) filed for approval to abandon the Line. *Dakota Rail Abandonment Inc.-Abandonment Exemption-(Between Wayzata and Hutchinson) in McLeod, Carver and Hennepin Counties, MN*, Docket No. AB-472 (Sub-

No. 1X). Several shippers and the three local political subdivisions responsible for the preservation of rail corridors for present and future transportation uses (HCRRA, McLeod County Regional Railroad Authority and Carver County Regional Railroad Authority) through whose counties the Line runs, opposed the abandonment.

HCRRA acquired the Line on December 28, 2001, from Dakota Rail, Inc. under the financial assistance provisions of 49 U.S.C. Sec. 10904 for continued rail service. *Dakota Rail, Inc. Abandonment Exemption-in McLeod, Carver and Hennepin Counties, MN*, STB Docket No. AB-472 (Sub-No.1X). At least three shippers expressed an interest in restoration of freight rail service. The State of Minnesota provided financing for acquisition of the Line under the State's rail service and rail right-of-way preservation program.

Prior to seeking abandonment of the Line, Dakota Rail, Inc. had transported plastic, lumber, scrap steel and chemicals over the Line. Traffic was interrupted by several embargoes placed on the Line by Dakota Rail, Inc. Dakota Rail, Inc. embargoed the Line on February 2, 1999. Then on February 2, 2000, due to track conditions Dakota Rail imposed another embargo that limited the embargo to hazardous materials and dangerous commodities only. On May 16, 2000, Dakota Rail, Inc. extended the embargo to all stations and limited traffic to a "permit-only basis." It later lifted the embargo for non-hazardous materials and dangerous commodities on November 8, 2000 as to all stations except Hutchinson due to the bridge condition at Milepost 67.9. Dakota Rail, Inc. offered to move traffic on a permit-only basis for the duration of Dakota Rail, Inc.'s ownership. The last movement of traffic on the Line was May 16, 2000.

Prior to the embargo, Dakota Rail, Inc. provided service on an as needed basis. It was

transporting an average of about 420 carloads annually over the Line. Dakota Rail, Inc. concluded that revenue was insufficient to accomplish necessary repair and rehabilitation of the track structures due to the low volume of traffic and that no public funding was available for that purpose. (The track consists of 34.77 miles of 56-lb. rail, 8.75 miles of 66-lb. rail and 0.14 miles of 90-lb. Rail; the 56 lb. and the 66 lb. rails were rolled in 1888.)

HCRRA has been unable to resume freight railroad service. HCRRA is not an operating railroad, nor does it hold itself out to be. All freight rail operations over HCRRA's lines are (and have been) conducted by third party operators. Just as with other rail lines owned by HCRRA, restoration of freight service to the Dakota Rail Line is dependent upon HCRRA obtaining a rail operator willing and able to provide freight rail operations and to bear the financial risk of providing those rail operations.¹

HCRRA commissioned a feasibility study for restoration of freight rail service and solicited proposals from potential rail operators for lease of the Line for freight rail operations. The feasibility study examined potential traffic from past and potential shippers, including those shippers who opposed abandonment of the Line by Dakota Rail, Inc.; and analyzed the infrastructure on the Line. HCRRA sent requests for lease proposals to several potential operators and to others that had expressed an interest in providing rail operations on the Line. Potential operators were responsible for performing their own due diligence studies. None

¹ HCRRA has acquired several rail corridors to preserve them for future rail uses. One rail line (Dome Spur), since abandoned for freight rail service, is now part of the Hiawatha Light Rail Transit Line. The Hiawatha Line will begin passenger rail service in April 2004. Another line (Kenilworth Corridor) continues to carry freight rail traffic by third party operators. Another (29th Street Corridor) supported freight rail operations by a third party for several years after HCRRA's acquisition. The 29th Street Corridor has been recently abandoned for freight rail service. It connects to the Hiawatha Light Rail Transit Line and is designed for multi-modal use, including light rail transit and bicycle.

submitted a lease proposal to HCRRA; and none requested a copy of HCRRA's feasibility study.

HCRRA's feasibility study concluded that restoration of freight rail service is not economically feasible. There is an insufficient volume of available traffic remaining on the Line to support resumed rail operations. If freight service were restored, key segments of the businesses that previously moved by rail on the Line would have significantly reduced volumes for rail traffic or would have no traffic at all. Additionally, due to the dormancy of the Line during Dakota Rail, Inc.'s ownership, shippers have made alternative non-rail arrangements to move their products. Several have determined that non-rail alternatives provide greater flexibility and efficiency for their "just-in-time" material needs. The capital necessary to bring the poor condition of the rail line back to operating condition and to start rail operations anew is too substantial in comparison to the potential revenue stream that could be obtained from business on the Line.

The only alternative to abandonment would be not to abandon the Line. Based upon the conclusions of the feasibility study and the failure of any operators to submit lease proposals for freight rail operations, HCRRA has decided to seek abandonment of the Line. After abandonment, the rail will be salvaged, but the corridor will be kept intact and preserved for future rail and other public transportation uses. A map of the proposed abandonment is attached hereto as Exhibit 1.²

(2) Transportation System. Describe the effects of the proposed action on regional

² The copy of the map that accompanied the information-gathering letters sent to the list of parties consulted has been removed from those letters. See Attachment 1. That map was the same as the map in Exhibit 1 accompanying this Environmental Report.

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 traffic will be diverted to other modes as a result of the proposed abandonment. The Line has had no rail operations since May 16, 2000. Hence, no existing rail freight traffic will be diverted to motor carrier. Prior to that date, the previous owner, Dakota Rail, Inc., handled 420 cars per year over the Line. Since no traffic has run on the line for the last three and one-half years, no rail traffic will be diverted to other transportation systems or modes as a result of abandonment. Accordingly, the proposed abandonment will have no adverse effects on regional or local transportation systems and patterns.

(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) HCRRA considers the proposed abandonment to be consistent with existing land use plans. HCRRA desires to retain the corridor as an intact linear rail transportation corridor without reduction in width or size to maximize its potential use as a multi-modal rail transportation corridor. From Wayzata to Crystal Lake the land adjoining the Line is residential. From that point west to Hutchinson, the land adjoining the Line is generally rural, except where the Line passes through a town. Once in Hutchinson, an urban area abuts the Line.

HCRRA contacted several local planning commissions and the Metropolitan Council,

which is the planning agency for the seven county Twin Cities metropolitan area to identify consistency with existing land use plans. See Attachment 1, List of Parties Consulted.

HCRRA has not received a response from the Metropolitan Council, but has reviewed the Council's planning documents and believes that the abandonment is consistent with the planning documents. The Metropolitan Council is the regional planning agency for the seven-county metropolitan area of the Twin Cities, Minnesota. The Metropolitan Council is responsible for operations of the metro area's first light rail transit line (the Hiawatha LRT Line). The Hiawatha Line is located, in part, on the Dome Spur that HCRRA acquired in 1991 for future passenger rail use. The proposed action is consistent with the *Draft 2030 Regional Development Framework of the Metropolitan Council*, Policy 2 to "plan and invest in multi-modal transportation choices, based on the full range of costs and benefits, to slow the growth of congestion and serve the region's economic needs" and the Council's draft strategy to "develop a network of transitways...in heavily travel corridors...with a range of possibilities- light rail, commuter rail and exclusive busways." Metropolitan Council, p. 10-11 October 15, 2003. See, *Draft 2030 Regional Development Framework*, <<http://www.metrocouncil.org/planning/framework/documents.htm>> . See also the Metropolitan Council's *Transportation Policy Plan-Preservation of Linear Rights of Way* policy that supports "an interagency approach to preserve abandoned railroad right of way...to accommodate a variety of public uses for transportation, recreation and habitat preservation purposes. Multiple uses can coexist and may change over time to serve changing transportation and public uses." Letter, Jay Lindgren, Regional Administrator, Metropolitan Council, November 19, 2001 to Surface Transportation Board in support of preserving Dakota

Rail Line for future public uses in the proceedings of *Dakota Rail Abandonment Inc.- Abandonment Exemption-(Between Wayzata and Hutchinson) in McLeod, Carver and Hennepin Counties, MN*, Docket No. AB-472 (Sub-No. 1X). The *Transportation Policy Plan* is under review and will be updated in accordance with the *Final 2030 Regional Development Framework* that the Metropolitan Council anticipates will be finalized in early 2004.

HCRRA has received written responses from the cities of Mound, Spring Park and the Village of Minnetonka Beach. See Exhibit 2. The City of Mound identifies the abandonment as an enhancement to its community. The City of Spring Park states that the abandonment is consistent with the city's future land use and its recently approved Comprehensive Plan. The City of the Village of Minnetonka Beach requested copies of all documents relative to the proposed abandonment process. HCRRA has sent the requested material to the city. See Exhibit 2. A copy of this report has been mailed to the appropriate local and state agencies for their information and further comment. See Attachment 1.

(ii) HCRRA notified the United States Department of Agriculture ("USDA") Soil Conservation Service of the proposed abandonment and requested assistance in identifying any potential effects on prime agricultural land. See Exhibit 3. HCRRA has not received a response. A copy of this report is being supplied to the USDA for its information and further comment. See Attachment 1.

(iii) The Line does not pass through a designated coastal zone.

(iv) The Line, as described in item (i) above, is most suitable for future rail and other public transportation uses. HCRRA acquired the Dakota Rail Line for the purposes of continuing freight rail service on the Line, if economically feasible, and to preserve the Line

for future rail use. The Dakota Rail Line traverses through an area of Lake Minnetonka between the cities of Wayzata and Mound parallel to Hennepin County Highway 15 for which there are limited transportation solutions for growing traffic congestion and there are increasing corridor capacity shortfalls. Many of the residents along the Line work in downtown Minneapolis and experience congestion on all major arterials entering the city. The Line has the potential to connect with the Burlington Northern Santa Fe Railroad as a commuter rail line or with HCRRA's Southwest Corridor. Both would have downtown terminals at a Light Rail Transit/Commuter Rail/Bus multi-modal station at 5th Street North/5th Avenue North in Minneapolis. The Line will provide a needed transportation alternative for years to come.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) The proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

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

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have minimal effect on overall energy efficiency in that no traffic has traversed along the Line since May 16, 2000.

(iv) The proposed abandonment will not cause the diversion of more than 1,000 rail carloads a year; or an average of 50 rail carloads per mile per year for any part of the Line of

rail traffic 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 rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic 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. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (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 the State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If 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.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) 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 grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety in that with the proposed abandonment, public and private grade crossings will no longer bear freight traffic that might impair public safety.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) A predecessor of HCRRA, either Burlington Northern, Inc. or the Great Northern Railway Company leased property adjacent to the Line to an oil company in St. Bonifacius that has resulted in contamination of the right-of-way there. HCRRA has removed the tanks, which were the source of the contamination, and is in the process of obtaining a file closure letter from the Minnesota Pollution Control Agency. As part of its pre-acquisition Phase I environmental investigation, HCRRA identified several sites with potential contamination on the Line. These are identified in the Phase I report, a summary of which is attached here. See Exhibit 4 to the Historical Report submitted with this Environmental Report. HCRRA contacted the Minnesota Pollution Control Agency (MPCA) in preparation of this report and has received a telephone reply from Gary Eddy (651-296-7758) and Elise Doucette, Pollution Control Specialist (651-296-7290) from the agency requesting more

information. See Exhibit 3. HCRRA has responded to the agency's request for further information regarding removal of rail and salvage of the Line. A copy of this Report has been supplied to the MPCA for its information and further comment. See Attachment 1.

(8) Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) HCRRA has sent a request for comments to the U.S. Fish and Wildlife Service.

The U.S Fish and Wildlife Service-Twin Cities Field Office, Dan P. Stinnett, Field Supervisor, has responded by written response that the proposed action is not likely to adversely affect any federally listed or proposed threatened or endangered species or adversely modify their critical habitat, accordingly precluding the need for further action on this project as required under section 7 of the Endangered Species Act of 1973, as amended. See Exhibit 2. U.S. Fish and Wildlife Service-Litchfield Wetlands Management District, Scott Glup, Project Leader (320-693-2849) has responded on 12-23-03 with questions and based upon the information provided to him, indicated that he saw no significant impact and would follow-up with a letter regarding this conclusion. A copy of this Report has been supplied to the U.S. Fish and Wildlife Service for its information and further comment. See Attachment 1.

(ii) HCRRA is unaware of any wildlife sanctuaries or refuges, National or State parks or forests that would be adversely affected by the proposed abandonment. HCRRA notified the National Parks Service of the proposed abandonment and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. To date, no response to this request has been received. See Exhibit 3. A copy of this Report is being supplied to the National Park Service for its information and comment. See Attachment 1.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) HCRRA is confident that the proposed abandonment will be consistent with applicable water quality standards. HCRRA contacted the Minnesota Department of Natural Resources (“MNDNR”) and the United States Environmental Protection Agency (“USEPA”). HCRRA has received no response from either MNDNR or USEPA. See Exhibit 3. A copy of this Report has been supplied to the MNDNR and USEPA for their information and further comment. See Attachment 1.

(ii) HCRRA believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment. HCRRA contacted the U.S. Army Corps of Engineers and has received no response. See Exhibit 3. A copy of this Report has been supplied to the U.S. Army Corps of Engineers for its information and comment. See Attachment 1.

(iii) HCRRA believes that no permit under section 402 of the Clean Water Act would be required for track removal. HCRRA contacted the MNDNR and the USEPA and has had no response. See Exhibit 3. A copy of this Report has been supplied to the MNDNR and USEPA for their information and further comment. See Attachment 1.

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

HCRRA does not expect any adverse environmental impact from the proposed

abandonment and, therefore, sees no need for any mitigating actions. HCRRA will, of course, adhere to any remedial actions suggested by the recipients of this Report, which are required by the Board.

END OF REPORT

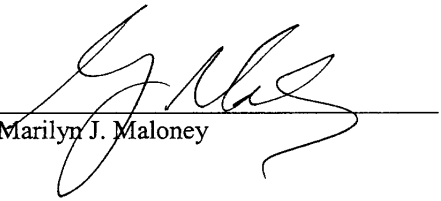
ATTACHMENT 1

**(Certification of Service of Environmental and Historic Report,
Service List, and List of Parties Consulted, and
Certificate of Service on State Historic Preservation Officer of Historic Report)**

CERTIFICATE OF COMPLIANCE WITH SERVICE REQUIREMENT
FOR ENVIRONMENTAL AND HISTORIC REPORTS

The undersigned hereby certifies that she served the Environmental and Historic Reports for the proposed abandonment in Docket No. AB 864 (Sub-No. 1X) via first class U.S. Mail, on December 23, 2003, as required by C.F.R. Section 1105.7 (c), to the parties listed on the attached Service List. Further the undersigned certifies that she served the Historic Report for the proposed abandonment via first class U.S. Mail, on the appropriate State Historic Preservation Officer on December 5, 2003.

Dated: December 23, 2003


Marilyn J. Maloney

SERVICE LIST FOR
ENVIRONMENTAL & HISTORIC REPORT
STB DOCKET NO. AB-864 (SUB-NO. 1X)

And List Of Parties Consulted

FEDERAL AGENCIES

Appropriate Regional Office(s) of the
U.S. Environmental Protection Agency

U.S. Environmental Protection Agency
Region 5
77 W. Jackson Blvd.
Mail Code: MP-10J
Chicago, IL 60604

U.S. Environmental Protection Agency State Official

Minnesota Department of Natural Resources
500 Lafayette Rd.
St. Paul, MN 55155-4040

U.S. FISH AND WILDLIFE SERVICE

U.S. Fish and Wildlife Service
Region 3
One Federal Drive
Federal Drive
Fort Snelling, MN 55111

Scott Glup, Project Leader
Litchfield Wetlands Management District
U.S. Fish and Wildlife Service
22274 – 615 Avenue
Litchfield, MN 55355

Dan P. Stinnett, Field Supervisor
U.S. Department of the Interior
Fish and Wildlife Service
Twin Cities Field Office
4101 East 80th Street
Bloomington, MN 55425-1665

U.S. ARMY CORPS OF ENGINEERS

U.S. Army Corp. of Engineers
St. Paul District
Attn: Joe Yanta
190 5th St. East
St. Paul, MN 55101-1638

NATIONAL PARK SERVICE

National Center for Recreation and Conservation
Office of the Director
1849 C Street, NW
Washington, DC 20240

U.S. SOIL CONSERVATION SERVICE

State Conservationist-USDA Soil Conservation Service
600 Farm Credit Building
375 Jackson St.
St. Paul, MN 55101-1854

NATIONAL GEODETIC SURVEY

DOC/NOAA
National Geodetic Survey N/NGS23
Attn: Frank Maida
1315 East West Highway Station 8736
Silver Spring, MD 20910-3282

STATE AGENCIES

STATE CLEARINGHOUSE

The State of Minnesota has no designated clearinghouse

STATE DEPARTMENT OF TRANSPORTATION

Minnesota Rail Service Improvement Program
Office of Freight & Commercial Vehicle Operations
Department of Transportation
Al Vogel
1110 Centre Point Curve
Mail Stop 420
Mendota Heights, MN 55120

STATE ENVIRONMENTAL PROTECTION AGENCY

Minnesota Department of Natural Resources
500 Lafayette Rd.
St. Paul, MN 55155-4040

Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

Minnesota Office of Environmental Assistance
520 Lafayette Road
N Floor 2
St. Paul, MN 55155-4100

STATE HISTORIC PRESERVATION OFFICE

Mr. Dennis Gimmestad
Minnesota Historical Society
State Historic Preservation Office
Director, Review and Compliance Department
345 Kellogg Boulevard West
St. Paul, MN 55102-1906

**OTHER POLITICAL ENTITIES and/or INDIAN RESERVATIONS
THROUGH WHICH THE LINE RUNS**

CARVER COUNTY

Chair of Board
Carver County Board of Commissioners
600 East 4th St.
Chaska, MN 55318

Bob Hendricks
Carver County Attorney's Office
Carver County Government Center
Justice Center
600 East 4th Street
Chaska, MN 55318

HENNEPIN COUNTY

Chair of Board
Hennepin County Board of Commissioners
A2400 Government Center
300 South Sixth Street
Minneapolis, MN 55487

MCLEOD COUNTY

Chair of Board
McLeod County Board of Commissioners
830 11th St. East
Glencoe, MN 55336

Commissioner Sheldon Nies
McLeod County Regional Railroad Authority
1118 Jefferson Street South
Hutchinson, MN 55350

Ronald J. McGraw
Attorney at Law
P.O. 98
Hutchinson, MN 55350

CITY OF ST. BONIFACIUS

City of St. Bonifacius
Planning Commission
8535 Kennedy Memorial Drive
St. Bonifacius, MN 55375

CITY OF HUTCHINSON

City of Hutchinson
Planning Commission
111 Hassan Street SE
Hutchinson, MN 55350

CITY OF THE VILLAGE OF MINNETONKA BEACH

City of the Village of Minnetonka Beach
Planning Commission
Attn: Richard Krier
PO Box 146
Minnetonka Beach, MN 55361

Robert G. Mitchell, Jr. Esq.
Lindquist & Vennum P.L.L.P.
4200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-2274

CITY OF MOUND

City of Mound
Planning Commission
5341 Maywood Road
Mound, MN 55634

CITY OF ORONO

City of Orono
Planning Commission
PO Box 66
Crystal Bay, MN 55323

CITY OF SPRING PARK

City of Spring Park
Planning Commission
4943 Warren Avenue
Spring Park, MN 55384

CITY OF WAYZATA

City of Wayzata
Planning Commission
600 Rice Street
Wayzata, MN 55391

METROPOLITAN COUNCIL

Metropolitan Council
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101-1626

LIST OF PARTIES CONSULTED

Request for Comments Letter Sent 11-25-03

Name	Address	City	State	Zip
Carver County Board of Commissioners	600 East 4th Street	Chaska	MN	55318
McLeod County Board of Commissioners	830 11th Street, East	Glencoe	MN	55336
State Conservationist USDA Soil Conservation Service	600 Farm Credit Building 375 Jackson Street	St. Paul	MN	55101-1854
U.S. Fish and Wildlife Service	One Federal Drive Federal Building	Fort Snelling	MN	55111
City of Hutchinson Planning Commission	111 Hassan Street SE	Hutchinson	MN	55350
National Park Service National Center for Recreation and Conservation	1849 C Street, N.W.	Washington	D.C.	20240
Department of Natural Resources	500 Lafayette Road	St. Paul	MN	55155-4040
U.S. Environmental Protection Agency	77 West Jackson Blvd. Mail Code: MP-10J	Chicago	IL	60604
U.S. Army Corps of Engineers St. Paul District ATTN: Joe Yanta	190 Fifth Street East	St. Paul	MN	55101-1638
Metropolitan Council Mears Park Centre	230 East Fifth Street	St. Paul	MN	55101-1626

Name	Address	City	State	Zip
Minnesota Pollution Control Agency	520 Lafayette Road	St. Paul	MN	55155-4194
City of Minnetonka Beach Planning Commission Attn: Richard Krier	PO Box 146	Minnetonka Beach	MN	55361
City of Mound Planning Commission	5341 Maywood Road	Mound	MN	55634
City of Orono Planning Commission	PO Box 66	Crystal Bay	MN	55323
City of Spring Park Planning Commission	4943 Warren Avenue	Spring Park	MN	55384
City of St. Bonifacius Planning Commission	8535 Kennedy Memorial Drive	St. Bonifacius	MN	55375
City of Wayzata Planning Commission	600 East Rice Street	Wayzata	MN	55391

Service of Historic Report December 5, 2003

STATE HISTORIC PRESERVATION OFFICE

Mr. Dennis Gimmestad
Minnesota Historical Society
State Historic Preservation Office
Director, Review and Compliance Department
345 Kellogg Boulevard West
St. Paul, MN 55102-1906

ATTACHMENT 2

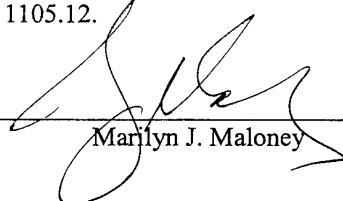
**(Certification of Marilyn J. Maloney, Publication of Newspaper Notice in Newspaper of
General Circulation in Counties Where Line is Situated and Affidavits of Publication)**

(49 C.F.R. Part 1105.12)

CERTIFICATE OF PUBLICATION
OF PUBLIC NOTICE IN NEWSPAPER OF GENERAL CIRCULATION IN MCLEOD,
CARVER AND HENNEPIN COUNTIES, MINNESOTA

The undersigned hereby certifies that Notice of the Proposed abandonment in Docket No. AB 864 (Sub-No. 1X)(copy of Affidavits of Publication and Notices appended) was advertised in a newspaper of general circulation in all Counties through which the line which is the subject of this Notice runs, as required by 49 C.F.R. Section 1105.12.

Dated: December 23, 2003



Marilyn J. Maloney

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)

COUNTY OF HENNEPIN)

Madonna M. Courey

, being duly sworn on oath say she/he
and during all times herein stated has been the publisher or the publisher's designated agent
in charge of the newspaper known as

Official Publication — NOTICE —

Hennepin County Regional Railroad Authority gives notice that on or about January 14, 2004, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F — Exempt Abandonments permitting the abandonment of a 43.9 mile line of railroad between railroad milepost 24.6, near Wayzata, to the end of the line at milepost 68.5, in Hutchinson, a distance of approximately 43.9 miles, in McLeod, Carver, and Hennepin Counties, MN. The line traverses U.S. Postal Service Zip Codes 55323, 55350, 55354, 55356, 55360, 55361, 55364, 55367, 55375, 55381, 55384, 55387, and 55391, and includes the stations of Wayzata at milepost 24.6, Crystal Bay at milepost 27.5, Minnetonka Beach at milepost 29.0, Spring Park at milepost 30.6, Mound at milepost 32.5, St. Bonifacius at milepost 37.0, Mayer at milepost 45.0, New Germany at milepost 48.7, Lester Prairie at milepost 52.5, Silver Lake at milepost 60.2, and Hutchinson at milepost 68.5.

The proceeding will be docketed as No. AB 864 (Sub-No. 1). The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423-001 or by calling that office at (202) 565-1526. Appropriate offers of financial assistance will be considered.

565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Marilyn J. Maloney, Assistant Hennepin County Attorney, Hennepin County Attorney's Office, A2000 Hennepin County Government Center, 300 South 6th Street, Minneapolis, MN 55487, (612) 348-7754.

(Published in Finance and Commerce December 12, 2003)
99079507

FINANCE AND COMMERCE

and has full knowledge of the facts herein stated as follows:

(A) The newspaper has complied with all of the requirements constituting qualifications as a legal newspaper, as provided by Minnesota Statute 331A.02, and 331A.07, and other applicable laws, as amended.

(B) She/He further states on oath that the printed

Official Publication

22073507

hereto attached as part hereof was cut from the columns of said newspaper, and was printed and published therein in the English language; that it was first so published on

December 12, 2003 for 1 times(s);

the subsequent dates of publications being as follows:

Friday, 12/12/2003

And that the following is a printed copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to wit:

X abcdefghijklmnopqrstuvwxyz

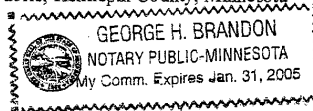
abcdefghijklmnopqrstuvwxyz

Subscribed and

Sworn to before me this 12th day of December, 2003

(Notarial Seal)

Notary Public, Hennepin County, Minnesota



RATE INFORMATION:

- | | |
|--|---------|
| 1. Lowest classified rate paid by commercial users for comparable space: | 3.25000 |
| 2. Maximum rate allowed by law for the above matter: | 0.83600 |
| 3. Rate actually charged for the above matter: | 0.76000 |

Affidavit of Publication

State of Minnesota, County of Carver.

Keith P. Anderson, being duly sworn, on oath says that he is an authorized agent and employee of the publisher of the newspaper known as THE WACONIA PATRIOT, Waconia, Minnesota, and has full knowledge of the facts which are stated below:

A.) The newspaper has complied with all the requirements constituting qualifications as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

B.) The printed Notice -

Dakota Rail abandonment

which is attached was cut from the columns of said newspaper, and was printed and published once each week for 1 successive weeks:

It was first published Thursday,

the 11 day of December 20 03,
and was thereafter printed and published every
Thursday, to and including Thursday,

the 11 day of December 20 03;



Authorized Agent



Subscribed and sworn to me on this

11 day of December 20 03.

By: Marietta A. Straus

Notary Public

Rate Information

- (1) Lowest classified rate paid by commercial users for comparable space: \$15.50 per inch.
- (2) Maximum rate allowed by law for above matter: \$15.50.
- (3) Rate actually charged for above matter: \$7.80 per inch.
Each additional successive week: \$5.60.

NOTICE

Hennepin County Regional Railroad Authority gives notice that on or about January 14, 2004, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of a 43.9 mile line of railroad between railroad milepost 24.6, near Wayzata, to the end of the line at milepost 68.5, in Hutchinson, a distance of approximately 43.9 miles, in McLeod, Carver, and Hennepin Counties, MN. The line traverses U.S. Postal Service Zip Codes 55323, 55350, 55354, 55356, 55360, 55361, 55364, 55367, 55375, 55381, 55384, 55387, and 55391, and includes the stations of Wayzata at milepost 24.6, Crystal Bay at milepost 27.5, Minnetonka Beach at milepost 29.0, Spring Park at milepost 30.6, Mound at milepost 32.5, St. Bonifacius at milepost 37.0, Mayer at milepost 45.0, New Germany at milepost 48.7, Lester Prairie at milepost 52.5, Silver Lake at milepost 60.2, and Hutchinson at milepost 68.5.

The proceeding will be docketed as No. AB-864 (Sub-No. 1). The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423-001, or by calling that office at 202-565-1526. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, NW, Washington, DC 20423 (See 49 CFR

1104.1(a) and 1104.3(a)), and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Marilyn J. Maloney, Assistant Hennepin County Attorney, Hennepin County Attorney's Office, A2000 Hennepin County Government Center, 300 South 6th Street, Minneapolis, MN 55487, 612 348-7754.

(Published in The Waconia Patriot Dec. 11, 2003)

Received By
DEC 12 2003
Public Service

PUBLIC NOTICE
DAKOTA RAIL

Hennepin County Regional Railroad Authority gives notice that on or about January 14, 2004, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of a 43.9 mile line of railroad between railroad milepost 24.6, near Wayzata, to the end of the line at milepost 68.5, in Hutchinson, a distance of approximately 43.9 miles, in McLeod, Carver, and Hennepin Counties, MN. The line traverses U.S. Postal Service Zip Codes 55323, 55350, 55354, 55356, 55360, 55361, 55364, 55367, 55375, 55381, 55384, 55387, and 55391, and includes the stations of Wayzata at milepost 24.6, Crystal Bay at milepost 27.5, Minnetonka Beach at milepost 29.0, Spring Park at milepost 30.6, Mound at milepost 32.5, St. Bonifacius at milepost 37.0, Mayer at milepost 45.0, New Germany at milepost 48.7, Lester Prairie at milepost 52.5, Silver Lake at milepost 60.2, and Hutchinson at milepost 68.5.

The proceeding will be docketed as No. AB 864 (Sub-No. 1). The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423-001 or by calling that office at 202-565-1526. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail-banking/trails use also can be filed with the Board. In original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, NW, Washington, DC 20423 [See 9 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Marilyn Maloney, Assistant Hennepin County Attorney, Hennepin County Attorney's Office, A2000 Hennepin County Government Center, 300 South 6th Street, Minneapolis, MN 55487, 612 348-7754. Published in the Chaska Herald on Thursday, December 11, 2003; No. 6769.

Affidavit of Publication Southwest Suburban Publishing

State of Minnesota)
)SS.
County of Carver)

Laurie A. Hartmann, being duly sworn, on oath says that she is the publisher or the authorized agent of the publisher of the newspapers known as the Chaska Herald and the Chanhassen Villager and has full knowledge of the facts herein stated as follows:

(A) These newspapers have complied with the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed public notice that is attached to this Affidavit and identified as No. 6769 was published on the date or dates and in the newspaper stated in the attached Notice and said Notice is hereby incorporated as part of this Affidavit. Said notice was cut from the columns of the newspaper specified. Printed below is a copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the kind and size of type used in the composition and publication of the Notice:

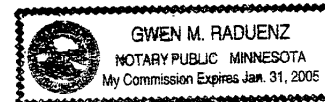
abcdefghijklmnopqrstuvwxyz

By Laurie A. Hartmann
Laurie A. Hartmann

Subscribed and sworn before me on

this 11th day of December, 2003

Gwen M. Raduenz
Notary Public



RATE INFORMATION

Lowest classified rate paid by commercial users for comparable space.... \$21.00 per column inch
Maximum rate allowed by law for the above matter..... \$21.00 per column inch
Rate actually charged for the above matter..... \$10.63 per column inch

Received By

DEC 12 2003

Public Service

Public Notice

Dakota Rail Abandonment

Hennepin County Regional Railroad Authority gives notice that on or about January 14, 2004, it intends to file with the Surface Transportation Board, Washington, D.C., 20423, a notice of exemption under 49 CFR 1152 Subpart F — Exempt Abandonments permitting the abandonment of a 43.9 mile line of railroad between railroad milepost 24.6, near Wayzata, to end of the line at milepost 68.5, in Hutchinson, a distance of approximately 43.9 miles, in McLeod, Carver, and Hennepin Counties, MN. The line traverses U.S. Postal Service Zip Codes 55323, 55350, 55354, 55356, 55360, 55361, 55364, 55367, 55375, 55381, 55384, 55387, and 55391, and includes the stations of Wayzata at milepost 24.6, Crystal Bay at milepost 27.5, Minnetonka Beach at milepost 29.0, Spring Park at milepost 30.6, Mound at milepost 32.5, St. Bonifacius at milepost 37.0, Mayer at milepost 45.0, New Germany at milepost 48.7, Lester Prairie at milepost 52.5, Silver Lake at milepost 60.2, and Hutchinson at milepost 68.5.

The proceeding will be docketed as No. AB 864 (Sub-No. 1). The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should

be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, D.C. 20423-001 or by calling that office at 202-565-1526. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental

conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street NW, Washington, D.C. 20423 [See 49 CFR 1104.1(a)] and 1104.3(a) and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Marilyn J. Maloney, Assistant Hennepin County Attorney, Hennepin County Attorney's Office, A2000 Hennepin County Government Center, 300 South 6th Street, Minneapolis, MN 55487, 612-348-7754.

Published in The Glencoe Enterprise, Glencoe, MN, December 11, 2003. -17

1933, as amended by L. 1935, C. 166

isher,

being duly sworn, on oath

has been the publisher of the newspaper known as THE GLENCOE

after stated: that for more than one year prior to the publication

ise, Glencoe, MN

published in the City of Glencoe, in the County of McLeod, State of
time said newspaper has been printed in the English language from
it purports to be issued as above stated in column and sheet form
le column, 2 inches wide; has been issued Thursday of each week
on and equipped with skilled workmen and the necessary material
time in its makeup not less than twenty-five percent of its news
community it purports to serve; that during all said time it has not
entirely made up of patents, plate matter and advertisements; has
the extent of at least two hundred and forty (240) copies regularly
less matter in its local postoffice; and that there has been on file in
sota, the affidavit of a person having knowledge of the facts, show-
stence of the conditions constituting its qualifications as a legal

hereto attached

printed and published therein in the English language, once each

that it was first so published on Thursday the 11th

003 and thereafter on Thursday of each week to and including the

19 and that the following is a printed copy of

is hereby acknowledged as being the size and kind of type used in

lmnopqrstuvwxyz

lmnopqrstuvwxyz

December 2003

day of 19

Narsha Schiro

Notary Public, McLeod County, Minnesota

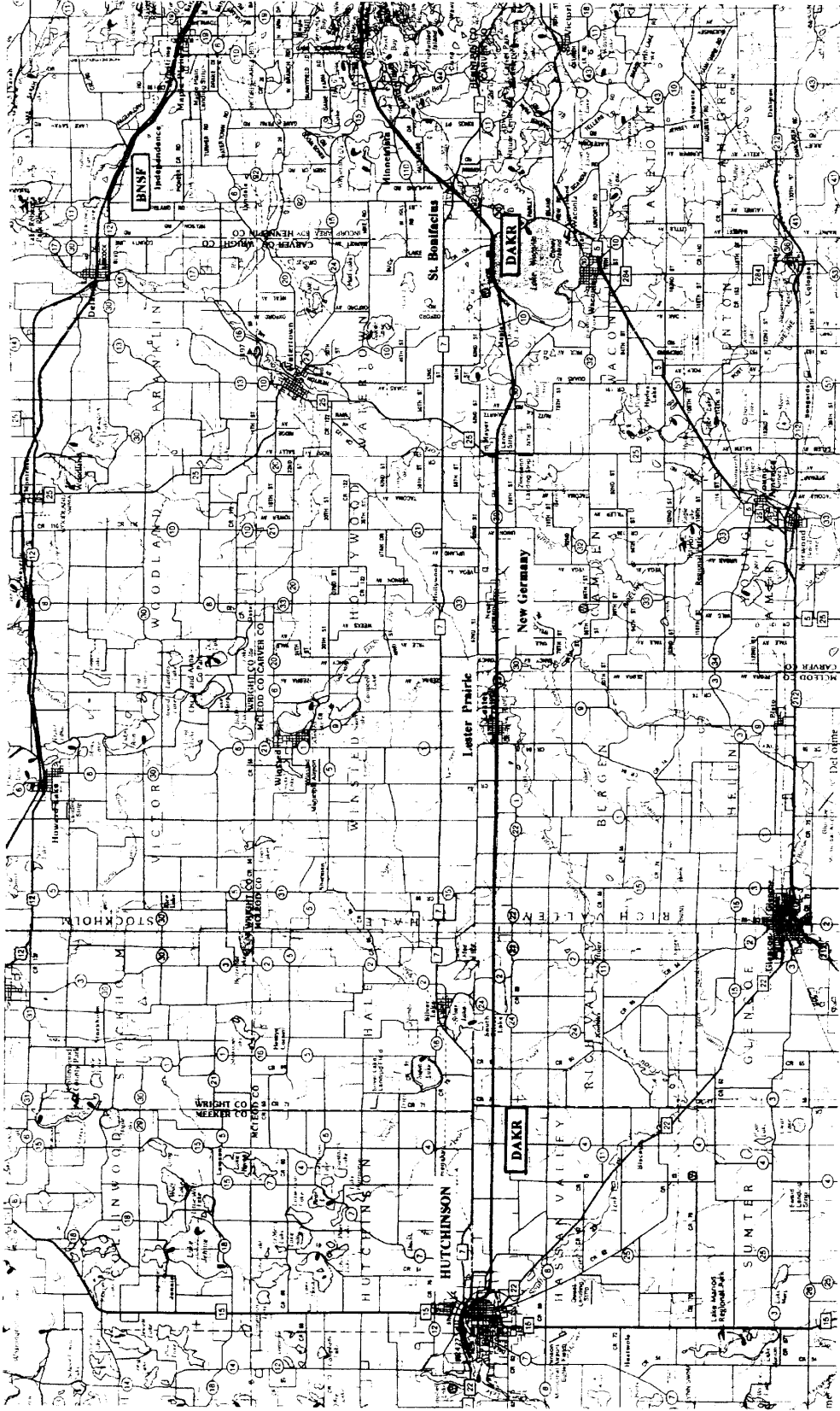
mission expires 1-31-2005 19

IRSHA M. SCHIRO
TARY PUBLIC-MINNESOTA
MISSION EXPIRES 1-31-2005

EXHIBIT 1

Map of Abandonment

Docket No. AB-864X
Hennepin County Regional Rail Authority
Dakota Rail Line
Abandonment Map 1



NO. AB-864X
Regional Rail Authority
Rail Line
ment Map 1

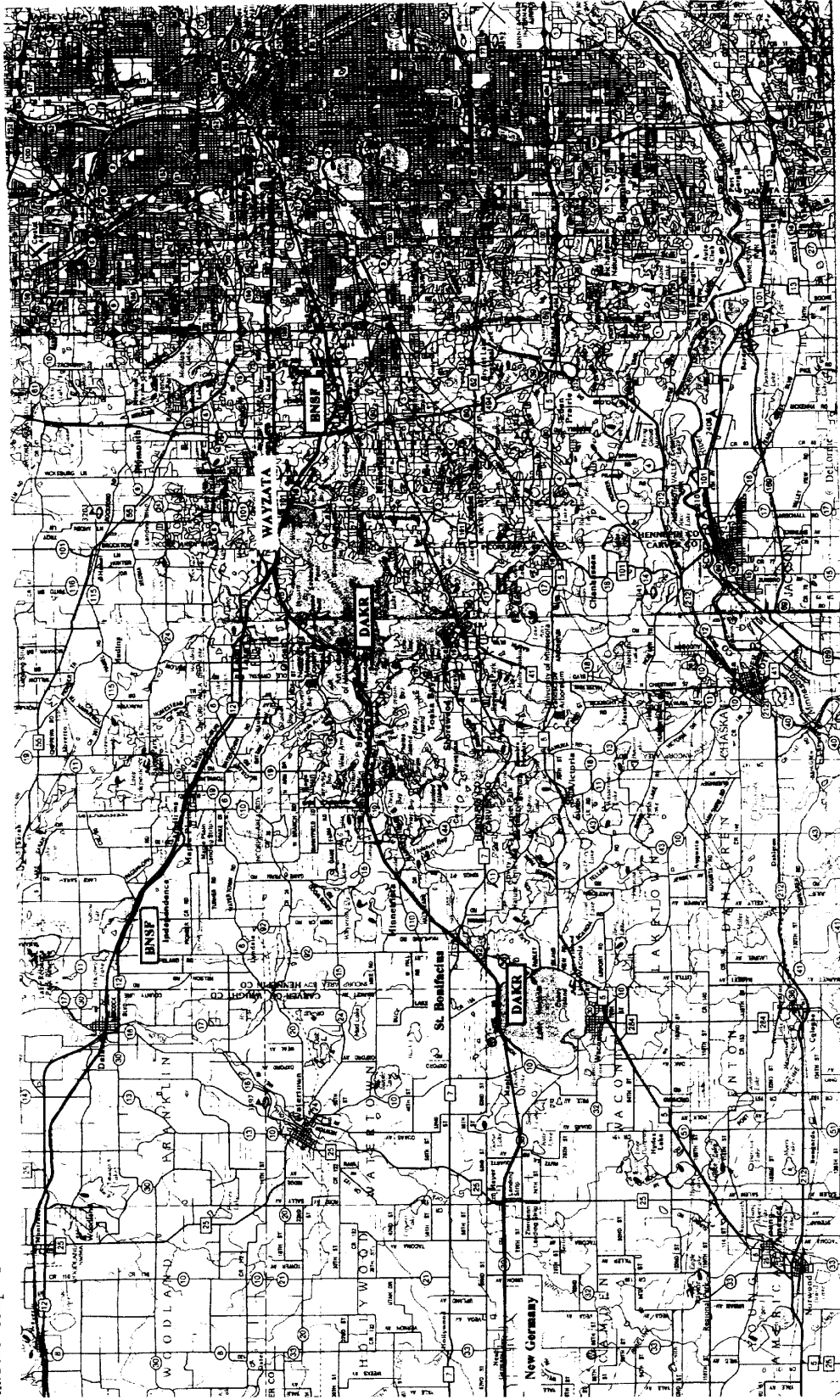


EXHIBIT 1
PAGE 2 OF 3

DOCKET NO. AB-864X
 HENNEPIN COUNTY REGIONAL RAIL AUTHORITY
 DAKOTA RAIL LINE
 ABANDONMENT MAP 2

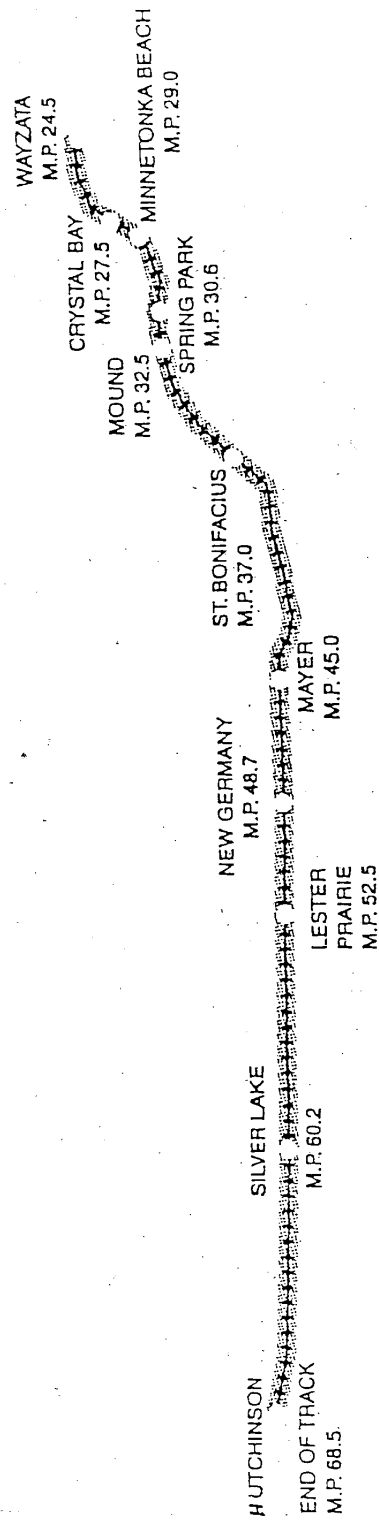


EXHIBIT 2

**LETTERS REQUESTING ENVIRONMENTAL COMMENT FOR WHICH WRITTEN
RESPONSES WERE RECEIVED AND
WRITTEN RESPONSES**



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

November 25, 2003

City of Mound Planning Commission
5341 Maywood Road
Mound, MN 55634

Re: Docket No. AB-864X, Hennepin County Regional Rail Authority—Notice of
Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota

Dear Sir/Madam:

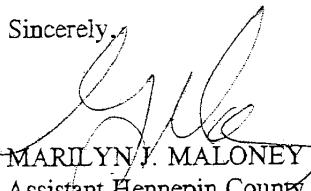
Hennepin County Regional Railroad Authority ("HCRRA") is planning to file a Notice of Exempt Abandonment with the Surface Transportation Board ("STB") on or about January 14, 2004 to abandon its entire 43.9-mile rail line from milepost 24.6 at Wayzata, MN to milepost 68.5 at Hutchinson, MN. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying whether the proposed action is consistent with existing land use plans.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

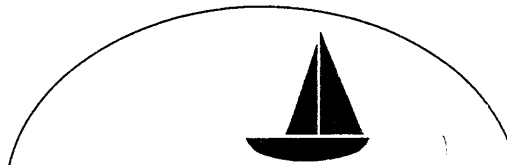
Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,


MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MJM:kd

C: Marcia Wilda



CITY OF MOUND

5341 MAYWOOD ROAD
MOUND, MN 55364-1687

PH: (952) 472-0600
FAX: (952) 472-0620
WEB: www.cityofmound.com

December 1, 2003

Ms Marilyn J. Maloney
Assistant Hennepin County Attorney
C-2000 Government Center
300 South Sixth Street
Minneapolis, MN 55487

Dear Ms Maloney,

The City of Mound is excited and optimistic to hear of the prospect of abandonment of the rail line that passes from Wayzata to Hutchinson, MN, and as it passes through Mound, MN. The rail abandonment poses numerous possibilities that will most certainly be an enhancement to our community. This possibility of change is most fitting as the City continues to carry out its redevelopment plan. It is also very timely as the City of Mound and Hennepin County approach their joint CSAH 15 realignment project, slated to begin in April 2004.

You continue to have our support and interest in the future of the rail line. Your ongoing communication on this matter will be greatly appreciated. Thank you!

Sincerely,

Kandis Hanson
City Manager



printed on recycled paper



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

November 25, 2003

U.S. Fish and Wildlife Service
One Federal Drive
Federal Building
Fort Snelling, MN 55111

Re: **Docket No. AB-864X, Hennepin County Regional Rail Authority—Notice of Exempt Abandonment in McLeod, Carver and Hennepin Counties, Minnesota**

Dear Sir/Madam:

Hennepin County Regional Railroad Authority ("HCRRRA") is planning to file a Notice of Exempt Abandonment with the Surface Transportation Board ("STB") on or about January 14, 2004 to abandon its entire 43.9-mile rail line from milepost 24.6 at Wayzata, MN to milepost 68.5 at Hutchinson, MN. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in determining whether it is likely to adversely affect endangered or threatened species or areas designated as a critical habitat.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MJM:kd

C: Marcia Wilda



IN REPLY REFER TO:

United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056



*Celebrating a
Century
of Conservation!*

FWS/NWRS-RE - General

December 8, 2003

Ms. Marilyn J. Maloney
Assistant Hennepin County Attorney
C-2000 Government Center
300 South Sixth Street
Minneapolis, Minnesota 55487

Dear Ms. Maloney:

Thank you for the opportunity to comment on the proposed abandonment of the rail line in McLeod, Carver, and Hennepin Counties, Minnesota; STB Docket No. AB-864X.

We have researched our ownership in the vicinity and have determined we do own land and interests in land in the vicinity of the proposed rail line abandonment. We do have concerns regarding real estate matters in the abandonment.

Before we can determine if there will be any adverse affects, we need to know the nature of the proposed use of the abandoned rail line. Also, will the track be removed and by what method? Will renovations be made to the trackbed?

If you have any questions, please contact Shirley Karman, at 612/713-5105.

Sincerely,

Patrick G. Carroll
Senior Realty Officer
Division of Realty



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Twin Cities Field Office

4101 East 80th Street

Bloomington, Minnesota 55425-1665

DEC 17 2003

Ms. Marilyn J. Maloney
Assistant Hennepin County Attorney
Office of the Hennepin County Attorney
C-2000 Government Center
300 South Sixth Street
Minneapolis, Minnesota 55487

Dear Ms. Maloney:

This responds to your November 25, 2003, letter, requesting our review of the Notice of Exempt Abandonment in McLeod, Carver, and Hennepin Counties, Minnesota (Docket No. AB-864X).

Given the location and type of activity proposed, we have determined that the project is not likely to adversely affect any federally listed or proposed threatened or endangered species or adversely modify their critical habitat. This precludes the need for further action on this project as required under section 7 of the Endangered Species Act of 1973, as amended. However, if the project is modified or new information becomes available which indicates that listed species may occur in the affected area, consultation with this office should be reinitiated.

We appreciate the opportunity to comment and look forward to working with you in the future. If you have questions regarding our comments, please call Nick Rowse of my staff at (612) 725-3548, extension 210 or by email at nick_rowse@fws.gov.

Sincerely,

Dan P. Stinnett
Field Supervisor



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

November 25, 2003

City of Minnetonka Beach Planning Commission
Attn: Richard Krier
PO Box 146
Minnetonka Beach, MN 55361

Re: Docket No. AB-864X, Hennepin County Regional Rail Authority—Notice of
Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota

Dear Sir/Madam:

Hennepin County Regional Railroad Authority ("HCRRA") is planning to file a Notice of Exempt Abandonment with the Surface Transportation Board ("STB") on or about January 14, 2004 to abandon its entire 43.9-mile rail line from milepost 24.6 at Wayzata, MN to milepost 68.5 at Hutchinson, MN. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying whether the proposed action is consistent with existing land use plans.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Maloney", is written over the typed name.

MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MJM:kd
C: Marcia Wilda

LINDQUIST & VENNUM P.L.L.P.

4200 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MN 55402-2274
TELEPHONE: 612-371-3211
FAX: 612-371-3207

IN ST. PAUL:
444 CEDAR STREET, SUITE 1700
ST. PAUL, MN 55101-3157
TELEPHONE: 651-312-1300
FAX: 651-223-5332

IN DENVER:
600 17TH STREET, SUITE 1800 SOUTH
DENVER, CO 80202-5441
TELEPHONE: 303-573-5900
FAX: 303-573-1956

ATTORNEYS AT LAW

www.lindquist.com

ROBERT G. MITCHELL, JR.
(612) 371-3262
rmitchell@lindquist.com

December 5, 2003

Marilyn J. Maloney
Assistant Hennepin County Attorney
Office of the Hennepin County Attorney
C-2000 Government Center
300 South Sixth Street
Minneapolis, MN 55487

Re: Docket No. AB-864X, Hennepin County Regional Rail Authority - Notice of
Exempt Abandonment in McLeod, Carver and Hennepin Counties, Minnesota

Dear Ms. Maloney:

We are the city attorneys for the City of the Village of Minnetonka Beach. The city received the enclosed notice from you on November 26, 2003. The city would like to inform itself about the proposal. Would you please contact me about our obtaining copies of all documents relative to the proposed abandonment process. If you have any questions, please feel free to contact me. Thank you.

Very truly yours,

LINDQUIST & VENNUM P.L.L.P.



Robert G. Mitchell, Jr.

RGM/vb

cc: City of the Village of Minnetonka Beach
Attn: Roxy Traxler, City Administrator

Doc# 1832785\1



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

November 25, 2003

RECEIVED

NOV 26 2003

City of Minnetonka Beach Planning Commission
Attn: Richard Krier
PO Box 146
Minnetonka Beach, MN 55361

City of Minnetonka Beach

Re: Docket No. AB-864X, Hennepin County Regional Rail Authority—Notice of
Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota

Dear Sir/Madam:

Hennepin County Regional Railroad Authority ("HCRRA") is planning to file a Notice of Exempt Abandonment with the Surface Transportation Board ("STB") on or about January 14, 2004 to abandon its entire 43.9-mile rail line from milepost 24.6 at Wayzata, MN to milepost 68.5 at Hutchinson, MN. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying whether the proposed action is consistent with existing land use plans.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. Maloney", written over the typed name.

MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MJM:kd

C: Marcia Wilda



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

December 22, 2003

Robert G. Mitchell, Jr., Esq.
Lindquist & Vennum P.L.L.P.
4200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-2274

Re: Docket No. AB-864X, Hennepin County Regional Railroad Authority - Notice
of Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota - Documents Requested

Dear Mr. Mitchell:

This letter is in response to your letter requesting copies of documents relative to the
above-referenced abandonment process. Enclosed you will find copies of documents
responsive to your request. Please contact me if you have any questions or would like further
information regarding the proposed abandonment.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. Maloney", is written over the typed name.

MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MJM:kd
Enclosures



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

December 23, 2003

Robert G. Mitchell, Jr., Esq.
Lindquist & Vennum P.L.L.P.
4200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-2274

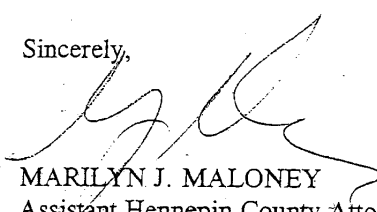
Re: Docket No. AB-864X, Hennepin County Regional Railroad Authority - Notice
of Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota - Documents Requested - Additional Items

Dear Mr. Mitchell:

Enclosed you will find additional items in response to your letter requesting copies of documents relative to the above-referenced abandonment process that I inadvertently excluded from my mailing on December 22, 2003.

Please contact me if you have any questions or would like further information regarding the proposed abandonment.

Sincerely,


MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MJM:kd
Enclosures



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

November 25, 2003

City of Spring Park Planning Commission
4943 Warren Avenue
Spring Park, MN 55384

Re: Docket No. AB-864X, Hennepin County Regional Rail Authority—Notice of
Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota

Dear Sir/Madam:

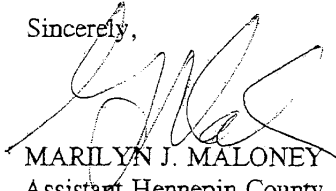
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Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying whether the proposed action is consistent with existing land use plans.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,


MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MJM:kd

C: Marcia Wilda



On Lake Minnetonka

December 15, 2003

Mayor

Jerome P. Rockvam
471-9515

Councilmembers

Joanna E. Widmer
471-9429

Jacalyn Stone
471-7856

Jeff Hoffman
471-1270

Bruce Williamson
471-1029

Marilyn Maloney
Assistant Hennepin County Attorney
C-2000 Government Center
300 South Sixth Street
Minneapolis, MN 55487

Administrator

Bill Weeks
471-9051

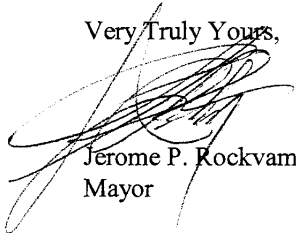
Re: Your Letter 11/25/03 Docket No. AB-864X HCRRA
Notice of Exempt Abandonment

Dear Ms. Maloney,

In response to your request for written comment on the above, please note the following:

- A) The City of Spring Park enthusiastically endorses the proposed abandonment procedure as the next step towards the logical orderly conversion of the existing rail line to alternative uses.
- B) This conversion is consistent with our City future land use and our recently approved Comprehensive Plan.

Very Truly Yours,



Jerome P. Rockvam
Mayor

City of Spring Park

4349 WARREN AVENUE, SPRING PARK, MINNESOTA 55384-9711 • (952) 471-9051 • Fax: (952) 471-9160

EXHIBIT 3

**LETTERS REQUESTING ENVIRONMENTAL COMMENT FOR WHICH NO
WRITTEN RESPONSE WAS RECEIVED**



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

November 25, 2003

Carver County Board of Commissioners
600 East 4th Street
Chaska, MN 55318

Re: Docket No. AB-864X, Hennepin County Regional Rail Authority—Notice of
Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota

Dear Sir/Madam:

Hennepin County Regional Railroad Authority ("HCRRA") is planning to file a Notice of Exempt Abandonment with the Surface Transportation Board ("STB") on or about January 14, 2004 to abandon its entire 43.9- mile rail line from milepost 24.6 at Wayzata, MN to milepost 68.5 at Hutchinson, MN. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying whether the proposed action is consistent with existing land use plans.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MJM:kd

C: Marcia Wilda



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

November 25, 2003

McLeod County Board of Commissioners
830 11th Street, East
Glencoe, MN 55336

Re: Docket No. AB-864X, Hennepin County Regional Rail Authority—Notice of
Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota

Dear Sir/Madam:

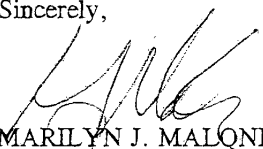
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Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying whether the proposed action is consistent with existing land use plans.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,


MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MJM:kd

C: Marcia Wilda



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

November 25, 2003

State Conservationist
USDA Soil Conservation Service
600 Farm Credit Building
375 Jackson Street
St. Paul, MN 55101-1854

Re: Docket No. AB-864X, Hennepin County Regional Rail Authority—Notice of
Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota

Dear Sir/Madam:

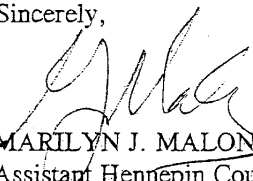
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Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on prime agricultural land.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,


MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MJM:kd
C: Marcia Wilda



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

November 25, 2003

City of Hutchinson Planning Commission
111 Hassan Street SE
Hutchinson, MN 55350

Re: Docket No. AB-864X, Hennepin County Regional Rail Authority—Notice of
Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota

Dear Sir/Madam:

Hennepin County Regional Railroad Authority ("HCRRA") is planning to file a Notice of Exempt Abandonment with the Surface Transportation Board ("STB") on or about January 14, 2004 to abandon its entire 43.9-mile rail line from milepost 24.6 at Wayzata, MN to milepost 68.5 at Hutchinson, MN. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying whether the proposed action is consistent with existing land use plans.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. Maloney", written over the typed name.

MYRLYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MJM:kd

C: Marcia Wilda



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

November 25, 2003

National Park Service
National Center for Recreation and Conservation
1849 C Street, N.W.
Washington, D.C. 20240

Re: Docket No. AB-864X, Hennepin County Regional Rail Authority—Notice of
Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota

Dear Sir/Madam:

Hennepin County Regional Railroad Authority ("HCRRA") is planning to file a Notice of Exempt Abandonment with the Surface Transportation Board ("STB") on or about January 14, 2004 to abandon its entire 43.9-mile rail line from milepost 24.6 at Wayzata, MN to milepost 68.5 at Hutchinson, MN. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MJM:kd

C: Marcia Wilda



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

November 25, 2003

Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4040

Re: Docket No. AB-864X, Hennepin County Regional Rail Authority—Notice of
Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota

Dear Sir/Madam:

Hennepin County Regional Railroad Authority ("HCRRA") is planning to file a Notice of Exempt Abandonment with the Surface Transportation Board ("STB") on or about January 14, 2004 to abandon its entire 43.9-mile rail line from milepost 24.6 at Wayzata, MN to milepost 68.5 at Hutchinson, MN. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on applicable water quality standards. HCRRA does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

MARILYN J. MALONEY

Assistant Hennepin County Attorney

Telephone: (612) 348-7754

FAX: (612) 348-8299

MJM:kd

C: Marcia Wilda



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

November 25, 2003

U.S. Environmental Protection Agency
77 West Jackson Blvd.
Mail Code: MP-10J
Chicago, IL 60604

Re: Docket No. AB-864X, Hennepin County Regional Rail Authority—Notice of
Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota

Dear Sir/Madam:

Hennepin County Regional Railroad Authority ("HCRRA") is planning to file a Notice of Exempt Abandonment with the Surface Transportation Board ("STB") on or about January 14, 2004 to abandon its entire 43.9-mile rail line from milepost 24.6 at Wayzata, MN to milepost 68.5 at Hutchinson, MN. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on the environment and applicable water quality standards. We also seek your assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards. HCRRA does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. Maloney", is written over the typed name.

MARILYN J. MALONEY

Assistant Hennepin County Attorney

Telephone: (612) 348-7754

FAX: (612) 348-8299

MJM:kd

C: Marcia Wilda



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

November 25, 2003

U.S. Army Corps of Engineers
St. Paul District
ATTN: Joe Yanta
190 Fifth Street East
St. Paul, MN 55101-1638

Re: **Docket No. AB-864X, Hennepin County Regional Rail Authority—Notice of Exempt Abandonment in McLeod, Carver and Hennepin Counties, Minnesota**

Dear Sir/Madam:

Hennepin County Regional Railroad Authority ("HCRRA") is planning to file a Notice of Exempt Abandonment with the Surface Transportation Board ("STB") on or about January 14, 2004 to abandon its entire 43.9-mile rail line from milepost 24.6 at Wayzata, MN to milepost 68.5 at Hutchinson, MN. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on designated wetlands or 100-year flood plains. HCRRA does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MJM:kd
C: Marcia Wilda



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

November 25, 2003

Metropolitan Council
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101-1626

Re: Docket No. AB-864X, Hennepin County Regional Rail Authority—Notice of
Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota

Dear Sir/Madam:

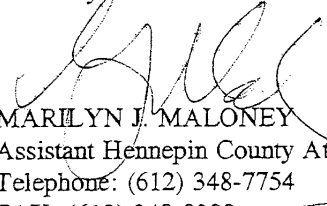
Hennepin County Regional Railroad Authority ("HCRRA") is planning to file a Notice of Exempt Abandonment with the Surface Transportation Board ("STB") on or about January 14, 2004 to abandon its entire 43.9-mile rail line from milepost 24.6 at Wayzata, MN to milepost 68.5 at Hutchinson, MN. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on local and regional transportation systems and patterns. We also seek your assistance in identifying whether the proposed action is consistent with existing land use plans.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,


MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MJM:kd

C: Marcia Wilda



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

November 25, 2003

Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

Re: Docket No. AB-864X, Hennepin County Regional Rail Authority—Notice of
Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota

Dear Sir/Madam:

Hennepin County Regional Railroad Authority ("HCRRA") is planning to file a Notice of Exempt Abandonment with the Surface Transportation Board ("STB") on or about January 14, 2004 to abandon its entire 43.9-mile rail line from milepost 24.6 at Wayzata, MN to milepost 68.5 at Hutchinson, MN. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on the environment and applicable water quality standards. We also seek your assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

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Assistant Hennepin County Attorney
Telephone: (612) 348-7754
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MJM:kd

C: Marcia Wilda



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

November 25, 2003

City of Orono Planning Commission
PO Box 66
Crystal Bay, MN 55323

Re: Docket No. AB-864X, Hennepin County Regional Rail Authority—Notice of
Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota

Dear Sir/Madam:

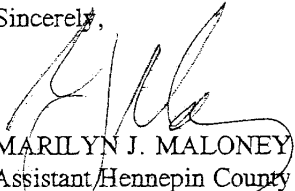
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Sincerely,


MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MJM:kd

C: Marcia Wilda



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

November 25, 2003

City of St. Bonifacius Planning Commission
8535 Kennedy Memorial Drive
St. Bonifacius, MN 55375

Re: Docket No. AB-864X, Hennepin County Regional Rail Authority—Notice of
Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota

Dear Sir/Madam:

Hennepin County Regional Railroad Authority ("HCRRA") is planning to file a Notice of Exempt Abandonment with the Surface Transportation Board ("STB") on or about January 14, 2004 to abandon its entire 43.9-mile rail line from milepost 24.6 at Wayzata, MN to milepost 68.5 at Hutchinson, MN. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying whether the proposed action is consistent with existing land use plans.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "S/ M J M".

MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MJM:kd

C: Marcia Wilda



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

November 25, 2003

City of Wayzata Planning Commission
600 East Rice Street
Wayzata, MN 55391

Re: Docket No. AB-864X, Hennepin County Regional Rail Authority—Notice of
Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota

Dear Sir/Madam:

Hennepin County Regional Railroad Authority ("HCRRA") is planning to file a Notice of Exempt Abandonment with the Surface Transportation Board ("STB") on or about January 14, 2004 to abandon its entire 43.9-mile rail line from milepost 24.6 at Wayzata, MN to milepost 68.5 at Hutchinson, MN. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying whether the proposed action is consistent with existing land use plans.

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Sincerely,

MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MJM:kd

C: Marcia Wilda



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

December 5, 2003

Mr. Dennis Gimmestad
Minnesota Historical Society
State Historic Preservation Office
Director, Review and Compliance Department
345 Kellogg Boulevard West
St. Paul, MN 55102-1906

Re: Docket No. AB-864 (Sub-No. 1X) Hennepin County Regional Rail Authority—
Notice of Exempt Abandonment in McLeod, Carver and Hennepin Counties,
Minnesota

Dear Mr. Gimmestad:

On January 14, 2004, we expect to file with the Surface Transportation Board a notice of exemption seeking authority to abandon a 43.9 mile line of railroad between railroad milepost 24.6, near Wayzata, to the end of the line at milepost 68.5, in Hutchinson, in McLeod, Carver, and Hennepin Counties, MN. Attached is a Historic Report describing the proposed action and any historic effects, as well as a map of the affected area.

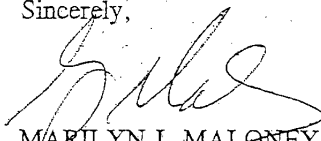
We are providing this report so that you may review the Information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, telephone (202) 565-1532 and refer to the above *Docket No. AB-864 (Sub-No. 1X)*. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Marilyn Maloney who may be contacted by telephone at (612) 348-7754 or

Re: Docket No. AB 864 (Sub-No. 1X) Hennepin County Regional Rail Authority—Notice of Exempt
Abandonment in McLeod, Carver and Hennepin Counties, Minnesota

by mail at Hennepin County Attorney's Office, A2000 Hennepin County Government
Center, 300 South Sixth Street, Minneapolis, MN 55487.

Sincerely,



MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MM:kd
Enclosure

HISTORIC REPORT

HISTORIC REPORT
(49 C.F.R. 1105.8)
Docket No. **AB-864 (Sub-No. 1X)**
HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY
--ABANDONMENT EXEMPTION--
(BETWEEN WAYZATA AND HUTCHINSON)
IN MCLEOD, CARVER, AND HENNEPIN COUNTIES, MINNESOTA

The Historic Report should contain the information required by 1105.7(e)(1) of the Environmental Report and required by 1105.8. The Historic Report was served on the appropriate State Historic Preservation Officer on December 5, 2003. See Certificate of Service in Attachment 1 to the Environmental Report and Exhibit 3 to the Environmental Report. The following is excerpted from the Environmental Report prepared for the proposed abandonment:

(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.

Hennepin County Regional Railroad Authority ("HCRRA"), a political subdivision of the State of Minnesota, proposes to abandon its entire 43.9-mile rail line from milepost 24.6, near Wayzata, to the end of the line at milepost 68.5, in Hutchinson, a distance of approximately 43.9 miles, in McLeod, Carver, and Hennepin Counties, MN. The line traverses U.S. Postal Service Zip Codes 55323, 55350, 55354, 55356, 55360, 55361, 55364, 55367, 55375, 55381, 55384, 55387, and 55391, and includes the stations of Wayzata at milepost 24.6, Crystal Bay at milepost 27.5, Minnetonka Beach at milepost 29.0, Spring Park at milepost 30.6, Mound at milepost 32.5, St. Bonifacius at milepost 37.0, Mayer at milepost 45.0, New Germany at milepost 48.7, Lester Prairie at milepost 52.5, Silver Lake at milepost 60.2, and Hutchinson at milepost 68.5 (the "Line"). The Line has not carried freight rail traffic for over three and one-half years. The last movement of traffic on the Line was on May 16, 2000. Upon receipt of abandonment authority, HCRRA intends to preserve the Line for future rail and other compatible public transportation uses.

The Line has been troubled in recent years. In the mid-1980's, Burlington Northern Railroad Company (BN) sought and received approval for abandonment of the Line. BN consummated abandonment of the Line on September 16, 1985. *Burlington Northern Railroad Company-Abandonment in Hennepin, Carver and McLeod Counties, MN*, ICC Docket No. AB-6 (Sub. No. 247) (ICC served August 12, 1985) and *Dakota Rail, Inc.-Petition for Exemption from 49 U.S.C. 10901, 10903, and 11301*, ICC Finance Docket No. 30721 (ICC served November 14, 1985), affirmed in decision served April 10, 1986. Dakota Rail, Inc., then, acquired the Line and began operations on it.

In 1990, by order of bankruptcy court, new owners took over Dakota Rail, Inc. and took over operations on the Line. In 1995 RailAmerica, Inc. acquired Dakota Rail, Inc. and continued operations over the Line as Dakota Rail, Inc. On February 2, 1999, it embargoed the Line. Then on January 10, 2000, due to track conditions, it reissued an embargo of the Line. The embargo was limited to hazardous materials and dangerous commodities. This embargo superseded the February, 1999 embargo. On May 16, 2000, it extended the embargo to all stations and limited traffic to a "permit-only basis." Later on November 8, 2000 it lifted the embargo for non-hazardous materials and dangerous commodities as to all stations except Hutchinson due to the bridge condition at Milepost 67.9. Despite Dakota Rail, Inc.'s lifting of the embargo, it moved no traffic on the Line for the duration of its ownership. The final traffic movement on the Line was on May 16, 2000.

On August 13, 2001, Dakota Rail, Inc. (RailAmerica, Inc.) filed for approval to abandon the Line. *Dakota Rail Abandonment Inc.-Abandonment Exemption-(Between Wayzata and Hutchinson) in McLeod, Carver and Hennepin Counties, MN*, Docket No. AB-

472 (Sub-No. 1X). Several shippers and the three local political subdivisions responsible for the preservation of rail corridors for present and future transportation uses (HCRRRA, McLeod County Regional Railroad Authority and Carver County Regional Railroad Authority) through whose counties the Line runs, opposed the abandonment.

HCRRRA acquired the Line on December 28, 2001, from Dakota Rail, Inc. under the financial assistance provisions of 49 U.S.C. Sec. 10904 for continued rail service. *Dakota Rail, Inc. Abandonment Exemption-in McLeod, Carver and Hennepin Counties, MN*, STB Docket No. AB-472 (Sub-No.1X). At least three shippers expressed an interest in restoration of freight rail service. The State of Minnesota provided financing for acquisition of the Line under the State's rail service and rail right-of-way preservation program.

Prior to seeking abandonment of the Line, Dakota Rail, Inc. had transported plastic, lumber, scrap steel and chemicals over the Line. Traffic was interrupted by several embargoes placed on the Line by Dakota Rail, Inc. Dakota Rail, Inc. embargoed the Line on February 2, 1999. Then on February 2, 2000, due to track conditions Dakota Rail imposed another embargo that limited the embargo to hazardous materials and dangerous commodities only. On May 16, 2000, Dakota Rail, Inc. extended the embargo to all stations and limited traffic to a "permit-only basis." It later lifted the embargo for non-hazardous materials and dangerous commodities on November 8, 2000 as to all stations except Hutchinson due to the bridge condition at Milepost 67.9. Dakota Rail, Inc. offered to move traffic on a permit-only basis for the duration of Dakota Rail, Inc.'s ownership. The last movement of traffic on the Line was May 16, 2000.

Prior to the embargo, Dakota Rail, Inc. provided service on an as needed basis. It was

transporting an average of about 420 carloads annually over the Line. Dakota Rail, Inc. concluded that revenue was insufficient to accomplish necessary repair and rehabilitation of the track structures due to the low volume of traffic and that no public funding was available for that purpose. (The track consists of 34.77 miles of 56-lb. rail, 8.75 miles of 66-lb. rail and 0.14 miles of 90-lb. Rail; the 56 lb. and the 66 lb. rails were rolled in 1888.)

HCRRA has been unable to resume freight railroad service. HCRRA is not an operating railroad, nor does it hold itself out to be. All freight rail operations over HCRRA's lines are (and have been) conducted by third party operators. Just as with other rail lines owned by HCRRA, restoration of freight service to the Dakota Rail Line is dependent upon HCRRA obtaining a rail operator willing and able to provide freight rail operations and to bear the financial risk of providing those rail operations.³

HCRRA commissioned a feasibility study for restoration of freight rail service and solicited proposals from potential rail operators for lease of the Line for freight rail operations. The feasibility study examined potential traffic from past and potential shippers, including those shippers who opposed abandonment of the Line by Dakota Rail, Inc.; and analyzed the infrastructure on the Line. HCRRA sent requests for lease proposals to several potential operators and to others that had expressed an interest in providing rail operations on the Line. Potential operators were responsible for performing their own due diligence

³ HCRRA has acquired several rail corridors to preserve them for future rail uses. One rail line (Dome Spur), since abandoned for freight rail service, is now part of the Hiawatha Light Rail Transit Line. The Hiawatha Line will begin passenger rail service in April 2004. Another line (Kenilworth Corridor) continues to carry freight rail traffic by third party operators. Another (29th Street Corridor) supported freight rail operations by a third party for several years after HCRRA's acquisition. The 29th Street Corridor has been recently abandoned for freight rail service. It connects to the Hiawatha Light Rail Transit Line and is

studies. None submitted a lease proposal to HCRRA; and none requested a copy of HCRRA's feasibility study.

HCRRA's feasibility study concluded that restoration of freight rail service is not economically feasible. There is an insufficient volume of available traffic remaining on the Line to support resumed rail operations. If freight service were restored, key segments of the businesses that previously moved by rail on the Line would have significantly reduced volumes for rail traffic or would have no traffic at all. Additionally, due to the dormancy of the Line during Dakota Rail, Inc.'s ownership, shippers have made alternative non-rail arrangements to move their products. Several have determined that non-rail alternatives provide greater flexibility and efficiency for their "just-in-time" material needs. The capital necessary to bring the poor condition of the rail line back to operating condition and to start rail operations anew are too substantial in comparison to the potential revenue stream that could be obtained from business on the Line.

The only alternative to abandonment would be not to abandon the Line. Based upon the conclusions of the feasibility study and the failure of any operators to submit lease proposals for freight rail operations, HCRRA has decided to seek abandonment of the Line. After abandonment, the rail will be salvaged, but the corridor will be kept intact and preserved for future rail and other public transportation uses. A map of the proposed abandonment is attached hereto as Exhibit 1.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently

designed for multi-modal use, including light rail transit and bicycle.

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;

U.S. Geological Survey Maps have been supplied to the Minnesota Historical Society ("MNHS"). *See* Exhibit 2.

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;

Property sales by a prior owner of Dakota Rail significantly reduced the right-of-way width from the original 100-feet, in many instances, to a width of 20-feet. The right-of-way begins at milepost 24.6 at a connection with the Burlington Northern and Santa Fe Railway Company, west of the city of Wayzata, MN. The Line travels in a west southwesterly direction parallel to Hennepin County Highway 15 through a residential area and marshland along the north shore of Lake Minnetonka. After passing through the City of Orono, the Line crosses the confluence of Smith Bay and Crystal Bay in Lake Minnetonka. The Line then turns westerly and passes through the cities of Minnetonka Beach and Spring Park before crossing over the confluence of Harrison Bay and Seton Lake and then through the City of Mound and along the northwest shore of Langdon Lake. From that point, the Line turns southwesterly to traverse a rural area of Hennepin County. The Line then passes through the city of St. Bonifacius before turning westward through a rural area and along the northern shore of Lake Waconia. Continuing in a westward direction, the Line passes through predominately rural areas in Carver and McLeod Counties while passing through the cities of Mayer, New Germany, and Lester Prairie before reaching the end of the line in the city of Hutchinson at milepost 68.5.

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;

Photographs of the railroad structures on the Line that are 50 years old or older are enclosed as Exhibit 3.

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;

Following is a list of the bridges and other structures on the Line with the dates of construction or major alteration.

TYPE OF STRUCTURE	MILEPOST	DATE OF	
		CONSTRUCTION	ALTERATION
Bridge	26.6	1881	1956
Bridge	28.2	unknown	unknown
Bridge	28.9	unknown	unknown
Bridge	29.0	1914	unknown
Spring Park Station	30.6	1900	1949
Spring Park Locomotive Shop	30.6	mid-1980's	
Bridge	31.6	unknown	unknown
Bridge	33.2	unknown	unknown
Bridge	33.7	1900	1967
Bridge	37.7	unknown	unknown
Bridge	40.3	1886	1963
Bridge	42.0	1886	1946
Bridge	46.4	unknown	unknown
Bridge	50.5	1886	1947
Bridge	50.7	1886	1946
Bridge	51.3	1886	1965
Lester Prairie	52.5	1950's	
Bridge	57.1	1923	1947
Bridge	61.9	1886	1946
Bridge	67.9	unknown	unknown
Hutchinson Station	68.5	1886 (damaged by fire 2001)	1949
Hutchinson Locomotive Shop	68.5	mid-1980's	

The Spring Park Station is 24' x 48' frame building. The Hutchinson Station was a 24' x 100' frame building before it was damaged by fire. The structure at Lester Prairie is a concrete block building.

The bridge at Milepost 26.6 is a six span 81-foot timber trestle. The bridge at Milepost

29.0 is a one span 36-foot deck plate with a two span 32-foot concrete slab. The bridge at Milepost 33.7 is a three span 48-foot timber trestle. The bridge at Milepost 40.3 is a three span 42-foot timber trestle. The bridge at Milepost 42.0 is a six span 83-foot timber trestle. The bridge at Milepost 50.5 is a three span 42-foot timber trestle. The bridge at Milepost 50.7 is a four span 55-foot timber trestle. The bridge at Milepost 51.3 is a three span 42-foot timber trestle. The bridge at Milepost 57.1 is a five span 69-foot timber trestle. The bridge at Milepost 61.9 is a four span 55-foot timber trestle. The bridge at Milepost 68.7 is a 96-foot timber trestle.

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;

James J. Hill built the first segments of the Dakota Rail Line to service two hotels along Lake Minnetonka. In the 1880's, the Dakota Rail Line was owned and operated by the St. Paul, Minneapolis & Manitoba Railway. In the 1900's, renamed the Great Northern, the Line serviced both freight and passengers trains. Following the merging of three railways, the Line became the Burlington Northern in 1970.

In 1985, the Burlington Northern turned the Line over to Dakota Rail, Inc. for rail operations. In 1990 by order of bankruptcy court, Dakota Rail, Inc. and operations of the Line were taken over by new owners. RailAmerica, Inc. bought Dakota Rail, Inc. and the Line in 1995. It continued to serve 6-7 customers transporting plastic, lumber, scrap steel and chemicals.

In May 2000, Dakota Rail, Inc. (RailAmerica, Inc.) filed for abandonment of the Line citing decline in customer demand and a deteriorating track structure. The petition was dismissed after the STB granted HCRRA permission to acquire the Line through an offer for financial assistance for continued rail service. Since HCRRA's acquisition of the Line in December 2001, HCRRA commissioned a freight rail services feasibility report and sought responsible third party freight rail operators to resume freight rail service on the Line. The

feasibility report concluded that a return of freight rail service to the Line was not economically viable. No freight rail operators were willing to provide freight rail operations over the Line. No traffic has run on the Line for over three and one-half years.

After abandonment, the Line will be preserved for future rail use and other compatible public transportation uses.

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;

Dakota Rail retained the documents concerning the Line in its depot building in Hutchinson. Most of the documents were destroyed or damaged beyond use in a fire at the Hutchinson depot in April 2001 that was caused by a lightening strike. See Great Northern Railway Historical Society Reference Sheet GNRHS Back Issues, September 1997," "The 'Hutch' Line of Great Northern, 1886-1996, GN's Minnesota Branch Line from Wayzata to Hutchinson" by Contributor: William C. Hartranft, < www.gnrhs.org/referencesheets.htm > for a monograph history of the Line.

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 C.F.R. 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);

HCRRA believes that the bridges, trestles and two station buildings on the Line are not unusual or noteworthy for inclusion on the National Register of Historic Places. It is also HCRRA's opinion that there are no archeological resources or other railroad related historic properties in the project area.

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 waste), and the

surrounding terrain.

A predecessor of Dakota Rail, either Burlington Northern, Inc. or the Great Northern Railway Company leased property adjacent to the Line to an oil company in St. Bonifacius that has resulted in contamination of the right-of-way there. HCRRA has removed the tanks, which were the source of contamination, and is in the process of obtaining a file closure letter from the Minnesota Pollution Control Agency for the site. As part of its pre-acquisition Phase I environmental investigation, HCRRA has identified several other sites with potential contamination that might affect the archeological recovery of any potential resources. A copy of the Phase I report will be made available upon request to HCRRA. An executive summary of the report is enclosed as Exhibit 4.

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).

HCRRA does not foresee the likelihood that any additional information will need to be supplied in association with the proposed line abandonment other than that information previously submitted. But, if any additional information is requested, HCRRA will promptly supply the necessary information.

END OF REPORT

EXHIBIT 1

MAP OF ABANDONMENT

**(SAME AS EXHIBIT 1 OF THE ENVIRONMENTAL REPORT AND NOT COPIED
HERE)**

EXHIBIT 2

U.S.G.S. MAP

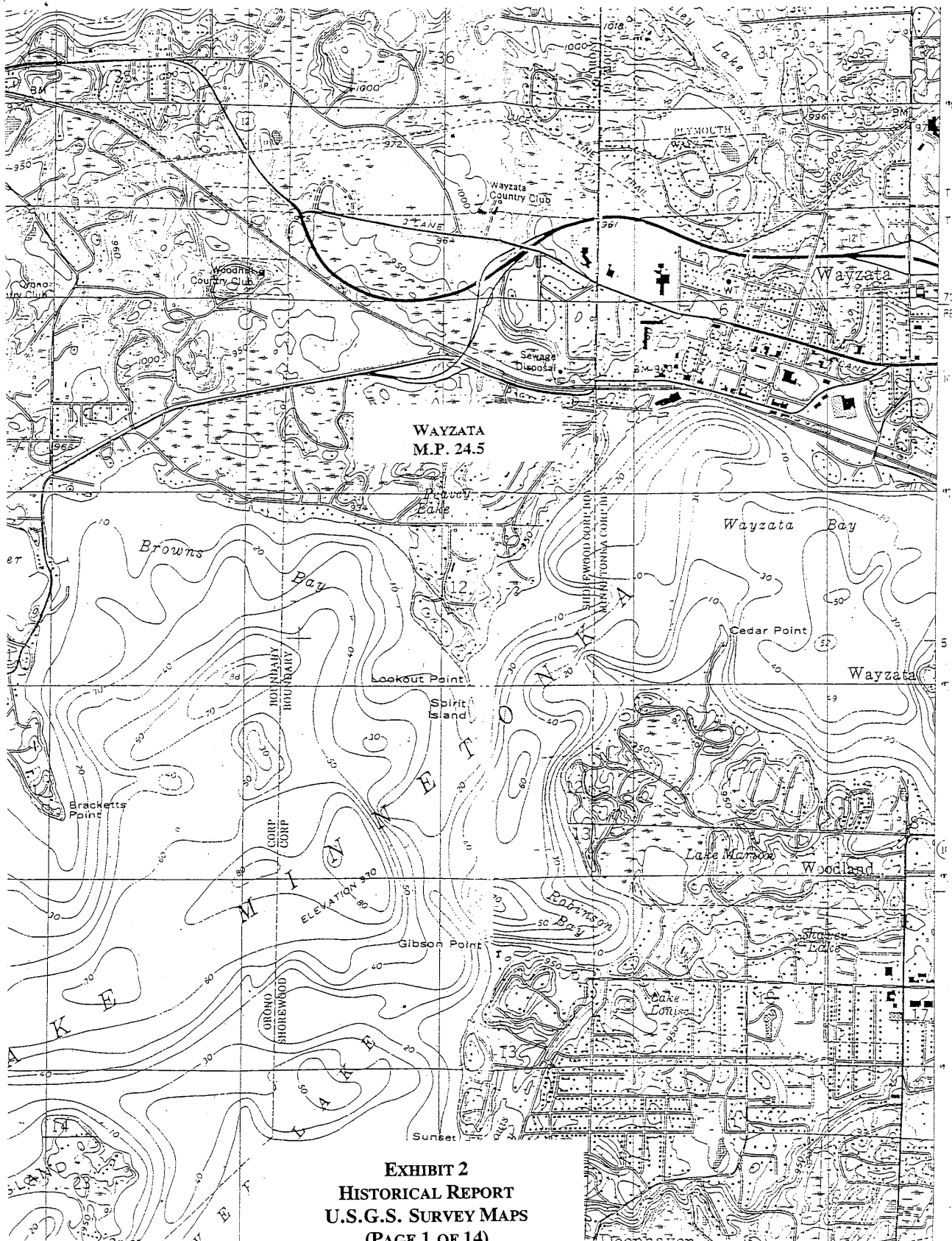
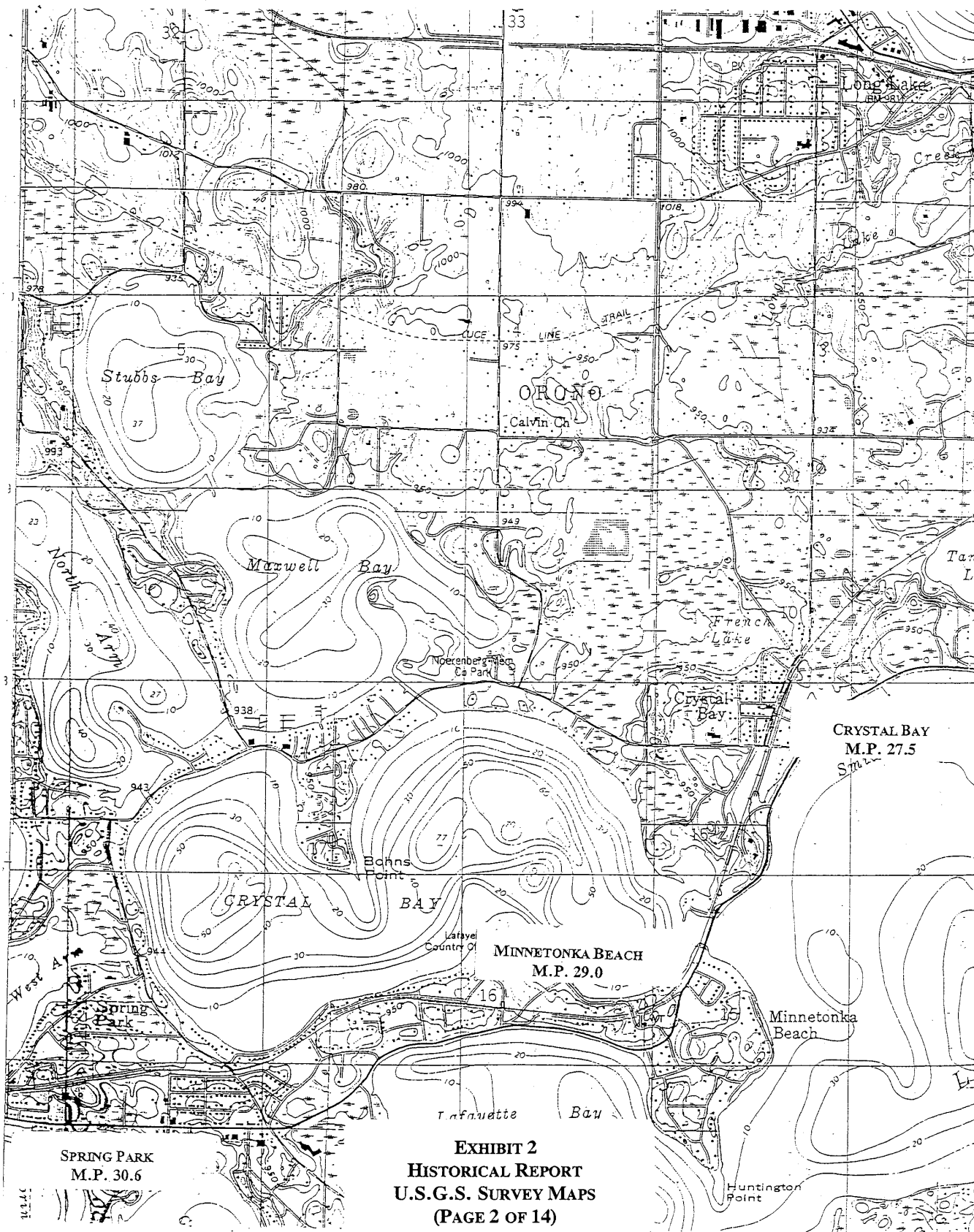


EXHIBIT 2
HISTORICAL REPORT
U.S.G.S. SURVEY MAPS
(PAGE 1 OF 14)



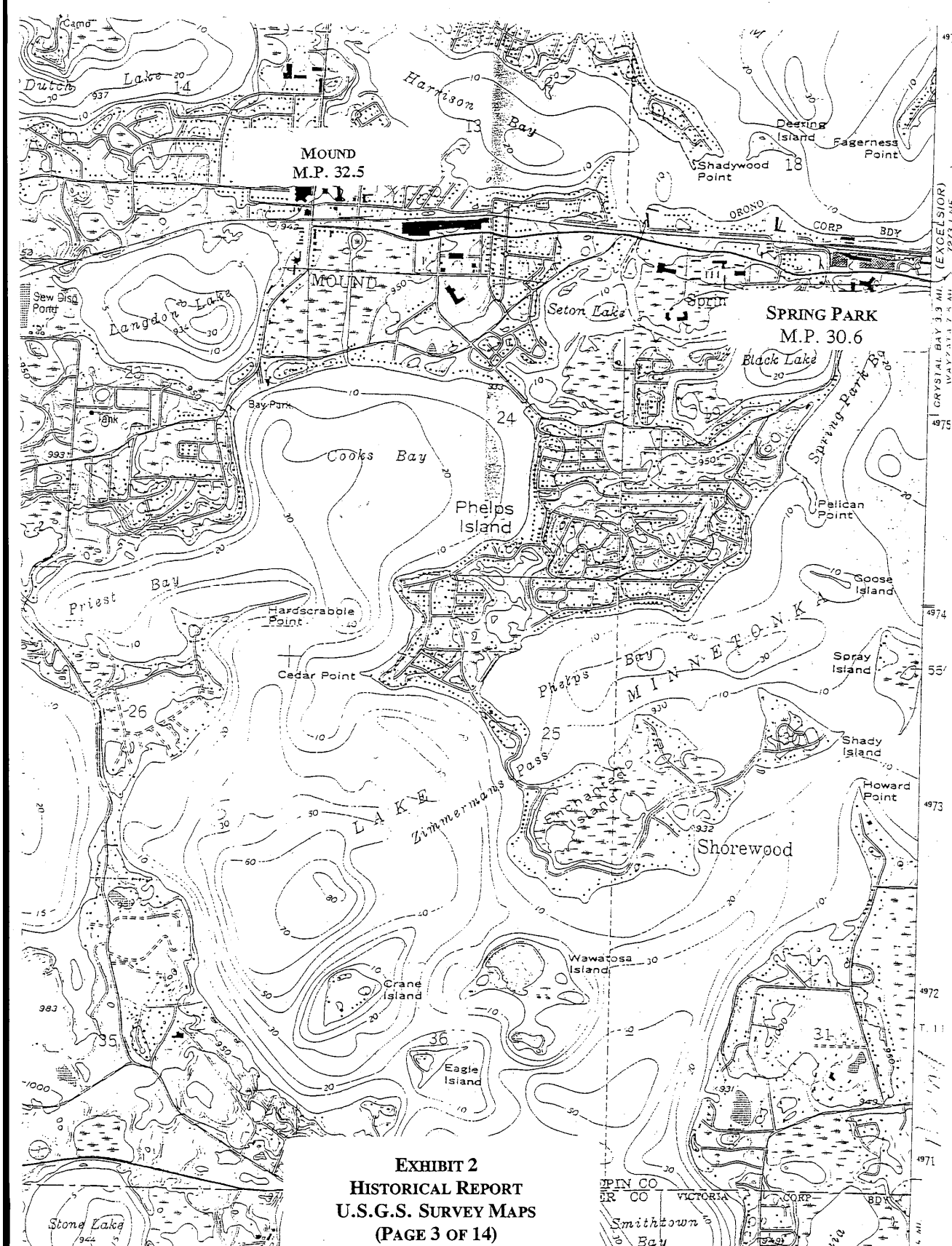


EXHIBIT 2
HISTORICAL REPORT
U.S.G.S. SURVEY MAPS
(PAGE 3 OF 14)

CRYSTAL BAY 3.3 MI. (EXCELSIOR)
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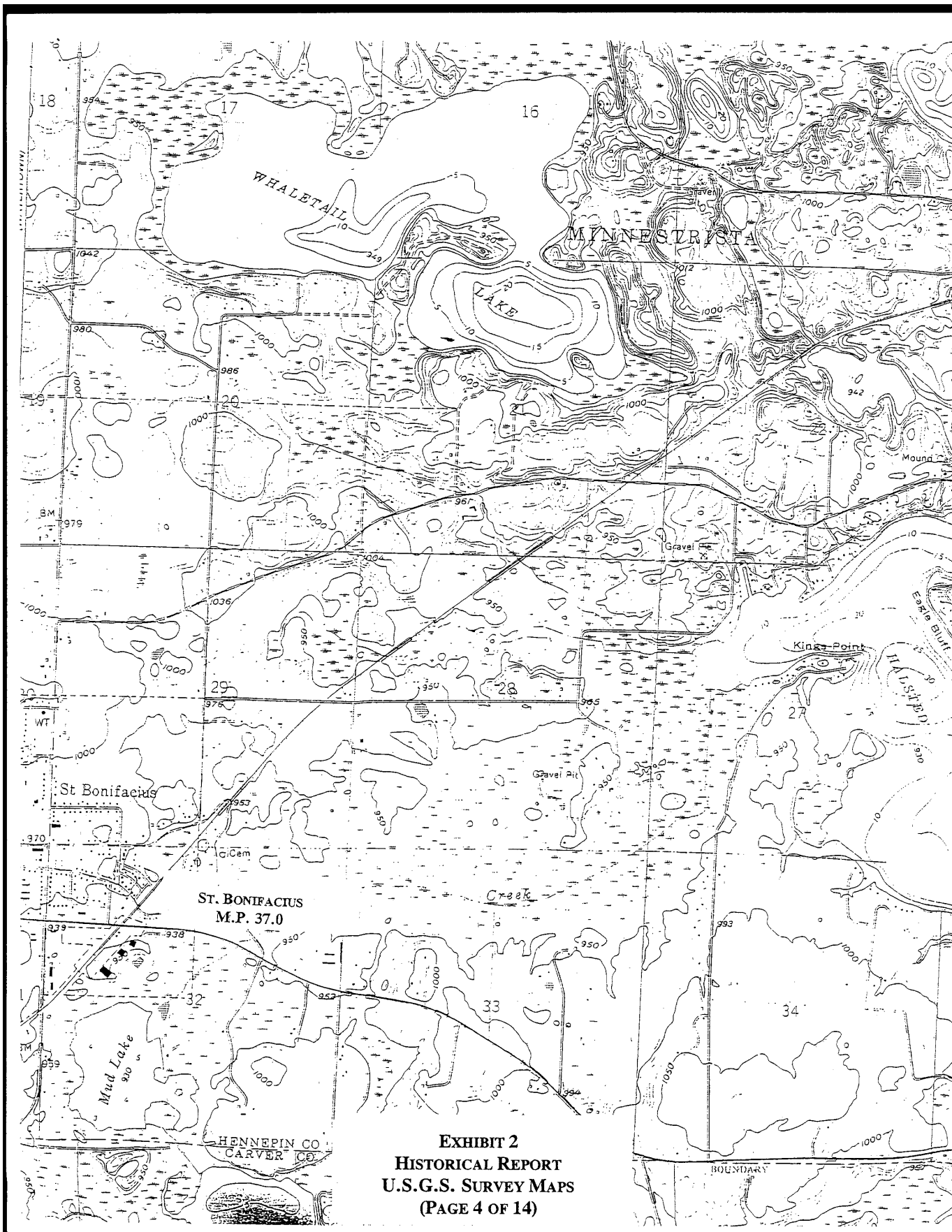
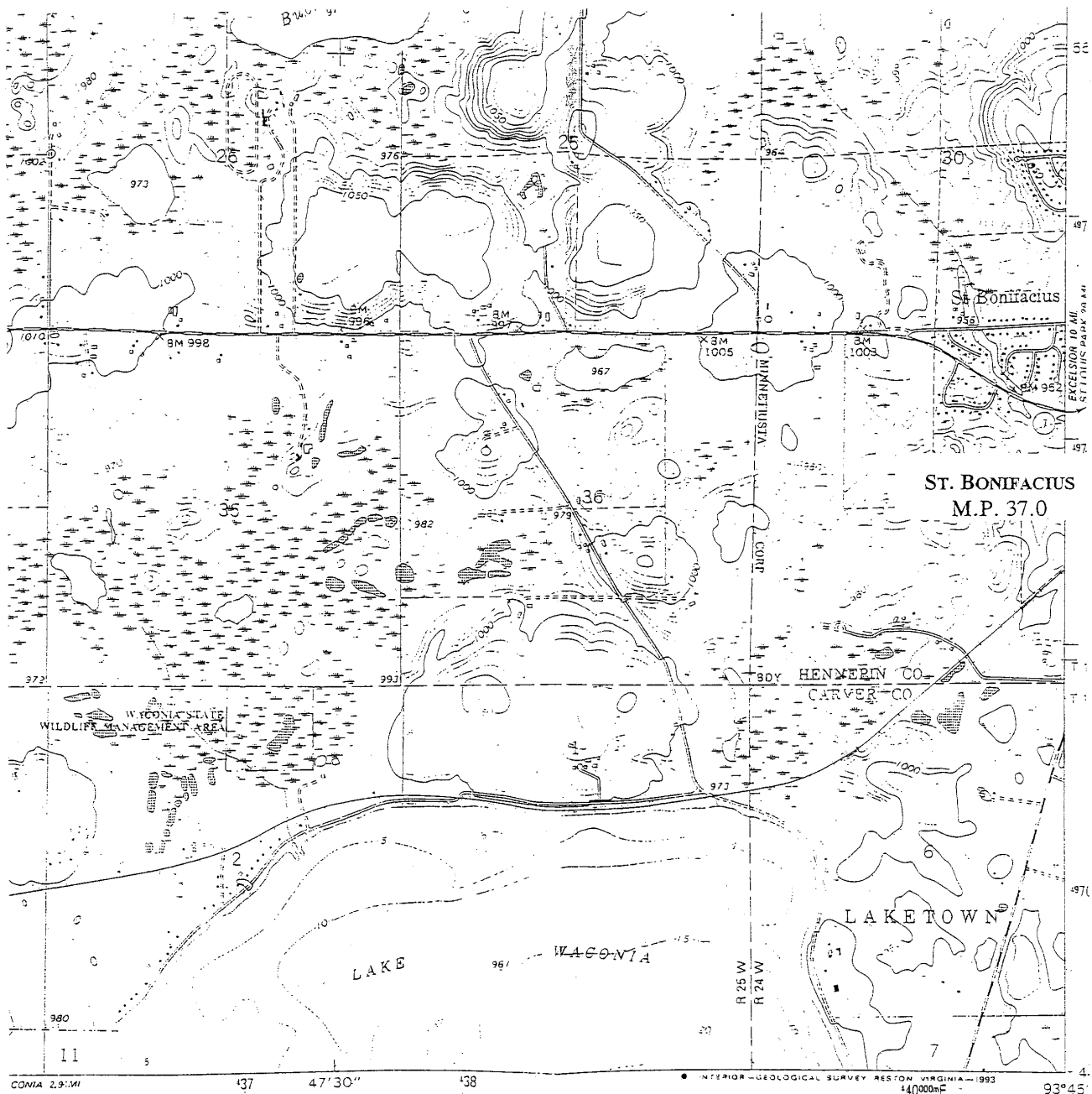


EXHIBIT 2
HISTORICAL REPORT
U.S.G.S. SURVEY MAPS
(PAGE 4 OF 14)



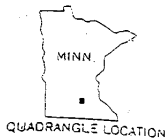
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M.P. 37.0

HENNEPIN CO.
CARVER CO.

LAKERTOWN

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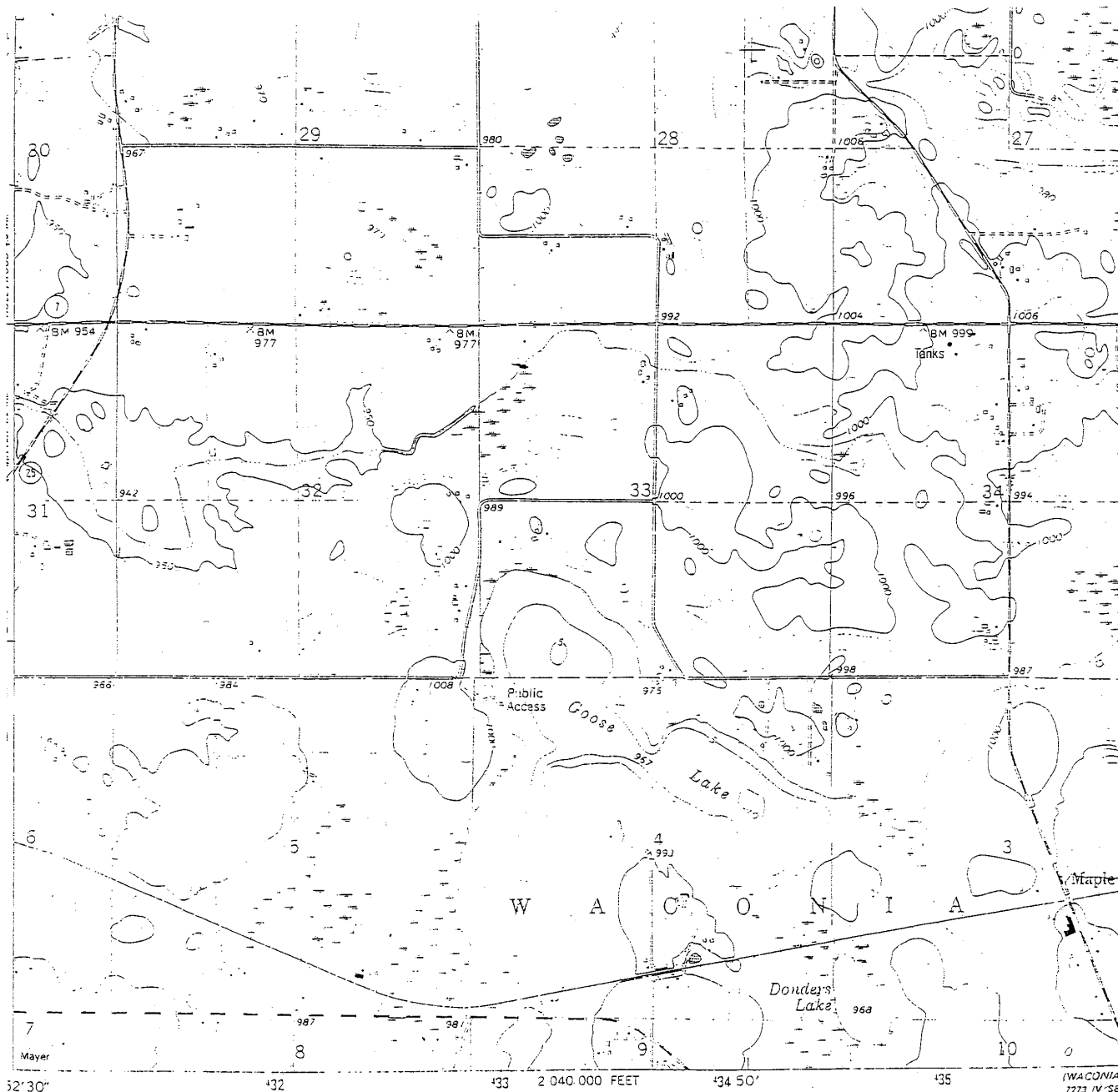
ROAD CLASSIFICATION
Primary highway, hard surface ——— Light-duty road, hard or improved surface
Secondary highway, hard surface - - - Unimproved road
Interstate Route U. S. Route State Route

MAP ACCURACY STANDARDS
ILLINOIS 80225, OR RESTON, VIRGINIA 2205
SYMBOLS IS AVAILABLE ON REQUEST

EXHIBIT 2
HISTORICAL REPORT
U.S.G.S. SURVEY MAPS
(PAGE 5 OF 14)

in cooperation with
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WATERTOWN, MINN.
NE/4 WAGONIA 15 QUADRANGLE
44093-H7-TF-024
1981
REVISED 1993
DMA 7273 IV NE - SERIES V872



Produced by the United States Geological Survey
 Control by USGS, NOS/NOAA and Minnesota Highway Department
 Topography by photogrammetric methods from aerial photographs
 taken 1975. Field checked 1976. Map edited 1981
 Hydrography compiled from information furnished by
 Minnesota Department of Natural Resources
 Projection and 10,000-foot grid ticks: Minnesota coordinate
 system, south zone (Lambert conformal conic)
 1000-meter Universal Transverse Mercator grid ticks, zone 15, shown in blue
 1927 North American Datum (NAD 27)
 North American Datum of 1983 (NAD 83) is shown by dashed corner ticks
 The values of the shift between NAD 27 and NAD 83 for 7.5-minute
 intersections are given in USGS Bulletin 1875
 There may be private inholdings within the boundaries of
 the National or State reservations shown on this map
 Fine red dashed lines indicate selected fence and field lines where
 generally visible on aerial photographs. This information is unchecked

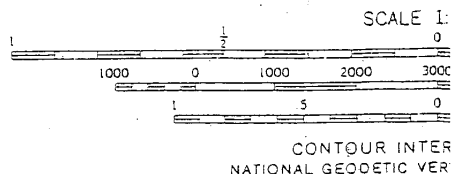
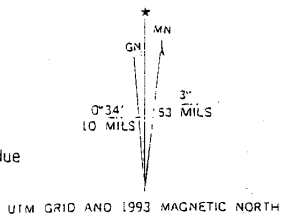
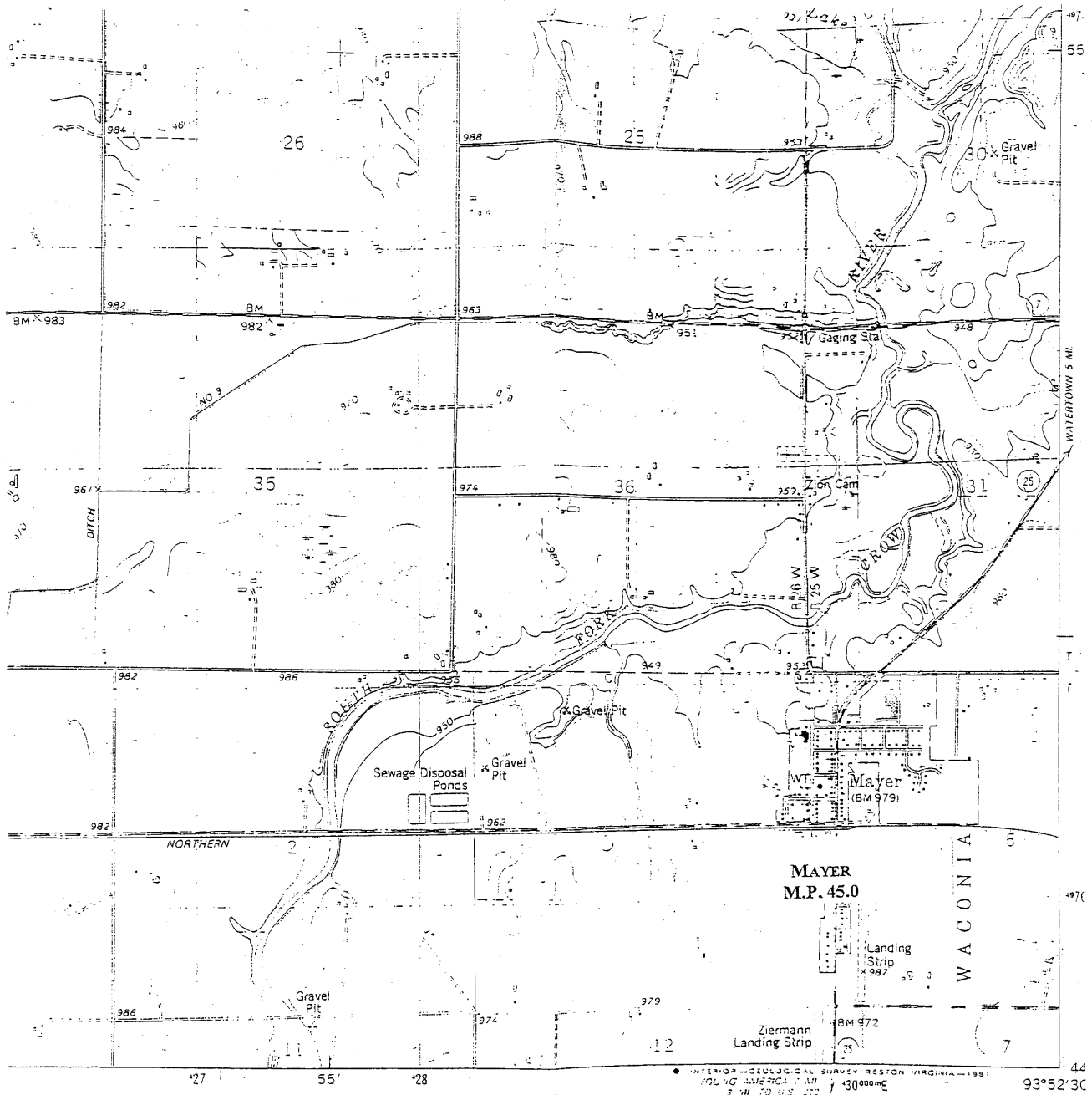


EXHIBIT 2
HISTORICAL REPORT
U.S.G.S. SURVEY MAPS
(PAGE 6 OF 14)

THIS MAP COMPLIES WITH NATION
 U. S. GEOLOGICAL SURVEY, DENVER
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30
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 DATUM OF 1929



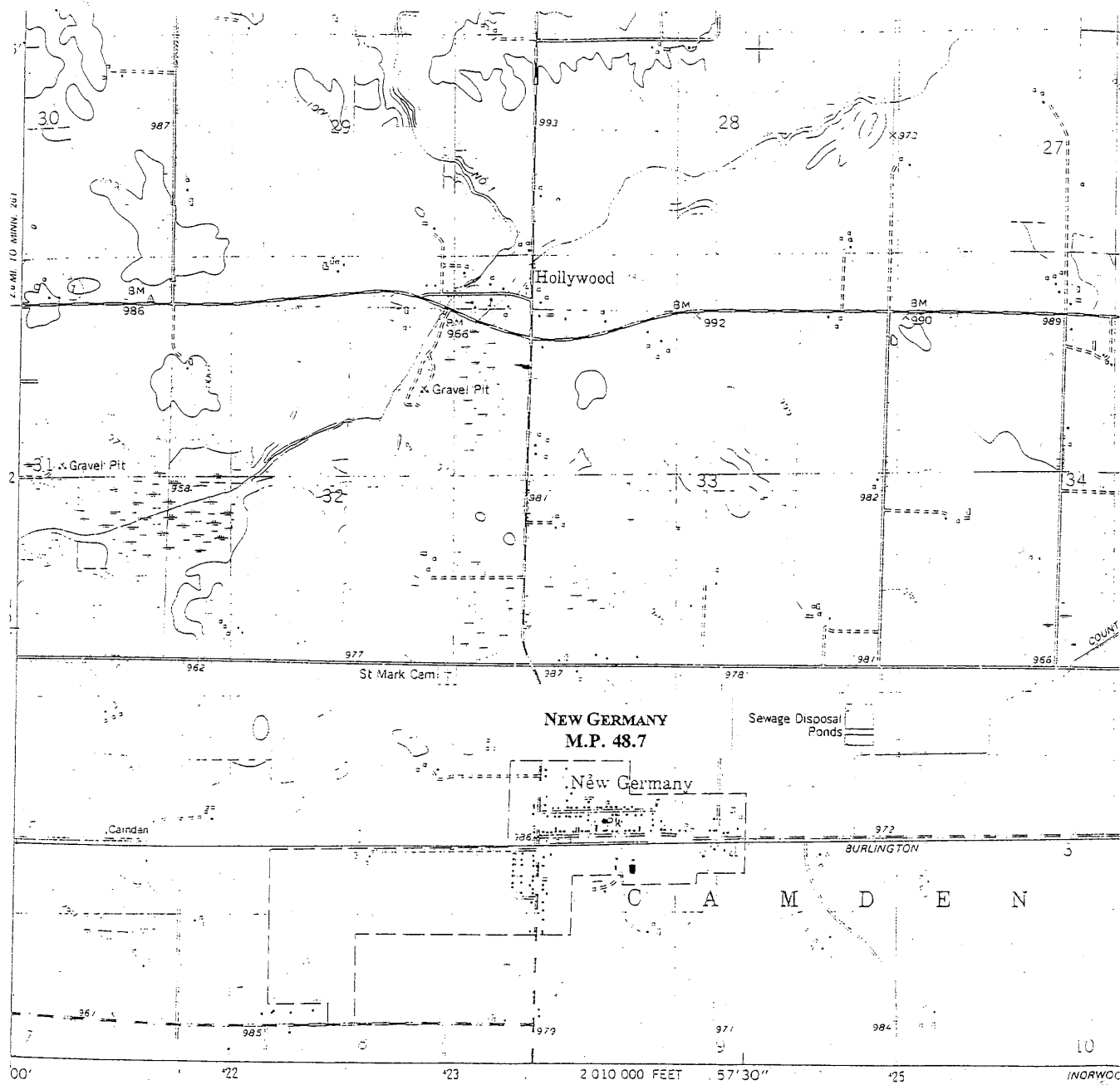
ROAD CLASSIFICATION
 Primary highway, hard surface ——— Light-duty road, hard or improved surface ———
 Secondary highway, hard surface ——— Unimproved road ———
 Interstate Route U S Route State Route

MAYER, MINN.
 NW/4 WACONIA 15' QUADRANGLE
 N4452.5-W9352.5/7.5

AP ACCURACY STANDARDS
 RESTON, VIRGINIA 22092
 SYMBOLS IS AVAILABLE ON REQUEST

EXHIBIT 2
HISTORICAL REPORT
U.S.G.S. SURVEY MAPS
(PAGE 7 OF 14)

1981
 DMA 7273 IV NW-SERIES V872



Mapped, edited, and published by the Geological Survey.

Control by USGS, NOS/NOAA, and Minnesota Highway Department.

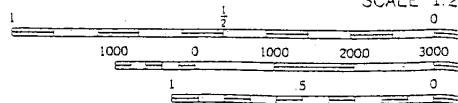
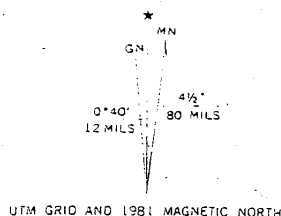
Topography by photogrammetric methods from aerial photographs taken 1975. Field checked 1976. Map edited 1981.

Hydrography compiled from information furnished by Minnesota Department of Natural Resources.

Projection and 10,000-foot grid ticks: Minnesota coordinate system, south zone (Lambert conformal conic) 1000-meter Universal Transverse Mercator grid, zone 15 1927 North American Datum.

To place on the predicted North American Datum 1983 move the projection lines 7 meters north and 19 meters east as shown by dashed corner ticks.

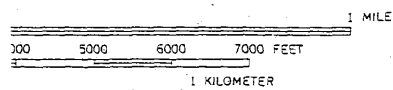
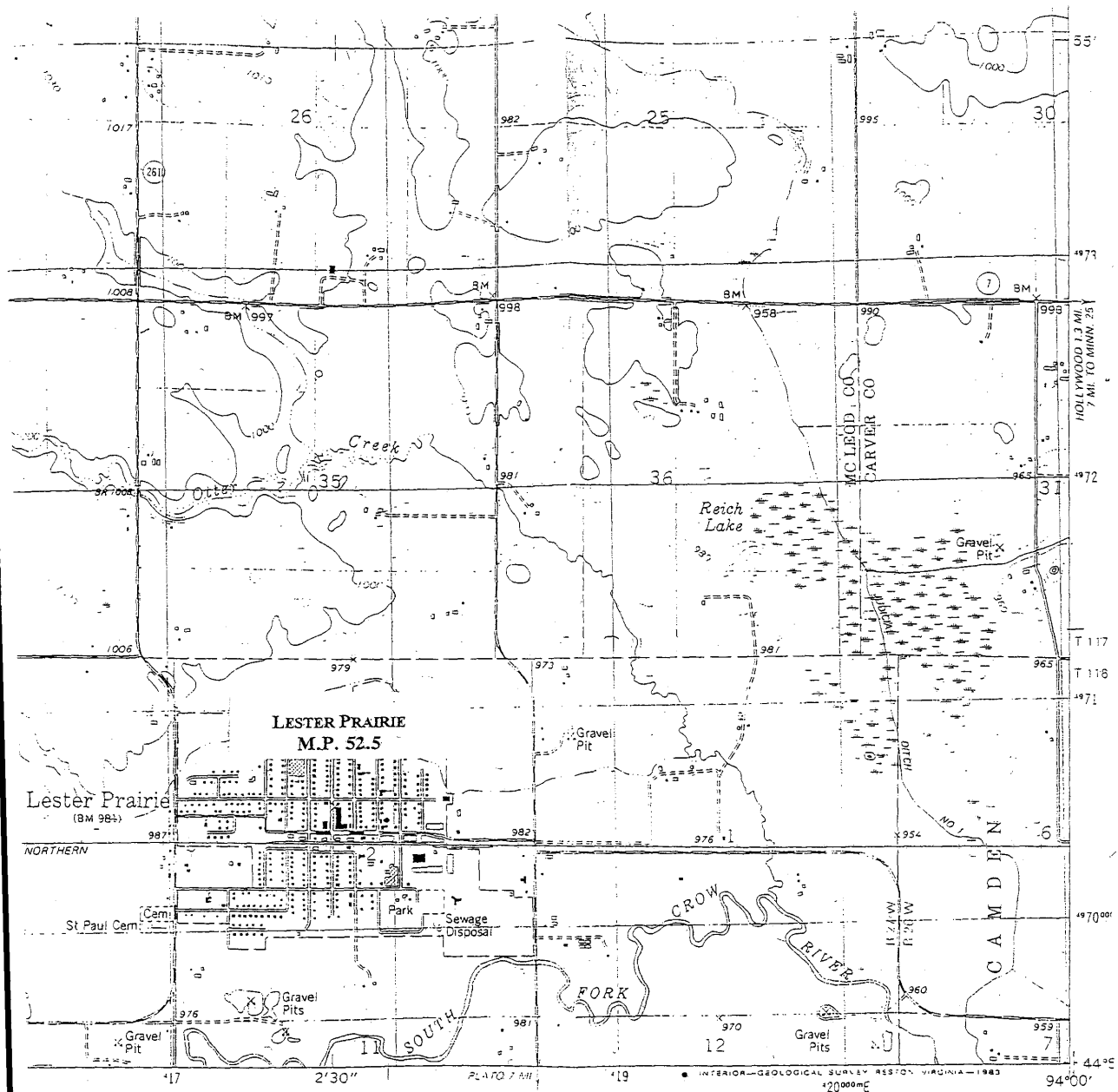
Fine red dashed lines indicate selected fence and field lines where generally visible on aerial photographs. This information is uncheckered.



CONTOUR INTERVAL
NATIONAL GEODETIC VERT

EXHIBIT 2 HISTORICAL REPORT U.S.G.S. SURVEY MAPS (PAGE 8 OF 14)

THIS MAP COMPLIES WITH NATIONAL
FOR SALE BY U.S. GEOLOGICAL SURVEY
FOLDER DESCRIBING TOPOGRAPHIC MAPS AND



10 FEET
ATUM OF 1929



QUADRANGLE LOCATION

ACCURACY STANDARDS
RESTON, VIRGINIA 22092
BOLS IS AVAILABLE ON REQUEST

EXHIBIT 2 HISTORICAL REPORT U.S.G.S. SURVEY MAPS (PAGE 9 OF 14)

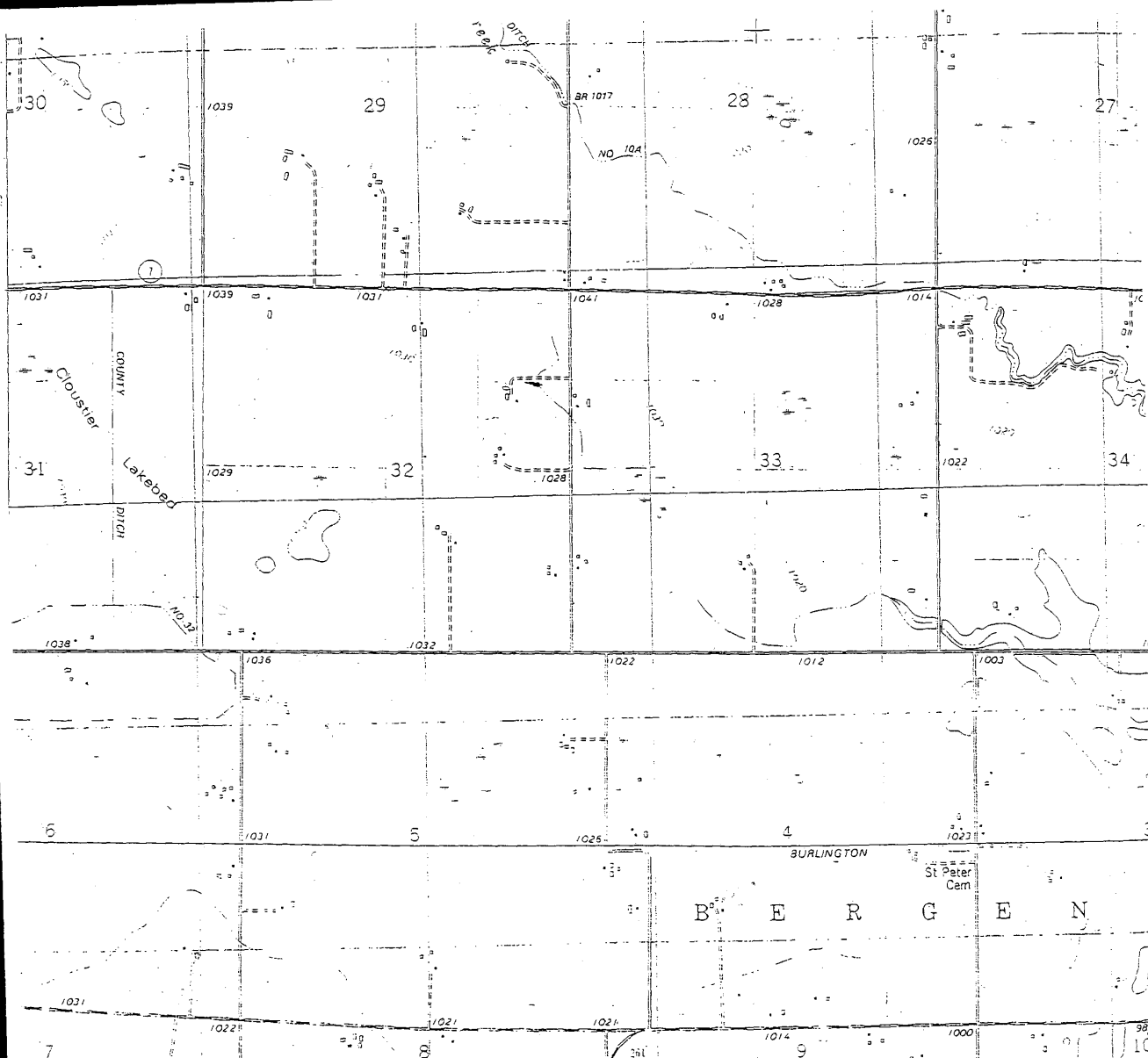
ROAD CLASSIFICATION

Primary highway, hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road
Interstate Route	U. S. Route
	State Route

WINSTED, MINN.
NE 1/4 GLENCOE 15' QUADRANGLE
N4452.5-W9400/7.5

1982

DMA 7173 I NE-SERIES V872



apped, edited, and published by the Geological Survey
 ntral by USGS, NOS/NOAA, and Minnesota Highway Department
 ography by photogrammetric methods from aerial photographs
 en 1975. Field checked 1977. Map edited 1982
 trography compiled from information furnished by
 nesota Department of Natural Resources
 ection and 10,000-foot grid ticks: Minnesota coordinate
 tem, south zone (Lambert conformal conic)
 30-meter Universal Transverse Mercator grid, zone 15
 27 North American Datum
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 re the projection lines 7 meters north and
 meters east as shown by dashed corner ticks
 red dashed lines indicate selected fence and field lines
 re generally visible on aerial photographs
 Information is unchecked

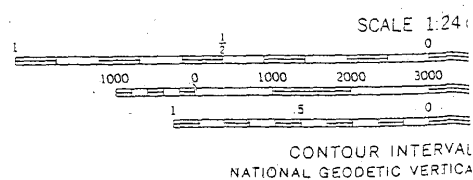
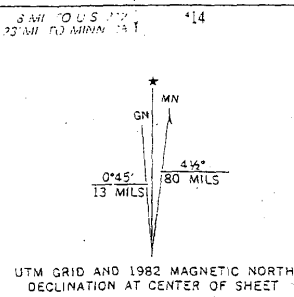
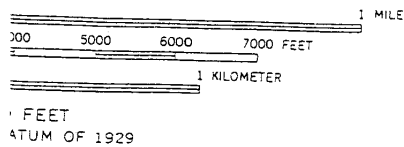
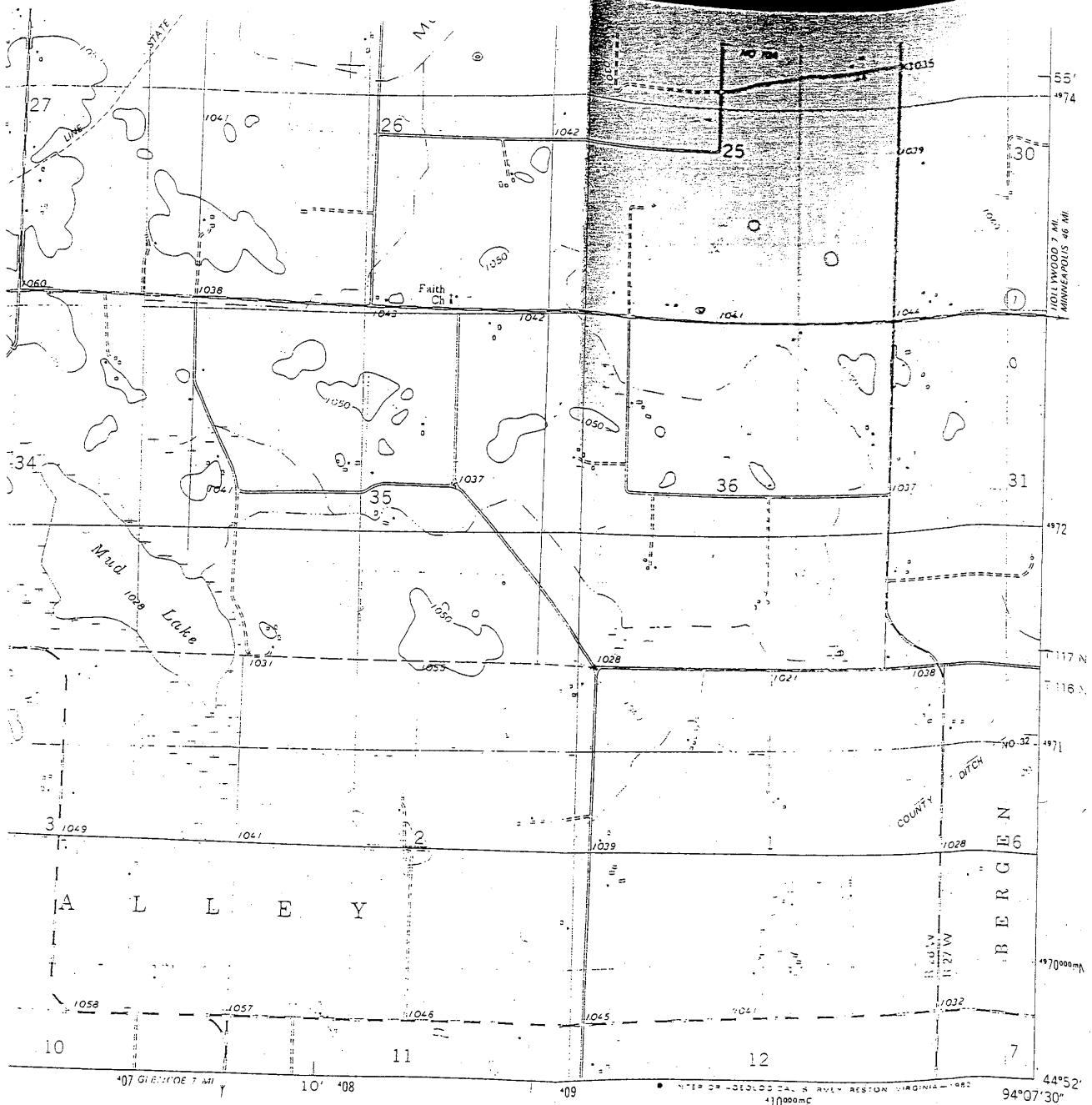


EXHIBIT 2
HISTORICAL REPORT
U.S.G.S. SURVEY MAPS
(PAGE 10 OF 14)

THIS MAP COMPLIES WITH NATIONAL
 FOR SALE BY U.S. GEOLOGICAL SURVEY
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND



ROAD CLASSIFICATION

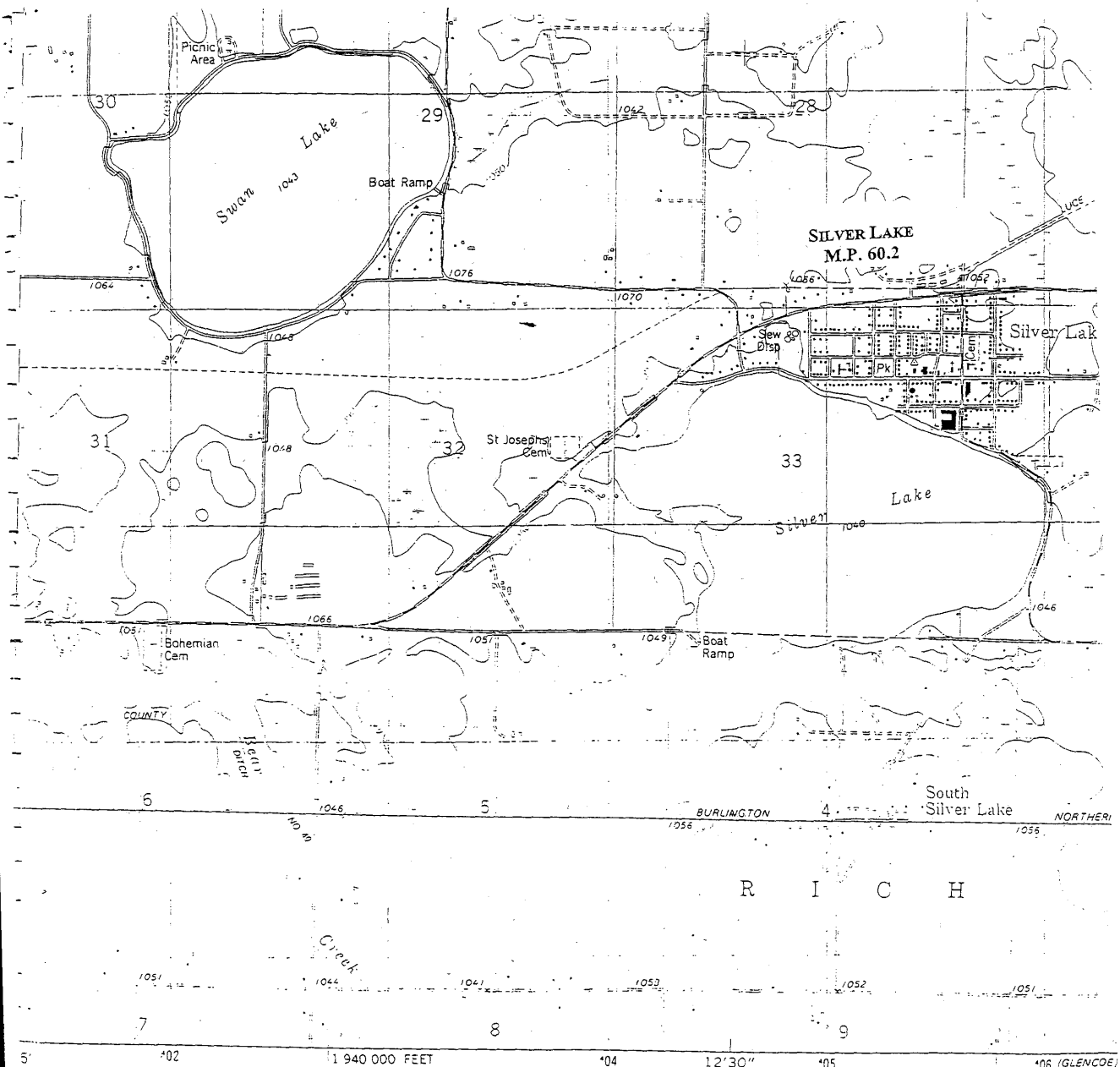
- | | |
|------------------------------------|--|
| Primary highway,
hard surface | Light-duty road, hard or
improved surface |
| Secondary highway,
hard surface | Unimproved road |
| Interstate Route | U. S. Route |
| | State Route |

ACCURACY STANDARDS
ESTON, VIRGINIA 22092
BOLS IS AVAILABLE ON REQUEST

EXHIBIT 2 HISTORICAL REPORT U.S.G.S. SURVEY MAPS (PAGE 11 OF 14)

SILVER LAKE, MINN.
NW/4 GLENCOE 15' QUADRANGLE
N4452.5-W9407.5/7.5

1982



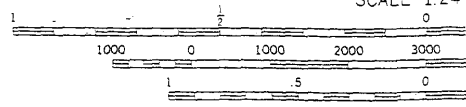
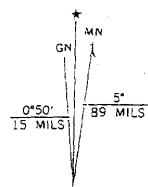
apped, edited, and published by the Geological Survey
ontrol by USGS and NOS/NOAA

pography by photogrammetric methods from aerial photographs
en 1975. Field checked 1977. Map edited 1982

ection and 10,000-foot grid ticks: Minnesota coordinate
tem, south zone (Lambert conformal conic)
00-meter Universal Transverse Mercator grid, zone 15
27 North American Datum

place on the predicted North American Datum 1983
ve the projection lines 7 meters north and
meters east as shown by dashed corner ticks

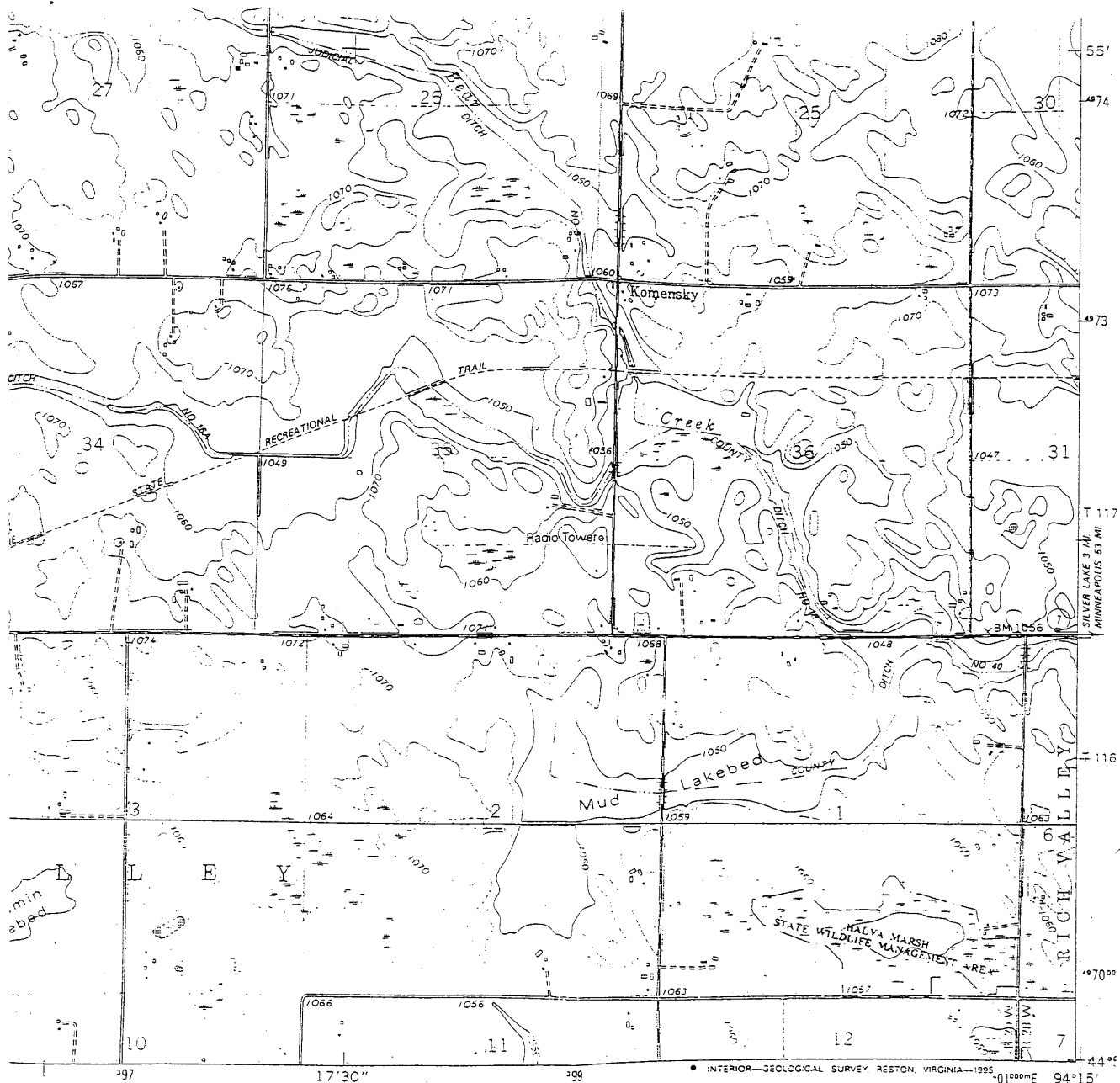
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are generally visible on aerial photographs
s information is unchecked



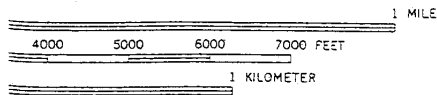
CONTOUR INTERVAL
NATIONAL GEODETIC VERTICA

EXHIBIT 2
HISTORICAL REPORT
U.S.G.S. SURVEY MAPS
(PAGE 12 OF 14)

THIS MAP COMPLIES WITH NATIONAL
FOR SALE BY U.S. GEOLOGICAL SURVEY
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND



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L 10 FEET
AL DATUM OF 1929



QUADRANGLE LOCATION

Revisions shown in purple compiled in cooperation with
State of Minnesota agencies from aerial photographs
taken

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Purple

IAP ACCURACY STANDARDS
GICAL SURVEY
ESTON, VIRGINIA 22092
SYMBOLS IS AVAILABLE ON REQUEST

EXHIBIT 2 HISTORICAL REPORT U.S.G.S. SURVEY MAPS (PAGE 13 OF 14)

ROAD CLASSIFICATION

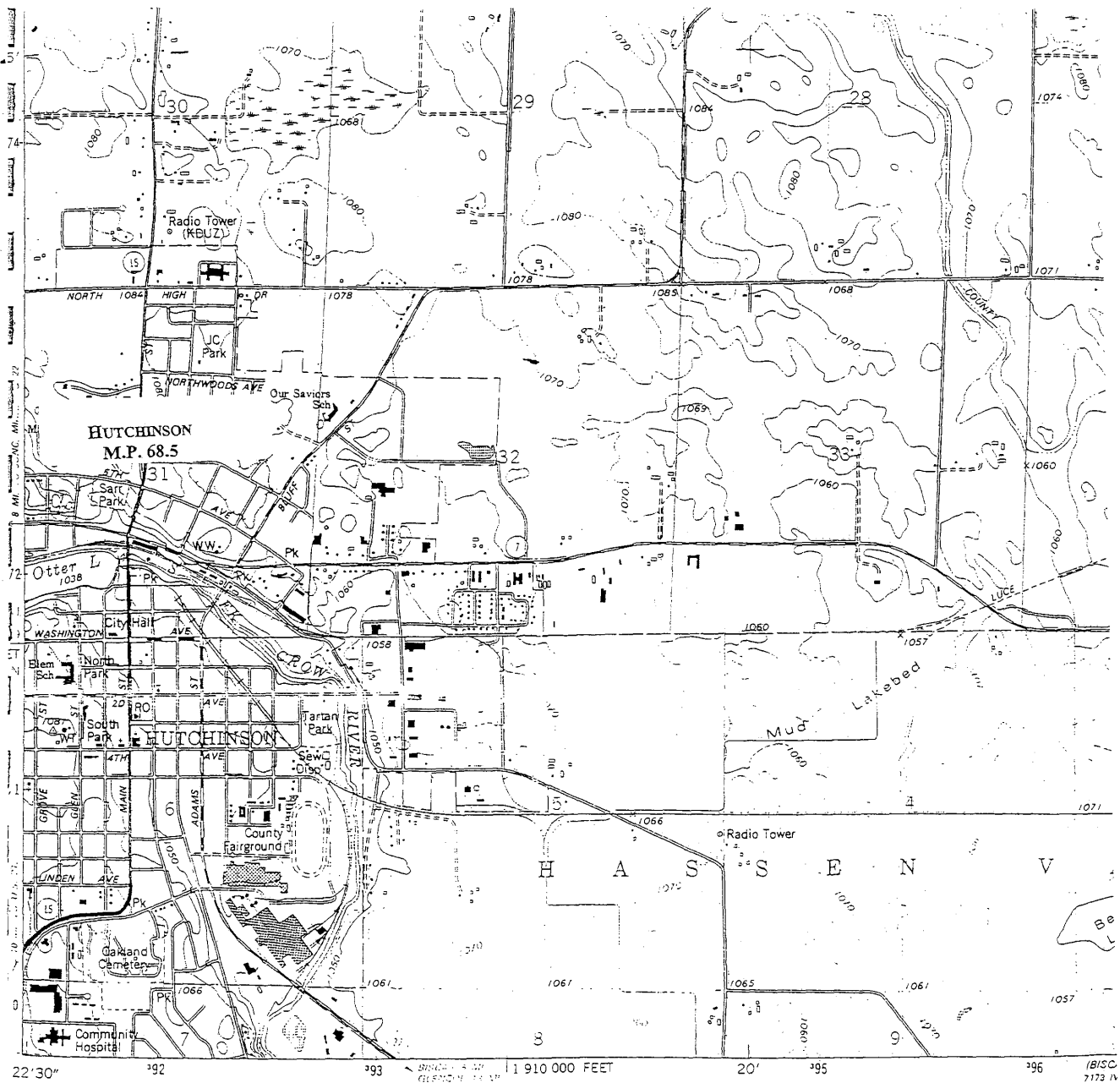
Primary highway, hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road
Interstate Route	U S Route
	State Route

HUTCHINSON EAST, MINN.
44094-H3-TF-024

1982

REVISED 1994

DNIA 7173 IV NE-SERIES V872



Produced by the United States Geological Survey

Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial photographs taken 1975. Field checked 1977. Map edited 1982

Hydrography compiled from information furnished by Minnesota Department of Natural Resources

North American Datum of 1927 (NAD 27). Projection and 10 000-foot ticks: Minnesota coordinate system, south zone (Lambert conformal conic)

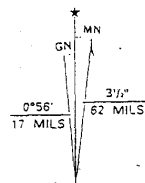
Blue 1000-meter Universal Transverse Mercator ticks, zone 15

North American Datum of 1983 (NAD 83) is shown by dashed corner ticks. The values of the shift between NAD 27 and NAD 83 for 7.5-minute intersections are obtainable from National Geodetic Survey NADCON software

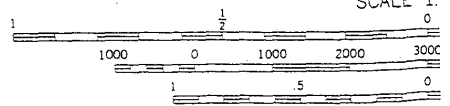
There may be private inholdings within the boundaries of the National or State reservations shown on this map

Red tint indicates areas in which only landmark buildings are shown

Fine red dashed lines indicate selected fence and field lines where generally visible on aerial photographs. This information is unchecked



UTM GRID AND 1994 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET



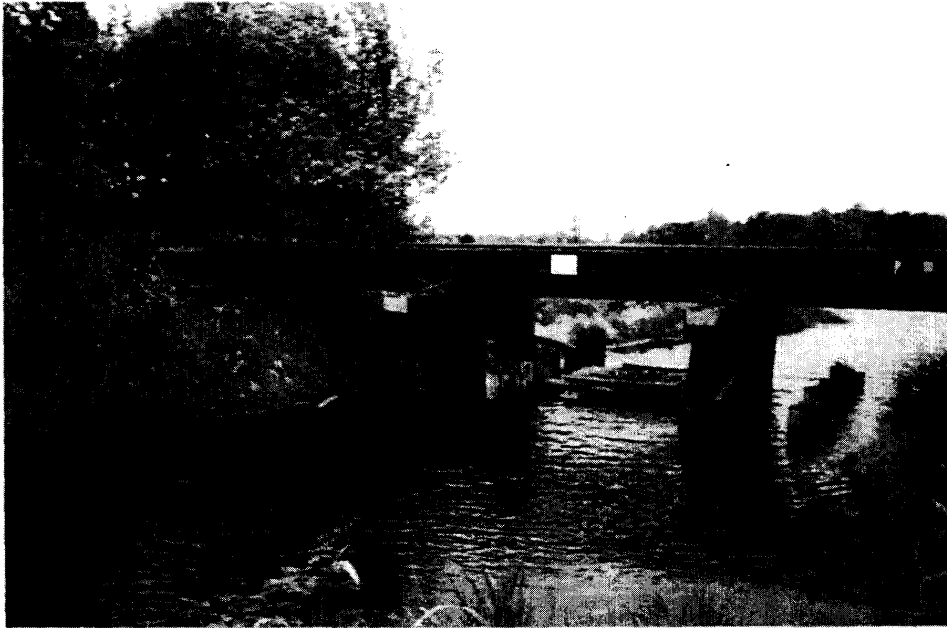
SCALE 1:
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EXHIBIT 2 HISTORICAL REPORT U.S.G.S. SURVEY MAPS (PAGE 14 OF 14)

THIS MAP COMPLIES WITH NATIONAL
FOR SALE BY U.S. GEC
DENVER, COLORADO 80225. OF
A FOLDER DESCRIBING TOPOGRAPHIC MAPS A

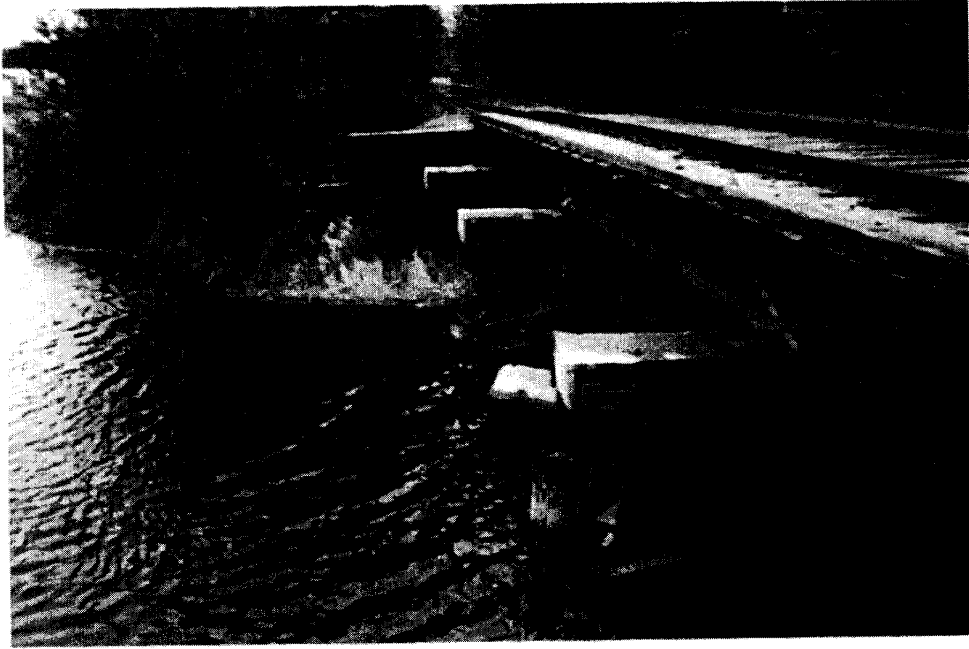
EXHIBIT 3

PHOTOGRAPHS OF RAILROAD STRUCTURES



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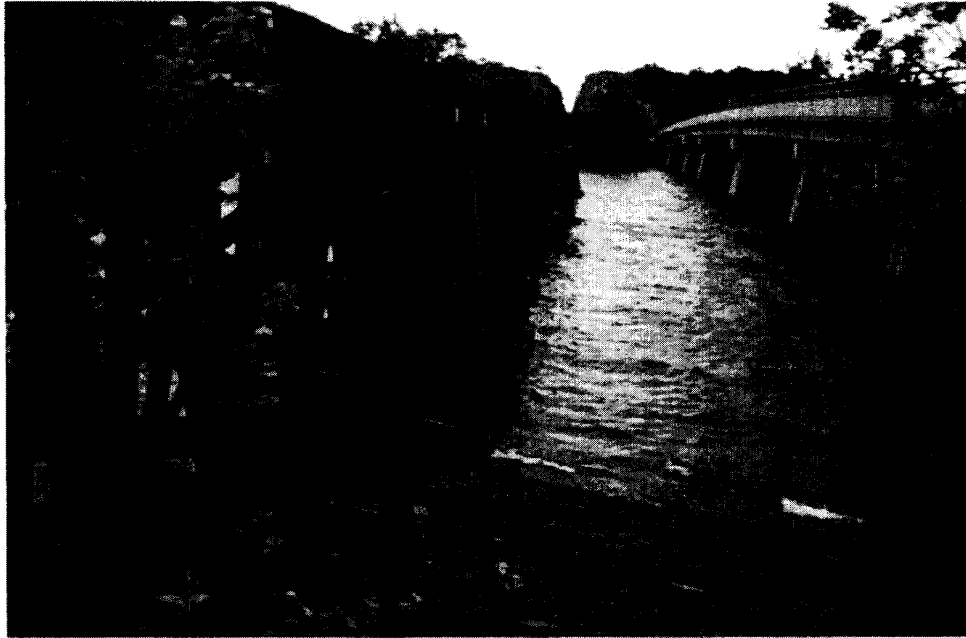
EXHIBIT 3
HISTORICAL REPORT
PHOTOGRAPHS OF RAILROAD
STRUCTURES (54 PHOTOS)



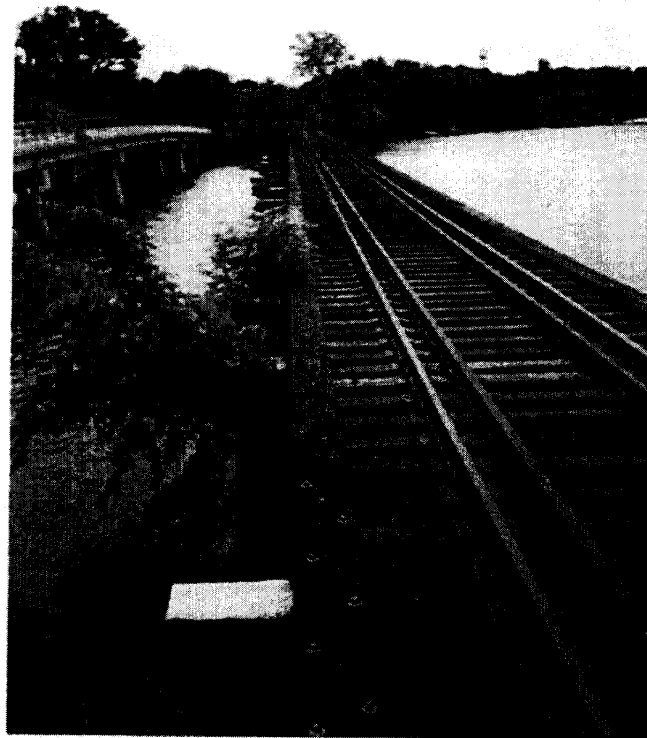
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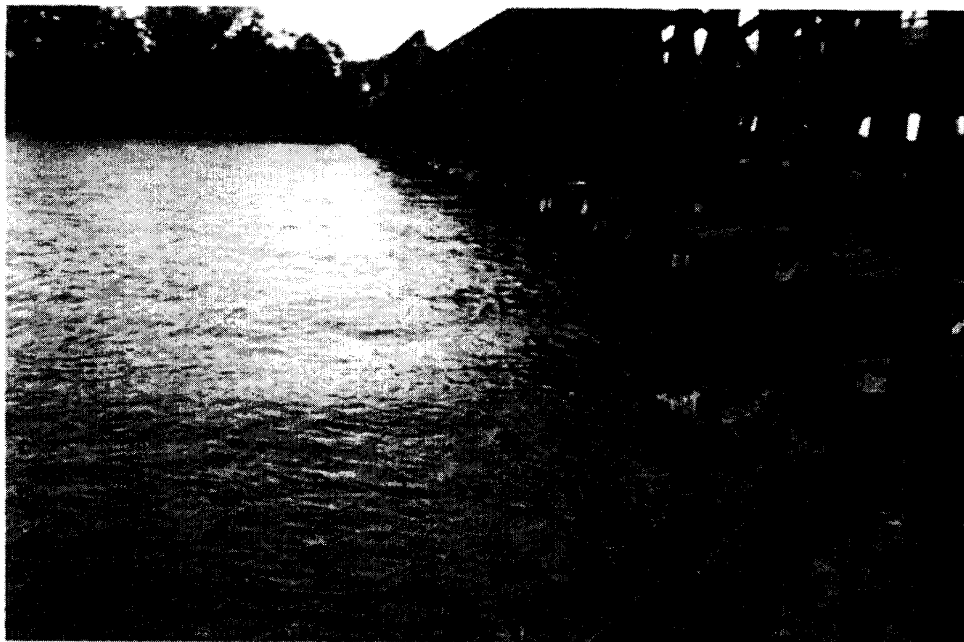
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BRIDGE @ MP 28.2



BRIDGE @ MP 28.2



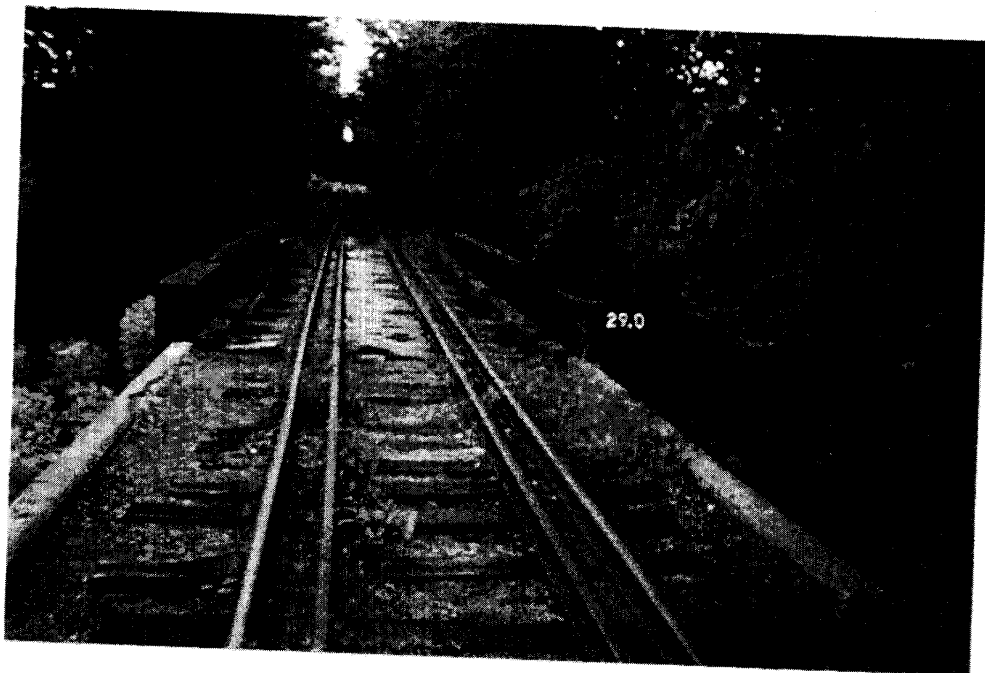
BRIDGE @ MP 28.2



BRIDGE @ MP 28.9



BRIDGE @ MP 28.9



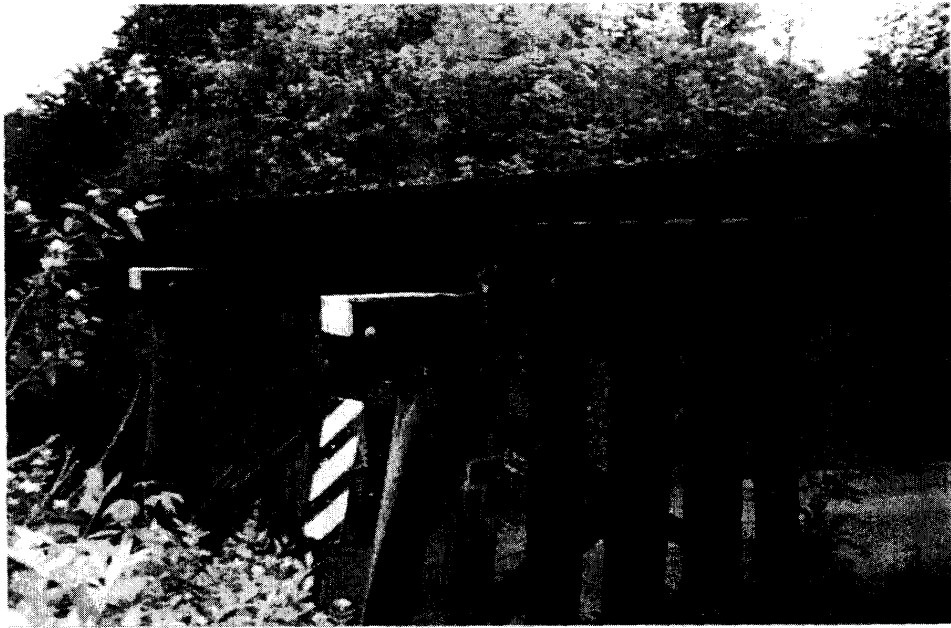
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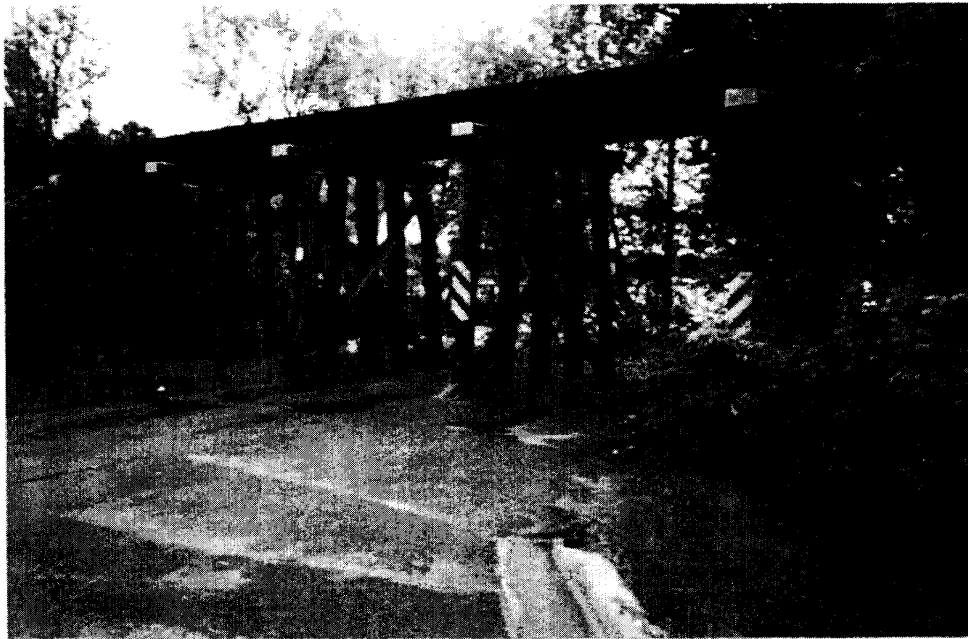
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BRIDGE @ MP 31.6



BRIDGE @ MP 31.6



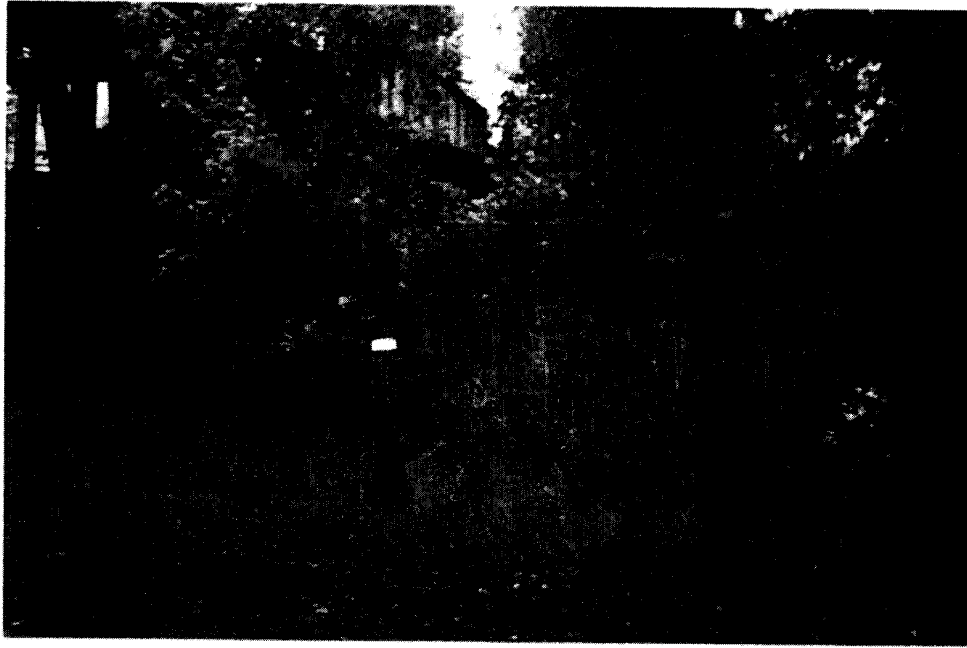
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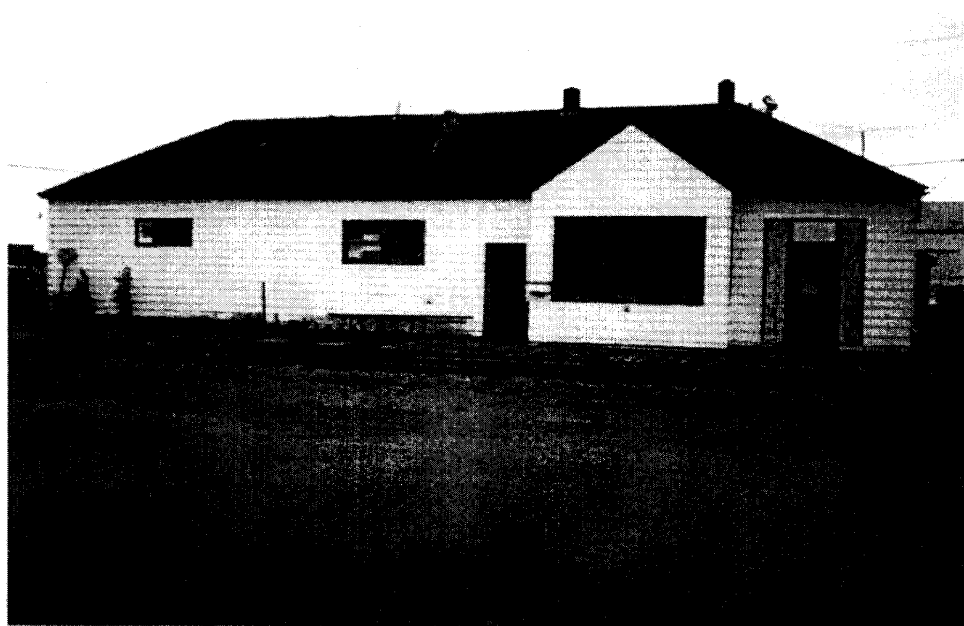
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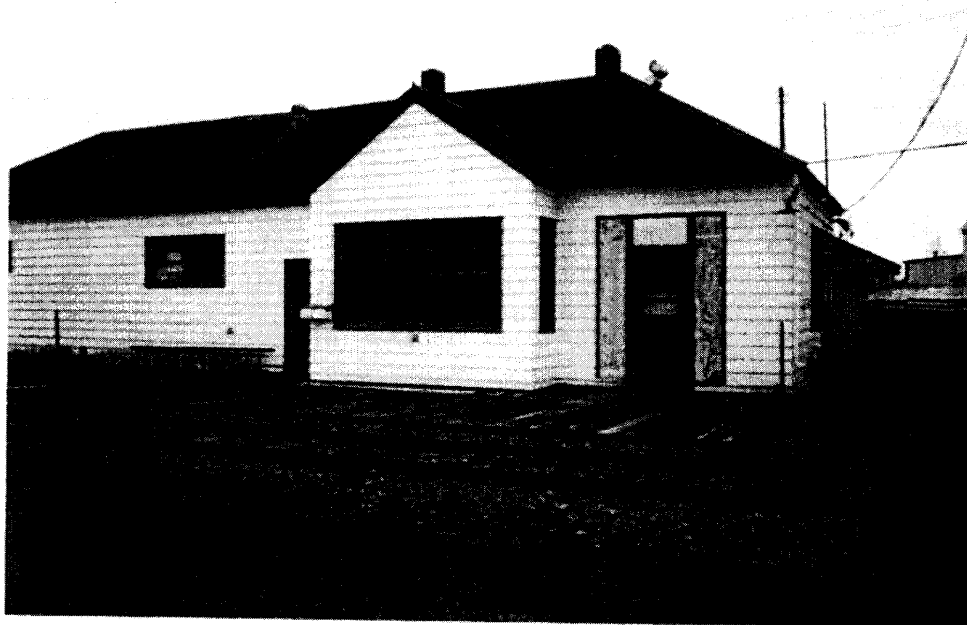
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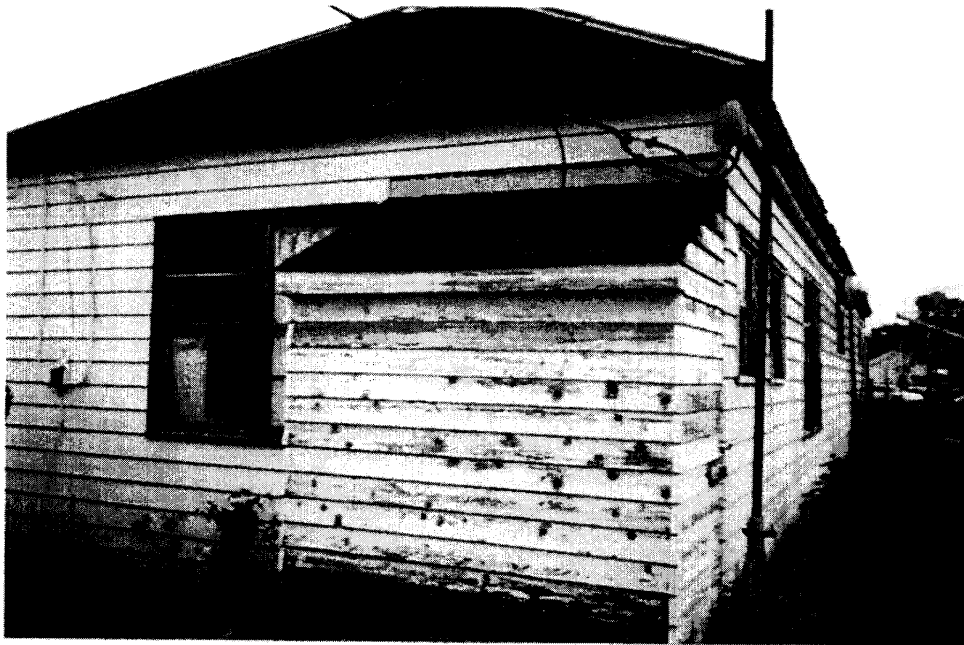
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SPRING PARK DEPOT



SPRING PARK DEPOT



SPRING PARK DEPOT



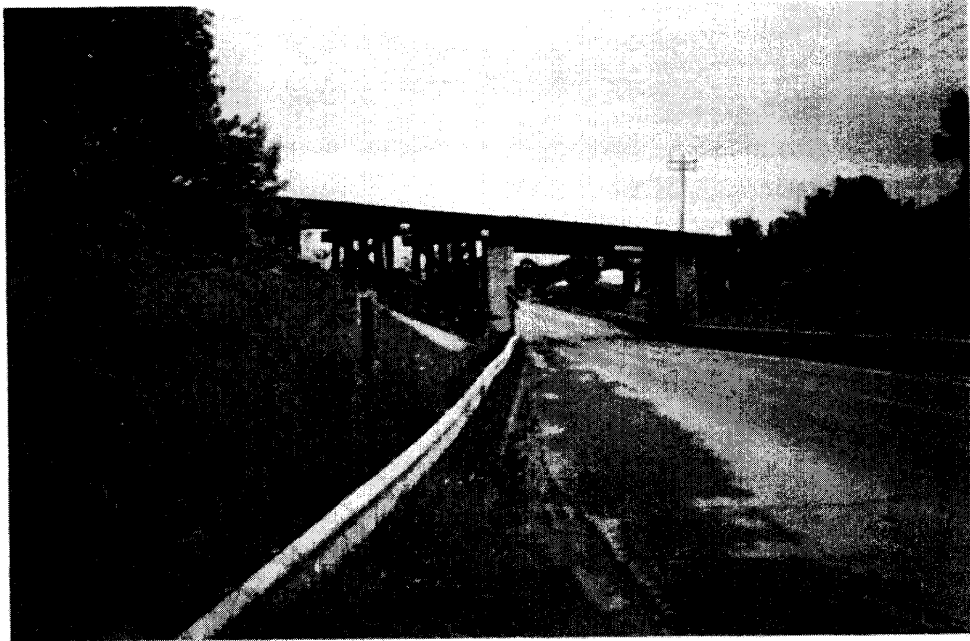
SPRING PARK DEPOT



SPRING PARK DEPOT



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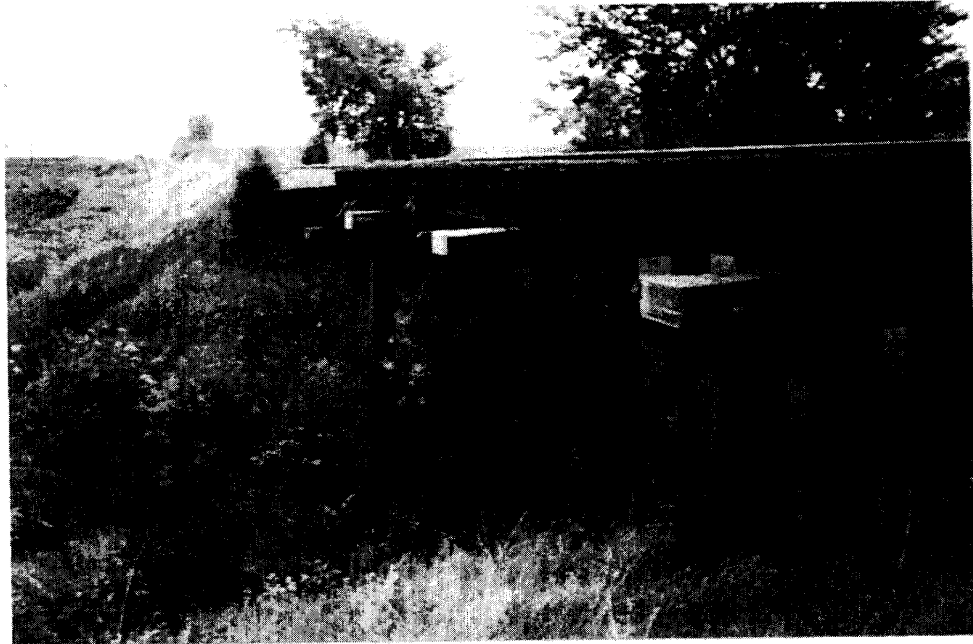
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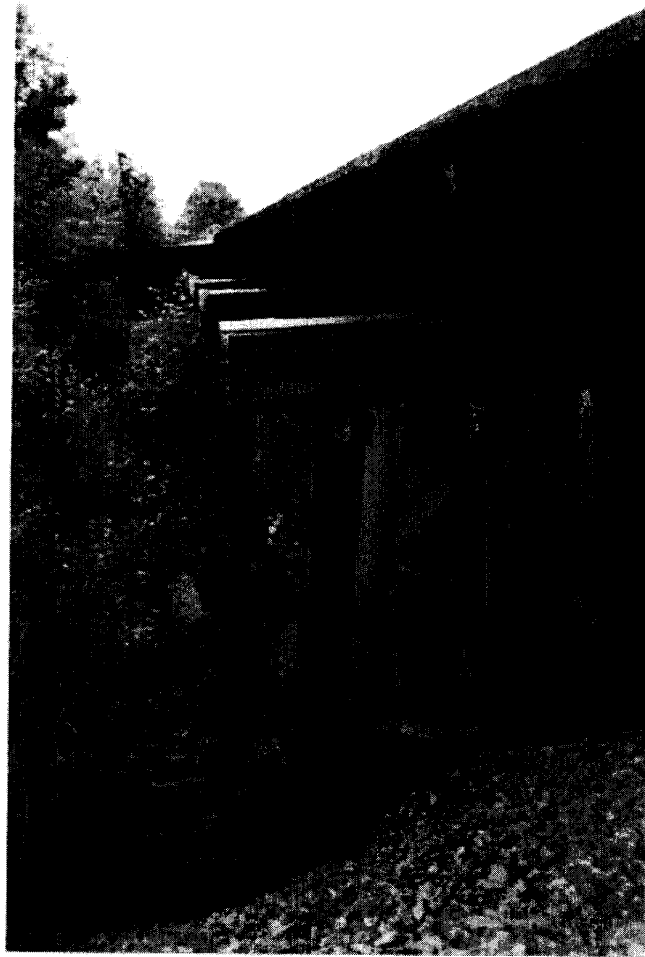
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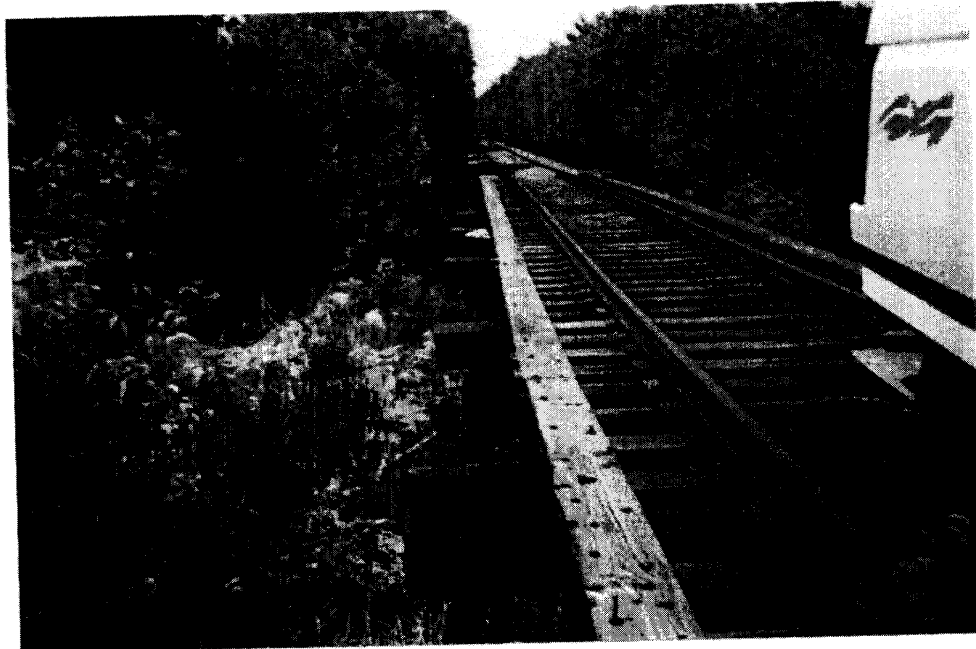
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BRIDGE @ MP 40.3



BRIDGE @ MP 40.3



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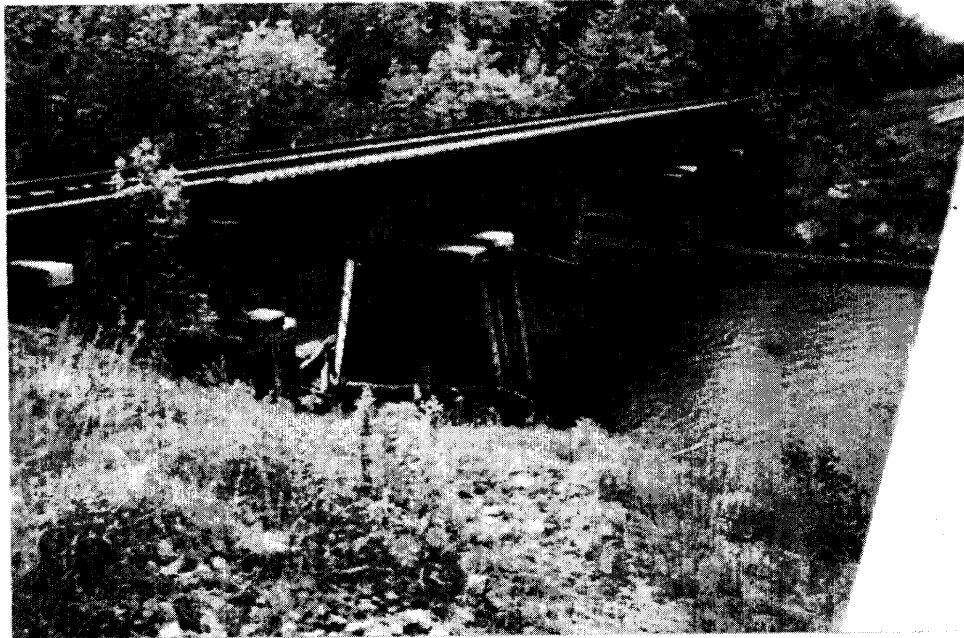
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BRIDGE @ MP 42.0



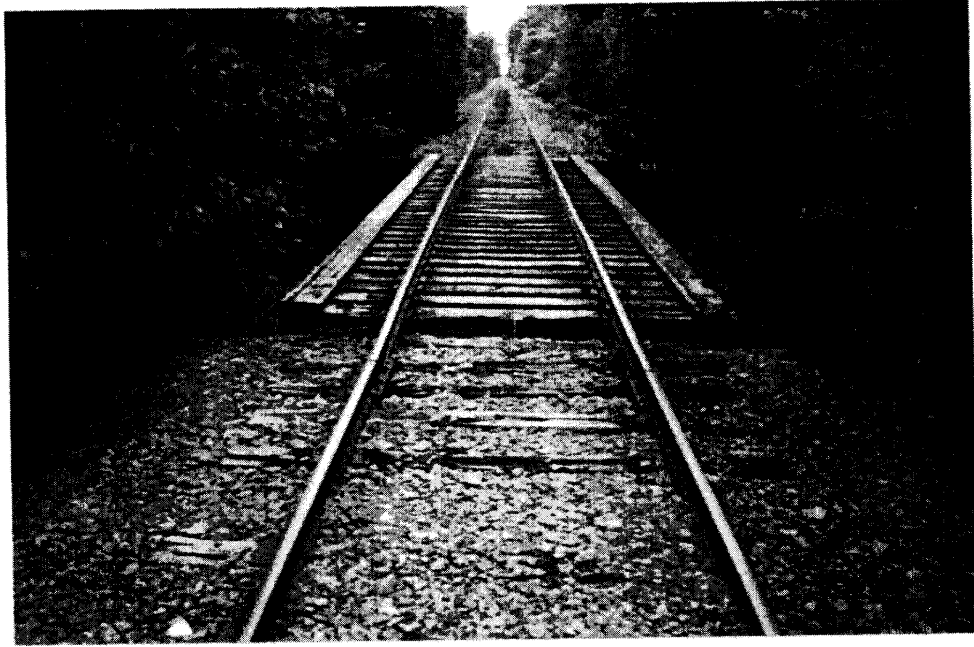
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BRIDGE @ MP 46.4



BRIDGE @ MP 46.4



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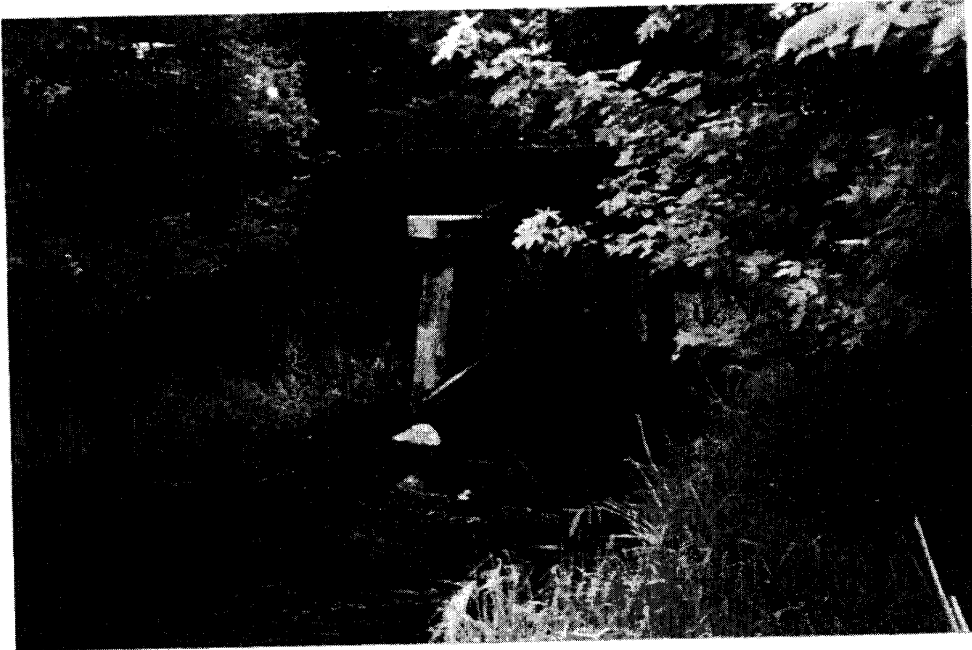
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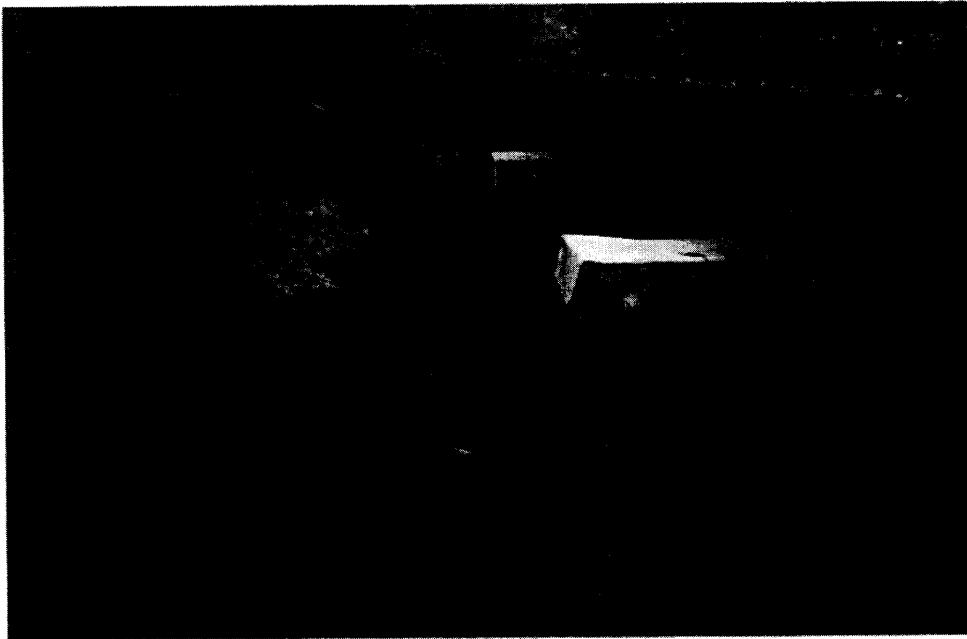
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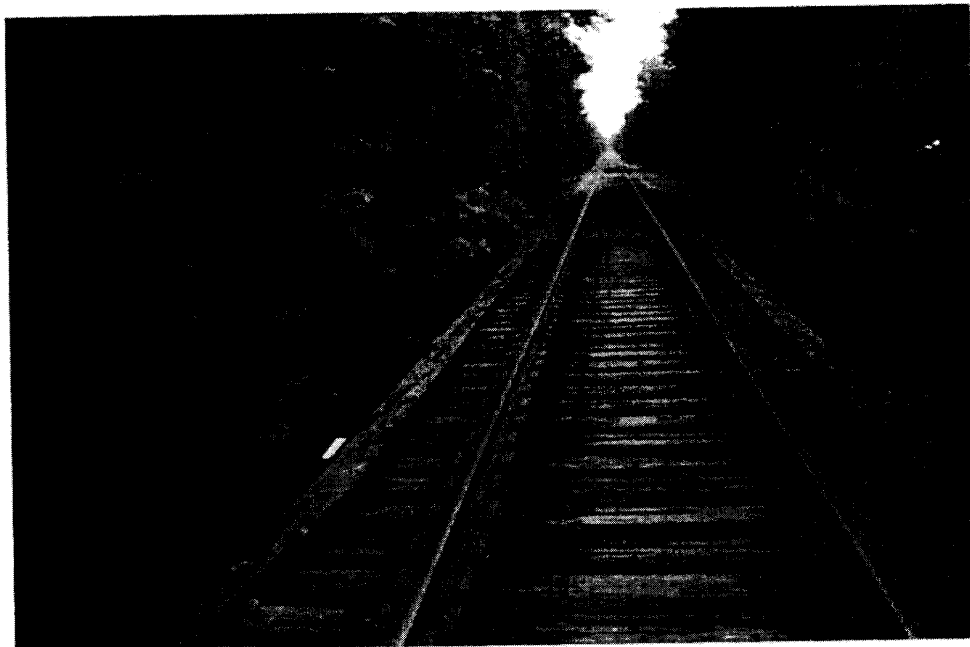
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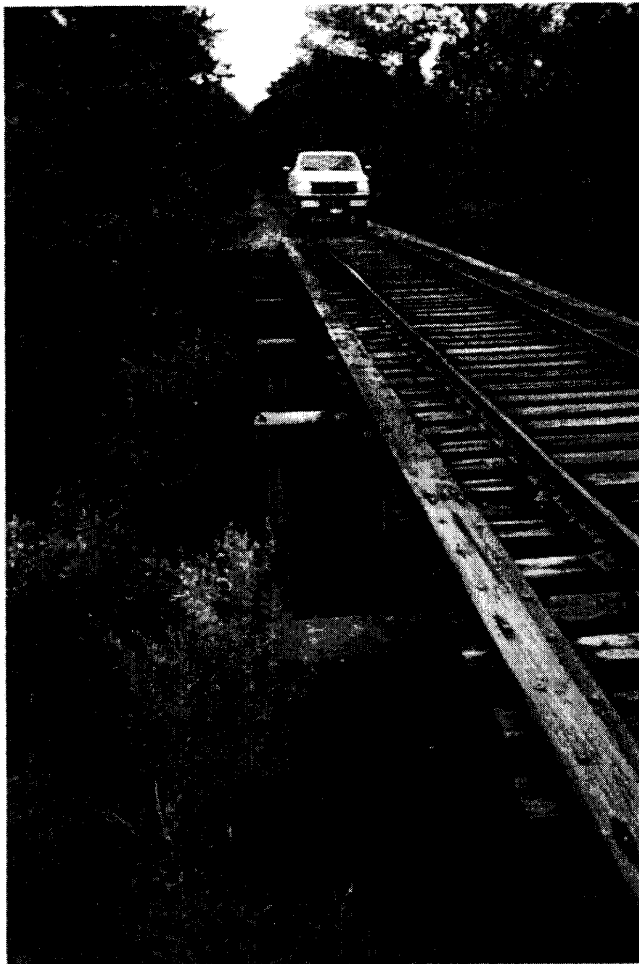
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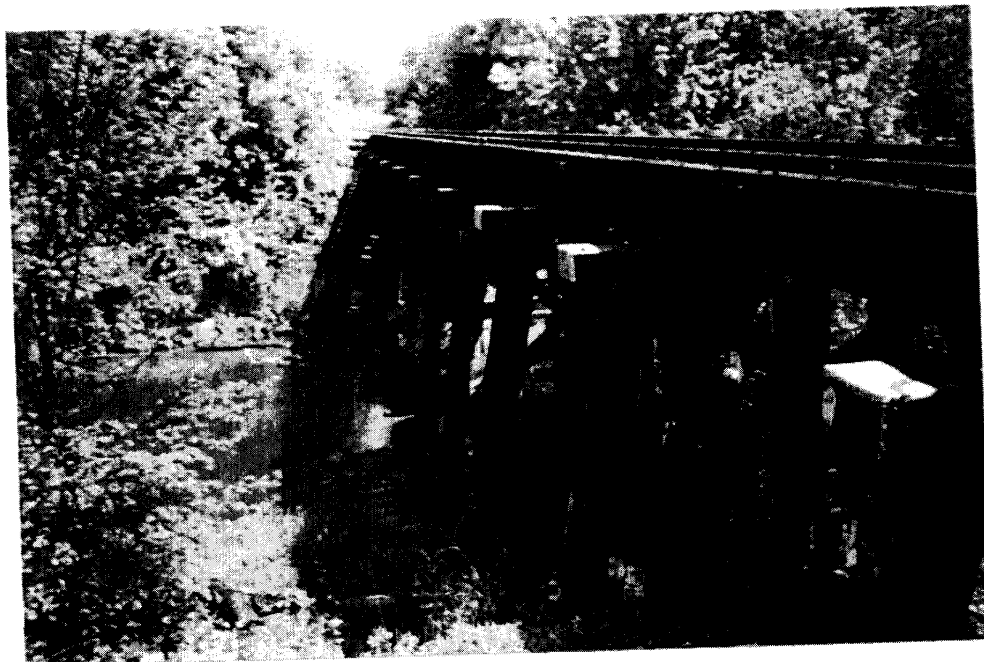
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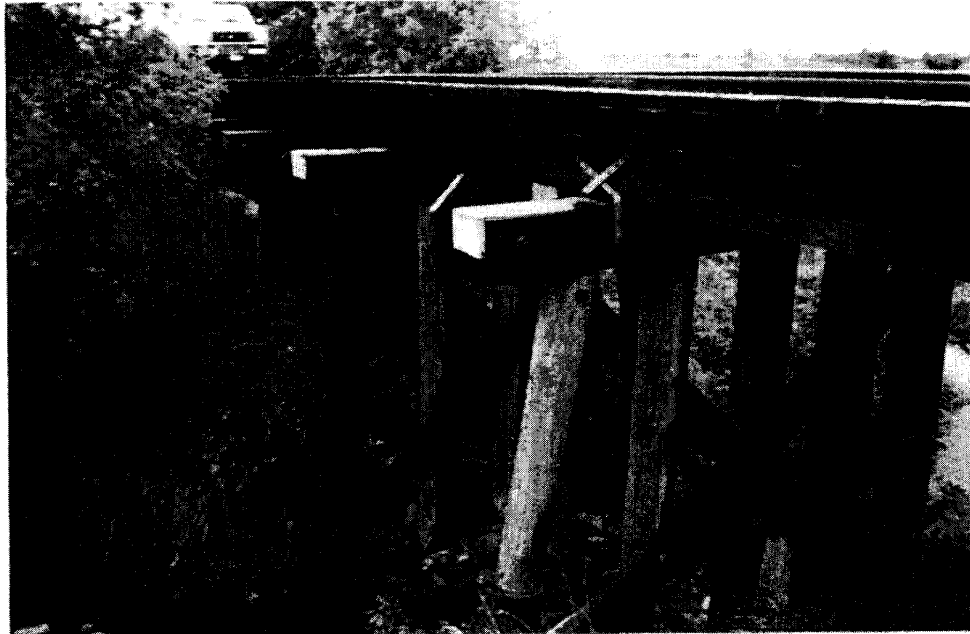
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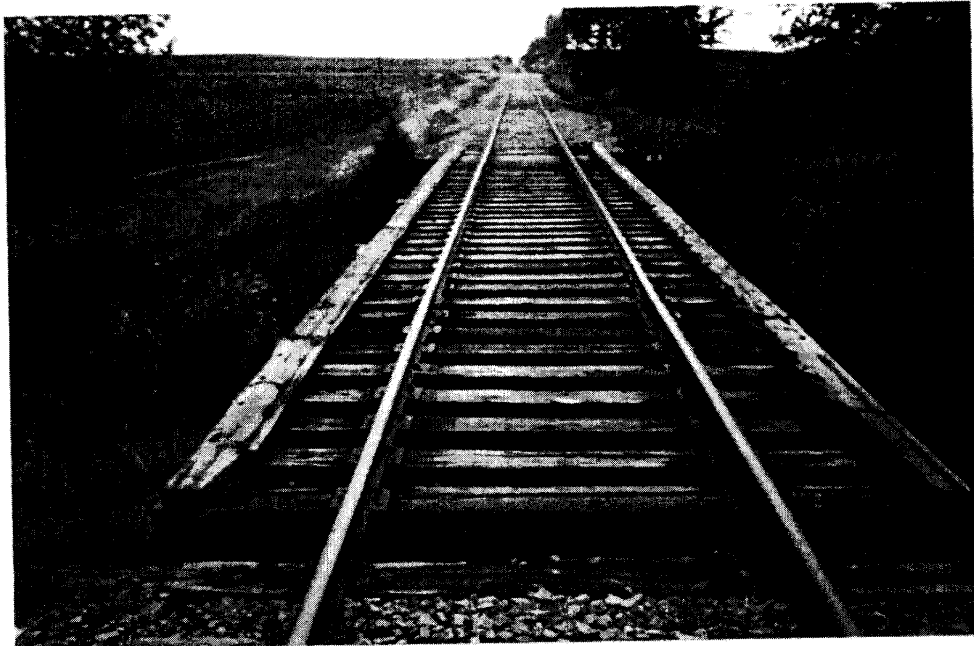
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BRIDGE @ MP 57.1



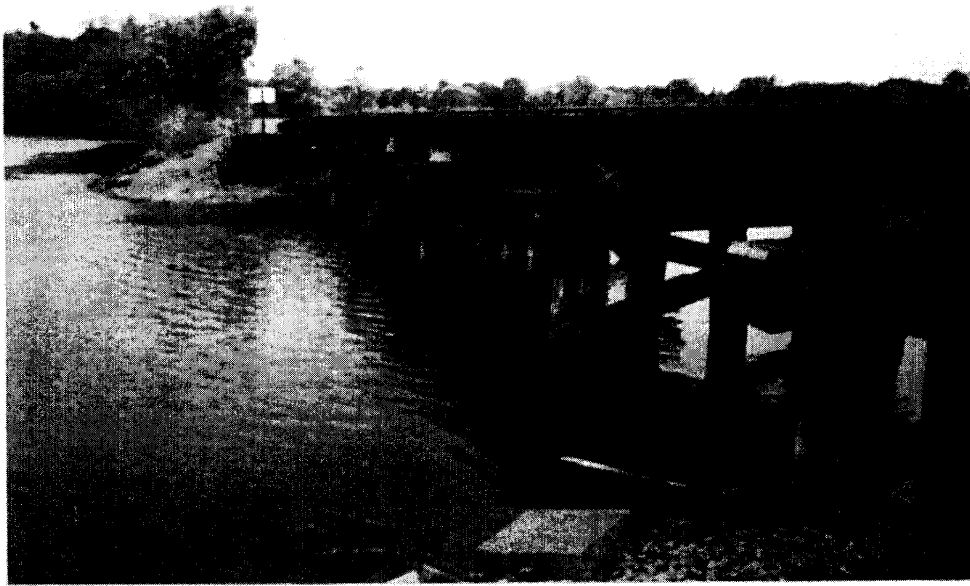
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BRIDGE @ MP 61.9



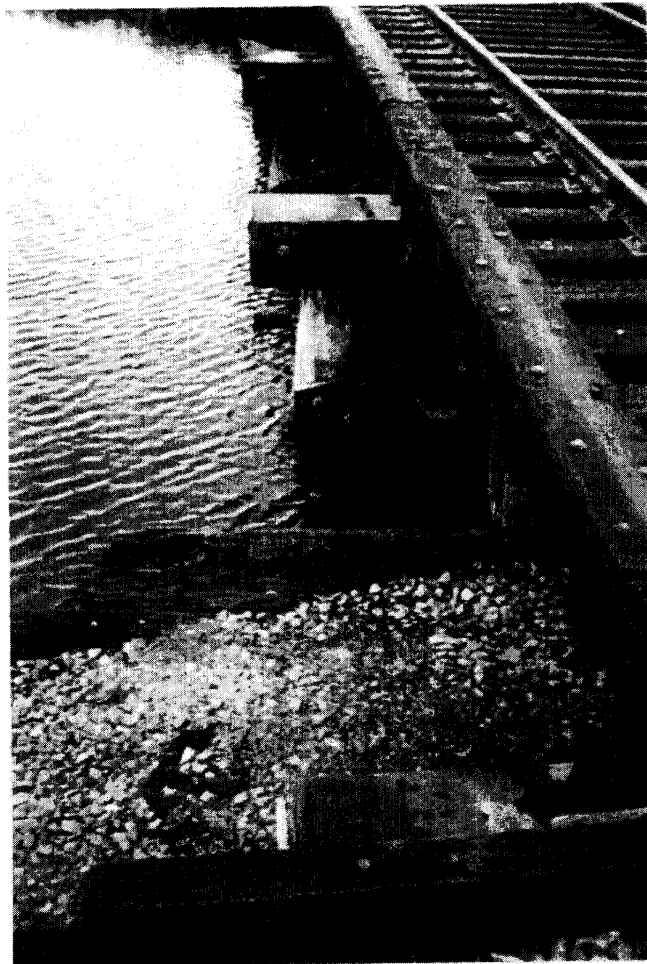
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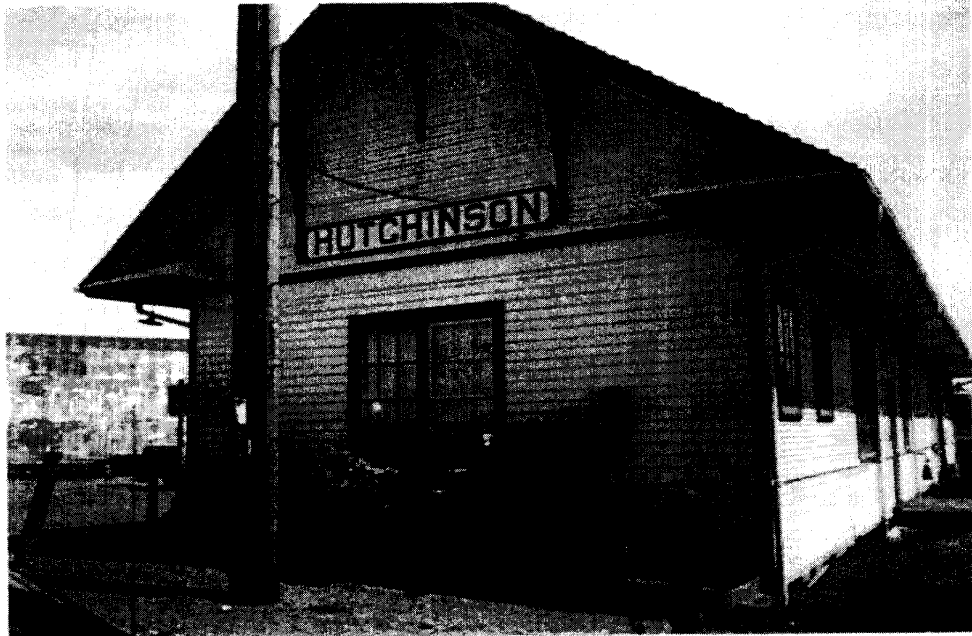
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BRIDGE @ MP 67.9



BRIDGE © MP 67.9



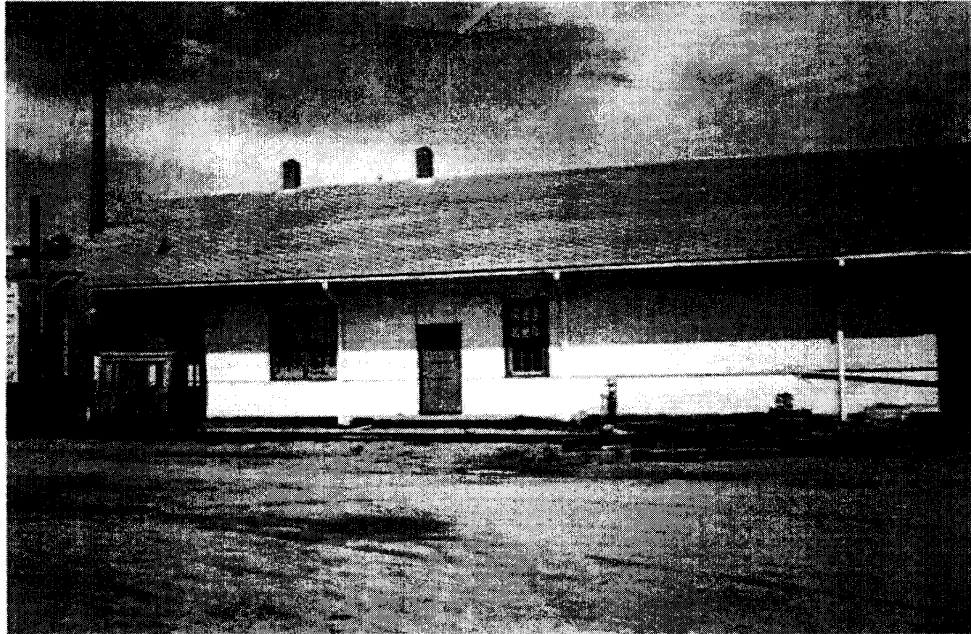
HUTCHINSON DEPOT



HUTCHINSON DEPOT



HUTCHINSON DEPOT



HUTCHINSON DEPOT

EXHIBIT 4

EXECUTIVE SUMMARY OF PHASE I ENVIROMENTAL REPORT

Executive Summary

Short Elliott Hendrickson Inc.[®] (SEH) was retained by Hennepin County to conduct a Phase I Environmental Site Assessment (ESA) for a 43-mile corridor between Hutchinson and just west of Wayzata. The properties on and adjacent to the corridor were observed, informally surveyed, and cataloged. The interiors of a few of the buildings on the railroad right-of-way were inspected. However, SEH did not enter most of the buildings.

A limited file search was conducted by Vista Information Solutions, Inc. and reviewed and summarized by SEH. The sites identified in the file search are properties that are currently regulated or on record with state and federal environmental agencies.

Through aerial photographs, fire insurance maps, topographic maps, railroad documents and maps, interviews and previous investigations, SEH reviewed the history of the properties on and adjacent to the corridor to identify past uses and potential recognized environmental conditions.

Based on the reasonably ascertainable information and data collected and compiled during the completion of this ESA, SEH provides the following conclusions and recommendations.

Thirty-two (32) sites and properties on and adjacent to the corridor were determined to have a high likelihood of soil and/or groundwater contamination that may potentially affect the environmental integrity of the corridor. These sites have been classified as *High Environmental Risks* to the corridor and include former bulk oil stations, filling stations, railroad maintenance facilities, manufacturing plants, and fertilizer and agricultural chemical facilities. There are twelve *High Environmental Risk* sites in Hutchinson, six sites in Lester Prairie, six sites in New Germany, one site in Mayer, one site between Mayer and Maple, one site in St. Bonifacius, one site in Mound and four sites in Spring Park.

In order to determine the extent and magnitude of potential soil and/or groundwater contamination, Phase II Investigations should be conducted on or in the railroad right-of-way adjacent to the 32 *High Environmental Risk* sites.

Forty-one (41) sites on and adjacent to the corridor were classified as *Medium Environmental Risks*. There is the potential for soil and/or groundwater contamination on these sites based on their historic or current uses and conditions. If they have environmental contamination, the *Medium Environmental Risk* sites located on or immediately adjacent to the corridor could impact the environmental integrity of the corridor. *Medium Environmental Risk* sites that have documented environmental contamination are not located on or immediately adjacent to the corridor.

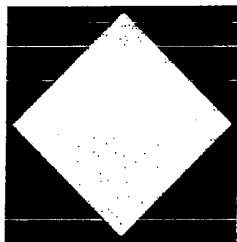
Limited Phase II Investigations should be considered on or in the railroad right-of-way adjacent to nineteen (19) of the forty-one (41) *Medium Environmental Risk* sites.

The Phase II Investigations should include collecting soil and groundwater samples for laboratory analysis. Prior to conducting the Phase II Investigations, the MPCA files for known release sites should be reviewed, to gain background information and data. The laboratory analyses should be

based on the sites' historic uses and the result of previous investigations. A detailed workplan identifying sampling locations and depths, media collection, and laboratory analysis, should be completed prior to performing any Phase II Investigative work.

The other properties on and adjacent to the corridor have been classified as *Low Environmental Risks*. There is no documentation of soil or groundwater contamination, and based on the historic and current uses and conditions of the property, there is a low likelihood of environmental degradation at these sites.

Additional recommendations for Hennepin County include a) locating the unmapped/orphan sites listed in the Vista Information Solutions, Inc. file search report and more precisely locating historical and formerly existing sites suspected to be on or immediately adjacent to the corridor. This task could be performed by reviewing historical city directories, and/or by conducting a formal chain-of-title search; b) performing detailed inspection of all buildings to be acquired by Hennepin County. The inspections should include sampling and analyzing the interior and exterior building materials for ACM by a licensed asbestos inspector. The buildings should also be inspected for other environmentally hazardous materials and structures such as lead-based materials, mercury-containing switches, fluorescent light bulbs, floor drains, USTs, storage of hazardous chemicals and substances, etc.



Dakota Rail Corridor

Phase I Environmental Site Assessment

Hennepin County, Minnesota

SEH No. A-HENNC0101.00

August, 2000

Volume I of III – Report and Figures



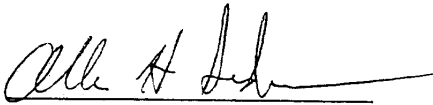
SHORT ELLIOTT HENDRICKSON INC
Multidisciplined.
Single Source.

EXHIBIT 4
HISTORICAL REPORT
PHASE I EXECUTIVE SUMMARY
(PAGE 3 OF 4)

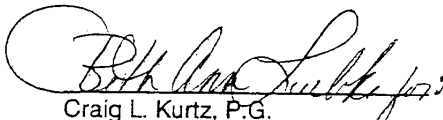
Phase I Environmental Site Assessment
Dakota Rail Corridor
Hennepin County, Minnesota

SEH No. A-HENNC0101.00

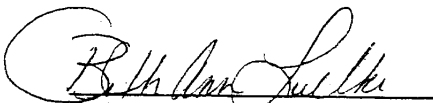
August, 2000



Allen H. Sunderman, P.G.
Project Manager



Craig L. Kurtz, P.G.
Project Hydrogeologist



Beth Ann Luebke
Environmental Scientist

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Short Elliott Hendrickson Inc.
3535 Vadnais Center Drive
St. Paul, MN 55110-5108
651.490.2000



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

December 23, 2003

TO THOSE ON THE ATTACHED SERVICE LIST

Re: Docket No. AB 864 (Sub-No. 1X) Hennepin County Regional Railroad Authority — Notice of Exempt Abandonment in McLeod, Carver and Hennepin Counties, Minnesota

Dear Sir/Madam:

On January 14, 2004, Hennepin County Regional Railroad Authority (HCRRRA) expects to file with the Surface Transportation Board a notice of exemption seeking authority to abandon a 43.9 mile line of railroad between railroad milepost 24.6, near Wayzata, to the end of the line at milepost 68.5, in Hutchinson, in McLeod, Carver, and Hennepin Counties, MN. Attached is an Environmental Report and Historic Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the Information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA). Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, telephone (202) 565-1532 and refer to the above *Docket No. AB 864 (Sub-No. 1X)*. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. HCRRRA's representative in this matter is Marilyn J. Maloney, Assistant County Attorney, who may be contacted by telephone at (612) 348-7754 or by mail at Hennepin County Attorney's Office, A2000 Hennepin County Government Center, 300 South Sixth Street, Minneapolis, MN 55487.



Sincerely,

MARILYN J. MALONEY
Assistant Hennepin County Attorney
Telephone: (612) 348-7754
FAX: (612) 348-8299

MJM:kd

Enclosure
300 SOUTH SIXTH STREET MINNEAPOLIS, MINNESOTA 55487
C: Marcia Wilda PHONE: 612-348-3550 www.hennepinattorney.org

SERVICE LIST FOR
ENVIRONMENTAL & HISTORIC REPORT
STB DOCKET NO. AB-864 (SUB-NO. 1X)

FEDERAL AGENCIES

Appropriate Regional Office(s) of the
U.S. Environmental Protection Agency

U.S. Environmental Protection Agency
Region 5
77 W. Jackson Blvd.
Mail Code: MP-10J
Chicago, IL 60604

U.S. Environmental Protection Agency State Official

Minnesota Department of Natural Resources
500 Lafayette Rd.
St. Paul, MN 55155-4040

U.S. FISH AND WILDLIFE SERVICE

U.S. Fish and Wildlife Service
Region 3
One Federal Drive
Federal Drive
Fort Snelling, MN 55111

Scott Glup, Project Leader
Litchfield Wetlands Management District
U.S. Fish and Wildlife Service
22274 - 615 Avenue
Litchfield, MN 55355

Dan P. Stinnett, Field Supervisor
U.S. Department of the Interior
Fish and Wildlife Service
Twin Cities Field Office
4101 East 80th Street
Bloomington, MN 55425-1665

U.S. ARMY CORPS OF ENGINEERS

U.S. Army Corp. of Engineers
St. Paul District
Attn: Joe Yanta
190 5th St. East
St. Paul, MN 55101-1638

NATIONAL PARK SERVICE

National Center for Recreation and Conservation
Office of the Director
1849 C Street, NW
Washington, DC 20240

U.S. SOIL CONSERVATION SERVICE

State Conservationist-USDA Soil Conservation Service
600 Farm Credit Building
375 Jackson St.
St. Paul, MN 55101-1854

NATIONAL GEODETIC SURVEY

DOC/NOAA
National Geodetic Survey N/NGS23
Attn: Frank Maida
1315 East West Highway Station 8736
Silver Spring, MD 20910-3282

STATE AGENCIES

STATE CLEARINGHOUSE

The State of Minnesota has no designated clearinghouse

STATE DEPARTMENT OF TRANSPORTATION

Minnesota Rail Service Improvement Program
Office of Freight & Commercial Vehicle Operations
Department of Transportation
Al Vogel
1110 Centre Point Curve
Mail Stop 420
Mendota Heights, MN 55120

STATE ENVIRONMENTAL PROTECTION AGENCY

Minnesota Department of Natural Resources
500 Lafayette Rd.
St. Paul, MN 55155-4040

Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

Minnesota Office of Environmental Assistance
520 Lafayette Road
N Floor 2
St. Paul, MN 55155-4100

STATE HISTORIC PRESERVATION OFFICE

Mr. Dennis Gimmestad
Minnesota Historical Society
State Historic Preservation Office
Director, Review and Compliance Department
345 Kellogg Boulevard West
St. Paul, MN 55102-1906

**OTHER POLITICAL ENTITIES and/or INDIAN RESERVATIONS
THROUGH WHICH THE LINE RUNS**

CARVER COUNTY

Chair of Board
Carver County Board of Commissioners
600 East 4th St.
Chaska, MN 55318

Bob Hendricks
Carver County Attorney's Office
Carver County Government Center
Justice Center
600 East 4th Street
Chaska, MN 55318

HENNEPIN COUNTY

Chair of Board
Hennepin County Board of Commissioners
A2400 Government Center
300 South Sixth Street
Minneapolis, MN 55487

MCLEOD COUNTY

Chair of Board
McLeod County Board of Commissioners
830 11th St. East
Glencoe, MN 55336

Commissioner Sheldon Nies
McLeod County Regional Railroad Authority
1118 Jefferson Street South
Hutchinson, MN 55350

Ronald J. McGraw
Attorney at Law
P.O. 98
Hutchinson, MN 55350

CITY OF ST. BONIFACIUS

City of St. Bonifacius
Planning Commission
8535 Kennedy Memorial Drive
St. Bonifacius, MN 55375

CITY OF HUTCHINSON

City of Hutchinson
Planning Commission
111 Hassan Street SE
Hutchinson, MN 55350

CITY OF THE VILLAGE OF MINNETONKA BEACH

City of the Village of Minnetonka Beach
Planning Commission
Attn: Richard Krier
PO Box 146
Minnetonka Beach, MN 55361

Robert G. Mitchell, Jr. Esq.
Lindquist & Venum P.L.L.P.
4200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-2274

CITY OF MOUND

City of Mound
Planning Commission
5341 Maywood Road
Mound, MN 55634

CITY OF ORONO

City of Orono
Planning Commission
PO Box 66
Crystal Bay, MN 55323

CITY OF SPRING PARK

City of Spring Park
Planning Commission
4943 Warren Avenue
Spring Park, MN 55384

CITY OF WAYZATA

City of Wayzata
Planning Commission
600 Rice Street
Wayzata, MN 55391

METROPOLITAN COUNCIL

Metropolitan Council
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101-1626