

March 9, 2004

Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N W
Washington, DC 20423-0001



**Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 411X);
The Burlington Northern and Santa Fe Railway Company
Abandonment from Quadlock, Washington to Olympia, Washington**

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312 360 6000

Michael A. Smith
Senior Counsel
Direct 312 360 6724
Fax 312 360 6598
msmith@
freebornpeters.com

Dear Ms. Rutson:

On or after March 30, 2004, we are filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 4.50 miles of railroad line between M.P. 397.78 in Hoxie, Arkansas to M.P. 402.28 in Walport, Arkansas, which traverses through United States Postal ZIP Codes 72433 and 72476 in Lawrence County, Arkansas. Attached are ten copies plus the original of the Environmental and Historic Report describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

Chicago

Springfield

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael A. Smith', written over a horizontal line.

Michael A. Smith

Enclosures

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Office of Proceedings

MAR 10 2004

Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company Notice of Exemption
to Abandon Its Line of Railroad
Between M.P. 397.78 in Hoxie, Arkansas
and M.P. 402.28 at Walport, Arkansas
and the 2.20 Mile Walnut Ridge Industrial
Spur

ENTERED
Office of Proceedings

MAR 10 2004

Part of
Public Record

Docket No. AB-6
(Sub No. 411 X)



ENVIRONMENTAL REPORT

The following information is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between M.P. 397.78 in Hoxie, Lawrence County, Arkansas and M P 402.28 in Walport, Lawrence County, Arkansas, and the 2.20 mile Walnut Ridge Industrial Spur, a total distance of 6.70 miles.

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

BNSF seeks to abandon and discontinue service of the line. A map of the line is attached as Exhibit A.

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

The proposed abandonment will have no affect on existing transportation systems or patterns as the line is out of service

(3) Land Use:

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

The proposed exemption will be consistent with local or regional land use plans. There has been a proposal to convert this area into a walking and biking trail. See Exhibit B, letter from the City of Walnut Ridge.

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

The area is within prime agriculture land but the proposed work should not have any effect on the prime farmland. See Exhibit C, letter from the Natural Resources Conservation Service.

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

N/A

(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. § 10906 and explain why.

There has been a proposal to convert the area into a walking and biking trail. See Exhibit B, letter from the City of Walnut Ridge.

(4) Energy:

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

To the best of BNSF's knowledge there are no undeveloped energy resources such as oil, natural gas or coal in the vicinity of this line.

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

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

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

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

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

There will be no diversions of traffic because the line is out of service.

(5) Air:

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

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

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

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as the line is out of service.

(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% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

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

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

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

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

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(6) Noise: If any of the thresholds identified in item (5)(c) 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,

N/A

(ii) An increase to a noise level of 76 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 those receptors if the thresholds are surpassed.

N/A

(7) Safety

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

This abandonment should have no adverse effect on health or public safety. There are 21 public crossings and 1 private crossing. During salvage operations on the line, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(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.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site 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.

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

(8) Biological resources:

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

There are no federally listed endangered, threatened or candidate species present. See Exhibit D, response from the U.S. Fish and Wildlife Service.

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

The proposed project will have no conflict with any state park or recreation area. See Exhibit E, letter from the Arkansas Department of Parks and Tourism

(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.

BNSF believes that the proposed exemption will be consistent with applicable Federal, State or local water quality standards. The Arkansas Department of Environmental Quality was notified by letter dated August 4, 2003. See Exhibit F. As of the date of this report, the Arkansas Department of Environmental Quality has not responded. BNSF will provide the Board copies of any response it may receive.

(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 floodplains will be affected. Describe the effects.

BNSF believes that permits under 404 of the Clean Water Act are not required for the proposed exemption. The Army Corps of Engineers has been notified by letter dated August 4, 2003. See Exhibit G. As of the date of this report, the Army Corps of Engineers has not responded. BNSF will provide the Board copies of any response it may receive. BNSF believes the proposed exemption will not affect the 100-year floodplain. Lawrence County Emergency Management has been notified by letter dated August 4, 2003. See Exhibit H. As of the date of this report, Lawrence County Emergency Management has not responded. BNSF will provide the Board copies of any response it may receive.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

BNSF believes that permits under 402 of the Clean Water Act are not required for the proposed exemption. A construction storm water permit is required for any construction site that disturbs one or more acres of total land area. See Exhibit I, Letter from the Arkansas Department of Environmental Quality.

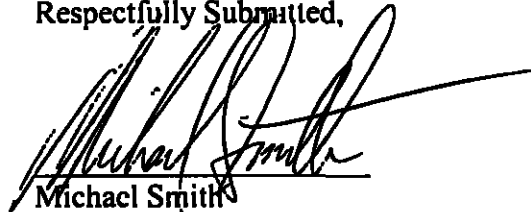
(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

BNSF proposes the following mitigation with respect to historical and archeological resources referenced in Exhibit K:

BNSF, or its contractors shall prior to salvage, consult with the Department of Arkansas Heritage concerning the precise location of the archeological sites 3LW358, 3LW363, and 3LW364 and structures LW0037 and LW0064, and shall ensure that none of these sites or structures are accessed or disturbed during salvage operations.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", is written over a horizontal line.

Michael Smith
Freeborn & Pcters
311 S Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date March 5, 2004

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**In the Matter of The
Burlington Northern and Santa Fe
Railway Company Notice of Exemption
to Abandon Its Line of Railroad
Between M.P. 397.78 in Hoxie, Arkansas
and M.P. 402.28 at Walport, Arkansas and the
2 20 Mile Walnut Ridge Industrial Spur**

**Docket No AB-6
(Sub No. ___X)**

HISTORICAL REPORT

The following is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements set forth in 49 C.F.R § 1105.8 for the purpose of assisting the Board's environmental and historical assessment regarding BNSF's Notice of Exemption to abandon its line of railroad between M.P. 397 78 in Hoxie, Lawrence County, Arkansas and M.P. 402.28 at Walport, Arkansas and the 2 20 mile Walnut Ridge Industrial Perk, a total distance of 6.70 miles.

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

One copy of a U.S.G.S. Topographical map has been provided to the Arkansas Historic Preservation Program and one copy is being provided to the Surface Transportation Board's Section of the Environmental Analysis upon filing of this Report.

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

The Hoxie to Walport line including the Walnut Ridge Industrial Spur goes from Hoxie (population 2,817), through Walnut Ridge (population 4,925) and to Walport which is a railroad station and not an incorporated town in Lawrence County, Arkansas. The adjoining land is relatively flat and consists of rural farming area. The right of way is 100 feet wide

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

There are two bridges that are 50 years or older in the immediate area of the abandonment. Photographs of the two bridges are attached to this report. See Exhibit J.

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

The two bridges were constructed in 1924.

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

The Hoxie, Pocahontas and Northern Railroad Company (HP&N) acquired the right of way in 1896. The HP&N was a predecessor of The Saint Louis San Francisco Railway Company (SLSF) which merged with the Burlington Northern Railroad (BN) in 1980. BN and The Atchison Topeka and Santa Fe Railway Company (ATSF) merged in 1995 to form The Burlington Northern and Santa Fe Railway Company (BNSF).

(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 to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too

large for practical reproduction in this report, but can be furnished upon request, if they are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological 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),

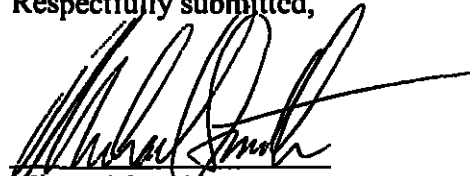
To the best of BNSF's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. The records of the Department of Arkansas Heritage show that nine archaeological sites (3LW101, 3LW357, 3LW358, 3LW363, 3LW364, 3LW365, 3LW375, 3LW558 and 3LW718) and three standing structures (LW0037 – Missouri-Pacific R.R. Depot, LW0064 – Johnson Motor/Travel Court and LW0076 – Little's Bait Shop) are located near the undertaking. Only sites 3LW358, 3LW363 and 3LW364 and structures LW0037 and LW0064 are situated immediately next to the tracks slated for abandonment. See Exhibit K, letter from the Department of Arkansas Heritage.

BNSF, or its contractors shall prior to salvage, consult with the Department of Arkansas Heritage concerning the precise location of the archeological sites 3LW358, 3LW363, and 3LW364 and structures LW0037 and LW0064, and shall ensure that none of these sites or structures are accessed or disturbed during salvage operations.

(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 archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", written over a horizontal line.

Michael Smith

Freeborn & Peters

311 S. Wacker Dr Suite 3000

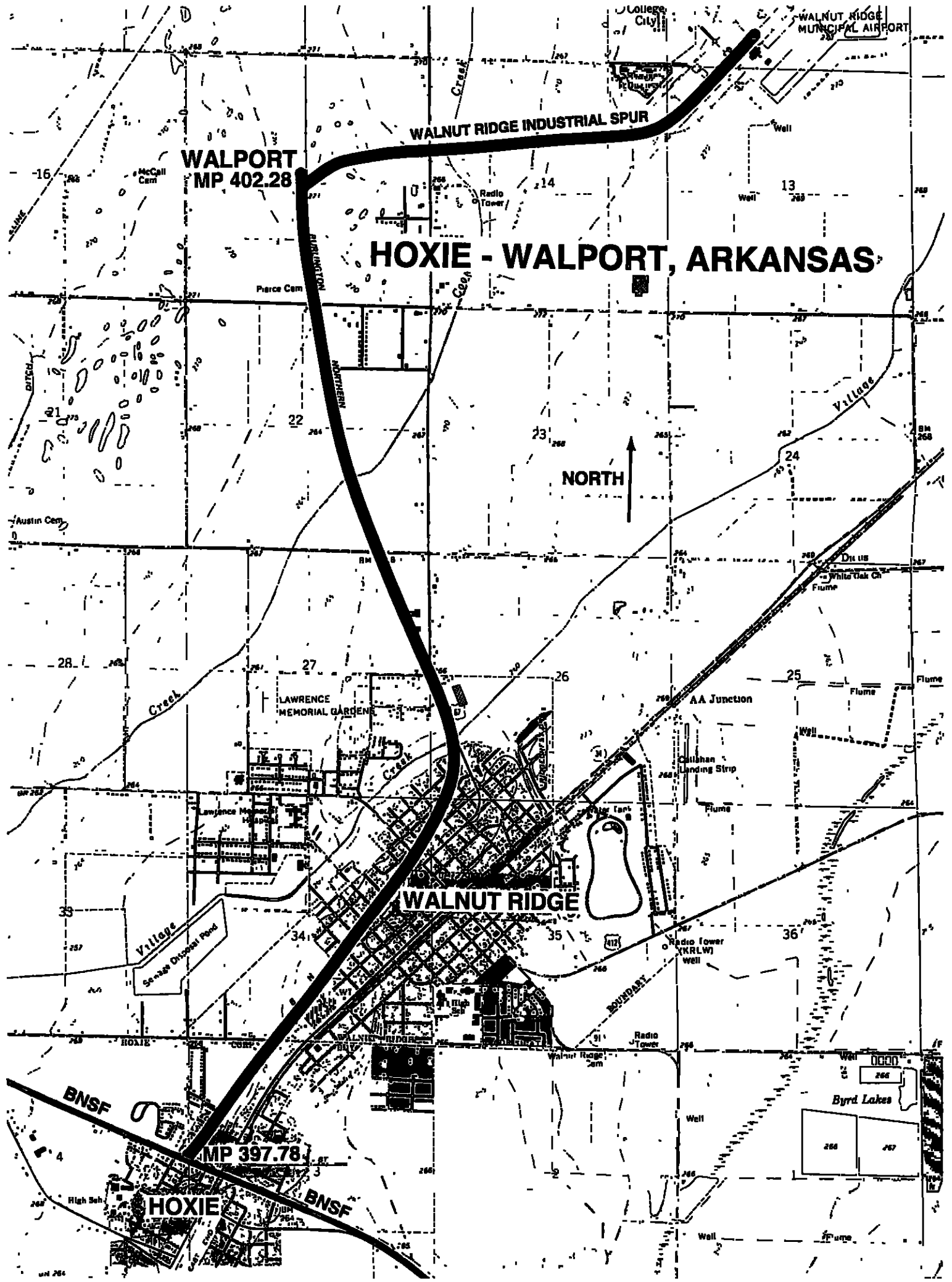
Chicago, Illinois 60606-6677

Phone: (312) 360-6724

Fax: (312) 360-6598

Date. March 5, 2004

A



HOXIE - WALPORT, ARKANSAS

NORTH

WALNUT RIDGE

HOXIE

B

ALDERMEN
C L CLARK, JR
AL DAWSON
RICKEY DITTO
JOHNNIE FEARS
GARY KEARBY
JOHN MONROE
DAN MULLEN
RON SMITH

City of Walnut Ridge
300 WEST MAIN STREET
Walnut Ridge, Arkansas 72476
PHO. 870-886-6638 - FAX 870-886-6147

GLENN MURPHY
MAYOR
CAROLYN HAYES
RECORDER AND
EX-OFFICIO TREASURER
LARRY STEELE
CITY ATTORNEY

August 7, 2003

Freehorn & Peters LLP
Brian Nettles, Paralegal
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-6677

**RE: The Burlington Northern and Santa Fe Railway Company Abandonment of Walport,
Arkansas to Hoxie, Arkansas**

Dear Mr Nettles:

Thank you for your letter concerning the planned abandonment of the rail line from Hoxie, Ark., to the Walnut Ridge, Ark., Airport and Industrial Park (Walport, as you referred to it) Your consultation is appreciated.

Concerning use plans for this corridor, I have been made aware of an effort to convert this area into a walking and biking trail. The effort is currently being organized under the auspices of the Walnut Ridge/Lawrence County Chamber of Commerce, although it is possible the group may emerge as a non-profit entity in its own right to develop and maintain the trail. It is my understanding that this group has established contact with Burlington Northern and Santa Fe Railway and intends to pursue preservation of the corridor in question for trail usage.

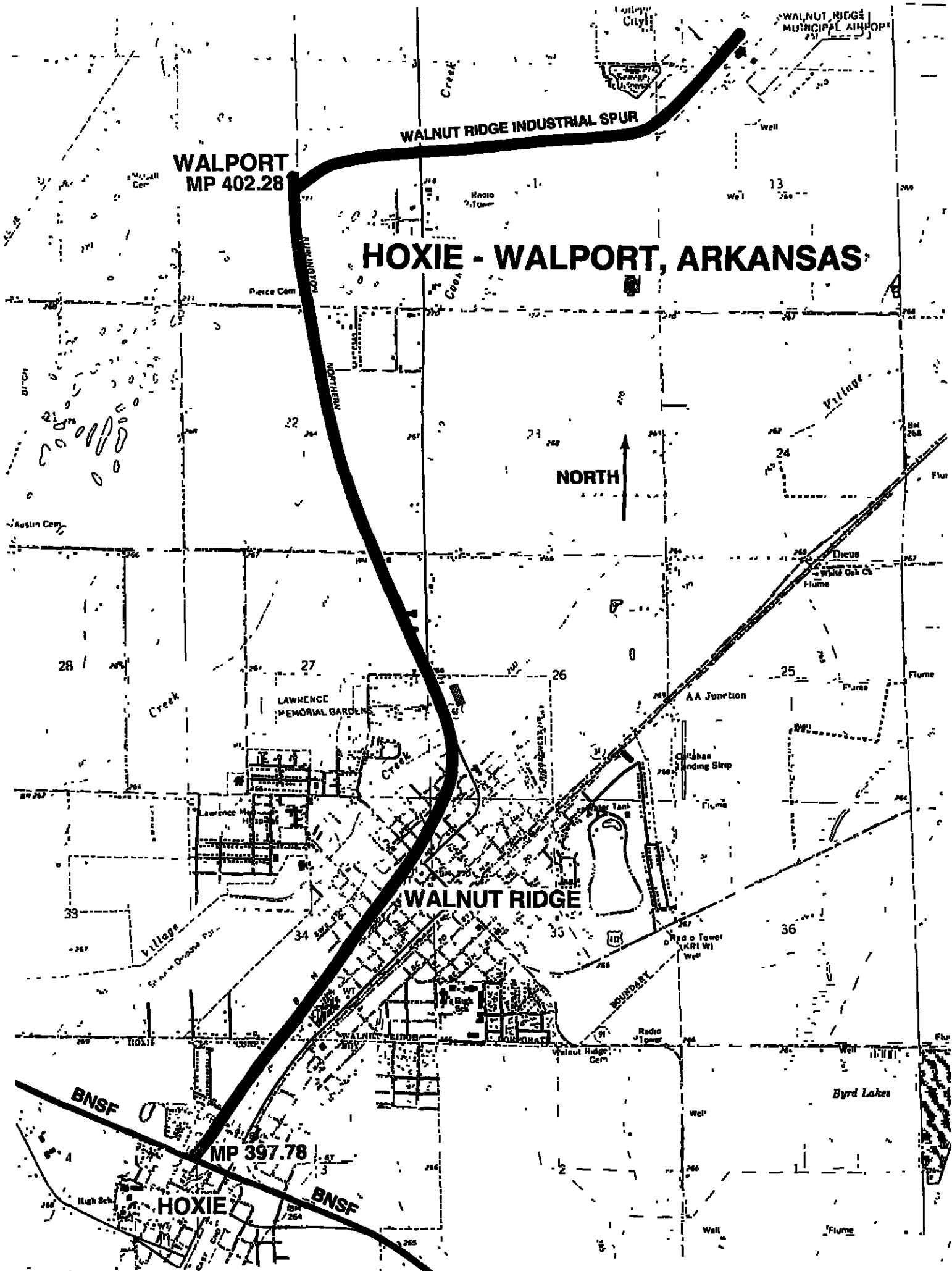
That is the extent of my knowledge concerning this effort. Please feel free to contact the mayor's office if we may be of assistance.

Sincerely,


Glenn Murphy
Mayor

GM/sdh

HOXIE - WALPORT, ARKANSAS



C

United States Department of Agriculture



Natural Resources Conservation Service
1100 West Main
Walnut Ridge, AR 72476

Phone 870-886-7791 Ext 3

August 11, 2003

Brian Nettles
Attorneys at Law
311 South Wacker Dr.
Suite 3000
Chicago, Ill. 60606-6677

Dear Mr. Nettles:

This is reference to your request for the abandonment of railroad between Milepost 402.28 and Milepost 397.78. This area is within prime agriculture land but the proposed work should not have any effect on the prime farmland.

Please call if you have any questions.

Thanks,

A handwritten signature in cursive script that reads "Ben D. Starr".

Ben D. Starr
District Conservationist
NRCS

D

B-1070

0591

Date _____

Action	Time	Location
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100. [illegible]	11:45	Room 101

E



**DEPARTMENT OF
PARKS & TOURISM**

One Capitol Mall
Little Rock, AR 72201
Phone 501 682 7777
FAX 501 682-1364
History Commission
501-682-6900 (V/T)
Keep Arkansas
Beautiful Division
501-682-3507
Personnel Section
501 682 7742 (V/T)
State Parks Division
501 682-1191 (V/T)
Tourism Division
501-682-7777 (V/T)
INTERNET
arkansas.com
ArkansasStateParks.com

**Mike Huckabee
GOVERNOR**

**Richard W. Davies
EXECUTIVE DIRECTOR**

**STATE PARKS,
RECREATION
& TRAVEL
COMMISSION**

Billy Lindsey
CHAIRMAN
Bill Barnes
VICE-CHAIRMAN
Steve Arrison
Jane Christenson
Polly Wood Crews
Danny Ford
Jim Gaston
Debra Haak
Loretta House
Mon'ne McNulty
Mike Mills
Ness Sechrest
Jim Shamburger
Wade Williams

DIVISION DIRECTORS

Larry Cargile
ADMINISTRATION
Greg Bufts
STATE PARKS
Joe David Rice
TOURISM
Nancy Clark
GREAT RIVER ROAD
John L. Ferguson
HISTORY COMMISSION
Robert Phelps
KEEP ARKANSAS
BEAUTIFUL

**AN EQUAL
OPPORTUNITY/
AFFIRMATIVE ACTION /
AMERICANS WITH
DISABILITIES ACT
EMPLOYER**

Arkansas.

THE NATURAL STATE

September 17, 2003

Mr. Brian Nettles
Freeborn & Peters LLP
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

RE The Burlington Northern and Santa Fe
Railway Company Abandonment of
Walport, Arkansas to Hoxie, Arkansas
ORGP 3-189

Dear Mr. Nettles

Thank you for this opportunity to comment regarding the proposed abandonment of 4.5 miles of railroad line between Walport and Hoxie, Arkansas. Based on the information you have provided, our records do not indicate a conflict with this project.

If you have any questions or require additional assistance, please feel free to contact me at 501-682-6946.

Sincerely,

Anita Chouinard

Anita Chouinard, Environmental Planner
Outdoor Recreation Grants Program

F

Freeborn & Peters LLP

August 4, 2003

William Keith
Arkansas Department of Environmental
Quality
Water Quality Planning Branch
Water Division
P.O. Box 8913,
Little Rock, AR 72219-8913

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312 360 6000

Brian Nettles
Paralegal
Direct 312 360 6336
Fax 312 360 6596
bnettl@
freebornpeters.com

***Re: The Burlington Northern and Santa Fe Railway Company Abandonment
of Walport, Arkansas to Hoxie, Arkansas***

Dear Sir or Madam.

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 4.50 miles of railroad line between Milepost 402.28 in Walport, Arkansas and Milepost 397.78 in Hoxie, Arkansas

As part of the environmental report BNSF needs to know whether or not this action will be consistent, with Federal, State or local water quality standards. Also, please state whether or not Section 402 and/or NPDES are required as a result of the proposed abandonment

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

I thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn

Chicago

Springfield

G

Freeborn & Peters LLP

August 4, 2003

U.S. Army Corps of Engineers
Memphis District
167 North Main
Memphis, TN 38103

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312 360 6000

Brian Nettles
Paralegal
Direct 312 360 6336
Fax 312 360 6396
bnettl@
freebornpeters.com

Chicago

Springfield

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Walport, Arkansas to Hoxie, Arkansas***

Dear Sir or Madam:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 4.50 miles of railroad line between Milepost 402.28 in Walport, Arkansas and Milepost 397.78 in Hoxie, Arkansas.

As part of the environmental report BNSF needs to know whether or not 404 permits are required as a result of the proposed abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

H

Freeborn & Peters LLP

August 4, 2003

Lawrence County Emergency Service
315 W Main St
Walnut Ridge, AR 72476

**Re: The Burlington Northern and Santa Fe Railway Company Abandonment
of Walport, Arkansas to Hoxie, Arkansas**

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312 360 6000

Brian Nettles
Paralegal
Direct 312 360 6336
Fax 312 360 6396
bnettl@
freebornpeters.com

Chicago

Springfield

Dear Sir or Madam

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 4.50 miles of railroad line between Milepost 402.28 in Walport, Arkansas and Milepost 397.78 in Hoxie, Arkansas.

As part of the environmental report BNSF needs to know if the proposed abandonment will affect any 100-year floodplains. If so, please furnish 8 & 1/2 by 11 black and white maps in the area of each designated floodplain if they are available.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by September 4, 2003. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336

Thank you in advance for your cooperation

Sincerely,



Brian Nettles

/bn
Enclosure

I



ARKANSAS
Department of Environmental Quality

August 14, 2003

Brian Nettles, Paralegal
Freeborn & Peters, LLP
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-6677

RE: The Burlington Northern and Santa Fe Railway Company Abandonment of Walport to Hoxie,
Arkansas

Dear Mr. Nettles:

This letter is written in response to your correspondence addressed to the Arkansas Department of Environmental Quality dated August 4, 2003. I have reviewed the letter and the associated map of the railroad intended for abandonment. The following comments are written in response to your request:

1. A construction storm water permit is required for any construction site that disturbs one or more acres of total land area.

If you have any questions concerning the above listed comments, please feel free to contact me at (501) 682-0621 or Mo Shafii, Acting NPDES Permits Section Chief, at (501) 682-0616. Emailed correspondence should be addressed to fuller@adeq.state.ar.us or shafii@adeq.state.ar.us respectively

Respectfully submitted,

A handwritten signature in black ink that reads "Kim Fuller". The signature is written in a cursive, flowing style.

Kimberly A. Fuller, E I
Engineer II
Storm Water Runoff Permits
NPDES Branch

J

Abandonment Documentation (M.P. 397.78 to M.P. 402.28)

List of Bridges

Bridge: 400.00	Built: 1924	Length	14'	Height:	10'	Description	Open Deck	Pile Trestle	Obstacle: Water
Bridge: 401.20	Built: 1924	Length	14'	Height:	8'	Description	Open Deck	Pile Trestle	Obstacle: Water















K



The Department of Arkansas Heritage

Mike Huckabee, Governor
Cathie Matthews, Director

Arkansas Arts Council

Arkansas Natural Heritage
Commission

Historic Arkansas Museum

Delta Cultural Center

Old State House Museum



Arkansas Historic Preservation Program

1500 Tower Building

323 Center Street

Little Rock, AR 72201

(501)324-9880

fax (501)324-9184

tdd (501)324-9811

e-mail:

info@arkansaspreservation.org

website

www.arkansaspreservation.org

February 20, 2004

Mr. Brian Nettles
Freeborn & Peters, LLP
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

RE: Lawrence County - General
Section 106 Review - STB
The Burlington Northern & Santa Fe Railway Company Abandonment
of Hoxie, Arkansas to Walport, Arkansas.
AHPP Tracking No: 52471

Dear Mr. Nettles:

My staff has reviewed the documentation submitted regarding the above-referenced undertaking. Our records show that nine archeological sites (3LW101, 3LW357, 3LW358, 3LW363, 3LW364, 3LW365, 3LW375, 3LW558 and 3LW718) and three standing structures (LW0037 - Missouri-Pacific R.R. Depot, LW0064 - Johnson Motor/Travel Court and LW0076 - Little's Bait Shop) are located near the undertaking.

Of these, only three archeological sites (3LW358, 3LW363 and 3LW364) and two structures (LW0037 and LW0064) are situated immediately next to the tracks slated for abandonment. None of the archeological sites or structure LW0064 have been evaluated for their eligibility for inclusion in the National Register of Historic Places, but LW0037 is considered eligible. We do not regard either of the bridges (400.0, 401.2) as eligible.

Thank you for your interest and concern for the cultural heritage of Arkansas. If you have any questions, please contact Steve Imhoff of my staff at (501) 324-9880.

Sincerely,

Ken Grunewald
Deputy State Historic Preservation Officer

cc: Dr. Ann M. Early, Arkansas Archeological Survey
Ms. Victoria Rutson, Surface Transportation Board
Ms. Carrie V. Wilson, Quapaw Tribe of Oklahoma

