

BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947



KARL MORELL

kmorell@bjllp.com

July 18, 2005

ENTERED
Office of Proceedings

JUL 18 2005

Part of
Public Record

BY HAND DELIVERY

Victoria Rutson
Chief
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W. - Room 504
Washington, DC 20423

Re: STB Docket No. AB-307 (Sub-No. 6X), Wyoming and Colorado
Railroad Company, Inc. - Abandonment Exemption - In Carbon County,
Wyoming

Dear Ms. Rutson:

On June 10, 2005, we submitted to your office copies of the Environmental and Historic Reports in the above-captioned matter. Attached please find ten (10) copies of additional responses we received from the Wyoming State Historic Preservation Office, the U.S. Environmental Protection Agency and the Board of Carbon County Commissioners.

Sincerely,

Karl Morell

Enclosures

ARTS. PARKS. HISTORY.

Wyoming Department of State Parks and Cultural Resources

WYOMING STATE HISTORIC PRESERVATION OFFICE

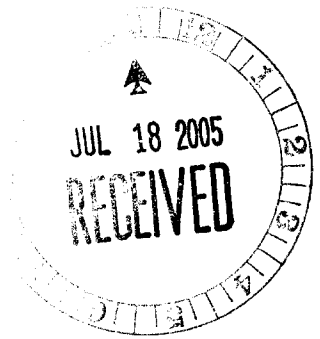
Claudia Nissley

State Historic Preservation Officer

BARRETT BUILDING, 2301 CENTRAL AVE, CHEYENNE, WY 82002

(307) 777-7697

June 23, 2005



Karl Morell, Attorney
Ball Janik LLP
1455 F Street, NW, Suite 225
Washington, D.C. 20005

Re: STB Docket No. AB-307 (Sub-No. 6X), Wyoming and Colorado Railroad Company, Inc.-
Abandonment Exemption-In Carbon County, Wyoming
(SHPO File # 0105EES010)

Dear Mr. Morell:

Thank you for consulting with the Wyoming State Historic Preservation Office (SHPO) regarding the above referenced project. We have reviewed the project report and find the documentation meets the Secretary of the Interior's Standards for Archaeology and Historic Preservation (48 FR 44716-42). We concur with your finding that sites 48CR932 and 48CR1191 are eligible for listing in the National Register of Historic Places (NRHP) and will not be adversely affected by the project as planned.

Sites 48CR631, 48CR6914 and 48CR7263 do not meet the criteria of eligibility for the NRHP and no further work or protective measures are necessary.

We recommend the Surface Transportation Board allow the project proceed in accordance with state and federal laws subject to the following stipulation:

If any cultural materials are discovered during construction, work in the area shall halt immediately, the federal agency and SHPO staff be contacted, and the materials be evaluated by an archaeologist or historian meeting the Secretary of the Interior's Professional Qualification Standards (48 FR 22716, Sept. 1983).

This letter should be retained in your files as documentation of a SHPO concurrence with your finding of no historic properties adversely affected. Please refer to SHPO project #0105EES010 on any future correspondence regarding this project. If you have any questions, please contact Richard L. Currit, Senior Archaeologist, at 307-777-5497.

Sincerely,

Sara E. Needles
Deputy State Historic Preservation Officer
for
Claudia Nissley
State Historic Preservation Officer



Dave Freudenthal, Governor
Phil Noble, Director



KARL MORELL
OF COUNSEL

BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

kmorell@dc.bjllp.com

June 10, 2005

*Region 8
EPA has not
concerns regarding
the project as
described.
402 permit delegated to
WY DEQ. - see exhibit 7.
Dana Miller
6/20/05*

U.S. Environmental Protection Agency
Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466

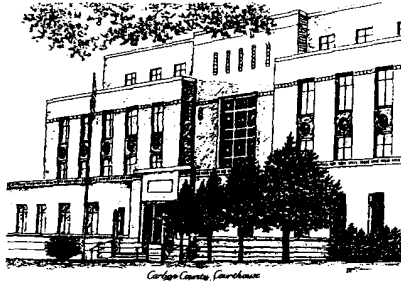
RE: STB Docket No. AB-307 (Sub-No. 6X), Wyoming and Colorado Railroad Company, Inc. – Abandonment Exemption – In Carbon County, Wyoming

Dear Sir/Madam:

On or shortly after June 30, 2005, Wyoming and Colorado Railroad Company, Inc. ("WYCO") will be filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon its 23.71-mile rail line located between milepost 0.57, near Walcott, and milepost 24.28, in Saratoga, Carbon County, Wyoming (the "Line"). Attached are an Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental and historic analyses 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 STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001, Telephone (202) 565-1545, and refer to the above Docket No. AB-307 (Sub-No. 6X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within 3 weeks.

Artlin Zeiger, Chairman
Lee Meacham
Terry Weickum



(307) 328-2668
Toll Free 1-800-250-9812
Fax: (307) 328-2669

BOARD OF CARBON COUNTY COMMISSIONERS

P.O. Box 6, 415 West Pine Street
Rawlins, WY 82301

 **COPY**

July 8, 2005

Section of Environmental Analysis (SEA)
Surface Transportation Board (STB)
1925 K Street, N.W.
Washington, DC 20423-0001

**RE: STB Docket No. AB307 (Sub-No. 6X), Wyoming and Colorado Railroad
Company, Inc. – Abandonment Exemption – In Carbon County, Wyoming**

Dear Sirs:

Our comment on the proposed abandonment of the WyCo Line would be to deny this action. There are currently request to use this line as a siding to handle materials for planned energy projects. The line is sited at mid point in Carbon County and is an asset to current and future economic development in this area.

Environmental Report Items 1, 2, 3

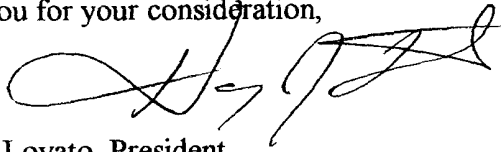
In 2003 this use as a siding for future economic development in the developing energy business was not considered. In late 2004, early 2005, the availability of a siding within Carbon County has become an important item to be developed to promote our economic development efforts.

Historic Report: Proposed actions and alternatives

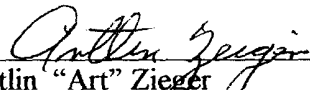
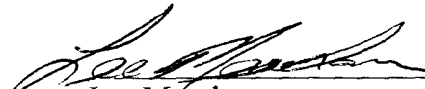
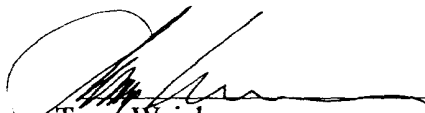
We would add this to the development of this line or a portion of, as a siding that can become an asset to economic development within Carbon County.

We ask the STB to consider our request in denying the complete abandonment of this line.

Thank you for your consideration,



Harry J. Lovato, President
Carbon County Economic Development Corporation


Artlin "Art" Zieger
Carbon County Commissioner
Lee Meacham
Carbon County Commissioner
Terry Weickum
Carbon County Commissioner

HJL/jdf

c: Carbon County Commissioners
Ball Janick LLP