

215200

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KARL MORELL



November 23, 2005

The Honorable Vernon Williams
Surface Transportation Board
1925 K Street NW
Suite 715
Washington, DC 20423-001

Re: STB Docket No. AB-882 (Sub-No. 2X), Minnesota Commercial
Railway Company – Discontinuance of Trackage Rights
Exemption -- In Washington County, Minnesota

Dear Secretary Williams:

Attached for filing are the original and ten copies of a Notice of Exemption under 49 C.F.R. 1152.50. Also attached is a check covering the \$3,000 filing fee.

Minnesota Commercial Railway Company ("MNNR") consulted with the Section of Environmental Analysis ("SEA") and was informed by SEA that they had no objection to MNNR's use in this proceeding of the Environmental and Historic Reports filed by BNSF Railway Company in STB Docket No. AB-6 (Sub-No. 413X).

Please time and date stamp the extra copy of the Notice of Exemption and return it with our messenger.

If you have any questions, please call me.

Sincerely,

Karl Morell

FILED

NOV 23 2005

SURFACE
TRANSPORTATION BOARD

Enclosures

TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-882 (SUB-NO. 2X)

MINNESOTA COMMERCIAL RAILWAY COMPANY
-- DISCONTINUANCE OF TRACKAGE RIGHTS EXEMPTION --
IN WASHINGTON COUNTY, MINNESOTA

NOTICE OF EXEMPTION



ENTERED
Office of Proceedings

NOV 23 2005

Part of
Public Record

Karl Morell
Of Counsel
Ball Janik LLP
1455 F St., N.W.
Suite 225
Washington, D.C. 20005
(202) 638-3307

Attorney for:
MINNESOTA COMMERCIAL RAILWAY
COMPANY

Dated: November 23, 2005

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-882 (SUB-NO. 2X)

MINNESOTA COMMERCIAL RAILWAY COMPANY
-- DISCONTINUANCE OF TRACKAGE RIGHTS EXEMPTION --
IN WASHINGTON COUNTY, MINNESOTA

NOTICE OF EXEMPTION



Minnesota Commercial Railway Company ("MNNR") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon the 0.99-mile rail line located between milepost 11.81 and milepost 12.80, in Stillwater, Washington County, Minnesota (the "Line").

1. Proposed consummation date.

The proposed consummation date is January 12, 2006.

2. Certification required by 49 C.F.R. § 1152.50(b).

The required certification is attached hereto as Exhibit A.

3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

- (a) General.

- (1) Exact name of applicant.

Minnesota Commercial Railway Company

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

MNNR is a common carrier by railroad subject to 49 U.S.C.

Subtitle IV, Chapter 105.

- (3) Relief sought.

MNNR seeks to use the class exemption at 49 C.F.R. § 1152.50 to discontinue its trackage rights over the 0.99-mile rail line located between milepost 11.81 and milepost 12.80, in Stillwater, Washington County, Minnesota.¹ There has been no local or overhead traffic on the Line in over two years. BNSF Railway Company (“BNSF”), the owner of the Line, obtained authority to abandon the Line in STB Docket No. AB-6 (Sub-No. 413X), *The Burlington Northern and Santa Fe Railway Company – Abandonment Exemption – In Washington County, MN* (not printed), served May 28, 2004.

- (4) Map.

A Map depicting the trackage covered by the proposed discontinuance is attached as Exhibit B.

- (7) Name, title, and address of representative of applicant to whom correspondence should be sent.

Karl Morell
Ball Janik LLP
1455 F St., N.W., Suite 225
Washington, DC 20005
(202) 638-3307

- (8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses.

The Line traverses ZIP Code 55082.

- (e) Rural and community impact.

¹ MNNR acquired the trackage rights in 1990. See *Minnesota Comm. RY., Inc. – Trackage Exempt. – BN RR. Co.*, 8 I.C.C.2d 31 (1991).

- (4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The right-of-way may be suitable for use for other public purposes such as a trail. According to BNSF, title considerations on a part of the property may affect the conveyance of the land for use other than railroad purposes. Based on information in BNSF's possession, the Line does not contain federally granted rights-of-way. Any documentation in MNNR's possession will be made available promptly to those requesting it.

4. The level of labor protection.

The interests or railroad employees who may be adversely affected by the proposed discontinuance will be adequately protected by the labor protective conditions in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

5. Certification.

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.12 are attached as Exhibit C.

6. Environmental Report.

The Environmental Report containing information required by 49 C.F.R. § 1105.7(e) was prepared by BNSF and is contained in the Notice filed May 10, 2004 in STB Docket No. AB-6 (Sub-No. 413X) proceeding. A copy of that Report and the Board's Environmental Assessment is attached as Exhibit D.

7. Historic Report.

The Historic Report containing information required by 49 C.F.R. § 1105.8(d) was prepared by BNSF and is contained in the Notice filed May 10, 2004 in STB Docket No. AB-6 (Sub-No. 413X) proceeding. A copy of that Report is attached as Exhibit D.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Karl Morell', with a stylized, flowing script.

Karl Morell
Of Counsel
Ball Janik LLP
1455 F St., N.W., Suite 225
Washington, D.C. 20005
(202) 638-3307

Attorney for:
MINNESOTA COMMERCIAL RAILWAY
COMPANY

Dated: November 23, 2005

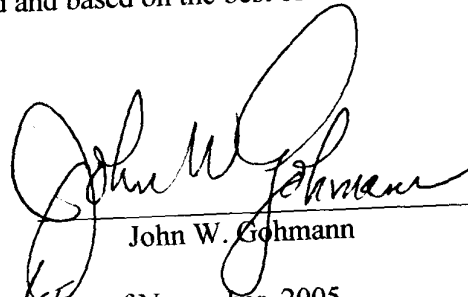
**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF ILLINOIS)
)
) ss.
LAKE COUNTY)

I, John W. Gohmann, being duly sworn depose and state that I am Chairman and President of Minnesota Commercial Railway Company ("MNNR"), that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

I hereby certify that no local traffic has been handled to or from any customer over the rail line located between milepost 11.81 and milepost 12.80, in Stillwater, Washington County, Minnesota (the "Line") for at least two (2) years prior to the date hereof. Also, no overhead traffic has been handled on the Line for at least two (2) years prior to the date hereof. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

The foregoing certification is made on behalf of MNNR by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.


John W. Gohmann

SUBSCRIBED AND SWORN TO before me this 15 day of November, 2005.

My Commission Expires: 12/20/08


Notary Public



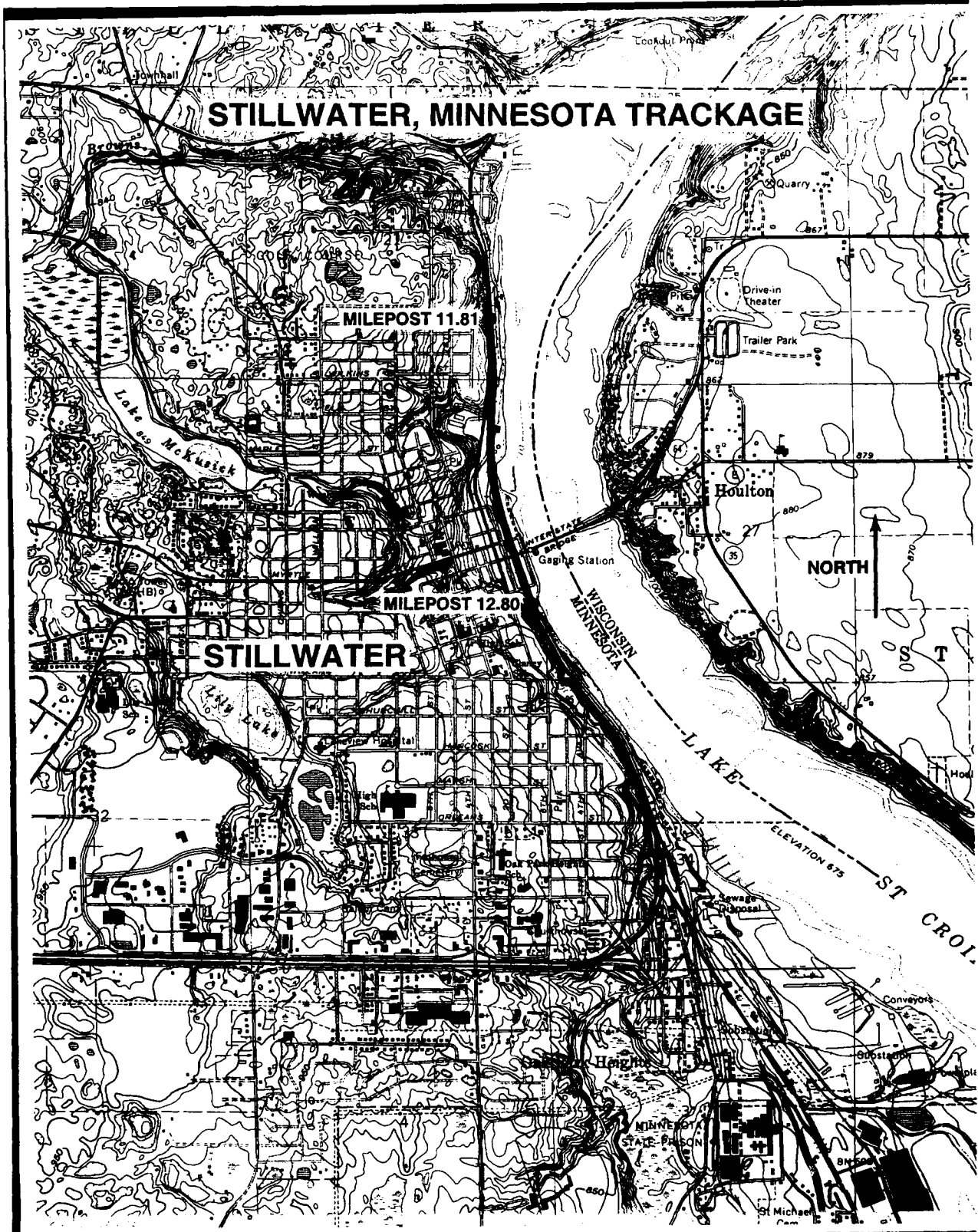
EXHIBIT B

EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed discontinuance of trackage rights in STB Docket No. AB-882 (Sub-No. 2X) was mailed via first class mail on November 3, 2005 to the following parties:

State Public Service Commission

Minnesota Public Utilities Commission
121 Seventh Place, East, Suite 350
St. Paul, MN 55101-2147

Minnesota Transportation Department
395 John Ireland Boulevard
St. Paul, MN 55155

Military Traffic Management Command

MTMCTEA
ATTN: Railroads for National Defense
720 Thimble Shoals Blvd.
Suite 130
Newport News, VA 23606-2574

National Park Service

U.S. Department of Interior - National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

National Park Service
1709 Jackson Street
Omaha, NE 68102

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Yates Building
201 14th Street, S.W.
Washington, DC 20250

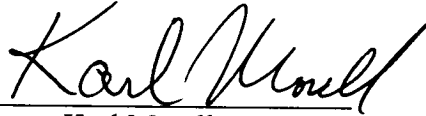
Dated: November 23, 2005


Karl Morell

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed discontinuance of trackage rights in STB Docket No. AB-882 (Sub-No. 2X) was published on November 10, 2005 in the Stillwater Courier News, a newspaper of general circulation in Washington County, Minnesota as required by 49 C.F.R. § 1105.12.

Dated: November 23, 2005



Karl Morell

STILLWATER COURIER
AFFIDAVIT OF PUBLICATION
and INVOICE

STATE OF MINNESOTA)
)ss.
COUNTY OF WASHINGTON)

Koryn Warner

Being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as The Stillwater Courier, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statute 331.02, 331.06, and other applicable laws as amended.

(B) The printed

NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE

which is attached was cut from the columns of said newspaper, and was printed and published once a week, for 1 week; it was first published on Thursday, the 10th day of November, 2005 and was thereafter printed and published on every Thursday to and including Thursday, the 10th day of November, 2005 and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

*abcdefghijklmnopqrstuvwxyz

BY:

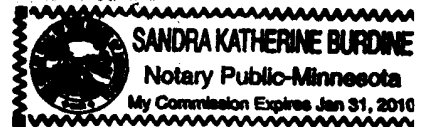
TITLE: AUTHORIZED AGENT

Subscribed and sworn to before me on
this 10th day of November, 2005.

Notary Public, Washington County, Minnesota

My Commission Expires Jan 31, 2010

*Alphabet should be in the same size and kind of type as the notice.



Reference Order # 20285205

FEES: 38.40

First Insertion:

PO #

8 inches, @ \$ 4.80 /in. = \$ 38.40

Add'l Insertions @\$ = \$

Affidavit fee \$

Total \$ 38.40

PAID

EXHIBIT D

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.
11.81 and M.P. 12.80 in Stillwater,
Minnesota

Docket No. AB-6
(Sub No. 413X)

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. 11.81 and M.P. 12.80 in Stillwater, Minnesota, total distance of 0.99 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 effect 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.

BNSF believes that the proposed exemption should be consistent with local or regional land use plans. The Washington County Board of Commissioners and the City of Stillwater were notified by letters dated May 19, 2003. See Exhibits B and C, letters to the Board of Commissioners, Washington County, Minnesota and the City of Stillwater. As of the date of this report, neither has responded. BNSF will provide the Board copies of any response it may receive.

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

The proposed abandonment will not have any affect on prime agricultural land. See Exhibit D, letter from the Natural Resource 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.

Certain interests in the right-of-way have been conveyed to the City of Stillwater for public purposes. The Washington County Board of Commissioners was notified by a letter dated May 19, 2003. See Exhibits B, letter to the Board of Commissioners, Washington County, Minnesota.

As of the date of this report, the Board of Commissioners has not responded. BNSF will provide the Board copies of any response it may receive.

(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 or 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 four public crossings and no private crossings. During salvage operations on the line, if any may be required, 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 and 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.

BNSF is not aware of any evidence of known hazardous waste site 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.

The Minnesota Department of Natural Resources believes the proposed abandonment will not affect any known occurrences of rare species or natural communities. See Exhibit E, Letter from the Minnesota Department of Natural Resources.

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

BNSF does not believe that the proposed exemption would affect wildlife sanctuaries or refuges, nor National or State parks or forests.

There are no Federal lands administered by the Bureau of Land Management along the proposed abandonment. See Exhibit F, letter from the Bureau of Land Management. There is no Forest Service administered lands in the proposed impact area. See Exhibit G, letter from the United State Department of Agriculture, Forest Service.

(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 Minnesota Department of Natural Resources and the Minnesota Pollution Control Agency were notified by letters dated May 19, 2003. See Exhibits H and I, letters to the Minnesota Department of Natural Resources and the Minnesota Pollution Control Agency. As of the date of this report, neither has 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.

Permits under 404 of the Clean Water Act are not required for the proposed abandonment. See Exhibit J, letter from the Army Corps of Engineers. The proposed exemption will not affect the 100-year floodplain. See Exhibit K, letter from the Minnesota Department of Natural Resources, Floodplain Management Program.

(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 Section 402 are not required for the proposed abandonment. The Minnesota Department of Natural Resources and the Minnesota Pollution Control Agency were notified by letters dated May 19, 2003. See Exhibits H and I, letters to the Minnesota Department of Natural Resources and the Minnesota Pollution Control Agency. As of the date of this report, neither has responded. BNSF will provide the Board copies of any response it may receive.

(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.

Respectfully Submitted,



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

Date: May 7, 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.
11.81 and M.P. 12.80 in Stillwater,
Minnesota

Docket No. AB-6
(Sub No. 413X)

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. 11.81 in to M.P. 12.80 in Stillwater, Minnesota a total distance of 0.99 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 Minnesota State Historical Society 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 Stillwater, MN Trackage is located within the city of Stillwater in Washington county, Minnesota. Stillwater had a 2000 population of 15,143 and is located on the St Croix river which divides the states of Minnesota and Wisconsin. Since the line is located within the City of Stillwater, the line goes through an urban area and is located in close proximity to the St Croix River. The rail line corridor varies in width from 20 to 210 feet.

(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 no bridges or structures that are 50 years or older in the immediate area of the abandonment.

(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;

N/A

(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 rail line corridor was acquired by the Stillwater Union Depot and Transfer Company (SUD&T), The Stillwater Street Railway & Transfer Company (SS&T) and the Northern Pacific Railway Company (NP) between 1871 and 1910. Both the SUD&T and the SS&T were predecessors to NP. In 1970 the NP merged with other roads to become part of Burlington Northern Railroad (BN). In 1995 BN merged with The Atchison Topeka and Santa Fe Railway to become 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 BNSF segment of rail proposed to be abandoned, historically the corridor of the Stillwater and St. Paul Railroad, is partially located within the Stillwater Commercial Historic District, which is listed on the National Register of Historic Places. The line is also located within the Stillwater Cultural Landscape Historic District, which has been determined eligible for listing on the National Register of Historic Places. The rail segment is also adjacent to individually listed National Register properties, including the Stillwater Lift Bridge and the Territorial/State Prison Warden's House. Further information as to future plans is required by the State Historic Preservation Office. See Exhibit L, letter from the Minnesota Historical Society.

(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: May 7, 2004

CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c)

The Burlington Northern and Santa Fe Railway Company ("BNSF") by and through its authorized representative, Michael Smith, certifies that on April 16, 2004, BNSF sent copies of the foregoing Environmental and Historical Reports by first class mail to the following agencies:

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

U.S. Department of the Interior
National Park Service
Land Resource Division
1849 C Street, N.W.
Washington, DC 20240

Robert Whiting
U.S. Army Corps of Engineers
St. Paul District
190 Fifth Street East
St. Paul, MN 55101-1638

Sarah Hoffman
Minnesota Department of Natural Resources
Wildlife Division
500 Lafayette Road
St. Paul, MN 55155-4040

Bill Pulkrabek
Commissioner, Chair District 2
Washington County Board of
Commissioners
14949 62nd Street N, P.O. Box 6
County Government Center
Stillwater, MN 55082-6132

Dennis Gimmestad
Minnesota Historical Society
Minnesota State Historic Preservation
Office
345 W. Kellogg Blvd.
St. Paul, MN 55102-1906

Chris Hanson
Bureau of Land Management
Milwaukee Field Office
310 W. Wisconsin Ave., Suite 450
Milwaukee, WI 53203

William Morrissey
Director
Minnesota Department of Natural
Resources
Parks and Recreations Division
500 Lafayette Road
St. Paul, MN 55155-4040

Anne C. Shea
U.S. Fish & Wildlife Service
Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling, MN 55111-4056

Sue Fitzgerald
City Planner
216 N. Fourth Street
Stillwater, MN 55082

Tim Thomsen
Public Works Superintendent
216 N. Fourth Street
Stillwater, MN 55082

Peter Wikle
Natural Resources Conservation Service
Stillwater Service Center
1825 Curve Crest Blvd. W
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Ogbazghi Sium
Floodplain Management Unit Supervisor
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St. Paul, MN 55155-4040

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Chicago, IL 60604

Joe Oschwald
Environmental Review Coordinator
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4040

Jennifer Olson
Division Regional Environmental
Management
Section Operations & Environmental
Review
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

William Hunt
State Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
375 Jackson Street, Suite 600
Saint Paul, Minnesota 55101-1854

Minnesota State Clearinghouse
c/o Minnesota Department of
Administration
NOAA - SSMC3
200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Al Vogel
Minnesota Department of Transportation
Freights, Railroads, & Waterway Section
MS 420
1110 Centre Pointe Curve
Mendota Heights, MN 55120

Minnesota Public Utilities Commission
121 7th Place, Suite 350
St. Paul, MN 55101-2147

Paul Stockinger
Director, Air, Water, Lands, Soil and
Minerals
United States Department of Agriculture
Forest Service
310 West Wisconsin Ave., Suite 580
Milwaukee, WI 53203

Regional Director
Midwest Region
National Park Service
1709 Jackson St.
Omaha, NE 68102

St. Croix National Scenic River
National Park Service
401 Hamilton Street
P O Box 708
Saint Croix Falls, WI 54024

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

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.



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

Date: May 7, 2004

A

B

Freeborn & Peters

May 19, 2003

Bill Pulkrabek
Commissioner, Chair, District 2
Washington County Board of
Commissioners
14949 62nd Street N, PO Box 6
County Government Center
Stillwater, MN 55082-6132

Attorneys at Law

311 South Wacker Drive
Suite 3000
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60606-6677
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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 Stillwater, Minnesota***

Dear Mr. Bulkrabek:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.99 miles of railroad line between Milepost 11.81 and Milepost 12.80 in Stillwater, Minnesota.

As part of the environmental report BNSF needs to know whether or not the proposed action is consistent with local land use plans and if there are any alternate public uses for the corridor such as a recreational trail.

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. 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

C

Freeborn & Peters

May 19, 2003

Sue Fitzgerald
City Planner
216 N. Fourth Street
Stillwater, MN 55082

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

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Sincerely,


Brian Nettles

/bn
Enclosure

Chicago

Springfield

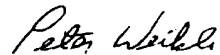
D

June 2, 2003

Dear Brian Nettles,

I am responding to the request by Burlington Northern and Santa Fe Railway Company concerning the abandonment of railroad line between milepost 11.81 and milepost 12.80 in Stillwater, Minnesota. Due to the past use and intended future plans, the proposed work detail will not have any effect on prime agricultural land. The Farmland Protection Policy Act does not apply to this parcel. Thank you for contacting our agency.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter Weikle".

Peter Weikle
Area Resource Soil Scientist
USDA Natural Resources Conservation Service

E



Minnesota Department of Natural Resources

Natural Heritage and Nongame Research Program, Box 25

500 Lafayette Road

St. Paul, Minnesota 55155-4000

Phone: (651) 296-7863 Fax: (651) 296-1811 E-mail: sarah.hoffmann@dnr.state.mn.us

June 17, 2003

Brian Nettles
Freeborn & Peters
311 S. Wacker Drive
Chicago, IL 60606-6677

Re: Request for Natural Heritage information for vicinity of proposed Stillwater Railroad Abandonment
T30N R20W Sections 21 & 28, Washington County
NHNRP Contact #: ERDB 20031086

Dear Mr. Nettles,

The Minnesota Natural Heritage database has been reviewed to determine if any rare plant or animal species or other significant natural features are known to occur within an approximate one-mile radius of the area indicated on the map enclosed with your information request. Based on this review, there are 30 known occurrences of rare species or natural communities in the area searched (for details, see enclosed database printout and explanation of selected fields). However, provided the project will not impact the water quality of the St. Croix River, I do not believe it will affect any known occurrences of rare features.

The Natural Heritage database is maintained by the Natural Heritage and Nongame Research Program, a unit within the Division of Ecological Services, Department of Natural Resources. It is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, natural communities, and other natural features. Its purpose is to foster better understanding and protection of these features.

Because our information is not based on a comprehensive inventory, there may be rare or otherwise significant natural features in the state that are not represented in the database. A county-by-county survey of rare natural features is now underway, and has been completed for Washington County. Our information about natural communities is, therefore, quite thorough for that county. However, because survey work for rare plants and animals is less exhaustive, and because there has not been an on-site survey of all areas of the county, ecologically significant features for which we have no records may exist on the project area.

The enclosed results of the database search are provided in two formats: index and full record. To control the release of locational information which might result in the damage or destruction of a rare element, both printout formats are copyrighted.

The index provides rare feature locations only to the nearest section, and may be reprinted, unaltered, in an Environmental Assessment Worksheet, municipal natural resource plan, or report compiled by your company for the project listed above. If you wish to reproduce the index for any other purpose, please contact me to request written permission. Copyright notice for the index should include the following disclaimer:

"Copyright (year) State of Minnesota, Department of Natural Resources. This index may be reprinted, unaltered, in Environmental Assessment Worksheets, municipal natural resource plans, and internal reports. For any other use, written permission is required."

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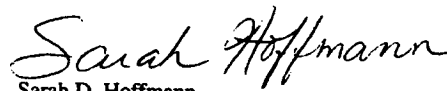
Printed on Recycled Paper Containing a
Minimum of 10% Post-Consumer Waste

The full-record printout includes more detailed locational information, and is for your personal use only. If you wish to reprint the full-record printouts for any purpose, please contact me to request written permission.

Please be aware that review by the Natural Heritage and Nongame Research Program focuses only on *rare natural features*. It does not constitute review or approval by the Department of Natural Resources as a whole. If you require further information on the environmental review process for other wildlife-related issues, you may contact your Regional Environmental Assessment Ecologist, Wayne Barstad, at (651)772-7940.

An invoice for the work completed is enclosed. You are being billed for map and database search and staff scientist review. Please forward this invoice to your Accounts Payable Department. Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources.

Sincerely,

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

Sarah D. Hoffmann

Endangered Species Environmental Review Coordinator

encl: Database search results
Rare Feature Database Print-Outs: An Explanation of Fields
Invoice

TWP	RNG	PRIMARY SECTION	FED STATUS	MS STATUS	S RANK	ELEMENT and OCCURRENCE NUMBER	MANAGED AREA
T308N	R20W	15		THR		ACTINOMIAS LIGAMENTINA (MUSKET MUSSEL) #207	LOWER ST. CROIX NSR
T308N	R20W	15		THR		HESSIA BULLII (KITTEN-TAILS) #13	LOWER ST. CROIX NSR
T308N	R20W	15		THR	S3	CYCLONELAS TURBIDATA (PURPLE MANTLEBACK MUSSEL) #51	LOWER ST. CROIX NSR
T308N	R20W	15		THR		DRY PRAIRIE (SOUTHEAST) BEDROCK BLUFF SUBTYPE #122	LOWER ST. CROIX NSR
T308N	R20W	15		SPC		ELLIPTIC DILATATA (BUTTERFLY MUSSEL) #37	LOWER ST. CROIX NSR
T308N	R20W	15		SPC		LIGULA RECTA (SPIKE MUSSEL) #176	LOWER ST. CROIX NSR
T308N	R20W	15		THR	S3	MAPLE-BASSWOOD FOREST (EAST CENTRAL) #3	LOWER ST. CROIX NSR
T308N	R20W	15		THR		PLEUROMMA COCCINEUM (ROUND PLYON MUSSEL) #105	LOWER ST. CROIX NSR
T308N	R20W	15		THR		CONDRULA METASTREPA (MONEYFACE MUSSEL) #49	LOWER ST. CROIX NSR
T308N	R20W	15		THR		TRITOGOMIA VERUCOSA (PISTOLGRIP MUSSEL) #35	LOWER ST. CROIX NSR
T308N	R20W	16		THR		ADRIOLARIA PEDICULARIA (FERRELLY FALSE FOULGLOVE) #5	LOWER ST. CROIX NSR
T308N	R20W	16		THR	S3	BESSIA BULLII (KITTEN-TAILS) #29	LOWER ST. CROIX NSR
T308N	R20W	16		SPC		DRY PRAIRIE (SOUTHEAST) BEDROCK BLUFF SUBTYPE #126	LOWER ST. CROIX NSR
T308N	R20W	16		SPC	S3	DRYOPTERIS GOLDFARNS (GOLDIE'S FERN) #14	LOWER ST. CROIX NSR
T308N	R20W	16		SPC	S2	MAPLE-BASSWOOD FOREST (EAST CENTRAL) #6	LOWER ST. CROIX NSR
T308N	R20W	16		SPC	S3	OAK FOREST (CENTRAL) MUSIC SUBTYPE #47	LOWER ST. CROIX NSR
T308N	R20W	16		SPC		SHEEPAGE MEADOW #5	LOWER ST. CROIX NSR
T308N	R20W	16		THR		SEIURUS MOTACILLA (LOUISIANA WATERTHRUSH) #9	LOWER ST. CROIX NSR
T308N	R20W	21		THR	S3	BESSIA BULLII (KITTEN-TAILS) #111	LOWER ST. CROIX NSR
T308N	R20W	21		THR	S3	DRY PRAIRIE (SOUTHEAST) BEDROCK BLUFF SUBTYPE #124	LOWER ST. CROIX NSR
T308N	R20W	21		THR	S3	MAPLE-BASSWOOD FOREST (EAST CENTRAL) #4	LOWER ST. CROIX NSR
T308N	R20W	21		THR	S3	MIXED HARDWOOD SWAMP SHEEPAGE SUBTYPE #5	LOWER ST. CROIX NSR
T308N	R20W	21		THR	S3	SEIURUS MOTACILLA (LOUISIANA WATERTHRUSH) #10	LOWER ST. CROIX NSR
T308N	R20W	22		THR		APALONE MOTICA (SMOOTH SOUTHSHELL) #16	LOWER ST. CROIX NSR
T308N	R20W	22		THR		COLONIAL WATERBIRD NESTING SITE #743	LOWER ST. CROIX NSR
T308N	R20W	22		THR		HALIETUS LEUCOCEPHALUS (BALD EAGLE) #1131	LOWER ST. CROIX NSR
T308N	R20W	27		THR		ACTIPENS FULVESCENS (LAKE STURGEON) #112	LOWER ST. CROIX NSR
T308N	R20W	27		THR		MUSSEL SAMPLING SITE #204	LOWER ST. CROIX NSR
T308N	R20W	34		THR		HALIETUS LEUCOCEPHALUS (BALD EAGLE) #2139	LOWER ST. CROIX NSR

T030N R20W SWSE15 WASHINGTON COUNTY, MN
 Element: ACTINOMALAS LIGAMENTINA (MUSKET MUSSEL) #207
 State Status: THREATENED BO Rank: Current Status: Intended Status:
 Site: STILLWATER 15
 Ownership: Owner unknown
 Managed Area(s): LOWER ST. CROIX RSR
 Source: HOVE, M. & HORNBACK, D. (PERMIT #10405)
 6 DEAD SPECIMENS COLLECTED BY SCUBA DIVERS DURING A 30 MIN SEARCH AT RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.
 Last Observed Date: 19 July 2001 DNR Region: 6
 Quad Map: STILLWATER (R18D) Wildlife Area: 601
 Latitude: 45 5' 10" Long: 92 47' 11" Forestry District: 612
 Precision: within 0.25 mile, confirmed
 Voucher: Verification: verified

T030N R20W SWSE15 WASHINGTON COUNTY, MN
 Element: BESSETTA BULLII (KITTEK-TAILS) #33
 State Status: THREATENED BO Rank: C Current Status: 2? Intended Status: 2?
 BO Site: 1 acres approx. Site: NORTH STILLWATER 15 (110 acres approx.)
 Ownership: Private
 Managed Area(s): not managed or no record
 Source: ALMENDINGER, J.C. AND MCILL, T.
 SE1/4 SW1/4 SEC 15, T30N R20W, SPECIMEN COLLECTED IN SCATTERED OAKS JUST ABOVE A SMALL BLUFF PALMIE ON SW-FACING POINT OF CORSE (PLANTED IN PINES JUST DOWNSTREAM OF BOOM SITE REST AREA). PLANT GROWING IN GRASSY AREA UNDER SCATTERED POPPLE AND PIN OAK. SOILS DRY, LOAMY SAND, ERODED SOMEWHAT AT COLLECTION SITE. POPULATION EST. TO BE 50 PLANTS IN 20 X 20 M AREA. SURVEY STAKES ON SITE AND NEW HOUSES CONSTRUCTED NEARBY. SITE PROBABLY DOOMED.
 Last Observed Date: 11 September 1987 DNR Region: 6
 Quad Map: STILLWATER (R18D) Wildlife Area: 601
 Latitude: 45 5' 15" Long: 92 47' 17" Forestry District: 612
 Precision: within 0.25 mile, confirmed
 Voucher: MIN Verification: verified

T030N R20W SWSE15 WASHINGTON COUNTY, MN
 Element: CYCLOMALAS TURBICULATA (PURPLE WARTTRACK MUSSEL) #51
 State Status: THREATENED BO Rank: Current Status: Intended Status:
 Site: STILLWATER 15
 Ownership: Owner unknown
 Managed Area(s): LOWER ST. CROIX RSR
 Source: HOVE, M. & HORNBACK, D. (PERMIT #10405)
 1 DEAD SPECIMEN COLLECTED BY SCUBA DIVERS DURING A 30 MIN SEARCH AT RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.
 Last Observed Date: 19 July 2001 DNR Region: 6
 Quad Map: STILLWATER (R18D) Wildlife Area: 601
 Latitude: 45 5' 59" Long: 92 47' 13" Forestry District: 612
 Precision: within 0.25 mile, confirmed
 Voucher: Verification: verified

T030N R20W NW15 WASHINGTON COUNTY, MN
 Element: DRY PRAIRIE (SOUTHEAST) BEDROCK BLUFF SUBTYPE #122
 BO Rank: S3
 BO Site: 2 acres approx. BO Rank: BC Current Status: 2? Intended Status: 2?
 Site: NORTH STILLWATER 15 (110 acres)
 Ownership: Owner unknown
 Managed Area(s): not managed or no record
 Source: ALMENDINGER, J.C. (CO BIOL SURVEY 1987); GLENN-LAWREN SITES 035 AND 036 (1987)
 BLUFF PRAIRIE ON UPPER SLOPES OF SW-FACING BLUFF. PRAIRIE DOM. BY SCHIZACHYRIUM SCOPARIUM, ANDROPOGON GERARDI, WITH SORGHASTRUM NUTANS, BOUTELOOA CURTIPENDULA AND B. HIRSUTA. FORB COMPONENT MOD. RICH. MOST PATCHES OF PRAIRIE 20M, ENCRONCH-MENT BY CLOVES OF POPULUS AND SCATTERED PIN OAK. SOILS ARE SANDY LOAM, WITH NO OUTCROPPINGS OF BEDROCK. SURVEY STAKES SUGGEST IMMINENT DEVELOPMENT FOR HOUSING. SITS PROBABLY GRAZED BUT NOT FLOWED.
 Last Observed Date: 11 September 1987 DNR Region: 6
 Quad Map: STILLWATER (R18D) Wildlife Area: 601
 Latitude: 45 5' 12" Long: 92 47' 17" Forestry District: 612
 Precision: approx. boundaries have been determined
 Voucher: Verification: verified

Minnesota Natural Heritage Database
Element Occurrence Records

STILLWATER RAILROAD ABANDONMENT
T30N R20W SEC. 21 & 28, WASHINGTON COUNTY
MnDNR, Natural Heritage and Nongame Research Program

14:06 Tuesday, JUNE 17, 2003
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2

T30N R20W SNE15 WASHINGTON COUNTY, MN
Element: ELLIPSBARIA LINGULATA (BUTTERFLY MUSSEL) #37
State Status: THREATENED
EO Size:
EO Rank:
Site: STILLWATER 15
Ownership: Owner unknown
Managed Area(s): LOWER ST. CROIX RSR
Source: HOVE, M. & HORNBACH, D. (PERMIT #10405)
1 LIVE INDIVIDUAL FOUND BY SCUBA DIVERS DURING A 30 MIN SEARCH AT RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

Last Observed Date: 19 July 2001
DNR Region: 6
Wildlife Area: 601
Forestry District: 612
Quad Map: STILLWATER (R18D)
Latitude: 45 4' 56" Long: 92 47' 17"
Precision: within 0.25 mile, confirmed
Voucher: Verification: verified
ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

T30N R20W SNE15 WASHINGTON COUNTY, MN
Element: ELLIPTIO DILATATA (SPIKE MUSSEL) #176
State Status: SPECIAL CONCERN
EO Size:
EO Rank:
Site: STILLWATER 15
Ownership: Owner unknown
Managed Area(s): LOWER ST. CROIX RSR
Source: HOVE, M. & HORNBACH, D. (PERMIT #10405)
1 LIVES & 7 DEAD INDIVIDUALS FOUND BY SCUBA DIVERS DURING A 30 MIN SEARCH AT RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

Last Observed Date: 19 July 2001
DNR Region: 6
Wildlife Area: 601
Forestry District: 612
Quad Map: STILLWATER (R18D)
Latitude: 45 4' 54" Long: 92 47' 20"
Precision: within 0.25 mile, confirmed
Voucher: Verification: verified
ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

T30N R20W SNE15 WASHINGTON COUNTY, MN
Element: LYGMIA RECTA (BLACK SANDSHELL MUSSEL) #318
State Status: SPECIAL CONCERN
EO Size:
EO Rank:
Site: STILLWATER 15
Ownership: Owner unknown
Managed Area(s): LOWER ST. CROIX RSR
Source: HOVE, M. & HORNBACH, D. (PERMIT #10405)
1 DEAD SPECIMEN COLLECTED BY SCUBA DIVERS DURING A 30 MIN SEARCH OF RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

Last Observed Date: 19 July 2001
DNR Region: 6
Wildlife Area: 601
Forestry District: 612
Quad Map: STILLWATER (R18D)
Latitude: 45 4' 52" Long: 92 47' 25"
Precision: within 0.25 mile, confirmed
Voucher: Verification: verified
ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

T30N R20W SNE15 WASHINGTON COUNTY, MN
Element: MAPLE-BASSWOOD FOREST (EAST CENTRAL) #3
EO Rank: 83
EO Size: 20 acres approx
EO Rank: B
Site: NORTH STILLWATER 15 (110 acres)
Ownership: Owner unknown
Managed Area(s): not managed or no record
Source: ALBRECHT, J.C. (CO BIOL SURVEY 1987)
MESIC DECIDUOUS FOREST ON LOWER TERRACES AND NE-PACING SLOPE OF RAVINE W OF ST. CROIX RIVER. FOREST DOM. BY BETULA PAPERIFERA, TILIA AMERICANA, AND Q. CORD-IPORUM. UNDERSTORY IS OPEN AND MOSTLY FREE OF EUROPEAN SHRUBS. GROUND FLORA IS MOD. RICH, WITH MUCH OF THE COVER BEING FERNS. SOILS ARE MOIST SANDY LOAM ON THE TERRACES, BECOMING COARSER AND DRIER UP-SLOPE. A BRIEF SURVEY SHOWS NO STUMPS, AND FENCING DONE RECENTLY, PROBABLY NOT FOR GRAZING.

Last Observed Date: 11 September 1987
DNR Region: 6
Wildlife Area: 601
Forestry District: 612
Quad Map: STILLWATER (R18D)
Latitude: 45 5' 9" Long: 92 47' 20"
Precision: approx. boundaries have been determined
Voucher: Verification: verified
ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.

T030W R20W S08E15 WASHINGTON COUNTY, MN
 Element: PLEUROBEMA COCCINEUM (ROUND PIGEON MUSSEL) #105
 State Status: THREATENED
 EO Size: 15
 Site: STILLWATER 15
 Ownership: Owner unknown
 Managed Area(s): LOWER ST. CROIX RSR
 Source: HOVE, M. & HORNBACK, D. (PERMIT #10405)
 10 LIVE & 4 DEAD MUSSELS FOUND BY SCUBA DIVERS DURING A 30 MIN SEARCH OF RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.
 Last Observed Date: 19 July 2001
 Quad Map: STILLWATER (R18D)
 Latitude: 45° 4' 50" Long: 92° 47' 28"
 Precision: within 0.25 mile, confirmed
 DNR Region: 6
 Wildlife Area: 601
 Forestry District: 612
 Voucher: Verification: verified

T030W R20W S08E15 WASHINGTON COUNTY, MN
 Element: QUADRULA METNEURA (MORTYFACE MUSSEL) #49
 State Status: THREATENED
 EO Size: 15
 Site: STILLWATER 15
 Ownership: Owner unknown
 Managed Area(s): LOWER ST. CROIX RSR
 Source: HOVE, M. & HORNBACK, D. (PERMIT #10405)
 1 DEAD MUSSEL FOUND BY SCUBA DIVERS DURING A 30 MIN SEARCH OF RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA.
 Last Observed Date: 19 July 2001
 Quad Map: STILLWATER (R18D)
 Latitude: 45° 4' 48" Long: 92° 47' 30"
 Precision: within 0.25 mile, confirmed
 DNR Region: 6
 Wildlife Area: 601
 Forestry District: 612
 Voucher: Verification: verified

T030W R20W S08E15 WASHINGTON COUNTY, MN
 Element: TRITOCOMA VERRUCOSA (PISTOLGRIP MUSSEL) #35
 State Status: THREATENED
 EO Size: 15
 Site: STILLWATER 15
 Ownership: Owner unknown
 Managed Area(s): LOWER ST. CROIX RSR
 Source: HOVE & HORNBACK (PERMIT #10405); BAKER, P. (SURVEY BETW BOOMSITES & ARCOLA BAR)
 1995; 2 LIVE INDIVIDUALS COLLECTED BY SCUBA DIVERS DURING A 30 MIN SEARCH AT RM 25.2 EAST OF BOOMSITE MARINA NEAR EAST BANK OF MAIN CHANNEL BY BAKER. 2001: 4 LIVE & 5 DEAD INDIVIDUALS FOUND BY HOVE & HORNBACK DURING 30 MIN SEARCH AT RIVER MILE 25.25 ON W SIDE JUST DOWNSTREAM OF BOOM SITE REST AREA ON 19 JULY AT SITE 1. 1 DEAD INDIVIDUAL FOUND DURING 16 MIN SEARCH ON 9 AUG AT SITE 21 AT RIVER MILE 25.
 Last Observed Date: 09 August 2001
 Quad Map: STILLWATER (R18D)
 Latitude: 45° 4' 46" Long: 92° 47' 29"
 Precision: within 0.25 mile, confirmed
 DNR Region: 6
 Wildlife Area: 601
 Forestry District: 612
 Voucher: Verification: verified

T030W R20W S08E16 WASHINGTON COUNTY, MN
 Element: AUSTRIALIA PREDICULARIA (FRENCHMAN FALSE FORELOW) #5
 State Status: THREATENED
 EO Size: 1 acres approx.
 Site: FAIRY FALLS (20 acres approx.)
 Ownership: National Park Service (National Monument)
 Managed Area(s): LOWER ST. CROIX RSR
 Source: ALANDINGER, J.C.
 FAIRY FALLS: RM1/4 SEC 16, T30M R20W; SPECIMENS COLLECTED ON UPPER SW-FACING SLOPE OF GORGE, ABOUT 50 M SE OF FALLS. PLANT GROWING ON RECENTLY ERODED SLOPE IN BLUFF PRAIRIE. SOILS ARE BARE SAND WITH ONLY THE SPECIMEN AND A FEW PLANTS OF PTERALIS HETEROPHYLLA. NO OTHER SPECIMENS WERE SEEN AT THE SITE.
 Last Observed Date: 01 July 1987
 Quad Map: STILLWATER (R18D)
 Latitude: 45° 4' 53" Long: 92° 48' 23"
 Precision: within 0.25 mile, confirmed
 DNR Region: 6
 Wildlife Area: 601
 Forestry District: 612
 Voucher: MIN Verification: verified

Minnesota Natural Heritage Database
Element Occurrence Records

STILLWATER RAILROAD ABANDONMENT
T30N R20W SEC. 21 & 28, WASHINGTON COUNTY
MDNR, Natural Heritage and Nongame Research Program

14:06 Tuesday, JUNE 17, 2003
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T30N R20W S8SE16 WASHINGTON COUNTY, MN
Element: BRESSEYA BULLII (KITTEEN-TAILS) #29
State Status: THREATENED
EO Size: 3 acres approx. EO Rank: AB Current Status: 1 Intended Status: 86
Site: FAIRY FALLS (20 acres) CMS Site #: 96
Ownership: National Park Service (National Monument)
Managed Area(s): LOWER ST. CROIX NSR
Source: ALMENDINGER, J.C.
FAIRY FALLS: NW1/4 SE1/4 SEC. 16, T30N R20W, SPECIMENS COLLECTED BETWEEN TRAIL AND A SMALL PATCH OF BLUFF PRAIRIE ON THE NE RM OF THE GORGE, ABOUT 200 M SE OF THE FALLS. PLANT GROWING IN SPARSE COVER OF BUR OAKS AND FRICKLY ASH BORDERING THE PRAIRIE OPENING. SOILS ARE DRY, SANDY ALLOVIUM, ERODED AT COLL. SITE. POPULATION ESTIMATED TO BE 180 PLANTS, INCLUDING 20 PLANTS 118 MI. NW RIGHT AT HEAD OF FALLS (NE SIDE OF STREAM).

T30N R20W S8SE16 WASHINGTON COUNTY, MN
Element: DRY PRAIRIE (SOUTHEAST) BEDROCK BLUFF SUBTYPE #126
EO Size: 3 acres approx. EO Rank: C Current Status: 1 Intended Status: 86
Site: FAIRY FALLS (20 acres approx.) CMS Site #: 96
Ownership: Owner unknown
Managed Area(s): not managed or no record
Source: ALMENDINGER, J.C. (CO BIOL SURVEY 1987); GLENN-LEWIN SITE 038 (1987)
SMALL PATCHES OF BLUFF PRAIRIE OCCUR ON THE UPPER SLOPE OF THE S-FACING BLUFF OF THE FAIRY FALLS RAVINE. PRAIRIE DOM. BY SCHIZACHNION SCOPARIUM, DANTHOWIA SPICATA, WITH POA COMPRESSA, KORLERIA CRISTATA, AND SEVERAL OTHERS IN LOW ABUNDANCE. FORB COMPONENT MOD. RICH. SOILS ARE VERY SANDY AND SUBJECT TO SEVERE EROSION. EXOTIC AND NATIVE WEEDS ON EROSIONAL FACES. INVASION BY WOODY SPECIES IS SEVERE. PRAIRIE ON VERY STEEP SLOPES, WHICH GET A SURPRISING AMOUNT OF RECREATIONAL USE.

T30N R20W S8SE16 WASHINGTON COUNTY, MN
Element: DRYOPTERIS GOLDIANA (GOLDIE'S FERN) #14
EO Size: 12 acres approx. EO Rank: A Current Status: 0 Intended Status: 86
Site: FAIRY FALLS (20 acres) CMS Site #: 96
Ownership: Owner unknown
Managed Area(s): not managed or no record
Source: ALMENDINGER, J.C. AND SMITH, M.R. (1957A)
FAIRY FALLS: SW1/4 SE1/4 SEC. 16, T30N R20W, SPECIMEN COLLECTED AT MID-SLOPE OF NE-FACING VALLEY WALL, ABOUT 100 M SE OF FALLS. PLANT GROWING ON SANDY ALLOVIUM, WHICH IS MOSTLY MOSS-COVERED. SITE SHADY FROM CANOPY OF MESIC TREES AND VERY HUMID. POPULATION ESTIMATED TO BE ABOUT 30 PLANTS, DISTRIBUTED EVENLY ON NE SLOPE FROM COLLECTION SITE TO HWY 95.

T30N R20W S8SE16 WASHINGTON COUNTY, MN
Element: MAPLE-BASSWOOD FOREST (EAST CENTRAL) #6
EO Size: 12 acres approx. EO Rank: B Current Status: 0 Intended Status: 86
Site: FAIRY FALLS (20 acres approx.) CMS Site #: 96
Ownership: Owner unknown
Managed Area(s): not managed or no record
Source: ALMENDINGER, J.C. (CO BIOL SURVEY 1987)
MESIC FOREST OCCURS ALONG THE BOTTOMS AND MOIST, N-FACING TALUS SLOPE OF FAIRY FALLS RAVINE. CANOPY DOMINANTS INCLUDE: BETULA ALLEGHANIENSIS, TILIA AMERICANA, ULMUS RUBRA, FRAXINUS PENSYLVANICA, ACER SACCHARINUM, A. NEGUNDO, AND JUGLANS CINEREA. SUBCANOPY MOSTLY NATIVE; Ostrya virginiana, CARPINUS CAROLINIANA, AND SAMOLUS PUBENS. GROUND FLORA RICH. EXTENSIVE MOSS COVER. SOILS COARSE ALLOVIUM AND TALUS, OFTEN SATURATED BY GROUNDWATER SEEPAGE.

Last Observed Date: 01 July 1987
Quad Map: STILLWATER (R18D)
Latitude: 45 4' 53" Long: 92 48' 23"
Precision: within 0.25 mile, confirmed
DNR Region: 6
Wildlife Area: 601
Forestry District: 612
Voucher: MIN Verification: verified

Last Observed Date: 01 July 1987
Quad Map: STILLWATER (R18D)
Latitude: 45 4' 53" Long: 92 48' 19"
Precision: approx. boundaries have been determined
DNR Region: 6
Wildlife Area: 601
Forestry District: 612
Voucher: MIN Verification: verified

Last Observed Date: 27 July 1987
Quad Map: STILLWATER (R18D)
Latitude: 45 4' 50" Long: 92 48' 23"
Precision: within 0.25 mile, confirmed
DNR Region: 6
Wildlife Area: 601
Forestry District: 612
Voucher: MIN Verification: verified

Last Observed Date: 07 July 1987
Quad Map: STILLWATER (R18D)
Latitude: 45 4' 45" Long: 92 48' 16"
Precision: approx. boundaries have been determined
DNR Region: 6
Wildlife Area: 601
Forestry District: 612
Voucher: MIN Verification: verified

STILLWATER RAILROAD ABANDONMENT
TJON R20W SEC. 21 & 28, WASHINGTON COUNTY
Madura, Natural Heritage and Nongame Research Program

Minnesota Natural Heritage Database
Element Occurrence Records

TJON R20W SESE16 WASHINGTON COUNTY, MN

Element: OAK FOREST (CENTRAL) MESIC SUBTYPE #47
S Rank: 82

EO Size: 5 acres approx. EO Rank: 8C
Site: FAIRY FALLS (20 acres approx.)

Ownership: Owner unknown
Managed Area(s): not managed or no record

Source: ALMENDINGER, J.C. (CO BIOL SURVEY 1987)
DRY-MESIC OAK FOREST OCCURS ON THE UPLANDS ABOVE THE FAIRY FALLS RAVINE. CANOPY DOMINANTS INCLUDE: QUERCUS RUBRA, Q. ALBA, Q. MACROCARPA, AND SOME MESIC SPECIES SUCH AS TILIA AMERICANA, FRAXINUS PENNSYLVANICA, AND ACER SACCHARINUM. SUBCANOPY IS MOSTLY NATIVE SPECIES DISTRIBUTED IN PATCHES. GROUND FLORA IS RICH, INCLUDING SPECIES OF BOTH MESIC AND DRIER FORESTS. NO REAL EVIDENCE OF GRAZING, BUT SITE GETS LOTS OF RECREATIONAL USE, TRAILS AND TRASH. NEEDS FURTHER DOCUMENTATION.

TJON R20W SESE16 WASHINGTON COUNTY, MN

Element: SEEPAGE MEADOW #5
S Rank: 83

EO Size: 1 acres approx. EO Rank: C
Site: FAIRY FALLS (20 acres approx.)

Ownership: Owner unknown
Managed Area(s): not managed or no record

Source: ALMENDINGER, J.C. (CO BIOL SURVEY 1987)
A SMALL, OPEN SEEP OCCURS JUST W OF HWY 95 AGAINST THE SN-FACING BLUFF OF THE FAIRY FALLS RAVINE. EXCEPT FOR TYPIA LATIFOLIA, THE DOMINANT COVER IS FROM TALL FORBS, INCLUDING: EUPATORIUM MACULATUM, E. PERFORATUM, IMPATIENS CAPENSIS, CHELOME GLABRA, POLYGONUM HYDROPHYLLUM, AND SMITTANIA LATIFOLIA. CLUMPS OF ALNUS RUPESTRIS ARE OCCASIONAL. SOILS ARE PEATY AND SATURATED, RIVULETS EVENTUALLY REACH SILVER CREEK. NO EVIDENCE OF HUMAN DISTURBANCE (HWY. CONSTRUCTION?)

TJON R20W SESE16 WASHINGTON COUNTY, MN

Element: SEIURUS MOTACILLA (LOUISIANA WATERTHRUSH) #9
State Status: SPECIAL CONCERN

EO Size: EO Rank:
Site: FAIRY FALLS

Ownership: National Park Service (National Monument)
Managed Area(s): LOWER ST. CROIX NWR

Source: FALL, B. (CO BIOL SURVEY 1988)
INFERRED BREEDING. 2 MALES AND 1 PRESUMED FEMALE OBSERVED IN 2 VALLEYS ALONG ST. CROIX RIVER DURING SYSTEMATIC SURVEY UTILIZING PLAYBACK. 1 PAIR SEEN IN STEEP SIDED 50-75 M WIDE VALLEY IN FIRST 300 M DOWNSTREAM FROM FAIRY FALLS; MALE HEARD SINGING, THEN BOTH BIRDS RESPONDED TO PLAYBACK BY CHIPPING; NEXT DAY MALE RESPONDED VIGOROUSLY, SINGING AND FLYING FROM 1 SIDE OF VALLEY TO OTHER. ANOTHER MALE SEEN AND HEARD IN NEXT VALLEY W, SEPARATED FROM FIRST BY 100 M OF WOODLAND.

TJON R20W SESE21 WASHINGTON COUNTY, MN

Element: BRESSETIA MULLII (KITTE-TAILS) #111
State Status: THREATENED

EO Size: EO Rank:
Site: BROWN CREEK

Ownership: Owner unknown
Managed Area(s): not managed or no record

Source: GORDON, E. (SIGHT RECORD)
12-15 INDIVIDUALS, POSSIBLY MORE LOCATED ON STEEP SOUTH-FACING SLOPE, ADJACENT TO SMALL RAVINE. HABITAT IS OPEN, DRY OAK FOREST/OVERGROWN OAK WOODLAND WITH QUERCUS ALBA, Q. MACROCARPA, & Q. RUBRA; OCCASIONAL TILIA AMERICANA & POPULUS TREMILOIDES. BRESSETIA IN SHELTER AREA W/YOUNG ACER SACCHARINUM, ULMUS AMERICANA & MORE POPULUS TREMILOIDES. FORBS/GROUND LAYER SPECIES: PARNASSIOPSIS SP., AMPHICARPA BRACKETEA, CIRCEA LUTETIANA, MALPHEGION CANADENSE.

Last Observed Date: 01 July 1987
DNR Region: 6
Wildlife Area: 601
Forestry District: 612
Quad Map: STILLWATER (R18D)
Latitude: 45 4' 58" Long: 92 48' 25"
Precision: approx. boundaries have been determined

Voucher:
Verification: verified
INCIDENTS INCLUDE: QUERCUS RUBRA, Q. ALBA, Q. MACROCARPA, AND SOME MESIC SPECIES SUCH AS TILIA AMERICANA, FRAXINUS PENNSYLVANICA, AND ACER SACCHARINUM. SUBCANOPY IS MOSTLY NATIVE SPECIES DISTRIBUTED IN PATCHES. GROUND FLORA IS RICH, INCLUDING SPECIES OF BOTH MESIC AND DRIER FORESTS. NO REAL EVIDENCE OF GRAZING, BUT SITE GETS LOTS OF RECREATIONAL USE, TRAILS AND TRASH. NEEDS FURTHER DOCUMENTATION.

Last Observed Date: 01 July 1987
DNR Region: 6
Wildlife Area: 601
Forestry District: 612
Quad Map: STILLWATER (R18D)
Latitude: 45 4' 49" Long: 92 48' 14"
Precision: approx. boundaries have been determined

Voucher:
Verification: verified
EXCEPT FOR TYPIA LATIFOLIA, THE DOMINANT COVER IS FROM TALL FORBS, INCLUDING: EUPATORIUM MACULATUM, E. PERFORATUM, IMPATIENS CAPENSIS, CHELOME GLABRA, POLYGONUM HYDROPHYLLUM, AND SMITTANIA LATIFOLIA. CLUMPS OF ALNUS RUPESTRIS ARE OCCASIONAL. SOILS ARE PEATY AND SATURATED, RIVULETS EVENTUALLY REACH SILVER CREEK. NO EVIDENCE OF HUMAN DISTURBANCE (HWY. CONSTRUCTION?)

Last Observed Date: 04 June 1988
DNR Region: 6
Wildlife Area: 601
Forestry District: 612
Quad Map: STILLWATER (R18D)
Latitude: 45 4' 58" Long: 92 48' 15"
Precision: within 0.25 mile, confirmed

Voucher:
Verification: inferred breeding
INCIDENTS INCLUDE: QUERCUS RUBRA, Q. ALBA, Q. MACROCARPA, AND SOME MESIC SPECIES SUCH AS TILIA AMERICANA, FRAXINUS PENNSYLVANICA, AND ACER SACCHARINUM. SUBCANOPY IS MOSTLY NATIVE SPECIES DISTRIBUTED IN PATCHES. GROUND FLORA IS RICH, INCLUDING SPECIES OF BOTH MESIC AND DRIER FORESTS. NO REAL EVIDENCE OF GRAZING, BUT SITE GETS LOTS OF RECREATIONAL USE, TRAILS AND TRASH. NEEDS FURTHER DOCUMENTATION.

Last Observed Date: 15 June 2000
DNR Region: 6
Wildlife Area: 601
Forestry District: 612
Quad Map: STILLWATER (R18D)
Latitude: 45 4' 40" Long: 92 48' 36"
Precision: within 0.25 mile, confirmed

Voucher:
Verification: sight or sound rec.
HABITAT IS OPEN, DRY OAK FOREST/OVERGROWN OAK WOODLAND WITH QUERCUS ALBA, Q. MACROCARPA, & Q. RUBRA; OCCASIONAL TILIA AMERICANA & POPULUS TREMILOIDES. BRESSETIA IN SHELTER AREA W/YOUNG ACER SACCHARINUM, ULMUS AMERICANA & MORE POPULUS TREMILOIDES. FORBS/GROUND LAYER SPECIES: PARNASSIOPSIS SP., AMPHICARPA BRACKETEA, CIRCEA LUTETIANA, MALPHEGION CANADENSE.

Minnesota Natural Heritage Database
 Element Occurrence Records

STILLWATER RAILROAD ABANDONMENT
 T308 R20W SEC. 21 & 28, WASHINGTON COUNTY
 MNR, Natural Heritage and Nongame Research Program

14:06 Tuesday, JUNE 17, 2003
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T0308 R20W 0821 WASHINGTON COUNTY, MN
 Element: DAY PRAIRIE (SOUTHEAST) BEDROCK BLUFF SUBTYPE #124
 S Rank: 83
 EO Size: 4 acres
 Site: BROWNS CREEK (65 acres)
 Ownership: Owner unknown
 Managed Area(s): not managed or no record
 Source: ALMENDINGER, J.C. (CO BIOL SURVEY 1987)
 SMALL OPENINGS OF BLUFF PRAIRIE OCCUR ON THE CREST AND UPPER SLOPE OF THE S-PACING SLOPE ABOVE BROWN'S CREEK. THE GRASSLAND COVER IS EXCELLENT, BUT YARDS TO BE A NEAR-MONOCULTURE OF EITHER SCHIZACESTRUM SCOPARIUM OR BOUTELOUA CURTI-PENDULA. THE FORB COMPONENT IS POOR, BUT ALMOST ENTIRELY NATIVE SPECIES. THERE IS NO REAL EVIDENCE OF GRAZING OR CULTIVATION, THUS THE ABSENCE OF SO MANY FORBS IS A MYSTERY. SOILS SANDY CLAYS, QUITE MOIST IN SPOTS.

Intended Status: 86
 CBS Site #: 204

Last Observed Date: 22 September 1987
 Quad Map: STILLWATER (R18D)
 Latitude: 45° 4' 36" Long: 92° 49' 12"
 Precision: approx. boundaries have been determined
 DMR Region: 6
 Wildlife Area: 601
 Forestry District: 612

Voucher: Verification: verified

T0308 R20W 0821 WASHINGTON COUNTY, MN
 Element: MAPLE-BASSWOOD FOREST (EAST CENTRAL) #4
 S Rank: 83
 EO Size: 55 acres
 Site: BROWNS CREEK (65 acres)
 Ownership: Owner unknown
 Managed Area(s): not managed or no record
 Source: ALMENDINGER, J.C. (CO BIOL SURVEY 1987)
 MESIC DECIDUOUS FOREST OCCURS ON THE N-PACING SLOPE ABOVE BROWN'S CREEK AND ALSO ALONG THE BOTTOMS. THE FOREST CANOPY IS DOM. BY QUERCUS RUBRA, BETULA PAPIRIFERA AND BETULA LUTEA, WITH FRAXINUS PENNSYLVANICA, TILIA AMERICANA, ACER SACCHARINUM OCCASIONAL. THE SUBCANOPY IS RICH FLORISTICALLY AND CONTAINS MANY SAPLINGS OF ACER SACCHARINUM, TILIA AMERICANA, GLAUCUS RUBRA AND JUGLANS CINEREA. HERE FLORA RICH BUT SPARSE COVER. SOIL TEXTURE VARIABLE AND SOILS OFTEN SATURATED SEEPS.

Intended Status: 86
 CBS Site #: 204

Last Observed Date: 22 September 1980
 Quad Map: STILLWATER (R18D)
 Latitude: 45° 4' 33" Long: 92° 48' 57"
 Precision: approx. boundaries have been determined
 DMR Region: 6
 Wildlife Area: 601
 Forestry District: 612

Voucher: Verification: verified

T0308 R20W 0821 WASHINGTON COUNTY, MN
 Element: MIXED HARDWOOD SWAMP SUBTYPE #5
 S Rank: 83
 EO Size: 5 acres
 Site: BROWNS CREEK (65 acres)
 Ownership: Owner unknown
 Managed Area(s): not managed or no record
 Source: ALMENDINGER, J.C. (CO BIOL SURVEY 1987)
 SEVERAL SMALL, GROUNDWATER SEEPS OCCUR ALONG AND ABOVE THE N BANK OF BROWNS CK. BETWEEN THE CROSS RESIDENCE AND HWY 95. ALL OF THE SEEPS HAVE SYMPOCARPUS FORTIS AS A DOMINANT PLANT, BUT VARY CONSIDERABLY OTHERWISE BY HAVING A COVER OF EMERGENT MARSH, MESIC UPLAND FORBS, OR STREAMSIDE PLANTS. SOILS ARE HUMIC PEAT RANGING IN DEPTH FROM A FEW CM TO A HALF METER. THE SEEPS AND ADJACENT UPLANDS ARE FREE OF EXOTIC SHRUBS.

Intended Status: 86
 CBS Site #: 204

Last Observed Date: 22 September 1987
 Quad Map: STILLWATER (R18D)
 Latitude: 45° 4' 34" Long: 92° 48' 37"
 Precision: approx. boundaries have been determined
 DMR Region: 6
 Wildlife Area: 601
 Forestry District: 612

Voucher: Verification: verified

T0308 R20W 0821 WASHINGTON COUNTY, MN
 Element: SEIURUS MOUTACILLA (LOUISIANA WATERTHRUSH) #10
 State Status: SPECIAL CONCERN
 EO Size: 10 acres
 Site: BROWNS CREEK
 Ownership: Owner unknown
 Managed Area(s): not managed or no record
 Source: FALL, B. (CO BIOL SURVEY 1988)
 INFERRED BREEDING. 1 MALE AND 1 PRESUMED FEMALE OBSERVED ALONG BROWNS CREEK DURING SYSTEMATIC SURVEY UTILIZING PLAYBACK. MALE RESPONDED STRONGLY TO PLAYBACK, FEMALE GAVE BROKEN WING DISPLAY ALONG STREAM BANK. BIRDS OCCUPIED ABOUT 200 M OF CREEK IN A MAUNOW, WOODED, STEEP SIDED VALLEY, 700-800 M FROM EAST END OF SITE.

Intended Status: 86
 CBS Site #: 204

Last Observed Date: 04 June 1988
 Quad Map: STILLWATER (R18D)
 Latitude: 45° 4' 32" Long: 92° 49' 12"
 Precision: within 0.25 mile, confirmed
 DMR Region: 6
 Wildlife Area: 601
 Forestry District: 612

Voucher: Verification: inferred breeding

Minnesota Natural Heritage Database
Element Occurrence Records

T030N R20W S28W27 WASHINGTON COUNTY, MN
Element: MUSSEL SAMPLING SITE #204

EO Size: EO Rank:
Site: CITY OF STILLWATER
Ownership: Owner unknown
Managed Area(s): LOWER ST. CROIX RSR
Source: DOOLITTLE, T. (DIST & REL ABUNDANCE OF FRESHWATER MUSSELS IN ST CROIX RSR 1988)
REGULAR TRANSECT SEARCH AT RIVER MILE 23.4; 30 MIN SCUBA SURVEY, DEPTH 5 M, BOTTOM TYPE ROCK & MUCK. 1 LIVE MUSSEL, ANODONTA GRANDIS COMPULZETA, FOUND DURING SEARCH.

STILLWATER RAILROAD ABANDONMENT
T30N R20W SEC. 21 & 28, WASHINGTON COUNTY
MUSSEL, Natural Heritage and Nongame Research Program

14:06 Tuesday, JUNE 17, 2003
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Last Observed Date: 28 July 1987
Quad Map: STILLWATER (R18D)
Latitude: 45 3' 5" Long: 92 48' 0"
Precision: within 0.25 mile, confirmed
DNR Region: 6
Wildlife Area: 601
Forestry District: 612

Voucher: Verification: verified
MUSSEL, ANODONTA GRANDIS COMPULZETA, FOUND

T030N R20W S28W34 WASHINGTON COUNTY, MN
Element: HALLIAERTUS LEUCOCERPHALUS (BALD EAGLE) #2139
State Status: SPECIAL CONCERN
EO Size: EO Rank:
Site: STILLWATER 34
Ownership: Owner unknown
Managed Area(s): not managed or no record
Source: GALLI, J. (DNR)
RESTING AREA. OAK PARK HEIGHTS.

Current Status: THREATENED
Intended Status:

Last Observed Date: 2001
Quad Map: STILLWATER (R18D)
Latitude: 45 2' 15" Long: 92 47' 44"
Precision: within 0.25 mile, confirmed
DNR Region: 6
Wildlife Area: 601
Forestry District: 612

Voucher: WH -005A Verification: verified

Rare Features Database Print-outs: An Explanation of Fields

The Rare Features database is part of the Natural Heritage Information System, and is maintained by the Natural Heritage and Nongame Research Program, a unit within the Division of Ecological Services, Minnesota Department of Natural Resources (DNR).

****Please note that the print-outs are copyrighted and may not be reproduced without permission****

Field Name: [Full (non-abbreviated) field name, if different]. Further explanation of field.

-C-

CBS Site: [County Biological Survey site number]. In each county, the numbering system begins with 1.

CLASS: A code which classifies features by broad taxonomic group: NC = natural community; SA = special animal; SP = special plant; GP = geologic process; GT = geologic time; OT = other (e.g. colonial waterbird colonies, bat hibernacula).

Cty: [County]. Minnesota counties (ordered alphabetically) are numbered from 1 (Aitkin) to 87 (Yellow Medicine).

CURRENT STATUS: Present protection status, from 0 (owner is not aware of record) to 9 (dedicated as a Scientific and Natural Area).

-D-

DNR Region: 1=NW, 2=NE, 3=E Central, 4=SW, 5=SE, 6= Minneapolis/St. Paul Metro.

DNR Quad: [DNR Quadrangle code]. DNR-assigned code of the U.S. Geologic Survey topographic map on which the rare feature occurs.

-E-

ELEMENT or Element: See "Element Name (Common Name)"

Element Name (Common Name): The name of the rare feature. For plant and animal species records, this field holds the scientific name, followed by the common name in parentheses; for all other elements (such as plant communities, which have no scientific name) it is solely the element name.

EO RANK: [Element Occurrence Rank]. An evaluation of the quality and condition of natural communities from A (highest) to D (lowest).

EO Size: [Element Occurrence Size]. The size in acres (often estimated) of natural communities.

-F-

FED STATUS: [Federal Status]. Status of species under the Federal Endangered Species Law: LE=endangered,

LT=threatened, C=species which have been proposed for federal listing.

Federal Status: See "FED STATUS"

Forestry District: The Minnesota DNR's Division of Forestry district number.

-G-

GLOBAL RANK: The abundance of an element globally, from G1 (critically imperiled due to extreme rarity on a world-wide basis) to G5 (demonstrably secure, though perhaps rare in parts of its range). Global ranks are determined by the Conservation Science Division of The Nature Conservancy.

-I-

INTENDED STATUS: Desired protection status. See also "CURRENT STATUS." If a complete list of protection status codes is needed, please contact the Natural Heritage Program.

-L-

LAST OBSERVED or Last Observed Date or Last Observation: Date of the most recent record of the element at the location.

Latitude: The location at which the occurrence is mapped on Natural Heritage Program maps. NOTE: There are various levels of precision in the original information, but this is not reflected in the latitude/longitude data. For some of the data, particularly historical records, it was not possible to determine exactly where the original observation was made (e.g. "Fort Snelling", or "the south shore of Lake Owasso"). Thus the latitude/longitude reflect the mapped location, and not necessarily the observation location.

Legal: Township, range and section numbers.

Long: [Longitude]. See NOTE under "Latitude"

-M-

MANAGED AREA or Managed Area(s): Name of the federally, state, locally, or privately managed park, forest, preserve, etc., containing the occurrence, if any. If this field is blank, the element probably occurs on private land. If "(STATUTORY BOUNDARY)" occurs after the name of a managed area, the location may be a private inholding within the statutory boundary of a state forest or park.

Map Sym: [Map Symbol].

MN STATUS: [Minnesota Status]. Legal status of plant and animal species under the Minnesota endangered species law:

END=endangered, THR=threatened, SPC=special concern, NON=no legal status, but tracked. This field is blank for natural communities and colonial waterbird nesting sites, which have no legal status in Minnesota, but are tracked by the database.

-N-

NC Rank: [Natural Community Rank].

-O-

Occ #: [Occurrence Number]. The occurrence number, in combination with the element name, uniquely identifies each record.

OCCURRENCE NUMBER: See "Occ #"

OF OCCURS: The number of records existent in the database for each element within the area searched.

Ownership: Indicates whether the site is publicly or privately owned; for publicly owned land, the agency with management responsibility is listed.

-P-

Precision: Precision of locational information of occurrence: C (confirmed) = known within 1/4 mile radius, U (unconfirmed) = known within 1/2 mile, N (non-specific) = known within 1 mile, G (general) = occurs within the general region, X (unmappable)=location is unmappable on USGS topographic quadrangles (often known only to the nearest county), O (obscure/gone)=element no longer exists at the location.

PS: [Primary Section]. The section containing all or the greatest part of the occurrence.

-Q-

Quad Map: See "DNR Quad"

-R-

Rec #: [Record number].

RNG or Rng: [Range number].

-S-

SECTION or Section: [Section number(s)]. Some records are given only to the nearest section (s), but most are given to the nearest quarter-section or quarter-quarter-section (e.g., SWNW32 denotes the SW1/4 of the NW1/4 of section 32). A "0" is used as a place holder when a half-section is specified (e.g., 0N03 refers to the north 1/2 of section 3). When a occurrence crosses section boundaries, both sections are listed, without punctuation (e.g., the NE1/4 of section 19 and NW1/4 of section 20 is displayed as "NE19NW20").

Site: A name which refers to the geographic area within which the occurrence lies. If no name for the area exists (a locally used name, for example), one is assigned by the County Biological Survey or the Natural Heritage Program.

Source: The collector or observer of the rare feature occurrence.

S RANK: [State Rank]. A rank assigned to the natural community type which reflects the known extent and condition of that community in Minnesota. Ranks range from 1 (in greatest need of conservation action in the state) to 5 (secure under present conditions). A "?" following a rank indicates little information is available to rank the community. Communities for which information is especially scarce are given a "U", for "rank undetermined". The ranks do not represent a legal status. They are used by the Minnesota Department of Natural Resources to set priorities for research, inventory and conservation planning. The state ranks are updated as inventory information becomes available.

State Status: See "MN STATUS"

-T-

TWP or Twp: [Township number].

-V-

Verification: A reflection of the reliability of the information on which the record is based. The highest level of reliability is "verified," which usually indicates a collection was made or, in the case of bird records, nesting was observed. Plant records based on collections made before 1970 are unverified.

Voucher: The museum or herbarium where specimens are maintained, and the accession number assigned by the repository. In the case of bald eagles, this is the breeding area number.

-W-

Wildlife Area: The Minnesota DNR's Division of Wildlife administrative number.

Data Security

Locations of some rare features must be treated as sensitive information because widespread knowledge of these locations could result in harm to the rare features. For example, wildflowers such as orchids and economically valuable plants such as ginseng are vulnerable to exploitation by collectors; other species, such as bald eagles, are sensitive to disturbance by observers. For this reason, we prefer that publications not identify the precise locations of vulnerable species. We suggest describing the location only to the nearest section. If this is not acceptable for your purposes, please call and discuss this issue with the Environmental Review Specialist for the Natural Heritage and Nongame Research Program at 651/296-7863.

Revised 9/2002

F

United States Department of the Interior



**Bureau of Land Management
Milwaukee Field Office
310 W. Wisconsin Ave., Suite 450
Milwaukee, Wisconsin 53203**



IN REPLY REFER TO:
2000(030)

May 28, 2003

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

Dear Mr. Nettles:

This is in response to your letters of May 13 and 19, 2003, to James Dryden concerning two separate proposals by the Burlington Northern and Santa Fe Railway Company (BNSF). The May 13th letter addressed BNSF's plan to file with the Surface Transportation Board a "Petition to Abandon" seeking authority to abandon 1.60 miles of railroad line between Milepost 0.00 and Milepost 1.60 in Brainerd, Minnesota. The May 19th addresses BSNF's plan to file with the Surface Transportation Board a "Notice of Exemption" seeking authority to abandon 0.99 miles of railroad line between Milepost 11.81 and Milepost 12.80 in Stillwater, Minnesota.

A search of our records shows there are no Federal lands administered by the Bureau of Land Management along either railroad line. However, please be aware that some of the original railroad grants were limited fee rights-of-way and may be subject to the Railroad Right-of-way Forfeiture and Abandonment Act of March 8, 1922, 43 U.S.C. § 912 (the 1922 Abandonment Act), and the National Trails System Improvement Act of October 4, 1988, Public Law 100-470, 16 U.S.C. § 1248 (c) - (f).

Thank you for giving us the opportunity to comment on this proposal. Our office does not have information on the location of wildlife refuges, state or national parks, and state or national forests in the immediate vicinity. You must contact the Fish and Wildlife Service, National Park Service, National Forest Service and State offices to obtain this information. If you require additional information, please contact Marcia Sieckman at (414) 297-4402.

Sincerely,

Chris Hanson
Assistant Field Office Manager
Division of Lands and Renewable Resources

G



United States
Department of
Agriculture

Forest
Service

Eastern Region

310 West Wisconsin Ave.
Suite 580
Milwaukee, WI 53203

File Code: 2700

Date: June 16, 2003

Brian Nettles
Attorney at Law
Freeborn & Peters
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

Re: The Burlington Northern and Santa Fe Railway Company Abandonment of Stillwater and Brainerd, Minnesota

Dear Attorney Nettles:

There are no Forest Service-administered lands in the proposed project impact area for the following miles of railroad line:

- 0.99 miles of railroad line between Milepost 11.81 and Milepost 12.80 in Stillwater, MN.
- 1.60 miles of railroad line between Milepost 0.00 and Milepost 1.60 in Brainerd, MN.

You may want to contact the U.S. Department of the Interior, National Park Service, regarding possible impacts to the St. Croix National Scenic Riverway, which is in the vicinity of Stillwater, Minnesota.

If I may be of any further assistance, please contact me at (414) 297-3696 or pstockinger@fs.fed.us.

Sincerely,



PAUL M. STOCKINGER
Director, Air, Water, Lands, Soil & Minerals



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United States
Department of
Agriculture

Forest
Service

Eastern Region

626 East Wisconsin Ave.
Suite 800
Milwaukee, WI 53202

File Code: 2700

Date: April 29, 2004

Michael A. Smith
Senior Counsel
Freeborn & Peters
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

**Re: *Surface Transportation Board Docket No. AB-6 (Sub-No. 413X);
The Burlington Northern and Santa Fe Railway Company Abandonment in Stillwater,
Minnesota***

Dear Attorney Smith:

In response to your April 15 letter and enclosed Environmental and Historic Reports, there are no Forest Service-administered lands in the proposed project impact area, and, therefore, the Forest Service has no comments pertaining to this matter.

If I may be of any further assistance, please contact me at (414) 297-3696 or pstockinger@fs.fed.us.

Sincerely,

PAUL M. STOCKINGER
Director, Air, Water, Lands, Soil & Minerals

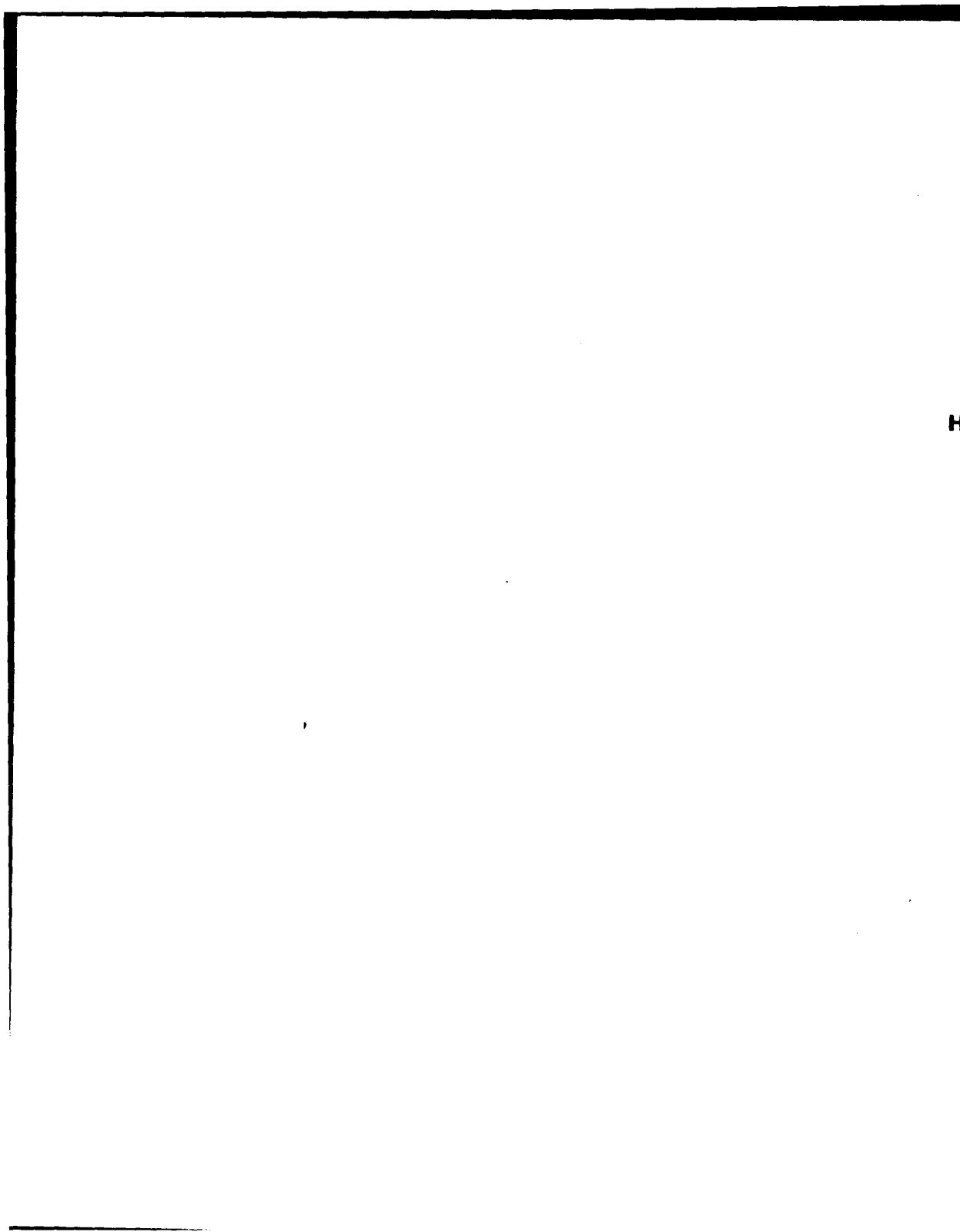
cc:
Albert Kayser



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H

Freeborn & Peters

May 19, 2003

Joe Oschwald
Environmental Review Coordinator
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4040

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 Stillwater, Minnesota***

Dear Mr. Oschwald:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.99 miles of railroad line between Milepost 11.81 and Milepost 12.80 in Stillwater, Minnesota.

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.

Chicago

Springfield

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.

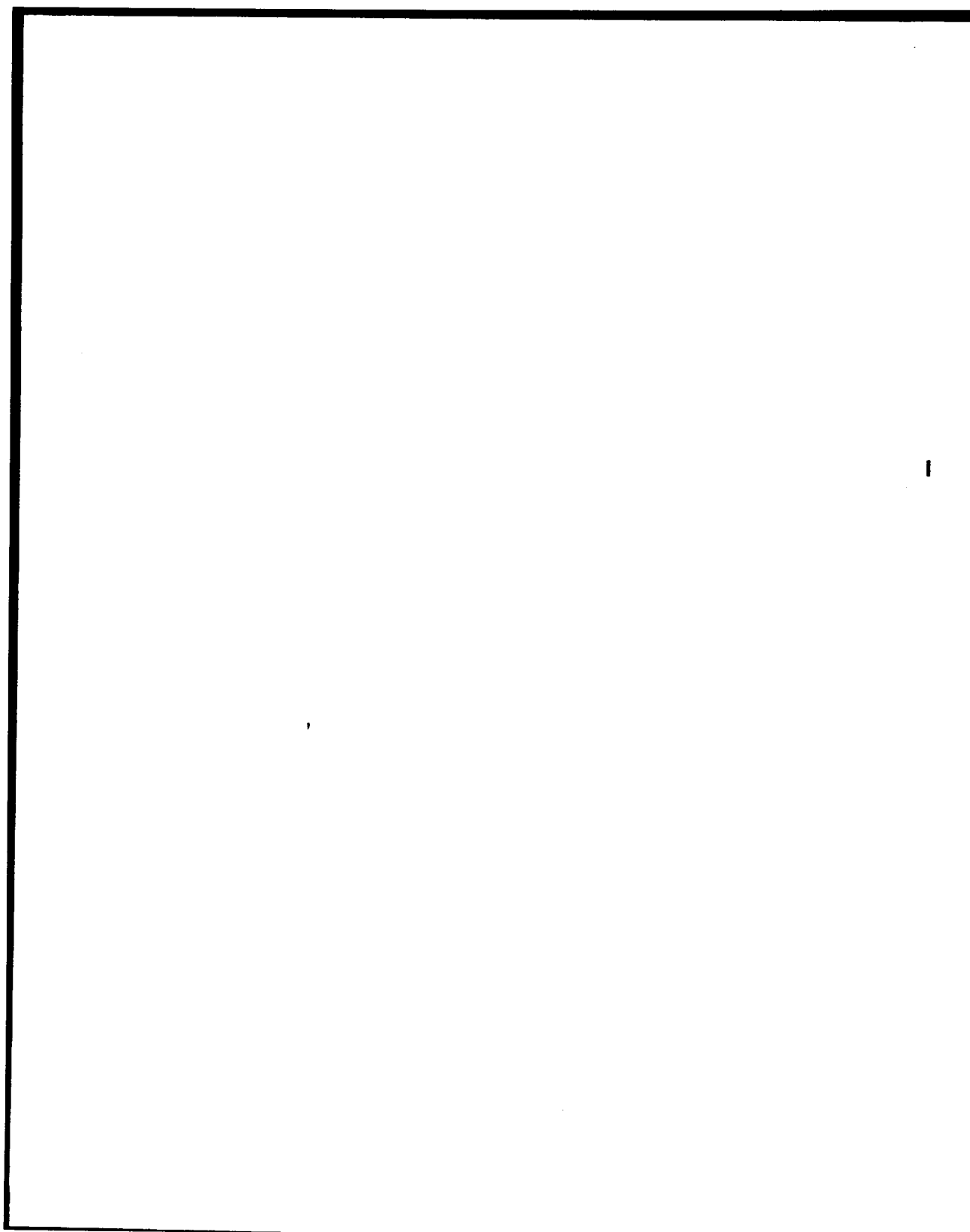
Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure



Freeborn & Peters

May 19, 2003

Jennifer Olson
Division Regional Environmental
Management Section Operations &
Environmental Review
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

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

Chicago

Springfield

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Stillwater, Minnesota***

Dear Ms. Olson:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.99 miles of railroad line between Milepost 11.81 and Milepost 12.80 in Stillwater, Minnesota.

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.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

J

U.S ARMY CORPS OF ENGINEERS - ST. PAUL DISTRICT
REGULATORY BRANCH

BASIS FOR DETERMINATION OF SECTION 404 JURISDICTION

Applicant: Burlington Northern Santa Fe Railway

File Number: 200305641

- ☐ A. Property referenced in the attached correspondence contains an area of water/wetland areas considered to be a water of the United States because the area:
- ☐ 1. is currently used, has been used in the past, or may be susceptible to use in interstate or foreign commerce, i.e., navigable waters of the United States. [328.3(a)(1)]
 - ☐ 2. is interstate waters. [328.3(a)(2)]
 - ☐ 3. is an area the use, degradation, or destruction of which could affect interstate or foreign commerce. [328.3(a)(3)]
 - ☐ a. is or could be used by interstate or foreign travelers for recreation or other purposes.
 - ☐ b. has fish or shellfish that are or could be taken and sold in interstate or foreign commerce.
 - ☐ c. is or could be used for industrial purposes by industries in interstate commerce.
 - ☐ 4. is an impoundment of waters/areas otherwise defined as waters of the United States. [328.3(a)(4)]
 - ☐ 5. is connected to or adjacent to a tributary of any waters/areas identified under paragraphs (1) through (4) of 33 CFR 328.3(a). [328.3(a)(5)]
 - ☐ 6. contains wetlands or waters adjacent to waters/areas defined as waters of the U.S in paragraphs (1) through (5) in 33 CFR 328.3 (a). [328.3(a)(7)].
- ☒ B. The property referenced in the attached contains no water/wetland areas that meet any of the criteria described above and therefore is not subject to Corps of Engineers jurisdiction under Section 404 of the Clean Water Act.

Project Manager

Dan J. Seemon

Date 5-30-03

Section Chief

Ralph J. Augustin

Date 5-30-03

Wetlands are identified and delineated using the methods and criteria established in the Corps of Engineers Wetland Delineation Manual (87 Manual). Generally, wetlands are determined by the occurrence of hydrophytic vegetation, hydric soils and wetland hydrology.

Edition of March 29, 2001. Previous editions obsolete.



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS
ARMY CORPS OF ENGINEERS CENTRE
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1638

May 30, 2003

Construction-Operations
Regulatory (03-05641-DJS)

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

Dear Mr. Nettles:

We have reviewed information about a project of Burlington Northern Santa Fe Railway to abandon approximately 0.99 miles of railroad line between Milepost 11.81 and Milepost 12.80. The project site is in Sections 21 and 28 of T. 30N., R. 20W., Washington County, Minnesota.

The work proposed at the location stated is not within the regulatory jurisdiction of the Corps of Engineers. No work will be done in a navigable water of the United States, and no dredged or fill material will be discharged in any water of the United States, including wetlands. Therefore, a Department of the Army permit is not required to do this work.

This letter is valid only for the project referenced above. If any change in design, location, or purpose is contemplated, contact this office to avoid doing work that may be in violation of Federal law. In addition, it should be noted that while the abandonment and removal of railroad bridges that cross navigable waters of the U.S. do not require a Department of the Army permit, any proposed change of use for these structures would be subject to our review and approval. PLEASE NOTE THAT THIS CONFIRMATION LETTER DOES NOT ELIMINATE THE NEED FOR STATE, LOCAL, OR OTHER AUTHORIZATIONS, SUCH AS THOSE OF THE DEPARTMENT OF NATURAL RESOURCES OR COUNTY.

The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision. If you have any questions, contact Dan J. Seemon in our St. Paul office at (651) 290-5380. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

Robert J. Whiting

Robert J. Whiting
Chief, Regulatory Branch

K



Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, Minnesota 55155-40__

May 22, 2003

Brain Nettles
Freeborn & Peters, Attorneys at Law
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

Re: The Burlington Northern and Santa Fe Railway Company Abandonment of
Stillwater, Minnesota

This is a reply to your request on whether the abandonment of 0.99 miles of railroad line between Milepost 11.81 and Milepost 12.80 in Stillwater, Minnesota will affect the 100-year floodplain. From the statement you made in your May 19, 2003 letter, I understand that the rail material such as rails and ties may be removed but that the roadbed would be left intact.

Based on the information you have stated in your letter to me and the map you attached with it, the abandonment as described will not affect the 100-year floodplain.

Sincerely,
DNR WATERS


Ogbazghi Siu, P.E.
Supervisor, Floodplain Management Program

C: Dale Homuth, Regional Hydrologist
Molly Shodeen, Area Hydrologist

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929

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MINNESOTA HISTORICAL SOCIETY
STATE HISTORIC PRESERVATION OFFICE

February 27, 2004

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

RE: Burlington Northern Santa Fe Railway Company Abandonment
Stillwater, Washington County
SHPO Number: 2004-1052

Dear Mr. Nettles:

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council on Historic Preservation (36CFR800).

The BNSF segment of rail proposed to be abandoned, historically the corridor of the Stillwater and St. Paul Railroad, is partially located within the Stillwater Commercial Historic District, which is listed on the National Register of Historic Places. It is also located within the Stillwater Cultural Landscape Historic District, which has been determined eligible for listing on the National Register of Historic Places. The rail segment is also adjacent to individually listed National Register properties, including the Stillwater Lift Bridge and the Territorial/State Prison Warden's House.

In order to complete our review of this project, we will need to be informed of future plans for this rail segment as part of the abandonment procedure.

Please contact Dennis Gimmetstad at (651) 296-5462 if you have any questions regarding our review of this project.

Sincerely,

Britta L. Bloomberg
Deputy State Historic Preservation Officer

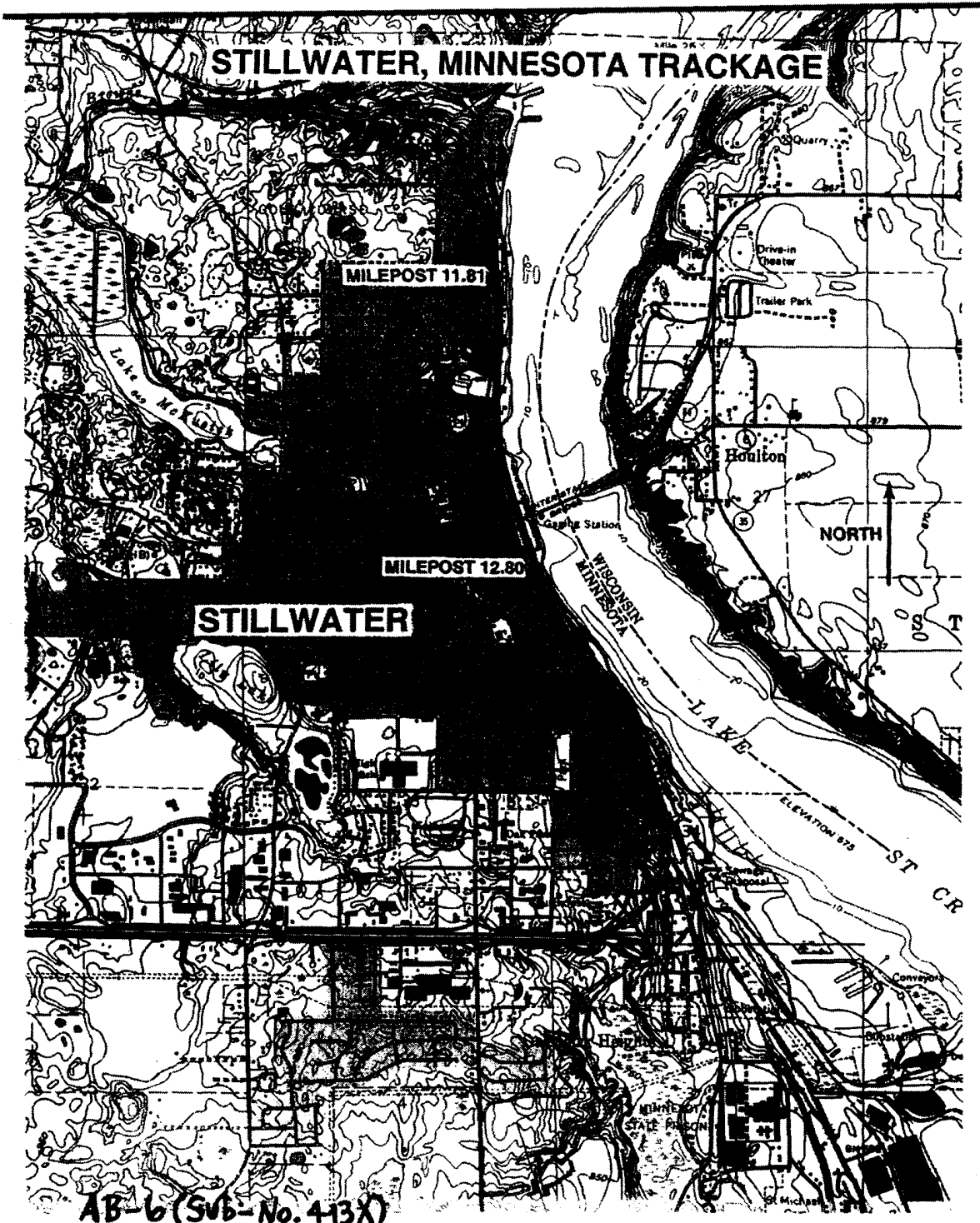
Date made available to the public: June 4, 2004.

Comment due date: June 21, 2004.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment



AB-6 (Sub-No. 413X)

34728
SEA

SERVICE DATE - JUNE 4, 2004

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-6 (Sub-No. 413X)

**The Burlington Northern and Santa Fe Railway Company--Abandonment Exemption--In
Washington County, MN**

BACKGROUND

In this proceeding, the Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon and discontinue service over a .99-mile line of railroad, extending from BNSF Milepost 11.81 to BNSF Milepost 12.80 in the City of Stillwater, in Washington County, MN. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, BNSF will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to BNSF, the line was acquired by the Stillwater Union Depot and Transfer Company (SUDT), the Stillwater Street Railway & Transfer Company (SST), and the Northern Pacific Railway Company (NP) between 1871 and 1910. The SUDT and the SST were predecessors to NP. In 1970, NP merged with other railroads to become part of Burlington Northern Railroad (BN), and in 1995, BN merged with the Atchison Topeka and Santa Fe Railway to become BNSF.

The line is located within the City of Stillwater, which is an urban area. Additionally, the line is in close proximity to the St. Croix National Scenic Riverway, which extends from its headwater source near Gorden, WI, and along the Minnesota/Wisconsin border to Taylor's Falls, MN/St. Croix Falls, WI.¹ The riverway is one of eight original rivers designated by Congress when the National Wild & Scenic Rivers Program was established in 1968.² Under the Wild and Scenic Rivers Act, it is the policy of the United States to preserve selected rivers, or sections thereof, in their free-flowing condition to protect the water quality of such rivers and to fulfill other national conservation purposes. See Wild and Scenic River Act, 16 U.S.C. 1271.

¹ See Minnesota Department of Natural Resources' website at http://www.dnr.state.mn.us/waters/watermgmt_section/wild_scenic/wsrivers/stcroix_upper.html.

² Id.

According to BNSF, the width of the right-of-way varies from 20 to 210 feet, and abandonment of the line would allow for the elimination of four public crossings.

According to BNSF, there has been no traffic on the line for at least two years. Upon receiving authority to abandon the line, BNSF may remove the remaining rail, track material, and crossties; however, the roadbed will be left intact.

ENVIRONMENTAL REVIEW

BNSF submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way.³ The applicant served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. SEA has reviewed and investigated the record in this proceeding.

The National Geodetic Survey (NGS) has advised SEA that one geodetic station marker has been identified that may be affected by the proposed abandonment.

Because traffic has not moved on the subject rail line for at least two years, the proposed abandonment would not be expected to impact the development, use and transportation of energy resources or recyclable commodities, or result in the diversion of rail traffic to truck traffic that could result in impacts to air quality or the local transportation network.

The U.S. Army Corps of Engineers, St. Paul District, has determined that the proposed abandonment, as outlined by BNSF, would not involve the discharge of dredged or fill material in waters of the United States, including wetlands. Therefore, a Department of the Army permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) would not be required.

The Minnesota Department of Natural Resources commented that the abandonment, as proposed by BNSF, would not affect the 100-year floodplain. Accordingly, no mitigation measures were suggested.

The United States Department of Agriculture, Natural Resources Conservation Service, informed SEA that the proposed abandonment would not have any effect on prime agricultural land. Accordingly, the Farmland Protection Policy Act does not apply to this land, and no mitigation measures were suggested.

³ Under 49 CFR 1152.20(a)(4), an applicant must publish its notice of intent to abandon and discontinue service in a newspaper of general circulation in each county in which any part of the involved line is located. SEA notes that BNSF has not submitted any documentation of the required publication.

The Minnesota Department of Natural Resources, Natural Heritage and Nongame Research Program (MDNR), reviewed the Minnesota Natural Heritage database to determine if any rare plant or animal species or other significant natural features are known to occur within an approximate one-mile radius of the proposed abandonment. The MDNR submitted a database printout and stated that there are 30 known occurrences of rare species or natural communities in the subject area. However, the MDNR further stated that the proposed project would not affect any known occurrences of rare features, provided the project would not impact the water quality of the St. Croix River. Accordingly, SEA contacted the St. Croix National Scenic Riverway (SCNSR) to determine the effect of the proposed abandonment on the St. Croix River. The SCNSR requested additional information, including a map of the proposed abandonment and a copy of the MDNR letter. On May 26, 2004, SEA sent the requested materials to the SCNSR and added SCNSR to the service list. SEA recommends a consultation condition requiring that BNSF contact Jill Medland at the SCNSR prior to commencement of any salvage activities.

BNSF does not believe that the proposed abandonment would affect any wildlife sanctuaries, refuges, or National or State parks or forests. The U.S. Department of the Interior, Bureau of Land Management's Milwaukee Field Office (BLM) stated that there are no BLM-administered Federal lands along the railroad line, and the U.S. Department of Agriculture, Forest Service - Eastern Region (Forest Service), stated that there are no Forest Service-administered lands in the proposed project impact area. However, the Forest Service recommended that BNSF contact the U.S. Department of the Interior, National Park Service, regarding the possible impacts to the St. Croix National Scenic Riverway. Accordingly, SEA recommends a consultation condition requiring that BNSF contact the National Park Service prior to commencement of any salvage activities.

According to BNSF, there are no known hazardous waste sites or hazardous material spill sites on the subject right-of-way.

BNSF states that the ROW may be suitable for public use, such as a recreational trail.

HISTORIC REVIEW

BNSF submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Minnesota Historical Society (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). According to the SHPO, the line proposed for abandonment is partially located within the Stillwater Commercial District, which is listed on the National Register of Historic Places (National Register). The line is also located within the Stillwater Cultural Landscape Historic District, which has been determined eligible for listing on the National Register. Additionally, the line is adjacent to individually listed National Register properties, including the Stillwater Lift Bridge and the Territorial/State Prison Warden's House. At the time this EA was prepared, the SHPO had not completed its assessment of the proposed abandonment. The SHPO has requested additional information from BNSF, including information on future plans for this rail segment.

Pending completion of the SHPO's review, we recommend a condition to ensure compliance with the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONDITIONS

SEA recommends that the following four (4) environmental conditions be placed on any decision granting abandonment authority:

1. The National Geodetic Survey (NGS) has identified one (1) geodetic station marker that may be affected by the proposed abandonment. Therefore, BNSF shall notify NGS at least 90 days prior to salvage activities in order to plan for their relocation.
2. The Minnesota Department of Natural Resources, Natural Heritage and Nongame Research Program (MDNR), stated that the proposed project would not affect any known occurrences of rare features, provided the project would not impact the water quality of the St. Croix River. To determine the effect of the proposed abandonment on the St. Croix River, SEA recommends a consultation condition requiring that BNSF contact the National Park Service, St. Croix National Scenic Riverway (Jill Medland at 715-483-3284), prior to commencement of any salvage activities on this project, in order to identify the appropriate mitigation measures that may be warranted. If it is determined that the abandonment would impact the water quality of the St. Croix River, BNSF shall contact MDNR prior to commencement of any salvage activities on this project. The railroad shall report the results of these consultations to the Surface Transportation Board's Section of Environmental Analysis.
3. The U.S. Department of Agriculture, Forest Service - Eastern Region recommended that BNSF contact the U.S. Department of the Interior, National Park Service, regarding the possible impacts to the St. Croix National Scenic Riverway. Accordingly, SEA recommends a consultation condition requiring that BNSF contact Nick Chevance at the National Park Service's Midwest Region office prior to commencement of any salvage activities to determine the possible impacts on the St. Croix National Scenic Riverway. The railroad shall report the results of this consultation to the Surface Transportation Board's Section of Environmental Analysis.
4. The Minnesota Historical Society (the State Historic Preservation Office or SHPO) has requested information on future plans for this rail segment. Accordingly, BNSF shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Dean, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-6 (Sub No. 413X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Christa Dean, the environmental contact for this case, by phone at (202) 565-1606, fax at (202) 565-9000, or e-mail at deanc@stb.dot.gov.