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THOMAS F MCFARLAND

August 14, 2008

By UPS overnight mail

Anne K. Quinlan, Esq
Acting Secretary
Surface Transportation Board
395 E Street, S W, Suite 1149
Washington, DC 20024

Re Docket No AB-497 (Sub-No 4X), *Minnesota Northern Railroad, Inc --
Abandonment Exemption -- in Norman County, MN*

Dear Ms Quinlan

Enclosed please find an original and 10 copies of Minnesota Northern Railroad, Inc 's
Petition of Exemption, for filing with the Board in the above referenced matter

Also enclosed is a check in the amount of \$6,300 for the filing fee

ENTERED
Office of Proceedings

AUG 15 2008

Part of
Public Record

Very truly yours,

Tom McFarland

Thomas F. McFarland
Attorney for Petitioner

ENTERED
Office of Proceedings

AUG 15 2008

Part of
Public Record

TMcf kl enc wp8 01/31911rstbl

FEE RECEIVED

AUG 15 2008

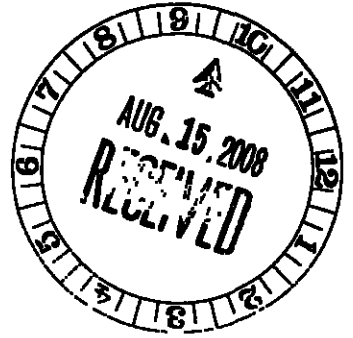
SURFACE
TRANSPORTATION BOARD

FILED

AUG 15 2008

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD



MINNESOTA NORTHERN RAILROAD,) DOCKET NO AB-497
INC -- ABANDONMENT EXEMPTION) (SUB-NO 4X)
-- IN NORMAN COUNTY, MN)

PETITION FOR EXEMPTION

MINNESOTA NORTHERN RAILROAD, INC
P O Box 705
Crookston, MN 56716

Petitioner

THOMAS F McFARLAND
THOMAS F McFARLAND, P C
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204
(312) 201-9695 (fax)
mcfarland@aol com

Attorney for Petitioner

DATE FILED August 15, 2008

BEFORE THE
SURFACE TRANSPORTATION BOARD

MINNESOTA NORTHERN RAILROAD,) DOCKET NO AB-497
INC -- ABANDONMENT EXEMPTION) (SUB-NO 4X)
-- IN NORMAN COUNTY, MN)

PETITION FOR EXEMPTION

Pursuant to 49 U S C § 10502(a) and 49 C F R § 1121.1, *et seq*, MINNESOTA NORTHERN RAILROAD, INC (MNN) hereby petitions for an exemption from the requirements of 49 U S C § 10903 for abandonment of a portion of its "P Line" Subdivision between Milepost 40.2 at the north end of the Marsh River Bridge south of Shelly and the end of track at Milepost 21.0 at or near Perley, a distance of 19.2 miles, in Norman County, Minnesota ("the Rail Line")

THE SUBJECT RAIL LINE

The "P Line" Subdivision by which MNN provides service to shippers at and near Perley, Hendrum, and Halstad, MN extends 44 miles from Crookston, MN to its stub-end at or near Perley, MN. The Rail Line proposed for abandonment constitutes 19.2 miles of that 44-mile Subdivision. The Rail Line is illustrated on a map attached to this Petition as Appendix 1.

In 1997, when MNN acquired the Perley Subdivision, MNN was owned by Rail America Transportation Corp. In August, 2000, MNN was acquired by KBN, Inc. See Finance Docket No. 33911, *KBN, Inc. -- Control Exemption -- Minnesota Northern Railroad, Inc. and St. Croix Valley Railroad Company*, notice of exemption served Aug. 31, 2000 (not printed). KBN, Inc. continues to own and operate MNN.

Effective June 6, 2008, stations on the Rail Line proposed for abandonment at Hendrum and Perley, MN were embargoed due to an unsafe condition of a bridge at Milepost No 29 2, which is approximately two miles north of Hendrum, MN A copy of the notice of that embargo is attached to this Petition as Appendix 2

REASONS FOR ABANDONMENT

An exemption is sought for abandonment of the Rail Line because (1) operation of the line is unprofitable, (2) there is no reasonable prospect for profitable operations, (3) the line requires substantial bridge rehabilitation, the cost of which cannot be amortized from rail line profits, and (4) shippers on the line have feasible transportation alternatives

1. Unprofitability

A. Traffic and Revenues

Set forth below is a listing of the traffic on the Rail Line proposed for abandonment and the MNN revenues from that traffic (1) for a base year ended on April 30, 2008, and (2) for a forecast year beginning on August 1, 2008

<u>Shipper</u>	<u>Base Year</u>		<u>Forecast Year</u>	
	<u>Cars</u>	<u>Revenue</u>	<u>Cars</u>	<u>Revenue</u>
Perley Community Cooperative, Perley, MN				
Corn	64	\$7,543	60	\$7,500
Wheat	142	\$12,584	150	\$18,750
Soybeans	121	\$14,768	120	\$15,000

<u>Shipper</u>	<u>Base Year</u>		<u>Forecast Year</u>	
	<u>Cars</u>	<u>Revenue</u>	<u>Cars</u>	<u>Revenue</u>
Halstad Farmers Elevator, Halstad, MN				
Fertilizer	13	\$3,549	8	\$2,184
Mitchell Forms, Hendrum, MN				
Sunflower Seeds	0	0	2	\$546
Totals	340	\$38,444	340	\$43,980

Forecast year traffic is predicated primarily on base year experience. Agricultural traffic varies greatly from year to year. For example, Perley Community Cooperative shipped as many as 528 carloads of grain in 2007, but as few as 66 carloads of grain in 2005. The 327 carloads of grain shipped by that company in the base year represents a reasonable compromise between those extremes, on which to base a forecast.

B. Costs of Operation

The Board has treated \$6,000 per mile per year as a reasonable amount for normalized track and bridge maintenance by a Class III railroad. See *SWKR Operating Co -- Abund Exempt -- in Cochise County, AZ*, 1997 STB LEXIS 27 at *13 (STB Docket No. AB-441 [Sub-No. 2X], decision served February 14, 1997). On that basis, forecast year costs for maintenance of way would amount to \$115,200 (\$6,000 x 19.2). That cost alone exceeds forecast year

revenues by \$71,220. Thus, continued operation of the Rail Line would result in an operating loss of at least \$71,220 per year, without consideration of any additional operating costs.

However, normalized maintenance of way costs for the forecast year that are necessary to retain minimum FRA Class I track safety standards on the Rail Line would substantially exceed that estimated amount. Thus, the cost to replace 100 of the 3,000 cross-ties per mile each year (30-year cycle) would amount to approximately \$192,000 per year (100 ties per mile x 19.2 miles x \$100 per tie, installed). The cost to line and surface 4 of the 19.2 miles each year (5-year cycle) would be approximately \$142,240 per year (i.e., [labor of \$2 per track-foot x 21,120 track feet = \$42,240] + [500 tons of ballast per mile x 4 miles x \$50 per ton, delivered = \$100,000] = \$142,240). Thus, the total cost of normalized FRA Class I maintenance of way would be \$334,240 per year (\$192,000 + \$142,240), an amount that exceeds forecast year revenues by \$290,260. That would be a very substantial operating loss, without consideration of additional operating costs.

Attached to this Petition as Appendix 3 is an estimate of MNN's train crew costs in the amount of \$34,994 per year. Although those costs were estimated for a year beginning on May 1, 2008, MNN estimates that such costs would be substantially the same for a forecast year beginning on August 1, 2008. Those costs are conservative, being based on train service once per week. Substantial switching would be required under once-per-week service. Thus, although the 38.4-mile round trip would consume only about four hours at 10 mph, another four hours would be consumed for the extensive switching that would be required.

In addition to the foregoing costs, there would be avoidable costs for repair, depreciation, and return on value for the locomotive and freight cars used to provide service on the Rail Line. MNN has not yet estimated those costs.

C. Forecast Year Operating Result

Based on the foregoing, operation of the Rail Line in the forecast year would result in an avoidable operating loss of at least \$323,656, as shown below (without consideration of locomotive and freight car costs)

Freight Revenue	\$43,980
Other Revenue (land leases)	<u>1,548</u>
Total Revenue	\$45,528
Costs for Maintenance of Way	\$334,240
Costs for Train Crew	<u>34,944</u>
Total Costs	\$369,184
Operating Loss	(\$323,656)

There would be a serious adverse effect on MNN, and on its ability to provide quality rail service to shippers on its other rail lines, if MNN were to be required to incur that very substantial forecast year operating loss on a continuing basis. Consistently with Constitutional requirements, a rail carrier cannot be required to operate a rail line indefinitely at a loss. *Brooks-Scanlon v Railroad Comm of Louisiana*, 251 U S 396, 399 (1920).

2. Rehabilitation

Attached to this Petition as Appendix 4 is a photograph of the bridge at Milepost 29.2 that shows a significant lateral shift in the track structure due to shifting of a pier in the bridge. Shifting of the track structure on that bridge has made rail operations over that bridge unsafe. That condition caused the embargo at the stations of Hendrum and Perley in June of this year.

Attached to this Petition as Appendix 5 is a copy of an inspection report regarding the bridge at Milepost 29.2 submitted by Mr. Roy A. Fitzgibbon of Railroad Bridge Structure Service on June 4, 2008. Mr. Fitzgibbon's report was the basis for MNN's embargo of rail traffic over that bridge.

MNN estimates that it would cost approximately \$750,000 to fully inspect and repair that bridge. It is evident that the cost of such bridge repair could not be amortized within a reasonable period of time from profits from operating the Rail Line inasmuch as operation of the Line is not profitable, as MNN has shown.

That substantial uncoverable bridge rehabilitation cost constitutes an additional ground supporting abandonment of the Rail Line.

3. Opportunity Cost

Attached to this Petition as Appendix 6 is MNN's estimate of the net salvage value of the track materials in the Rail Line in the amount of \$850,000. MNN owns all land in the right-of-way of the Rail Line outside of station limits, as well as 25 feet on either side of the track centerline within station limits. MNN has not yet valued that land. Based on the value of track materials alone, there would be an opportunity cost of approximately \$84,490 per year associated with continued operation of the Rail Line, derived by applying the current nominal cost of capital of the railroad industry of 9.94 percent per year to the net salvage value of track materials of \$850,000. That substantial annual opportunity cost bolsters a finding that continued operation of the Rail Line would be a serious burden on MNN and on interstate commerce.

4. Transportation Alternatives

The adverse effect on local interests from abandonment would not be major because shippers on the line have feasible transportation alternatives. Shipper on the Rail Line are already using alternative transportation since the embargo. Halstad Farmers Elevator Co (HFE) ceased shipping grain over the Rail Line in 2001 when Alton Grain Terminal (owned by HFE) began operations at Alton, ND, a 110-car loading facility on BNSF Railway 9 miles to the west of Halstad.

Truck transportation is readily available in the area for grain and fertilizer shipments. The area highway system is good. The Rail Line is paralleled by a major north-south highway, i.e., U.S. Highway 75. Interstate Highway 29 parallels the Rail Line only 2 to 9 miles to the west. BNSF's Fargo-Grand Forks, ND main line parallels the Rail Line only 2 to 9 miles to the west.

The foregoing is not to say that current users of the Line would not experience an increase in freight charges upon abandonment as a result of use of alternative transportation. However, such increased charges would not be extensive based on their relatively infrequent use of the Rail Line, and the harm from that minor added expense would be outweighed decidedly by the serious harm to MNN and interstate commerce from operating losses and unrecoverable bridge rehabilitation costs. *Conrail - Abandonment between Warsaw & Valparaiso Counties, IN*, supra, 9 I.C.C.2d 1299, 1317 (1993).

AN EXEMPTION IS WARRANTED

Abandonment of a rail line requires Board approval under 49 U.S.C. § 10903. However, on petition, the Board is to exempt a proposed abandonment from the requirement of such

approval if the Board finds under 49 U S C § 10502(a) that application of 49 U S C § 10903 to the proposed abandonment and discontinuance is not required to carry out the rail transportation policy of 49 U S C § 10101, and either that the proposed abandonment and discontinuance are of limited scope, or that application of 49 U S C § 10903 to the proposed abandonment and discontinuance is not necessary to protect shippers from abuse of market power

In regard to the first standard of 49 U S C § 10502(a), the need for regulation is to be tested against the provision(s) of the rail transportation policy that is (are) implicated by the statute from which an exemption is sought. As to abandonment and discontinuance under 49 U S C § 10903, the rail policy most directly implicated is 49 U S C § 10101(4) in favor of continuation of a sound rail transportation system to meet the needs of the public and the national defense. The issue is whether a conventional abandonment application is required to determine whether the abandonment and discontinuance should be approved or whether it is so apparent that continued operation of the line is not required for an adequate rail transportation system that abandonment and discontinuance can be authorized by exemption without the need for such an application.

There is an established body of case law in resolution of that issue. An exemption for abandonment is to be denied where affected shippers contest abandonment and it is not shown that the revenues from their traffic are clearly marginal compared to the cost of operating the involved rail line. *Gauley River Railroad, LLC -- Aband & Discon of Serv Exempt -- in Webster and Nicholas Counties, WV*, 1999 STB LEXIS 345 at *14 (STB Docket No. AB-559 [Sub-No. 1X], decision served June 16, 1999 at 5), *Central Railroad Co. of Indiana -- Aband Exempt -- in Dearborn, Decatur, Franklin, Ripley and Shelby Counties, IN*, 1998 STB LEXIS

121 at * 10 (STB Docket No AB-459 [Sub-No 2X], decision served May 4, 1998 at 9-10)

However, an exemption is appropriate where it is apparent that the rail carrier would operate at a substantial loss, regardless of whether shippers oppose the exemption *Minnesota Northern Railroad, Inc -- Aband Exempt -- between Redland Jct and Fertile, in Polk County, MN*, 1997 STB LEXIS 294 at * 25 (STB Docket No AB-497 [Sub-No 2X], decision served Nov 14, 1997 at 11-12)

It is evident that the case at hand fits into the latter category Continued operation of the line would result in a forecast year operating loss of at least \$323,656 per year In addition, continued operation would require an expenditure of \$750,000 for bridge rehabilitation It is thus apparent that the revenue from the traffic of shippers on the line is marginal compared to the cost of operating the line In that circumstance, compliance with the application process of 49 U S C § 10903 is not necessary to carry out the policy of 49 U S C § 10101(4) in favor of a sound rail transportation system to meet the needs of the public and the national defense Issuance of an exemption would also further the rail policies of 49 U S C § 10101(3) in favor of promoting safe and efficient rail transportation, § 10101(5) in favor of fostering sound economic conditions in transportation, § 10101(7) in favor of reducing regulatory barriers to exit, and § 10101(9) in favor of encouraging efficient rail management

Because shippers on the line appear to have adequate transportation alternatives that they are already using, application of 49 U S C § 10903 to the proposed abandonment and discontinuance is not necessary to protect shippers from an abuse of market power *Minnesota Northern Railroad, Inc -- Aband Exempt -- between Redland Jct and Fertile, in Polk County, MN, supra*, 1997 STB LEXIS 294 at *24 In light of that finding of no abuse of market power,

the Board need not determine whether the proposed transaction is of limited scope. However, the proposed 19.2-mile abandonment is limited in scope. The shippers on the Rail Line have been notified of the proposed abandonment (the notification letter is attached as Appendix 7).

Inasmuch as the evidence warrants the findings required by 49 U.S.C. § 10502(a), the Board should grant the proposed exemption.

ENVIRONMENTAL AND HISTORIC CONSIDERATIONS

A draft Environmental and Historic Report is attached to this Petition as Appendix 8. The Report forms the basis for a finding that the proposed abandonment would not have a significant adverse effect on the quality of the human environment nor on the preservation of historic resources. Comments on the draft Report received by Petitioner after its filing are attached as Appendix 9. Those comments were filed in behalf of (1) United States Department of the Interior, Fish and Wildlife Service, (2) Natural Resources Conservation Service, (3) Fish and Wildlife Service - Twin Cities Field Office, (4) Minnesota Department of Agriculture, (5) Minnesota Department of Agriculture, Pesticide and Fertilizer Management Division, (6) Minnesota Department of Agriculture, Agronomy & Plant Protection Division, and (7) Minnesota Pollution Control Agency.

EMPLOYEE PROTECTION

The Board should impose the employee protective conditions in *Oregon Short Line R Co - Abandonment - Goshen*, 360 I.C.C. 91 (1979), as a condition to approval of the proposed abandonment.

FEDERALLY-GRANTED RIGHT-OF-WAY

MNN does not have information in its possession that shows that the Rail Line contains federally-granted right-of-way

DRAFT FEDERAL REGISTER NOTICE

The draft Federal Register notice is attached to this Petition as Appendix 10

NEWSPAPER NOTICE

A copy of a notice published in a newspaper of general circulation in Norman County, Minnesota is attached as Appendix 11

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, the Board should grant an exemption for abandonment of a portion of MNN's "P Line" Subdivision between Milepost 40.2 at the north end of the Marsh River bridge south of Shelly, and end of track at Milepost 21.0 at or near Perley, a distance of 19.2 miles, in Norman County, Minnesota

Respectfully submitted,

MINNESOTA NORTHERN RAILROAD, INC
P O Box 705
Crookston, MN 56716

Petitioner

Thomas F McFarland

THOMAS F McFARLAND
THOMAS F. McFARLAND, P C
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204
(312) 201-9695 (fax)
mcfarland@aol.com

Attorney for Petitioner

DATE FILED August 15, 2008

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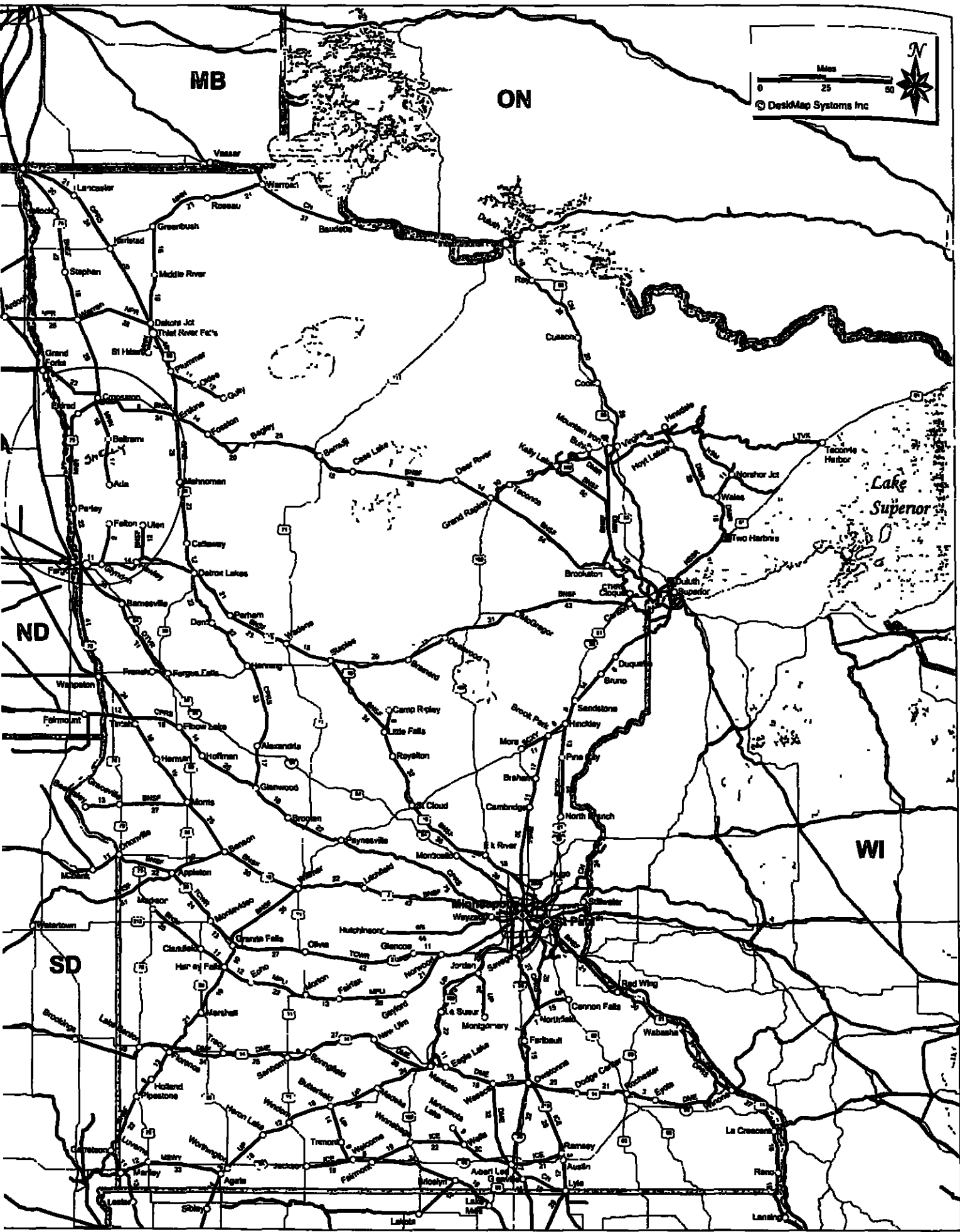
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1. **Introduction**

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MINNESOTA





Minnesota Northern Railroad, Inc.

PO Box 705

Crookston, MN 56716

Phone: 218.281.4704 Fax: 218.281.4705

6 June 2008

To All Affected Patrons

Effective immediately, Minnesota Northern Railroad is placing an embargo on all rail traffic at the following stations

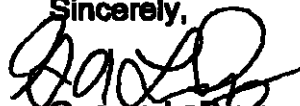
Hendrum, Minnesota

Perley, Minnesota

This embargo is being placed due to defects found in a bridge approx. 2 miles North of Hendrum (Bridge 29.2) The defects found render the bridge unsafe for the movement of loaded rail cars

We are currently making estimates as to the cost of repairs after which we will consider our options going forward

Sincerely,



George LaPlay
General Manager

Print Embargo**MNN MINNESOTA NORTHERN RAILROAD INC**

Embargo Number MNN000108

Status Pending

Companion Embargo Number None

Effective Date 06-06-2008

Expiration Date 06-06-2009

Allow Permit Yes

Tier 2 Effective Date

Permit Officer - Ph - Email

Requester George LaPray - Ph 1 218 2811750 - Email mnn@rv.net

Bypass Local Waybills No

Operating Station Notice No

Effective Immediately Yes

Include Empty Car No

Maximum Car Allowed

Car modifies Target All Commodities

Geography

From Stations, To Stations

MNN 56022 - PERLEY, MN

MNN 56028 - HENDRUM, MN

Umler Equip Type Target All Umler Equipment Types

Car Weight No Weight Restrictions

Clearance Code No Clearance Code

Waybill Parties Target All Waybill Parties

Cause Bridge out of service

Cause Detail

Note

Jeffrey J Usher

Asst. Vice President-Business Services

Association of American Railroads

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Minnesota Northern Railroad

**Estimate of Train Service Personnel Hours Worked
5/1/2008 thru 4/30/2009**

"P Line" Subdivision

MP 40 2 to Perley, MN

Estimate 1 round trip per week on this track segment

Average round trip transit time for this track segment 8 hours (includes switching)

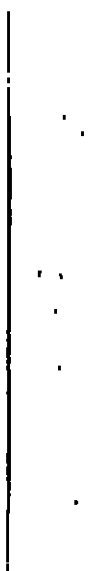
Average train crew size 2 personnel

Average train crew hours per week for this track segment 16 hours

52 weeks @ 16 hours per week = 832 hours

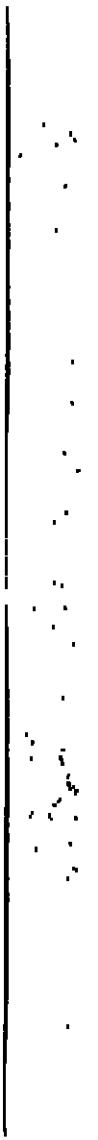
Average train crew cost per hour \$42 00 per hour

Estimate of train crew cost for period \$34,944.00





**Bridge 29.2 Photo 4 Note: lateral shift
in track structure due to bridge shifting.**





Roy A. Fitzgibbon
Railroad Bridge Structure Services
330 N Moorhead
Chadron NE 69337

June 4, 2008

Mr Michael Liden, Manager of Engineering
Minnesota Northern Railroad
PO Box 705
Crookston MN 56716

Subject MNN Bridge 29 2 "P - Line Subdivision"

I have completed the inspection of the above referenced bridge structure

This bridge has a total length of 320', and consists of timber structure approaches with a steel center span. The steel span is supported by two mortared stone piers. This structure spans the Wild Rice River.

The South pier appears to have shifted. This movement has resulted in a pronounced lateral shift of approximately 4 inches in the track structure.

MNN purchased this track segment from Burlington Northern Railway in 1996. Detailed engineering records on this structure were not supplied by BN and BNSF now claims not be able to locate any such records.

I am certain that the problem leading to the movement of this pier relates to the piers base. Turbidity of the water in the Wild Rice River prevents any visual examination from the waters surface. I believe that the turbidity problem will not allow underwater divers to conduct a meaningful inspection. To conduct a detailed engineering analysis of the current problem and formulate a solution I believe that a cofferdam will have to be constructed around the south pier, and the dammed area pumped as dry as possible.

My best estimate as to the current problem and its solution is based on verbal discussions with former Great Northern Railway Engineering Dept. personnel who recall an almost identical problem which developed 42 years ago (1966) with the North Pier of this bridge. At that time, the north pier exhibited a similar shift (same direction to the West - with stream flow), the problem at that time was attributed to the results of scour. At that time a cofferdam was constructed and the entire stone and mortar pier disassembled new base constructed and pier reconstructed.

It is my recommendation that loaded freight cars be prohibited from transiting bridge 29 2 and its use be limited to passage of empty cars and locomotives only, and only with the presence of a flag person to physically observe all movements over the bridge to assure safe passage.

I believe that a detailed engineering analysis and repair plan will entail expenses between \$250,000 and \$300,000 as construction of a cofferdam will be a major undertaking and the area lacks easy access for

Mr Michael Liden
June 4, 2008
Page 2

required equipment and materials. If my initial review proves correct and the South pier requires replacement and or rebuilding the total cost will likely exceed one and a quarter million dollars

Please contact me if you have any questions or require additional assistance

Sincerely,



R A Fitzgibbon

Minnesota Northern Railroad

Estimate of Net Track Value

"P Line" Subdivision

MP 40 2 to Perley, MN (MP 21 0) 19 2 miles

Estimate of salvage value rail and other track material (May 2008)	. \$1,200,000 00
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Estimate of salvage value of cross ties	
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Relay and landscape quality (May 2008)	-\$350,000 00
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(Includes cost of removal, transport and disposal of scrap ties)	
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Estimate of NET salvage value	\$850 000 00
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MNN owns all track materials

MNN owns all land outside of station limits

BNSF retains ownership within station limits beyond 25' from center of main track

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Minnesota Northern Railroad, Inc.

PO Box 705

Crookston, MN 56716

Phone: 218.281.4704 Fax: 218.281.4705

14 July 2008

TO All Affected Patrons

Reference our letter of June 6, 2008 advising of an embargo on all rail traffic to stations of Hendrum and Perley, Minnesota due to defects noted in Bridge 29 2 (approx 2 miles North of Hendrum, MN)

We have received an outside engineering review of this bridge structure and are advised that repairs can be expected to cost between \$750,000 and \$1 million. Current and anticipated traffic levels on this line do not justify an investment this substantial

Accordingly, Minnesota Northern Railroad has reluctantly elected to seek abandonment of the track segment from Milepost 40 2 (South of Shelly, MN) to end of track at Milepost 21 0 (Perley, MN) This action affects the following stations,

Halstad, MN
Hendrum, MN
Perley, MN

You will be contacted by our Attorney formally advising of MNN's filing with the United States Surface Transportation Board covering abandonment of this track segment

Sincerely,

George LaPray
General Manager

LAW OFFICE
THOMAS F. MCFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

THOMAS F MCFARLAND

July 18, 2008

Natural Resources Conservation Service:

Natural Resources Conservation Service
375 Jackson Street, Room 600
St Paul, MN 55101-1854

Minnesota Historical Preservation Office:

Minnesota Historical Society
345 Kellogg Blvd West
St Paul, MN 55102-1906

U.S. Fish & Wildlife Service:

U S Fish & Wildlife Service - Region 3
One Federal Drive
BHW Federal Building
Fort Snelling
Twin Cities, MN 55111

Minnesota State Clearinghouse:

c/o Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
St Paul, MN 55155

County Commissioners:

Norman County Commissioners
16 Third Avenue, East
Ada, MN 56510

Minnesota Pollution Control Agency:

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

Minnesota Department of Transportation:

Minnesota Department of Transportation
Transportation Building
395 John Ireland Blvd
St Paul, MN 55155

U.S. Army Corps of Engineers

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

**Environmental Protection Agency
(regional office):**

U S Environmental Protection Agency
Region 5
77 West Jackson Blvd
Chicago, IL 60604-3590

National Oceanic & Atmospheric Admin.:

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

City Planner:

Town of Perley, Minnesota
Perley City Hall
Hendrum, MN 56550

City Planner:

Town of Halstad, Minnesota
Halstad City Hall
405 Second Avenue West
Halstad, MN 56548

City Planner:

City of Hendrum, Minnesota
P O Box 100
Hendrum, MN 56550

National Park Service:

National Park Service
Chief, Land Resources Division
1849 C Street, N W , #MS3540
Washington, DC 20240

Re: STB Docket No. AB-497 (Sub-No. 4X), *Minnesota Northern Railroad, Inc --
Abandonment Exemption -- in Norman County, MN*

THOMAS F. MCFARLAND

July 18, 2008

Page 2

Dear Agency or Governmental Representative:

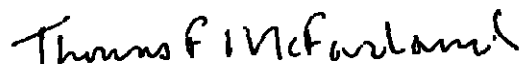
On or about August 15, 2008, Minnesota Northern Railroad, Inc (MNN) intends to file a Petition for Exemption with the Surface Transportation Board (the Board) for abandonment of a portion of its Perley Subdivision between Milepost 40.2 at the north end of the Marsh River Bridge south of Shelly and end of track at Milepost 21.0 at or near Perley, a distance of 19.2 miles in Norman County, MN

Attached is an Environmental and Historic Report describing the proposed action and any expected environment and historic effects, as well as a map of the affected area

This Report is being provided so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423, 202-245-0295 and refer to the above Docket No. AB-497 (Sub-No. 4X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, (312) 236-0204.

Very truly yours,



Thomas F. McFarland

BEFORE THE
SURFACE TRANSPORTATION BOARD

MINNESOTA NORTHERN RAILROAD,	)	DOCKET NO AB-497
INC. – ABANDONMENT EXEMPTION –	)	(SUB-NO 4X)
IN NORMAN COUNTY, MN	)	

DRAFT ENVIRONMENTAL AND HISTORIC REPORT

MINNESOTA NORTHERN RAILROAD, INC.
P O Box 705
Crookston, MN 56716

Petitioner

THOMAS F McFARLAND
THOMAS F. McFARLAND, P C
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorney for Petitioner

Date Submitted July 18, 2008

BEFORE THE
SURFACE TRANSPORTATION BOARD

MINNESOTA NORTHERN RAILROAD,	)	DOCKET NO AB-497
INC – ABANDONMENT EXEMPTION –	)	(SUB-NO 4X)
IN NORMAN COUNTY, MN	)	

DRAFT ENVIRONMENTAL AND HISTORIC REPORT

Pursuant to 49 C.F.R. § 1105.7 and 1105.8, MINNESOTA NORTHERN RAILROAD, INC., (MNN) hereby submits this Draft Environmental and Historic Report

I. Environmental Report

MNN hereby submits the following information required by 49 C.F.R. § 1105.7(e)

(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

On or about August 15, 2008, Minnesota Northern Railroad, Inc. (MNN) intends to file a Petition for Exemption with the Surface Transportation Board (the Board) for abandonment of a portion of its Perley Subdivision between Milepost 40.2 at the north end of the Marsh River Bridge south of Shelly and end of track at Milepost 21.0 at or near Perley, a distance of 19.2 miles in Norman County, MN.

MNN has used the Rail Line to transport corn, soybeans, wheat, sunflower, coil steel and fertilizer to and from customers located at and near Perley, Halstad and Hendrum, Minnesota

If the requested exemption is granted and becomes effective, MNN will remove and/or reuse the track materials on the Rail Line. MNN would sell or make a non-rail use of the land in the right-of-way of the Rail Line

Rail operations and track maintenance would cease permanently in the event that the proposed exemption were to be granted and exercised

There is no reasonable alternative to the proposed exemption because losses from operating the line and the expenditure required to rehabilitate the line would be unduly burdensome without the exemption

A map of the involved rail line is attached to this Report as Appendix 1

(2) Transportation system Describe the effects 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

MNN believes that the proposed exemption will have a minimal effect on regional or local transportation systems and patterns Only 508 carloads of freight moved over the rail line in 2007 At roughly four trucks per rail carload, that would equate to 2,032 truck shipments in a one-year period, or an average of approximately five additional trucks per day on the regional highway system. U S Highway 75, which parallels the rail line, is in adequate condition to accommodate that minimal increase in truck traffic Moreover, Perley and Halstad are only a short distance from Interstate Highway 29 via Highways 39 and 200, respectively

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

MNN believes that the proposed exemption will not be inconsistent with local or regional land use plans. Based on MNN's experience in the area, there is little possibility that additional businesses desiring rail service will locate along the Rail Line. Shippers currently using the Rail Line can easily reroute their traffic via truck or rail-truck service. In accordance with the requirements of this regulation, MNN has consulted by letter with the planning agencies of Norman County and the Towns of Perley, Halstad and Hendrum. See letter attached as Appendix 2.

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

MNN does not believe that the proposed exemption would have any effect on prime agricultural land. The Rail Line is adjacent to agricultural land but is not itself agricultural land. Therefore, removal of trackage from the Rail Line should not have any effect on prime agricultural land. In accordance with this regulation, MNN has consulted by letter with the Natural Resources Conservation Service, formerly known as the U.S. Soil Conservation Service (Appendix 2 hereto). Any response will be furnished to the Board's environmental section.

(3) (iii) *If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.*

The proposed exemption does not affect land or water uses in a designated coastal zone.

(3) (iv) *If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.*

In MNN's opinion, the right-of-way would not be suitable for alternative public use as a highway because there are adequate highways in the area. The right-of-way may be suitable for alternative public use as a recreational trail.

(4) Energy (i) Describe the effect of the proposed action on transportation of energy resources

The proposed exemption will have no effect on transportation of energy resources

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

The proposed exemption will have no effect on recyclable commodities

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

The proposed exemption will result in a decrease in overall energy efficiency because rail transportation is more energy efficient than truck transportation. However, the decrease will be minimal. See response to item 2 above.

(4) (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 energy consumption and show data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in Sec. 1105 7(e)(4)(iii) need not be supplied if the more detailed information in Sec. 1105 7(e)(4)(iv) is required

Not applicable

(5) Air (i) If the proposed action will result in either (A) An increase in rail traffic of at least 100 percent (measured in gross tons miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by car load activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply

Not applicable

(5) (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either (A) An increase in rail traffic of at least 50 percent (measured in gross tons miles annually) or an increase of at least three trains a day on any segment of the rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity) or (C) An average increase in truck traffic of more than 10 per cent 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 the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Not applicable

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

Not applicable

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause (i) An incremental increase in noise levels of three decibels Ldn or more,

Not applicable

(6) (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable

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

The proposed exemption will have a beneficial effect on public health and safety

Discontinuance of rail operations over the Rail Line will result in the closing and

elimination of several public at-grade road crossings along the line That will reduce vehicle delay time and potential for rail-motor vehicle accidents in the area

(7) (ii) *If hazardous materials are expected to be transported, identify the materials and quantity, the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds, safety practices (including any speed restrictions), the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills, the contingency plans to deal with accidental spills, and the likelihood of an accident release of hazardous materials*

Not applicable

(7) (iii) *If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and types of hazardous materials involved*

Not applicable

(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*

MNN does not believe that it is likely that the proposed exemption would adversely affect endangered or threatened species or areas designated as critical habitat
In accordance with this regulation, MNN has consulted by letter with the U.S Fish and Wildlife Service (Appendix 2)

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

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

(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*

MNN believes that the proposed exemption will be consistent with applicable Federal, State or local water quality standards. In accordance with this regulation, MNN has consulted by letter with Minnesota water quality officials (Appendix 2). Any response will be furnished to the Board's environmental section.

(9) (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 designated wetlands or 100-year flood plains will be affected. Describe the effects.

MNN believes that permits under section 404 of the Clean Water Act are not required for the proposed exemption. MNN does not believe that the proposed exemption will affect any designated wetlands or 100-year flood plains. In accordance with this regulation, MNN has consulted by letter with the U.S. Army Corps of Engineers (Appendix 2). Any response will be furnished to the Board's environmental section.

(9) (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) 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.)

MNN believes that permits under section 402 of the Clean Water Act are not required for the proposed exemption. In accordance with this regulation, MNN has consulted by letter with the U.S. Environmental Protection Agency (Appendix 2). Any response will be furnished to the Board's environmental section.

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

Not applicable

II. Historic Report

MNN hereby submits the following information required by 49 C F R.

§ 1105 8(d).

(1) A U S G S topographic map (or an 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 railroad structures that are 50 years old or older are part of the proposed action,

The required topographic map is attached to this Report as Appendix 3.

(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 right-of-way to be abandoned is generally 100 feet wide It extends generally through rural, slightly rolling terrain

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

Attached to this Report as Appendix 4 are photographs of the bridges on the Rail
Line

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

Not known, except that the bridges are thought to be more than 50 years old.

(5) A brief narrative story 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 was originally a part of a line of the Great Northern Railway between the Canadian border near Noyes, MN and Minneapolis, MN via Moorhead, MN. The Rail Line came under the ownership of BNSF Railway Company through a series of mergers It was acquired by MNN in 1997

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic

No such documents are in MNN's possession

(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 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic preservation Office, local historical societies or universities),

It is MNN's opinion that the bridges on the Rail Line do not meet the criteria for listing on the National Register of Historical Places, and that there is no likelihood of archeological resources or any other previously unknown historic properties in the project area. In accordance with this regulation, MNN has consulted by letter with the Minnesota Historic Preservation Office (Appendix 2). Any response will be furnished to the Board's environmental section.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain

MNN has no knowledge of any prior subsurface ground disturbance or fill, or environmental conditions that might affect the archeological recovery of resources and the surrounding terrain.

Respectfully submitted,

MINNESOTA NORTHERN RAILROAD, INC.
P O Box 705
Crookston, MN 56716

Petitioner

Thomas F McFarland

THOMAS F McFARLAND
THOMAS F McFARLAND, P C
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

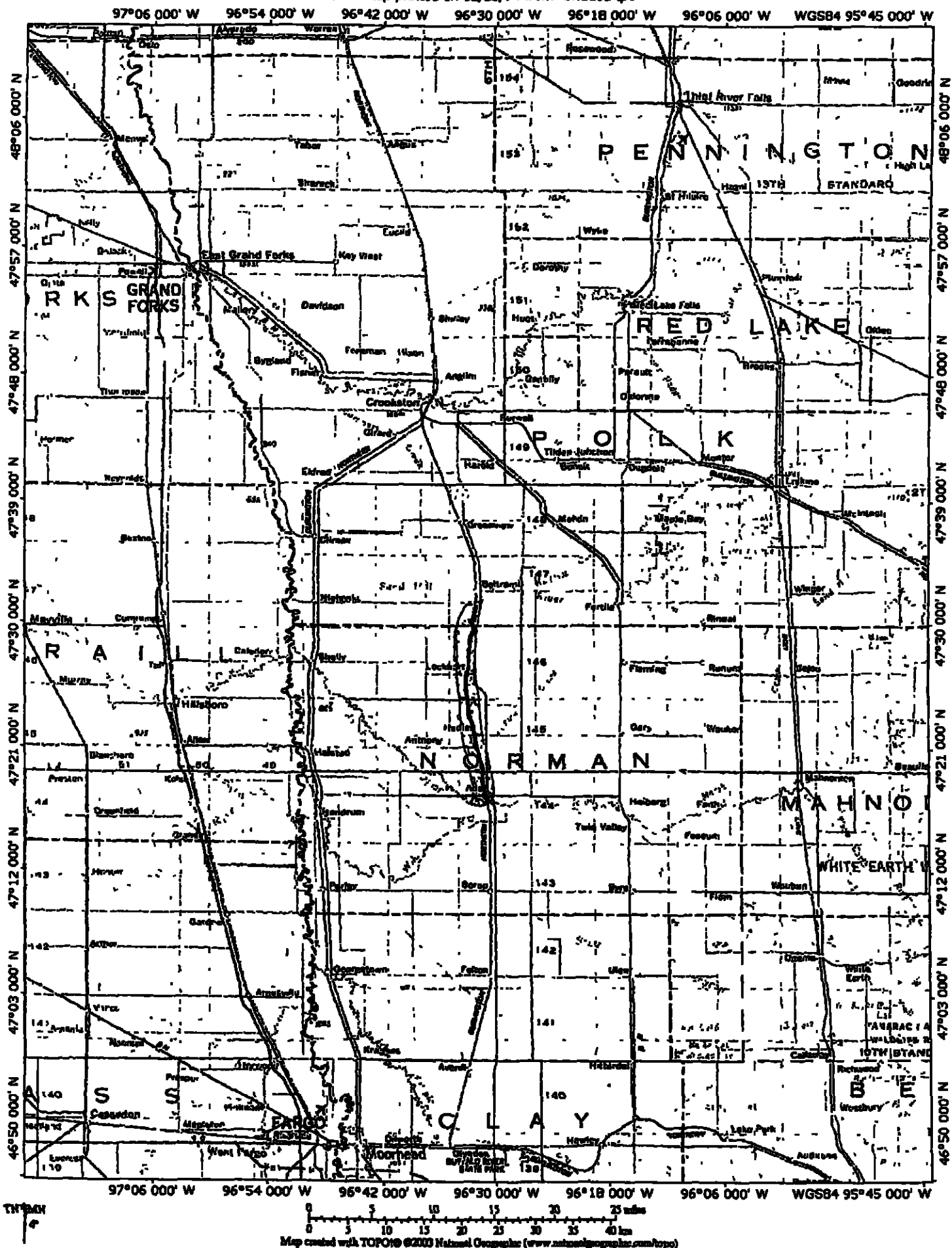
Attorney for Petitioner

Dated Submitted July 18, 2008

APPENDIX 1

APPENDIX 1

TOPOI map printed on 12/23/04 from "Untitled topo"



Map created with TOPOI® ©2003 National Geographic (www.nationalgeographic.com/topo)

APPENDIX 2

LAW OFFICE
THOMAS F. MCFARLAND, PC.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

THOMAS F. MCFARLAND

July 18, 2008

Natural Resources Conservation Service:

375 Jackson Street, Room 600
St Paul, MN 55101-1854

Minnesota Historical Preservation Office:

Minnesota Historical Society
345 Kellogg Blvd West
St Paul, MN 55102-1906

US Fish & Wildlife Service - Region 3:

One Federal Drive
BHW Federal Building
Fort Snelling
Twin Cities, MN 55111

Minnesota State Clearinghouse:

c/o Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
St Paul, MN 55155

County Commissioners:

(for County Planner)
Norman County
16 Third Ave, East
Ada, MN 56510

Minnesota Pollution Control Agency:

520 Lafayette Road
St Paul, MN 55155-4194

Minnesota Department of Transportation:

Transportation Building
395 John Ireland Blvd
St Paul, MN 55155

US Army Corps of Engineers:

190 Fifth Street East
St Paul, MN 55101-1638

US Environmental Protection Agency

Region 5:
77 West Jackson Blvd
Chicago, IL 60604-3590

National Oceanic & Atmospheric Admin

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

City Planner:

Town of Perley, Minnesota
Perley City Hall
Hendrum, MN 56550

City Planner:

Town of Halstad, Minnesota
Halstad City Hall
Halstad, MN 56548

City Planner:

City of Hendrum, Minnesota
P O Box 100
Hendrum, MN 56550

Mr. William D. Shaddox:

National Park Service, Land Resources Div
1849 C Street, N W, #MS 3540
Washington, DC 20240

Re: STB Docket No AB - 497 (Sub-No 4X), *Minnesota Northern Railroad,
Inc - - Abandonment Exemption - - Norman Counties, MN*

Dear Agency or Governmental Representative:

THOMAS F MCFARLAND

July 18, 2008

Page 2

On or about August 15, 2008, Minnesota Northern Railroad, Inc. (MNN) intends to file a Petition for Exemption with the Surface Transportation Board (the Board) for abandonment of a portion of its Perley Subdivision between Milepost 40.2 at the north end of the Marsh River Bridge south of Shelly and end of track at Milepost 21.0 at or near Perley, a distance of 19.2 miles in Norman County, MN

Pursuant to STB regulations at 49 CFR 1105.7, this letter is to request your assistance in identifying potential environmental and historic effects of the proposed abandonment. MNN does not anticipate any adverse environmental or historic impacts, however, if you identify any such adverse impacts, please describe any action that could be taken to mitigate such adverse impacts. Please provide a written response to this letter so that it can be included in a Draft Environmental and Historic Report that MNN will prepare and file with the STB.

COUNTY AND CITY PLANNING AGENCIES. Please state whether the proposed abandonment would be consistent with existing land-use plans. Describe any inconsistencies.

US SOIL CONSERVATION SERVICE. Please state the effect of the proposed abandonment on any prime agricultural land.

July 18, 2008

Page 3

US FISH AND WILDLIFE SERVICE Please state (1) whether the proposed abandonment is likely to adversely affect endangered or threatened species or areas designated as a critical habitat and, if so, please describe such effects, and (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected and, if so, please describe such effects

STATE WATER QUALITY OFFICIALS Please state whether the proposed abandonment would be consistent with applicable Federal, State or Local water quality standards Please describe any inconsistencies

US ARMY CORPS OF ENGINEERS Please state (1) whether permits under Section 404 of the Clean Water Act (33 USC 1344) are required for the proposed abandonment, and (2) whether any designated wetlands or 100-year flood plains would be affected by the proposed abandonment Please describe any such effects.

US AND STATE ENVIRONMENTAL PROTECTION AGENCIES (OR EQUIVALENT AGENCY). Please (1) identify any potential adverse environmental effects of the proposed abandonment on the surrounding area, and (2) identify the location of any known hazardous materials spills on the right-of-way of the Rail Line, and list the types of hazardous materials involved, and (3) state whether permits under

THOMAS F. MCFARLAND

July 18, 2008

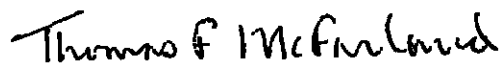
Page 4

Section 402 of the Clean Water Act (33 USC 1342) are required for the proposed abandonment.

STATE HISTORICAL PRESERVATION OFFICE Please identify any known bridges and/or other structures located on the Rail Line that are 50 years old or older, and which are historically significant. Please state whether the proposed abandonment would have an adverse effect on such bridges and/or structures and, if so, please describe efforts that can be taken during removal of the tracks in the Rail Line to mitigate any such adverse effects.

Please send your reply to me as MNN's attorney to Thomas F. McFarland, 208 South LaSalle Street, Suite 1890, Chicago, IL 60604. You may reach me by telephone at (312) 236-0204 if you have any questions or need further information. MNN appreciates your assistance in furnishing a reply to this letter.

Very truly yours,



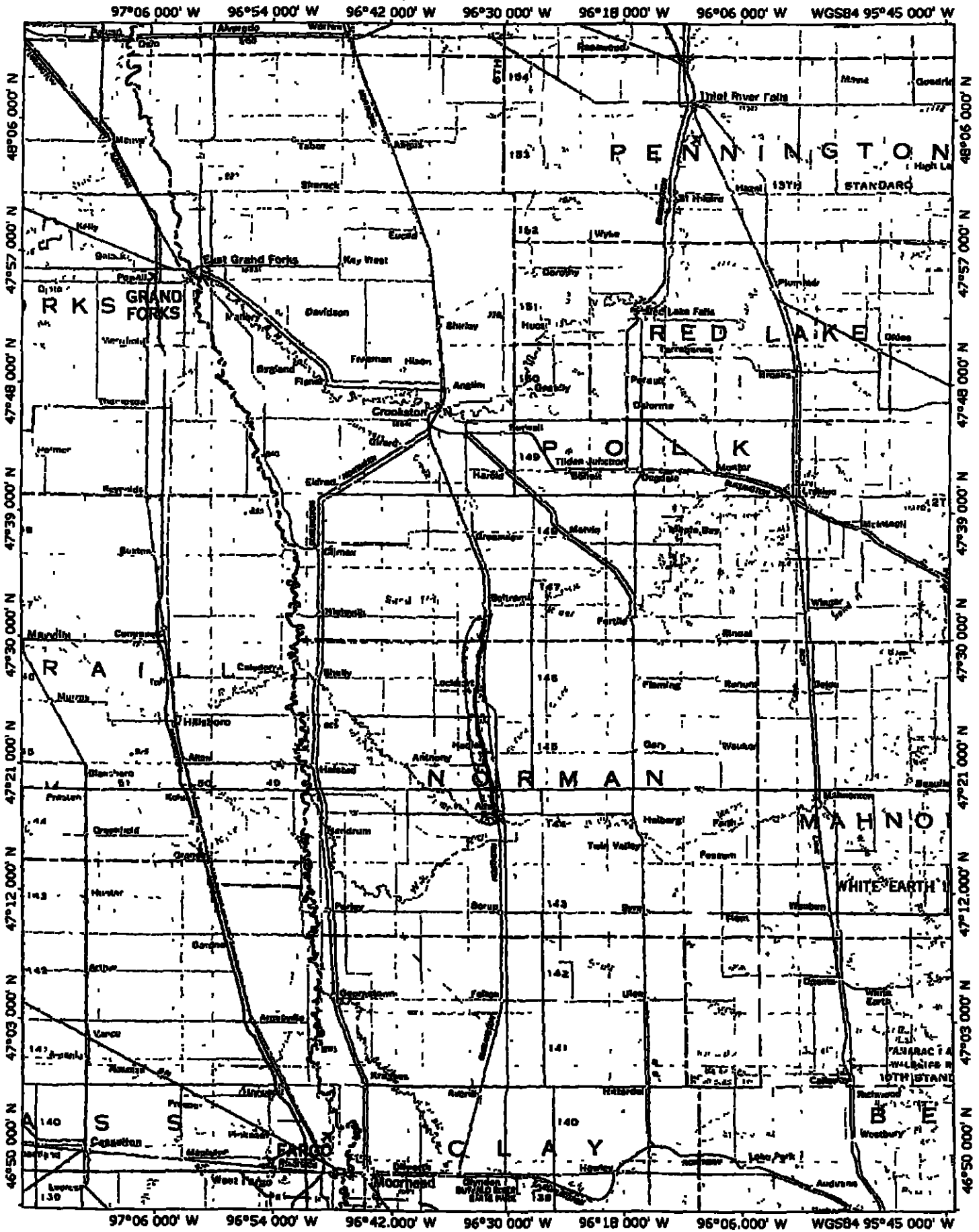
Thomas F. McFarland
Attorney for Minnesota
Northern Railroad, Inc.

TMcF kl 1319\ltragencies

cc. Mr. George LaPray

APPENDIX 1

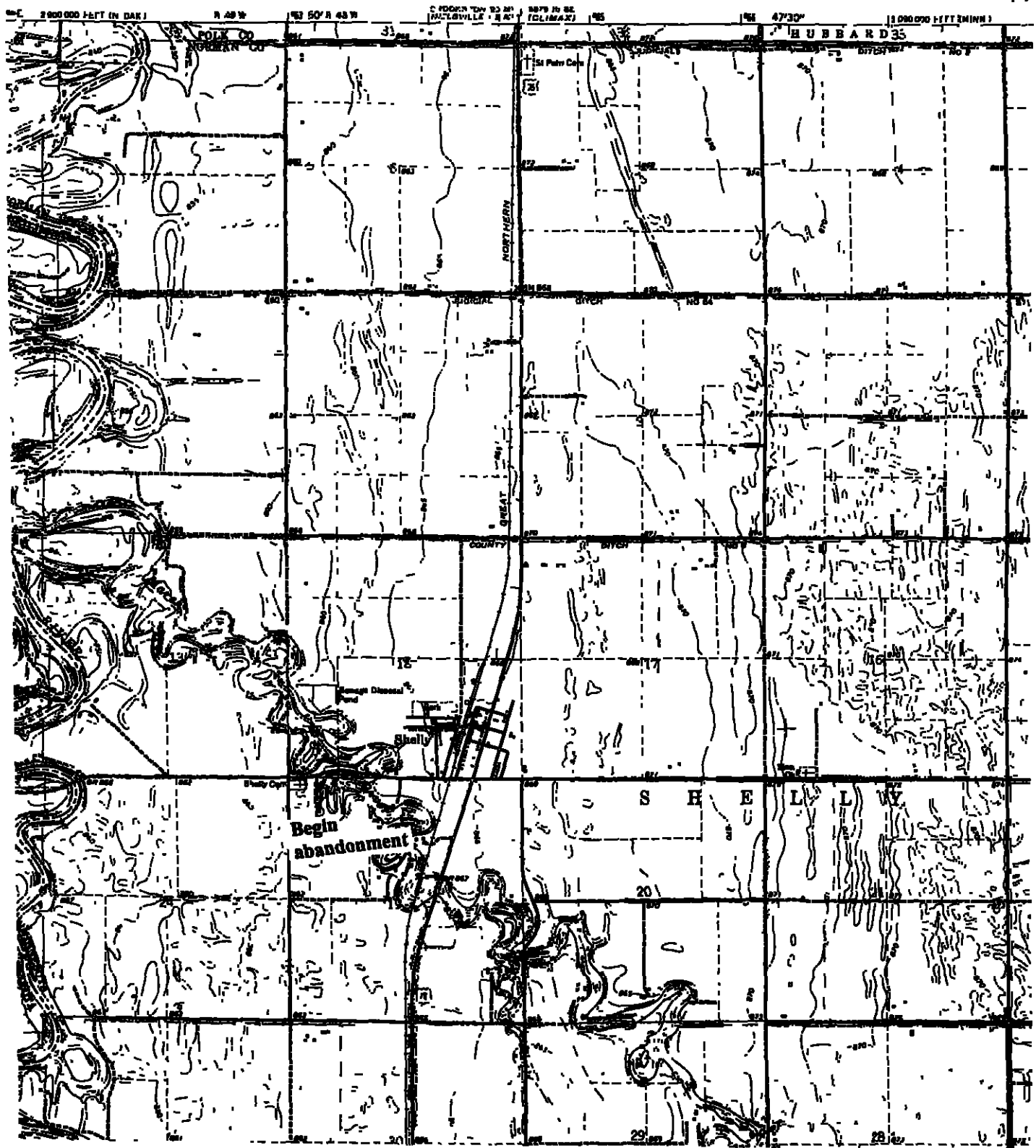
TOPOI map printed on 12/23/04 from "Untitled topo"



APPENDIX 3

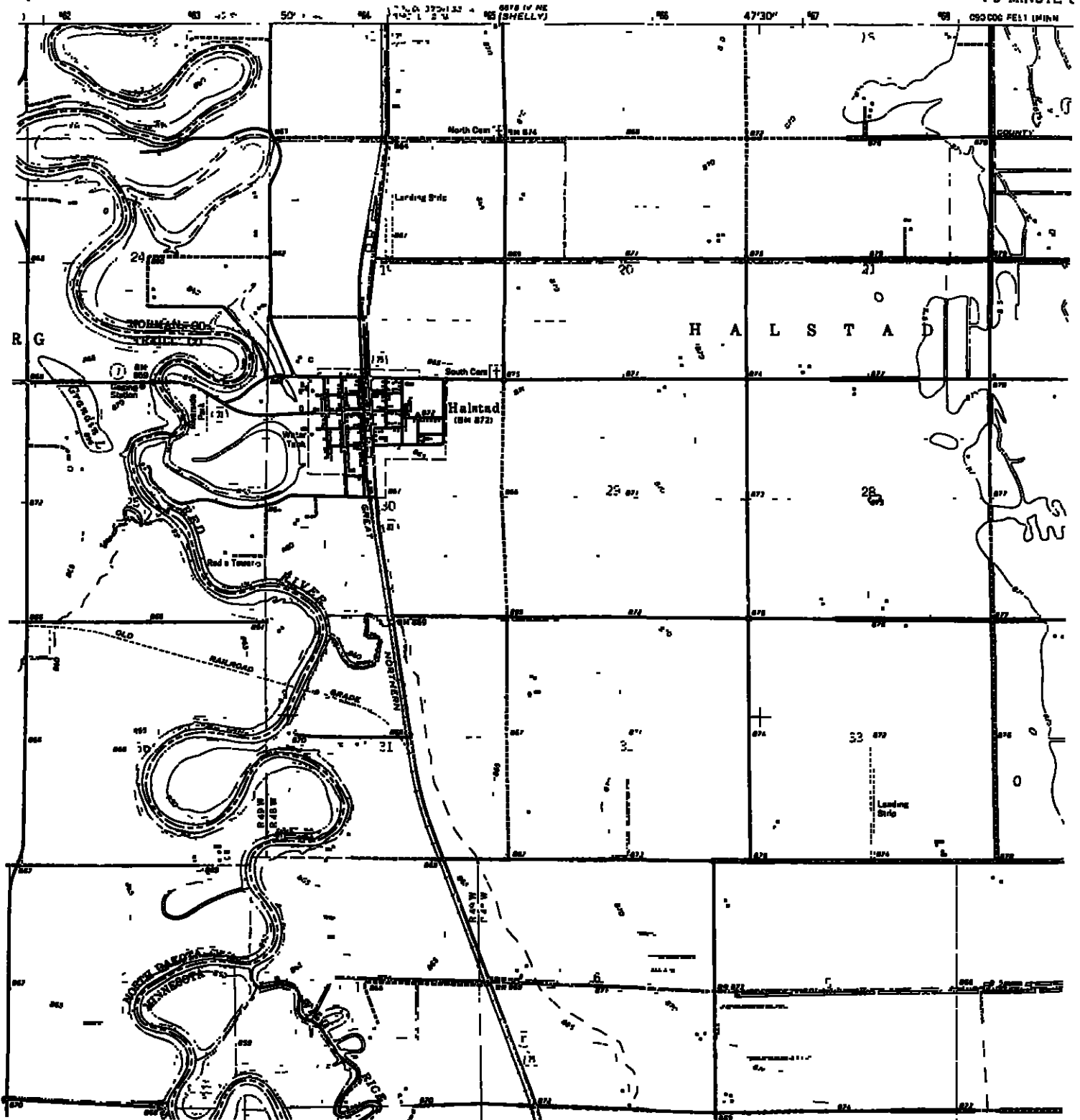
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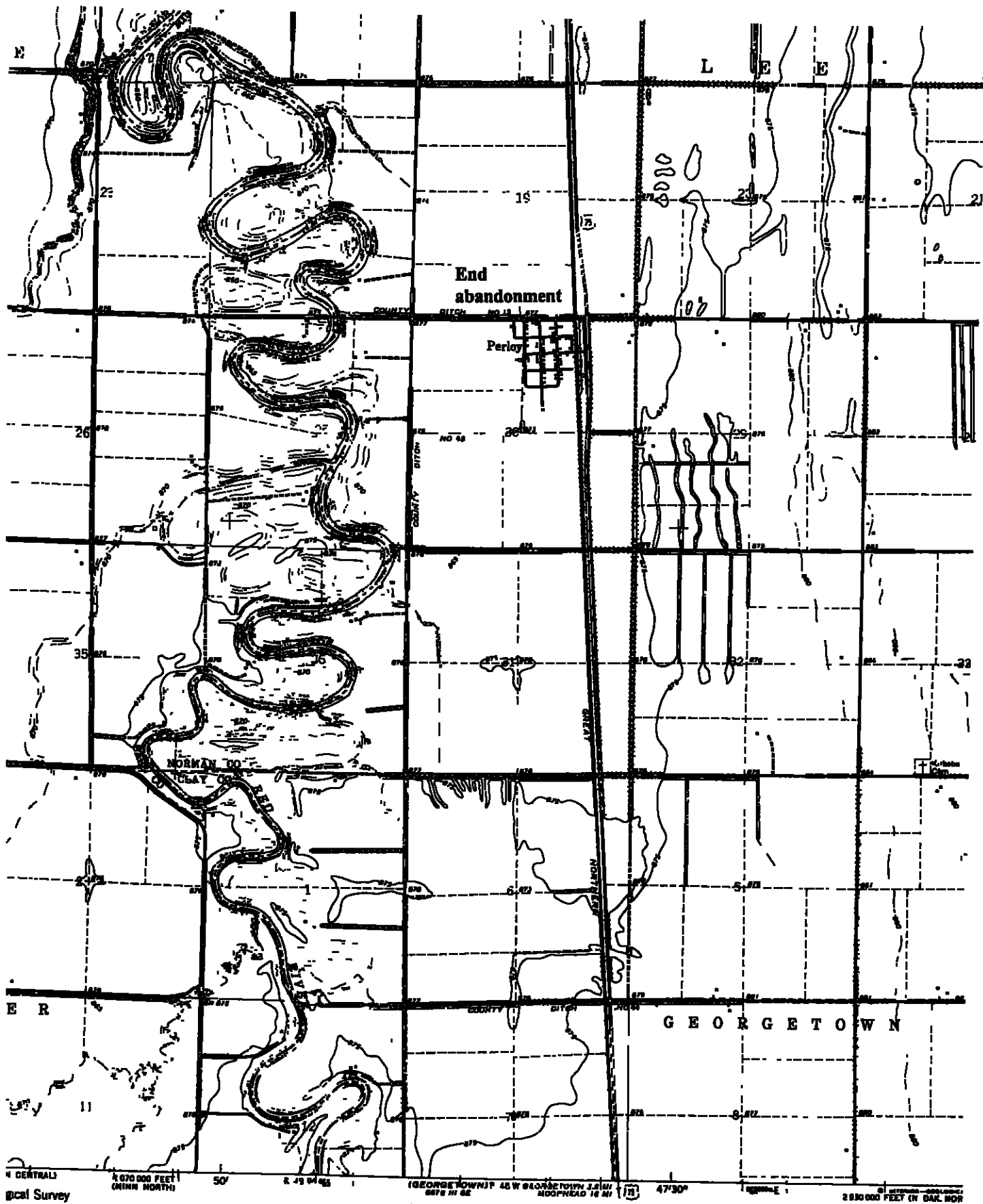
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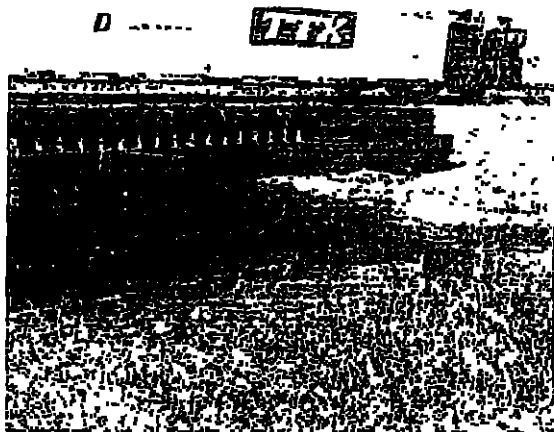


UTM GRID AND 1983 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

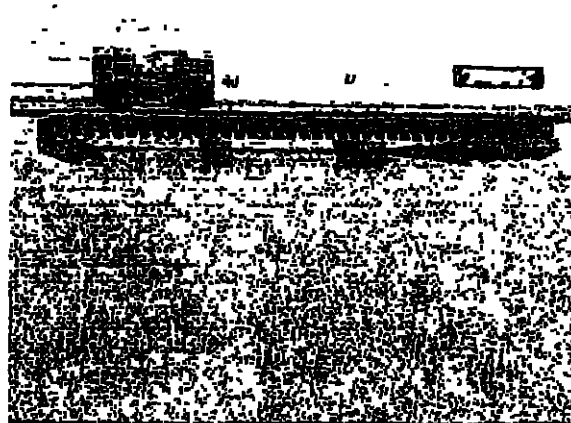
THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U S GEOLOGICAL SURVEY, DENVER COLORADO 80226, OR RESTON VIRGINIA 22092
AND BY THE STATE WATER COMMISSION BISMARCK, NORTH DAKOTA 58501
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

PE

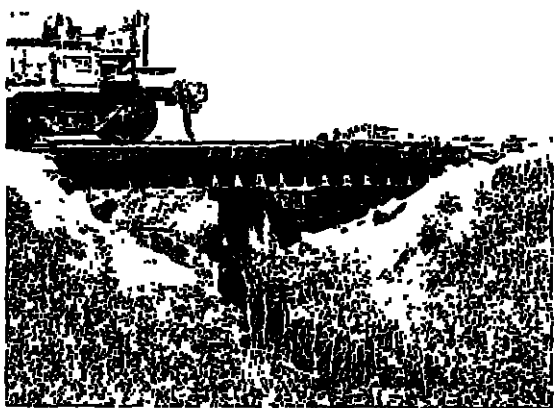
APPENDIX 4



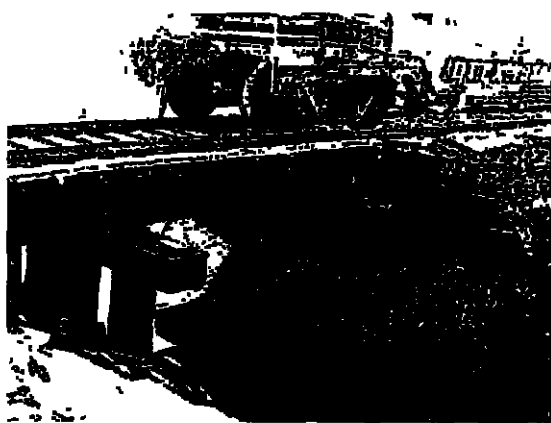
Bridge 22.5 Photo 1



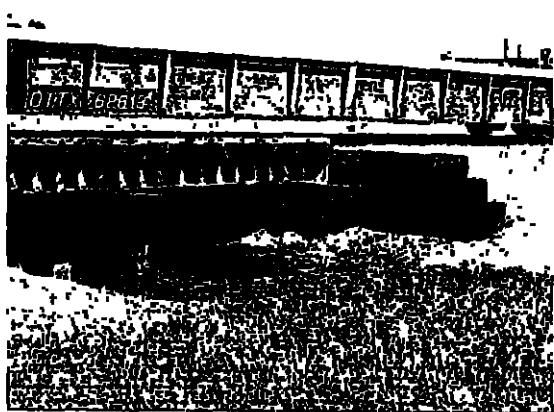
Bridge 22.5 Photo 2



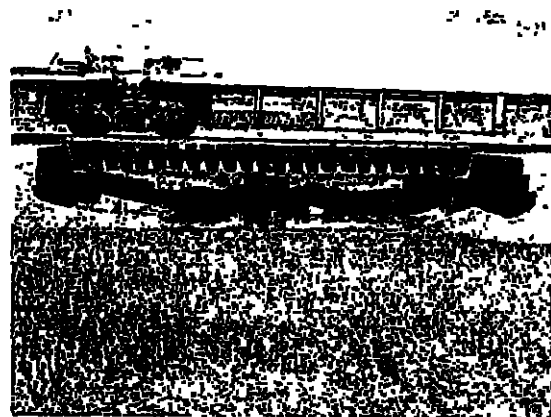
Bridge 22.6 Photo 1



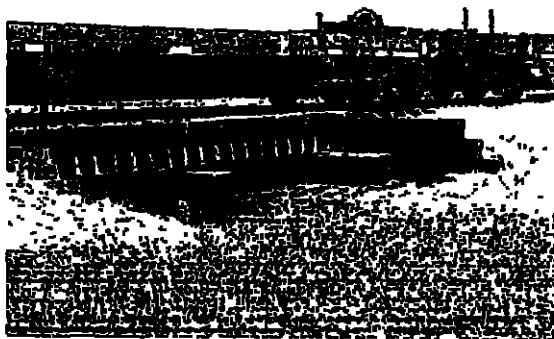
Bridge 22.6 Photo 2



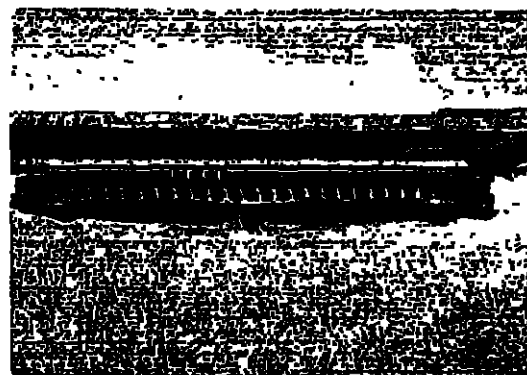
Bridge 22.8 Photo 1



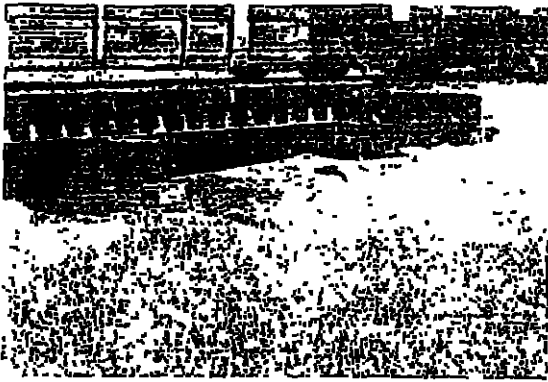
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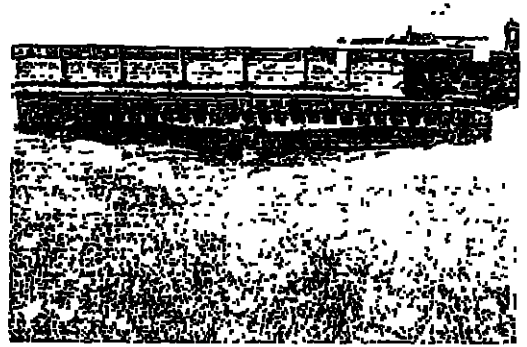
Bridge 23.1 Photo 1



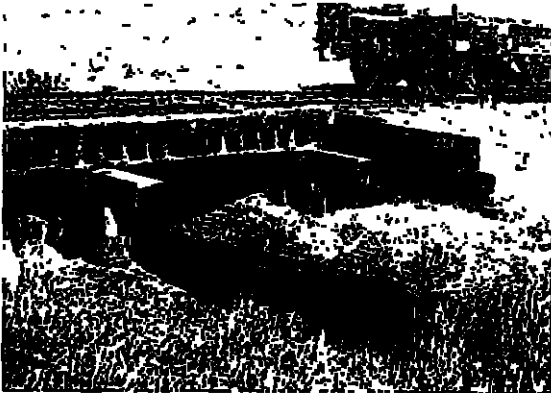
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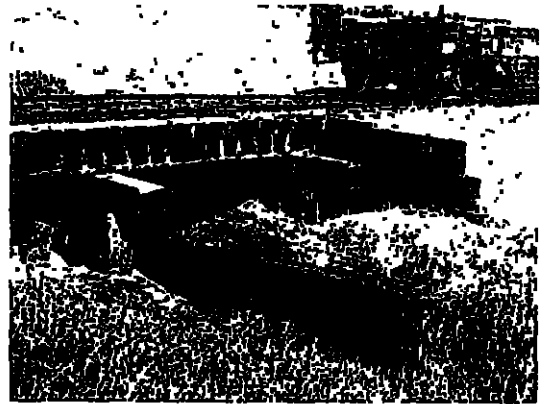
Bridge 23 4 Photo 1



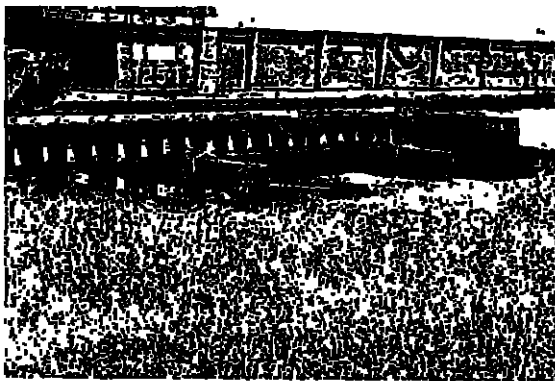
Bridge 23 4 Photo 2



Bridge 23 7 Photo 1



Bridge 23 7 Photo 2



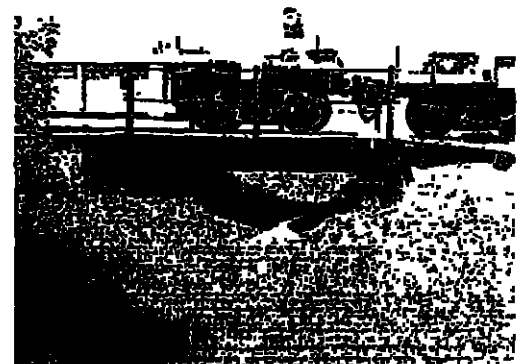
Bridge 24 8 Photo 1



Bridge 24 8 Photo 2



Bndge 26.2 Photo 1



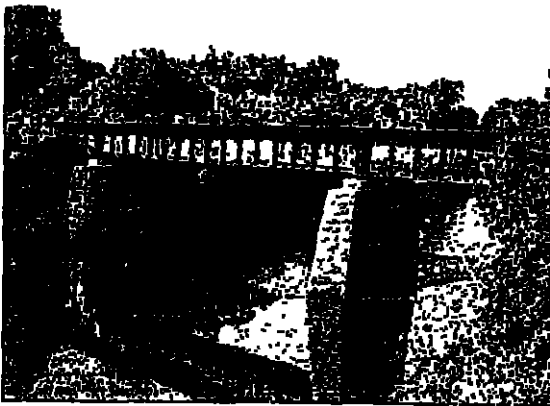
Bridge 26.2 Photo 2



Bridge 29 2 Photo 1
(Line embargoes account condition of this bridge)



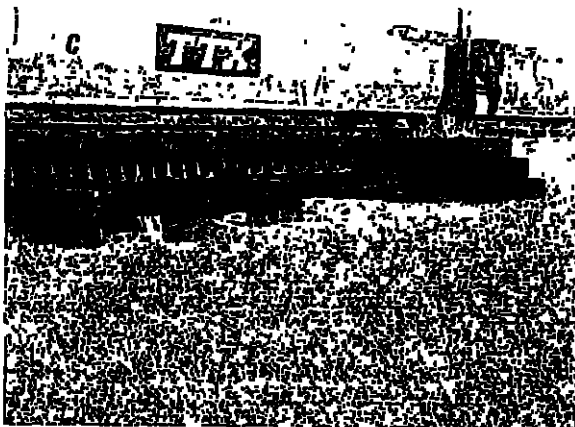
Bridge 29 2 Photo 2



Bridge 29 2 Photo 3



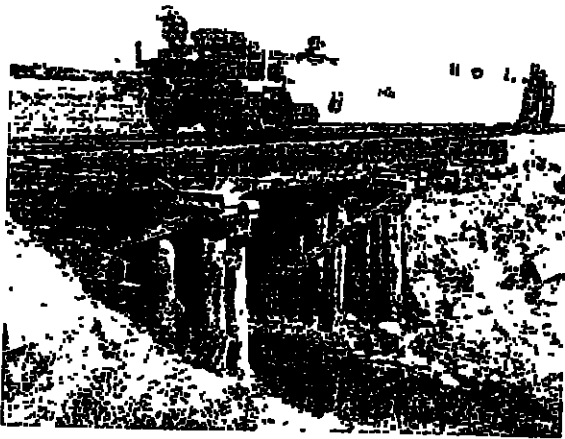
Bridge 29 2 Photo 4 Note lateral shift in track structure due to bridge shifting.



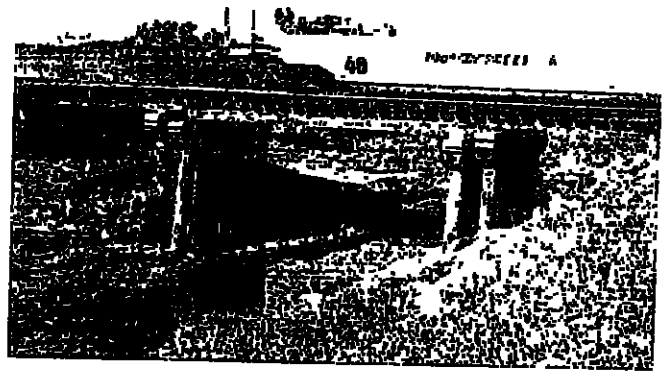
Bridge 30 7 Photo 1



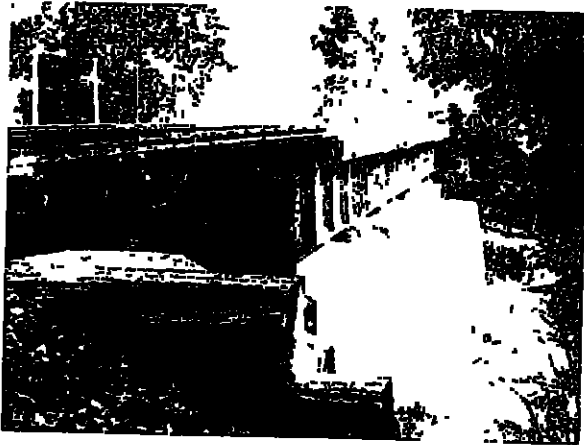
Bridge 30.7 Photo 2



Bridge 31.2 Photo 1



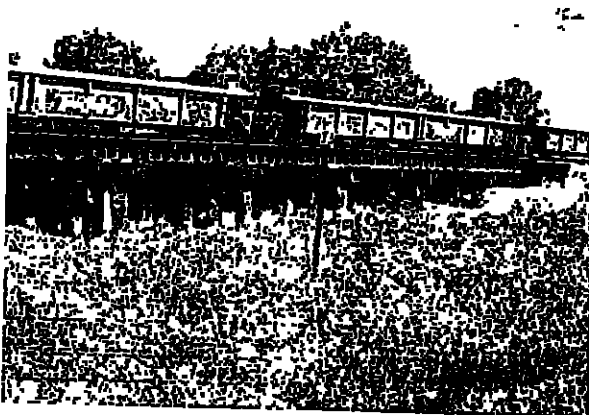
Bridge 31.2 Photo 2



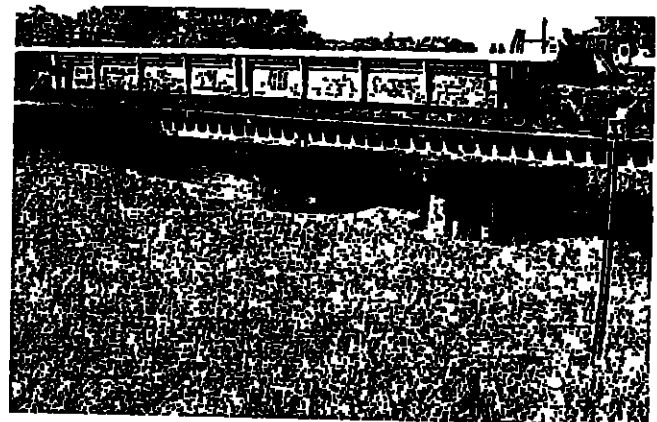
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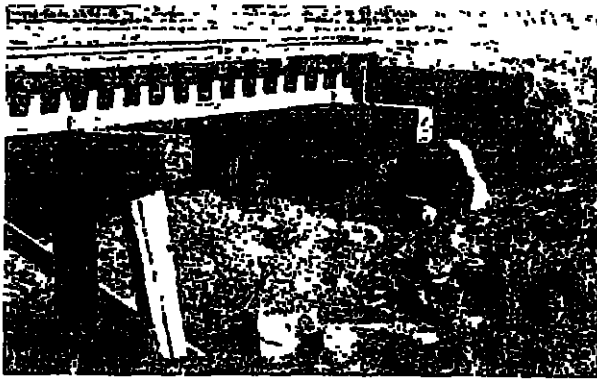
Bridge 32.7 Photo 2



Bridge 33.0 Photo 1



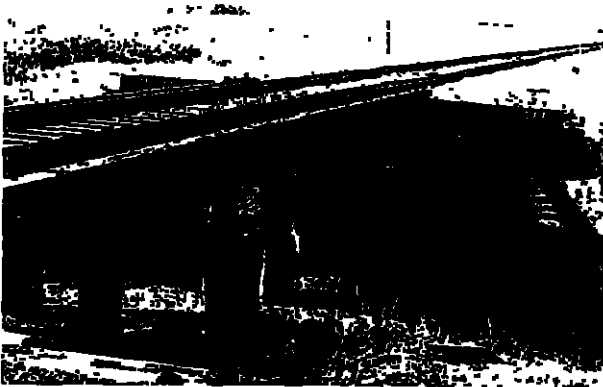
Bridge 33.0 Photo 2



Bridge 34.7 Photo 1



Bridge 34.7 Photo 2



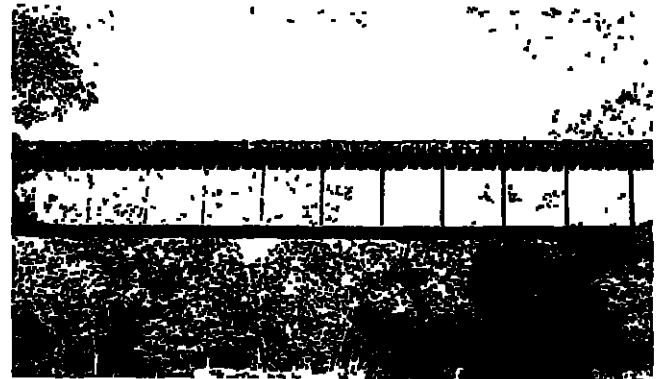
Bridge 37.7 Photo 1



Bridge 37.7 Photo 2



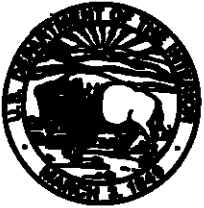
Bridge 40.2 Photo 1



Bridge 40.2 Photo 2



Bridge 40.2 Photo 3



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

RECEIVED

JUL 25 2008

McFARLAND, P.C.

FWS/NWRS-RE - General
Railroad Abandonments

July 22, 2008

Mr Thomas F McFarland
Thomas F McFarland, P C
208 South LaSalle Street, Suite 1890
Chicago, Illinois 60604-1112

Dear Mr McFarland

Thank you for the opportunity to comment on the proposed abandonment of service on 19.2 miles of railroad line between Milepost 40.2 at the north end of the Marsh River Bridge south of Shelly and end of track at Milepost 21.0 at or near Perley, in Norman, County, Minnesota, STB Docket No AB-497 (Sub-No 4X)

We have researched our ownerships in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonments. We do not have any concerns regarding real estate matters in the abandonments.

Sincerely,

A handwritten signature in cursive script, reading "Patrick G. Carroll", is positioned above the typed name.

Patrick G. Carroll
Senior Realty Officer
Division of Realty

United States Department of Agriculture



Natural Resources Conservation Service
375 Jackson Street, Suite 600
St Paul, MN 55101-1854

Phone (651) 602-7900
FAX (651) 602-7914

RECEIVED

JUL 25 2008

McFARLAND, P.C.

July 23, 2008

IN REPLY

REFER TO STB Docket No AB - 497 (Sub-No 4X) MN Northern Railroad, Inc (MNN)
Abandonment Exemption - Norman County, MN

Thomas F McFarland, PC
208 South LaSalle Street - Suite 1890
Chicago, IL 60604-1112

Dear Mr McFarland

The Natural Resources Conservation Service (NRCS) has reviewed the above referenced project. The project sponsors are not USDA program benefit recipients, thus the wetland conservation provisions of the 1985 Food Security act, as amended are not applicable. It should be noted, however, that actions by a non-USDA participant third party (project sponsor) which impact agricultural wetlands owned or operated by USDA participants, may jeopardize the owner/operators USDA eligibility. If such impacts are anticipated, the owner/operator should contact the Norman County Farm Service Agency (FSA) Office to consider an application for a third party exemption.

Our agency has no concerns with any questions or comments on the MNN plans on filing with the STB a notice of exemption seeking to abandon a portion of its Perley Subdivision between Milepost 40.2 at the north end of the Marsh River Bridge south of Shelly and end of track at Milepost 21.0, at or near Perley, a distance of 19.2 miles in Norman County, MN.

Finally, because of the location and type of activity proposed, this project will not impact agricultural lands, and a Federal Farmland Policy Protection Act (FPPA) site assessment/land evaluation will not be required. There will be no effect of the proposed abandonment on any prime agricultural cropland.

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Lorenzen", written in a cursive style.

WILLIAM E. LORENZEN
Environmental Review/Justice Coordinator

From: Laurie_Fairchild@fws.gov (Laurie_Fairchild@fws.gov)
To: tmcfarland@amentech.net
Date: Friday, July 25, 2008 11:55 08 AM
Subject: Mn Northern Railroad Abandonment Exemption, Norman County

Mr McFarland,

This is a follow-up to the telephone conversation I had earlier today with your office regarding the proposed abandonment. There is no construction or project proposed with the abandonment which may affect fish and wildlife resources for which the Fish & Wildlife Service has responsibility, therefore we have no comments to provide and will not be submitting a formal letter on the proposed action.

Sincerely,

Laurie Fairchild
Fish and Wildlife Biologist
Twin Cities Field Office
612-725-3548



Section of Environmental Analysis
Surface Transportation Board
395 E Street, S W
Washington, D C 20423

RECEIVED

AUG 11 2008

RE Docket No AB-497 (Sub-No 4X)

McFARLAND, P.C.

Dear Interested Party

The Minnesota Department of Agriculture (MDA) was asked by Thomas McFarland, representing Minnesota Northern Railroad, Inc (MNN) to review a Draft Environmental and Historic Report (Report) dated July 18, 2008 for the proposed abandonment of a portion of a the MNN rail line located generally between Shelly and Perley, MN.

The Report provides comments on the various items listed in 49 C F R § 1005 7(e), including section (7) (iii) which states

If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way identify the location of those sites and types of hazardous materials involved

The response provided in the draft report is "Not applicable" The MDA Incident Response Unit (IRU) program believes that this response may not be correct, since a second letter provided by Mr McFarland requests that the MDA identify the location of any known hazardous materials spills along the right-of-way of the rail line It appears that the petitioner has not determined if there are any known hazardous material spills along the right-of-way of the rail line

The MDA IRU, in separate correspondence to Mr McFarland, and at his request, has provided answers to three questions that were posed to United States or other state environmental agencies in correspondence dated July 18, 2008 I have included a portion of the MDA letter which expresses our concerns and answers the three questions below

1 Please identify any potential adverse environmental effect of the proposed abandonment on the surrounding area

The IRU has several concerns regarding the proposed abandonment The IRU has been involved in a number of investigations and cleanups of contaminated soil and water at agricultural chemical facilities located on right-of-way property owned by railroads Will MNN still own the land and right-of-way after this portion of rail line is abandoned? If MNN will not own the land and right-of-way, then who will take ownership? Did MNN lease land or right-of-way property to any agricultural chemical facilities along the existing rail line?

Secondly, the IRU has been involved in the investigation and cleanup of wood treating compounds that have seeped out of wood used to make bridges for rail lines There appear to be

Section of Environmental Analysis

8/8/2008

Page 2

seventeen bridges within the portion of rail line that is proposed for abandonment Do wood treatment chemicals seep out of any of the wood used in these bridges and onto the ground, water or vegetation below?

Finally, the IRU is concerned about the waste that will be generated when the line is abandoned Any waste generated from the abandonment of the rail line should be disposed of properly according to all federal, state and local laws and regulations

2 Please identify the location of any known hazardous materials spills on the right-of-way of the Rail Line, and list the types of hazardous materials involved

The MDA regulates agricultural chemicals Other hazardous materials may exist on the rail line or right-of-way that would be under the regulatory authority of the Minnesota Pollution Control Agency I have included a copy of MDA's County Spills Report for agricultural chemicals for Norman County for the period January 1, 1997 to November 27, 2007 I have also included a copy of instructions for using our interactive web site entitled "What's In my Neighborhood" which will provide you with the location and nature of spills and investigations of releases of agricultural chemicals in Minnesota which were reported to the MDA Finally, I have included a copy of a brochure that describes IRU program areas

3 Please state whether permits under Section 402 of the Clean Water Act (33 USC 1342) are required for the proposed abandonment

The MDA does not issue permits under Section 402 of the Clean Water Act

I have also included copies of the attachments to that letter

If you have any questions or comments regarding this information please feel free to contact me

Sincerely,



Cathleen A Villas-Horns, P G
Supervisor
Incident Response Unit

Enclosures

Cc Doug Spanier, MDA
~~Thomas McFarland, P.G.~~



August 8, 2008

Thomas McFarland, P C
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112

RE Minnesota Northern Railroad, Inc -Abandonment Exemption, Norman County

Dear Mr McFarland

The Minnesota Department of Agriculture (MDA), Pesticide and Fertilizer Management Division, Incident Response Unit (IRU), has reviewed the two letters dated July 18, 2008 which were sent regarding the proposed abandonment of a portion of the Minnesota Northern Railroad, Inc (MNN) Perley Subdivision line near the towns of Shelly and Perley, MN

Three questions were posed to United States and state environmental protection agencies on page 3 of your letter Both the questions posed and our responses to these questions are listed below

1 Please identify any potential adverse environmental effect of the proposed abandonment on the surrounding area

The IRU has several concerns regarding the proposed abandonment The IRU has been involved in a number of investigations and cleanups of contaminated soil and water at agricultural chemical facilities located on right-of-way property owned by railroads Will MNN still own the land and right-of-way after this portion of rail line is abandoned? If MNN will not own the land and right-of-way, then who will take ownership? Did MNN lease land or right-of-way property to any agricultural chemical facilities along the existing rail line?

Secondly, the IRU has been involved in the investigation and cleanup of wood treating compounds that have seeped out of wood used to make bridges for rail lines There appear to be seventeen bridges within the portion of rail line that is proposed for abandonment Do wood treatment chemicals seep out of any of the wood used in these bridges and onto the ground, water or vegetation below?

Finally, the IRU is concerned about the waste that will be generated when the line is abandoned Any waste generated from the abandonment of the rail line should be disposed of properly according to all federal, state and local laws and regulations

2 Please identify the location of any known hazardous materials spills on the right-of-way of the Rail Line, and list the types of hazardous materials involved

The MDA regulates agricultural chemicals Other hazardous materials may exist on the rail line or right-of-way that would be under the regulatory authority of the Minnesota Pollution Control Agency I have included a copy of MDA's County Spills Report for agricultural chemicals for Norman County for the period January 1, 1997 to November 27, 2007 I have also included a copy of instructions for using our interactive web site entitled "What's In my Neighborhood?"

Thomas McFarland, P C
8/8/2008
Page Two

which will provide you with the location and nature of spills and investigations of releases of agricultural chemicals in Minnesota which were reported to the MDA. Finally, I have included a copy of a brochure that describes IRU program areas

3. Please state whether permits under Section 402 of the Clean Water Act (33 USC 1342) are required for the proposed abandonment

The MDA does not issue permits under Section 402 of the Clean Water Act

If you have any questions or comments please feel free to contact me

Sincerely,

Cathleen A Villas-Horns, P G
Supervisor
Incident Response Unit

Enclosures

Cc Doug Spanier, MDA



MINNESOTA DEPARTMENT OF AGRICULTURE
AGRONOMY & PLANT PROTECTION DIVISION
90 WEST PLATO BOULEVARD, ST. PAUL MN 55107-2094
TELEPHONE: (651) 296-6121, FAX: (651) 297-2271

Incidents Reported in
NORMAN COUNTY
from 01/01/1977 to 11/27/2007

Page 1

Reported	Case File	Party Name	Incident Cause	Product Involved	Civil Division	Description	Township / Range / Section
1990	91-0035	OGAAD	NURSE TANK TIPPED OVER	20% & 10-34-0 LIQUID FERT MIXTURE		CTY RD 25 AT THE CORNERS OF SECTIONS 23, 24	HEGNE 144N 47W 23
1990	91-0045	JOSSUND	TRAILER HITCH UNSCREWED COUPLER BROKE	1500 2000 LBS ANHYDROUS AMMONIA		RURAL GRAVEL ROAD SE - OF SEC 32, LEB TOWNSHIP NORMAN CO	LEE 143N 48W 32
1991	91-0274	TRIANGLE AGRONOMY SERVICES LLC	LEAKING ABOVE GROUND TANK	ANHYDROUS AMMONIA	GARY	AT FACILITY ON MAIN ST IN GARY MN	STRAND 143N 44W 16
1991	91-0425	PRO AIR SERVICE	PLANE RAN OUT OF FUEL SO IT LANDED NA		HILLSBORO	TOWNSHIP ROAD BORDERING THIS SE 1/4 SECT 17 SHELLEY TOWNSHIP	SHIELLY 146N 48W 17
1991	91-0617	SYRAC FERTILIZER CO	ALLEGED SPILL OF AG CHEMICALS IN DITCH (COMPLAINT)	UNKNOWN	ULLIN	JUNCTION OF HWY 113 & CO RD 32	HOMER LAKE 143N 44W 27
1991	91-0812	NORMAN CNTY SOIL & WATER	DEAD AREA 20 FT X 20 FT THERE WAS A SPILL 2 YEARS AGO	HERBICIDE SUSPECTED UNKNOWN	ADA	AT A WATERSHED PROJECT	SHELLEY 146N 48W 01
1991	91-0229	SKATIRUD GRAIN FARMS	DRIVER CUT CORNER TOO SHORT TIPPED	VITAVAX 0.3 QTS TANEMIX 50% H2O50% VITAVAX		ALONG HWY 200 @ 10 MI W OF MAHONMEN	WALKON 143N 41W 13
1991	91-0236	JOHNSON SPRAY SERVICE	AIRPLANE ENGINE FAILURE	SUPER TIN - 100 GAL TOTAL		4 MI W & 1 MI S OF BORUP 200 YD SW OF INTERSECT	MARY 143N 47W 35
1991	91-0290	TWIN VALLEY COOP OIL CO	UNKNOWN	UNKNOWN	TWIN VALLEY	WITHIN BUCK FERTILIZER DIKE	WILD RICE 144N 44W 30
1991	94-0032	JOHNSON SPRAY SERVICE	ENGINE FAILURE PLANE DUMPED LOAD	5 GALLONS AND 48 OZ OF DUTERUM IN 300 GALLONS OF WATER	ADA	INTERSECTION OF CO HWY 19 & CO RD 146	GREEN MEADOW 145N 45W
1991	94-0062	UNKNOWN	UNKNOWN			100' NORTH OF INTERSECTION OF CO RDS 9 & 36 EAST LAND NORTHBOUND	BEAR PARK 146N 43W 22
1991	94-0418	AIRBURNE CUSTOM SPRAYING	AIRCRAFT FAILED TO LIFT OFF CAUSING PLANE TO CRASH-NO ONE INJURED-FILIPPED OVER	1 GAL + 92 OZS ASANAXT 350 GALL H2O MIX	HALSTAD	1 MILE SW AND 3 1/2 MILES EAST OF HALSTAD, NEXT TO COUNTY RD 21	HALSTAD 143N 48W 26
1991	94-0763	JOHNSON SPRAY SERVICE	ENGINE TROUBLE/DUMPED LOAD	240 GALLON TANK MIX 60 OZ ASANA		CRP FIELD 2 MILES WLST OF GARY	
1991	94-0771	BORUP AG INC	ROUTINE SAMPLING			VARIOUS AREAS ON THE FACILITY	
1991	95-0548	NORMAN CNTY RECYCLING	BROKEN GLASS JAR	PESTATOX ABOUT 1 OZ (ACTIVE INGREDIENTS TOXAPHEN 45% LINDANE 2%)	ADA	PARKING LOT	CLOQUET 49N 17W
1991	96-0277	GORDONS CUSTOM SPRAYING INC	HOSE BROKE IN TRANSIT CLAMP WORKED LOOSE	LIQUID FERTILIZER	BORUP	NORMAN CO RD 39, WEST BOUND LANE 1/2 - 3/4 MILES E OF BORUP	WINCHESTER 143N 46W 22
1991	96-0310	NORMAN CO ADA TWIN VALLEY AIRPORT	ROUTINE SAMPLING			SEVERAL SAMPLING LOCATIONS ON THE AIRPORT PROPERTY	
1991	96-1021	HARVEST STATES OF MAHONMEN	FIRE WITHIN SEED TREATMENT ELEVATOR	VITAVAX MALATHION AND PHOSTOXIN	FERTILE	NW 1/4 OF SECTION 17	BEAR PARK 146N 41W 17
1991	96-1040	TRIANGLE AGRONOMY SERVICES LLC	PRECONSTRUCTION SOIL SAMPLING	PRECONSTRUCTION SOIL SAMPLING FOR NEW DRY FERT BUILDING		AT THE FACILITY ON 601 EAST MAIN STREET ADA	

As a result of ongoing database programming, we are currently limited as to the kind of reports we can generate for our customers

Incidents Reported in
NORMAN COUNTY
from 01/01/1977 to 11/27/2007

Location of Incident

Date Reported	Case File	Partyname	Incident Cause	Product Involved	Civil Division	Description	Township / Range / Section
06/03/1991	96-1041	BURLINGTON NORTHERN & SANTA FE RR	SEEPAGE OF CREOSOTE FROM TREATED RR TIES	CREOSOTE WOOD TREATMENT	ADA	HENDRUM BRIDGE - HALSTAD NORMAN COUNTY 5W 1/4 SW 1/4 SR 14	144N 46W
04/22/1997	96-1210	ADA FEED & SEED INC	FLOODING	840 TON DAP 400 TON UREA & 100 TON POTASH	ADA	DRY FERT STORAGE	MC DONALDSTVILLE 144N 46W
04/22/1997	96-1212	TRIANGLE AGRONOMY SERVICES LLC	FLOOD	50 TON DAP 5 TON UREA & 5 0-46-0	ADA	DRY FERT BINS	MC DONALDSTVILLE 144N 46W
07/11/1997	96-1738	TRIANGLE AGRONOMY SERVICES LLC	WITHDRAWAL VALVE SLIGHTLY CRACKED OPEN	25 LBS 87-0-0	ADA	1/4 MILE NORTH OF ADA AT ANHYDROUS AMMONIA PLANT	MC DONALDSTVILLE 144N 46W
08/02/1998	CF 2196	ADA FEED & SEED INC	BACK END OF TANDEN TRUCK BOX OPTIMIZED PREMATURELY	UREA	ADA	SPIILLED 1/4 MILE IN LENGTH HWY 9 1/4 MILE SOUTH OF ADA	MC DONALDSTVILLE 144N 46W 16
04/22/1998	CF 2199	PERLBY COMMUNITY COOP	POLY TANK SHIPPED ON FLATBED	LIQUID FERTILIZER	PERLBY	FIELD ROAD	HLCNE 144N 41W 19
06/22/1998	CF-2861	CENEX/LAND OLAKES	HISTORICAL	UNKNOWN	UNKNOWN	NH FACILITY US HWY 75 SO. HENDRUM, MN	144N 41W 24
04/07/1998	CF 2953	UNKNOWN	ABANDONED 3 GALLON CONTAINER	UNKNOWN QUANTITY OF INSECTICIDE IN MONITOR 3 GALLON METAL CONTAINER	HENDRUM	WEST SIDE OF ROAD IN DITCH	WILD RICE 144N 41W 24
04/28/1999	CF-3279	TRIANGLE AGRONOMY SERVICES LLC	FERT APPLICATOR ENGAGED ALONG CITY STREET	34.6-6 200 LBS	GARY	MAIN STREET	STRAND 143N 44W 16
10/12/1999	CF-3978	CENEX/LAND OLAKES	APPARENT LEAK IN BOTTOM OF TANK	25% LIQUID FERTILIZER QUANTITY UNKNOWN	HENDRUM	FACILITY, BULK LIQUID FERTILIZER DUKE	HENDRUM (east) 144N 43W
04/25/2000	CF-4407	PERLBY COMMUNITY COOP	UNKNOWN	POSSIBLY FERTILIZER CAUSING VEGETATION DIE-OFF	UNKNOWN	SOUTH OF FERTILIZER AND PESTICIDE STORAGE LBL TOWNSHIP NW 1/4 OF THE NE 1/4	
09/25/2003	CF-4344	TRIANGLE AGRONOMY SERVICES LLC	ALLIED DUMPING OF PESTICIDE RESIDUES	UNKNOWN	UNKNOWN	WOODS SOUTH OF FACILITY INTERSECTION OF HWY 113 & HWY 33	
05/28/2004	CF-9032	ADA FEED & SEED INC	HOSE CRACK PRODUCT RELEASE FROM HOSE DURING TRANSPORT	PROWL SEC FROM MINIBULK		3 MILE STRETCH ALONG HWY 200 FROM WEST OF ADA TO FACILITY	
//	CF-9418	BORUP AG INC	ABANDONED SITE				
11/04/2004	CF-9621	J R SIMPLOT CO DBA SIMPLOT GROWER S	HISTORICAL				
09/14/2005	CF-10433	TRIANGLE AGRONOMY SERVICES LLC	FLOOD WATERS CAUSED STORM WATER DRAIN BACKUP INTO DRY PENT BUILDING	LITTLE PRODUCT DAMAGE WATER STAYED IN AISLES		BULK DRY FERTILIZER BUILDING	
//	CF-10539	CENEX	ABANDONED SITE				
10/04/2006	CF-10728	ADA FEED & SEED INC	FLOODING IN THE RICE RIVER FLOODING OCCURRED 11:00 AM SATURDAY 04/01 TO 1:00 AM SUNDAY 04/01	13-46-0 DIAMMONIA PHOSPHATE		T114668/16 SW 4 01 SW 4 BUILDING NUMBER 2	
06/02/2006	CF-10884	CROMPTON	BOOM ON SPRAYER BROKE CAUSING HOSE TO RUPTURE	TRITURULIN TANKMIX UP 2 GALLONS		ALONG 130TH STREET BETWEEN SECTIONS 29 AND 28 OF T146NR48W	
09/18/2006	CF-11160	EKEN	25 YEAR OLD CONTAINER RUSTED THROUGH BOTTOM	DAIRY COW SPRAY 0.03% PYRETHRINS		1398 300TH ST ADA IN BASEMENT	
//	CF-11332	AUSCO INC	HISTORICAL			1969 HWY 9 South - Enure Site	144 46 16
//	CF-6470A	RANDY'S WELDING		DDT TOXAPHENE			

Incidents Reported in
NORMAN COUNTY
from 01/01/1977 to 11/27/2007

Location of Incident

Date Reported	Case File	Party Name	Incident Cause	Product Involved	Civil Division	Description	Township / Range / Section
06/08/1978	FY780036	ILAMMARRACK	100 ANOTHER SPRAY PLANE	100 GALLONS WATER 6 GALLONS ADVANCE, 1.5 GALLONS MCPA	ADA	4 MILES SW OF ADA	MARY 143N 47W 01
04/18/1980	FY800012	AGSCO INC	BROKEN TUBING ON TANK RISER	10-34-0 3 750 GALLONS	ADA	AT FACILITY	
03/30/1981	FY810504	TRIANGLE AGRONOMY SERVICES LLC	28-0-0 TANK BUNGE LEAKED	28-0-0 (NITROGEN) 89 TONS		12-13 MILES NW OF GARY MINNESOTA	
07/16/1982	FY810806	THOMPSON FLYING SERVICE INC	PESTICIDE STRYING ON MAGRANT WORKERS	SUGAR BEET FUNGICIDE MTRTECK 340 P MANZEB		DEANIS RORGEN FARM NEAR PEARLY MIN	LEE 143N 48W 05
07/26/1982	FY830059	JOHNSON SPRAY SERVICE	PLANE STALLED	TOXAPHENE SOLUTION IN 40 GALLONS OF WATER		GENERAL DRYER FARM 6 MILES E & 1 MILE S OF ADA	
01/13/1984	FY840022	III NORMA SEED & FERTILIZER	TRAFFIC ACCIDENT	4550 GALLONS - 10-34 0		HWY 75 - SO 10.4 MI OF HENDRUM CITY LIMITS	
11/17/1981	FY840085	MAHUNKEN FARMERS COOP GRAIN ASSN	FARMER DELIVERED PHOSTOXIN TREATED GRAIN	PHOSTOXIN TREATED GRAIN	CALLAWAY	ELEVATOR	CALLAWAY 141N 41W 31
08/26/1986	FY870032	ADA FEED & SEED INC	FOUND BY SAMPLING	TRIALAT TRIFLURALIN PENDIMETHALIN		EAST SIDE OF FACILITY BETWEEN RFR TRACKS	
06/09/1988	FY880094	WILBER ELLS TRUCKING	TRUCK FIRE	10 - 5 GAL CONTAINERS HOULON	ADA	HWY 200 WEST OF ADA	
04/08/1988	FY880119	CIRCLE C SEEDS INC	BURYING PESTICIDE CONTAINERS	ALL CONTAINERS WERE TRIPLE RINSED		UNKNOWN	STRAND 13
06/01/1989	FY890142	POWER FUELS INC AGRICO	TRAILER ROLLOVER	28% N - 500-600 GAL	SYRE	NORMAN CO SO OF SYRE (DITCH)	143N 44W 28
05/12/1989	FY890146	GORDONS CUSTOM SPRAYING INC	UNKNOWN	ALLEGED SPILL OF UNKNOWN AG CHEMICAL	BORUP	BORUP	143N 46W 21
07/19/1991	FY900003	GORDONS CUSTOM SPRAYING INC			BORUP		WINCHESTER 143N 46W 21
07/07/1981	FY820021	GRIMMUS	PESTICIDE DUMPED INTO WATERWAY	ATRAZINE & DYPONATE		NW OF SEC 4 AT TILE LINE LIFT-PUMP	HANTON 04

For More Information:

If you need additional information, contact us by mail, e-mail, phone or fax at

**Mail:**

Minnesota Department of Agriculture
Pesticide and Fertilizer Management Div

625 Robert St North

St Paul, MN 55155-2538

Attention Gary Elsner

**E-Mail:**

Gary_elsner@state.mn.us

**Phone:**

(651) 201-6268

Information (651) 201-6061

**Fax:**

(651) 201-6112

REV 05/2007

Equal opportunity to participate in and benefit from programs of the Minnesota Department of Agriculture (MDA) is available to all individuals regardless of race, color, religion, national origin, sex, creed, marital status, veteran status, status with regard to public assistance, political opinion or affiliation, age, disability or sexual preference

Discrimination Inquiries should be sent to

MDA Affirmative Action, Human Resources
Division

625 Robert St North, St Paul MN 55155-2538

In accordance with the Americans with Disabilities Act, an alternative form of communication is available upon request TTY 1-800/627-3529

The MDA is an Equal Opportunity employer



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Minnesota Department of Agriculture
Pesticide and Fertilizer Management Division
625 Robert St North
St Paul, MN 55155-2538

Using The Incident Response Homepage & The "What's In My Neighborhood? - Agricultural" Interactive Map Site



[http://www.mda.state.mn.us/chemicals/
spills/incidentresponse/](http://www.mda.state.mn.us/chemicals/spills/incidentresponse/)



Minnesota Department of Agriculture
Pesticide and Fertilizer Management Div
Incident Response Unit

Incident Response Unit Online

Accessing the IRU Homepage:

The Minnesota Department of Agriculture (MDA) is the lead agency for response to and cleanup of agricultural chemical (Ag-Chem) contamination in Minnesota. Because of this, the MDA has tracked Ag-Chem spills and contaminated sites since the late 1970's. This information is now available online at the MDA Incident Response Unit (IRU) Homepage. Our Homepage can be accessed at

<http://www.mda.state.mn.us/chemicals/spills/incidentresponse/>

What Type of Information Is Available?

- Information About Each Program Area
- IRU Guidance Documents & Forms
- MDA County Spills Lists
- The IRU Investigation Priority List
- Links to Relevant Statutes & Rules
- Spill and investigation data
- Access To our Investigation Mapping Application "What's in My Neighborhood? - Agricultural"

What is "What's In My Neighborhood? - Agricultural"?

"What's In My Neighborhood? -

Agricultural", is an interactive mapping application, which provides location based search capabilities for Ag-Chem spills and investigations

Who should visit the IRU Homepage?

- Individuals or businesses who are buying or selling property

- Public employees who are looking for contaminant source information
- Property Owners
- Environmental Consultants
- Realtors

Does a search of this data constitute a due diligence inquiry for a property transfer?

No, this site includes only agricultural chemical investigations. For other types of contaminants you must review data from the Minnesota Pollution Control Agency (us the MPCA link on our homepage)

Does this data include all investigations and incident data?

Since we only store summary information in our database and because it takes time to enter spill and investigation data into our database, some investigations may not be included on the website and there will always be additional details about the investigations contained in the incident Case File. For additional information or to find out if there are additional Case Files relevant to your area of interest, Contact the MDA DPC at (651) 201 6698

How do I search the data?

We recommend that you start by printing out the County Spill Report for the county your area of interest is in. Then, enter the "What's In My Neighborhood? -

Agricultural" map site. On the map site, zoom in to your area of interest and look for investigations on or near your site. Use the identify feature to get information

about relevant case files. Print the area map and the identify reports for your records. Finally, call the MDA contact for additional information about relevant sites

How is the GIS data organized?

We have included 4 layers on the map page. The first 3 together, represent all of our mapped investigations. The fourth covers sites which were closed with contingencies

The included layers are:

- 1 *Old Emergencies* Points representing the locations of spills, which were closed prior to March 1, 2004. Caution, these points and the associated attributes were not checked for accuracy
- 2 *Small Spills* These points represent recent small spills and investigations
- 3 *Investigation Boundaries* These polygons represent the investigated area for large spills and other types of facility investigations
- 4 *Contingencies* These polygons represent soil or ground water investigation areas which have a contingency attached to them

What if my site has a contingency?

Review the Contingency document linked to the site (PDF file in the identify screen) and contact the staff person listed for the site if you need additional information



Minnesota Pollution Control Agency

520 Lafayette Road North | St Paul, MN 55155 4194 | 651-296 6300 | 800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us

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AUG 08 2008

McFARLAND, P.C.

August 6, 2008

Surface Transportation Board
Section of Environmental Analysis
395 E Street SW
Washington, DC 20423

RE Minnesota Northern Railroad, Inc – Abandonment Exemption – in Norman County, MN
Docket No AB-497 (Sub-No 4X)

The Minnesota Pollution Control Agency (MPCA) has received copies of the Draft Environmental and Historic Report for the above referenced project. The MPCA has not conducted an in-depth review of this report, therefore, the MPCA has no specific comments to provide. This does not constitute a waiver by the MPCA of any pending permits required by the MPCA. Ultimately, it is the responsibility of the project proposer to secure any required permits and to comply with any requisite permit conditions. The enclosed checklist identifies permits that the project may require, together with the most recent contacts at the MPCA.

We request that a copy of your decision on this project be sent to the MPCA.

Sincerely,

Jessica Ebertz
Planner Principal
Environmental Review and Operations Section
Regional Division

JE mbo

Enclosure

cc: Thomas McFarland, P C

APPENDIX A – NO-REVIEW CHECKLIST

After a cursory review of the proposed project, the Minnesota Pollution Control Agency (MPCA) staff noted areas that may need additional follow-up and/or a permit from the MPCA. Those specific areas are checked below.

☐ SDS Permit – Sanitary Sewer Extension Permit

A State Disposal System (SDS) Permit is required for any extension of a sanitary sewer. If a sanitary sewer is proposed as a part of this project, an application for the SDS Permit should be made to the MPCA by contacting David Sahli (Municipal Division, St. Paul office), at 651-296-8722.

☐ NPDES/SDS Permit for dredged material disposal

If disposal of dredged material is anticipated, then Julie Rantala (Industrial Division, St. Paul office) should be contacted at 651-297-8332.

☒ NPDES Permit – Construction Stormwater

A General National Pollutant Discharge Elimination System (NPDES) Permit from the MPCA for construction activities will be required for all projects that disturb one (1) or more acres of land. The NPDES Permit specifically requires Best Management Practices which are detailed in the permit (additional information can be found in the MPCA document *Protecting Water Quality in Urban Area*) to prevent erosion and control sedimentation during construction and a stormwater pollution prevention plan to manage pollutants in stormwater runoff from the site that will occur after construction is complete. As a requirement of the NPDES Permit, stormwater wet-detention ponds must be installed to treat the stormwater runoff whenever a project replaces surface vegetation with one or more cumulative acres of impervious surface. If you have need of technical assistance regarding this, please contact Lawrence Zdon (Municipal Division, St. Paul office) at 651-297-8219 or Todd Smith (Municipal Division, St. Paul office) at 651-215-6008. For more general information, please contact the appropriate MPCA Regional Office staff below:

- ☐ Brainerd, Scott Lucas at 218-828-6069
- ☐ Duluth, Jim Dexter at 218-529-6253
- ☒ Detroit Lakes, Joyce Cieluch at 218-846-7387
- ☐ Willmar/Marshall, Judy Mader at 651-296-7315
- ☐ Rochester, Roberta Getman at 507-280-2996
- ☐ Metro, Brian Gove (Ramsey, Washington, Chisago and Goodhue Counties) at 651-296-7036, Teddi Seibring-Trofin (Hennepin, Wright and Counties) at 651-284-0299, Brandon Finke (Carver, Dakota and Scott Counties) at 651-215-0267, Paul Estueta (Anoka and Sherburne Counties)

☐ NPDES Permit – Industrial Stormwater

- ☐ Statewide, Melissa Wenzel at 651-296-7737 or Zach Chamberlain at 651-296-7955
- ☐ Brainerd, Justin Barrick at 218-855-5012
- ☐ Duluth, John Thomas at 218-723-4928
- ☐ Mankato/Rochester, Ryan Swafford at 651-297-8469
- ☐ Metro, Scot Sokola at 651-297-8479 or Gary Simonsen at 651-296-9316

☐ Individual Septic Tank System

Individual septic tank systems design and construction must comply with Minn. R. 7080. For additional information, contact Mark Wespetal (Municipal Division, St. Paul office) at 651-296-9322.

☐ Federal Water Quality Certification

Wetlands are identified within the proposed project area. It is presumed that the project proposer and/or RGU verified whether these wetlands fall under the jurisdiction of the U.S. Army Corps of Engineers (Corps) prior to placing this environmental review document on public notice, and that the information identified in the required approvals section is accurate. If a federal Clean Water Act (CWA) Section 404 Individual Permit is required by the Corps, then an MPCA CWA Section 401 Water Quality Certification, or an MPCA statement waiving the certification, must also be obtained as part of the permitting process. Under the Section 401 certification process, the MPCA is responsible for reviewing the proposal to determine if it will comply with state water quality standards in Minnesota Rules, Chapter 7050. Those standards require that when prudent and feasible alternatives are available, impacts to wetlands must be avoided. If prudent and feasible alternatives are not available, then the impacts to wetlands must be minimized and/or mitigated. Also, the potential impacts that a proposed project has on wetlands that are hydrologically connected to impaired waters is increasingly being evaluated by the MPCA during the Section 401 certification process. For further information, please contact Kevin Molloy (Municipal Division, St. Paul office) at 651-297-7572.

☒ Demolition Debris (if applicable)

Demolition debris must be disposed of at a properly permitted disposal facility. For information on the location of one nearest you, please contact the appropriate MPCA Regional Office staff below.

- ☐ Brainerd, Curt Hoffman at 218-828-6198
- ☒ Detroit Lakes, Roger Rolf at 218-846-0774
- ☐ Duluth, Heidi Kroening at 218-723-4795 or Tim Musick at 218-723-4708
- ☐ Marshall, Paul Korman at 651-297-8592
- ☐ Rochester, Cory Boeck at 507-280-5562
- ☐ Metro, Don Nelson at 651-296-8621

☐ Asbestos

Asbestos may be present in the building(s) that will be demolished, which requires special handling. Please contact Jackie Deneen at 651-297-5847 or Derek Pemble at 651-297-8504 for additional information.

☐ Wells

Abandonment and/or installation of wells must be done by a licensed well driller. Please contact the Minnesota Department of Health 651-201-4600 for additional information.

☐ Above and Below Ground Tanks

The installation and/or removal of ALL above and below ground tanks must be reported to the MPCA before any work begins. Please contact the MPCA Customer Assistance Center at 651-297-2274 or 800-646-6247 for additional information.

☐ Cumulative Potential Effects

A "cumulative potential effects" inquiry under Minn. R. 4410.1700, subp. 7, requires a Responsible Governmental Unit to inquire whether a proposed project, which may not individually have the potential to cause significant environmental effects, could have a significant effect when considered along with other projects that (1) are already in existence or planned for the future, (2) are located in the surrounding area, and (3) might reasonably be expected to affect the same natural resources. Please contact Dana Vanderbosch 651-297-1796 for additional information.

☒ Other Issues Identified by Staff

If any contaminated (petroleum or other products) soil is encountered, the State Duty Officer must be notified immediately (800-422-0798)

DRAFT FEDERAL REGISTER NOTICE PER 49 C.F.R. 1152.60(c)

STB No. AB-497 (Sub-No. 4X), *Minnesota Northern Railroad, Inc. -- Abandonment Exemption -- in Norman County, MN*

Notice of Petition for Exemption to Abandon Rail Service

On August 15, 2008, MINNESOTA NORTHERN RAILROAD, INC (MNN), filed with the Surface Transportation Board, Washington, DC, a Petition for Exemption from 49 U S C 10903 for abandonment of rail service of a portion of its P Line Subdivision between Milepost No 40 2 at the north end of the Marsh River bridge south of Shelly and the end of track at Milepost No 21 0 at or near Perley, a distance of 19 2 miles in Norman County, Minnesota The Rail Line traverses through United States Postal Zip Codes 56548, 56550, 56574, and 56581 in Norman County, Minnesota The line for which the abandonment exemption request was filed includes the stations of Perley at MP 21 0, Hendrum at MP 27 4 and Halstad at MP 33 5

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

The interest of railroad employees would be protected by imposition of conditions to approval of abandonment imposed in *Oregon Short Line R Co - Abandonment - Goshen*, 360 I C C 91 (1979)

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

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

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register

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

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

PUBLIC NOTICE

Affidavit of Publication

STATE OF MINNESOTA }
COUNTY OF NORMAN } ss.

Ross D Pfund, being duly sworn, on oath says that he is the publisher of the newspaper known as the Norman County Index, Ada, Minnesota, 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 qualified newspaper, as provided by Minnesota Statute 331A 02, 331A 07 and other applicable laws, as amended

(B) The printed

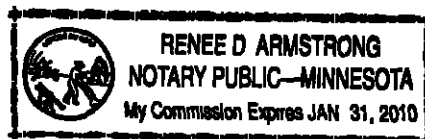
Notice of Intent to Abandon Rail Line

which is attached was cut from the columns of said newspaper, and was printed and published one week, it was published Tuesday, the 29th day of July, 2008, 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 Ross D. Pfund
Ross D Pfund
TITLE Publisher

Subscribed and sworn to before me this 29th day of July, 2008



Renee D. Armstrong
Notary Public
Norman County, Minnesota

RATE INFORMATION

- | | |
|--|------------------|
| (1) Lowest classified rate paid by commercial users for comparable space | \$12 00 per inch |
| (2) Maximum rate allowed by law for the above matter | \$12 00 per inch |
| (3) Rate actually charged for the above matter | \$9 50 per inch |

NOTICE OF INTENT
TO ABANDON RAIL LINE
MINNESOTA NORTHERN RAILROAD, INC (MNN) gives notice that on or about August 15, 2008, it intends to file with the Surface Transportation Board, Washington, DC 20423, a Petition under 49 U.S.C. § 10502 for exemption from the requirements of 49 U.S.C. § 10903 for abandonment of a portion of its Perley Subdivision between Milepost 40.2 at the north end of the Marsh River Bridge south of Shelly and end of track at Milepost 21.0 at or near Perley, a distance of 19.2 miles, in Norman County, Minnesota (the Rail Line). The Rail Line traverses through United States Postal Zip Codes 56548, 56550, 56574, and 56581 in Norman County, Minnesota. The proceeding has been docketed as STB Docket No. AB-497 (Sub-No. 4X). The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA) which will normally be available 60 days after the filing of the Petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to SEA, Surface Transportation Board, Washington, DC, 20423, or by calling SEA at 202-245-0295. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 305 E Street, S.W., Washington, DC 20423 (See 49 C.F.R. §§ 1104.1(a) and 1104.3(e)) and one copy must be served on applicant's representative (See 49 C.F.R. § 1104.12(e)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112 (July 29)

CERTIFICATE OF SERVICE

Pursuant to 49 C F R § 1152 60(d), I hereby certify service of the foregoing Petition by first-class, U S mail, postage prepaid, on the following

Minnesota Department of Transportation
Transportation Building
395 John Ireland Blvd
St Paul, MN 55155

United States Department of Defense
Military Traffic Management Command
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd , Suite 130
Newport News, VA 23606-2574

National Park Service
Recreational Resources Assistance Division
1849 C Street, N W
Washington, DC 20240-0001

United States Department of Agriculture
Chief of the Forest Service
4th Floor NW, Yates Bldg
14th Street & Independence Ave , S W
Washington, DC 20250

In addition, I hereby certify service of the foregoing Petition on all shippers who have shipped on the involved Rail Line since January 1, 2005, as follows

Mr Rick Lisburg, Branch Mgr
Georgetown Farmers Elevator Co
(successor of Perley Community Coop)
P O Box 350
Perley, MN 56575

Mr Gary Balzum, General Manager
Georgetown Farmers Elevator Co
(successor of Perley Community Coop)
P O Box 218
Georgetown, MN 56546

Mr Mike Smart
Simplot Soil Builders
P O Box 40
Hendrum, MN 56550

Mr Robin Stene
Halstad Elevator Co
P O Box 87
Halstad, MN 56548

Mr Harold Parrow
Interstate Roofing Co
P O Box 361
Perley, MN 56574

Mitchell Farms
P O Box 9112
Fargo, ND 58106

Mr Robert Staehnke, Gen Mgr
Mid-Valley Grain Coop
1111 S Main
Crookston, MN 56716

Mr Carl Younce, Dir Operations
CHS Inc
2002 North Washington
Grand Forks, ND 58203

Thomas F McFarland

Thomas F McFarland