

E1-211

Freeborn & Peters

March 5, 2003

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



Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

**Re: *Surface Transportation Board Docket No. AB-6 (Sub-No. 403X);
The Burlington Northern and Santa Fe Railway Company Abandonment
of Wichita, Kansas Trackage and between Wichita and Valley Center,
Kansas***

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Dear Ms. Rutson:

Enclosed are responses I received from the U.S. Fish and Wildlife and the Kansas Department of Agriculture to the notice that was mailed out to various agencies on February 12, 2003 in regards to the above-mentioned matter. I am forwarding these to your attention in the event that the agency did not respond to you directly.

Chicago

Springfield

Sincerely,

A handwritten signature in black ink that reads 'Brian Nettles'.

Brian Nettles



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Kansas Field Office
315 Houston Street, Suite E
Manhattan, Kansas 66502-6172

February 24, 2003

Michael A. Smith
311 S. Wacker Dr., Suite 3000
Chicago, Illinois 60606-6677

RE: Docket No. AB-6 (Sub No. 403X)

Dear Mr. Smith:

This is in response to your February 12, 2003 letter providing environmental and historical reports for the proposed abandonment of 16.91 miles of Burlington Northern and Santa Fe Railway Company line near Wichita, in Sedgwick County, Kansas. The only correction we have to offer is that the speckled chub (*Macrhybopsis aestivalis*) is not a federally-listed species, as indicated on page 6 of the report. It is, rather, a state-listed species for which the Kansas Department of Wildlife and Parks has designated critical habitat in Sedgwick County. Otherwise, we reiterate our comment made to John Sims of BNSF on November 30, 2000, that we have no objection to this abandonment as proposed.

If there are additional comments or questions regarding this proposal, please direct them to Dan Mulhern of this office. Thank you for your continued coordination.

Sincerely,

William H. Gill
Field Supervisor

cc: KDWP, Pratt, KS (Environmental Services)

WHG/dwm

STATE OF KANSAS

BILL GRAVES, GOVERNOR
Jamie Clover Adams, Secretary of Agriculture
109 SW 9th Street
Topeka, Kansas 66612-1280
(785) 296-3558
FAX: (785) 296-8389



Division of Water Resources
David L. Pope, Chief Engineer
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
(785) 296-3717 FAX (785) 296-1176

KANSAS DEPARTMENT OF AGRICULTURE

February 26, 2003

Mr. Michael A. Smith
Freeborn & Peters
311 S. Wacker Dr, Suite 3000
Chicago IL 60606-6677

RE: DWR A-95 2003.043

Dear Mr. Smith:

This will acknowledge receipt of your letter and attachments dated February 12, 2003 regarding the Burlington Northern and Santa Fe Railway Company Abandonment of Wichita, Kansas Trackage and between Wichita and Valley Center, Kansas.

I would refer you to exhibit K of your Railroad Abandonment Report, which is my letter of 12-7-2000. Our thoughts concerning stream courses are still valid, and would require permitting.

Sincerely yours,

Bob Lytle
Environmental Scientist
Technical Services Section

RFL:ssc

pc: Bruce Falk, Water Commissioner, Stafford Field Office