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RL

June 27, 2005

Ms. Rini Ghosh
Attorney-Advisor
Section of Environmental Analysis
Surface Transportation Board
Room 504
1925 K Street, NW
Washington, DC 20423

Re: Docket No. AB-933X
Dakota, Missouri Valley & Western Railroad, Inc. --
Abandonment Exemption --
In Burleigh and Emmons Counties, North Dakota

Dear Ms. Ghosh:

Dakota, Missouri Valley & Western Railroad, Inc. ("DMVW") filed a Notice of Exemption Abandonment ("NOE") in the above-referenced proceeding on April 11, 2005. The NOE became effective on May 31, 2005 with several environmental and historic conditions imposed. This letter confirms that DMVW has complied with and satisfied all of the outstanding conditions imposed by the May 31, 2005 decision, and as a result, all such conditions should be removed.

1. Natural Resources Conservation Service (NRCS)

DMVW consulted with Mr. Doug Van Daalen of NRCS on June 2, 2005 and agreed to the extent possible to maintain all natural drainage patterns; avoid placing spoil in wetlands or natural watercourses; and employ erosion control measures during road bed salvage activities.

2. North Dakota Department of Health, Environmental Health Section (NDDH)

DMVW consulted with Mr. Dave Glatt of NDDH on June 8, 2005 and agreed to follow any Best Management Practices during salvage activities; report any releases of petroleum products, hazardous materials or chemicals that may impact human health or the environment. DMVW consulted with NDDH regarding storm water drainage activities. DMVW also agreed to take care to avoid spills of any materials that may have an adverse effect on groundwater quality and immediately report any spill to NDDH. Moreover, DMVW contacted Mr. Randy Kowalski of NDDH at the request of Mr. Glatt regarding storm water



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management considerations. Mr. Kowalski confirmed that no permits would be needed for the planned salvage operations.

3. U.S. Fish and Wildlife Service (FWS)

DMVW consulted with Mr. Kevin Johnson of FWS on June 1, 2005 regarding FWS' requirements for conducting salvage activities that may affect areas under its jurisdiction. DMVW agreed that its salvage activities would be conducted within the right-of-way using existing access routes.

4. U.S. Army Corps of Engineers, Omaha District (Corps)

DMVW consulted with Ms. Erin Wilson of Corps on June 1, 2005 regarding possible flood hazards that could be incurred by salvage activities, and agreed to employ measures to mitigate any such hazards.

5. Bismarck Regulatory Office (Bismarck-Corps)

DMVW consulted Bismarck-Corps and described final plans for salvage activities and determine permitting requirements on June 2, 2005. Mr. Bill May of Bismarck-Corps determined that based on the final plans, no permits were required.

6. National Geodetic Survey (NGS)

DMVW consulted with Mr. Frank Maida of NGS regarding the 18 geodetic station markers that may be affected by the proposed abandonment. DMVW agreed to flag the markers located in the right-of-way in order to avoid disturbing them during salvage. DMVW agreed to provide notice to NGS in the event markers may be disturbed during salvage.

7. State Historical Society of North Dakota (SHPO)

As we previously discussed, SHPO issued a No Historic Properties Affected determination in reference to this project on June 3, 2005. A copy of that letter was provided to the Board on June 24, 2005.

DMVW hereby respectfully requests that all conditions to the abandonment be removed.



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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Janie Sheng'. The signature is fluid and cursive, with the first name 'Janie' being larger and more prominent than the last name 'Sheng'.

Janie Sheng

**Attorney for Dakota, Missouri Valley
& Western Railroad, Inc.**

Cc: Ms. Victoria Rutson