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May 15, 2006

Mr. Kenneth A. Westlake, Chief
NEPA Implementation Section
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: STB Docket No. AB-6 (Sub. No. 438X), BNSF Railway Company—
Abandonment Exemption— in Morrison County, MN

Dear Mr. Westlake:

I represent BNSF Railway Company ("BNSF") in the above-referenced docket number. On December 6, 2005, I sent you a letter explaining that BNSF intended on filing a notice of exemption seeking formal authority from the Surface Transportation Board ("Board") to abandon .58 miles of railroad line that extended between BNSF's milepost 113.44 and milepost 114.02, near Camp Ripley, Morrison County, MN. On December 21, 2006, you responded to the December 6th letter regarding whether the proposed abandonment is consistent with Federal, State, or local water quality standards, and whether or not Section 402 and/or National Pollutant Discharge Elimination System ("NPDES") permits are required. Your response indicated that the final disposition of cross-ties preserved with creosote should be buried in a non-hazardous waste landfill unless otherwise required by the State of Minnesota. You further indicated that "if steel, electrical and signal housings, bridge work and other materials are to be removed, recycling of these materials should be addressed and documented."

Your response was utilized in preparing an environmental report that was submitted to the Board as part of the notice of exemption process. On March 27, 2006, BNSF filed the notice of exemption. The Board's Section of Environmental Analysis ("SEA") issued an Environmental Assessment ("EA"), served April 21, 2006, regarding the notice of exemption.

At the request of the SEA, BNSF offers your agency the following additional information: all railroad track materials were previously removed from the project area as a part of the Trunk Highway 371 project, a highway reconstruction project that included a Memorandum of Agreement ("MOA") among the Federal Highway Administration, the Army Corp of Engineers, the Minnesota Department of Transportation and the Minnesota Historical Society.

For future highway projects that involve rail abandonment of BNSF rail lines, BNSF will seek to involve the STB at the earliest possible stage of the project. Should you have any additional comments or concerns, please contact me or the Board. I can be reached at (202) 338-1325.

Sincerely,


Sidney L. Strickland, Jr.
Attorney for BNSF Railway Company

SLS/cac