

TRANSPORTATION ALTERNATIVE PROGRAM APPLICATION  
FOR HUNTER ARTHUR JPA

**SUGGESTED MOTION:**

Move to authorize the Cass County Engineer to sign as the Sponsoring Official for the Transportation Alternatives (TA) Program application for the Northern Cass Pass Multi-Use Path project.

## Worden, Heather

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**From:** Benson, Jason  
**Sent:** Tuesday, November 13, 2018 8:16 AM  
**To:** Worden, Heather  
**Subject:** FW: ND DOT TAP Application for Northern Cass Pass  
**Attachments:** TAP Application.pdf

Heather,

Could you put this on the consent agenda. There is no financial participation from the County, we just have to approve it as the "Sponsoring" agency so the request can be send to the NDDOT for funding.

Thanks,

*Jason Benson, P.E.  
County Engineer  
Cass County Highway Department  
1201 Main Ave West  
West Fargo, ND 58078  
701-298-2372*

**From:** Barry Johnson <Barry.Johnson@bolton-menk.com>  
**Sent:** Monday, November 12, 2018 12:16 PM  
**To:** Benson, Jason <BensonJ@casscountynd.gov>  
**Subject:** ND DOT TAP Application for Northern Cass Pass

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jason

Attached is our yearly application for ND DOT TAP funds for the Northern Cass Pass located between Arthur and Hunter. We paved over 3 miles of the 6 mile corridor as of this summer. This application is to pave 1.5 – 2 miles of the remaining surface.

Could you please put this on the next Cass County Commission meeting. We would again like to receive Cass County Sponsorship as required for rural communities less than 5,000 population.

As before, the JPA is not requesting financial participation from Cass County.

Upon approval, notify me and I will bring the original to your office for signatures.

Thank you.

**Barry D Johnson P.E.**  
Senior Project Manager  
**Bolton & Menk, Inc.**  
3168 41st Street South  
Suite 2  
Fargo, ND 58104

Phone: 701-566-5339 ext. 3024

Mobile: 701-936-3695

[Bolton-Menk.com](http://Bolton-Menk.com)

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**BOLTON  
& MENK**

Real People. Real Solutions.

3168 41st Street South  
Suite 2  
Fargo, ND 58104

Ph: (701) 566-5339  
Fax: (701) 566-5348  
Bolton-Menk.com

November 12, 2018

Mr. Jason Benson, PE  
Cass County Engineer  
Cass County Highway Dept  
1201 Main Ave W  
West Fargo, ND 58078

RE: Northern Cass Pass ND TAP Application  
Hunter Arthur Park Board JPA  
Project No.: BMI: D15.107878

Dear Mr. Benson:

Attached please find a copy of the ND DOT Transportation Alternatives Program Application for the Northern Cass Pass Multi-Use Path. The Hunter Arthur Park Board JPA would like to apply for this Grant program, and as directed, the ND DOT, County Sponsorship is required for Towns less than 5,000 population (and are outside an Area Planning Organization).

This sponsorship does not require financial participation by Cass County.

Please include this application and request at the next Cass County Commission meeting. If this request is approved, please sign the application and return to me for signatures by the Hunter Arthur JPA.

Thank you for your consideration.

Sincerely,

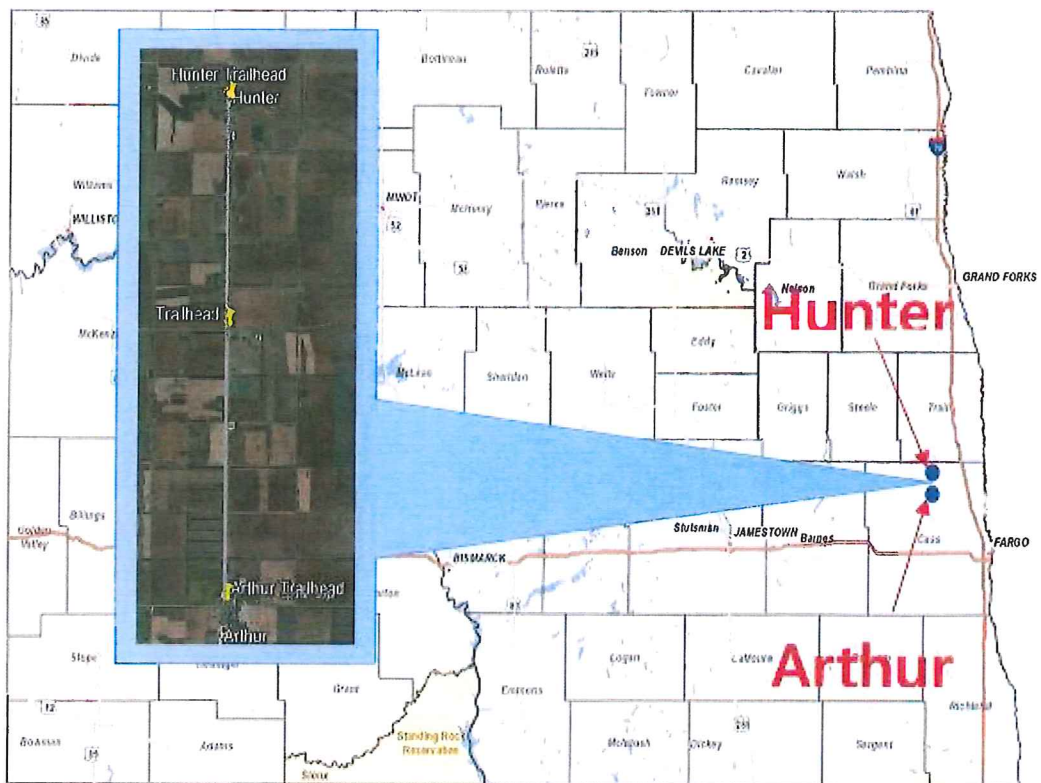
**Bolton & Menk, Inc.**

  
**Barry D. Johnson, PE**  
**Bolton & Menk**

# North Dakota DOT Transportation Alternatives Program

Application for

## NORTHERN CASS PASS MULTI-USE PATH



Submitted by

**Barry D. Johnson, PE**  
**Bolton & Menk, Inc.**  
**November 12, 2018**



Since Hunter Arthur JPA is a Park District in City(s) under 5,000 population the Cass County Board of County Commissioners must partner with the JPA on this TAP application.

**PROJECT NAME:**

**NORTHERN CASS PASS**

**PROJECT LOCATION:**

Former BNSF Railway corridor that is situated between the cities of Hunter, ND and Arthur, ND and immediately adjacent to State Highway 18. The attached map (Appendix A) depicts the location of the entire corridor plus the limits of this Transportation Alternatives Program Application. This TAP project will start at the intersection of County Road 34 and the corridor (located at the north edge of Arthur) and proceed north to County Road 26 approximately 3 miles (located at the trailhead).

**PROJECT CONTACT:**

Jennifer Degerness, President  
15537 14<sup>th</sup> St SE  
Hunter, ND 58048  
701-874-2285  
[idegerness@polarcomm.com](mailto:idegerness@polarcomm.com)

**PROJECT SPONSOR:**

Since the Hunter Arthur JPA is a rural joint park board (with population of less than 5,000), the Cass County Board of Commissioners will be the official Project Sponsor, with the Cass County Engineer, Mr. Jason Benson, PE as the Sponsoring Official.

**SPONSORING OFFICIAL:**

Jason Benson, PE  
Cass County Highway Engineer  
1201 Main Ave W  
West Fargo, ND 58078  
(701) 298-2370



## PROJECT DESCRIPTION:

**CORRIDOR MASTERPLAN:** The Cities of Hunter and Arthur Park Districts formed the Hunter/Arthur JPA Park Board in 2013 upon the decision of BNSF Railway to abandon their railway corridor between Hunter and Arthur. The JPA pursued the acquisition of this corridor through the Rails to Trails program and in fact successfully acquired the corridor in 2013. The objective of this acquisition is to build a multi-use, non-motorized path entitled Northern Cass Pass from the south edge of Arthur, north to the City of Hunter with the project ending at the Elm River Bridge: adjacent to the Hunter elevator. This corridor parallels ND Highway 18 with a total length of approximately 6 miles. The ultimate goal of the JPA is to construct a hard surface trail with an estimated total project cost approaching \$1.5 million. This Rails to Trails project was anticipated (and is proving to be) a multi-year project with several phases planned. The Northern Cass Pass project has received five ND RTP Grants: The first for the enhancement of the existing bridges on the corridor (to make the bridges safe for pedestrian and other non-motorized uses) in the amount of \$83,256 (Phase 1), the second for the surfacing of the entire corridor with recycled concrete/bituminous millings in the amount of \$120,000 (Phase 3), the third for beginning to pave the surface for \$120,000 (Phase 4), the fourth for additional paving of the project for \$124,000 (Phase 4) and the fifth Grant for paving in the summer of 2019 (\$124,000). The JPA has also received Outdoor Heritage Funding in the amount of \$185,171 for a preliminary phase (Phase 2) along the corridor which includes trail grading and prep, tree plantings, and trailhead work. This project has also been awarded a North Dakota Forestry Grant (American the Beautiful Grant) in the amount of \$5,000. In addition, the ND DOT has awarded the JPA a NDSTREETS grant in the total amount of \$124,683 for the relocation of 1100 feet of the trail (construction 2021). All amounts listed include the Local Match (ranging between 10% and 50%).

The goals of the JPA with Northern Cass Pass, is to create a separated, non-motorized corridor to provide safe passage between the cities of Hunter and Arthur for residents of the area as well as a destination location for specific community events. Additional benefits of this corridor include preservation of the 100 year history of the Great Northern Railway and BNSF as well as improving the quality of the existing wetlands which receive water from the large Right of Way, improving the wildlife habitat throughout this corridor and finally buffering agricultural lands and other natural resources from State Highway 18. The addition of “mini groves” of trees along the corridor will enhance the wildlife features, enrich the existing water quality benefits created by existing vegetation, provide additional wind erosion benefits for the adjacent agricultural lands, and finally to provide educational opportunities for all users of the trail.

The construction of the sustainable trail will provide a series of end results including recreational opportunities for local persons as well as visitors to the area, protection of existing wildlife habitats and natural resources, access to private and public lands for



sportsmen, improvement of water quality, soil conditions, plant diversity and animal systems and finally conserving the natural areas by protecting the established former Railway Right of Way. Also included in the overall vision of the project will be the construction of three separate trailheads (one at each end and one in the middle) which will provide information kiosks which will be used discuss amenities along the corridor as well as the history of the project.

**ND TAP PROJECT:** This TAP project will be a phase of the entire planned project (possibly the final phase depending upon paving bids). The project will consist of placing a hard surface (bituminous) on top of the existing aggregate surfacing beginning at STA 107+00 (this is the ending of the paving that took place in the Summer of 2018) and proceed north to County Road 26 within the corridor ROW approximately 2 miles and will stop at the intersection of the Northern Cass Pass corridor and Cass County Highway 26 (STA 213+00). The path will be placed on the center of the old railway ballast location (which is generally centered in the ROW and is currently of compacted concrete/asphalt millings). Appendix A depicts the location of the project in Northern Cass County as well as a detailed corridor map of the route. Also attached in Appendix A is a layout of this proposed project. The proposed paving is highlighted in pink.

## PROJECT COST:

As stated earlier, the estimated cost for the entire corridor will be approaching \$1,500,000. This TAP project will be classified as Phase 6 of the Master Plan. Phase 1 is the ND RTP Grant project (2015) and Phase 2 is the Outdoor Heritage Fund project, Phases 3 and 4 (2018 construction) and Phase 5 (2019 Construction) is additional ND RTP Grant Projects.

Total costs for Phase 6 (and the basis for this application) are estimated to be \$135,000 (80% Federal share of \$112,500 and 20% Local Share of \$22,500). With the Phases 3 and 4 constructed in 2018, and Phase 5 being constructed in 2019, it is possible that this TAP grant would be able to finish paving the trail project. The detailed estimate located in Appendix B.

## TAP CATEGORY:

TAP Category D: Conversion and use of abandoned railroad corridor for a trail for pedestrians, bicyclists, and other non-motorized transportation users. Appendix C depicts a typical non-motorized shared use path.





## **SUPPORTING DATA:**

This Northern Cass Pass project has been identified by the Park Districts of Hunter, ND and Arthur, ND as part of their overall recreation plan. The two Park Districts have in fact formed a Joint Powers Authority in response to their dedication for the success of their master plan. The Northern Cass Pass corridor not only provides recreation opportunities for residents of Hunter and Arthur, but also for surrounding populations including the Northern Cass Public School.

Appendix D includes copies of documents of support for this project.

## **PUBLIC ACCESSIBILITY:**

Owner of this project is the Hunter Arthur JPA. The corridor is bounded by State Highway 18 to the East (with numerous access areas along the corridor including a trailhead planned to be located near the middle of the length at Highway 26). Additional trailheads are also planned at each end (one at Arthur and one located in Hunter).

## **MATCHING FUNDS PROVIDED BY:**

The 20% local match will be provided by the Hunter Arthur JPA, along with support from other public and private entities including various local endowment groups, local, state and federal grant sources.

## **RIGHT OF WAY:**

No additional Right of Way will be needed to be acquired. The Hunter Arthur JPA has already purchased the Railway corridor (and accompanying Right of Way) through the National Rails to Trails program.

## **MAINTENANCE:**

The Hunter Arthur JPA will maintain this project upon completion.

## **ENVIRONMENTAL IMPACTS:**

The Hunter Arthur JPA addressed environmental impacts during the Rails to Trails acquisition of the corridor. Appendix E contains documentation of this, including correspondence received from various agencies. The Hunter Arthur JPA however, will re-visit all environmental clearances and



permits as required and necessary for this TAP application. The following briefly visits each category.

**Land Use** – Since the corridor lies along an existing State Highway Right of Way (TH 18), and with the corridor acquisition during the rails to trails program, the entire project lies within the right of way formerly owned by the BNSF Railroad and now fully owned by the Hunter Arthur JPA. There should not be a change in land use in the vicinity of this project.

**Farmland** – There are not any identified or foreseen impacts to farm land on the proposed project. All construction activity would/will be contained within existing ROW.

**Social** – This Northern Cass Pass project will have a positive impact upon the neighborhoods and communities of Arthur and Hunter. This project will create a shared use path that connects the two cities, and is adjacent to both rural and suburban developments as well as near the Northern Cass Public School

**Economic** – This project will affect the area’s economy *positively* by increased tourism and use of the corridor.

**Relocation** – No people or business entity will be relocated due to this project.

**Wetlands** – No fill material will be placed in any wetlands due to this project. Efforts will be made to avoid wetlands when possible.

**Flood Plain** – The North Dakota State Water Commission has identified areas along the corridor which are designated as Zone A3. The project will coordinate with the local Floodplain Administrator during the development of this project. Appendix E includes a copy of the letter received from the North Dakota State Water Commission on this subject.

**Threatened or Endangered Species** – No threatened or endangered species were identified during the rails to trails process. Efforts will be made to continue investigating this.

**Cultural Resources** – No properties have been identified as part of the rails to trail process that would be eligible to be on the National Register of Historic Places. Efforts will continue investigating this.

**Hazardous Waste** – No hazardous wastes have been identified as part of the rails to trails process. Efforts will continue investigating this.

## SIGNATURES:

Contact Person:

\_\_\_\_\_  
Jennifer Degerness, President JPA

\_\_\_\_\_  
Date

Responsible Official:

\_\_\_\_\_  
Jason Benson, County Engineer

\_\_\_\_\_  
Date



**ATTACHMENTS:**

Appendix A contains Location of the project

Appendix B contains Detailed Cost Estimate

Appendix C contains typical cross section of shared use path

Appendix D contains Project Support Letters

Appendix E contains Rails to Trails Environmental response letters



# APPENDIX A



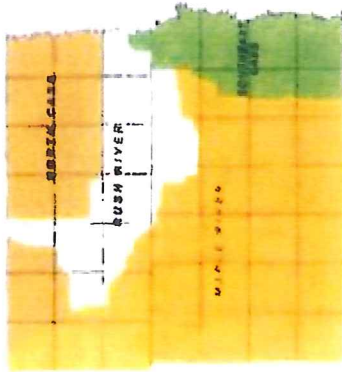
# Cass County

North Dakota

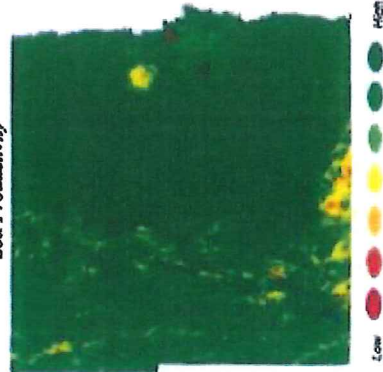
## Official Highway Map

- Interstates
- US Routes
- State
- County
- Villages
- Intrastate Exits
- City Limits
- Fargo
- West Fargo
- County Roads
- Paved
- Gravel
- Railway
- Drain/Coulee/Ditch
- Intermittent Stream
- Perennial Stream
- Lake
- Bridge

## Water Resource Districts



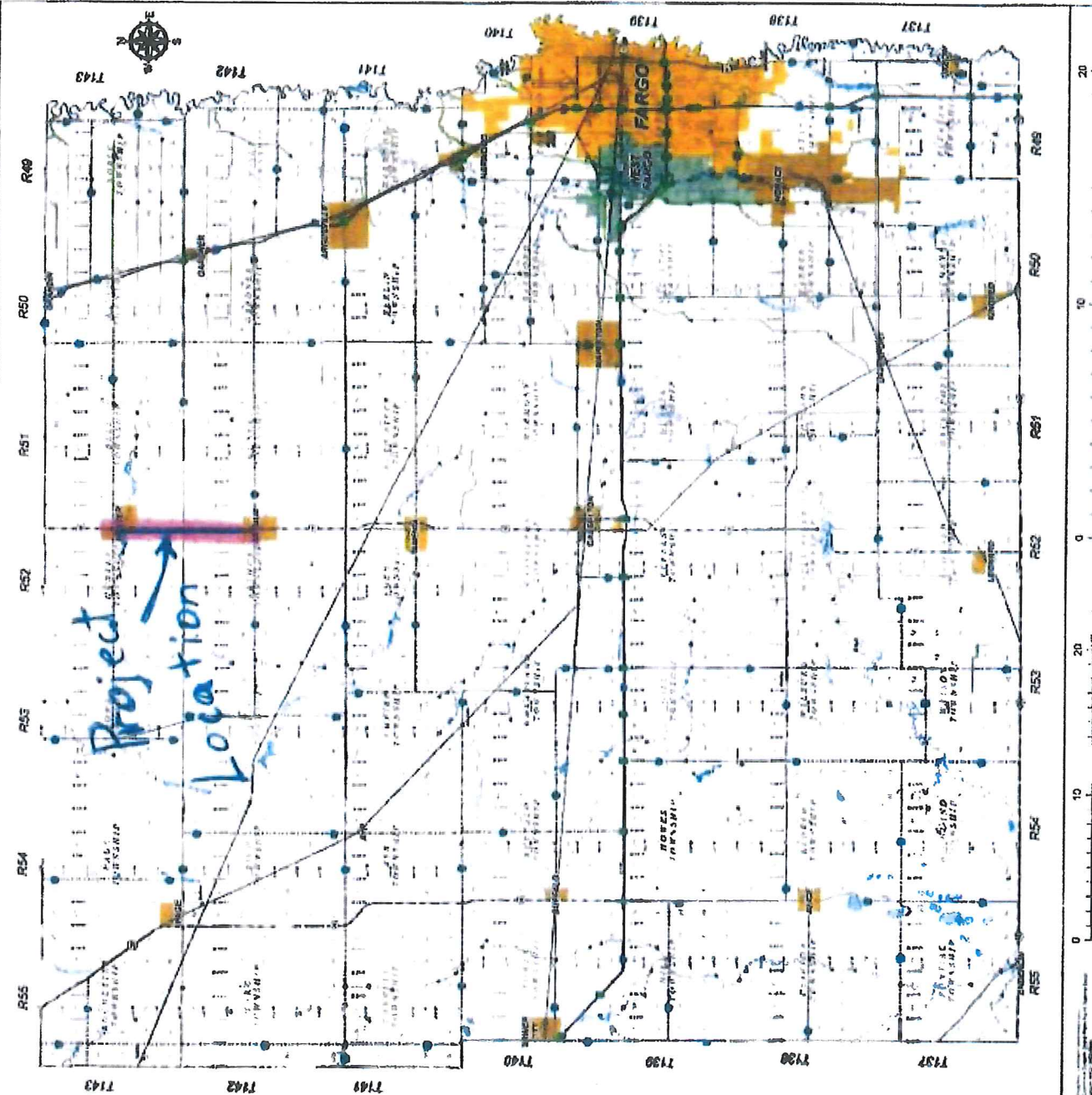
## Soil Productivity

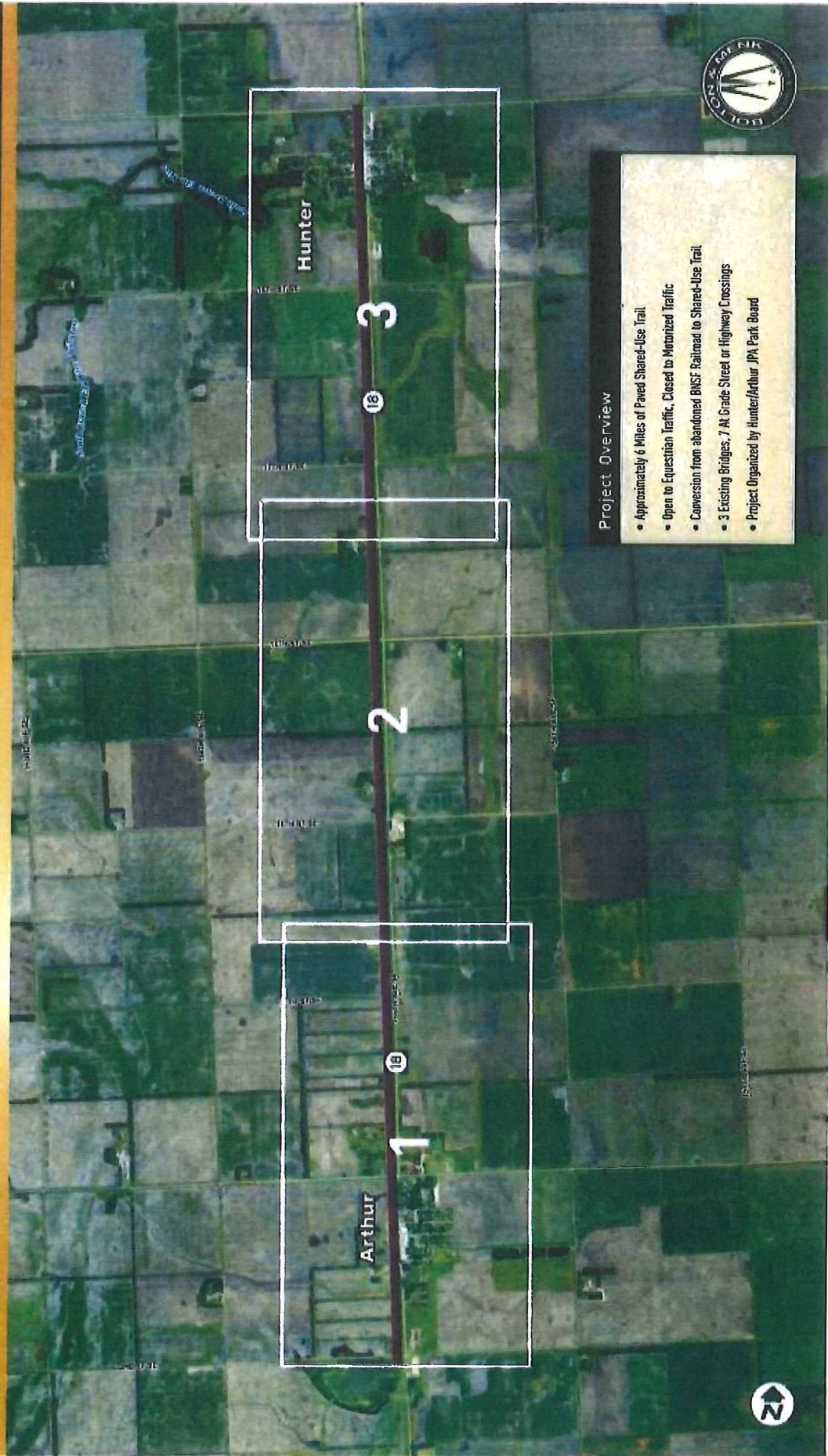


Josiah Benson  
County Engineer, P.E.  
Highway Department  
2427 Parkside, B107  
Fargo, ND 58103  
701.233.5275  
Fax: 701.233.5275  
www.nd.gov/transportation  
www.nd.gov/transportation/ndot

Cass County Map Date:  
12/11/2011  
Map Path: AGI 2011  
Map Scale: 1:25,000

CASS COUNTY  
ENGINEER  
JOSIAH BENSON



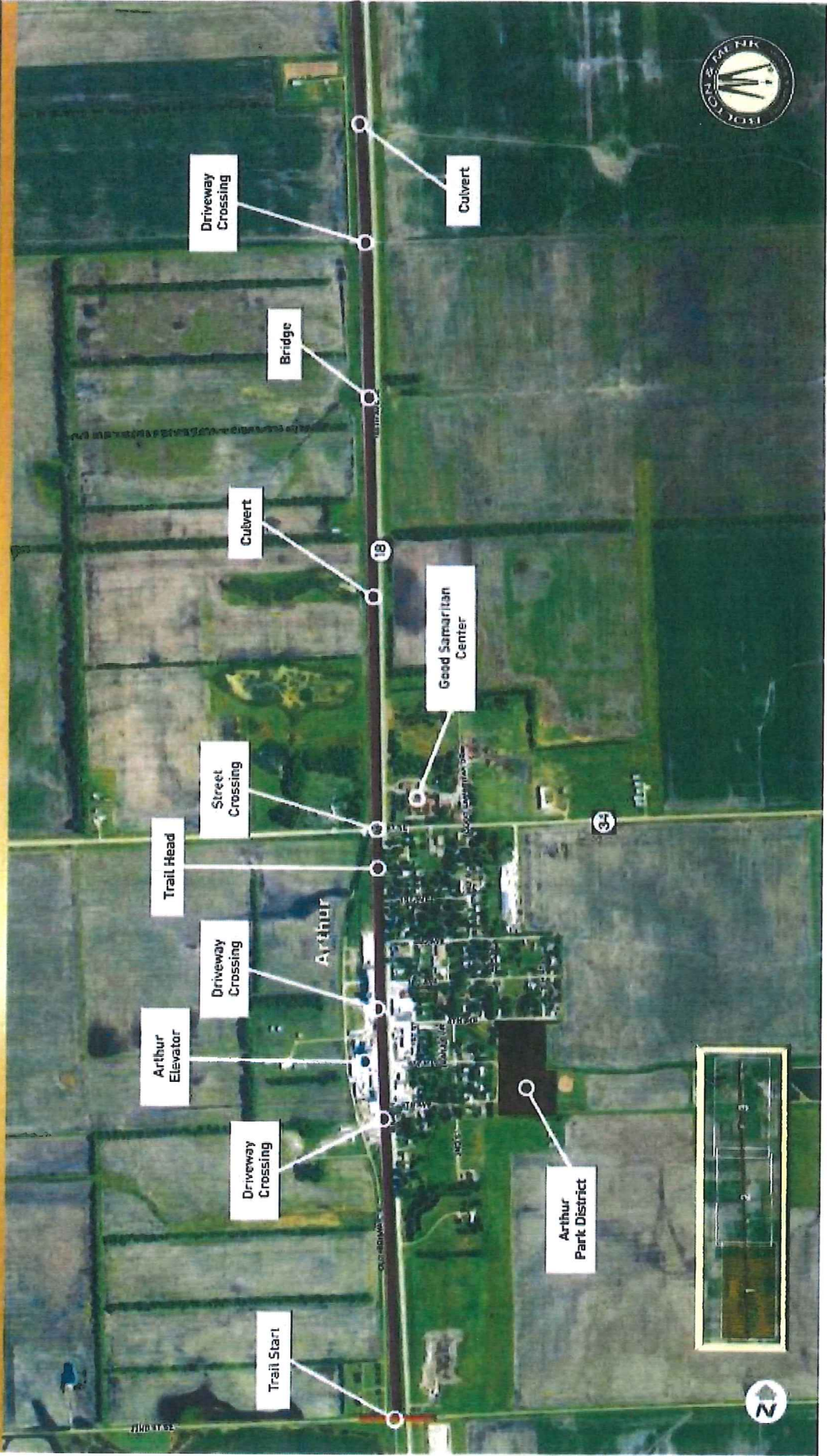


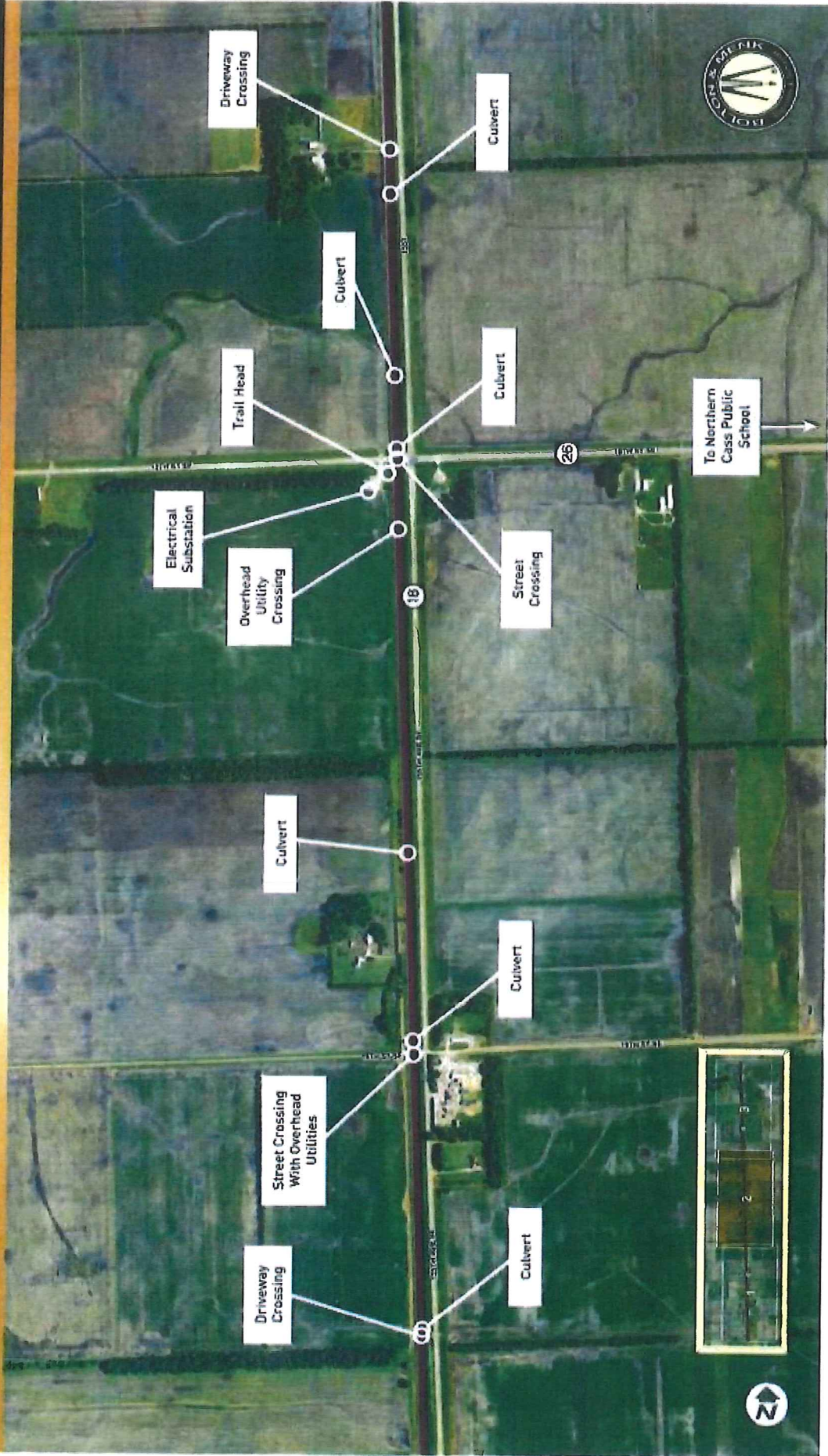
**Project Overview**

- Approximately 6 Miles of Paved Shared-Use Trail
- Open to Equestrian Traffic, Closed to Motorized Traffic
- Conversion from abandoned BNSF Railroad to Shared-Use Trail
- 3 Existing Bridges, 7 At Grade Street or Highway Crossings
- Project Organized by Hunter/Arthur JPA Park Board

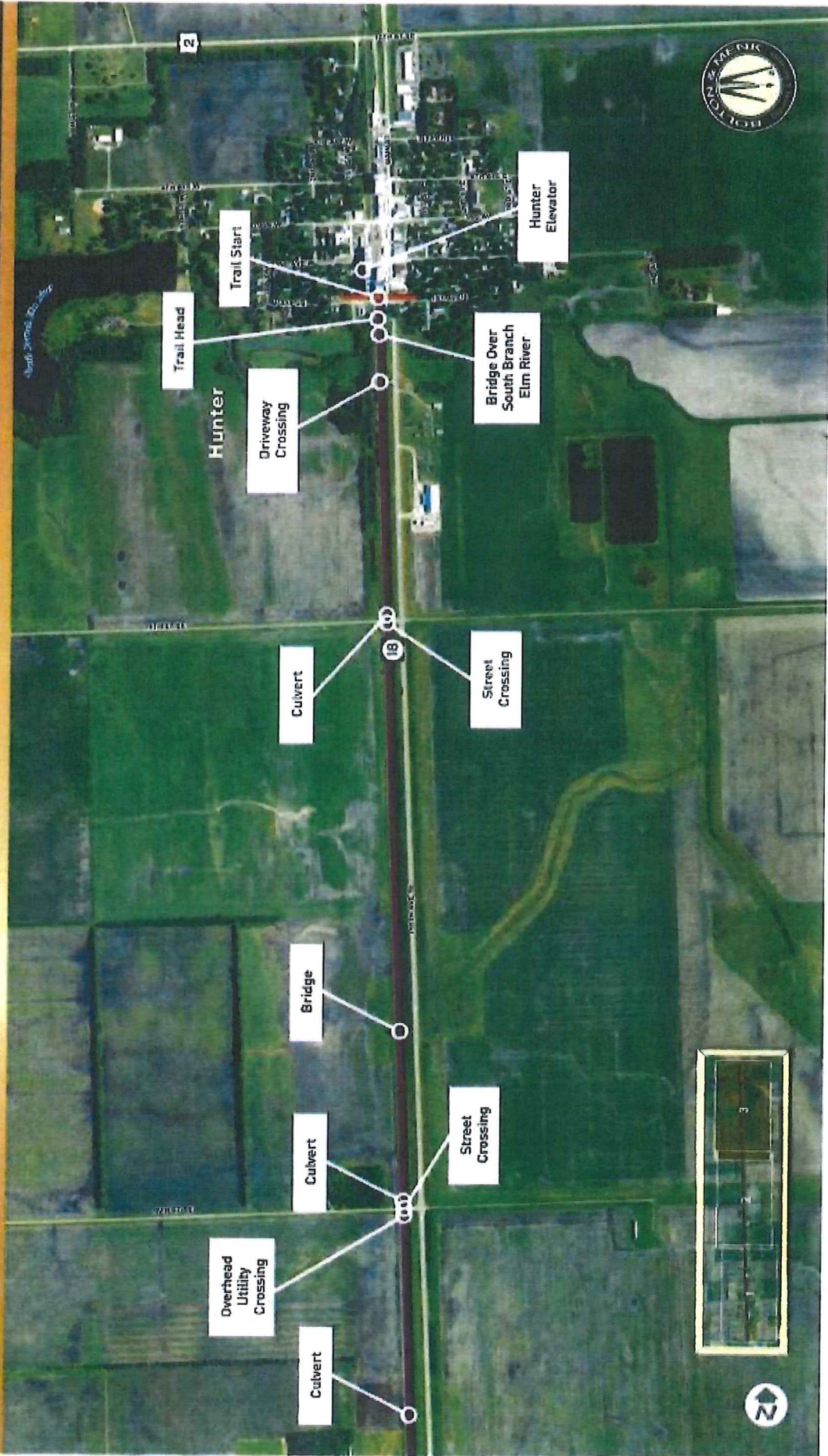
Northern Cass Pass - Section 1  
Hunter/Arthur JPA Park Board

Issues Map  
4/1/14









This document was originally issued and sealed by BARRY D. JOHNSON Registration No. PE-3676 on 05/31/2018 and the original document is stored at Bolton & Menk Inc., Fargo, N.D.



3188 41ST STREET SOUTH, SUITE 2  
FARGO, NORTH DAKOTA 58104  
Phone: (701) 585-5338  
Email: info@bolton-menk.com  
www.bolton-menk.com

**BOLTON & MENK**

Barry D. Johnson, P.E., PE-3676  
Professional Engineer License No. 1271288-2012, 4/18

HUNTER-ARTHUR JPA  
NORTHERN CROSS PASS - 2018 PAVING  
LOCATION PLAN  
STA 107+00 TO STA 161+00

DATE	SHEET
NO.	NO.
BY	BY
CHECKED	CHECKED
DATE	DATE

**G2.03**



This document was originally issued and sealed by BARRY D. JOHNSON Registration No. PE-3676 on 05/31/2018 and the original document is stored at Bolton & Menk Inc., Fargo, N.D.



3184 EAST STEEL SOUTH, SUITE 2  
 FARGO, NORTH DAKOTA 58104  
 Phone: (701) 338-3338  
 Email: info@bolton-menk.com  
 www.bolton-menk.com



HUNTER-ARTHUR JPA  
 NORTHERN CASS PASS - 2018 PAVING  
 LOCATION PLAN  
 STA 161+00 TO STA 215+00

DATE	BY	CHK	APP

PROJECT  
**G2.04**



# APPENDIX B





# BOLTON & MENK

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3168 41st Street South  
Suite 2  
Fargo, ND 58104

Ph: (701) 566-5339  
Fax: (701) 566-5348  
Bolton-Menk.com

## ***ENGINEERS ESTIMATE***

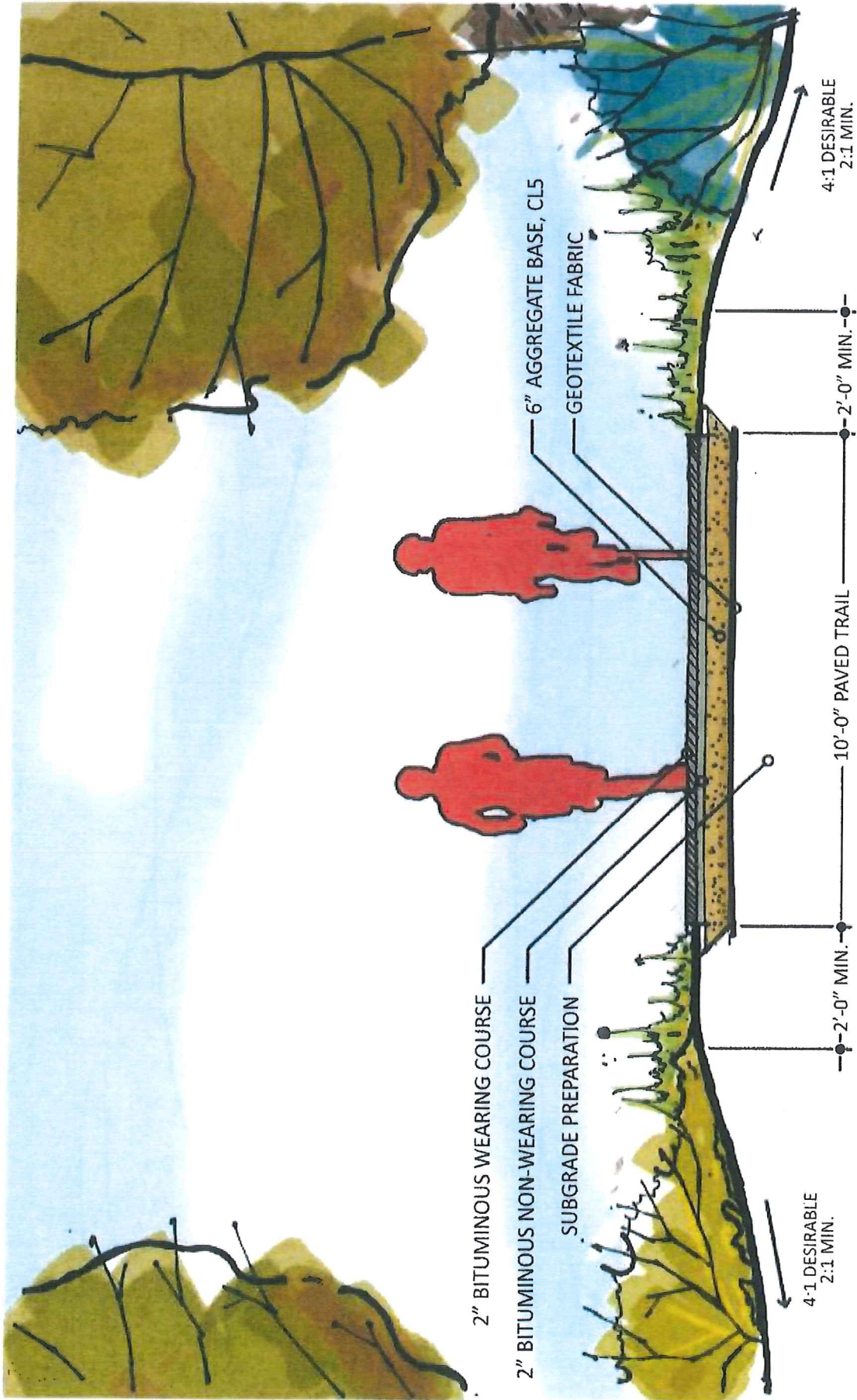
PHASE 6, NORTHERN CASS PASS

HUNTER ARTHUR JPA  
BMI PROJECT NO. D15.107878  
DATE: 11/12/2018

ITEM NO.	ITEM	UNIT	UNIT, \$	QTY	TOTAL
1	MOBILIZATION	LSUM	\$10,0500.00	1	\$ 2,500.00
2	HOT BIT PAVE, CL 29	SY	\$ 12.00	9450	\$113,400.00
3	TRAFFIC CONTROL	LSUM	\$ 1,600.00	1	\$ 1,600.00
=====					
TOTAL AMOUNT:					\$117,500.00
ENGINEERING (15%)					\$ 17,500.00
=====					
GRAND TOTAL					\$135,000.00

# APPENDIX C





# APPENDIX D





**April 4<sup>th</sup>, 2014**

**North Dakota Industrial Commission  
Outdoor Heritage Fund  
State Capitol 14<sup>th</sup> Floor  
600 E. Boulevard Ave. Dept. 405  
Bismarck, ND 58505-0840**

**RE: Outdoor Heritage Fund Grant Application**

**Northern Cass Pass**

Dear Sir/Madam:

On behalf of the Athletic Department of Northern Cass School District #97, please accept this letter in support of the Northern Cass Pass Rails to Trails project. The improvement of this corridor will be used as a valuable asset and recreational opportunity for the surrounding communities and our school district.

This trail will provide for a safe pedestrian corridor between the communities of Arthur and Hunter and will help preserve the natural environment that has been utilized and developed over the past 100 years.

Please on our behalf accept this letter as an endorsement of the Northern Cass Pass project.

Thank you.

Sincerely,

Dale Nordick, Activities Director  
Northern Cass High School District #97

---

# CITY OF HUNTER

---

P.O. BOX 56 • HUNTER, NORTH DAKOTA 58048

March 31, 2014

North Dakota Industrial Commission  
Outdoor Heritage Fund  
State Capitol 14<sup>th</sup> Floor  
600 E. Boulevard Ave. Dept. 405  
Bismarck, ND 58505-0840

RE: Outdoor Heritage Fund Grant Application  
Northern Cass Pass

Dear Sir/Madam:

On behalf of the City of Hunter, ND, please accept this letter as our support for the Northern Cass Pass Rails to Trails project. The improvement of this corridor will provide unique recreational opportunities for the citizens of Hunter and surrounding areas. Not only will the trail provide a safe pedestrian corridor between the communities of Arthur and Hunter, it will preserve the natural environment that has been developed over the past 100 years with the Railway Right of Way.

Again, please accept this letter as whole hearted endorsement of the Northern Cass Pass project.

Thank you.

Sincerely,



Mayor Ben Olson  
City of Hunter, ND

March 31, 2014

North Dakota Industrial Commission  
Outdoor Heritage Fund  
State Capitol 14<sup>th</sup> Floor  
600 E. Boulevard Ave. Dept. 405  
Bismarck, ND 58505-0840

RE: Outdoor Heritage Fund Grant Application  
Northern Cass Pass

Dear Sir/Madam:

On behalf of the City of Hunter, ND, please accept this letter as our support for the Northern Cass Pass Rails to Trails project. The improvement of this corridor will provide unique recreational opportunities for the citizens of Hunter and surrounding areas. Not only will the trail provide a safe pedestrian corridor between the communities of Arthur and Hunter, it will preserve the natural environment that has been developed over the past 100 years with the Railway Right of Way.

Again, please accept this letter as whole hearted endorsement of the Northern Cass Pass project.

Thank you.

Sincerely,

Mayor Ben Olson  
City of Hunter, ND



# APPENDIX E





**STATE  
HISTORICAL  
SOCIETY  
OF NORTH DAKOTA**

Jack Dallynple  
Governor of North Dakota

North Dakota  
State Historical Board

Gerald Gerntholz  
Valley City - President

Calvin Grinnell  
New Town - Vice President

A. Ruric Todd III  
Jamestown - Secretary

Albert I. Berger  
Grand Forks

Richard Kloubeck  
Fargo

Diane K. Larson  
Bismarck

Chester E. Nelson, Jr.  
Bismarck

Sim Otte Coleman  
Director  
Tourism Division

Kelly Schmidt  
State Treasurer

Alvin A. Jaeger  
Secretary of State

Mark Zimmermann  
Director  
Parks and Recreation  
Department

Francis Ziegler  
Director  
Department of Transportation

Merlan E. Paaverud, Jr.  
Director

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American Association  
of Museums since 1986

August 25, 2011

Mr. John A Sims CP  
BNSF Railway Company  
2500 Lou Menk Drive - AOB-3  
Fort Worth TX 76131-2828

ND SHPO Ref.:11-2496 STB Docket No. AB-6 (Sub No. 478X) BNSF  
Railway Company Abandonment Exemption Hunter to Arthur, MP 75.50 to  
68.10 in portions of [T143N R52W Sections 13, 14, 23-26, 35, 36 and T142N  
R52W Sections 1, 2, 11-14, 23-26] Cass County, North Dakota

Dear Mr. Sims,

We received ND SHPO Ref.:11-2496 STB Docket No. AB-6 (Sub No. 478X)  
BNSF Railway Company Abandonment Exemption Hunter to Arthur, MP  
75.50 to 68.10 in portions of [T143N R52W Sections 13, 14, 23-26, 35, 36 and  
T142N R52W Sections 1, 2, 11-14, 23-26] Cass County, North Dakota. We do  
not know of any structures eligible for listing in the National Register of Historic  
Places along this segment.

Thank you for the opportunity to review this action to date. We look forward to  
review of the historic report on this action. Please include the ND SHPO  
Reference number listed above in further correspondence for this specific  
project. If you have any questions please contact Susan Quinnell at (701) 328-  
3576, or squinnell@nd.gov.

Sincerely,

Merlan E. Paaverud, Jr.  
State Historic Preservation Officer  
(North Dakota)  
and

Director, State Historical Society of North Dakota



## North Dakota State Water Commission

900 EAST BOULEVARD AVENUE DEPT 770 • BISMARCK, NORTH DAKOTA 58505 0850  
701 328 2750 • TOLL 701-328-2750 • FAX 701 328 3898 • INTERNET <http://www.nd.gov>

September 23, 2011

John Sims  
BNSF Railway  
2500 Lou Menk Drive - AOB 3  
Fort Worth, TX 76131-2828

Dear Mr. Sims:

This is in response to your request for review of environmental impacts associated with the STB Docket No. AB-6 (Sub-No 478X) BNSF Railway Company, Abandonment Exemption - Cass County ND.

The proposed project has been reviewed by State Water Commission staff and the following comments are provided.

- The property is not located in an identified floodplain and it is believed the project will not affect an identified floodplain.
- It is the responsibility of the project sponsor to ensure that local, state and federal agencies are contacted for any required approvals, permits, and easements.
- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.
- No sole-source aquifers have been designated in ND.

There are no other concerns associated with this project that affect State Water Commission or State Engineer regulatory responsibilities.

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 328-4969.

Sincerely,

Larry Knudson  
Research Analyst

LJK:dp/1570

United States Department of Agriculture



Natural Resources Conservation Service  
P O Box 1458  
Bismarck, ND 58502-1458

---

August 30, 2011

John A. Sims  
BNSF Railway Company  
2500 Lou Menk Drive - AOB-3  
Fort Worth, Texas 76131-2828

RE: STB Docket No. AB-6 (Sub-No. 478X) BNSF Railway Company  
Abandonment Exemption - in Cass County, North Dakota

Dear Mr. Sims:

The Natural Resources Conservation Service (NRCS) has reviewed your letter dated August 18, 2011, regarding abandoning 7.40 miles of rail line in Cass County, North Dakota.

NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., prime, statewide, and local importance) to non-agricultural use when federal funding is used. Your proposed project appears to be within the existing railroad right-of-way; therefore, FPPA has previously been addressed and no further action is required.

If you have additional questions pertaining to FPPA, please contact Steve Sieler, State Soil Liaison, at (701) 530-2019.

Sincerely,

  
JEROME M. SCHIAR  
State Soil Scientist/MO 7 Leader

*Helping People Help the Land*

An Equal Opportunity Provider and Employer





**Highway  
Department**

Leon Benson  
Commissioner

Richard N. Stutz  
Superintendent

Thomas P. Solberg, P.E.  
Planning and Construction  
Manager

September 9, 2011

John A. Sims, CP  
BNSF Railway Company  
2500 Lou Menk Drive AOB-3  
Fort Worth, Texas 76131-2828

**SUBJECT: STB Docket No. AB-6 (Sub-No. 478X) BNSF Railway  
Company - Abandonment Exemption - in Cass County, North Dakota**

Dear Mr. Sims:

In response to the above referenced letter from your office dated August 18, 2011 the proposed abandonment is consistent with the adopted 2005 Cass County Comprehensive Plan. I would however note that in discussions with the North Dakota Department of Transportation (ND DOT) Fargo District Office Engineer, Mr. Bob Walton, it was brought up that the State Highway adjacent to this proposed abandonment does not have adequate right of way to accommodate proper drainage. Therefore I would recommend that discussions with the ND DOT take place prior to the abandonment process.

Furthermore, in consequence of this letter, I have been contacted by a local group that is interested in options that may exist for developing this rail line into a trail. They are in the process of researching these options and would like that to be known at this time.

Thank you for the opportunity to comment. If you have any further questions please feel free to contact me at 701-298-2375 or [solbergt@casscountynd.gov](mailto:solbergt@casscountynd.gov).

Sincerely,

Tim Solberg  
Cass County Planner

1201 Main Avenue West  
West Fargo, North Dakota  
58078-1301

701-298-2370  
Fax 701-298-2305

cc: Ole Anderson, Arthur Park Board; Jason Benson, Cass County Engineer; Bob Walton, ND DOT Fargo District Engineer

201404



# North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850  
701-328-2750 • TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: <http://swc.nd.gov>

May 7, 2014

Kevin Stankiewicz  
ND Parks and Rec  
INSIDE MAIL

Dear Mr. Stankiewicz:

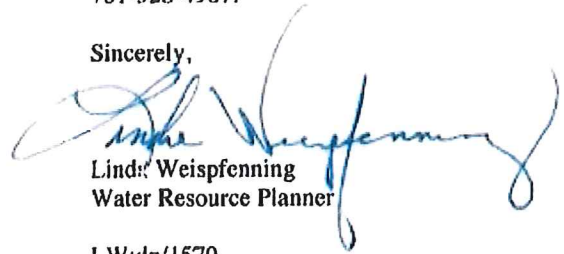
This is in response to your request for review of environmental impacts associated with the Northern Cass Pass Rails to Trails, new trail on abandoned railroad line. The location of the project is Township: 142, Range: 52, Section: 24, in Cass County.

The proposed project has been reviewed by State Water Commission staff and the following comments are provided:

- There are floodplains identified and/or mapped where this proposed project is to take place. The areas are designated as a Zone A3. North Dakota has no formal "permitting" authority as a state entity in the National Flood Insurance Program (NFIP) identified floodplain areas. The permitting is always done by the local entity, which has jurisdiction in the area in question. Please work closely with the City Floodplain Administrator. The Floodplain Administrator is: Tracy Bender; PO 56; Hunter, ND 58048; 701-306-0289. The NFIP map used to make this determination is Cass County, Panel 38018100A, Date 12/4/1979.
- It is the responsibility of the project sponsor to ensure that local, state and federal agencies are contacted for any required approvals, permits, and easements.
- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.
- No sole-source aquifers have been designated in ND.

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 701-328-4967.

Sincerely,



Linda Weispfenning  
Water Resource Planner

LW:dp/1570