

#EO-2296
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**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

**FINAL
ENVIRONMENTAL ASSESSMENT**

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 414 (SUB-NO. 8X)

August 5, 2014

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

() Notice of Exemption (X) Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

In this proceeding, the Iowa Interstate Railroad, Ltd. (IAIS) filed a petition under 49 U.S.C. § 10502 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon approximately 10.75 miles of rail line in Polk and Jasper Counties, Iowa (the Prairie City segment), and two connecting segments of rail line that were approved for abandonment and salvaged, but never consummated. The Otley segment is approximately 11.5 miles in Marion and Jasper Counties, Iowa, and the Pella segment is approximately 8.7 miles in Marion County, Iowa.¹

The Office of Environmental Analysis (OEA) served an Environmental Assessment (EA) for this proceeding on July 1, 2014 for public review and comment. In the EA, OEA recommended three environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

New Comments

OEA received two comments, both from the State Historical Society of Iowa (State Historic Preservation Office or SHPO), during the 30-day comment period. In an email dated May 8, 2014, the SHPO commented that the bridge and track structures did not meet any of the eligibility criteria for listing on the National Register of Historic Places (National Register), but could not comment on whether any archaeological resources would be affected as a result of the proposed abandonment. The SHPO recommended contacting the Office of the State Archaeologist at the University of Iowa for further assistance in this matter. IAIS subsequently initiated this process and on July 31, 2014, received notice from the SHPO indicating that the area adjacent to the railroad right-of-way (also referred to as the area of potential effects or APE) contains two previously recorded former historic period farmsteads. The SHPO indicates that although these two resources have not been fully evaluated for potential National Register

¹ In this proceeding, OEA limited the scope of its environmental review to the abandonment and salvage of the Prairie City segment only.

eligibility, they are located outside the railroad right-of-way or APA and would not be affected by salvage operations.

Therefore, pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, the EA and this Final EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

The following conditions should be imposed upon any decision granting abandonment authority:

1. The Iowa Interstate Railroad, Ltd. (IAIS) shall consult with the Iowa Department of Natural Resources (IDNR) prior to initiating salvage operations to determine what, if any, approvals or permits may be needed to: protect any rare species or significant natural communities and streams and other flowing waterbodies, and provide best management practices. If approvals or permits are needed, IAIS shall comply with the reasonable requirements of IDNR.
2. IAIS shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

OEA concludes that if the above conditions are imposed, the proposed action would not significantly affect the quality of the human environment.

Attachments

OEA CONTACT:

Diana Wood

202-245-0302

woodd@stb.dot.gov

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#E1-20493



RE: 140300044 Iowa Interstate Railroad, LTD. STB Docket NO. AB-414 (SUB 8X)
Abandonment of line between MP 145.75 to 135

Jones, Doug [DCA]

to:

tlitwiler@fletcher-sippel.com

07/31/2014 09:39 AM

Cc:

"Gourley, Kathy [DCA]", "Christian, Ralph [DCA]", "King, Steve [DCA]",

"Diana.Wood@stb.dot.gov", "Jones, Doug [DCA]", SHPO106

Hide Details

From: "Jones, Doug [DCA]" <Doug.Jones@iowa.gov> Sort List...

To: "tlitwiler@fletcher-sippel.com" <tlitwiler@fletcher-sippel.com>

Cc: "Gourley, Kathy [DCA]" <Kathy.Gourley@iowa.gov>, "Christian, Ralph [DCA]" <Ralph.Christian@iowa.gov>, "King, Steve [DCA]" <Steven.King@iowa.gov>, "Diana.Wood@stb.dot.gov" <Diana.Wood@stb.dot.gov>, "Jones, Doug [DCA]" <Doug.Jones@iowa.gov>, SHPO106 <SHPO106@iowa.gov>

July 31, 2014

Mr. Litwiler,

We have received and reviewed the additional information that you recently provided to our office regarding the above referenced undertaking. We understand that this project will be a federal undertaking for the Surface Transportation Board (STB) and will need to comply with Section 106 of the National Historic Preservation Act and the National Environmental Policy Act. We make the following comments and recommendations based on our examination of this material and in accordance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations, 36 CFR Part 800 (revised, effective August 5, 2004); the Advisory Council on Historic Preservation's Policy Statement on Affordable Housing and Historic Preservation (adopted November 9, 2006); and on The Advisory Council on Historic Preservation recently issued guidance in November 2011 on *Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review*.

Based on your information, it appears that two previously recorded archaeological sites are located immediately adjacent to the proposed Area of Potential Effect, 13JP120 and 13MA490. Both of these archaeological sites are former historic period farmsteads neither of which has been fully evaluated for their potential eligibility for listing on the National Register of Historic Places. Since these two sites are adjacent to the Area of Potential Effect, it is our opinion that this undertaking will not affect either one

of these archaeological sites. Therefore, our office would concur with an agency's (STB) determination of No Historic Properties Affected by this undertaking if that determination was provided by the federal agency. Please forward a copy of the agency's letter of determination to our office upon its publication so that we can issue our formal concurrence and conclude our consultation on this project.

Please reference the Review and Compliance Number provided above in all future submitted correspondence to our office for this project. We look forward to further consulting with you and the Surface Transportation Board on this project. If design changes are made for this project which would involve undisturbed new rights-of-way or easements, please forward additional information to our office for further comment along with the Agency Official's determination of effect.

We have provided this **technical assistance** according to our responsibility defined by Federal law. It remains the responsible **Federal agency's decision** on how you will proceed from this point for this project.

This is the official SHPO comment letter for the above-referenced project, provided in accordance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations, 36 CFR Part 800 (revised, effective August 5, 2004). Please note that you will not receive a hard copy of this letter by mail. There is no need to reply to this email unless you have specific questions. If you have any further questions, please feel free to contact me.

Douglas W. Jones, Archaeologist and
Review and Compliance Program Manager
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E1-20466

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June 25, 2014

VIA ELECTRONIC FILING

Ms. Diana F. Wood
Office of Environmental Analysis
Surface Transportation Board
395 E Street, S.W., Room 1110
Washington, DC 20423-0001

Re: **Docket No. AB-414 (Sub-No. 8X)**
Iowa Interstate Railroad, Ltd. -- Abandonment
Exemption -- In Polk, Jasper and Marion Counties, IA

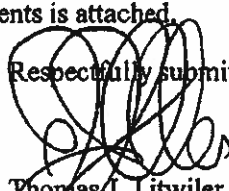
Dear Ms. Wood:

On May 2, 2014, Iowa Interstate Railroad, Ltd. ("IAIS") filed a petition for exemption in the above-captioned proceeding to abandon a 10.75-mile rail line in central Iowa known as the Prairie City Segment. In e-mail correspondence dated May 8, 2014, the State Historical Society of Iowa, acting as the state historic preservation officer ("SHPO"), indicated that the Prairie City Segment and the single bridge on that line do not meet the eligibility criteria for listing on the National Register of Historic Places.

The SHPO also encouraged an archaeological site background check through the Office of the State Archaeologist at the University of Iowa. While IAIS does not believe, given the nature of planned salvage activities and the prior disturbance of the right-of-way when the line was constructed, that such an undertaking is necessary or warranted, IAIS has initiated the requested process under cover of the attached letter.

A copy of the SHPO's comments is attached.

Respectfully submitted,


Thomas J. Litwiler
Attorney for Iowa Interstate Railroad, Ltd.

TJL:tl

Attachments

cc: Mr. Douglas W. Jones, State Historical Society of Iowa

Thomas J. Litwiler

From: Jones, Doug [DCA] <Doug.Jones@iowa.gov>
Sent: Thursday, May 08, 2014 12:58 PM
To: Thomas J. Litwiler
Cc: Gourley, Kathy [DCA]; Christian, Ralph [DCA]; King, Steve [DCA];
Diana.Wood@stb.dot.gov; Jones, Doug [DCA]
Subject: RE: 140300044 Iowa Interstate Railroad, LTD. STB Docket NO. AB-414 (SUB 8X)
Abandonment of line between MP 145.75 to 135

May 8, 2014

Mr. Litwiler,

We have received and reviewed the additional information that you provided to our office recently regarding the above referenced undertaking. We understand that this project will be a federal undertaking for the Surface Transportation Board (STB) and will need to comply with Section 106 of the National Historic Preservation Act and the National Environmental Policy Act. We make the following comments and recommendations based on our examination of this material and in accordance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations, 36 CFR Part 800 (revised, effective August 5, 2004); the Advisory Council on Historic Preservation's Policy Statement on Affordable Housing and Historic Preservation (adopted November 9, 2006); and on The Advisory Council on Historic Preservation recently issued guidance in November 2011 on *Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review*.

Based on your information, it is our opinion that this section of track and the bridge do not meet any of the eligibility criteria for listing on the National Register of Historic Places. We note that an archaeological site background check was not included with your documentation. We have no comments at this time whether there appears to be any potential that the undertaking will encounter or adversely impact archaeological properties that may be eligible for listing in the National Register of Historic Places as no information was provided in your documentation. We would like to refer you and the STB to the Advisory Council on Historic Preservation's recently issued guidance in November 2011 on *Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review* for guidance on what types of information should be included in the documentation provided for consultation under Section 106 of the National Historic Preservation Act. We would encourage you to contact the Office of the State Archaeologist at the University of Iowa to get an archaeological site background check conducted for your undertaking. We look forward to consulting with the federal agency when they provide us with a determination of effect to our office and all other potential consulting parties for consultation under Section 106 of the National Historic Preservation Act.

Please reference the Review and Compliance Number provided above in all future submitted correspondence to our office for this project. We look forward to further consulting with you and the Surface Transportation Board on this project.

We have provided this **technical assistance** according to our responsibility defined by Federal law. It remains the **Federal agency's decision** on how you will proceed from this point for this project.

Douglas W. Jones, Archaeologist and
Review and Compliance Program Manager

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June 25, 2014

VIA ELECTRONIC AND U.S. MAIL

Ms. Colleen Eck
Site Records Manager
Office of the State Archaeologist
University of Iowa
700 Clinton Street Building
Iowa City, IA 52242-1030

Re: Docket No. AB-414 (Sub-No. 8X)
Iowa Interstate Railroad, Ltd. -- Abandonment
Exemption -- In Polk, Jasper and Marion Counties, IA

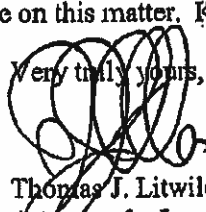
Dear Ms. Eck:

Enclosed please find a Request for Iowa Site File Search regarding an Iowa Interstate Railroad, Ltd. (formerly Chicago, Rock Island & Pacific) railroad right-of-way extending from just west of Center Avenue S/NE 116th Street (County Road S27), south of Mitchellville, Polk County, Iowa, to a point northwest of the intersections of Highways 163 and P62 W, southeast of Prairie City, Jasper County, Iowa.

The railroad is unaware of any previously recorded resources within the railroad right-of-way (the area of potential effect). As shown on the second enclosure, the railroad does not intend any excavation or digging as part of this abandonment and will simply remove the rails and leave the underlying roadbed in place.

Thank you for your assistance on this matter. Kind regards.

Very truly yours,


Thomas J. Litwiler
Attorney for Iowa Interstate Railroad, Ltd.

TJL:tl

Enclosures

cc: Mr. Douglas W. Jones, State Historical Society of Iowa