

216007

SIDNEY STRICKLAND AND ASSOCIATES, PLLC

3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-295-4024
FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM



March 16, 2006

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

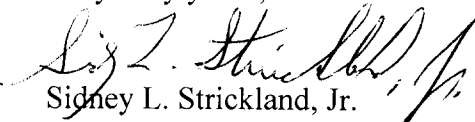
**Re: STB Docket No. AB-6 (Sub. No. 437X) BNSF Railway Company—
Abandonment Exemption – in Polk County, IA**

Dear Secretary Williams:

Enclosed please find an original and 10 copies of Verified Notice of Exemption under 49 C.F.R. 1152.50 for filing with the Board in the above-referenced matter.

Also enclosed is a check in the amount of \$3,000.00 for the filing fee.

Very truly yours,


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

ENTERED
Office of Proceedings
MAR 17 2006
Part of
Public Record

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TRANSPORTATION BOARD

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BEFORE THE
SURFACE TRANSPORTATION BOARD



BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN POLK COUNTY, IA

DOCKET NO. AB-6
(SUB. NO. 437X)

VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1152.50

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

ENTERED
Office of Proceedings

MAR 17 2006

Part of
Public Record

By: SIDNEY L. STRICKLAND, JR
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N.W.,
Suite 101
Washington, DC 20007
(202) 295-4024

Attorney for BNSF Railway Company

DATE FILED: March 16, 2006

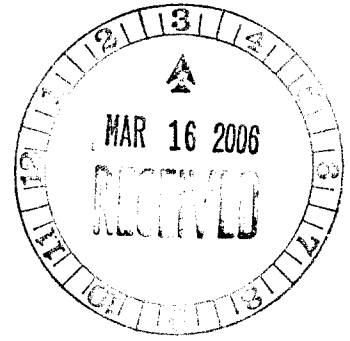
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MAR 16 2006

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD



BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN POLK COUNTY, IA

DOCKET NO. AB-6
(SUB-NO. 437X)

VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1152.50

BNSF RAILWAY COMPANY (BNSF) ("Applicant") files this Verified Notice of Exemption under 49 C.F.R. 1152 Subpart F- Exempt Abandonments (49 C.F.R. 1152.50) for BNSF to abandon 0.89 miles of rail line that extends between BNSF Station 0 + 00 and Station 47 + 00 near Glake, in Polk County, Iowa (the "Line").

The Line is depicted in a map that is attached to this Notice as Appendix 1.

Responses to 49 C.F.R. § 1152.50(d)(2):

I. *Proposed consummation date for the abandonment.*

The proposed consummation date of this abandonment will be at least 50 days from the filing date of March 16, 2006, which is May 5, 2006.

II. *Certification required in 49 C.F.R. § 1152.50(b)*

The required certification is attached hereto as Appendix 2.

III. *Information required by 49 C.F.R. § 1152.22(a)(1-4), (7) and (8) and (e)(4).*

(a) General

(1) Exact name of Applicant.

BNSF Railway Company (BNSF).

- (2) *Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.*

Applicant is a common carrier by railroad subject to 49 U.S.C.
Subtitle IV, Chapter 105.

- (3) *Relief sought (abandonment of line or discontinuance of service).*

BNSF seeks to use the class exemption from Surface
Transportation Board approval authorizing the abandonment of the
Polk County, Iowa, Line specified above.

- (4) *Detailed map of the subject line.*

See Appendix 1.

- (7) *Name, title and address of representative of applicant to whom correspondence should be sent:*

Sidney L. Strickland, Jr.
Sidney Strickland and
Associates, PLLC
3050 K Street, N.W.
Suite 101
Washington, DC 20007
(202) 295-4024

Attorney for BNSF

- (8) *List of all United States Postal Service ZIP Codes that the line traverses.*

The Line traverses United States Postal Service Zip Code
50317.

- (e)(4) *Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation. If the applicant is aware of any restriction on the title to the property, including any*

reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The properties of the proposed abandonment appear to be appropriate for other public purposes. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. *Level of Labor Protection.*

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions set forth in *Oregon Short Line RR Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

V. *Certification that Applicants have complied with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11.*

The required certifications are set forth in Appendix 3 to this Notice of Exemption.

VI. *Environmental and Historic Reports.*

A combined Environmental and Historic Report is attached to this Notice of Exemption as Appendix 4.

Respectfully submitted,

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Forth Worth, TX 76161-0057



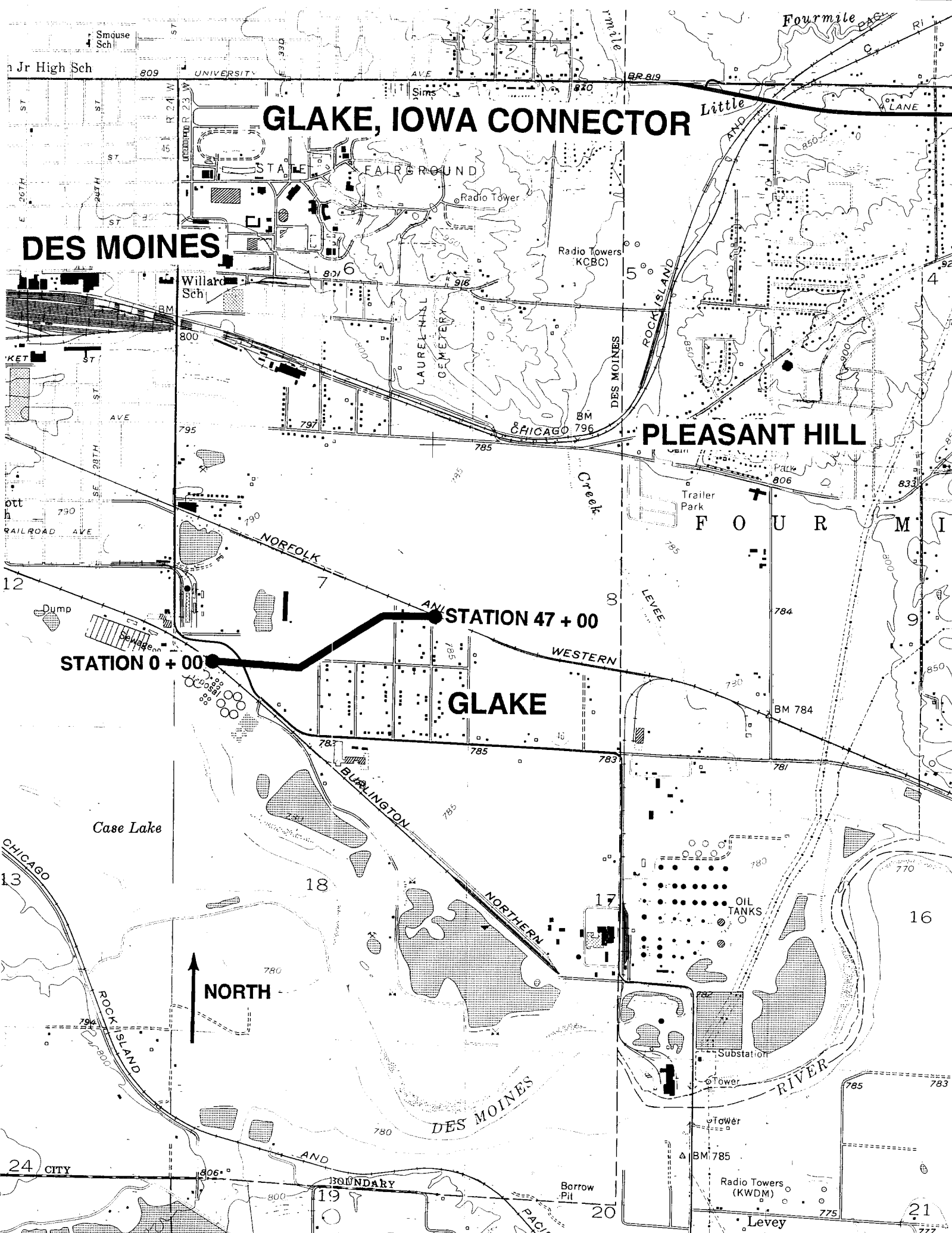
By: SIDNEY L. STRICKLAND, JR
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N.W.,
Suite 101
Washington, DC 20007
(202) 295-4024

Attorney for BNSF Railway Company

DATE FILED: March 16, 2006

APPENDIX 1

Detailed Map of the Line



GLAKE, IOWA CONNECTOR

DES MOINES

PLEASANT HILL

GLAKE

STATION 0 + 00

STATION 47 + 00

NORTH

Case Lake

Substation

Tower

Radio Towers (KWDM)

Levee

Borrow Pit

BOUNDARY

Jr High Sch

Smouse Sch

UNIVERSITY

FAIR GROUND

Radio Tower

Radio Towers (KCBC)

LAUREL HILL CEMETERY

CHICAGO

Creek

Trailer Park

Park

FOUR M I

WESTERN

BURLINGTON

NORTHERN

DES MOINES

CHICAGO

ROCK ISLAND

24 CITY

19

20

21

777

APPENDIX 2

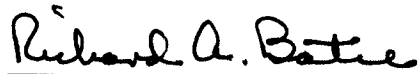
Certifications Required in 49 C.F.R. § 1152.50(b)

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

I, Richard A. Batie, being duly sworn depose and state that I am as Manager, Network Development in the Network Development department of the BNSF Railway Company ("BNSF"), that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

In accordance with 49 C.F.R. § 1152.50(b), I hereby certify that, with respect to the line which is the subject of the Notice of Exemption filed in Docket No. AB-6 (Sub-No. 437X), no local traffic has moved on the line for at least two (2) years prior to the date hereof. Also, the overhead traffic handled on the line will be rerouted. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned



Richard A. Batie
Manager, Network Development

Subscribed and sworn to
before me the 9 day of March, 2006.




Notary Public

APPENDIX 3

*Certification that Applicants Have Complied with the Notice
Requirements of 49 C.F.R. 1152.50(d)(1) and 1105.11*

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-6 (Sub. No. 437X) was mailed via first class mail on March 6, 2006 to the following parties:

Iowa Utilities Board
350 Maple Street
Des Moines, IA 50319-0069

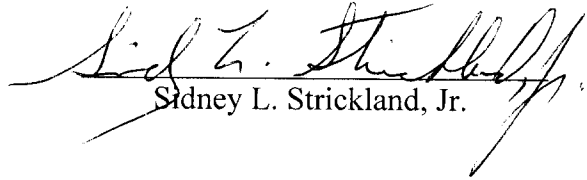
Military Traffic Management Control
Attn: Railroads for National Defense
720 Thimble Shoals Boulevard, #130
Newport News, VA 23606-2574

U.S. Department of the Interior
National Park Service
Recreational Resources Assistance Division
1849 C Street, NW
Washington D.C. 20240-0001

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Yates Building
201 14th Street, SW
Washington, D.C. 20250

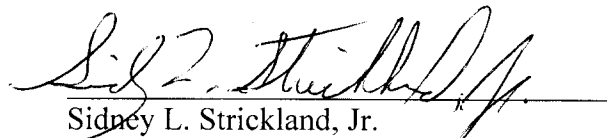
Iowa Department of Transportation
Office of Rail Transportation
800 Lincoln Way
Ames, IA 50010

Dated: March 16, 2006


Sidney L. Strickland, Jr.

CERTIFICATION OF COMPLIANCE WITH THE
NEWSPAPER PUBLICATION REQUIREMENTS
OF SECTION 49 C.F.R. § 1105.12

The undersigned certifies that a "Notice of Intent to Abandon Rail Service" was published in the form prescribed by the Board for out of service abandonment exemptions. The notice was published one time in the following newspaper of general circulation in Polk County, Iowa. Publication of notice was accomplished on March 8, 2006, in The Des Moines Register. A photocopy of the newspaper publication as printed is attached.

A handwritten signature in dark ink, appearing to read "Sid L. Strickland, Jr.", written over a horizontal line.

Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K Street, NW
Suite 101
Washington, DC 2007
Phone: (202) 295-4024
Fax: (202) 672-5499

The Des Moines Register

FAX COVER PAGE

DATE:	03/15/06
TO:	Carlton Curry
COMPANY NAME:	Sidney Strickland and Associates
FAX NUMBER:	202-672-5399
SENT BY:	Terri Hommer
SENDERS TELEPHONE NUMBER:	515-284-8378
TOTAL PAGES SENT: (including cover page)	2
COMMENTS:	



Mailing Address ▪ P.O. Box 957 ▪ Des Moines, Iowa 50304
Street Address ▪ 715 Locust Street ▪ Des Moines, Iowa 50309
(515) 284-8000
(515) 284-8558 - fax for 5th Floor Offices

The Des Moines Register

DesMoinesRegister.com

AFFIDAVIT OF PUBLICATION

COPY OF ADVERTISEMENT Exhibit "A"

RB10. NOTICE OF INTENT TO ABANDON RAIL SERVICE

BNSF RAILWAY COMPANY (BNSF) gives notice that on or about March 15, 2006, it intends to file with the Surface Transportation Board (the "Board"), Washington, DC, a notice of exemption under 49 C.F.R. 1152. Subpart F--Exempt Abandonments permitting the abandonment of the 0.89 miles of railroad line between BNSF Station 9 + 00 and Station 47 + 00 near Glake, in Polk County, Iowa. The rail line traverses through United States Postal Service Zip Code 50317. The proceeding will be docketed as STB Docket No. AB-6 (Sub. No. 437X).

The Board's Section of Environmental Analysis will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 (See 49 C.F.R. 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 C.F.R. 1104.12(d)). Questions regarding offers of financial assistance, public use, or trails use may be directed to the Board's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Sidney Strickland, Sidney Strickland and Associates, P.L.L.C., 3050 K Street, Suite 101, Washington, DC, 20007-5108.

STATE OF IOWA

SS

COUNTY OF POLK

The undersigned, being first duly sworn on oath, states that she/he is the

Accounting Specialist Jerrin Honimes

of The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

THE DES MOINES REGISTER (Daily)

DES MOINES SUNDAY REGISTER

newspapers of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made a part of this affidavit, was printed and published in The Des Moines Register (daily) on the following dates

3-8-06

Subscribed and sworn to before me by said affiant this _____ day of _____

Notary Public in and for Polk County, Iowa

CERTIFICATION PURSUANT TO 49 C.F.R. 1105.7(C) AND 8(C)

BNSF Railway Company ("BNSF"), by and through its authorized representative, Sidney L. Strickland, Jr., certifies that on February 23, 2006, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

Richard Van Klaveren
State Conservationist
Natural Resource Conservation Service
210 Walnut Street
693 Federal Building
Des Moines, IA 50309-2180

Douglas W. Jones, Archeologist
State Historical Society of Iowa
Capitol Complex
600 East Locust Street
Des Moines, IA 50319-0290

Christine Spackman
Business Assistance Coordinator
Department of Natural Resources
Environmental Protection Division
Wallace State Office Building
502 East 9th Street
Des Moines, IA 50319-0034

Annie J. Hartman
Iowa Department of Natural Resources
Water Quality Bureau, Water Resources Section
Henry A. Wallace Building
502 E. 9th Street
Des Moines, IA 50319-0034

Donna M. Jones, P.E.
Chief, Enforcement Section
U.S. Army Engineer District, Rock Island
Clock Tower Building
P.O. Box 2004
Rock Island, IL 61204-2004

Patrick G. Carroll
U.S. Fish and Wildlife Service
Division of Realty
Region 3
BHW Federal Building
One Federal Drive
Fort Snelling, MN 55111-4056

Keith L. Dohrmann, Environmental Specialist
Department of Natural Resources
Conservation and Recreation Division
Wallace State Office Building
502 East 9th Street
Des Moines, IA 50319

Marcia Sieckman
U.S. Bureau of Land Management—Eastern States
Milwaukee Field Office
626 E. Wisconsin Ave.
Suite 200
Milwaukee, WI 53202-4617

Iowa Department of Natural Resources
State Parks Bureau
Wallace State Office Building
502 E. 9th Street
Des Moines, IA 50319-0034

Polk County Public Works Department
5885 N.E. 14th Street
Des Moines, IA 50313

Paulette Stodgel
Administrative Secretary
Polk County Board of Supervisors
111 Court Avenue, Rm. # 300
Des Moines, IA 50309

Ms. Victoria Ruston
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C., 20423-0001

Ralph W. Summers
Iowa NPDES Permit Coordinator
U.S. Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City, KS 66101

John Hey
Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010

Robert Maydwell
U.S. National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

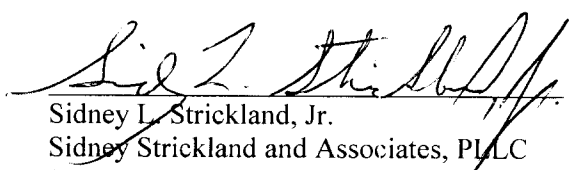
Division for Community Progress
Iowa Department of Economic Development
200 East Grand Avenue
Des Moines, IA 50309

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

Polk County Board of Supervisors
111 Court Avenue, Rm. #300
Des Moines, IA 50309

Iowa DNR Wildlife Bureau
Henry A. Wallace Building
502 E. 9th Street
Des Moines, IA 50319-0034

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.



Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K St. N.W.,
Suite 101
Washington, D.C. 20007

APPENDIX 4

Environmental and Historic Reports

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN POLK COUNTY, IA**

**DOCKET NO. AB-6
(SUB. NO. 437X)**

ENVIRONMENTAL AND HISTORIC REPORTS

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

By: SIDNEY L. STRICKLAND, JR.
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N.W.,
Suite 101
Washington, DC 20007
(202) 295-4672

Attorney for BNSF Railway Company

DATED: February 23, 2006

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN POLK COUNTY, IA**

**DOCKET NO. AB-6
(SUB. NO. 437X)**

**ENVIRONMENTAL AND HISTORIC REPORTS
(49 C.F.R. 1105.7 AND 49 C.F.R. 1105.8)**

Pursuant to 49 C.F.R. § 1105.7 and § 1105.8, BNSF Railway Company (BNSF) (referred to as "Applicant") hereby files Environmental and Historic Reports. These Reports constitute Applicant's assessment of the environmental effects and historic effects of abandonment of rail service on the involved rail line. Persons who review these Reports are entitled to provide comments to the Surface Transportation Board (STB), Section of Environmental Analysis (SEA), 1925 K Street, N.W., Suite 500, Washington, DC 20423. There is information in the Applicant's files to indicate that the rail line covered by these Reports does not contain a federally granted right-of-way. *See* 49 C.F.R. § 1152.60(d). These Reports have been prepared in conjunction with the prospective filing of a Notice for Exemption of abandonment of the involved rail line. STB regulations provide that the Notice of Exemption cannot be filed until at least 20 days after these Reports are submitted.

I
ENVIRONMENTAL REPORT
(49 C.F.R. 1105.7)

The following information is submitted to the STB by BNSF in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between BNSF Station 0 + 00 and Station 47 + 00 near Glake, in Polk County, Iowa (the "Line").

(1) Proposed Action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon this Line. There are no bridges on the Line, and BNSF is not aware of any other structures. A map of the line is attached as Exhibit A.

(2) Transportation System: Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no affect on existing transportation systems or patterns as there has been no local traffic on the Line for over two years.

(3) Land Use:

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe

any inconsistencies.

BNSF believes the proposed abandonment will not be inconsistent with local or regional land use plans. The Iowa Department of Transportation (IDOT) indicates there should be "little or no impact on the overall transportation system and there are no state jurisdiction roads impacted." The IDOT indicates potential public uses of the "ROW (trails) is a local jurisdictional issue." Further, IDOT indicates there may be local interest regarding the proposed abandonment, as there is an existing trail approximately $\frac{3}{4}$ mile to the northeast. IDOT suggests the City of Des Moines and/or the Metropolitan Planning Organization be contacted as to into their interest in the proposed abandonment, as a trail exists approximately $\frac{3}{4}$ miles to the northeast. See Exhibit B, electronic correspondence from John Hey, Iowa Department of Transportation.

The Polk County Board of Supervisors was contacted regarding the proposed abandonment and the matter was discussed in a regular session of the Board of Supervisors. The matter was referred to the Polk County Public Works, which provided no additional comments. See Exhibit C, electronic correspondence from Paulette Stodgel, Administrative Secretary, Polk County Board of Supervisors. See also Exhibit D, minutes from Polk County Board of Supervisors as published on the Polk County website.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The proposed abandonment should have no effect on prime agricultural lands. The Natural Resources Conservation Service (formerly known as the U.S. Soil Conservation Service) indicates "there is no prime farmland in the affected

area.” See Exhibit E, letter from Richard Van Klaveren, State Conservationist, Des Moines Office, Natural Resources Conservation Service.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

BNSF believes the proposed abandonment may be suitable for alternative public use. IDOT indicates there should be “little or no impact on the overall transportation system and there are no state jurisdiction roads impacted.” The IDOT indicates potential public uses of the “ROW (trails) is a local jurisdictional issue.” Further, IDOT indicates there may be local interest regarding the proposed abandonment, as there is an existing trail approximately ¾ mile to the northeast. IDOT suggests the City of Des Moines and/or the Metropolitan Planning Organization be contacted as to their interest in the proposed abandonment, as a trail exists approximately ¾ miles to the northeast. See Exhibit B, electronic correspondence from John Hey, Iowa Department of Transportation.

The Polk County Board of Supervisors was contacted regarding the proposed abandonment and the matter was discussed in a regular session of the Board of Supervisors. The matter was referred to the Polk County Public Works, which provided no additional comments. See Exhibit C, electronic correspondence from Paulette Stodgel, Administrative Secretary, Polk County Board of Supervisors. See also Exhibit D, minutes from Polk County Board of

Supervisors as published on the Polk County website.

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy resources.

There are no known recoverable energy resources along the Line. There has been no local traffic on the Line for over two years.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment will not adversely affect movement or recovery of recyclable commodities as there has been no local traffic on the Line for over two years.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as there has been no local traffic on the Line for over two years.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic as there has been no local traffic on the Line for over two years.

(5) Air:

(i) If the proposed action will result in either:

(A) An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

(B) An increase in rail yard activity of at least 100% (measured by carload activity), or

(C) An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not result in meeting or exceeding the specified thresholds.

Moreover, the action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as there has been no local traffic on the Line for over two years.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The action will not result in meeting or exceeding the specified thresholds.

Moreover, the proposed abandonment will not result in an increase of rail or truck traffic as there has been no local traffic on the Line for over two years.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and Freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise: If any of the thresholds identified in item (5) (i) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more.

N/A

(ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) Safety:

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. There are no public crossings and no private crossings on the Line.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

The abandonment will not result in the transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste site or sites where there have been known hazardous material spills on the right-of-way.

(8) Biological Resources:

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The U.S. Fish and Wildlife Service (Service) indicates it has researched its ownerships in the vicinity and has determined that the Service “does not own any lands or interests in land in the vicinity of the proposed rail line abandonment.” Further, the Service indicates it “does not have any concerns regarding real estate matters in the abandonment.” See Exhibit F, letter from Ross Grimwood on behalf of Patrick G. Carroll, Senior Realty Officer, Division of Realty, U.S. Fish and Wildlife Service.

The Bureau of Land Management (Bureau) states there are no Federal lands administered by that agency along the Line. However, the Bureau adds BNSF should be aware that some of the original grants were limited fee rights-of-way and may be subject to identified federal laws, such as the National Trails System Improvement Act. See Exhibit G, letter from Marcia Sieckman, Supervisor, Lands and Renewable Resources Team, Milwaukee Field Office, Bureau of Land Management- Eastern States.

The State of Iowa Department of Natural Resources (IDNR) indicates a search of its records of the project area found “no site-specific records of rare

species or significant natural communities that would be impacted” by the abandonment, but that “if listed species or rare communities are found during the planning or construction phases, additional studies and/or mitigation may be required.” Further, the IDNR indicates its correspondence is a “record of review for protected species, rare natural communities, state lands and waters in the protected area, including review by personnel representing state parks, preserves, recreation areas, fisheries and wildlife, but does not include any potential comment from the Environmental Services Division” of the IDNR. Finally, the IDNR comments that its correspondence does not constitute a permit for the project. See Exhibit H, letter from Keith L. Dohrmann, Environmental Specialist, Policy and Coordination Section, Conservation and Recreation Division, State of Iowa Department of Natural Resources.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The National Park Service has reviewed the subject project area “in relation to any possible conflicts with the Land and Water Conservation Fund and the Urban Park and Recreation Recovery programs and find there are none.” This agency has no additional comments. See Exhibit I, letter from Robert Maydwell, Grants Management Assistant, Midwest Region, National Park Service.

The IDNR indicates a search of its records of the project area found “no site-specific records of rare species or significant natural communities that would be impacted” by the abandonment, but that “if listed species or rare communities are found during the planning or construction phases, additional studies and/or mitigation may be required.” Further, the IDNR indicates its correspondence is a

“record of review for protected species, rare natural communities, state lands and waters in the protected area, including review by personnel representing state parks, preserves, recreation areas, fisheries and wildlife, but does not include any potential comment from the Environmental Services Division” of the IDNR.

Finally, the IDNR comments that its correspondence does not constitute a permit for the project. See Exhibit H, letter from Keith L. Dohrmann, Environmental Specialist, Policy and Coordination Section, Conservation and Recreation Division, State of Iowa Department of Natural Resources.

(9) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

BNSF believes the proposed abandonment will be consistent with applicable Federal, State or local water quality standards. The U.S. Environmental Protection Agency (EPA) states its office does not make a determination as to whether the proposed abandonment will be consistent with federal, state or local water standards. The EPA indicates “the IDNR issues what are known as Section 401 WQ Certifications.” See Exhibit J, letter from Ralph W. Summers, Iowa NPEDS Permit Coordinator, Wastewater and Infrastructure Management Branch, Region 7, Environmental Protection Agency. The IDNR indicates “if more than one acre of land will be disturbed, then a storm general permit #2 would be needed.” Also, IDNR states “open burning of any of the involved material is prohibited.” See Exhibit K, letter from Christine Spackman, Business Assistance Coordinator, Environmental Protection Division.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are

required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

BNSF believes the proposed abandonment will not require a Section 404 permit. The U.S. Army Corps of Engineers (Corps) states "the project as proposed does not require a Department of the Army Section 10 and 404 permit." The Corps also states that "no indication of discharge of dredged or fill material was found to occur in waters of the United States (including wetlands)." The Corps notes that "should the project involve the extraction of any bridges, BNSF is required to remove all materials to an upland, non-wetland site, and to remove all pilings to at least one foot below streambed elevations." Furthermore, the Corps notes BNSF is "required to seed all disturbed areas with native grasses and to implement appropriate measures to insure that sediments are not introduced into waters of the United States during the project." Finally, the Corps states it has made an Approved Jurisdictional Determination (AJD) concerning the permit area, and enclosed the appropriate form in its letter. See Exhibit L, letter from Donna M. Jones, P.E., Chief, Enforcement Section, Regulatory Branch.

BNSF believes the proposed abandonment will not affect any 100-year flood plains. The Corps does not have any flood plain related comments. See Exhibit L. The IDNR provides a map of the designated floodway in the area of the proposed abandonment. See Exhibit M, letter from Annie. J. Hartman, Water Resource Section, Iowa Department of Natural Resources. See also Exhibit K, letter from Christine Spackman, Business Assistance Coordinator, Environmental Protection Division.

(iii) State whether permits under Section 402 of the Clean Water Act (33

U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).

BNSF believes a Section 402 permit will not be required for the proposed action. The EPA indicates “National Pollutant Discharge Elimination System (NPDES) permits are required for a discharge of pollutants from a point source into waters of the United States.” The EPA adds that the “IDNR is administering the NPDES program and should be contacted if discharge is planned.” Finally, the EPA states “one aspect of the NPDES program which may be triggered is the requirement for construction activities, which disturb greater than one acre, to obtain a permit for discharge of storm water from the site.” See Exhibit J, letter from Ralph W. Summers, Iowa NPDES Permit Coordinator, Wastewater and Infrastructure Management Branch, Region 7, Environmental Protection Agency. The IDNR indicates that “if more that one acre of land will be disturbed, then a storm general permit #2 would be needed.” Additionally, IDNR comments that NPDES general permits cover common conditions associated with the discharge of industrial wastewater, and in many cases these permits do not require extensive review by the IDNR. See Exhibit K, letter from Christine Spackman, Business Assistance Coordinator, Environmental Protection Division.

(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

The project itself should mitigate the environmental effects of reinstating active rail operations.

II
HISTORIC REPORT
(49 C.F.R. 1105.8)

Applicants hereby submit the following information required by 49 C.F.R. § 1105.8(d):

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

The required topographic map is attached to this Report as Exhibit A.

(2) A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The Glake, Iowa Connector is approximately 0.89 mile in length and goes from BNSF trackage on the southeast side of Des Moines to a connection with NS trackage on the northwest side of Glake, Iowa. Major crops in the area include corn and soybeans. The right of way is generally flat and varies from 100 to 160 feet in width.

Glake, Iowa, is not an incorporated town. Glake is approximately one - two miles southeast of Des Moines, Iowa. Des Moines had a 2000 population of 198,682.

There are no federally granted rights-of-way involved in this proposed abandonment.

There are no crossings involved in the proposed abandonment.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

BNSF is not aware of any railroad structures on the property that are 50 years old or older.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

N/A

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

The right of way was acquired in 1972 by the Chicago Burlington and Quincy Railroad (CBQ) as a result of a flood control project along the Des Moines River. For the flood control project, certain CBQ trackage was relocated. In 1970, the CBQ merged to become part of Burlington Northern Railroad (BN). In 1995, BN and The Atchison Topeka and Santa Fe Railway (ATSF) merged to form The Burlington Northern and Santa Fe Railway (BNSF). In 2005, BNSF changed its name to BNSF Railway Company.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

The Iowa State Historic Preservation Office (SHPO) indicates it needs additional information on the "Area of Potential Effect" for the proposed project and whether the project will affect any significant historical properties under 36 CFR Part 800.4. Specifically, SHPO indicated a need for, among other things, information concerning the Area of Potential Effect (APE), types of cultural resources, and a description of the significance of historic properties in the APE. SHPO also seeks a determination from the Board of the undertaking's effects on historical properties within the APE.

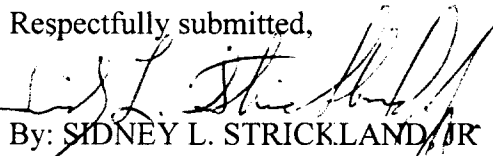
SHPO makes some preliminary determinations: several small portions of the proposed line abandonment have been previously archaeologically surveyed and no archaeological sites were identified within the proposed line abandonment; there appears to be a high potential that additional archaeological sites are located in the area; and, there is no information available within the Iowa Site Inventory of any buildings, structures, sites, districts, or objects located within the immediate vicinity of the proposed line abandonment. Further, although SHPO states it is not aware of any historic properties that are located within the proposed line abandonment, SHPO continues to suggest that the Board consider whether a Cultural Resource Assessment needs to be conducted for the proposed project. Finally, SHPO notes that its comments and recommendations are according to

responsibility defined by Federal law pertaining to the Section 106 process, and that the responsible federal agency does not have to follow its comments and recommendations to comply with the Section 106 process. See Exhibit N, letter from Douglas Jones, Archaeologist, State Historic Preservation Office, State Historical Society of Iowa.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

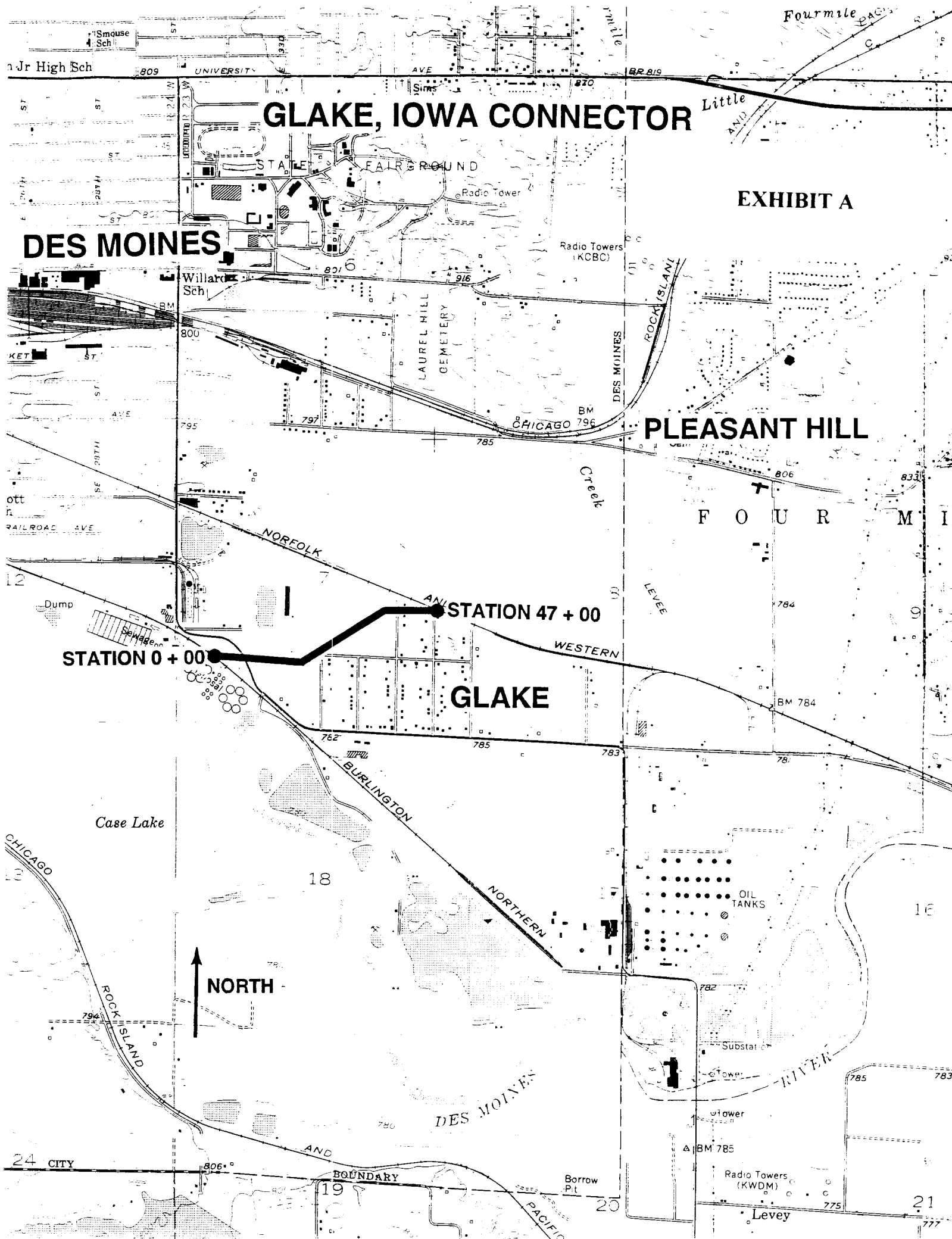
There are no known prior subsurface ground disturbances or fill, environmental conditions that might affect the archeological recovery of resources and the surrounding terrain.

Respectfully submitted,


By: SIDNEY L. STRICKLAND, JR.
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N.W., Suite 101
Washington, DC 20007
(202) 295-4672

Attorney for BNSF Railway Company

DATED: February 23, 2006



GLAKE, IOWA CONNECTOR

EXHIBIT A

DES MOINES

PLEASANT HILL

FOUR MI

GLAKE

NORTH

OIL TANKS

Substation

Radio Towers (KWDM)

Levee

BOUNDARY

Borrow Pit

21

777

Jr High Sch

ST

RAILROAD AVE

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CHICAGO

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Liz Waite

EXHIBIT B

From: Hey, John [DOT] [John.Hey@dot.iowa.gov]
Sent: Monday, December 12, 2005 5:23 PM
To: Liz.waite@stricklandpllc.com
Subject: BNSF Glake Abandonment

Ms. Waite --

The Iowa DOT has no comments on the 0.79 mile abandonemnt in Des Moines, Iowa. There should be little or no impact on the overall transportation system and there are no state jursidiction roads impacted. Decisions on potential public uses of the ROW (trails) is a local jurisdictional issue. I would suggest that you contact the City of Des Moines and/or the Metropolitan Planning Organization and inquire into their interest on the proposed abandonemnt. They may have an interest since there is an existing trail, approximatley 3/4 mile to the northeast.



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Username: **Liz**
(liz.waite@stri

-  **Inbox (5)**
-  **Drafts**
-  **Deleted Items**
-  **Sent**
-  **Scheduled**

Message

Delete

☐ **Delete permanently**

Move to

Delete

From: Paulette Stodgel <PStodgel@co.polk.ia.us>

To: liz.waite@stricklandplc.com

Subject: Fwd: Polk County BOS Agenda Item

Date: 08-Dec-05 04:49 PM

Attachments:

Reply

Reply To All

Forward

InLine Text

< Previ

Dear Liz,

Attached is a link to the Polk County Auditors office website and the November 29th BOS agenda. Item number 22 addresses the abandoned railroad near Glake in Polk County. This item was referred to Larry Land, Director, Polk County Public Works. If I can be of further assistance, please do not hesitate to contact me.

<http://auditor.co.polk.ia.us/agendas/2005/11-29-05a.pdf>

Paulette Stodgel
Administrative Secretary
Polk County Board of Supervisors
Phone: 515-286-3121
Fax: 515-323-5225
Web: www.co.polk.ia.us

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POLK COUNTY BOARD OF SUPERVISORS AGENDA
POLK COUNTY ADMINISTRATIVE OFFICE BUILDING
111 COURT AVENUE - ROOM 120
NOVEMBER 29, 2005 9:30 A.M.

1. Roll Call.
2. Action on the Minutes of the Previous Meeting(s).
3. Special Claims as submitted by the County Auditor, if any.
4. Action on the Bill List as submitted by the County Auditor.

PUBLIC HEARING

**IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT
OWNER-OCCUPIED HOUSING REHABILITATION PROGRAM**

5. Resolution approving the IDED Owner-Occupied Housing Rehabilitation Program Grant Application.

PUBLIC HEARING

**OWNER-OCCUPIED HOUSING REHABILITATION
STATUS REPORT**

6. Resolution accepting the Owner-Occupied Housing Rehabilitation Status Report.

PERMITS

7. New application for Class "C" Liquor License and Sunday Sales for Sudsuckers North, 4685 NE 14th.
8. New application for Iowa Retail Cigarette Permit for Sudsuckers North, 4685 NE 14th.

PETITIONS

- * 9. Petitions to suspend taxes and special assessments for the following:

Randall Camille	1904 Searle Street
Betty Erquist	4600 Vandalia, Pleasant Hill
Tammy Leete	4055 NE 44 th Drive
Steven Sears	6426 Carpenter Avenue

- *10. Petition approving tax sale redemption, suspension of taxes and special assessments and authorizing Chairperson to sign the Application and Affidavit of Redemption of Parcel for Raymond Johnson, 4707 SE 5th Street.

11.

PUBLIC COMMENTS

RESOLUTIONS

- 12. Resolution approving MH/MR/DD service approvals and authorizing expenditures from the MH/MR/DD Services Fund.
- *13. Resolution approving contract with Honoring Opportunities for Personal Empowerment (H.O.P.E) not to exceed \$214,526.
- *14. Resolution directing the Treasurer to suspend property taxes for property at 1632 47th Street (S. McKinley).
- *15. Resolution approving Elderly Nutrition and Supportive Services Grant Application for Aging Resources of Central Iowa.
- *16. Resolution approving Polk County Housing Trust Fund-Owner Occupied Housing Rehabilitation Program grant application.
- *17. Resolution approving grant application to Polk County Housing Trust Fund for Polk County's Emergency Home Repair Program.
- 18. Resolution approving the disposition of one surplus vehicle to the Delaware Township Fire Department.
- *19. Resolution approving lease of land for Courthouse parking.

COMMUNICATIONS

- *20. Applications for Family Farm Tax Credit received from the Assessor with recommendations to approve or deny.
- 21. Monthly Public Notice from the U.S. Army Corps of Engineers regarding permit issued.
- 22. Notice regarding abandonment of railroad line (near Glake in Polk County, Iowa).

BUDGET ACTIONS

23. Memorandum of Budget Actions.

APPOINTMENTS

24. Memorandum of Appointments.

CLOSED SESSION

25. Discussion with legal counsel regarding strategy concerning pending or imminent litigation and purchase of particular real estate (Closed Session).

ADJOURNMENT

** Asterisk denotes attachments to items are on file in the Auditor's Office.*

The information identified on this agenda may be obtained in accessible formats by qualified persons with a disability. To receive information or to request an accommodation to participate in a meeting, hearing, service, program or activity conducted by this office, contact the Polk County Auditor's Office, Administrative Building, 111 Court Avenue, 286-3080.

EXHIBIT D

Des Moines, Iowa, November 29, 2005
Tuesday, 9:30 a.m.

PROCEEDINGS OF THE POLK COUNTY BOARD OF SUPERVISORS AGENDA

The Polk County Board of Supervisors met in regular session on Tuesday, November 29, 2005 at 9:30 a.m.

MEMBERS PRESENT: E.J. Giovannetti, Robert Brownell, John F. Mauro, Angela Connolly, Tom Hockensmith.

LET THE RECORD SHOW Supervisor Brownell is out of the county on business and his physical presence was impossible. He will be participating in the meeting by telephone, which is allowed per Iowa Code Chapter 21.8 and his votes will be recorded.

Moved by Mauro, Seconded by Connolly to dispense with the reading of the November 22, 2005 minutes and they stand approved as printed.

VOTE YEA: Giovannetti, Brownell, Mauro, Connolly, Hockensmith.

The Bills as certified by the County Auditor were allowed or disallowed on each according to the certified list.

VOTE YEA: Giovannetti, Brownell, Mauro, Connolly, Hockensmith.

PUBLIC HEARING: IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT OWNER-OCCUPIED HOUSING REHABILITATION PROGRAM

Proof of Publication is on file with the Clerk of the Board. No one appeared for or against. Public Hearing closed.

RESOLUTION: Resolution approving the IDED Owner-Occupied Housing Rehabilitation Program Grant application.

VOTE YEA: Giovannetti, Brownell, Mauro, Connolly, Hockensmith.

PUBLIC HEARING: OWNER-OCCUPIED HOUSING REHABILITATION STATUS REPORT

Proof of Publication is on file with the Clerk of the Board. No one appeared for or against. Public Hearing closed.

RESOLUTION: Resolution accepting the Owner-Occupied Housing Rehabilitation Status Report.

VOTE YEA: Giovannetti, Brownell, Mauro, Connolly, Hockensmith.

APPOINTMENTS: Moved by Mauro, Seconded by Connolly that the following Resolution be adopted: BE IT FURTHER RESOLVED THAT the individuals named on this Memorandum be approved for personnel action:
Benjamin Altes, Sr. Deputy, Sheriff, \$50,941.99 beg December 10, 2005
Laura Briggs, Util Office Asst, Vet Affairs, \$9.36/hr beg Dec 19, 2005
Frank Cataldo, Safety/Loss Cont Mgr, BOS, \$68,921.10 beg Dec 11, 2005
Kathryn Sommerlot, Asst Web Dev On-Call, HR, \$17.35/hr beg Dec 19
Michael Tarvin, Sr. Deputy, Sheriff, \$50,941.99 beg December 10, 2005
VOTE YEA: Giovannetti, Brownell, Mauro, Connolly, Hockensmith.

APPROVALS: 2005 Applications for Family Farm Tax Credit received from the Assessor with recommendations to approve or deny.

VOTE YEA: Giovannetti, Brownell, Mauro, Connolly, Hockensmith.

PERMITS: New application for Class "C" Liquor License and Sunday Sales for Sudsuckers North, 4685 NE 14th.

VOTE YEA: Giovannetti, Brownell, Connolly, Hockensmith.
PASS: Mauro.

New application for Iowa Retail Cigarette Permit for Sudsuckers North, 4685 NE 14th.

VOTE YEA: Giovannetti, Brownell, Connolly, Hockensmith.
PASS: Mauro.

PETITIONS: Petitions to suspend taxes and special assessments for the following:
Randall Camille 1904 Searle Street
Betty Erquist 4600 Vandalia, Pleasant Hill
Tammy Leete 4055 NE 44th Drive
Steven Sears 6426 Carpenter Avenue
VOTE YEA: Giovannetti, Brownell, Mauro, Connolly, Hockensmith.

Petition approving tax sale redemption, suspension of taxes and special assessments and authorizing Chairperson to sign Application and Affidavit of Redemption of Parcel for Raymond Johnson, 4707 SE 5th Street.

VOTE YEA: Giovannetti, Brownell, Mauro, Connolly, Hockensmith.

**REFERRED TO
PUBLIC WKS:**

Monthly Public Notice from U.S. Army Corps of Engineers regarding permits issued.

Notice regarding abandonment of railroad line (near Glake in Polk County).

RESOLUTIONS:

Resolution approving MH/MR/DD service approvals and authorizing expenditures from the MH/MR/DD Services Fund.

VOTE YEA: Giovannetti, Brownell, Mauro, Connolly, Hockensmith.

Resolution approving contract with Honoring Opportunities for Personal Empowerment (H.O.P.E.) not to exceed \$214,526.

VOTE YEA: Giovannetti, Brownell, Mauro, Connolly, Hockensmith.

Resolution directing the Treasurer to suspend property taxes for property at 1632 47th Street (S. McKinley).

VOTE YEA: Giovannetti, Brownell, Mauro, Connolly, Hockensmith.

Resolution approving Elderly Nutrition and Supportive Services Grant Application for Aging Resources of Central Iowa.

VOTE YEA: Giovannetti, Brownell, Mauro, Connolly, Hockensmith.

Resolution approving Polk County Housing Trust Fund Owner-Occupied Housing Rehabilitation Program grant application.

VOTE YEA: Giovannetti, Brownell, Mauro, Connolly, Hockensmith.

Resolution approving grant application to Polk County Housing Trust Fund for Polk County's Emergency Home Repair Program.

VOTE YEA: Giovannetti, Brownell, Mauro, Connolly, Hockensmith.

Resolution approving the disposition of one surplus vehicle to the Delaware Fire Department.

VOTE YEA: Giovannetti, Brownell, Mauro, Connolly, Hockensmith.

Resolution approving lease of land for Courthouse parking

VOTE YEA: Giovannetti, Brownell, Mauro, Connolly, Hockensmith.

MOTION:

Moved by Giovannetti, Seconded by Connolly to go into Closed Session with legal counsel for discussion of pending or imminent litigation and purchase of particular real estate.

VOTE YEA: Giovannetti, Brownell, Mauro, Connolly, Hockensmith.

LET THE RECORD SHOW Supervisor Brownell ended his participation by telephone before the meeting ended.

The Board returned to open session.

Moved by Connolly, Seconded by Giovannetti to adjourn until December 6, 2005 at 9:30 a.m.

VOTE YEA: Giovannetti, Mauro, Connolly, Hockensmith. ABSENT: Brownell.

MICHAEL A. MAURO
POLK COUNTY AUDITOR

TOM HOCKENSMITH
CHAIRPERSON BOARD OF SUPERVISORS

No qualified individuals with a disability will be excluded on the basis of a disability from participation in meetings, hearings, programs, activities or services conducted by Polk County. To request information in an alternative format or request an accommodation to participate in a meeting, hearing, program, activity or service, contact the office conducting the meeting or offering the program, activity or service.

United States Department of Agriculture



EXHIBIT E

Natural Resources Conservation Service
210 Walnut Street
693 Federal Building
Des Moines, IA 50309-2180

December 15, 2005

Mr. Sidney Strickland, Junior
Strickland and Associates, PLLC
3050 K Street Northwest, Suite 101
Washington, DC 20007-5108

Dear Mr. Strickland:

Thank you for the opportunity to review STB Docket No. AB-6, (Sub-No. 437X). I have reviewed the above referenced proposed railroad abandonment near Glake in Polk County, Iowa. There is no prime farmland in the affected area.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Van Klaveren".

Richard Van Klaveren
State Conservationist

cc: James Frederick, Assistant State Conservationist (FO), NRCS, Fort Dodge, IA
Paul Miller, District Conservationist, NRCS, Ankeny, IA



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

EXHIBIT F

IN REPLY REFER TO:

FWS/NWRS-RE - General
Railroad Abandonments

November 23, 2005

Mr. Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K Street NW Suite 101
Washington, DC 20007-5108

Dear Mr. Strickland:

Thank you for the opportunity to comment on the proposed abandonment of service on 0.89 miles of railroad line between Station 0 + 00 and Station 47 + 00, near Glake in Polk County, Iowa; STB Docket No. AB-6 (Sub-No. 437X).

We have researched our ownerships in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonments. We do not have any concerns regarding real estate matters in the abandonments.

Sincerely,

Patrick G. Carroll
Senior Realty Officer
Division of Realty



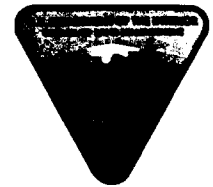
United States Department of the Interior

Bureau of Land Management-Eastern States

Milwaukee Field Office

626 E. Wisconsin Avenue, Suite 200

Milwaukee, Wisconsin 53202-4617



IN REPLY REFER TO:
2000(030)

December 13, 2005

Sidney Strickland and Associates, PLLC
3050 K St. N.W. Suite 101
Washington, DC 20007-5108

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

Dear Mr. Strickland:

This is in response to your letter of December 6, 2005, to our office concerning the proposal by the BNSF Railway Company to abandon 0.58 miles of railroad line between Milepost 113.44 and Milepost 114.02 near Camp Ripley in Morrison County, Minnesota

A search of our records shows there are no Federal lands administered by the Bureau of Land Management along the railroad line. However, please be aware that some of the original railroad grants were limited fee rights-of-way and may be subject to the Railroad Right-of-Way Forfeiture and Abandonment Act of March 8, 1922, 43 U.S.C. § 912 (the 1922 Abandonment Act), and the National Trails System Improvement Act of October 4, 1988, Public Law 100-470, 16 U.S.C. § 1248 (c) - (f).

Thank you for giving us the opportunity to comment on this proposal. Our office does not have information on the existence of endangered or threatened species, the location of wildlife sanctuaries or refuges, or areas designated as critical habitat adjacent or near the line. You must contact the Fish and Wildlife Service to obtain this information. If you require additional information, please contact me at (414) 297-4402.

Sincerely,

Marcia Sieckman
Supervisor, Lands and Renewable Resources Team

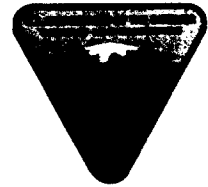


United States Department of the Interior

Bureau of Land Management-Eastern States

Milwaukee Field Office

626 E. Wisconsin Avenue, Suite 200
Milwaukee, Wisconsin 53202-4617



IN REPLY REFER TO:
2000(030)

December 13, 2005

Sidney Strickland and Associates, PLLC
3050 K St. N.W. Suite 101
Washington, DC 20007-5108

Re: STB Docket No. AB-6 (Sub - No. 437X) BNSF Railway Company—Abandonment
Exemption — in Polk County, IA

Dear Mr. Strickland:

This is in response to your letter of November 17, 2005, to our office concerning the proposal by the BNSF Railway Company to abandon 0.89 miles of railroad line between Station 0+00 and Station 47+00 near Glake in Polk County, Iowa.

A search of our records shows there are no Federal lands administered by the Bureau of Land Management along the railroad line. However, please be aware that some of the original railroad grants were limited fee rights-of-way and may be subject to the Railroad Right-of-Way Forfeiture and Abandonment Act of March 8, 1922, 43 U.S.C. § 912 (the 1922 Abandonment Act), and the National Trails System Improvement Act of October 4, 1988, Public Law 100-470, 16 U.S.C. § 1248 (c) - (f).

Thank you for giving us the opportunity to comment on this proposal. Our office does not have information on the existence of endangered or threatened species, the location of wildlife sanctuaries or refuges, or areas designated as critical habitat adjacent or near the line. You must contact the Fish and Wildlife Service to obtain this information. If you require additional information, please contact me at (414) 297-4402.

Sincerely,

Marcia Sieckman
Supervisor, Lands and Renewable Resources Team



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
JEFFREY R. VONK, DIRECTOR

November 29, 2005

Mr. Sidney L. Strickland
Sidney Strickland and Associates
3050 K Street, Suite 101
Washington, DC 20007-5108

EXHIBIT H

RE: Environmental Review for Natural Resources
STB Docket No. AB-6 (Sub-No. 437X) BNSF Railway Company – Abandonment Exemption
– in Polk County, IA; SW of Pleasant Hill, IA; Glake, Iowa Connector

Dear Mr. Strickland:

Thank you for inviting our comments on the impact of the above referenced project. We have searched our records of the project area and found no site-specific records of rare species or significant natural communities that would be impacted by this project. However, our data are not the result of thorough field surveys. If listed species or rare communities are found during the planning or construction phases, additional studies and/or mitigation may be required.

This letter is a record of review for protected species, rare natural communities, state lands and waters in the project area, including review by personnel representing state parks, preserves, recreation areas, fisheries and wildlife but does not include any potential comment from the Environmental Services Division of this Department. This letter does not constitute a permit and before proceeding with this project, permits may be needed from this Department or from other state or federal agencies.

If you have any questions about this letter or if you require further information, please contact me at (515) 281-8967.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith L. Dohrmann", written over a horizontal line.

KEITH L. DOHRMANN, ENVIRONMENTAL SPECIALIST
POLICY AND COORDINATION SECTION
CONSERVATION AND RECREATION DIVISION

FILE COPY: Keith L. Dohrmann



United States Department of the Interior

National Park Service

Midwest Region
601 Riverfront Drive
Omaha Nebraska 68102-4226



650.2(MWR-P/G)

Mr. Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
300 K St. N.W. Suite 101
Washington, D.C. 20007-5108

FEB 0 9 2006

EXHIBIT I

Dear Mr. Strickland:

This is in response to your November 17, 2005, request that the National Park Service respond to STB Docket No. AB-6 (Sub. No. 437X) BNSF Railway Company Abandonment Exemption in Polk County, Iowa.

We have reviewed this project in relation to any possible conflicts with the Land and Water Conservation Fund and the Urban Park and Recreation Recovery programs and find there are none. Accordingly, we have no additional comments at this time.

You may contact me at 402-661-1546 if you have questions or need more information.

Sincerely,

Robert Maydwell
Grants Management Assistant
Partnerships- Grants



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

EXHIBIT J

DEC 20 2005

Mr. Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K St. N.W., Suite 101
Washington, DC 20007-5108

Dear Mr. Strickland:

Your letter of November 17, 2005, asked two of questions concerning BNSF Railway Company's plans to abandon a section of railroad line in Polk County, Iowa. The following is the Environmental Protection Agency's response to those questions.

1. You stated that BNSF needs to know whether or not this action will be consistent with federal, state, or local water quality standards. This office does not make such a determination. The Iowa Department of Natural Resources (IDNR) does issue what are known as Section 401 WQ Certifications. Christine Schwake, who is IDNR's contact for these certifications, can be reached at (515) 281-6615.
2. Also requested was a statement concerning the National Pollutant Discharge Elimination System (NPDES) permit program requirements. Such a permit is required for a discharge of pollutants from a point source into waters of the United States. The IDNR is administering the NPDES program and should be contacted if a discharge is planned. One aspect of the NPDES program which may be triggered is the requirement for construction activities, which disturb greater than one acre, to obtain a NPDES permit for discharge of storm water from the site. Joe Griffin is IDNR's contact for the storm water portion of the NPDES program. His telephone number is (515) 281-7017.

The IDNR's web site, which contains information about both the 401 Certification program and the NPDES program, can be found at: <http://www.iowadnr.com/index.html>. If you have any questions, I can be reached at (913) 551-7418.

Sincerely,

Ralph W. Summers
Iowa NPDES Permit Coordinator
Wastewater and Infrastructure
Management Branch

cc: Christine Schwake, IDNR
Joe Griffin, IDNR



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
JEFFREY R. VONK, DIRECTOR

December 12, 2005

EXHIBIT K

Mr. Sidney L Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K St. NW, Suite 101
Washington, DC 20007-5108

RE: BNSF Railway Company Abandonment, Polk County, Iowa

Dear Sir:

In response to your November 17, 2005, letter concerning the proposed abandonment activity at the site, the following observations are made.

First, open burning of any of the involved material is prohibited.

Second, if more than one acre of land will be disturbed, then a stormwater general permit #2 would be needed. National Pollutant Discharge Elimination System (NPDES) general permits cover common conditions associated with the discharge of industrial wastewater. In many cases these permits do not require extensive review by the IDNR. The average IDNR time to approve stormwater permits ranges from one day to up to two weeks.

For more information on DNR stormwater permits please see
<http://www.iowadnr.com/water/stormwater/index.html>.

Also the railway needs to contact local jurisdictions to determine if any local requirements are triggered by this activity.

If you have any further questions, please call me at (515)281-7276.

Sincerely,

A handwritten signature in cursive script that reads "Christine Spackman".

Christine Spackman
Business Assistance Coordinator
Environmental Protection Division



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ROCK ISLAND DISTRICT, CORPS OF ENGINEERS
CLOCK TOWER BUILDING - P.O. BOX 2004
ROCK ISLAND, ILLINOIS 61204-2004

EXHIBIT L

<http://www.mvr.usace.army.mil>

December 2, 2005

Operations Division

SUBJECT: CEMVR-OD-P-2005-1715

Mr. Sidney Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K Street, Suite 101
Washington, District of Columbia 20007-5108

Dear Mr. Strickland:

Our office reviewed your letter dated November 17, 2005, concerning the proposed abandonment of a BNSF track between Station 0+00 and Station 47+00 near the Des Moines River in Section 7, Township 78 North, Range 23 West, Polk County, Iowa.

We determined your project as proposed does not require a Department of the Army (DA) Section 10 and 404 permit. The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision. No indication of discharge of dredged or fill material was found to occur in waters of the United States (including wetlands). Therefore, this determination resulted.

Should your project involve the extraction of any bridges, you are required to remove all fill materials to an upland, non-wetland site, and to remove all pilings to at least one foot below streambed elevations. You are also required to seed all disturbed areas with native grasses and to implement appropriate measures to insure that sediments are not introduced into waters of the United States during your project.

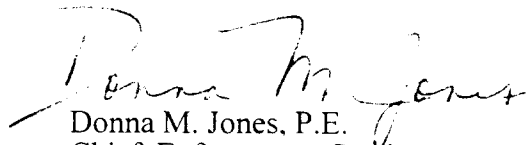
Our office has made an Approved Jurisdictional Determination (AJD) concerning your permit area. A copy of our Jurisdictional Determination Form is enclosed. You may accept or appeal the attached AJD, or provide additional information for our consideration. A copy of the Notification of Administrative Appeal Options and Process and Request for Appeal form (appeal form) is enclosed. If you choose to accept the AJD, you do not need to notify the Corps of Engineers, and you can disregard the appeal form. If you disagree with the AJD, you may provide new information for our consideration, or you may appeal the AJD. If you wish to appeal the AJD, you must complete the enclosed appeal form and return it to this office. Your completed appeal form must be received by this office within 60 days of the date of the enclosed appeal form.

You are advised that this determination for your project is valid for five years from the date of this letter. If the project is not completed within this five-year period or your project plans change, you should contact our office for another determination.

Although an individual DA permit will not be required for the project, this does not eliminate the requirement that you must still acquire other applicable Federal, state, and local permits.

Should you have any questions, please contact our Regulatory Branch by letter, or telephone Ms. Lynn Parker at 309/794-5446.

Sincerely,


Donna M. Jones, P.E.
Chief, Enforcement Section
Regulatory Branch

Enclosures

Copies Furnished: (w/o enclosures)

Mr. Kelly Stone (3)
Iowa Department of Natural Resources
Water Resources Section
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319-0034

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Burlington Northern Santa Fe RR		File Number: 2005-1715	Date: 12/02/05
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Donna M. Jones, P.E.
US Army Corps of Engineers District, Rock Island
ATTN: Regulatory Branch
Clock Tower Building
Post Office Box 2004
Rock Island, Illinois 61204-2004

Telephone: 309/794-5371

If you only have questions regarding the appeal process you may also contact:

Martha S. Chieply
U.S. Army Corps of Engineers Division,
Mississippi Valley
ATTN: CEMVD-PD-KM
P.O. Box 80
Vicksburg, Mississippi 39181-0080

Telephone: 601/634-5820
Fax : 601/634-7073

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

JURISDICTIONAL DETERMINATION
U.S. Army Corps of Engineers

Revised 8/13/04

DISTRICT OFFICE: Rock Island District
FILE NUMBER: 2005-1715

PROJECT LOCATION INFORMATION:

State: Iowa
County: Polk
Center coordinates of site (latitude/longitude): N - 4602522 E - 454214
Approximate size of area (parcel) reviewed, including uplands: 2.7 acres.
Name of nearest waterway: Des Moines River
Name of watershed: Des Moines

JURISDICTIONAL DETERMINATION

Completed: Desktop determination ☒ Date: 12/02/05
Site visit(s) ☐ Date(s):

Jurisdictional Determination (JD):

- ☒ Preliminary JD - Based on available information. ☐ *there appear to be* (or) ☐ *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
- ☐ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).
Check all that apply:
- ☐ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
- ☐ *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
- ☐ *There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

- ☐ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- ☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- ☐ (2) The presence of interstate waters including interstate wetlands.
- ☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- ☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- ☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- ☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- ☐ (4) Impoundments of waters otherwise defined as waters of the US.
- ☐ (5) The presence of a tributary to a water identified in (1) - (4) above.
- ☐ (6) The presence of territorial seas.
- ☐ (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination.* The project is near, but does not extend into, the Des Moines River, a navigable water of the United States which is regulated under Section 404 of the Clean Water Act. The proposed abandonment of an elevated railroad berm crosses a potential isolated wetland area; however, this area will not be impacted, the roadbed will be left intact and no dredge or fill material will be placed in this area.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

- ☐ Ordinary High Water Mark indicated by:
- ☐ clear, natural line impressed on the bank
 - ☐ the presence of litter and debris
 - ☐ changes in the character of soil
 - ☐ destruction of terrestrial vegetation
 - ☐ shelving
 - ☐ other:
- ☐ High Tide Line indicated by:
- ☐ oil or scum line along shore objects
 - ☐ fine shell or debris deposits (foreshore)
 - ☐ physical markings/characteristics
 - ☐ tidal gages
 - ☐ other:
- ☐ Mean High Water Mark indicated by:
- ☐ survey to available datum: ☐ physical markings: ☐ vegetation lines/changes in vegetation types.
- ☐ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

Basis For Not Asserting Jurisdiction:

- ☐ The reviewed area consists entirely of uplands.
- ☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- ☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- ☒ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
 - ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
 - ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
 - ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
 - ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
 - ☐ Isolated, intrastate wetland with no nexus to interstate commerce.
 - ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
 - ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
 - ☒ Other (explain): The project is the removal of railroad track and ties of a 0.9 mile area. The site crosses through a small, isolated, intra-state potential wetland. The track berm divides the wetland, but is not in the wetland. There will be no impact to the wetland area.

DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.
- ☐ Data sheets prepared/submitted by or on behalf of the applicant.
- ☐ This office concurs with the delineation report, dated _____, prepared by (company):
- ☐ This office does not concur with the delineation report, dated _____, prepared by (company):
- ☐ Data sheets prepared by the Corps.
- ☐ Corps' navigable waters' studies:
- ☐ U.S. Geological Survey Hydrologic Atlas:
- ☒ U.S. Geological Survey 7.5 Minute Topographic maps: Des Moines SE quad
- ☐ U.S. Geological Survey 7.5 Minute Historic quadrangles:
- ☐ U.S. Geological Survey 15 Minute Historic quadrangles:
- ☐ USDA Natural Resources Conservation Service Soil Survey:
- ☒ National wetlands inventory maps: GIS/Des Moines SE quad
- ☐ State/Local wetland inventory maps:
- ☐ FEMA/FIRM maps (Map Name & Date):
- ☐ 100-year Floodplain Elevation is: _____ (NGVD)
- ☒ Aerial Photographs (Name & Date): GIS DOQ
- ☐ Other photographs (Date):
- ☐ Advanced Identification Wetland maps:
- ☐ Site visit/determination conducted on:
- ☐ Applicable/supporting case law:
- ☐ Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
JEFFREY R. VONK, DIRECTOR

November 23, 2005

EXHIBIT M

Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K Street, N.W., Suite 101
Washington, DC 20007-5108

SUBJECT: STB Docket No. AB-6 (Sbu-No. 437X) BNSF Railway Company –
Abandonment Exemption – in Polk County, Iowa.

Dear Mr. Strickland:

I am in receipt of your letter dated November 17, 2005, regarding the BNSF Railway Company's abandonment of railroad line near Glake, Iowa. For your reference, enclosed is a map of the designated floodway in the area the abandoned structures may be removed.

If you should have need of any additional information concerning this project, please feel free to contact me at my direct line (515) 281-8979.

Sincerely,

A handwritten signature in cursive script that reads "Annie J. Hartman".

Annie J. Hartman
Water Resource Section

Enclosure

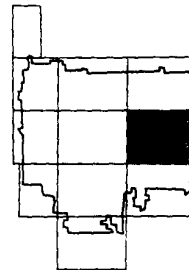
NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

CITY OF
DES MOINES,
IOWA
POLK COUNTY

PANEL 7 OF 11

(SEE MAP INDEX FOR PANELS NOT PRINTED)



PANEL LOCATION

COMMUNITY-PANEL NUMBER

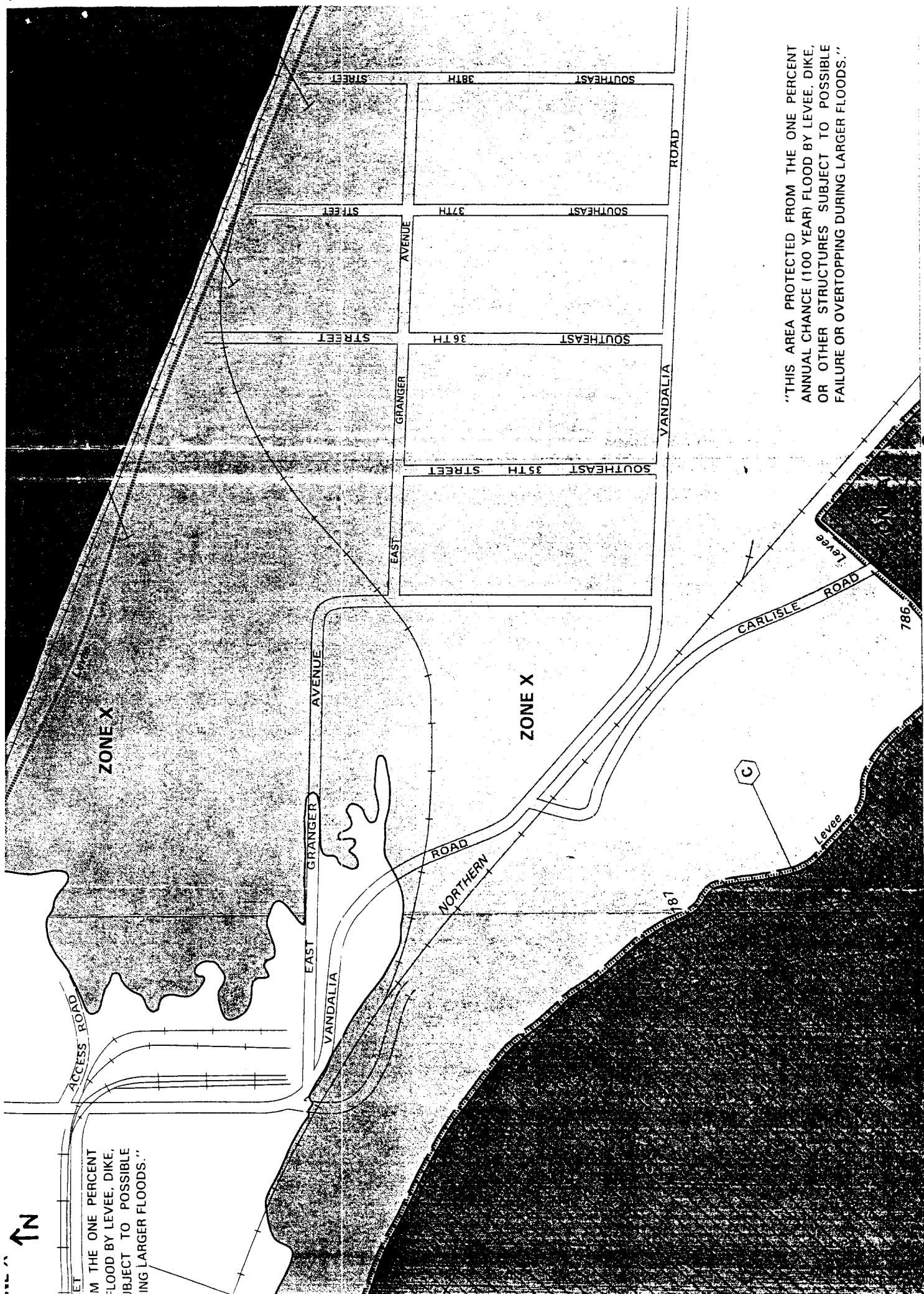
190227 0007 D

MAP REVISED:

SEPTEMBER 18, 1987



Federal Emergency Management Agency



ET
M THE ONE PERCENT
FLOOD BY LEVEE, DIKE,
SUBJECT TO POSSIBLE
ING LARGER FLOODS."

"THIS AREA PROTECTED FROM THE ONE PERCENT
ANNUAL CHANCE (100 YEAR) FLOOD BY LEVEE, DIKE,
OR OTHER STRUCTURES SUBJECT TO POSSIBLE
FAILURE OR OVERTOPPING DURING LARGER FLOODS."

December 21, 2005

In reply refer to:
R&C#: 051177064

Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K St. N.W., Suite 101
Washington, DC 20007-5108

RE: STB - POLK COUNTY - STB DOCKET NO AB-6 (SUB-NO 437X) - BNSF RAILWAY -
ABANDONMENT EXEMPTION BETWEEN STATION 0+00 AND STATION 47 + 00
NEAR GLAKE - SECS 7 & 8, T78N-R23W

Dear Mr. Strickland,

Thank you for notifying our office about the above referenced proposed project. We understand that this project will be a federal undertaking and will need to comply with Section 106 of the National Historic Preservation Act. We look forward to consulting with you and/or the Surface Transportation Board on the Area of Potential Effect for this proposed project and whether this project will affect any significant historic properties under 36 CFR Part 800.4. We will need the following types of information for our review:

- The Area of Potential Effect (APE) for this project needs to be adequately defined (36 CFR Part 800.16 (d))
- Information on what types of cultural resources are or may be located in the APE (36 CFR Part 800.4). Particularly, we need additional information on what types of background information have been examined to identify what types of historic properties are in the Area of Potential Effect that might be affected by the proposed undertaking. No information was provided on whether any previously recorded archaeological sites are located within the Area of Potential Effect that may be affected by the proposed undertaking.
- The significance of the historic properties in the APE in consideration of the National Register of Historic Places Criteria.
- A determination from the responsible federal agency of the undertaking's effects on historical properties within the APE (36 CFR Part 800.5)

The State Historic Preservation Office (SHPO) contains many sources of information concerning cultural resources within the state of Iowa. Included among these sources of information are

- Files with information on over 115,000 standing structures, objects, and historic districts in the Iowa Site Inventory which includes the National Register of Historic Places listings for Iowa;
- Historical and architectural surveys and thematic reports;
- Over 10,000 archaeological survey records and reports;
- Maps showing previously conducted archaeological survey locations;

- Copies of the Iowa Archaeological Site records from the Office of the State Archaeologist (OSA)

Information on cultural resources can also be found at local libraries, county engineer's office, universities and colleges, county historical societies and museums. The Office of the State Archaeologist (OSA) at the University of Iowa maintains the official Iowa Archaeological site records, and we encourage applicants, agencies, organizations and hired consultants to check with the Site Records Clerk at the OSA ((319) 384-0735) for update information on previously recorded archaeological sites.

The State Historic Preservation Office does not have staffing to conduct extensive background research for Section 106 projects or other historic preservation projects We encourage agencies, applicants, organizations, or hired consultants to come to our office to conduct the background research on projects. SHPO staff members are available to assist people in learning about and utilizing our resources. There is no charge for using our records unless copies are requested.

Based on a preliminary examination of our records, it appears that several small portions of the proposed line abandonment have been previously archaeologically surveyed (R&C#: 870477001 and 010477091) and no archaeological sites were identified within the proposed line abandonment. There are five previously recorded archaeological sites within a mile radius of the proposed project area. There appears to be a high potential that additional archaeological sites may be located within the immediate vicinity of the project area based on the results of previous archaeological investigations in this area. It also appears that there is no information available within the Iowa Site Inventory on any buildings, structures, sites, districts, or objects located within the immediate vicinity of the proposed line abandonment.

We note that you stated in your letter dated November 17, 2005, that "There are no bridges located along the proposed abandonment. We are aware of no other buildings or structures that are 50 years or older." We also note that you did not provide the types of background information you examined which served as the basis for your conclusion stated above.

At this time, we are not aware of any historic properties that are located within the proposed line abandonment. However, it appears that there is very little available information on what types of historic properties may be located within the proposed line abandonment. Also, it is unclear how any historic properties, if present within the proposed line abandonment, would be affected by the proposed project. We will need additional information regarding these items before we can provide any further comment on this undertaking. Also, we recommend that the responsible federal agency should consider whether a Cultural Resource Assessment needs be conducted for this proposed project. The survey should be conducted prior to any land disturbance or construction activities. The purpose of the survey

is to locate and evaluate any presently unidentified archaeological or historical sites which may be affected by the proposed undertaking.

If your firm will be the primary contact for this project, the responsible federal agency, the Surface Transportation Board, needs to notify us that they have authorized you to consult with our office on this project in accordance with 36 CFR Part 800.2(c)(5). Also, the responsible federal agency will need to identify and contact all potential consulting parties that may have an interest in historic properties within the project APE (36 CFR 36 Part 800.2 (c)).

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 Federal Aviation Administration on this project.

We have made these **comments and recommendations** according to our responsibility defined by Federal law pertaining to the Section 106 process. The responsible federal agency does not have to follow our **comments and recommendations** to comply with the Section 106 process. It remains the responsible federal agency's decision on whether or not to provide additional information to our office or whether or not to proceed with the project without the concurrence of this office. It also remains the responsible federal agency's decision on how you will proceed from this point for this project.

Should you have any questions please contact me at the number below.

Sincerely,



Douglas W. Jones, Archaeologist
State Historic Preservation Office
State Historical Society of Iowa
(515) 281-4358

Cc: Victoria Rutson, Chief, Section of Environmental Analysis, STB, Washington, DC
Ken Blodgett, Section of Environmental Analysis, STB, Washington, DC
Ralph Christian, Historian, SHSI

CERTIFICATION PURSUANT TO 49 C.F.R. 1105.7(C) AND 8(C)

BNSF Railway Company ("BNSF"), by and through its authorized representative, Sidney L. Strickland, Jr., certifies that on February 23, 2006, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

Richard Van Klaveren
State Conservationist
Natural Resource Conservation Service
210 Walnut Street
693 Federal Building
Des Moines, IA 50309-2180

Douglas W. Jones, Archeologist
State Historical Society of Iowa
Capitol Complex
600 East Locust Street
Des Moines, IA 50319-0290

Christine Spackman
Business Assistance Coordinator
Department of Natural Resources
Environmental Protection Division
Wallace State Office Building
502 East 9th Street
Des Moines, IA 50319-0034

Annie J. Hartman
Iowa Department of Natural Resources
Water Quality Bureau, Water Resources Section
Henry A. Wallace Building
502 E. 9th Street
Des Moines, IA 50319-0034

Donna M. Jones, P.E.
Chief, Enforcement Section
U.S. Army Engineer District, Rock Island
Clock Tower Building
P.O. Box 2004
Rock Island, IL 61204-2004

Patrick G. Carroll
U.S. Fish and Wildlife Service
Division of Realty
Region 3
BHW Federal Building
One Federal Drive
Fort Snelling, MN 55111-4056

Keith L. Dohrmann, Environmental Specialist
Department of Natural Resources
Conservation and Recreation Division
Wallace State Office Building
502 East 9th Street
Des Moines, IA 50319

Marcia Sieckman
U.S. Bureau of Land Management—Eastern States
Milwaukee Field Office
626 E. Wisconsin Ave.
Suite 200
Milwaukee, WI 53202-4617

Iowa Department of Natural Resources
State Parks Bureau
Wallace State Office Building
502 E. 9th Street
Des Moines, IA 50319-0034

Polk County Public Works Department
5885 N.E. 14th Street
Des Moines, IA 50313

Paulette Stodgel
Administrative Secretary
Polk County Board of Supervisors
111 Court Avenue, Rm. # 300
Des Moines, IA 50309

Ms. Victoria Ruston
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C., 20423-0001

Ralph W. Summers
Iowa NPDES Permit Coordinator
U.S. Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City, KS 66101

John Hey
Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010

Robert Maydwell
U.S. National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

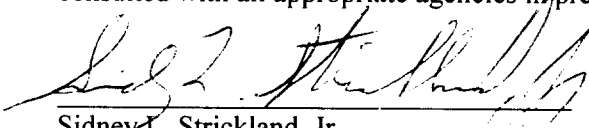
Division for Community Progress
Iowa Department of Economic Development
200 East Grand Avenue
Des Moines, IA 50309

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

Polk County Board of Supervisors
111 Court Avenue, Rm. #300
Des Moines, IA 50309

Iowa DNR Wildlife Bureau
Henry A. Wallace Building
502 E. 9th Street
Des Moines, IA 50319-0034

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.



Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K St. N.W.,
Suite 101
Washington, D.C. 20007

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-295-4024
FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

February 23, 2006

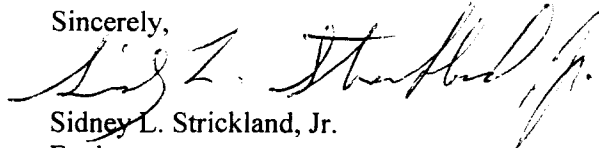
Ms. Victoria Ruston
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C., 20423-0001

***Re: STB Docket No. AB-6 (Sub. No. 437X) BNSF Railway Company—Abandonment
Exemption – in Polk County, IA***

Dear Ms. Ruston:

On or about March 15, 2006, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.89 miles of railroad line between Station 0 + 00 and Station 47 + 00, near Glake in Polk County, Iowa. Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Sincerely,



Sidney L. Strickland, Jr.
Enclosure
SLS/iat

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WASHINGTON, DC 20007-5108
TELEPHONE: 202-295-4024
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SIDNEY L. STRICKLAND, JR.
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February 23, 2006

Richard Van Klaveren
State Conservationist
Natural Resource Conservation Service
210 Walnut Street
693 Federal Building
Des Moines, IA 50309-2180

***Re: STB Docket No. AB-6 (Sub. No. 437X) BNSF Railway Company—Abandonment
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Dear Mr. Van Klaveren:

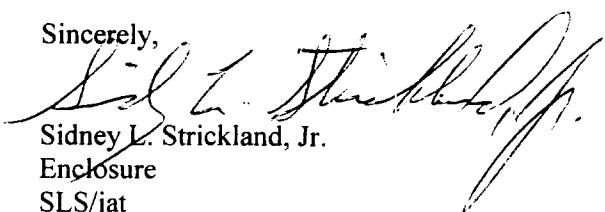
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We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental and historic analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001, Telephone (202) 565-1545, and refer to the above Docket No. AB-6 (Sub. No. 437X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 295-4024 or by mail at Sidney Strickland and Associates, PLLC, 3050 K Street, N.W., Suite 101, Washington, DC 20007.

Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.
Enclosure
SLS/iat

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-295-4024
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SIDNEY L. STRICKLAND, JR.
SIDNEY.STRICKLAND@STRICKLANDFLLC.COM

February 23, 2006

Douglas W. Jones, Archeologist
State Historical Society of Iowa
Capitol Complex
600 East Locust Street
Des Moines, IA 50319-0290

***Re: STB Docket No. AB-6 (Sub. No. 437X) BNSF Railway Company—Abandonment
Exemption – in Polk County, IA***

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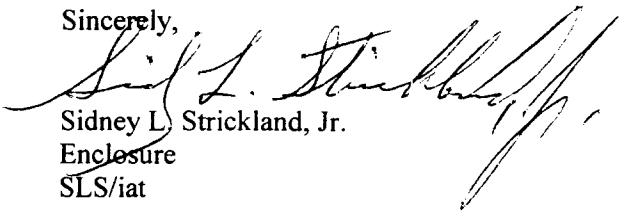
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SIDNEY L. STRICKLAND, JR.
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February 23, 2006

Christine Spackman
Business Assistance Coordinator
Department of Natural Resources
Environmental Protection Division
Wallace State Office Building
502 East 9th Street
Des Moines, IA 50319-0034

***Re: STB Docket No. AB-6 (Sub. No. 437X) BNSF Railway Company—Abandonment
Exemption – in Polk County, IA***

Dear Ms. Spackman:

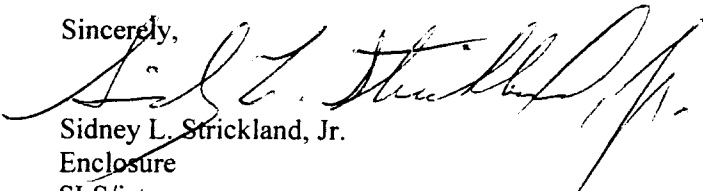
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February 23, 2006

Annie J. Hartman
Iowa Department of Natural Resources
Water Quality Bureau, Water Resources Section
Henry A. Wallace Building
502 E. 9th Street
Des Moines, IA 50319-0034

***Re: STB Docket No. AB-6 (Sub. No. 437X) BNSF Railway Company—Abandonment
Exemption – in Polk County, IA***

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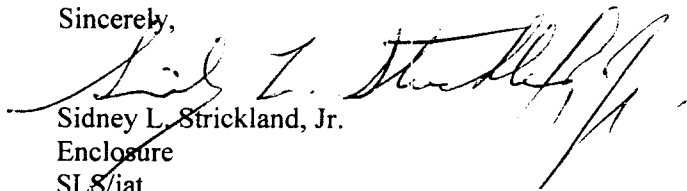
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February 23, 2006

Donna M. Jones, P.E.
Chief, Enforcement Section
U.S. Army Engineer District, Rock Island
Clock Tower Building
P.O. Box 2004
Rock Island, IL 61204-2004

***Re: STB Docket No. AB-6 (Sub. No. 437X) BNSF Railway Company—Abandonment
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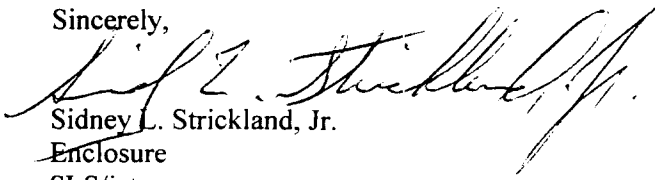
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SIDNEY L. STRICKLAND, JR.
SIDNEY.STRICKLAND@STRICKLANDP.LLC.COM

February 23, 2006

Patrick G. Carroll, Division of Realty
Fish and Wildlife Service
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

***Re: STB Docket No. AB-6 (Sub. No. 437X) BNSF Railway Company—Abandonment
Exemption – in Polk County, IA***

Dear Mr. Carroll:

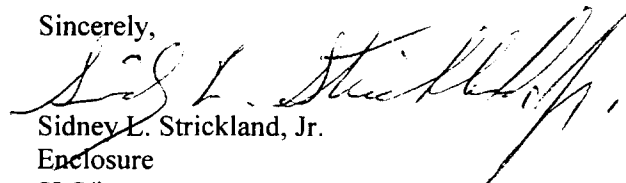
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SIDNEY L. STRICKLAND, JR.
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

February 23, 2006

Keith L. Dohrmann, Environmental Specialist
Department of Natural Resources
Conservation and Recreation Division
Wallace State Office Building
502 East 9th Street
Des Moines, IA 50319

***Re: STB Docket No. AB-6 (Sub. No. 437X) BNSF Railway Company—Abandonment
Exemption – in Polk County, IA***

Dear Mr. Dohrmann:

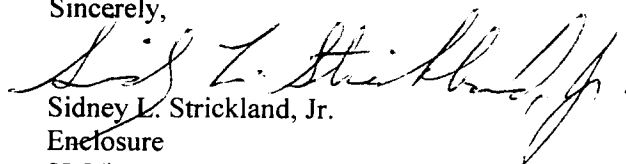
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SIDNEY L. STRICKLAND, JR.
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

February 23, 2006

Marcia Sieckman
U.S. Bureau of Land Management—Eastern States
Milwaukee Field Office
626 E. Wisconsin Ave.
Suite 200
Milwaukee, WI 53202-4617

***Re: STB Docket No. AB-6 (Sub. No. 437X) BNSF Railway Company—Abandonment
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Dear Ms. Sieckman:

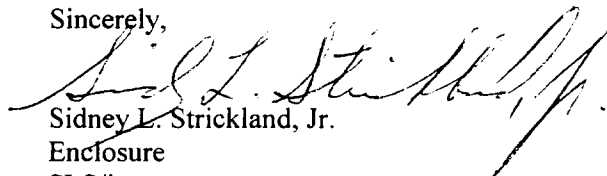
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Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.
Enclosure
SLS/iat

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-295-4024
FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

February 23, 2006

Iowa Department of Natural Resources
State Parks Bureau
Wallace State Office Building
502 E. 9th Street
Des Moines, IA 50319-0034

***Re: STB Docket No. AB-6 (Sub. No. 437X) BNSF Railway Company—Abandonment
Exemption – in Polk County, IA***

Dear Sir or Madam:

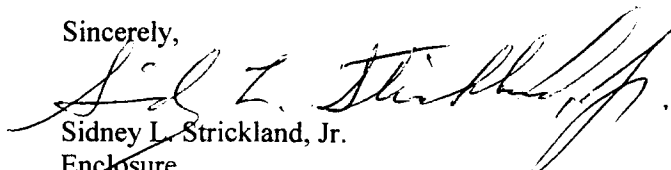
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SIDNEY L. STRICKLAND, JR.
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

February 23, 2006

Polk County Public Works Department
5885 N.E. 14th Street
Des Moines, IA 50313

***Re: STB Docket No. AB-6 (Sub. No. 437X) BNSF Railway Company—Abandonment
Exemption – in Polk County, IA***

Dear Sir or Madam:

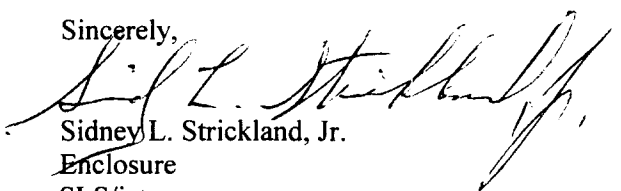
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SIDNEY L. STRICKLAND, JR.
SIDNEY.STRICKLAND@STRICKLANDPLLCC.COM

February 23, 2006

Paulette Stodgel
Administrative Secretary
Polk County Board of Supervisors
111 Court Avenue, Rm. # 300
Des Moines, IA 50309

***Re: STB Docket No. AB-6 (Sub. No. 437X) BNSF Railway Company—Abandonment
Exemption – in Polk County, IA***

Dear Ms. Stodgel:

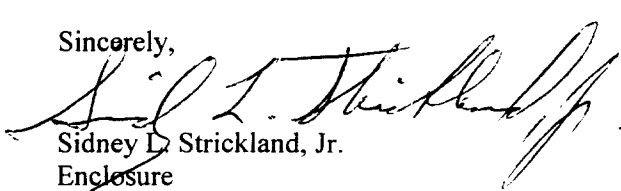
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SIDNEY L. STRICKLAND, JR.
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

February 23, 2006

Ralph W. Summers
Iowa NPDES Permit Coordinator
U.S. Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City, KS 66101

***Re: STB Docket No. AB-6 (Sub. No. 437X) BNSF Railway Company—Abandonment
Exemption – in Polk County, IA***

Dear Mr. Summers:

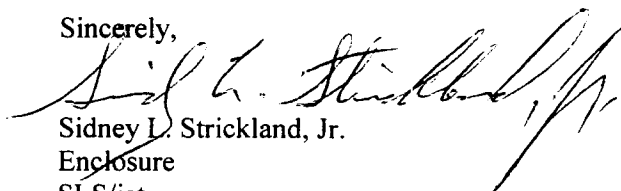
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SIDNEY L. STRICKLAND, JR.
SIDNEY.STRICKLAND@STRICKLANDPI.LC.COM

February 23, 2006

John Hey
Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010

***Re: STB Docket No. AB-6 (Sub. No. 437X) BNSF Railway Company—Abandonment
Exemption – in Polk County, IA***

Dear Mr. Hey:

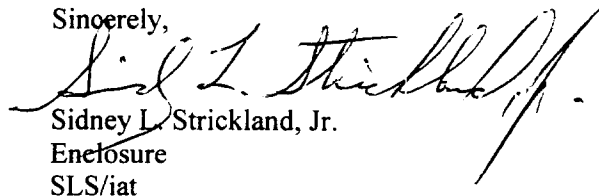
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SIDNEY L. STRICKLAND, JR.
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

February 23, 2006

Robert Maydwell
U.S. National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

***Re: STB Docket No. AB-6 (Sub. No. 437X) BNSF Railway Company—Abandonment
Exemption – in Polk County, IA***

Dear Mr. Maydwell:

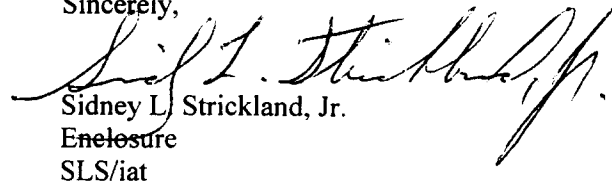
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SIDNEY L. STRICKLAND, JR.
SIDNEY.STRICKLAND@STRICKLANDP.LLC.COM

February 23, 2006

Division for Community Progress
Iowa Department of Economic Development
200 East Grand Avenue
Des Moines, IA 50309

***Re: STB Docket No. AB-6 (Sub. No. 437X) BNSF Railway Company—Abandonment
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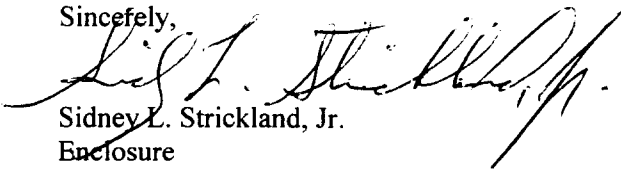
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SIDNEY L. STRICKLAND, JR.
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February 23, 2006

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

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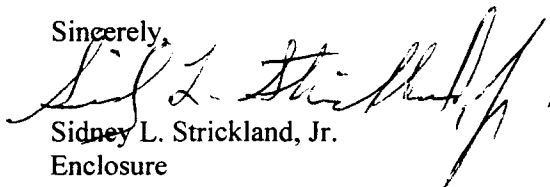
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SIDNEY L. STRICKLAND, JR.
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February 23, 2006

Polk County Board of Supervisors
111 Court Avenue, Rm. #300
Des Moines, IA 50309

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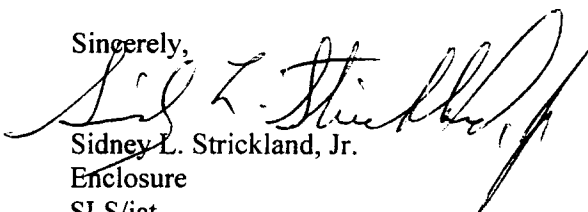
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February 23, 2006

Iowa DNR Wildlife Bureau
Henry A. Wallace Building
502 E. 9th Street
Des Moines, IA 50319-0034

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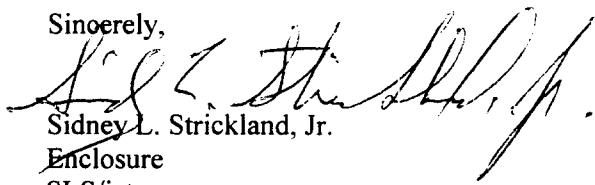
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