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**SURFACE TRANSPORTATION BOARD**  
**OFFICE OF ENVIRONMENTAL ANALYSIS**

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT  
DOCKET NO. AB 33 (Sub No. 300X) and DOCKET NO. AB 414 (Sub No. 6X)

**January 30, 2012**

RECOMMENDATION:      Remove Section 106 Condition

In this proceeding, Union Pacific Railroad Company (UP) and Iowa Interstate Railroad, Ltd. (IAIS) jointly filed a petition to permit UP to abandon and IAIS to discontinue service over UP's railroad line known as the Chicago and Great Western Industrial Lead, between milepost 503.6 and milepost 504.05, a distance of approximately 0.45 miles, in Council Bluffs, Pottawattamie County, IA (Line). The petition also sought approval from the Surface Transportation Board (Board) for the following actions involving trackage rights: 1) UP to abandon and IAIS to discontinue service over UP's connecting track from UP milepost 503.85 on the UP line to the end point at IAIS milepost 486.8, a distance of 400 feet (UP connecting track); 2) IAIS to discontinue its trackage rights over the Line and UP connecting track (IAIS trackage rights); and 3) UP to discontinue its overhead trackage rights over that portion of IAIS's mainline from IAIS milepost 486.8 to IAIS milepost 488.0, a distance of 1.2 miles (UP overhead trackage rights).

Because the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f (NHPA), had not been completed at the time of the Board's January 20, 2012 decision, the Board imposed a condition requiring UP and IAIS to: retain their interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the Area of Potential Effects that are eligible for listing or listed in the National Register until completion of the Section 106 process of the NHPA; (2) report back to OEA regarding any consultations with the SHPO and the public; and (3) not file their consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

**New Comments On the Abandonment**

**Section 106 Condition**

On January 23, 2012, the Iowa Department of Cultural Affairs, State Historic Preservation Office (SHPO) states that in its opinion, given the location and scope of the proposed abandonment and considering the land use history of the parcel involved, that this section of track does not meet any of the eligibility criteria for listing on the National Register of Historic Places. The SHPO also notes that there is little likelihood that the

proposed abandonment would encounter or adversely impact archaeological properties that may be eligible for listing in the National Register of Historic Places.

UP and IAIS submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the SHPO pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO has submitted comments stating that the proposed abandonment would not adversely affect National Register of Historic Places (National Register) historic properties located within the right-of-way (the Area of Potential Effect or APE) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.5(b), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(e), consists of the railroad's historic report, all relevant correspondence, and this Supplement Environmental Recommendation, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

### **Conclusions**

Accordingly, OEA recommends that the Board remove the Section 106 condition that was imposed in the January 20, 2012 decision.

OEA believes that the proposed action will not significantly affect the quality of the human environment.

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January 23, 2012

Raymond E. Allamong, Jr.  
Union Pacific Railroad  
1400 Douglas Street  
Stop 1350  
Omaha, NE 68179In reply refer to:  
R&C#: 080778043RE: STB – POTTAWATTAMIE COUNTY – UNION PACIFIC RAILROAD CO. –  
STB DOCKET NO. AB-33 (SUB-NO.300X) – IOWA INTERSTATE  
RAILROAD, LTC – STB DOCKET NO. AB-414 (SUB-NO.6X) –  
ADDITIONAL INFORMATION

Dear Mr. Allamong,

Thank you for providing additional information to our office concerning the above referenced proposed project. We understand that this project will be a federal undertaking for the Surface Transportation Board (STB) and will need to comply with Section 106 of the National Historic Preservation Act and the National Environmental Policy Act.

Given the location and scope of the proposed undertaking, and considering the landuse history of the parcel involved, it is our opinion that this section of track does not meet any of the eligibility criteria for listing on the National Register of Historic Places. Also, there appears to be little likelihood that the undertaking will encounter or adversely impact archaeological properties that may be eligible for listing in the National Register of Historic Places. Therefore, we would be able to concur with an agency's (STB) determination that **No Historic Properties will be Affected** by the implementation of this undertaking. Please forward a copy of the agency's letter of determination to our office upon its publication so that we can issue our formal concurrence and conclude our consultation on this project.

**Be advised that the successful conclusion of consultation with the SHPO in no way abrogates the agency's responsibility to consult with other parties that may have an interest in properties that may be affected by this project. Nor does it subjugate the sovereign status of federally recognized American Indian Tribes in the Section 106 consultation process.**

If design changes are made for this project which would involve undisturbed new rights-of-way or easements, please forward additional information to our office for further comment along with the Agency Official's determination of effect. If project activities uncover an item(s) that might be of archeological, historical or architectural interest, or if important new archeological, historical or architectural data should be encountered in the

project APE, the contractor should make reasonable efforts to avoid further impacts to the property until an assessment can be made by a qualified archaeologist.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Douglas W. Jones".

Douglas W. Jones, Archaeologist and Review and Compliance Program Manager  
and Interim Deputy State Historic Preservation Officer  
State Historic Preservation Office  
State Historical Society of Iowa  
(515) 281-4358

cc: Ralph Christian, Historian, State Historical Society of Iowa  
Troy Brady, Environmental Protection Specialist, STB