

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 337 (Sub-No. 9X)

November 3, 2016

ABANDONMENT TYPE

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

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

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

OEA served an Environmental Assessment (EA) for this proceeding on October 14, 2016 for public review and comment. In the EA, OEA recommended one environmental condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

During the public comment period, OEA received comments from the U.S. Fish and Wildlife Service (USFWS). In those comments, USFWS concurs with OEA that the proposed abandonment would not result in adverse impacts to federally listed threatened or endangered species. Because OEA did not recommend any mitigation conditions related to threatened or endangered species in the EA, OEA is not recommending any changes to EA based on the comments from USFWS.

Section 106 Condition

In the EA, OEA concluded that the proposed abandonment would have no effect on historic properties listed in or eligible for listing in the National Register of Historic Places (National Register). This finding was based on OEA's review of available historical information provided by the Dakota, Minnesota & Eastern Railroad Corporation (DM&E), which is the railroad applicant in this proceeding; comments submitted by the Historical Society of Iowa (the State Historic Preservation Office or SHPO) and the Office of the State Archeologist; and OEA's independent research. The EA, which included OEA's finding of no historic properties affected, was issued to the public on October 14, 2016. To date, the SHPO has not provided comments concurring with or objecting to OEA's finding.

Pursuant to 36 C.F.R. § 800.4(d)(1)(i), the SHPO may concur with or object to a finding of no historic properties affected within 30 days of receipt of that finding. In this proceeding, the 30-day review period has not yet expired and the SHPO has not provided comments concurring with or objecting to OEA's finding. Therefore, in order to provide the SHPO and other interested parties with sufficient time to comment on OEA's finding of no historic properties affected, OEA is recommending a condition be imposed on any decision granting abandonment authority in this proceeding requiring DM&E to maintain its interest in and take no steps to alter

the historic integrity of all historic properties within the Area of Potential Effect until the Section 106 process is complete. If abandonment authority is granted, if the SHPO does not disagree with OEA's finding within the 30-day review period and if no other party has raised concerns during that time, OEA will issue a Supplemental Final EA to recommend that the Board remove this condition and allow DM&E to consummate the abandonment.

Conclusions

The EA comment period has ended. OEA recommends that one condition, previously recommended in the EA, should be imposed upon any decision granting abandonment authority. The recommended condition is as follows:

- 1. Dakota, Minnesota & Eastern Railroad Corporation (DM&E) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act has been completed. DM&E shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historical Society of Iowa (the State Historic Preservation Officer or SHPO) and the public. DM&E may not file its 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.**

If the above condition is imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

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