

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

ED-1416

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
STB DOCKET NO. AB-33 (Sub-No. 279X)

March 15, 2010

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**

SEA served an Environmental Assessment (EA) for this proceeding on February 23, 2010 for public review and comment. In the EA, SEA recommended two (2) environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

SEA received one comment (see attached) letter after the issuance of the EA. The Conservation and Recreation Division of the Iowa Department of Natural Resources (DNR) commented that it had searched its data base to determine if the proposed abandonment would have an impact on rare species and significant natural communities, and found that no site specific records exist within the project area. DNR, however, cautioned that its records are not based on actual field surveys and that additional studies and/or mitigation may be warranted if such species are encountered during planning or construction – or in this case, the salvage process. Based on this request, SEA is recommending a condition that requires the Union Pacific Railroad Company (UP) to consult with DNR's Conservation and Recreation Division prior to initiating salvage activities to determine if the proposed abandonment would impact any rare species and/or significant natural communities.

DNR also recommended that its Environmental Services Division be contacted to determine if construction – or in this case, salvage activities – would result in ground disturbance of one or more acres and thus require a storm water discharge permit. DNR further mentioned that it administers fugitive dust regulations, which may apply to the salvage process. DNR provided contact information in both issue areas for further clarification. SEA is not certain if UP intends to disturb any of the underlying soil during salvage on the roughly 2.42 acres encompassing the proposed abandonment, and is therefore recommending a new condition that requires UP to consult with DNR's Environmental Services Division prior to initiating the salvage process to determine if any permits are required.

Conclusions

The EA comment period has ended. Accordingly, SEA recommends that the two conditions recommended in the EA as well as the two new conditions recommended in this document be imposed upon any decision granting abandonment authority. SEA concludes that if the following conditions are imposed, the proposed action would not significantly affect the quality of the human environment.

1. Prior to commencement of any salvage activities, the Union Pacific Railroad Company (UP) shall consult with the U.S. Army Corps of Engineers (Corps) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.
2. UP 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, 16 U.S.C. 470f, has been completed. UP shall report back to the Section of Environmental Analysis (SEA) regarding any consultations with the State Historic Preservation Office and the public. UP 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.
3. Prior to commencement of any salvage activities, UP shall contact the Iowa Department of Natural Resources (DNR), Conservation and Recreation Division, regarding potential impacts to rare species and/or significant natural communities and shall comply with its reasonable requirements.
4. Prior to commencement of any salvage activities, UP shall consult with DNR's Environmental Services Division regarding its storm water and fugitive dust emissions regulations and shall comply with its reasonable requirements.

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Distribution: Ann Newman, Office of Proceedings
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Attachment: (1)



#E1-18063
AB-33 279X
STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

March 1, 2010

Ms. Diana Wood
Surface Transportation Board
Case Control Unit
Washington, DC 20423

RE: Environmental Review for Natural Resources
Docket No. AB-33 (Sub-No. 279X)

Dear Ms. Wood:

Thank you for inviting Department comment on the impact of this project. The Department has searched for records of rare species and significant natural communities in the project area and found no site-specific records that would be impacted by this project. However, these records and 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 comment from the Environmental Services Division of this Department. This letter does not constitute a permit. Other permits may be required from the Department or other state or federal agencies before work begins on this project.

Any construction activity that bares the soil of an area greater than or equal to one acre including clearing, grading or excavation may require a storm water discharge permit from the Department. Construction activities may include the temporary or permanent storage of dredge material. For more information regarding this matter, please contact Ruth Rosdail at (515) 281-6782.

The Department administers regulations that pertain to fugitive dust IAW Iowa Administrative Code 567-23.3(2)"c." All persons shall take reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of property during construction, alteration, repairing or demolishing of buildings, bridges or other vertical structures or haul roads. All questions regarding fugitive dust regulations should be directed to Jim McGraw at (515) 242-5167.

If you have questions about this letter or require further information, please contact me at (515) 281-8524.

Sincerely,

A handwritten signature in cursive script that reads "Daryl Howell".

Daryl Howell
Environmental Specialist Senior
Conservation and Recreation Division

FILE COPY: Daryl Howell

Tracking Number: 4552