

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 337 (Sub-No. 7X)

July 15, 2015

RECOMMENDATION: Remove Section 106 Condition and Add New Condition

In this proceeding, Dakota, Minnesota & Eastern Railroad Corporation (DM&E) filed a notice of exemption to abandon a 0.66-mile line of railroad in the City of Davenport, in Scott County, Iowa. 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 22, 2014 decision, the Board imposed a condition requiring DM&E to: (a) 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 that are eligible for listing or are listed in the National Register of Historic Places until the Section 106 process of the NHPA has been completed; (b) report back to the Board's Office of Environmental Analysis (OEA) regarding any consultations with the Iowa Department of Cultural Affairs, State Historic Preservation Office (SHPO) and the public; and (c) not file a 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 the condition.

New Comments on the Abandonment

Section 106 Condition

On June 18, 2015, DM&E forwarded to the Board the attached correspondence dated March 23, 2015, from the Office of the State Archeologist at the University of Iowa regarding its archaeological site background check which was conducted for the undertaking at the recommendation of the Iowa SHPO. The archaeological site background check indicates that no archaeological site has been reported within or very near the project location.

Based on consultations with the SHPO and the railroad, OEA has determined that DM&E's proposed abandonment would not affect historic properties listed in or eligible

for inclusion in the National Register of Historic Places.¹ Accordingly, the Board has satisfied its responsibilities under Section 106 of the NHPA in this proceeding, and OEA is recommending that the Board remove the Section 106 condition.

New Condition to Address Unanticipated Discoveries of Archaeological Resources

In its March 23, 2015 letter, the Office of the State Archaeologist stated that if any archaeological resources or signs of a human burial are encountered during salvage activities, work in the area of the discovery should stop and further consultations should be undertaken. In response to the Office of the State Archaeologist's concern regarding unanticipated discoveries of archaeological resources or signs of a human burial, OEA is recommending that the Board impose the following new condition:

In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during salvage activities, the Dakota, Minnesota & Eastern Railroad Corporation (DM&E) shall immediately cease all work and notify the Board's Office of Environmental Analysis (OEA), appropriate federally-recognized tribes, and the Iowa Department of Cultural Affairs, State Historic Preservation Office (SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, appropriate federally-recognized tribes, the railroad, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

Conclusions

For the reasons stated above, OEA recommends that the Board: (1) remove the Section 106 condition that was imposed in the January 22, 2014 decision and (2) impose a new condition to address the Office of the State Archaeologist's concerns regarding unanticipated discoveries of archaeological resources or signs of a human burial. Condition 1, which requires consultation with the Iowa Department of Natural Resources, remains unchanged. Accordingly, the conditions are as follows:

1. Dakota, Minnesota & Eastern Railroad Corporation (DM&E) shall, prior to conducting any salvage activities related to the abandonment, consult with the Iowa Department of Natural Resources (DNR) to address DNR's concerns about the use of Best Management Practices to protect water quality and to determine the applicability of DNR's air quality program requirements.
2. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during salvage activities, the Dakota, Minnesota & Eastern Railroad Corporation (DM&E) shall immediately cease all

¹ 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 the December 27, 2013 Environmental Assessment, 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>.

work and notify the Board's Office of Environmental Analysis (OEA), appropriate federally-recognized tribes, and the Iowa Department of Cultural Affairs, State Historic Preservation Office (SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, appropriate federally-recognized tribes, the railroad, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

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

OEA CONTACT: Ken Blodgett (202-245-0305)



Monday, March 23, 2015

W. Karl Hansen
Stinson Leonard Street LLP
150 South Fifth St. Suite 2300
Minneapolis MN 55402-

Ref: ST Scott **Iowa Site File Search No.** 2015143

Dear W. Karl :

I have conducted a search of the Iowa Site File for archaeological sites recorded within a one-mile radius of the project area described in your request for search on 3/23/2015. This area is within 78N-3E Sec 33, 34. Our records indicate that no archaeological site has been reported to the OSA within or very near the project location. Seven other sites were recorded within one mile of that location at the time of the site records search. Other archaeological sites may be present at or near the project location but have not been discovered or reported to the OSA.

If you have not already done so, you may wish to consult with the State Historic Preservation Office (SHPO) to determine whether an archaeological survey may be needed. In the event that previously unidentified archaeological resources are discovered during ground disturbing activities on projects complying with Section 106 of the National Historic Preservation Act or other applicable federal and state laws, construction work should cease in the area of the resource and in the surrounding area where further subsurface remains can reasonably be expected to occur. The responsible federal or state agency and State Historic Preservation Office should be immediately notified and consulted about the discovery.

If during the course of construction or earthmoving signs of a human burial are encountered, those activities should be stopped at once and the Office of the State Archaeologist should be contacted immediately. Human burials may potentially include bone, ashes, or subterranean structures with or without overlying mound structures. All human burials in the state of Iowa are legally protected under Chapters 263B, 566, and 716 of the Iowa Code.

Should you need more information about a particular site, you may write to me including the appropriate site number in your request. Since every county has a different series of site numbers, be sure to include the full trinomial site designation in your request. This designation takes the form of 13XY### where XY is the county abbreviation and ### is the order in which site reports are received for a given county.

The information in this letter is intended to assist you in fulfilling any local, state, or federal laws and regulations related to archaeological sites concerning historic preservation such as Section 106 of the National Historic Preservation Act and to assist avoidance of any burial sites potentially located within the subject area. Prior to any federal undertaking, all archaeological sites should be evaluated for their National Register eligibility. Federal undertakings include but are not limited to projects receiving any federal financial support, technical assistance, licenses, or permits received by private landowners or federal, state, or local governments. The State Historical Preservation Office (SHPO) would need to be contacted for details about the final determination of significance for any site to be affected by a federal undertaking. This letter is not meant to confirm or deny that any applicable requirements have been met.

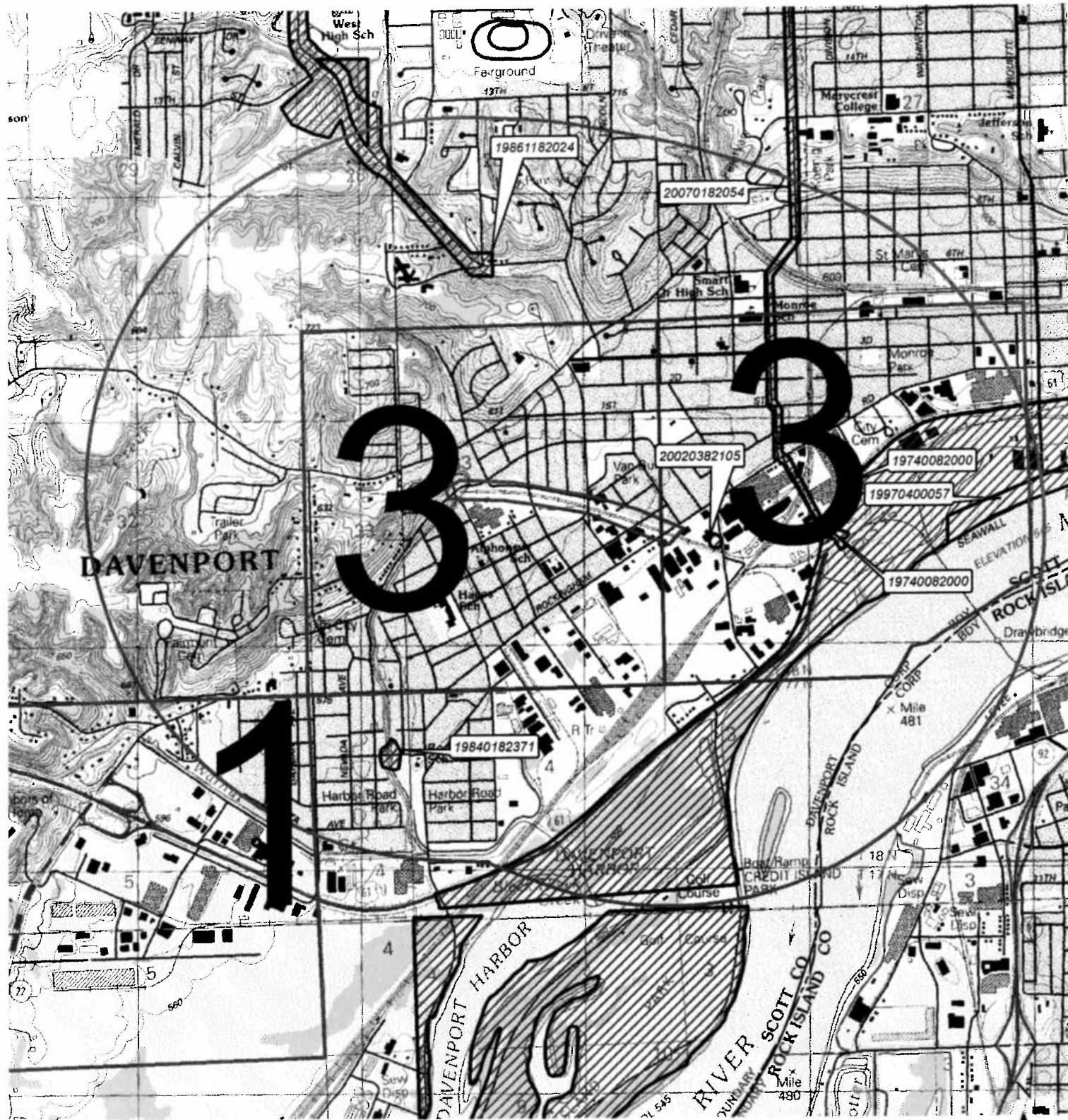
Sincerely,

Colleen Eck
Site Records Manager
enclosure

SITE	CulturalAffiliation	Site Type	AREA	DTYPE
13ST82	Prehistoric	Mounds: conical	389.7153481	triangle
13ST127	Woodland	Mounds: conical	314.146956	dot
13ST237	Historic Euro-American	Historic farm/residence	389.689608	inverted triangle
13ST242	Historic Euro-American	Historic farm/residence	389.689608	inverted triangle
13ST243	Historic Euro-American	Historic farm/residence	389.689608	inverted triangle
13ST244	Historic Euro-American	Historic farm/residence	389.689608	inverted triangle
13ST304	Historic Euro-American	Railroad related	312.5666472	dot

Dtype definitions

Polygon:	Boundaries and location known
Triangle:	Location and boundaries not certain
Inverted Triangle:	Location known, boundaries unknown
Dot: (10 m radius)	Location known, area < 20 m in any direction
Circle:	Location and site area known, exact boundaries not known



OSA Search 2015143

Scott County

Search Date: 3/23/2015 CE

2

Number of sites per section which occur within 1 mile buffer

Project area

1-mile buffer

Previously surveyed area, "intense" labeled with SHPO R&C number

0 0.25 0.5 0.75 1 Miles

0 0.3 0.6 0.9 1.2 Kilometers



This map contains confidential site location information. Neither the map nor the associated data may be reproduced or distributed without the consent of the Office of the State Archaeologist.

Precise locations outside of the project area may be withheld pursuant to Iowa Code section 22.7 subsection 20

Data displayed on this map are current as of the date of this search, but are subject to additions and revisions without notice.