

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB 414 (Sub-No. 7X)

**Iowa Interstate Railroad, Ltd. –
Abandonment Exemption –
In Pottawattamie County, Iowa**

BACKGROUND

In this proceeding, the Iowa Interstate Railroad, Ltd. (IAIS) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a 1.82 mile portion of rail line in Pottawattamie County, Iowa. The rail line proposed for abandonment is a single track line that begins at milepost 467.77 near Hancock Junction and extends southeasterly to a former shipper facility at milepost 469.59 near Oakland (the Oakland Branch). The rail line passes through a rural and largely agricultural area parallel and to the west of U.S. Route 59 and traverses U.S. postal zip code 51560. IAIS indicates that to the best of its knowledge, the rail line does not contain any federally granted right-of-way.

IAIS states that the rail line right-of-way proposed for abandonment may be suitable for use as a recreational trail, but not as a highway or other transportation system due to its close proximity to U.S. Route 59, predominantly rural setting, and lack of connectivity to any populated areas. IAIS states that there are two bridges – a 6-span timber pile trestle at milepost 468.1 and a 5-span timber trestle at milepost 469.2 – within the rail line right-of-way proposed for abandonment. If the notice becomes effective, IAIS would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way. IAIS intends to leave the two bridges and underlying roadbed intact. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

IAIS submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. IAIS served the environmental report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a

The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

IAIS states that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regarding of the right-of-way. Salvage may be performed within the right-of-way, or if necessary, via construction of new access points to the right-of-way. As stated above, if abandonment authority is granted, IAIS intends to salvage the rail, ties, and track materials, but would leave the two bridges and underlying roadbed intact.

The Iowa Department of Natural Resources (IDNR) submitted two comment letters. IDNR's Conservation and Recreation Division (CRD) commented that it conducted a search of its database for any rare species or significant natural communities that may be present within the area of the proposed abandonment and found no site specific records for such resources, but indicated that it would need to be notified if any such resources are encountered during the salvage process to determine further actions. CRD also notes that approvals from other IDNR offices, such as the Environmental Services Division, may be required prior to salvage operations. In a second agency-wide comment letter, IDNR recommends that best management practices be used during salvage operations, and that the U.S. Army Corps of Engineers (Corps) should be contacted for any potential impacts to waters of the United States and wetlands. To address these concerns, OEA is recommending a condition that would require IAIS to consult with IDNR prior to conducting salvage operations to determine what, if any, approvals/permits are needed prior to initiating the salvage process, and to comply with the reasonable requirements of any required approvals/permits.

The U.S. Army Corps of Engineers' (Corps) Omaha District commented that the proposed abandonment is within its Corps Civil Works boundary but outside its regulatory boundary and recommended contacting the Corps' Rock Island District. The Corps also commented that if the proposed action involves the discharge of fill material in waters of the United States, a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would be required. Because IAIS did not specify whether any water resources would be impacted during salvage operations, OEA is recommending a condition that would require IAIS to consult with the Corps' Rock Island District prior to salvage operations and to comply with its reasonable

requirements.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

OEA has not yet received responses from several federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. In addition to the above referenced agencies, OEA is sending a copy of this EA to the following agencies for review and comment: the U.S. Environmental Protection Agency, Region 7; the U.S. Fish and Wildlife Service, the Natural Resources Conservation Service; the National Geodetic Survey; the Iowa Department of Transportation; the Iowa Department of Community Development; the Pottawattamie County Board of Supervisors; and the Pottawattamie County Office of Planning and Development.

HISTORIC REVIEW

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 State Historical Society of Iowa (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. In addition, the SHPO stated that there are no identified or currently known archaeological sites within the area of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO, 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(d), consists of the railroad's historic report, all relevant correspondence, and this EA, 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>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.² The database indicates that there are seven federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The tribes are: the Iowa Tribe of Kansas and Nebraska, the Iowa Tribe of Oklahoma, the Omaha Tribe of Nebraska, the Otoe-Missouria Tribe of Indians, the Sac and Fox Nation of Missouri in Kansas and Nebraska, the Sac and Fox Nation of Oklahoma, and the Sac and Fox and Tribe of the

² Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited March 27, 2014).

Mississippi in Iowa. OEA has included these tribes in the service list for this proceeding so that they may receive a copy of the EA for review.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. The Iowa Interstate Railroad, Ltd. (IAIS) shall consult with the Iowa Department of Natural Resources (IDNR) prior to initiating salvage operations to determine what, if any, approvals or permits may be needed to: protect any rare species or significant natural communities and streams and other flowing waterbodies, and provide best management practices. If approvals or permits are needed, IAIS shall comply with the reasonable requirements of IDNR.
2. IAIS shall consult with the U.S. Army Corps of Engineers' (Corps) Rock Island District prior to initiating salvage activities for potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation is imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in

a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 414 (Sub-No. 7X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov.

Date made available to the public: April 1, 2014.

Comment due date: April 16, 2014.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment