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March 20, 2014

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ENTERED

Office of Proceedings
March 20, 2014
Part of
Public Record

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

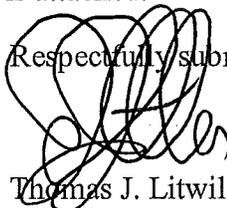
Re: **Docket No. AB-414 (Sub-No. 7X)**
Iowa Interstate Railroad, Ltd. -- Abandonment
Exemption -- In Pottawattamie County, Iowa

Dear Ms. Brown:

On March 7, 2014, Iowa Interstate Railroad, Ltd. ("IAIS") filed a notice of exemption in the above-captioned proceeding to abandon a 1.82-mile out of service rail line in western Iowa known as the Oakland Branch. Appendix Q to the Environmental/Historic Report for the abandonment (attached as Exhibit D to the notice of exemption) indicated that newspaper notice of the proposed abandonment was published in *The Daily Nonpareil* of Council Bluffs, Iowa on February 27, 2014, and that a proof of publication would be subsequently provided. That proof of publication is attached.

Also, in e-mail correspondence dated March 12, 2014, the State Historical Society of Iowa, acting as the state historic preservation officer ("SHPO"), indicated that the Oakland Branch and the two bridges on that line do not meet the eligibility criteria for listing on the National Register of Historic Places, and that the proposed abandonment "would not have the potential to affect any significant archaeological deposits that may be located within the railroad corridor." A copy of the SHPO's comments is attached.

Respectfully submitted,



Thomas J. Litwiler
Attorney for Iowa Interstate Railroad, Ltd.

TJL:tl

Attachments

PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

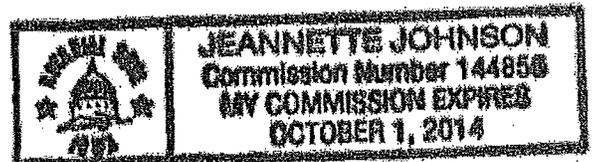
The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

The first publication thereof began on the 27th day of February, 2014

Signed in my presence by the said Amy McKay and by her sworn to before me this 27th day of February, A.D. 2014.

Amy McKay
Daily Nonpareil Controller

Jeannette Johnson
Notary Public



NOTICE
Iowa Interstate Railroad, Ltd. gives notice that on or after March 7, 2014 it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152. Subpart F - Exempt Abandonments permitting the abandonment of a 1.92-mile line of railroad between Milepost 467.771 near Hancock Junction, Iowa and the end of track at Milepost 664.669 near Oakdale, Iowa, Traversing United States Postal Service ZIP Code 51580 in Pottawattamie County, Iowa. The proceeding will be docketed as No. AB 414 (Sub-No. 7X).
The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA) which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202/245-0255.
Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, 385 F Street, S.W., Washington, DC 20423 (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12 (g)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs & Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative, Fletcher & Spigel, LLC, Attention: Thomas J. Lawler, 29 North Wacker Drive, Suite 920, Chicago, IL 60605-2822, 2014/2/27-11 Thursday.

Filed this 27th day of February, A.D. 2014.
Publication Cost: \$ 25.99

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Thomas J. Litwiler

From: Jones, Doug [DCA] [Doug.Jones@iowa.gov]
Sent: Wednesday, March 12, 2014 10:00 AM
To: Thomas J. Litwiler
Cc: Jones, Doug [DCA]; Christian, Ralph [DCA]; Gourley, Kathy [DCA]; King, Steve [DCA]; Diana.Wood@stb.dot.gov
Subject: 140278077 Iowa Interstate Railroad (IAIS) STB Docket NO. AB-414 (SUB-NO.7X) Oakland Branch Project from MP 467.77 to MP 469.59

Dear Mr. Litwiler,

Thank you for providing 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. We make the following comments and recommendations based on our examination of this material and in accordance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations, 36 CFR Part 800 (revised, effective August 5, 2004); the Advisory Council on Historic Preservation's Policy Statement on Affordable Housing and Historic Preservation (adopted November 9, 2006); and on The Advisory Council on Historic Preservation recently issued guidance in November 2011 on *Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review*.

Based on your information, it is our opinion that this section of track and the two bridges do not meet any of the eligibility criteria for listing on the National Register of Historic Places. We note that an archaeological site background check was not included with your documentation. Based on the proposed project activities, it would appear that the current undertaking would not have the potential to affect any significant archaeological deposits that may be located within the railroad corridor. We look forward to consulting with the federal agency when they provide us with a determination of effect to our office and all other potential consulting parties for consultation under Section 106 of the National Historic Preservation Act. . If the Area of Potential Effect is the same as the maps provided and your client and the federal agency agree with these recommendations and proposed determination of effect of No Historic Properties Affected, we would concur with that determination from the responsible federal agency.

This is the official SHPO comment letter for the above-referenced project, provided in accordance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations, 36 CFR Part 800 (revised, effective August 5, 2004). To read the document, you may need to download a free copy of Adobe Acrobat Reader at www.adobe.com.

Please reference the Review and Compliance Number provided above in all future submitted correspondence to our office for this project. Should you have any questions please contact me at doug.jones@iowa.gov or at the number below. Please note that you will not receive a hard copy of this letter by mail. There is no need to reply to this email unless you have specific questions or have problems opening the document.

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.

Douglas W. Jones, Archaeologist and
Review and Compliance Program Manager
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Des Moines, Iowa 50319
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Doug.jones@iowa.gov