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October 18, 2013

ENTERED
Office of Proceedings
October 18, 2013
Part of the Public
Record

VIA ELECTRONIC FILING

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423-0001

Re: Docket No. AB-314 (Sub No. 6X)
Chicago Central & Pacific Railroad Company — Notice of Exemption for Abandonment
in Cedar Rapids, Linn County, Iowa

Dear Ms. Brown:

Chicago Central & Pacific Railroad Company ("CCP") received the enclosure herein from the Deputy State Historic Preservation Officer of the State Historical Society of Iowa. The enclosed correspondence concerned the referenced abandonment. In the correspondence the Deputy SHPO indicated it was the opinion of the State Historical Society that the track at issue in the abandonment does not meet any of the eligibility criteria for listing on the National Register of Historic Places. CCP therefore believes that no 106 Condition is merited in this abandonment. The Deputy SHPO acknowledged that no archeological site background check was included, however, since CCP does not plan on doing any excavation or digging as part of this abandonment and will simply remove the rails and ties and leave the underlying road bed in place, it does not believe that an archeological site impact is required since there will be no adverse or potential adverse impact on any possible archeological properties. In addition, there is no indication that any archeological artifacts may be underneath the road bed as this road bed goes through an already developed urban area in Cedar Rapids Iowa.

In addition, CCP received the enclosed correspondence from the state DNR, which indicates the DNR found no records of rare species or significant natural communities along the proposed abandonment.

Feel free to call me if you have any questions.

Respectfully submitted,



Michael J. Barron, Jr.
Attorney for
Chicago Central & Pacific Railroad Company

Encls.

cc: Victoria Rutson (via facsimile)

Michael Barron, Jr.

From: Jones, Doug [DCA] <Doug.Jones@iowa.gov>
Sent: Thursday, October 03, 2013 2:12 PM
To: tom.healey@cn.ca; Michael Barron, Jr.
Cc: Strand, June [DCA]; King, Steve [DCA]; Jones, Doug [DCA]; Christian, Ralph [DCA]
Subject: RE: 130657082 Chicago Central & Pacific Railroad Company Docket AB-314 (Sub-No.6X)
MP 230.24 to MP 229.75 in Cedar Rapids

Dear Mr. Barron,

Thank you for providing additional 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 does 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. We have no comments at this time whether there appears to be any potential that the undertaking will encounter or adversely impact archaeological properties that may be eligible for listing in the National Register of Historic Places as no information was provided in your documentation. We would like to refer you and the STB to the Advisory Council on Historic Preservation's recently issued guidance in November 2011 on *Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review* for guidance on what types of information should be included in the documentation provided for consultation under Section 106 of the National Historic Preservation Act. We would encourage you to contact the Office of the State Archaeologist at the University of Iowa to get an archaeological site background check conducted for your undertaking. 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.

Please reference the Review and Compliance Number provided above in all future submitted correspondence to our office for this project. We look forward to further consulting with you and the Surface Transportation Board on this project.

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, Int. Deputy State Historic Preservation Officer
State Historical Society of Iowa
600 East Locust
Des Moines, Iowa 50319
(515) 281-4358
Doug.jones@iowa.gov

From: Jones, Doug [DCA]
Sent: Wednesday, August 07, 2013 10:39 AM
To: tom.healey@cn.ca
Cc: Jones, Doug [DCA]; Strand, June [DCA]; Cownie, Mary [DCA]
Subject: 130657082 Chicago Central & Pacific Railroad Company Docket AB-314 (Sub-No.6X) MP 230.24 to MP 229.75 in Cedar Rapids

Mr. Healey,

We have received your recent correspondence that you submitted to our office regarding the above referenced undertaking. 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 will need the following types of information provided to our office to initiate the Section 106 review for this undertaking:

- The Area of Potential Effect (APE) for this project needs to be adequately defined (36 CFR Part 800.16 (d)).
- Information on what types of cultural resources are or may be located in the APE (36 CFR Part 800.4).
- The significance of the historic properties in the APE in consideration of the National Register of Historic Places Criteria.
- A determination from the responsible federal agency of the undertaking's effects on historical properties within the APE (36 CFR Part 800.5).

A lot of the background research on cultural resources can be initiated through on-line searches such as I-Sites <http://www.uiowa.edu/~osa/focus/information/isf.htm> to conduct archaeological and architectural site background checks.

We will be able to provide comments on this undertaking when this information has been addressed and provided to our office, Please reference the Review and Compliance Number provided above in all future submitted correspondence to our office for this project. We look forward to further consulting with you and the Surface Transportation Board on this project.

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, Int. Deputy State Historic Preservation Officer
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STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

October 7, 2013

FLETCHER & SIPPEL LLC
Attn: MICHAEL BARRON
29 N WACKER DR STE 920
CHICAGO IL 60606

RE: Environmental Review for Natural Resources
Abandonment of railroad tracks
Cedar Rapids
Linn County
Section 3, Township 83 N, Range 7 W

Dear Mr. Barron,

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.

Please reference the following IDNR Environmental Review/Sovereign Land Program tracking number assigned to this project in all future correspondence related to this project: 9387.

If you have questions about this letter or require further information, please contact me at (515) 281-8967.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Poole".

Kelly Poole
Environmental Specialist
Conservation and Recreation Division

FILE COPY: Kelly Poole

Tracking Number: 9387

cmz