

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C.

ENTERED  
Office of Proceedings  
August 29, 2016

Part of  
Public Record

DAKOTA, MINNESOTA & EASTERN )  
RAILROAD CORPORATION – )  
ABANDONMENT OF TRACKAGE )  
LOCATED IN SCOTT COUNTY, IOWA )  
)

DOCKET NO. AB-337  
(SUB-NO. 9X)

VERIFIED NOTICE OF EXEMPTION TO ABANDON PURSUANT TO 49 C.F.R. § 1152.50  
A 1.95 MILE LINE OF RAILROAD BETWEEN MILEPOST 7.52 +/- AND MILEPOST  
9.47 +/- WHICH TRAVERSES THROUGH UNITED STATES POSTAL SERVICE  
ZIP CODE 52748 IN SCOTT COUNTY, IOWA

ENVIRONMENTAL AND HISTORIC REPORTS  
IN COMPLIANCE WITH  
49 C.F.R. PART 1105

DAKOTA, MINNESOTA & EASTERN  
RAILROAD CORPORATION

STINSON LEONARD STREET LLP  
W. Karl Hansen  
150 South Fifth Street, Suite 2300  
Minneapolis, Minnesota 55402  
Tel. (612) 335-7088  
Fax. (612) 335-1657

Attorneys for Dakota, Minnesota & Eastern  
Railroad Corporation

Service Date: August 29, 2016

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C.

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ENVIRONMENTAL AND HISTORIC REPORTS  
IN COMPLIANCE WITH  
49 C.F.R. PART 1105

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The following information is submitted to the Surface Transportation Board by Dakota, Minnesota & Eastern Railroad Corporation (“DM&E”) d/b/a Canadian Pacific in accordance with the Board’s reporting requirements as set forth in 49 C.F.R. Section 1105.7, for the purpose of assisting the Board in its preparation of an environmental document regarding DM&E’s Verified Notice of Exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903, permitting the abandonment of a 1.95+/- mile line of railroad between Milepost 7.52 +/- and Milepost 9.47 +/- (the "Line") which traverses through United States Postal Service ZIP Code 52748 in Scott County, Iowa.

REQUIREMENTS OF 49 C.F.R. SECTION 1105.7

Section 1105.7(b)(1) – (11) Distribution:

- (b) At least 20 days prior to filing with the Board a notice of exemption, petition for exemption, or an application for abandonment or discontinuance the applicant must serve copies of the Environmental Report on:
- (1) The State Clearinghouse of each State involved (or other state equivalent agency if the State has no clearinghouse);
  - (2) The State Environmental Protection Agency of each State involved;
  - (3) The State Coastal Zone Management Agency for any state where the proposed activity would affect land or water uses within that State’s coastal zone;

- (4) The head of each county (or comparable political entity including any Indian reservation) through which the line goes;
- (5) The appropriate regional offices of the Environmental Protection Agency;
- (6) The U.S. Fish and Wildlife Service;
- (7) The U.S. Army Corps of Engineers;
- (8) The National Park Service;
- (9) The U.S. Soil Conservation Service;
- (10) The National Geodetic Survey (formerly known as the Coast and Geodetic Survey) as designated agent for the National Geodetic Survey and the U.S. Geological Survey; and;
- (11) Any other agencies that have been consulted in preparing the report.

See List of Parties Consulted and Certificate of Service, attached as Exhibit No. 1.

Section 1105.7(c) Certification of Service of Environmental Report: In its Environmental Report, the applicant must certify that it has sent copies of the Environmental Report to the agencies listed and within the time specified in paragraph (b) of this section and that it has consulted with all appropriate agencies in preparing the report. These consultations should be made far enough in advance to afford those agencies a reasonable opportunity to provide meaningful input.

See List of Parties Consulted and Certificate of Service, attached as Exhibit No. 1.

Section 1105.7(c) Publication of Newspaper Notice of Intent to Abandon: Finally, in every abandonment exemption case, applicant shall certify that it has published in a newspaper of general circulation in each county through which the line passes a notice that alerts the public to the proposed abandonment, to available reuse alternatives, and to how it may participate in the STB proceeding.

The *Quad-City Times* published the Notice for Publication specified at 49 C.F.R. § 1105.12 on August 1, 2016. A copy of the newspaper notice, Certificate of Counsel, and Affidavit of Publication are attached as Exhibit No. 2.

Section 1105.7(d) Documentation: Any written responses received from agencies that were contacted in preparing the Environmental Report shall be attached to the report. Oral responses from such agencies shall be briefly summarized in the report and the names, titles, and telephone numbers of the persons contacted shall be supplied. A copy of, or appropriate citation to, any reference materials relied upon also shall be provided.

All the agencies referenced at 49 C.F.R. Section 1105.7(b) were contacted by letters dated July 22, 2016 to solicit comments. See Exhibit No. 4. Responses received to date have been incorporated along with DM&E's analysis. Copies of responses are attached as Exhibit No. 3. Subsequent written comments may be received by the OEA and DM&E.

Status of written and oral comments received:

1105.7(b)(1) State Clearinghouse:

The Iowa State Clearinghouse was contacted by letter on July 22, 2016, but no response has been received to date.

1105.7(b)(2) State Environmental Protection Agency:

The Air Quality Bureau of the Iowa Department of Natural Resources – Environmental Services Division was contacted by letter on July 22, 2016, but no response has been received to date.

1105.7(b)(3) State Coastal Zone Management Agency:

N/A -- The subject rail line is not within a designated coastal zone.

1105.7(b)(4) Head of Each County Through Which The Line Goes:

The Scott County Board of Supervisors was contacted by letter on July 22, 2016, but no response has been received to date.

1105.7(b)(5) Appropriate Regional Offices of the Environmental Protection Agency:

The U.S. Environmental Protection Agency was contacted by letter on July 22, 2016, but no response has been received to date.

1105.7(b)(6) U.S. Fish and Wildlife Services:

The U.S. Fish and Wildlife Service was contacted by letter on July 22, 2016, but no response has been received to date.

1105.7(b)(7) U.S. Army Corps of Engineers:

The Saint Paul District Office and the Rock Island District Office of the U.S. Army Corps of Engineers were contacted by letter on July 22, 2016, and the response of the Rock Island District Office is included in Exhibit 3.

1105.7(b)(8) National Park Service:

The National Park Service was contacted by letter on July 22, 2016, but no response has been received to date.

1105.7(b)(9) U.S. Soil Conservation Service:

The United States Department of Agriculture's Natural Resources Conservation Service was contacted by letter on July 22, 2016, and its response is included in Exhibit 3.

1105.7(b)(10) National Geodetic Survey:

The National Geodetic Survey was contacted by letter on July 22, 2016, and its response is included in Exhibit 3.

1105.7(b)(11) Other agencies consulted:

The Iowa Department of Transportation was contacted by letter on July 22, 2016, but no response has been received to date.

The Iowa Department of Natural Resources was contacted by letter on July 22, 2016, and its response is included in Exhibit 3.

The Iowa State Conservationist was contacted by letter on July 22, 2016, and its response is included in Exhibit 3.

The State Historical Preservation Officer was contacted by letter on July 22, 2016, and its response is included in Exhibit 3.

The Office of the State Archaeologist was contacted by letter on July 22, 2016, and its responses are included in Exhibit 3.

1105.7(e)(3) Local and Regional Planning Agencies

The Scott County Administrator was contacted by letter on July 22, 2016, but no response has been received to date.

The City of Eldridge was contacted by letter on July 22, 2016, and its response is included in Exhibit 3.

Section 1105.7(e) Content: The Environmental Report shall include all of the information specified in this paragraph, except to the extent that applicant explains why any portion(s) are inapplicable. If an historic report is required under § 1105.8, the Environmental Report should also include the Historic Report required by that section.

The Historic Report pursuant to 49 C.F.R. § 1105.8 is attached as Exhibit No. 5.

Section 1105.7(e)(1) Proposed Action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also

describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

The proposed action is the abandonment of 1.95 miles of track in Scott County, Iowa. The track has been out of service and no traffic has moved over the Line for over two years. Any overhead trackage has already been rerouted over other lines. DM&E has agreed to sell the right-of-way to the City of Eldridge after receipt and consummation of abandonment authority. The right-of-way will be sold with the track and ties in place for the City's development as a recreational trail. The City will remove and dispose of the remaining ties and rails on the right-of-way in an environmentally appropriate manner. A detailed map of the Line is included as Appendix A to the Historic Report attached as Exhibit No. 5.

Section 1105.7(e)(2) Transportation System: Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

No traffic will be diverted to other transportation systems by the abandonment of this out-of-service line of railroad.

Section 1105.7(e)(3)(i) Land Use: Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The Scott County Board of Supervisors, the Scott County Administrator, and the City of Eldridge were contacted by letter on July 22, 2016. The City's response is included in Exhibit 3. No other responses have been received to date. The City intends to purchase the right-of-way once DM&E has received and consummated abandonment authority. The right-of-way will be incorporated into the City's recreational trail system to provide residents with expanded opportunities for outdoor activities, which will implement a portion of the City's long term strategic goal of improving its citizens' health and stimulating economic activity. Accordingly, DM&E believes that the proposed action is consistent with existing land use plans.

Section 1105.7(e)(3)(ii): Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

The United States Department of Agriculture's Natural Resources Conservation Service and the Iowa State Conservationist were contacted by letter on July 22, 2016, and the State Conservationist's response is included in Exhibit 3.

Section 1105.7(e)(3)(iii): If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

The Line is not within a designated coastal zone.

Section 1105.7(e)(3)(iv): If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

The right-of-way may be suitable for alternative public use.

Section 1105.7(e)(4)(i) Energy: Describe the effect of the proposed action on transportation of energy resources.

The proposed abandonment will have no effect on the development and transportation of energy resources, or on the movement and/or recovery of recyclable commodities because no such energy resources or recyclable commodities are presently transported over this line.

Section 1105.7(e)(4)(ii): Describe the effect of the proposed action on recyclable commodities.

No impact is anticipated.

Section 1105.7(e)(4)(iii): State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

No impact is anticipated.

Section 1105.7(e)(4)(iv): If the proposed action will cause diversions from rail to motor carriage of more than:

- A. 1,000 rail carloads a year; or
- B. An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in § 1105.7(e)(4)(iii) need not be supplied if the more detailed information § 1105.7(e)(4)(iv) is required.

The proposed action will not cause any diversion from rail to motor carriage.

Section 1105.7(e)(5)(i) Air: If the proposed action will result in either:

- A. An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal; or
- B. An increase in rail yard activity of at least 100 percent (measured by carload activity); or

C. An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10502) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

The proposed abandonment:

A. Will not result in an increase in rail traffic of at least 100 percent or an increase of at least eight trains per day on any segment of rail line affected by the proposed abandonment.

B. Will not result in an increase in rail yard activity of at least 100 percent (measured by carload activity).

C. Will not result in an average increase in truck traffic by 10 percent or 50 vehicles per day for any affected road segment.

Section 1105.7(e)(5)(ii): If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either:

A. An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line;

B. An increase in rail yard activity of at least 20 percent (measured by carload activity); or

C. An average increase in truck traffic or more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10502), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment:

A. Will not result in an increase in rail traffic of at least 50 percent or an increase of at least three trains per day on any segment of rail line affected by the proposed abandonment.

B. Will not result in an increase in rail yard activity of at least 20 percent (measured by carload activity).

C. Will not result in an average increase in truck traffic by 10 percent or 50 vehicles per day for any affected road segment.

Section 1105.7(e)(5)(iii): If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency or service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Transportation of ozone depleting materials is not involved.

Section 1105.7(e)(6) Noise: If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) An incremental increase in noise levels of three decibels Ldn or more; or
- (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

None of the thresholds identified in item (5)(i) of this section will be surpassed.

Section 1105.7(e)(7)(i) Safety: Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Public health and safety will not be affected adversely by the proposed abandonment.

Section 1105.7(e)(7)(ii): If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

No hazardous materials are currently transported over this line segment.

Section 1105.7(e)(7)(iii): If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

A July 14, 2016 Phase I Environmental Site Assessment ("ESA") identified no current RECs on the right of way. The ESA identified an historical REC at the former Scott County Ready Mix facility adjacent to the right-of-way consisting of residual petroleum hydrocarbon soil contamination after the removal of two underground storage tanks. No groundwater contamination was identified by the

Iowa Department of Natural Resources, which issued a "No Further Action" letter in 1997. A copy of the ESA will be made available upon request.

Section 1105.7(e)(8)(i) Biological Resources: Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The U.S. Fish and Wildlife Service was contacted by letter on July 22, 2016, but no response has been received to date. No adverse effects are anticipated.

Section 1105.7(e)(8)(ii): State whether wildlife sanctuaries or refuges, National or State parks or forests be affected, and describe any effects.

No sanctuaries, state parks, or refuges will be adversely affected by the proposed abandonment.

Section 1105.7(e)(9)(i) Water: Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

The Iowa Department of Natural Resources was contacted by letter on July 22, 2016, and its response is included in Exhibit 3. Upon receipt of abandonment authority, DM&E has agreed to sell the right-of-way to the City of Eldridge with the track and ties in place for the City's development as a recreational trail. The City will remove and dispose of any remaining ties and track materials in an environmentally appropriate manner to prevent any impact on water quality.

Section 1105.7(e)(9)(ii): Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

The St. Paul District Office and the Rock Island District Office of the U.S. Army Corps of Engineers were contacted by letter on July 22, 2016. In its response, the Rock Island District Office has indicated that so long as removal of track materials do not require a discharge of fill material into the waters of the United States, no permit will be required. Because no designated wetlands or 100-year flood plains will be adversely affected, it is DM&E opinion that no permits under Section 404 of the Clean Water Act should be required for the proposed action.

Section 1105.7(e)(9)(iii): State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the State Environmental Protection or Equivalent Agency if they are unsure whether such permits are required).

The St. Paul District Office and the Rock Island District Office of the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, and the Iowa Department of Natural Resources were contacted by letter on July 22, 2016. In its response, the Rock Island District Office has indicated that so long as removal of track materials do not require a discharge of fill material into the waters of the United States, no permit will be required. Because no in-stream salvage activities are contemplated, it is DM&E's opinion that permits under Section 402 of the Clean Water Act are not required.

Section 1105.7(e)(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

DM&E does not anticipate any adverse effect to the environment. DM&E has agreed to sell the right-of-way to the City of Eldridge after receipt and consummation of abandonment authority. The right-of-way will be sold with the track and ties in place for the City's development as a recreational trail. The City will remove and dispose of the remaining track, ties and other track materials ("OTM") on the right-of-way in an environmentally appropriate manner. Accordingly, no mitigation will be necessary.

Section 1105.7(e)(11) Additional Information for Rail Constructions: The following additional information should be included for rail construction proposals (including connecting track construction).

Not applicable.

Section 1105.8 Historic Reports: (a) An applicant proposing an action identified in § 1105.6(a) or (b), or an action in § 1105.6(c) that will result in the lease, transfer, or sale of a railroad's line, sites or structures, must submit (with its application, petition or notice) the Historic Report described in paragraph (d) of this section, unless excepted under paragraph (b) of this section. This report should be combined with the Environmental Report where one is required. The purpose of the Historic Report is to provide the Board with sufficient information to conduct the consultation process required by the National Historic Preservation Act.

The Historic Report is attached as Exhibit No. 5.

Section 1105.9 Coastal Zone Management Act Requirements: If the proposed action affects land or water uses within a State coastal zone designated pursuant to the Coastal Zone Management Act (16 U.S.C. 1451 et seq.) applicant must comply with the following procedures.

The Line is not in a State coastal zone designated pursuant to the Coastal Zone Management Act.

END OF REPORT

Exhibit No. 1

Certificate of Service of Environmental and Historic Report  
and List of Parties Consulted

CERTIFICATE OF SERVICE OF ENVIRONMENTAL AND HISTORIC REPORTS

I hereby certify that on August 29, 2016, I served the Environmental Report and Historic Report relative to STB Docket No. AB-337 (Sub-No. 9X), pursuant to 49 C.F.R. §§ 1152.50; 1105.7(b), (c); and 1105.11, by First Class U.S. Mail properly addressed and with postage prepaid upon the parties listed on the attached List of Parties Consulted.

Dated at Minneapolis, Minnesota this 29<sup>th</sup> day of August, 2016.



W. Karl Hansen

**ENVIRONMENTAL & HISTORICAL REPORT**  
**ELDRIDGE LINE ABANDONMENT**  
**S.T.B. DOCKET NO. AB-337 (Sub-No. 9X)**  
**LIST OF PARTIES CONSULTED**

Parties consulted in preparing Environmental and Historical Reports - Dakota, Minnesota & Eastern Railroad Corporation - Abandonment of Line of Railroad running between Milepost 7.52+/- and Milepost 9.47+/- in Scott County, Iowa which traverses through United States Postal Service ZIP Code 52748

**FEDERAL AGENCIES CONSULTED**

Appropriate Regional Office(s) of the  
U.S. Environmental Protection Agency

U.S. EPA Region 7  
11201 Renner Blvd.  
Lenexa, KS 66219

U.S. Fish and Wildlife Service

U.S. Fish and Wildlife Service  
1849 C Street NW  
Washington, DC 20240

U.S. Fish and Wildlife Service – Midwest Region

Tom Melius, Regional Director  
U.S. Fish and Wildlife Service, Midwest Region  
5600 American Blvd. West, Suite 990  
Bloomington, MN 55437-1458

U.S. Army Corps of Engineers

U.S. Army Corps of Engineers  
St. Paul District  
180 5th St. East, Suite 700  
St. Paul, MN 55101-1678

U.S. Army Corps of Engineers – Regional Office

U.S. Army Corps of Engineers  
Rock Island District  
CEMVR-OC  
Clock Tower Building  
P.O. Box 2004  
Rock Island, IL 61204-2004

The National Park Service

Jon Jarvis, Director  
National Park Service  
1849 C Street NW  
Washington, DC 20240

The National Park Service – Midwest Region

Cam Sholly, Regional Director  
National Park Service - Midwest Region  
601 Riverfront Drive  
Omaha, NE 68102-4226

The U.S. Soil Conservation Service

Jason Weller, Chief  
USDA Natural Resources Conservation Service  
1400 Independence Ave. SW  
Room 5105-A  
Washington, DC 20250

The National Geodetic Survey (as designated agent for the National Geodetic Survey and the U.S. Geological Survey)

Juliana P. Blackwell, Director  
National Oceanic and Atmospheric Administration  
Geodetic Survey, SSMC3 #9340  
1315 East-West Highway  
Silver Spring, MD 20910-3282

Simon Monroe  
Geodetic Survey, SSMC3 #9202  
1315 East-West Highway  
Silver Spring, MD 20910-3282

## STATE AGENCIES CONSULTED

### State Clearinghouse

Iowa State Clearinghouse  
Office of the Governor  
State Capitol  
1007 East Grand Avenue  
Des Moines, IA 50319

### Iowa Department of Transportation

Kris Klop, Crossing Surface Program Manager  
Rail Transportation Office  
Iowa Department of Transportation  
800 Lincoln Way  
Ames, IA 50010

### Iowa Department of Natural Resources

Cal Lundberg, Section Supervisor  
Iowa Department of Natural Resources  
502 East 9<sup>th</sup> Street  
Des Moines, IA 50319-0034

### Iowa Department of Natural Resources – Field Office

Deborah Quade, Supervisor  
Iowa Department of Natural Resources  
Washington Field Office #6, Southeast Iowa  
1023 West Madison Street  
Washington, IA 52353-1623

### Iowa Environmental Protection Agency

Air Quality Bureau  
Department of Natural Resources – Environmental Services Division  
7900 Hickman Road, Suite 1  
Windsor Heights, IA 50324

### State Historical Preservation Officer

Mary Cownie, Director  
State Historical Society of Iowa  
600 East Locust Street  
Des Moines, IA 50319

State Archaeologist

John F. Doershuk, Ph.D.  
Office of the State Archaeologist  
700 South Clinton Street  
The University of Iowa  
Iowa City, IA 52242

The U.S. Soil Conservation Service – State Office

Kurt Simon  
State Conservationist  
210 Walnut Street, Room 693  
Federal Building  
Des Moines, IA 50309

State Coastal Zone Management Agency

N/A

**Other Political Entities and/or Indian Reservations through which the line runs**

Scott County Board of Supervisors

Jim Hancock, Chair  
Scott County Board of Supervisors  
Administrative Center  
600 W. 4th St.  
Davenport, Iowa 52801-1030

County Administrator

Mahesh C. Sharma  
Scott County Administrator  
600 W. 4<sup>th</sup> Street  
Davenport, IA 52801 - 1030

City of Eldridge

John, R. Dowd, Administrator  
City of Eldridge  
P.O. Box 375  
Eldridge, IA 52748

Exhibit No. 2

Certification of Publication of Newspaper Notice in Newspapers of General Circulation in  
Counties where Line is Situated and Affidavit of Publication

(49 C.F.R. Section 1105.12)

CERTIFICATE OF PUBLICATION OF PUBLIC NOTICE  
IN NEWSPAPER OF GENERAL CIRCULATION

I hereby certify that relative to STB Docket No. AB-337 (Sub-No. 9X), pursuant to 49 C.F.R. Sections 1152.50 and 1105.12, a public legal notice was published on August 1, 2016 in the *Quad-City Times*, which is a newspaper of general circulation where the Line is located.

Dated at Minneapolis, Minnesota this 29<sup>th</sup> day of August 2016.

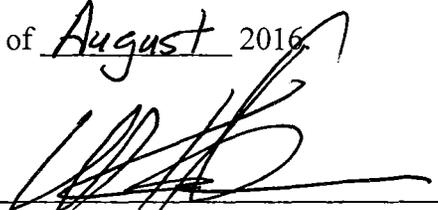
  
\_\_\_\_\_  
W. Karl Hansen

Exhibit No. 3

Responses to Environmental Scoping Correspondence Sent July 22, 2016

## Hansen, Karl

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**From:** Zehr, Matthew A MVR <Matthew.A.Zehr@usace.army.mil>  
**Sent:** Thursday, August 25, 2016 10:51 AM  
**To:** Hansen, Karl  
**Subject:** Rail Line Abandonment, Scott County Iowa

Karl,

We have received a request for review on the Dakota, Minnesota & Eastern Railway Corporation rail line abandonment located between milepost 7.52 and 9.47 (eldridge line) in Scott County Iowa 52748, STB Docekt # AB-337 (Sub-no. 9X).

As you have stated you will be removing all rails, ties, spikes, plates, railroad-related utilities and signaling devices. So long as the removal of these objects do not require a discharge of fill material into a water of the United States, no permit will be required for your activities. Should you need to discharge fill to accomplish the removal of any structure along the abandonment a separate notification should be sent to our office at:

Department of the Army  
Corps of Engineers, Rock Island District PO Box 2004, Clock Tower Building Rock Island, IL 61204-2004

Thank you,

Matt Zehr  
Regulatory Project Manager  
USACE OD-PP  
309-794-5369



## Hansen, Karl

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**From:** Cronin, James - NRCS, Des Moines, IA <james.cronin@ia.usda.gov>  
**Sent:** Friday, August 19, 2016 11:44 AM  
**To:** Hansen, Karl  
**Subject:** File No. 2061322.0031\_Proposed Rail Line Abandonment, Scott Co. Iowa  
**Attachments:** FPPA\_Initial Screening Tool\_Fillable\_FINAL\_072715.pdf

Dear Mr. Hansen,

My officer received your July 22, 2016 request for comments regarding any interests the NRCS may have in this project. In general, the NRCS has interests in the Farmland Protection Policy Act (FPPA) and wetland conservation easements held by the NRCS. To better assist you in your request, I have attached a decision tree designed to rapidly screen project under the FPPA. If after evaluating this project using this screening tool you believe an AD-1006 must be submitted, then please submit the form to Mr. Rick Bednarek, State Soil Scientist for further evaluation: [Rick.Bednarek@ia.usda.gov](mailto:Rick.Bednarek@ia.usda.gov)

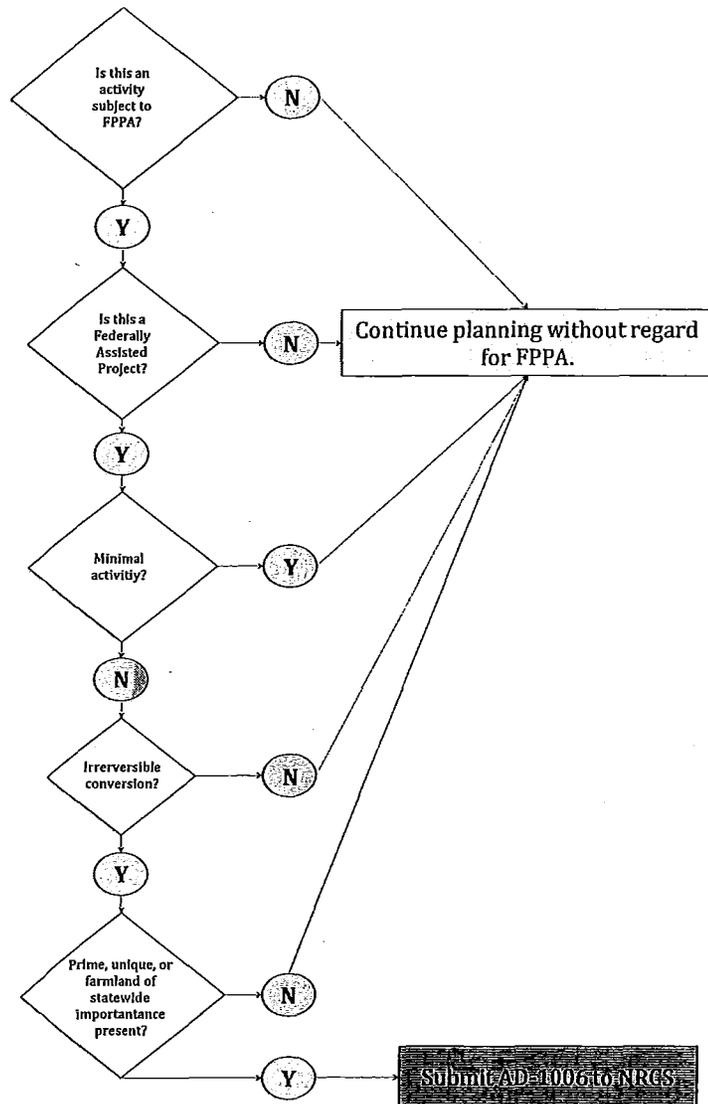
In order to evaluate the project area in relation to any NRCS conservation easement, an electronic GIS shapefile is ideal. If you have a shapefile or CAD electronic drawing that you could send me, it would greatly improve response and accuracy. Please advise. In the meantime, I have asked our easements office to determine if the map provided in your request is sufficient.

Thank you,  
James

James M. Cronin  
State Biologist  
210 Walnut Street, 693 Federal Building  
Des Moines, Iowa 50309-2180  
Natural Resources Conservation Service  
Phone (515) 284-4370  
Desk (515) 323-2221

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Farmland Protection Policy Act  
Initial Screening Tool



CHECK ALL THAT APPLY
<b>Federally Assisted Project</b>
<input type="checkbox"/> Acquiring or disposing of land; <input type="checkbox"/> Providing financing or loans; <input type="checkbox"/> Managing property; or <input type="checkbox"/> Providing technical assistance.
<b>Activities not subject to FPPA</b>
<input type="checkbox"/> Federal permitting and licensing. <input type="checkbox"/> Projects planned and completed without the assistance of a Federal agency, <input type="checkbox"/> Projects on land already in urban development or used for water storage, <input type="checkbox"/> Construction within an existing right-of-way purchased on or before August 4, 1984, <input type="checkbox"/> Construction for national defense purposes, <input type="checkbox"/> Construction of on-farm structures needed for farm operations, <input type="checkbox"/> Surface mining, where restoration to agricultural use is planned.
<b>Activities that may be subject to FPPA</b>
<input type="checkbox"/> State highway construction projects, (through the Federal Highway Administration); <input type="checkbox"/> Airport expansions; <input type="checkbox"/> Electric cooperative construction projects; <input type="checkbox"/> Railroad construction projects; <input type="checkbox"/> Telephone company construction projects; <input type="checkbox"/> Reservoir and hydroelectric projects; <input type="checkbox"/> Federal agency projects that convert farmland;
<b>Minimal Activity</b>
<input type="checkbox"/> Replacing existing structures within the same footprint. <input type="checkbox"/> Installation of utility poles, underground utilities, and temporary access roads where restoration of pre-construction conditions is planned.
<b>Irreversible Conversion of Farmland to Non-Agricultural use</b>
<input type="checkbox"/> An action or structure which precludes agricultural activity on areas considered prime or unique farmland, or farmland of statewide importance; <input type="checkbox"/> The action or structure would permanently exclude such agricultural activity for the reasonably foreseeable future. <input type="checkbox"/> Placing a structure or material on the surface, fencing and conservation easements that effectively exclude agricultural use for the reasonably foreseeable future.

## Hansen, Karl

---

**From:** John Dowd <jdowd@cityofeldridgeia.org>  
**Sent:** Friday, August 19, 2016 10:53 AM  
**To:** Hansen, Karl  
**Subject:** Letter on positive environmental impact of STB Docket No. AB-337 (Sub-No. 9x)  
**Attachments:** Letter on positive environmental impact of purchase.doc

Mr. Hansen,

Please see attached letter for comments regarding the Request for Comments on Potential Environmental Impact of Proposed Rail Line Abandonment Located between Milepost 7.52 +/- and Milepost 9.47 (Eldridge Line) in Scott County, Iowa (U.S. Postal Zip Code 52748) – STB Docket No. AB-337 (Sub-No.9X).

*John R. Dowd*  
City Administrator  
City of Eldridge  
305 N. Third Street, P. O. Box 375  
Eldridge, IA 52748  
563-285-4841  
563-285-7376 (fax)  
[www.cityofeldridgeia.org](http://www.cityofeldridgeia.org)



305 N. Third Street, P. O. Box 375  
Eldridge, Iowa 52748-0375  
(563) 285-4841  
(563) 285-7376 facsimile

Delivered electronically

August 19, 2016

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

Re: Request for Comments on Potential Environmental Impact of Proposed Rail Line Abandonment Located between Milepost 7.52 +/- and Milepost 9.47 (Eldridge Line) in Scott County, Iowa (U.S. Postal Zip Code 52748) – STB Docket No. AB-337 (Sub-No.9X)

Dear Mr. Hansen:

The City of Eldridge is extremely interested in obtaining the railroad right-of-way referenced above. Incorporating this portion of right-of-way into the city's recreational trail system will provide our residents with expanded opportunities for outdoor activities. This project will implement a portion of the city's long term strategic goal of improving the health of our citizens. The expanded trail should also stimulate economic activity by attracting people from outside the community to come to Eldridge where they can visit shops and restaurants in town after spending time on the trail.

Thank you for your attention in this matter.

Sincerely,

*John R. Dowd*

John R. Dowd  
City administrator

## Hansen, Karl

---

**From:** Quade, Deborah [DNR] <Deborah.Quade@dnr.iowa.gov>  
**Sent:** Wednesday, August 17, 2016 3:10 PM  
**To:** Hansen, Karl  
**Subject:** Proposed Rail line abandonment Scott County

Mr. Hansen,

We have reviewed your proposed rail line abandonment in Scott County, IA. The only comments we have concern, if the pulled railroad ties will be protected from rainfall (that could create a stormwater runoff issue). Also, will the rail bed be stabilized after tie removal.

That is only comment from DNR Field Office 6.

Best,  
Deb

**DEBORAH QUADE**, Environmental Program Supervisor

Iowa Department of Natural Resources

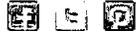
O: (319) 653-2135 Ext. 103 | M: (319) 430-9241 |

[deborah.quade@dnr.iowa.gov](mailto:deborah.quade@dnr.iowa.gov)

Field Office 6 | 1023 West Madison St. | Washington, Iowa 52353-1623



[WWW.IOWADNR.GOV](http://WWW.IOWADNR.GOV)



*Leading Iowans in Caring for Our Natural Resources*

**PLEASE NOTE:** The DNR's 24-hr Emergency Hotline will change on July 1<sup>st</sup> to **515-725-8694**

## Hansen, Karl

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**From:** Jones, Doug [DCA] <Doug.Jones@iowa.gov>  
**Sent:** Friday, August 05, 2016 4:12 PM  
**To:** Hansen, Karl  
**Cc:** Jones, Doug [DCA]; Wielenga, Libby [DCA]; SHPO106 [DCA]  
**Subject:** 160782111 Dakota Minnesota & Eastern Railway Corp STB Docket AB-337 (Sub No 9X) in Scott County

August 5, 2016

Mr. Hansen,

We received your submittal regarding the above-referenced project. Thank you for providing the State Historic Preservation Office (SHPO) of Iowa with the opportunity to review this project. We understand this will be a federal undertaking for the Surface Transportation Board (STB) and will need to comply with among other environmental laws and regulations, Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. We offer the following recommendations on this potential project as *technical assistance* for consideration to you and the responsible Federal agency.

**The State Historic Preservation Office does not have staffing, nor is it the SHPO's responsibility, to conduct extensive background research for:**

- **Federal Undertakings Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR § 800).**
- **Section 110 of the National Historic Preservation Act**
- **National Environmental Policy Act and its implementing regulations (40 CFR § 1500 - 1508).**

We encourage agencies, applicants, organizations, or hired consultants to conduct the cultural resource background research on projects. The State Historic Preservation Office (SHPO) contains many sources of information concerning cultural resources within the state of Iowa. Included among these sources of information are

- Files with information on over 133,000 standing structures, objects, and historic districts in the Iowa Site Inventory which includes the National Register of Historic Places listings for Iowa;
- Historical and architectural surveys and thematic reports;
- Over 12,000 archaeological survey records and reports;

SHPO staff members are available to assist people in learning about and utilizing our resources. There is no charge for using our records unless you are requesting copies. Copies or Digital Scans are 25¢ a page. If SHPO staff makes the copies and/or does research which takes longer than 15 minutes, a charge of \$30/hour will be assessed with a minimum charge of 1 Hour.

Information on cultural resources can also be found at local libraries, county engineer's office, universities and colleges, county historical societies and museums. The Office of the State Archaeologist (OSA) at the University of Iowa maintains the official Iowa Archaeological site records, and we encourage applicants, agencies, organizations and hired consultants to either check with the Site Records Clerk at the OSA ((319) 384-0735) or go on-line to I-Sites at the Office of the State archaeologist's website at <https://archaeology.uiowa.edu/i-sites> for updated information on previously recorded cultural resources.

We recommend to you that the best way to determine whether this proposed project will affect any significant historic properties is to consider conducting a Cultural Resource Assessment of the known historic properties within the study corridor.

We will provide recommendations on this undertaking when the following information is provided to our office :

- Information on what types of cultural resources are or may be located in the Area of Potential Effect (APE) ((36 CFR Part 800.4). The information provided should constitute adequate documentation in accordance with 36 CFR Part 800.11(d). The information provided should also meet the guidance issued in November 2011 by the Advisory Council on Historic Preservation entitled *Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review*.
- The significance of cultural resources in the APE (if any) in consideration of the National Register of Historic Places Criteria [36 CFR Part 800.4(c)(1)].
- An assessment of the effects this undertaking might have on any historic properties within the APE (36 CFR Part 800.5).

All human remains are legally protected in Iowa under the Iowa Code. Chapters 263B and 716 of the Iowa Code legally protect human burials or remains. If the human remains are older than 150 years in age, they are considered to be ancient human burials or remains and fall under the jurisdiction of the Office of the State Archaeologist. If the human remains are less than 150 years of age, the human remains fall under the jurisdiction of the Iowa Department of Public Health.

If any prehistoric burial mounds or other types of previously unidentified ancient human mortuary sites are located either within or immediately adjacent to the proposed route, we recommend that you should consult with Office of the State Archaeologist. Consultation with American Indian tribes that may attach religious and cultural significance to historic properties which may be affected by this proposed undertaking is also mandated under the Act and 36 CFR 800..

We have provided this **technical assistance** according to our responsibility defined by Federal law. It remains your **decision** on whether or not you need to provide additional information to our office or whether or not you should proceed with the project without the concurrence of this office. It also remains your **decision** on how you will proceed from this point for this project.

When adequate documentation (as referenced above) for this undertaking is provided to our office, we will be able to initiate the review process under Section 106 of the National Historic Preservation Act and provide further recommendations. Please reference the Review and Compliance (R&C) Number provided above in all future correspondence submitted to our office for this project.

Do not hesitate to contact me at (515) 281-4358 or [doug.jones@iowa.gov](mailto:doug.jones@iowa.gov) if you have any questions or require further technical assistance in this matter.

Sincerely,

**Douglas W. Jones**

Review & Compliance Program Manager and Archaeologist, State Historic Preservation Office  
[doug.jones@iowa.gov](mailto:doug.jones@iowa.gov) | 515.281.4358 | [iowaculture.gov](http://iowaculture.gov)

Iowa Arts Council | Produce Iowa | State Historical Society of Iowa  
**Iowa Department of Cultural Affairs**

Share your stories using #iowahistory



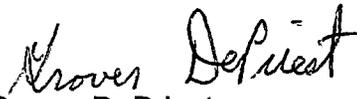
July 27, 2016

Mr. W. Karl Hansen  
Stinson Leonard Street  
150 South Fifth Street  
Suite 2300  
Minneapolis, MN 55402

Dear Mr. Hansen:

This letter references the July 22, 2016, communication soliciting comments for an Environmental Assessment (EA) on the rail line abandonment located between milepost 7.52 and milepost 9.47 (Eldridge line) in Scott County, Iowa. The Iowa Natural Resources Conservation Service (NRCS) does not believe that this undertaking will have deleterious effects on soil and wetlands.

Sincerely,

  
Grover DePriest  
State Resource Conservationist



OFFICE OF THE  
STATE ARCHAEOLOGIST

700 Clinton Street Building  
Iowa City, Iowa 52242  
319-384-0732 Fax 319-384-0768  
osa@uiowa.edu  
www.uiowa.edu/~osa

July 26, 2016

W. Karl Hansen  
Stinson Leonard Street LLP  
150 South Street, Suite 2300  
Minneapolis, MN 55402

**Re: Comments, proposed rail line abandonment near Eldridge, Scott County, Iowa—STB Docket No. AB-337 (Sub-No. 9X)**

Dear Mr. Hansen:

Thank you for the information packet on the above referenced undertaking. While there are no previously recorded archaeological sites known to be associated with the segment of rail line proposed for abandonment on the figures you provided in your letter of July 22<sup>nd</sup> requesting comment, there has been some previous archaeological survey completed. In those areas overlapping the rail line corridor in question investigated by professional archaeologists no historic properties or other cultural resources have been identified. As the rail grade itself will be left intact, there appears little basis for concern that currently unknown but significant archaeological sites will be affected by the proposed abandonment. Therefore my office has no issues with the project as currently conceived. If changes to the scope-of-work come about, especially if ground-disturbing work is to be conducted in areas not clearly thoroughly disturbed, then additional consultation concerning archaeological resources will be appropriate.

Please do not hesitate to call me (319-384-0751) or e-mail ([john-doershuk@uiowa.edu](mailto:john-doershuk@uiowa.edu)) if you have any questions.

Sincerely,

John F. Doershuk, Ph.D.  
State Archaeologist of Iowa



Tuesday, July 26, 2016

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

Ref: ST Scott Iowa Site File Search No. 2017010

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 7/26/2016. This area is within 79N-3E Sec 23, 14. Our records indicate that no archaeological site has been reported to the OSA within or very near the project location. Eleven 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.

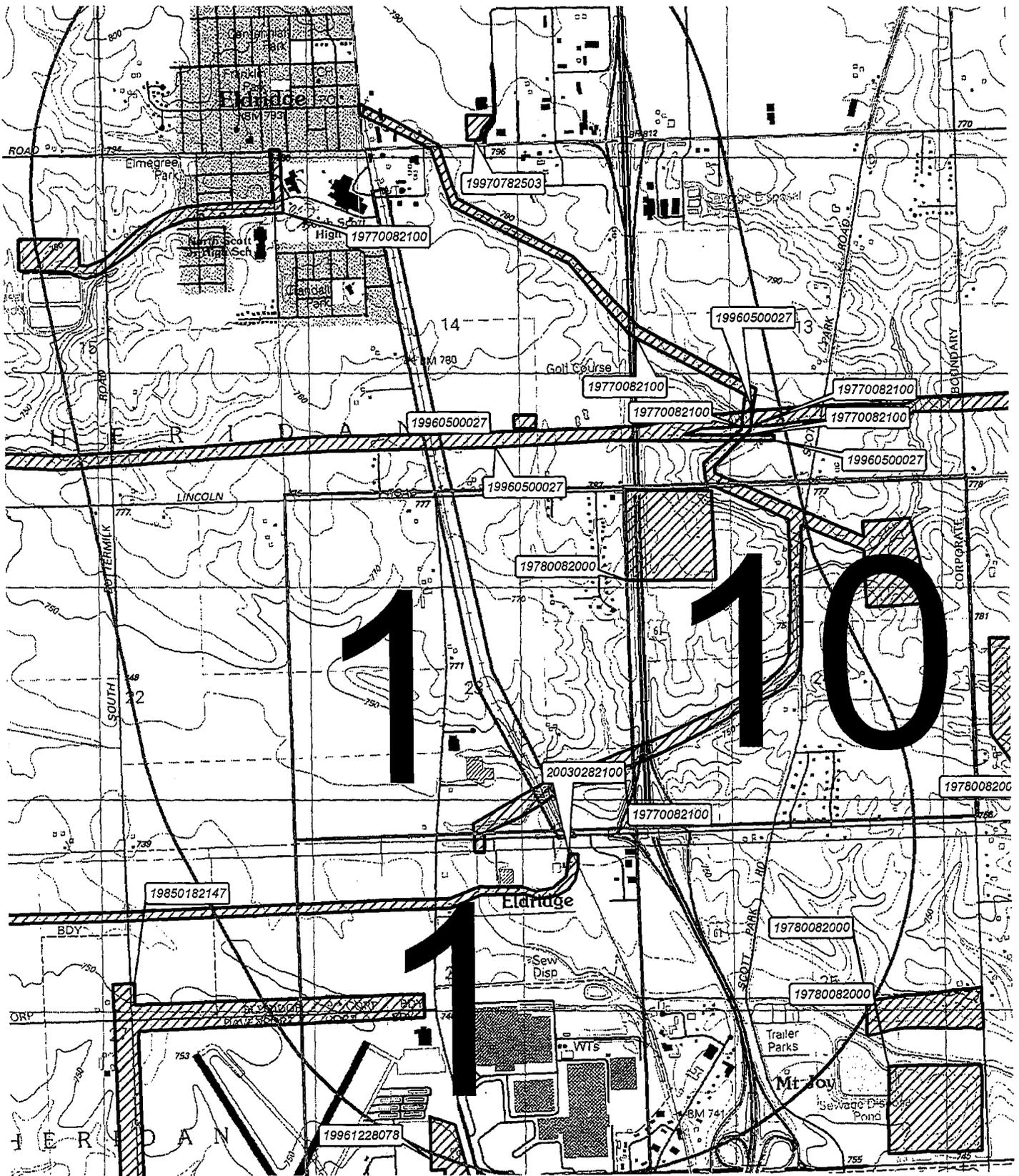
Sincerely,

Colleen Eck  
Site Records Manager  
enclosure

<b>SITE</b>	<b>CulturalAffiliation</b>	<b>Site Type</b>	<b>AREA</b>	<b>DTYPE</b>
13ST24	Prehistoric	Prehistoric scatter	314.1464484	dot
13ST62	Prehistoric	Prehistoric scatter	314.1462415	dot
13ST63	Prehistoric	Prehistoric scatter	1963.414766	circle
13ST64	Prehistoric	Prehistoric scatter	314.1463164	dot
13ST65	Prehistoric	Prehistoric scatter	314.146333	dot
13ST66	Prehistoric	Prehistoric scatter	314.1462706	dot
13ST67	Prehistoric	Prehistoric scatter	1963.414967	circle
13ST68	Prehistoric	Prehistoric scatter	1963.414156	circle
13ST69	Prehistoric	Prehistoric scatter	314.1462474	dot
13ST70	Prehistoric	Prehistoric scatter	314.1463384	dot
13ST71	Prehistoric	Prehistoric scatter	314.1463192	dot

#### **Dtype definitions**

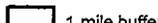
Polygon:	Boundaries and location known
Triangle:	Location and boundaries not certain
Inverted Triangle:	Location known, boundaries unknown
Dot: (10 m radius)	Location known, area < 20 m in any direction
Circle:	Location and site area known, exact boundaries not known



OSA Search 2017008

Scott County  
Search Date: 7/26/2016 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



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.

Exhibit No. 4

Environmental Scoping Correspondence Required By 49 C.F.R. Section 1105.7(b)



W. Karl Hansen  
612.335.7088 DIRECT  
612.335.1657 DIRECT FAX  
karl.hansen@stinsonleonard.com

July 22, 2016

**To: Attached List of Parties Consulted**

**VIA U.S. MAIL**

**Re: Request for Comments on Potential Environmental Impact of Proposed Rail Line Abandonment Located between Milepost 7.52 +/- and Milepost 9.47 (Eldridge Line) in Scott County, Iowa (U.S. Postal Zip Code 52748) - STB Docket No. AB-337 (Sub-No. 9X)**

Our File No. 2061322.0031

Dear Sir/Madam:

Dakota, Minnesota & Eastern Railway Corporation ("DM&E") d/b/a Canadian Pacific on or about September 9, 2016 anticipates filing a Notice of Exemption with the United States Department of Transportation – Surface Transportation Board (STB) to discontinue and abandon all freight rail operations over approximately 1.95 miles of rail line located in Scott County, Iowa. A map of the proposed abandonment is enclosed.

This proposed rail line abandonment petition for exemption requires review by the STB. I will be preparing an Environmental and Historic Report that will provide the basis of the environmental review that the STB's Office of Environmental Analysis (OEA) will conduct for this proceeding. In preparing this report, consultation with agencies or organizations that may have specific interest in or knowledge of the potential environmental impact is essential. This letter is, therefore, intended to solicit your comments regarding the potential environmental impact, if any, of the proposed rail line abandonment.

Your comments on the potential impact of this abandonment will be incorporated into the Environmental Report to be filed on or about August 19, 2016. A copy of this report will be provided to you, after which additional comments can be submitted directly to the OEA.

As shown on the attached map, the line that is proposed to be abandoned is located between Milepost 7.52 +/- and Milepost 9.47 in Scott County, Iowa. It traverses through U.S. Postal Zip Code 52748.

For purposes of evaluating the environmental impact that would result from abandonment of the line, the proposed action includes discontinuing freight service and salvaging equipment and materials that are present on the line.

The rail line is located entirely within Scott County, south of the City of Eldridge. The proposed action includes the removal of all rails, ties, spikes, plates, railroad-related utilities, and signaling devices. All equipment and materials that are removed from the line would either be reused, sold as scrap, or disposed of in accordance with applicable environmental regulations.

The Environmental Report for the proposed abandonment is being prepared pursuant to STB regulations (49 C.F.R. Chapter X, Part 1105) (copy of which is enclosed), the National Environmental Policy Act, 42 U.S.C. § 4332; the Energy Policy and Conservation Act, 42 U.S.C. § 6362(b); and related laws including the National Historic Preservation Act, 16 U.S.C. § 470f, the Coastal Zone Management Act, 16 U.S.C. § 1451, and the Endangered Species Act, 16 U.S.C. § 1531. Areas of concern that you and other interested parties are invited to address in your comments include any potential impact of the proposed action on the following:

- Local land use
- Existing local and regional transportation systems
- Energy use
- Air emissions and ambient air quality conditions
- Water quality and wetlands
- Biological resources including threatened or endangered species
- Ambient noise levels
- Public health safety
- Historic, cultural, or archaeological sites listed or eligible for inclusion on the National Register of Historic Places
- Socioeconomics, including local and regional employment

We are soliciting your comments with regard to: (1) any permitting/approval authority which your agency has over the proposed action, and (2) any specific concerns which you believe should be addressed in the STB environmental document prepared after our Report is submitted. As required by applicable STB regulations (49 C.F.R., Chapter X, Part 1105.7(e)(9)(iii)) and Part 1105.7(c), we also request that you comment on and describe the effects, if any, of our proposed action on those resources or areas of concern within the authority of your agency.

Specifically, the Board's regulations state that, with respect to the area of concern within the jurisdiction of your agency, DM&E must address the following:

"49 C.F.R. Part 1105.7(e)(4)(i)-(iv) Energy:

(i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year; or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in Section 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Section 1105.7(e)(4)(iv) is required."

"49 C.F.R. Part 1105.7(e)(5)(ii) Air:

(ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act."

"49 C.F.R. Part 1105.7(e)(6)(ii) Noise:

(ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed."

"49 C.F.R. Part 1105.7(e)(7)(iii) Safety:

(iii) If there are known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved."

"49 C.F.R. Part 1105.7(e)(9)(i), (ii), & (iii) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

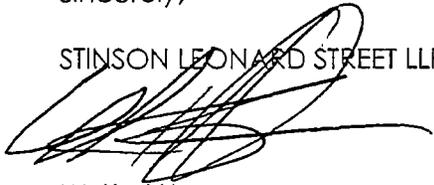
Any written comments should be submitted to the undersigned. They will be appended to the Environmental Report being submitted to the STB if received prior to August 19, 2016. Thereafter, please submit them directly to the Office of Environmental Analysis as follows: Surface Transportation Board, Office of Environmental Analysis, 395 E Street, SW, Washington D.C. 20423-0001, or by calling that office at (202) 245-0454, and forwarding a copy to the undersigned.

Any comments or information that you provide will be included in DM&E's Environmental Report and will be considered by the STB in the preparation of the draft environmental document and in its evaluation of the overall environmental and energy impact of the proposed action. Your cooperation will help ensure that all environmental concerns are thoroughly addressed.

Thank you very much for your assistance.

Sincerely,

STINSON LEONARD STREET LLP



W. Karl Hansen

Enclosures

ENVIRONMENTAL & HISTORIC REPORTS  
RAILROAD ABANDONMENT  
STB DOCKET NO. AB-337 (Sub-No. 9X)  
LIST OF PARTIES CONSULTED

Parties consulted in preparing Environmental and Historic Reports – Dakota, Minnesota & Eastern Railroad Corporation - Abandonment of Line of Railroad between Milepost 7.52 +/- and Milepost 9.47 +/- (Eldridge Line) in Scott County, Iowa (U.S. Postal Zip Code 52748)

**FEDERAL AGENCIES CONSULTED**

Environmental Protection Agency – Regional Office

U.S. EPA Region 7  
11201 Renner Blvd.  
Lenexa, KS 66219

U.S. Fish and Wildlife Service

U.S. Fish and Wildlife Service  
1849 C Street NW  
Washington, DC 20240

U.S. Fish and Wildlife Service – Midwest Region

Tom Melius, Regional Director  
U.S. Fish and Wildlife Service, Midwest Region  
5600 American Blvd. West, Suite 990  
Bloomington, MN 55437-1458  
Phone: (612) 713-5360

U.S. Army Corps of Engineers

U.S. Army Corps of Engineers  
St. Paul District  
180 5th St. East, Suite 700  
St. Paul, MN 55101-1678

U.S. Army Corps of Engineers – Regional Office

U.S. Army Corps of Engineers  
Rock Island District  
CEMVR-OC  
Clock Tower Building  
P.O. Box 2004  
Rock Island, IL 61204-2004

The National Park Service

Jon Jarvis, Director  
National Park Service  
1849 C Street NW  
Washington, DC 20240

The National Park Service – Midwest Region

Cam Sholly, Regional Director  
National Park Service - Midwest Region  
601 Riverfront Drive  
Omaha, NE 68102-4226  
Phone: (402) 661-1736

The U.S. Soil Conservation Service

Jason Weller, Chief  
USDA National Resource Conservation Service  
1400 Independence Ave. SW  
Room 5105-A  
Washington, DC 20250

The National Geodetic Survey (as designated agent for the National Geodetic Survey and the U.S. Geological Survey)

Juliana P. Blackwell, Director  
National Oceanic and Atmospheric Administration  
Geodetic Survey, SSMC3 #9340  
1315 East-West Highway  
Silver Spring, MD 20910-3282

Simon Monroe  
Geodetic Survey, SSMC3 #9202  
1315 East-West Highway  
Silver Spring, MD 20910-3282

## STATE AGENCIES CONSULTED

### State Clearinghouse

Iowa State Clearinghouse  
Office of the Governor  
State Capitol  
1007 East Grand Avenue  
Des Moines, IA 50319  
Phone: (515) 281-5211

### Iowa Department of Transportation

Kris Klop, Crossing Surface Program Manager  
Rail Transportation Office  
Iowa Department of Transportation  
800 Lincoln Way  
Ames, IA 50010  
Phone: (515) 239-1108

### Iowa Department of Natural Resources

Cal Lundberg, Section Supervisor  
Iowa Department of Natural Resources  
502 East 9<sup>th</sup> Street  
Des Moines, IA 50319-0034  
Phone: (515) 281-5918

### Iowa Department of Natural Resources – Field Office

Deborah Quade, Supervisor  
Iowa Department of Natural Resources  
Washington Field Office #6, Southeast Iowa  
1023 West Madison Street  
Washington, IA 52353-1623  
Phone: (319) 653-2135

### Iowa Environmental Protection Agency

Air Quality Bureau  
Department of Natural Resources – Environmental Services Division  
7900 Hickman Road, Suite 1  
Windsor Heights, IA 50324

State Historical Preservation Officer

Mary Cownie, Director  
State Historical Society of Iowa  
600 East Locust Street  
Des Moines, IA 50319  
Phone: (515) 281-8741

State Archaeologist

John F. Doershuk, Ph.D.  
Office of the State Archaeologist  
700 South Clinton Street  
The University of Iowa  
Iowa City, IA 52242

The U.S. Soil Conservation Service – State Office

Kurt Simon  
State Conservationist  
210 Walnut Street, Room 693  
Federal Building  
Des Moines, IA 50309  
Phone: (515) 284-6655

Other Political Entities Through Which The Line Runs

Scott County Board of Supervisors

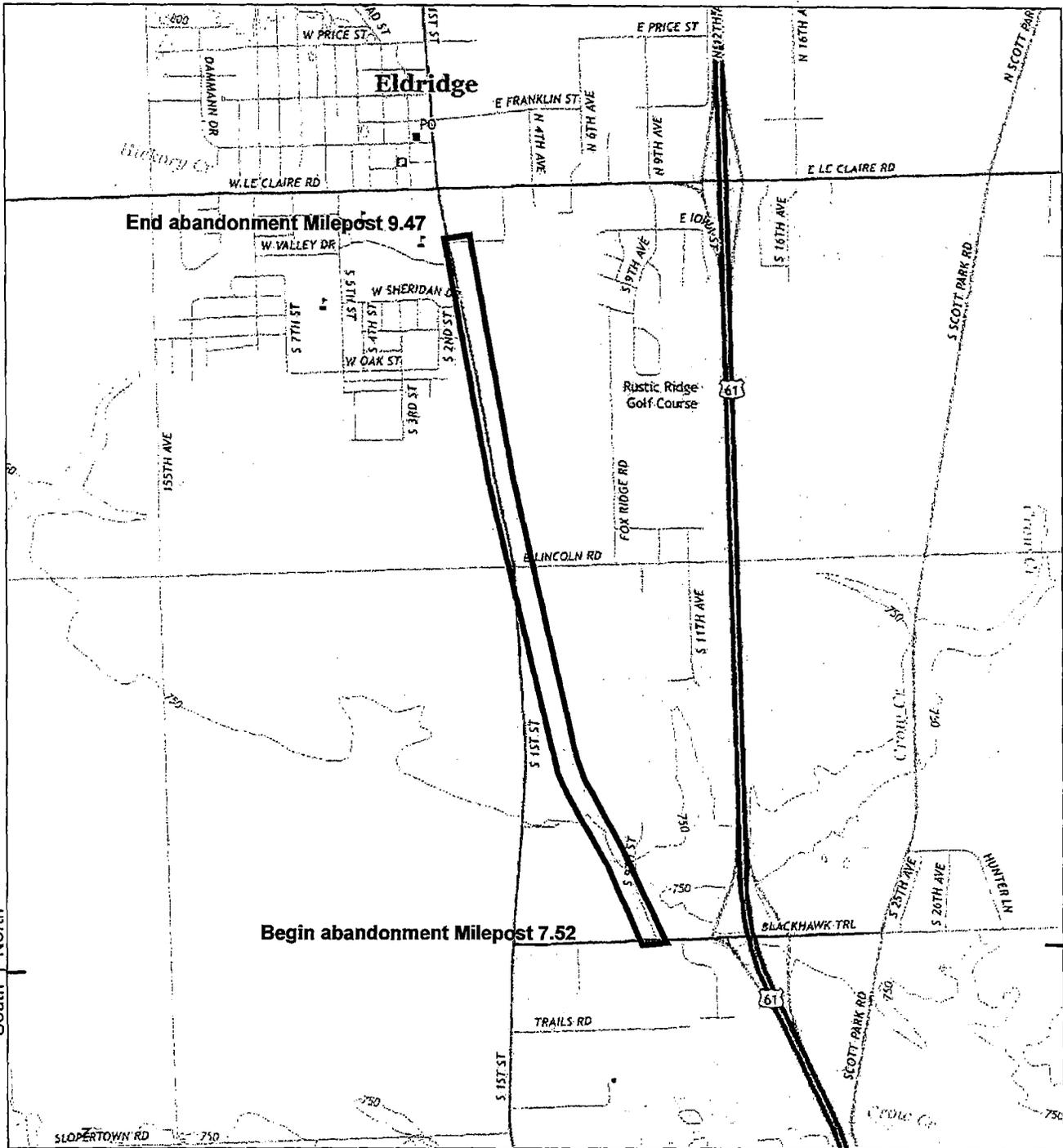
Jim Hancock, Chair  
Scott County Board of Supervisors  
Administrative Center  
600 W. 4th St.  
Davenport, Iowa 52801-1030  
(563) 326-8749  
Fax: (563) 328-3285  
board@scottcountyiowa.com

County Administrator

Mahesh C. Sharma  
Scott County Administrator  
600 W. 4th Street  
Davenport, IA 52801 - 1030

City of Eldridge

John, R. Dowd, Administrator  
City of Eldridge  
P.O. Box 375  
Eldridge, IA 52748



2013	0      Distance in Miles      1	Dakota, Minnesota & Eastern Railroad Corp. Eldridge Line abandonment STB Docket No. AB-337 (Sub-No. 9X)	HIG					
	1: 24,000 (1"=2,000')    NAD 1983 UTM Zone 15N							
Unified maps show subdued modern topo features where corresponding maps of the same year were not published.		WeaverBoos HIG #1634422 completed: 06/20/2016						
Zone	Topographic Map Name	Publisher	Map Size	Base Map	Aerial Photo Topo Updates			
North	Eldridge, IA	USGS	7½' x 7½'	2013	Photo	Year	Inspected	Revised
South	Davenport East, IA	USGS	7½' x 7½'	2013	--	--	--	--

## Surface Transportation Board, DOT

## § 1105.4

I \_\_\_\_\_ (Name) \_\_\_\_\_, certify under penalty of perjury under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or State offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal Benefits, either by court order or by operation of law, pursuant to 21 U.S.C. 862.

[54 FR 49260, Nov. 22, 1989, as amended at 61 FR 52711, Oct. 8, 1996; 64 FR 53268, Oct. 1, 1999; 67 FR 5515, Feb. 6, 2002]

### PART 1105—PROCEDURES FOR IMPLEMENTATION OF ENVIRONMENTAL LAWS

#### Sec.

- 1105.1 Purpose.
- 1105.2 Responsibility for administration of these rules.
- 1105.3 Information and assistance.
- 1105.4 Definitions.
- 1105.5 Determinative criteria.
- 1105.6 Classification of actions.
- 1105.7 Environmental reports.
- 1105.8 Historic reports.
- 1105.9 Coastal Zone Management Act requirements.
- 1105.10 Board procedures.
- 1105.11 Transmittal letter for Applicant's Report.
- 1105.12 Sample newspaper notices for abandonment exemption cases.

AUTHORITY: 16 U.S.C. 470f, 1456, and 1536; 42 U.S.C. 4332 and 6362(b); and 49 U.S.C. 701 note (1995) (Savings Provisions), 721(a), 10502, and 10903-10905.

SOURCE: 56 FR 36105, July 31, 1991, unless otherwise noted.

#### § 1105.1 Purpose.

These rules are designed to assure adequate consideration of environmental and energy factors in the Board's decisionmaking process pursuant to the National Environmental Policy Act, 42 U.S.C. 4332; the Energy Policy and Conservation Act, 42 U.S.C. 6362(b); and related laws, including the National Historic Preservation Act, 16 U.S.C. 470f, the Coastal Zone Management Act, 16 U.S.C. 1451, and the Endangered Species Act, 16 U.S.C. 1531.

#### § 1105.2 Responsibility for administration of these rules.

The Director of the Office of Economics, Environmental Analysis, and Administration shall have general respon-

sibility for the overall management and functioning of the Section of Environmental Analysis. The Director is delegated the authority to sign, on behalf of the Board, memoranda of agreement entered into pursuant to 36 CFR 800.5(e)(4) regarding historic preservation matters. The Chief of the Section of Environmental Analysis is responsible for the preparation of documents under these rules and is delegated the authority to provide interpretations of the Board's NEPA process, to render initial decisions on requests for waiver or modification of any of these rules for individual proceedings, and to recommend rejection of environmental reports not in compliance with these rules. This delegated authority shall be used only in a manner consistent with Board policy. The Director may further delegate procedural authority to the Chief of the Section of Environmental Analysis as appropriate. Appeals to the Board will be available as a matter of right.

[56 FR 36105, July 31, 1991, as amended at 64 FR 53268, Oct. 1, 1999]

#### § 1105.3 Information and assistance.

Information and assistance regarding the rules and the Board's environmental and historic review process is available by writing or calling the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423.

[64 FR 53268, Oct. 1, 1999]

#### § 1105.4 Definitions.

In addition to the definitions contained in the regulations of the Council on Environmental Quality (40 CFR part 1508), the following definitions apply to these regulations:

(a) *Act* means the Interstate Commerce Act, Subtitle IV of Title 49, U.S. Code, as amended.

(b) *Applicant* means any person or entity seeking Board action, whether by application, petition, notice of exemption, or any other means that initiates a formal Board proceeding.

(c) *Board* means the Surface Transportation Board.

(d) *Environmental Assessment* or "EA" means a concise public document for which the Board is responsible that

## § 1105.5

contains sufficient information for determining whether to prepare an Environmental Impact Statement or to make a finding of no significant environmental impact.

(e) *Environmental documentation* means either an Environmental Impact Statement or an Environmental Assessment.

(f) *Environmental Impact Statement* or "EIS" means the detailed written statement required by the National Environmental Policy Act, 42 U.S.C. 4332(2)(c), for a major Federal action significantly affecting the quality of the human environment.

(g) *Environmental Report* means a document filed by the applicant(s) that:

(1) Provides notice of the proposed action; and

(2) Evaluates its environmental impacts and any reasonable alternatives to the action. An environmental report may be in the form of a proposed draft Environmental Assessment or proposed draft Environmental Impact Statement.

(h) *Filing* means any request for STB authority, whether by application, petition, notice of exemption, or any other means that initiates a formal Board proceeding.

(i) *Section of Environmental Analysis* or "SEA" means the Section that prepares the Board's environmental documents and analyses.

(j) *Third-Party Consultant* means an independent contractor, utilized by the applicant, who works with SEA's approval and under SEA's direction to prepare any necessary environmental documentation. The third party consultant must act on behalf of the Board. The railroad may participate in the selection process, as well as in the subsequent preparation of environmental documents. However, to avoid any impermissible conflict of interest (i.e., essentially any financial or other interest in the outcome of the railroad-sponsored project), the railroad may not be responsible for the selection or control of independent contractors.

[56 FR 36105, July 31, 1991, as amended at 64 FR 53268, Oct. 1, 1999]

### § 1105.5 Determinative criteria.

(a) In determining whether a "major Federal action" (as that term is de-

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defined by the Council on Environmental Quality in 40 CFR 1508.18) has the potential to affect significantly the quality of the human environment, the Board is guided by the definition of "significantly" at 40 CFR 1508.27.

(b) A finding that a service or transaction is not within the STB's jurisdiction does not require an environmental analysis under the National Environmental Policy Act or historic review under the National Historic Preservation Act.

(c) The environmental laws are not triggered where the STB's action is nothing more than a ministerial act, as in:

(1) The processing of abandonments proposed under the Northeast Rail Services Act (45 U.S.C. 744(b)(3));

(2) Statutorily-authorized interim trail use arrangements under 16 U.S.C. 1247(d) [see, 49 CFR 1152.29]; or

(3) Financial assistance arrangements under 49 U.S.C. 10905 (see 49 CFR 1152.27).

Finally, no environmental analysis is necessary for abandonments that are authorized by a bankruptcy court, or transfers of rail lines under plans of reorganization, where our function is merely advisory under 11 U.S.C. 1166, 1170, and 1172.

[56 FR 36105, July 31, 1991; 56 FR 49821, Oct. 1, 1991]

### § 1105.6 Classification of actions.

(a) Environmental Impact Statements will normally be prepared for rail construction proposals other than those described in paragraph (b)(1) of this section.

(b) Environmental Assessments will normally be prepared for the following proposed actions:

(1) Construction of connecting track within existing rail rights-of-way, or on land owned by the connecting railroads;

(2) Abandonment of a rail line (unless proposed under the Northeast Rail Services Act or the Bankruptcy Act);

(3) Discontinuance of passenger train service or freight service (except for discontinuances of freight service under modified certificates issued under 49 CFR 1150.21 and discontinuances of trackage rights

## Surface Transportation Board, DOT

## § 1105.6

where the affected line will continue to be operated);

(4) An acquisition, lease or operation under 49 U.S.C. 10901 or 10910, or consolidation, merger or acquisition of control under 49 U.S.C. 11343, if it will result in either

(i) Operational changes that would exceed any of the thresholds established in §1105.7(e) (4) or (5); or

(ii) An action that would normally require environmental documentation (such as a construction or abandonment);

(5) A rulemaking, policy statement, or legislative proposal that has the potential for significant environmental impacts;

(6) Water carrier licensing under 49 U.S.C. 10922 that:

(i) Involves a new operation (*i.e.*, one that adds a significant number of barges to the inland waterway system requiring the addition of towing capacity, or otherwise significantly alters an existing operation, or introduces service to a new waterway that has had no previous traffic, or involves the commencement of a new service that is not statutorily exempt); or

(ii) Involves the transportation of hazardous materials; and

(7) Any other proceeding not listed in paragraphs (a) or (c) of this section.

(c) No environmental documentation will normally be prepared (although a Historic Report may be required under section 1105.8) for the following actions:

(1) Motor carrier, broker, or freight forwarder licensing and water carrier licensing not included in section 1105.6(b)(6);

(2) Any action that does not result in significant changes in carrier operations (*i.e.*, changes that do not exceed the thresholds established in section 1105.7(e) (4) or (5)), including (but not limited to) all of the following actions that meet this criterion:

(i) An acquisition, lease, or operation under 49 U.S.C. 10901 or 10910, or consolidation, merger, or acquisition of control under 49 U.S.C. 11343 that does not come within subsection (b)(4) of this section.

(ii) Transactions involving corporate changes (such as a change in the ownership or the operator, or the issuance

of securities or reorganization) including grants of authority to hold position as an officer or director;

(iii) Declaratory orders, interpretation or clarification of operating authority, substitution of an applicant, name changes, and waiver of lease and interchange regulations;

(iv) Pooling authorizations, approval of rate bureau agreements, and approval of shipper antitrust immunity;

(v) Approval of motor vehicle rental contracts, and self insurance;

(vi) Determinations of the fact of competition;

(3) Rate, fare, and tariff actions;

(4) Common use of rail terminals and trackage rights;

(5) Discontinuance of rail freight service under a modified certificate issued pursuant to 49 CFR 1150.21;

(6) Discontinuance of trackage rights where the affected line will continue to be operated; and

(7) A rulemaking, policy statement, or legislative proposal that has no potential for significant environmental impacts.

(d) The Board may reclassify or modify these requirements for individual proceedings. For actions that generally require no environmental documentation, the Board may decide that a particular action has the potential for significant environmental impacts and that, therefore, the applicant should provide an environmental report and either an EA or an EIS will be prepared. For actions generally requiring an EA, the Board may prepare a full EIS where the probability of significant impacts from the particular proposal is high enough to warrant an EIS. Alternatively, in a rail construction, an applicant can seek to demonstrate (with supporting information addressing the pertinent aspects of §1105.7(e)) that an EA, rather than an EIS, will be sufficient because the particular proposal is not likely to have a significant environmental impact. Any request for reclassification must be in writing and, in a rail construction, should be presented with the pre-filing notice required by §1105.10(a)(1) (or a request to waive that pre-filing notice period).

(e) The classifications in this section apply without regard to whether the

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action is proposed by application, petition, notice of exemption, or any other means that initiates a formal Board proceeding.

### § 1105.7 Environmental reports.

(a) *Filing.* An applicant for an action identified in § 1105.6 (a) or (b) must submit to the Board (with or prior to its application, petition or notice of exemption) except as provided in paragraph (b) for abandonments and discontinuances) an Environmental Report on the proposed action containing the information set forth in paragraph (e) of this section.

(b) At least 20 days prior to the filing with the Board of a notice of exemption, petition for exemption, or an application for abandonment or discontinuance, the applicant must serve copies of the Environmental Report on:

(1) The State Clearinghouse of each State involved (or other State equivalent agency if the State has no clearinghouse);

(2) The State Environmental Protection Agency of each State involved;

(3) The State Coastal Zone Management Agency for any state where the proposed activity would affect land or water uses within that State's coastal zone;

(4) The head of each county (or comparable political entity including any Indian reservation) through which the line goes;

(5) The appropriate regional offices of the Environmental Protection Agency;

(6) The U.S. Fish and Wildlife Service;

(7) The U.S. Army Corps of Engineers;

(8) The National Park Service;

(9) The U.S. Soil Conservation Service;

(10) The National Geodetic Survey (formerly known as the Coast and Geodetic Survey) as designated agent for the National Geodetic Survey and the U.S. Geological Survey; and

(11) Any other agencies that have been consulted in preparing the report. For information regarding the names and addresses of the agencies to be contacted, interested parties may contact SEA at the address and telephone number indicated in § 1105.3.

(c) *Certification.* In its Environmental Report, the applicant must certify that it has sent copies of the Environmental Report to the agencies listed and within the time period specified in paragraph (b) of this section and that it has consulted with all appropriate agencies in preparing the report. These consultations should be made far enough in advance to afford those agencies a reasonable opportunity to provide meaningful input. Finally, in every abandonment exemption case, applicant shall certify that it has published in a newspaper of general circulation in each county through which the line passes a notice that alerts the public to the proposed abandonment, to available reuse alternatives, and to how it may participate in the STB proceeding.

(d) *Documentation.* Any written responses received from agencies that were contacted in preparing the Environmental Report shall be attached to the report. Oral responses from such agencies shall be briefly summarized in the report and the names, titles, and telephone numbers of the persons contacted shall be supplied. A copy of, or appropriate citation to, any reference materials relied upon also shall be provided.

(e) *Content.* The Environmental Report shall include all of the information specified in this paragraph, except to the extent that applicant explains why any portion(s) are inapplicable. If an historic report is required under § 1105.8, the Environmental Report should also include the Historic Report required by that section.

(1) *Proposed action and alternatives.* Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

(2) *Transportation system.* Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation

systems or modes as a result of the proposed action.

(3) *Land use.* (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by §1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

(4) *Energy.* (i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year; or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in §1105.7(e)(4)(iii) need not be supplied if the more detailed information in §1105.7(e)(4)(iv) is required.

(5) *Air.* (i) If the proposed action will result in either:

(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10502) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,

(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10502), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

(6) *Noise.* If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more; or

(ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (*e.g.*, schools, libraries, hospitals, residences, retirement

communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

(7) *Safety.* (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(8) *Biological resources.* (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(9) *Water.* (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environ-

mental protection or equivalent agency if they are unsure whether such permits are required.)

(10) *Proposed Mitigation.* Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

(11) *Additional Information for Rail Constructions.* The following additional information should be included for rail construction proposals (including connecting track construction):

(i) Describe the proposed route(s) by State, county, and subdivision, including a plan view, at a scale not to exceed 1:24,000 (7½ minute U.S.G.S. quadrangle map), clearly showing the relationship to the existing transportation network (including the location of all highway and road crossings) and the right-of-way according to ownership and land use requirements.

(ii) Describe any alternative routes considered, and a no-build alternative (or why this would not be applicable), and explain why they were not selected.

(iii) Describe the construction plans, including the effect on the human environment, labor force requirements, the location of borrow pits, if any, and earthwork estimates.

(iv) Describe in detail the rail operations to be conducted upon the line, including estimates of freight (carloads and tonnage) to be transported, the anticipated daily and annual number of train movements, number of cars per train, types of cars, motive power requirements, proposed speeds, labor force, and proposed maintenance-of-way practices.

(v) Describe the effects, including indirect or down-line impacts, of the new or diverted traffic over the line if the thresholds governing energy, noise and air impacts in §§ 1105.7(e)(4), (5), or (6) are met.

(vi) Describe the effects, including impacts on essential public services (e.g., fire, police, ambulance, neighborhood schools), public roads, and adjoining properties, in communities to be traversed by the line.

(vii) Discuss societal impacts, including expected change in employment during and after construction.

(f) *Additional information.* The Board may require applicants to submit additional information regarding the environmental or energy effects of the proposed action.

(g) *Waivers.* The Board may waive or modify, in whole or in part, the provisions of this section where a railroad applicant shows that the information requested is not necessary for the Board to evaluate the environmental impacts of the proposed action.

[56 FR 36105, July 31, 1991; 56 FR 49821, Oct. 1, 1991, as amended at 58 FR 44819, Aug. 24, 1993; 60 FR 32277, June 21, 1995; 61 FR 67883, Dec. 24, 1996; 64 FR 53268, Oct. 1, 1999; 69 FR 58366, Sept. 30, 2004]

#### § 1105.8 Historic Reports.

(a) *Filing.* An applicant proposing an action identified in § 1105.6 (a) or (b), or an action in § 1105.6(c) that will result in the lease, transfer, or sale of a railroad's line, sites or structures, must submit (with its application, petition or notice) the Historic Report described in paragraph (d) of this section, unless excepted under paragraph (b) of this section. This report should be combined with the Environmental Report where one is required. The purpose of the Historic Report is to provide the Board with sufficient information to conduct the consultation process required by the National Historic Preservation Act.

(b) *Exceptions.* The following proposals do not require an historic report:

(1) A sale, lease or transfer of a rail line for the purpose of continued rail operations where further STB approval is required to abandon any service and there are no plans to dispose of or alter properties subject to STB jurisdiction that are 50 years old or older.

(2) A sale, lease, or transfer of property between corporate affiliates where there will be no significant change in operations.

(3) Trackage rights, common use of rail terminals, common control through stock ownership or similar action which will not substantially change the level of maintenance of railroad property.

(4) A rulemaking, policy statement, petition for declaratory order, petition for waiver of procedural requirements,

or proceeding involving transportation rates or classifications.

(c) *Distribution.* The applicant must send the Historic Report to the appropriate State Historic Preservation Officer(s), preferably at least 60 days in advance of filing the application, petition, or notice, but not later than 20 days prior to filing with the Board.

(d) *Content.* The Historic Report should contain the information required by § 1105.7(e)(1) and the following additional historic information:

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

(2) A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation

## § 1105.9

Office, local historical societies or universities);

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.*, prehistoric or native American).

(e) Any of these requirements may be waived or modified when the information is not necessary to determine the presence of historic properties and the effect of the proposed action on them.

(f) Historic preservation conditions imposed by the Board in rail abandonment cases generally will not extend beyond the 330-day statutory time period in 49 U.S.C. 10904 for abandonment proceedings.

[56 FR 36105, July 31, 1991, as amended at 61 FR 67883, Dec. 24, 1996]

## § 1105.9 Coastal Zone Management Act requirements.

(a) If the proposed action affects land or water uses within a State coastal zone designated pursuant to the Coastal Zone Management Act (16 U.S.C. 1451 *et seq.*) applicant must comply with the following procedures:

(1) If the proposed action is listed as subject to review in the State's coastal zone management plan, applicant (with, or prior to its filing) must certify (pursuant to 15 CFR 930.57 and 930.58) that the proposed action is consistent with the coastal zone management plan.

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(2) If the activity is not listed, applicant (with, or prior to its filing) must certify that actual notice of the proposal was given to the State coastal zone manager at least 40 days before the effective date of the requested action.

(b) If there is consistency review under 15 CFR 930.54, the Board and the applicant will comply with the consistency certification procedures of 15 CFR 930. Also, the Board will withhold a decision, stay the effective date of a decision, or impose a condition delaying consummation of the action, until the applicant has submitted a consistency certification and either the state has concurred in the consistency certification, or an appeal to the Secretary of Commerce (under 15 CFR 930.64(e)) is successful.

## § 1105.10 Board procedures.

(a) *Environmental Impact Statements—*

(1) *Prefiling Notice.* Where an environmental impact statement is required or contemplated, the prospective applicant must provide the Section of Environmental Analysis with written notice of its forthcoming proposal at least 6 months prior to filing its application.

(2) *Notice and scope of EIS.* When an Environmental Impact Statement is prepared for a proposed action, the Board will publish in the FEDERAL REGISTER a notice of its intent to prepare an EIS, with a description of the proposed action and a request for written comments on the scope of the EIS. Where appropriate, the scoping process may include a meeting open to interested parties and the public. After considering the comments, the Board will publish a notice of the final scope of the EIS. If the Environmental Impact Statement is to be prepared in cooperation with other agencies, this notice will also indicate which agencies will be responsible for the various parts of the Statement.

(3) *Notice of availability.* The Board will serve copies of both the draft Environmental Impact Statement (or an appropriate summary) and the full final Environmental Impact Statement (or an appropriate summary) on all parties to the proceeding and on appropriate Federal, State, and local agencies. A

notice that these documents are available to the public will be published (normally by the Environmental Protection Agency) in the FEDERAL REGISTER. (Interested persons may obtain copies of the documents by contacting the Section of Environmental Analysis.)

(4) *Comments.* The notice of availability of the draft Environmental Impact Statement will establish the time for submitting written comments, which will normally be 45 days following service of the document. When the Board decides to hold an oral hearing on the merits of a proposal, the draft Environmental Impact Statement will be made available to the public in advance, normally at least 15 days prior to the portion of the hearing relating to the environmental issues. The draft EIS will discuss relevant environmental and historic preservation issues. The final Environmental Impact Statement will discuss the comments received and any changes made in response to them.

(5) *Supplements.* An Environmental Impact Statement may be supplemented where necessary and appropriate to address substantial changes in the proposed action or significant new and relevant circumstances or information. If so, the notice and comment procedures outlined above will be followed to the extent practical.

(b) *Environmental Assessments.* In preparing an Environmental Assessment, the Section of Environmental Analysis will verify and independently analyze the Environmental Report and/or Historic Report and related material submitted by an applicant pursuant to sections 1105.7 and 1105.8. The Environmental Assessment will discuss relevant environmental and historic preservation issues. SEA will serve copies of the Environmental Assessment on all parties to the proceeding and appropriate federal, state, and local agencies, and will announce its availability to the public through a notice in the FEDERAL REGISTER. In the case of abandonment applications processed under 49 U.S.C. 10903, the availability of the Environmental Assessment must be announced in the applicant's Notice of Intent filed under 49 CFR 1152.21. The deadline for submission of comments

on the Environmental Assessment will generally be within 30 days of its service (15 days in the case of a notice of abandonment under 49 CFR 1152.50). The comments received will be addressed in the Board's decision. A supplemental Environmental Assessment may be issued where appropriate.

(c) *Waivers.* (1) The provisions of paragraphs (a)(1) or (a)(4) of this section or any STB-established time frames in paragraph (b) of this section may be waived or modified where appropriate.

(2) Requests for waiver of § 1105.10(a)(1) must describe as completely as possible the anticipated environmental effects of the proposed action, and the timing of the proposed action, and show that all or part of the six month lead period is not appropriate.

(d) *Third-Party Consultants.* Applicants may utilize independent third-party consultants to prepare any necessary environmental documentation, if approved by SEA. The environmental reporting requirements that would otherwise apply will be waived if a railroad hires a consultant, SEA approves the scope of the consultant's work, and the consultant works under SEA's supervision. In such a case, the consultant acts on behalf of the Board, working under SEA's direction to collect the needed environmental information and compile it into a draft EA or draft EIS, which is then submitted to SEA for its review, verification, and approval. We encourage the use of third-party consultants.

(e) *Service of Environmental Pleadings.* Agencies and interested parties sending material on environmental and historic preservation issues directly to the Board should send copies to the applicant. Copies of Board communications to third-parties involving environmental and historic preservation issues also will be sent to the applicant where appropriate.

(f) *Consideration in decisionmaking.* The environmental documentation (generally an EA or an EIS) and the comments and responses thereto concerning environmental, historic preservation, CZMA, and endangered species

§ 1105.11

49 CFR Ch. X (10-1-15 Edition)

issues will be part of the record considered by the Board in the proceeding involved. The Board will decide what, if any, environmental or historic preservation conditions to impose upon the authority it issues based on the environmental record and its substantive responsibilities under the Interstate Commerce Act. The Board will withhold a decision, stay the effective date of an exemption, or impose appropriate conditions upon any authority granted, when an environmental or historic preservation issue has not yet been resolved.

(g) *Finding of No Significant Impact.* In all exemption cases, if no environmental or historic preservation issues are raised by any party or identified by SEA in its independent investigation, the Board will issue a separate decision making a Finding of No Significant Impact ("FONSI") to show that it has formally considered the environmental record.

[56 FR 86105, July 31, 1991 as amended at 56 FR 49821, Oct. 1, 1991; 64 FR 53268, Oct. 1, 1999]

§ 1105.11 Transmittal letter for Applicant's Report.

A carrier shall send a copy of its Environmental and/or Historic Report to the agencies identified in section 1105.7(b) and/or the appropriate State Historic Preservation Officer(s) and certify to the Board that it has done this. The form letter contained in the Appendix to this section should be used in transmitting the Environmental and/or Historic Reports.

APPENDIX TO § 1105.11—TRANSMITTAL LETTER FOR APPLICANT'S REPORT

(Carrier Letterhead) (Addresses)

Re: (Brief description of proposed action with STB docket number, if available) (Date)

On (date), we are (or expect to be) filing with the Surface Transportation Board a (type of proceeding) seeking authority to ( ) located in (state) (city or town) and (mileposts, if applicable). Attached is an Environmental Report (and/or Historic Report) describing the proposed action and any expected environmental (and/or historic) effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of

the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, telephone [INSERT TELEPHONE NUMBER] and refer to the above Docket No. (if available). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is (name) who may be contacted by telephone at (telephone number) or by mail at (address).

(Complimentary close) (Name and title of author of letter)

[56 FR 36105, July 31, 1991, as amended at 56 FR 44619, Aug. 24, 1993; 64 FR 53268, Oct. 1, 1999]

§ 1105.12 Sample newspaper notices for abandonment exemption cases.

In every abandonment exemption case, the applicant shall publish a notice in a newspaper of general circulation in each county in which the line is located and certify to the Board that it has done this by the date its notice of (or petition for) exemption is filed. The notice shall alert the public to the proposed abandonment, to available reuse alternatives, such as trail use and public use, and to how it may participate in a Board proceeding. Sample newspaper notices are provided in the Appendix to this section for guidance to the railroads.

APPENDIX TO § 1105.12—SAMPLE NEWSPAPER NOTICES

SAMPLE LOCAL NEWSPAPER NOTICE FOR OUT-OF-SERVICE ABANDONMENT EXEMPTIONS

NOTICE OF INTENT TO ABANDON OR TO DISCONTINUE RAIL SERVICE

(Name of railroad) gives notice that on or about (insert date notice of exemption will be filed with the Surface Transportation Board), 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 or discontinuance of

service on) a \_\_\_ mile line of railroad between railroad milepost \_\_\_, near (station name), which traverses through United States Postal Service ZIP Codes (ZIP Codes) and railroad milepost \_\_\_, near (station name) which traverses through United States Postal Service ZIP Codes (ZIP Codes) in \_\_\_ County(ies), (State). The proceeding will be docketed as No. AB\_\_\_(Sub-No. \_\_\_X).

The Board's Section of Environmental Analysis (SEA) 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 Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at [INSERT TELEPHONE NUMBER].

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 Section of Administration, Office of Proceedings, 395 E Street, SW., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at [INSERT TELEPHONE NUMBER]. Copies of any comments or requests for conditions should be served on the applicant's representative: (Name, address and phone number).

**SAMPLE LOCAL NEWSPAPER NOTICE FOR PETITIONS FOR ABANDONMENT EXEMPTIONS**

**NOTICE OF INTENT TO ABANDON OR TO DISCONTINUE RAIL SERVICE**

(Name of railroad) gives notice that on or about (insert date) petition for abandonment exemption will be filed with the Surface Transportation Board) it intends to file with the Surface Transportation Board, Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, permitting the (abandonment of or discontinuance of service on) a \_\_\_ mile line of railroad between railroad milepost \_\_\_, near (station name) which traverses through United

States Postal Service ZIP Codes (ZIP Codes), and railroad milepost \_\_\_, near (station name) which traverses through United States Postal Service ZIP Codes (ZIP Codes) in \_\_\_ County(ies), (State). The proceeding has been docketed as No. AB\_\_\_(Sub-No. \_\_\_X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 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 SEA, Surface Transportation Board, Washington, DC 20423 or by calling SEA at [INSERT TELEPHONE NUMBER].

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 Section of Administration, Office of Proceedings, 395 E Street, SW., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at [INSERT TELEPHONE NUMBER]. Copies of any comments or requests for conditions should be served on the applicant's representative (name and address).

[56 FR 36105, July 31, 1991, as amended at 56 FR 49621, Oct. 1, 1991; 58 FR 44619, Aug. 24, 1993; 61 FR 67883, Dec. 24, 1996; 64 FR 53268, Oct. 1, 1999; 69 FR 58366, Sept. 30, 2004; 74 FR 52906, Oct. 15, 2009]

**PART 1106—PROCEDURES FOR SURFACE TRANSPORTATION BOARD CONSIDERATION OF SAFETY INTEGRATION PLANS IN CASES INVOLVING RAILROAD CONSOLIDATIONS, MERGERS, AND ACQUISITIONS OF CONTROL**

Sec.  
1106.1 Purpose.  
1106.2 Definitions.

Exhibit No. 5  
Historic Report

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C.

---

DAKOTA, MINNESOTA & EASTERN	)	
RAILROAD CORPORATION –	)	
ABANDONMENT OF TRACKAGE	)	DOCKET NO. AB-337
LOCATED IN OLMSTED COUNTY,	)	(SUB-NO. 9X)
MINNESOTA	)	

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VERIFIED NOTICE OF EXEMPTION TO ABANDON PURSUANT TO 49 C.F.R. § 1152.50  
A 1.95 MILE LINE OF RAILROAD BETWEEN MILEPOST 7.52 +/- AND MILEPOST  
9.47 +/- WHICH TRAVERSES THROUGH UNITED STATES POSTAL SERVICE  
ZIP CODE 52748 IN SCOTT COUNTY, IOWA

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HISTORIC REPORT  
IN COMPLIANCE WITH  
49 C.F.R. SECTION 1105.8

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DAKOTA, MINNESOTA & EASTERN  
RAILROAD CORPORATION

STINSON LEONARD STREET LLP  
W. Karl Hansen  
150 South Fifth Street, Suite 2300  
Minneapolis, Minnesota 55402  
Tel. (612) 335-7088  
Fax. (612) 335-1657

Attorneys for Dakota, Minnesota & Eastern  
Railroad Corporation

Service Date: August 29, 2016

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C.

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DAKOTA, MINNESOTA & EASTERN	)	
RAILROAD CORPORATION –	)	
ABANDONMENT OF TRACKAGE	)	DOCKET NO. AB-337
LOCATED IN SCOTT COUNTY, IOWA	)	(SUB-NO. 9X)
	)	

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HISTORIC REPORT

Pursuant to 49 C.F.R. Sections 1105.7(e) and 1105.8, Dakota, Minnesota & Eastern Railroad Corporation (“DM&E”) dba Canadian Pacific hereby submits the following Historic Report regarding the Notice of Exemption to Abandon a 1.95 mile line of railroad between milepost 7.52 +/- and milepost 9.47+/- (the “Line”) which traverses through United States Postal Service ZIP Code 52748 in Scott County, Iowa.

Section 1105.8(c) Distribution: The applicant must send the Historic Report to the appropriate State Historic Preservation Officer(s), preferably at least 60 days in advance of filing the application, petition, or notice, but not later than 20 days prior to filing with the Board.

See Certificate of Service effecting service on August 29, 2016, attached as Exhibit No. 1 to Environmental Report.

Section 1105.8(d)(1)-(8) Content: The Historic Report should contain the information required by § 1105.7(e)(1) (Environmental Report - See Preceding Report) and the following additional historic information:

Section 1105.8(d)(1) U.S.G.S. Topographic Maps: A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

See Appendix A.

Section 1105.8(d)(2) Right-of-Way: A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The subject property consists of railroad track and right-of-way with a width of approximately 50 feet from the railroad centerline. The Line extends from a

primarily agricultural area at the southern end to a residential area in Eldridge, Iowa. The topography is generally flat.

Section 1105.8(d)(3) Photographs: Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

Representative photographs of the Line taken in July 2016 are included in Appendix B.

Section 1105.8(d)(4): The dates of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

Other than routine maintenance, there have been no major alterations to the Line since at least 2002.

Section 1105.8(d)(5) History: A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

In 1872, the Davenport & St. Paul Railroad Company constructed a rail line between Eldridge and Maquoketa, Iowa. Following default on its financial obligations, the railroad company was reformed as the Davenport & Northwestern Railroad Company ("DNRC"). The rail line was extended from Eldridge into the City of Davenport in around 1879. DNRC was later subsumed into the Chicago, Milwaukee & St. Paul Railway Company ("Milwaukee Road"). In 1931, the Milwaukee Road abandoned an 8.98 mile segment of the line between Long Grove and DeWitt, Iowa; a 3.15 mile segment between Long Grove and Eldridge in 1938; and a 13.6 mile segment between DeWitt and Delmar in 1971.

In 1985, the Soo Line Railroad Corporation ("Soo Line") purchased the assets of the Milwaukee Road, including the Line. In 1997, Soo Line sold the Line along with other trackage to I&M Rail Link ("IMRL"). In 2002, the Iowa, Chicago and Eastern Railroad ("IC&E"), an affiliate of DM&E, purchased the Line from IMRL. In 2008, Canadian Pacific acquired the assets of DM&E and IC&E, including the Line.

The Line has been out of service for more than two years. DM&E has agreed to sell the right-of-way to the City of Eldridge following receipt and consummation of abandonment authority for the City's development as a recreational trail. Other than the City's removal of track, ties and OTM and construction of the trail, no other changes are contemplated as a result of the proposed action.

Section 1105.8(d)(6) Documents: A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

The carrier's files consist primarily maps and photos of the Line, some engineering drawings, and maintenance records.

Section 1105.8(d)(7) Opinion: An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities).

It is DM&E's opinion that the Line would not meet the criteria for listing in the National Register of Historic Places. The University of Iowa-Office of the State Archaeologist determined that there are no archaeological sites recorded within a one-mile radius of the Line. DM&E is not aware of any cultural resources or historic properties located within the Line's right-of-way. Accordingly, the abandonment of the Line, including the contemplated salvage operations, will have no effect on any cultural or historic resources.

Section 1105.8(d)(8) Archaeological Resources: A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

There are no known ground disturbances or fills other than those which would have occurred during original construction of this Line and any subsequent maintenance or rehabilitation. There are no known toxic waste areas within the right-of-way of the Line. In correspondence dated July 26, 2016, the Iowa State Archeologist indicated that no archeological sites have been reported within or very near the Line's right-of-way.

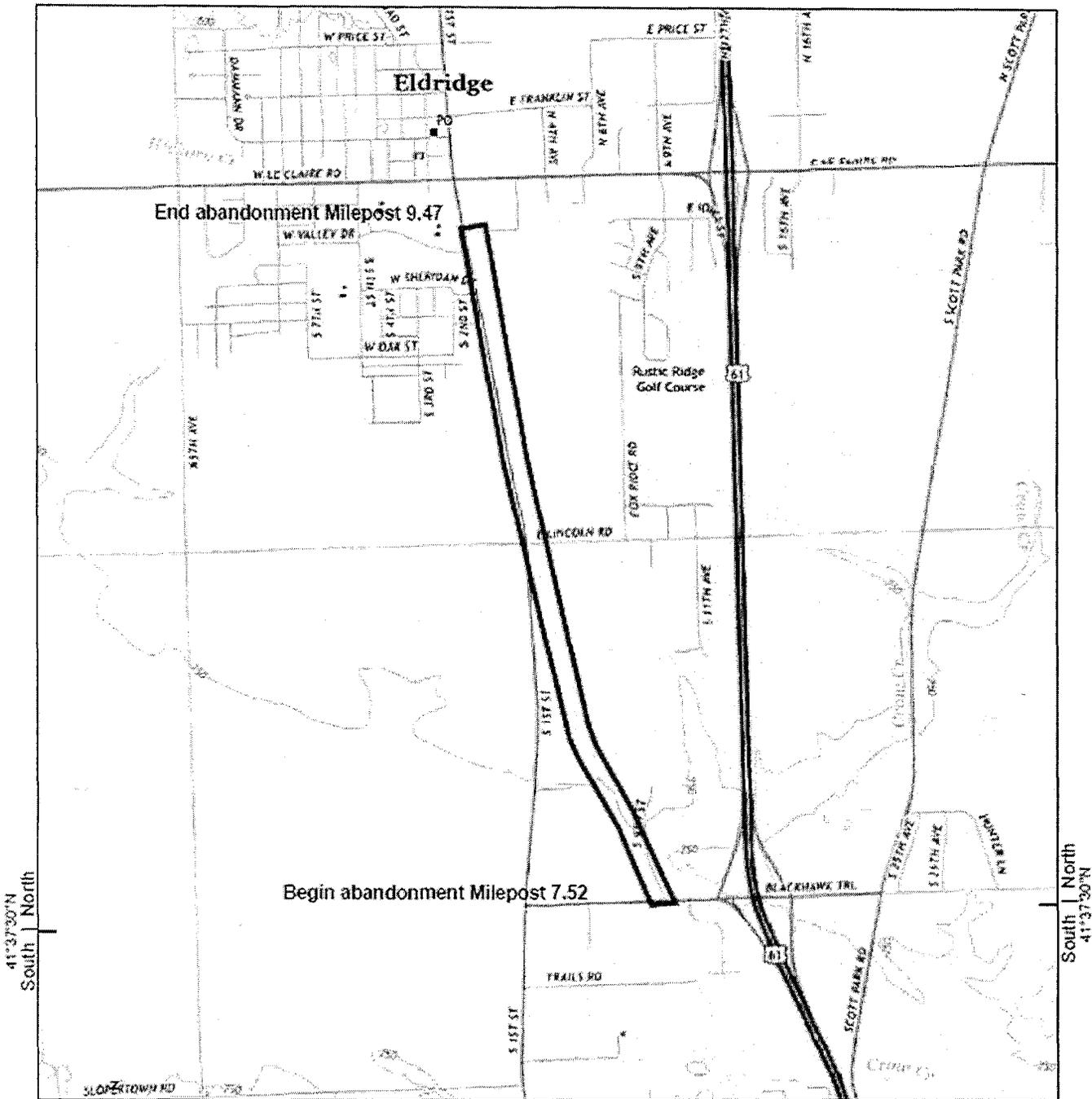
The following excerpt from ICC document *Assessment of Environmental Impacts Associated with Railroad Abandonment Proposals* discusses archeological evaluations:

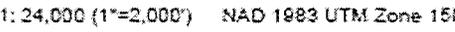
“Salvaging an abandoned railroad line is normally confined to the limits of the right of way and rarely involves major excavation work. If the right of way is to be leveled at all, only the roadbed built up during actual construction of the line would be affected. It is unlikely that there are any historic track structures under the roadbed since old rails and ties are salvaged during maintenance and rehabilitation operations. Likewise, there is usually neither significant damage to the vegetation found within the right of way nor any effect on land adjacent to the railroad property. By confining salvage operations of a rail line as discussed above, it is not anticipated that any archaeological sites in or immediately adjacent to the right of way, would be affected by the abandonment.”

END OF REPORT

Appendix A

Map of Abandonment Location



2013	0      Distance in Miles      1	Dakota, Minnesota & Eastern Railroad Corp. Eldridge Line abandonment STB Docket No. AB-337 (Sub-No. 9X)					
	 1: 24,000 (1"=2,000')    NAD 1983 UTM Zone 15N						
Unified maps show subdued modern topo features where corresponding maps of the same year were not published.		WeaverBoos HIG #1634422 completed: 06/20/2016					
Zone	Topographic Map Name	Publisher	Map Size	Base Map	Aerial Photo Topo Updates		
North	Eldridge, IA	USGS	7X' x 7X'	2013	Photo Year	Inspected	Revised
South	Davenport East, IA	USGS	7X' x 7X'	2013	--	--	--

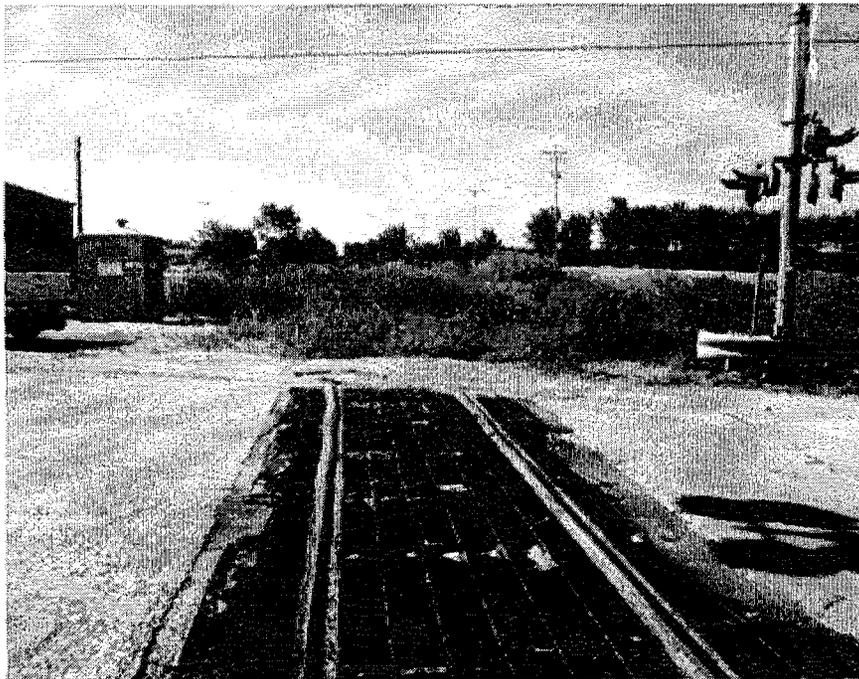
## Appendix B

### Photographs of Railroad Structures and the Immediately Surrounding Area

Eldridge Line abandonment  
Docket No. AB-337 (Sub-No. 9X)



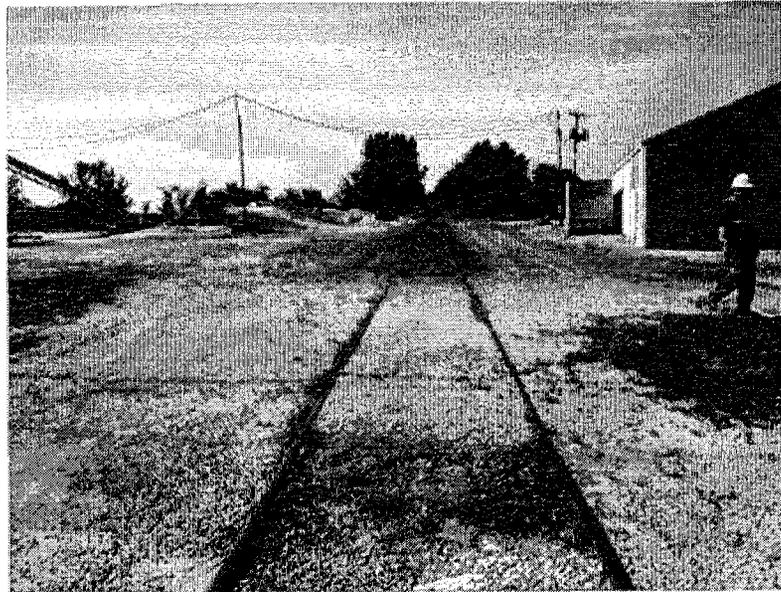
View from the southern-most portion of the railroad corridor from Blackhawk Trail Road, facing northwest.



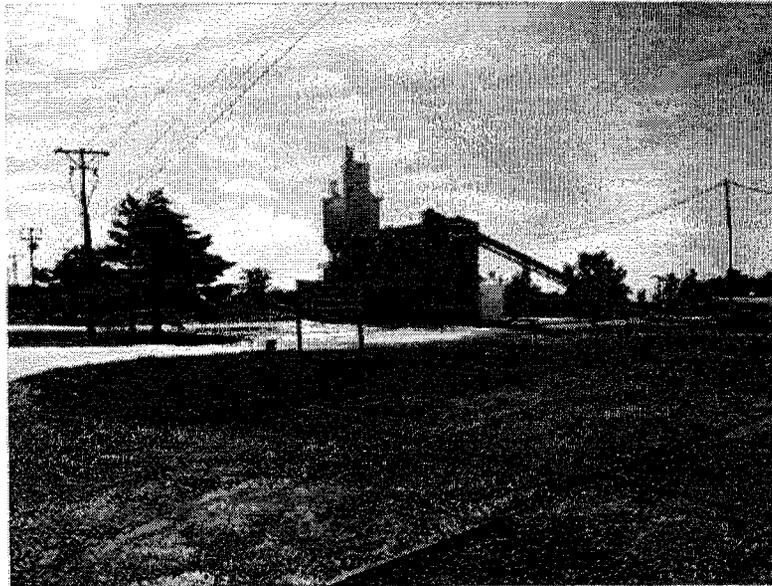
View from the southern-most portion of the railroad corridor from Blackhawk Trail Road, facing southeast.



View of the railroad from East Lincoln Road, facing northwest.



View of the railroad from East Lincoln Road, facing southeast.



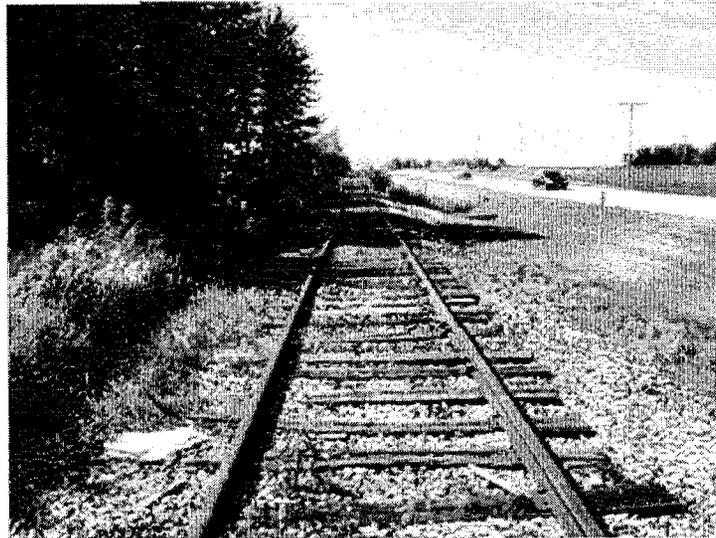
View of the eastern and western adjoining property (former Scott County Ready Mix: 113 East Lincoln Road), facing southeast.



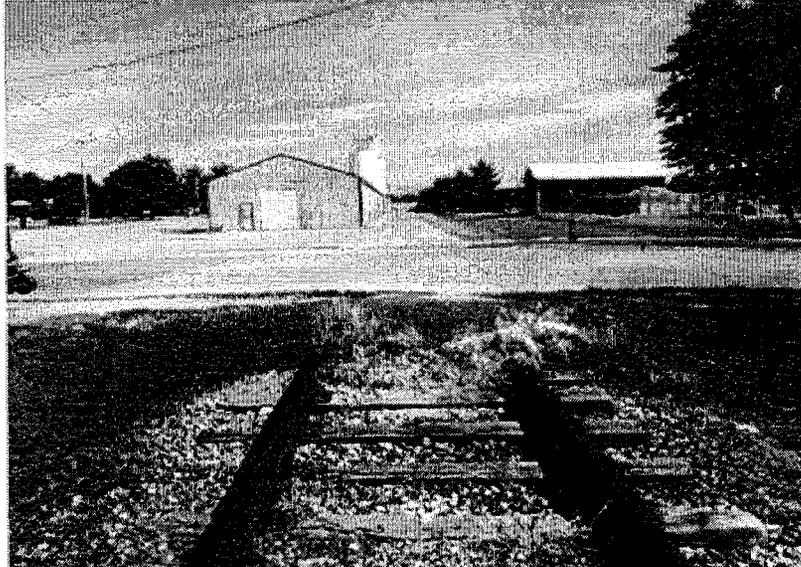
View of the former Scott County Ready Mix building located within the fifty (50) foot ROW of the railroad. Note: three pole-mounted transformers.



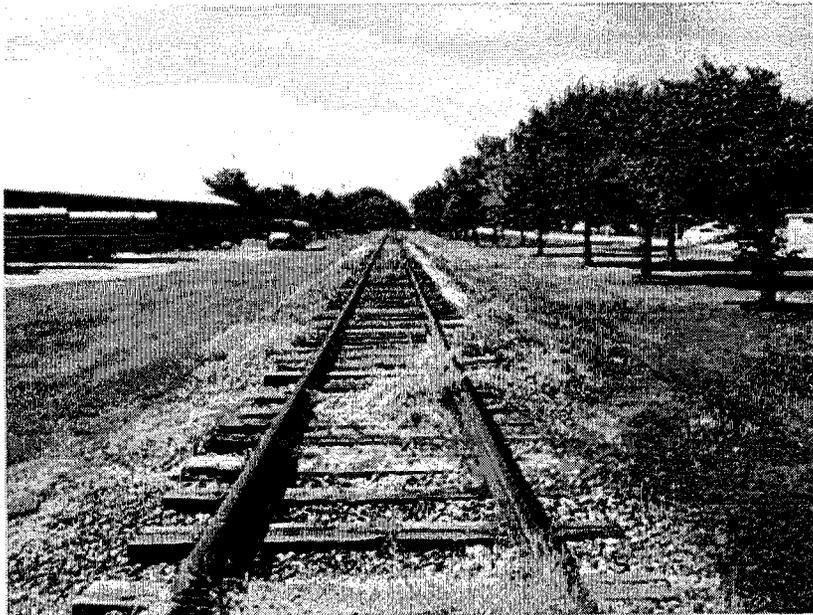
View of the railroad from a location between East Lincoln Road and East Iowa Street, facing northwest.



View of the railroad from a location between East Lincoln Road and East Iowa Street, facing southeast. Note: underground natural gas pipeline marker.



View from the northern-most portion of the railroad corridor from East Iowa Street, facing northwest. Note: northeastern adjoining (Park: 124 East Iowa Street) and northwestern adjoining (A&J Feed and Seed: 101 East Leclaire Road) in background.



View from the northern-most portion of the railroad corridor from East Iowa Street, facing southeast. Note: eastern adjoining property (North Scott High School Bus Terminal: 187-225 East Iowa Street) to the left of the railroad.