

UNION PACIFIC RAILROAD
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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

January 24, 2012

VIA E-FILE

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

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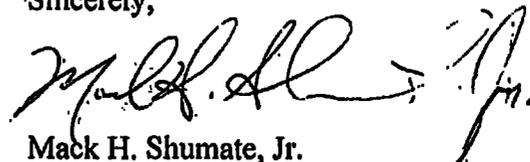
SATISFACTION SECTION 106 CONDITION

Re: Proposed Abandonment and Discontinuance of a portion of the Great Western Industrial Lead and Discontinuance of related Trackage Rights; STB Docket Nos. AB-33 (Sub-No. 300X) and AB-414 (Sub-No. 6X)

Dear Ms. Brown:

This is to certify to the Board that in accordance with the Board's January 20, 2012 Decision regarding the above-captioned matter, that the Archaeologist and Review and Compliance Program Manager and Interim Deputy State Historic Preservation Officer for the Iowa Department of Cultural Affairs ("SHPO") by letter dated January 23, 2012, a copy of which is attached hereto as Exhibit A and hereby made a part hereof, has determined that no Historic Properties will be affected by the proposed abandonment and discontinuance. Union Pacific respectfully requests that the Board's Office of Environmental Analysis acknowledge satisfaction of the Section 106 Condition and that the Board issue a decision to that effect.

Sincerely,



Mack H. Shumate, Jr.
Senior General Attorney

ENTERED
Office of Proceedings

JAN 24 2012

Part of
Public Record

Attachment

2012_01_24 STB Satisfaction Section 106 Condition.doc



IOWA DEPARTMENT OF

CULTURAL AFFAIRS

MARY TIFFANY COWNIE, DIRECTOR

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

January 23, 2012

In reply refer to:
R&C#: 080778043



MATTHEW HARRIS
ADMINISTRATOR

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Raymond E. Allamong, Jr.
Union Pacific Railroad
1400 Douglas Street
Stop 1350
Omaha, NE 68179

RE: STB - POTTAWATTAMIE COUNTY - UNION PACIFIC RAILROAD CO. -
STB DOCKET NO. AB-33 (SUB-NO.300X) - IOWA INTERSTATE
RAILROAD, LTC -STB DOCKET NO. AB-414 (SUB-NO.6X) -
ADDITIONAL INFORMATION

Dear Mr. Allamong,

Thank you for providing additional information to our office concerning the above referenced proposed project. We understand that this project will be a federal undertaking for the Surface Transportation Board (STB) and will need to comply with Section 106 of the National Historic Preservation Act and the National Environmental Policy Act.

Given the location and scope of the proposed undertaking, and considering the land use history of the parcel involved, it is our opinion that this section of track does not meet any of the eligibility criteria for listing on the National Register of Historic Places. Also, there appears to be little likelihood that the undertaking will encounter or adversely impact archaeological properties that may be eligible for listing in the National Register of Historic Places. Therefore, we would be able to concur with an agency's (STB) determination that **No Historic Properties will be Affected** by the implementation of this undertaking. Please forward a copy of the agency's letter of determination to our office upon its publication so that we can issue our formal concurrence and conclude our consultation on this project.

Be advised that the successful conclusion of consultation with the SHPO in no way abrogates the agency's responsibility to consult with other parties that may have an interest in properties that may be affected by this project. Nor does it subjugate the sovereign status of federally recognized American Indian Tribes in the Section 106 consultation process.

If design changes are made for this project which would involve undisturbed new rights-of-way or easements, please forward additional information to our office for further comment along with the Agency Official's determination of effect. If project activities uncover an item(s) that might be of archeological, historical or architectural interest, or if important new archeological, historical or architectural data should be encountered in the

project APE, the contractor should make reasonable efforts to avoid further impacts to the property until an assessment can be made by a qualified archaeologist.

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

We have provided this technical assistance according to our responsibility defined by Federal law. It remains the federal agency's decision on how you will proceed from this point for this project.

Sincerely,



Douglas W. Jones, Archaeologist and Review and Compliance Program Manager
and Interim Deputy State Historic Preservation Officer
State Historic Preservation Office
State Historical Society of Iowa
(515) 281-4358

cc: Ralph Christian, Historian, State Historical Society of Iowa
Troy Brady, Environmental Protection Specialist, STB