

UNION PACIFIC RAILROAD  
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Chicago, Illinois 60606-1718

P 312.777.2055  
F 877.213.4433  
[mackshumate@up.com](mailto:mackshumate@up.com)

Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

April 3, 2012

232155

**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

**ENTERED**  
**Office of Proceedings**  
**April 3, 2012**  
**Part of**  
**Public Record**

**RE: Proposed Abandonment of the Royal Industrial Lead from Milepost 475.15 to Milepost 477.10 near Laurens, a total distance of 1.95 miles in Pocahontas County, Iowa, STB Docket No. AB-33 (Sub-No. 304X)**

Dear Ms. Brown:

Attached for filing in the above-referenced docket is Union Pacific Railroad Company's ("Union Pacific") Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption to Abandon the Line on or after April 23, 2012.

Sincerely,



Attachment

2012\_04\_03 STB Ltr re EHR Filing.doc



BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

Docket No. AB-33 (Sub-No. 304X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN POCAHONTAS COUNTY, IA  
(ROYAL INDUSTRIAL LEAD)

---

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr.  
Senior General Attorney  
101 North Wacker Drive, #1920  
Chicago, Illinois 60606  
Tel: 312-777-2055  
Fax: 877-213-4433  
[mackshumate@up.com](mailto:mackshumate@up.com)

Dated: April 3, 2012  
Filed: April 3, 2012

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**Docket No. AB-33 (Sub-No. 304X)**

**UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN POCAHONTAS COUNTY, IA  
(ROYAL INDUSTRIAL LEAD)**

---

**Combined Environmental and Historic Report**

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of the Royal Industrial Lead, from Milepost 475.15 to Milepost 477.10 near Laurens, a total distance of 1.95 miles in Pocahontas County, Iowa (the "Line"). The Line traverses U.S. Postal Service Zip Code 50554. UP anticipates that it will file a Notice of Exemption to abandon the Line on or after April 23, 2012.

A map of the Line (**Attachment No. 1**), and UP's letter to federal, state and local government agencies (**Attachment No. 2**) are attached to this EHR. Responses received thus far to UP's letters are also attached.

**ENVIRONMENTAL REPORT**  
**49 C.F.R. §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.

**Response:** The proposed action involves an exempt abandonment of UP's Royal Industrial Lead. The Line proposed for abandonment extends from Milepost 475.15 to Milepost 477.10 near Laurens, in Pocahontas County, Iowa, a total distance of 1.95 miles. A map of the Line is attached as **Attachment No. 1**.

The Line was originally constructed in 1900 by the Rock Island Lines. It is currently constructed primarily with 90 pound jointed rail laid second hand in 1957. There are no structures or bridges on the Line. See **Attachment No. 1**.

The UP has fee title ownership to the lands which makeup the right-of-way of the Line that is proposed for abandonment. Based on Railroad's records, the Line does not contain federally granted right-of-way. Any documentation in the UP's possession related to the Line will be made available promptly to those requesting it.

After the proposed abandonment, Laurens will continue to receive rail service from the Laurens Subdivision of UP. Laurens lies on Iowa Route 10 which connects to U.S. Route 71 approximately 15 miles to the west.

No local traffic has moved over the Line during the past two years, and there is no overhead traffic. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant in at least two years.

**(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.

**Response:** Given that no traffic uses the Line, the proposed abandonment will have no impact on area transportation systems and patterns.

**(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 49 C.F.R. §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. §10905 and explain why.

**Response:**

(i) UP is unaware of any adverse effects on local and existing land use plans. The Pocahontas County Board of Supervisors has been contacted. To date, UP has not received a response.

(ii) The Natural Resource Conservation Service ("NRCS") has been contacted. Upon review, the NRCS has no objection to the project. The NRCS response dated October 5, 2011 is attached as **Attachment No. 3**.

(iii) Not Applicable.

(iv) The property proposed for abandonment may be suitable for public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or trail use. The plan for disposition of the non-reversionary land would be to work with any adjacent landowners to the property.

**(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.

- Response:**
- (i) There are no effects on the transportation of energy resources.
  - (ii) There are no recyclable commodities moved over the Line.
  - (iii) There will be no change in energy consumption from the proposed action.
  - (iv) (A)(B) UP does not anticipate that there will be any rail-to-motor diversion.

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

- (A) an increase in rail traffic of at least 100% (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% (measured by carload activity), or
- (C) an average increase in truck traffic of more than 10% 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 §10505) 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.

**Response:** UP does not anticipate any such effects.

**(5) Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

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

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

(C) an average increase in truck traffic of more than 10% 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. §10505), 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.

**Response:** There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

**(5) Air.** (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.

**Response:** The proposed action will not affect the transportation of ozone depleting materials.

**(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.

**Response:** Not applicable.

**(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.

**Response:** (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

**(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.

**Response:** (i) The U.S. Fish and Wildlife Service has been contacted. To date, UP has not received a response.

(ii) The National Park Service has been contacted. To date, UP has not received a response.

**(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 environmental protection or equivalent agency if they are unsure whether such permits are required.)

**Response:** (i) The U. S. Environmental Protection Agency Regional Office and Iowa Environmental Protection Agency have been contacted. The US EPA does not believe any permits will be required. The US EPA Region 7 Response dated August 29, 2011 is attached as **Attachment No. 4.**

(ii) The U. S. Army Corps of Engineers has been contacted, and upon review determined the proposed abandonment does not require any Section 404 permits. The U. S. Army Corps of Engineers response dated October 26, 2011 is attached as **Attachment No. 5.**

(iii) UP does not anticipate that there will be any requirements for Section 402 permits.

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

**Response:** There are no known adverse environmental impacts.

**HISTORIC REPORT**  
**49 C.F.R. §1105.8(d)**

(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:

**Response:** See **Attachment No. 1.**

(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:

**Response:** The right of way considered in this abandonment traverses a level agricultural area and consists of a 100-foot wide right-of-way. The National Geodetic Survey (“NGS”) has been contacted. By email dated November 3, 2011, the NGS found two geodetic survey marks in the area of the abandonment and asks that if any geodetic marks will be distributed by the abandonment, UP is to consult with the NGS at least 90-days prior to any salvage activity. **See Attachment No. 6.**

(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:

**Response:** There are no structures on the Line that are 50 years old or older. See **Attachment No. 7.**

(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:

**Response:** See **Attachment No. 1.**

(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:

**Response:** See UP’s response to question (1) in the Environmental Report for a brief history and description.

(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:

**Response:** UP does not have any relevant documentation.

**(7)** An opinion (based on readily available information in the UP'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 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 Office, local historical societies or universities):

**Response:** At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area. UP is of the opinion that there is nothing in the scope of the proposed abandonment or discontinuance of service that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction and maintenance of the Line.

**(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.

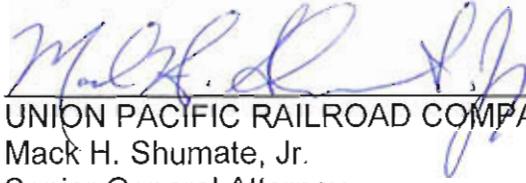
**Response:** UP does not have any such readily available information.

**(9)** Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified non-railroad 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 locations and type of the site (i.e., prehistoric or native American):

**Response:** Not applicable.

Dated this 3rd day of April, 2012.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Mack H. Shumate, Jr.", is written over a horizontal line.

UNION PACIFIC RAILROAD COMPANY  
Mack H. Shumate, Jr.  
Senior General Attorney  
101 North Wacker Drive, #1920  
Chicago, Illinois 60606  
Tel: 312-777-2055  
Fax: 877-213-4433  
mackshumate@up.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 304X), the Royal Industrial Lead in Pocahontas County, Iowa was served by First Class U.S. Mail, postage prepaid, on the 3rd day of April, 2012, on the following parties:

**State Clearinghouse (or alternate):**

Iowa Department of Management  
State Capitol Building Room G12  
1007 E Grand Avenue  
Des Moines, IA 50319

Division for Community Progress  
Iowa Department of Economic  
Development  
200 East Grand Avenue  
Des Moines, IA 50309

**State Environmental Protection**

**Agency:**

State Environmental Protection Agency  
210 Walnut St # 827  
Des Moines, IA 50309-2105

**Head of each County:**

Pocahontas County Board of Supervisors  
99 Court Square  
Pocahontas County, IA 50574

**Environmental Protection Agency**  
**(Regional Office):**

U.S. Environmental Protection Agency  
Region 7  
901 N. 5<sup>th</sup> St.  
Kansas City, KS 66101

**State Historic Preservation Office:**

Community Programs Bureau  
600 East Locust  
Des Moines, IA 50319-0290

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service, Region 3  
One Federal Drive  
Federal Building  
Fort Snelling, MN 55111

**U.S. Army Corps of Engineers:**

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

**National Park Service:**

Planning and Compliance Office  
National Park Service  
Midwest Region  
601 Riverfront Dr.  
Omaha, NE 68102-4226

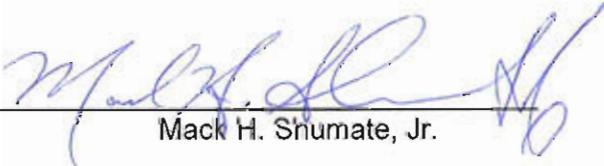
**U.S. Natural Resources Conservation**  
**Service:**

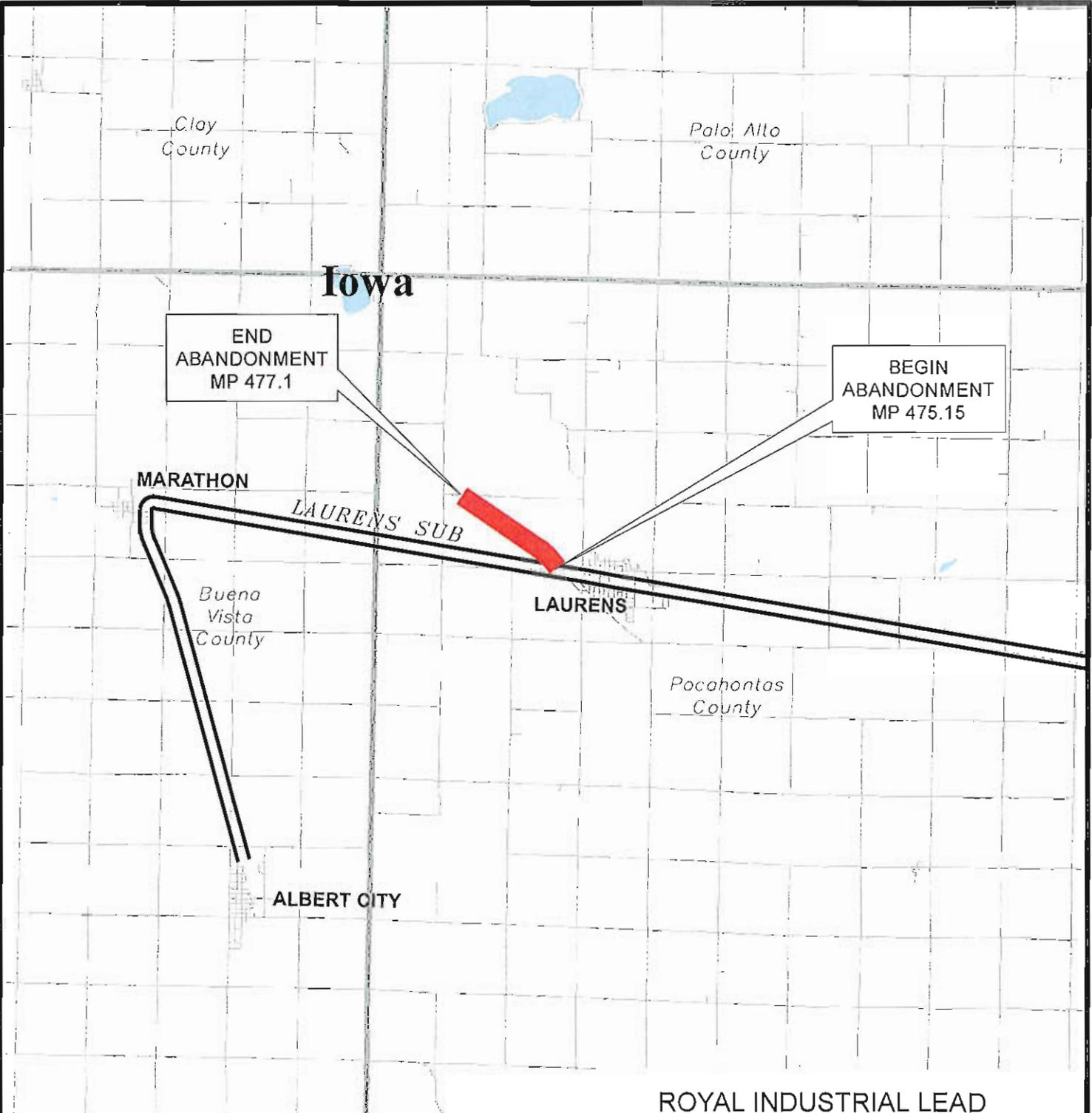
Natural Resource Conservation Service  
693 Federal Bldg.  
210 Walnut Street  
Des Moines, IA 50309-2180

**National Geodetic Survey:**

National Geodetic Survey  
Geodetic System Division  
Information Services  
NOAA/NGS12  
1315 E-W Highway  
Silver Spring, MD 20910-3282

Dated this 3rd day of April, 2012.

  
Mack H. Shumate, Jr.



ROYAL INDUSTRIAL LEAD

MP 475.15 TO MP 477.10  
TOTAL 1.95 MILES IN POCAHONTAS COUNTY  
IN IOWA

UNION PACIFIC RAILROAD CO.  
ROYAL INDUSTRIAL LEAD  
IOWA

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES

Legend

-  UPRR TRACK TO BE ABANDONED
-  OTHER UPRR LINES
-  ABANDONED TRACK
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS



UNION PACIFIC RAILROAD  
1400 Douglas Street Omaha, Nebraska 68179

August 22, 2011

State Clearinghouse (or alternate)

Iowa Department of Management  
State Capitol Building Room G12  
1007 E. Grand Avenue  
Des Moines, IA 50319

Division for Community Progress  
Iowa Division of Economic Development  
200 East Grand Avenue  
Des Moines, IA 50309

State Environmental Protection Agency

210 Walnut Street #827  
Des Moines, IA 50309

Head of each County:

Wright County Board of Supervisors  
P.O. Box 147  
Clarion, IA

Environmental Protection Agency  
(Regional Office):

U.S. Environmental Protection Agency  
Region 7  
901 N. 5<sup>th</sup> St.  
Kansas City, KS 66101

State Historic Society of Iowa

Community Programs Bureau  
600 East Locust  
Des Moines, IA 50319-0290

U.S. Fish and Wildlife

U.S. Fish & Wildlife Service, Region 3  
One Federal Drive  
Federal Building  
Fort Snelling, MN 55111

U.S. Army Corps of Engineers

U.S. Army Corps of Engineers  
2850 Prairie Du Chien Road Northeast  
Iowa City, IA 52240

National Park Service (Regional Office)

Planning and Compliance Office  
National Park Service, Midwest Region  
601 Riverfront Dr.  
Omaha, NE 68102-4226

U.S. National Resources Conservation  
Service:

National Resources Conservation Service  
693 Federal Bldg.  
210 Walnut Street  
Des Moines, IA 50309-2180

National Geodetic Survey:

National Geodetic Survey  
Simon Monroe  
Geodetic Services Division  
NNOAA N/NGS12  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**Re: Proposed Abandonment of the Royal Industrial Lead from Milepost 475.15 to Milepost 477.10 near Laurens, a total distance of 1.95 miles in Pocahontas County, Iowa, STB Docket No. AB-33 (Sub-No. 304X).**

To Whom It May Concern:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Royal Industrial Lead from Milepost 475.15 to Milepost 477.10 near Laurens, a total distance of 1.95 miles in Pocahontas County, Iowa. A map of the proposed track abandonment shown in black and red is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts.



However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) 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, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

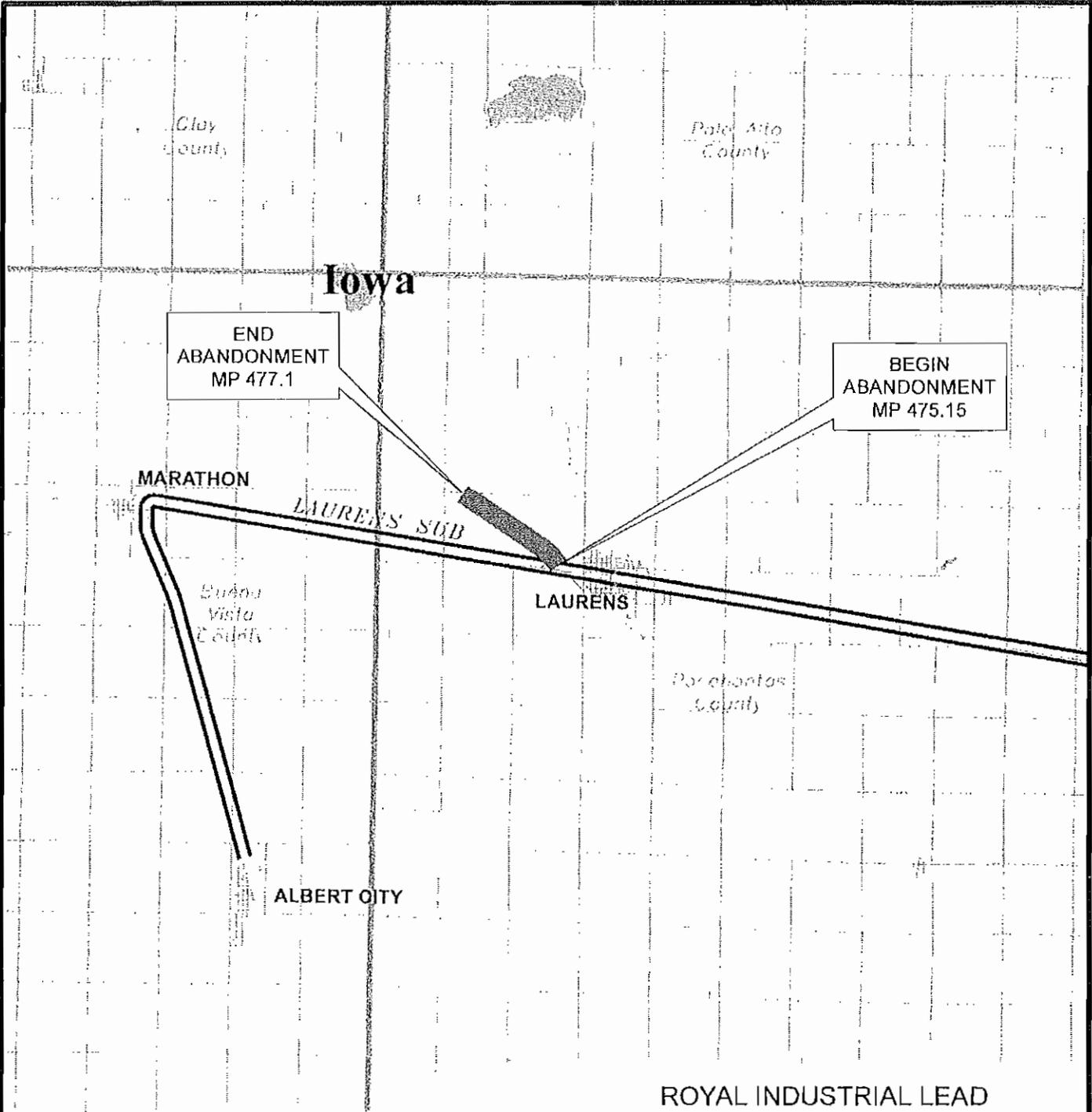
Thank you for your assistance. Please send your reply to the undersigned.

Sincerely,



Angela K. Conn, Paralegal  
Union Pacific Railroad Company  
1400 Douglas St., Stop 1580  
Omaha, NE 68179  
(w) 402-544-1077  
[akconn@up.com](mailto:akconn@up.com)

Enclosures (s): Map



END  
ABANDONMENT  
MP 477.1

BEGIN  
ABANDONMENT  
MP 475.15

MARATHON

LAURENS SUB

Buena  
Vista  
Sub

LAURENS

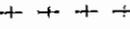
Pocahontas  
County

ALBERT CITY

**ROYAL INDUSTRIAL LEAD**

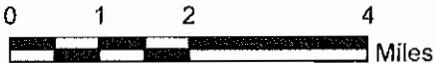
MP 475.15 TO MP 477.10  
TOTAL 1.95 MILES IN POCAHONTAS COUNTY  
IN IOWA

**Legend**

-  UPRR TRACK TO BE ABANDONED
-  OTHER UPRR LINES
-  ABANDONED TRACK
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

UNION PACIFIC RAILROAD CO.  
ROYAL INDUSTRIAL LEAD  
IOWA

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES



United States Department of Agriculture



Natural Resources Conservation Service  
210 Walnut Street, Room 693  
Des Moines, IA 50309-2180

October 5, 2011

Ms. Angela Conn  
Union Pacific Railroad Company  
1400 Douglas Street, Stop 1580  
Omaha, NE 68179

RE: Proposed Abandonment of the Royal Industrial Lead from Milepost 475.15 to Milepost 477.10 near Laurens, a total distance of 1.95 miles in Pocahontas County, Iowa, STB Docket No, AB-33 (Sub-No.304X).

Dear Ms. Conn:

Iowa Natural Resources Conservation Service (NRCS) has no objection to this undertaking.

If you have any further questions please contact me at 515/323-2211.

Sincerely,

A handwritten signature in cursive script that reads "Martin Adkins".

Martin Adkins  
State Resource Conservationist

*Helping People Help the Land*

An Equal Opportunity Provider and Employer



Dunn.John@epamail.epa.gov

v

08/29/2011 08:42 AM

To akconn@up.com

cc

bcc

Subject Proposed Track Abandonment

History:

✉ This message has been forwarded.

Angela,

We got your letter asking whether permits would be needed for a track abandonment (Royal Industrialist Lead in Pocahontas County, IA). I'm replying based on the need for CWA permits. We don't believe that permits will be required for simple abandonment. If you do dredge or fill at stream crossings, or if you plan to do any land disturbance fo greater that 1acre, you should give us a call.

Thanks, --JD

John Dunn  
NPDES Permits  
US EPA Region 7  
913-551-7594  
913-551-9594 fax



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT  
PO BOX 2004 CLOCK TOWER BUILDING  
ROCK ISLAND, ILLINOIS 61204-2004

ATTACHMENT 5

October 26, 2011

Operations Division

SUBJECT: CEMVR-OD-P-2011-1305

Angela K. Conn, Paralegal  
Union Pacific Railroad Company  
1400 Douglas Street, Stop 1580  
Omaha, Nebraska 68179

Dear Ms. Conn

Our office reviewed your letter dated, August 22, 2011, concerning abandonment of the Union Pacific railroad tracks near Laurens, IA in Section 21, Township 93 North, Range 34 West, Pocahontas County in Iowa.

We determined your project as proposed does not require a Department of the Army (DA) Section 404 permit. The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision. No indication of discharge of dredged or fill material was found to occur in waters of the United States (including wetlands). Therefore, this determination resulted.

Please contact our office if your project plans change and there is a potential for impacts of dredged or fill material into Corps' regulated waters, which will require a Department of the Army 404 permit.

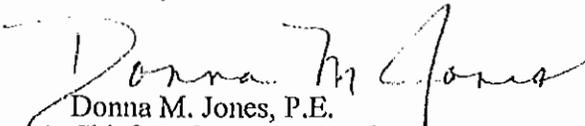
You are advised that this determination for your project is valid for five years from the date of this letter. If the project is not completed within this five-year period or your project plans change, you should contact our office for another determination.

Although an individual DA permit will not be required for the project, this does not eliminate the requirement that you must still acquire other applicable Federal, state, and local permits.

The Rock Island District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the attached postcard and return it or go to our Customer Service Survey found on our web site at <http://per2.nwp.usace.army.mil/survey.html>. (Be sure to select "Rock Island District" under the area entitled: Which Corps office did you deal with?)

Should you have any questions, please contact our Regulatory Branch by letter, or telephone Mrs. Kirsten Brown at 309/794-5104.

Sincerely,

  
Donna M. Jones, P.E.  
Chief, Enforcement Section  
Regulatory Branch

Enclosures

Copies Furnished: (w/o enclosures)

Ms. Christine Schwake (3)  
Iowa Department of Natural Resources  
Water Resources Section  
Wallace State Office Building  
502 East 9<sup>th</sup> Street  
Des Moines, Iowa 50319-0034



|.....|NL0209|. 2|88/ADJUSTED|N425102.....|W0945218.....|D...|RV LAURENS  
|.....|NL0208|. 2|88/ADJUSTED|N425104.....|W0945231.....|C...|Z 26

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**CULTURAL**  
**AFFAIRS**

MARY TIFFANY COWNIE, DIRECTOR

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

January 23, 2012

In reply refer to:  
 R&C#: 980600043

STATE  
 HISTORICAL  
 SOCIETY of  
 IOWA  
 JEROME THOMPSON  
 ADMINISTRATOR



MATTHEW HARRIS  
 ADMINISTRATOR

600 E. LOCUST  
 DES MOINES, IOWA  
 50319

T. (515) 281-5111  
 F. (515) 282-0502

CULTURAL.AFFAIRS.ORG

Raymond E. Allamong, Jr., Senior Manager Rail Line Planning  
 Union Pacific Railroad  
 1400 Douglas Street  
 Stop 1350  
 Omaha, NE 68179

RE: STB – BUENA VISTA, CLAY AND POCAHONTAS COUNTIES – UNION  
 PACIFIC RAILROAD CO. – STB DOCKET NO. AB-33 (SUB-NO.304X) –  
 (ROCK ISLAND) – PROPOSED ABANDONMENT OF THE ROYAL  
 INDUSTRIAL LEAD FROM MILE POST 475.15 TO MILE POST 477.10  
 NEAR LAURENS – 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 landuse 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.**

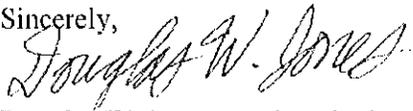
If design changes are made for this project which would involve undisturbed new rights-of-way or easements, please forward additional information to our office for further comment along with the Agency Official's determination of effect. If project activities uncover an item(s) that might be of archeological,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

A handwritten signature in cursive script that reads "Douglas W. Jones".

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