

300434

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208

ROBERT A. WIMBISH  
(312) 252-1504  
rwimbish@fletcher-sippel.com

ENTERED  
Office of Proceedings  
February 24, 2020  
Part of  
Public Record

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

February 24, 2020

## VIA ELECTRONIC FILING

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W., Room 1034  
Washington, DC 20024

**Re: Docket No. AB-1252 (Sub-No. 1X)  
Eastern Idaho Railroad, L.L.C. – Abandonment Exemption –  
In Bonneville County, Idaho**

Dear Ms. Brown:

Presented for filing in the above-captioned proceeding is the **Verified Notice of Exemption of Eastern Idaho Railroad, L.L.C.** pursuant to 49 C.F.R. § 1152.50, dated February 24, 2020. A payment in the amount of \$4,400.00, representing the appropriate filing fee for this proceeding, has been submitted through pay.gov.

A copy of the Environmental/Historic Report (Exhibit D to the Notice) has been provided directly to the Board's Office of Environmental Analysis.

If you have any questions regarding this filing, please contact me. Thank you for your assistance on this matter.

Respectfully submitted,



Robert A. Wimbish  
Attorney for Eastern Idaho Railroad, L.L.C.

RAW:eg

Enclosures  
cc: Ms. Victoria J. Rutson

FEE RECEIVED  
February 24, 2020  
SURFACE  
TRANSPORTATION BOARD

FILED  
February 24, 2020  
SURFACE  
TRANSPORTATION BOARD

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

DOCKET NO. AB-1252 (SUB-NO. 1X)

EASTERN IDAHO RAILROAD, L.L.C.  
-- ABANDONMENT EXEMPTION --  
IN BONNEVILLE COUNTY, IDAHO

---

**VERIFIED NOTICE OF EXEMPTION OF  
EASTERN IDAHO RAILROAD, L.L.C.  
PURSUANT TO 49 C.F.R. § 1152.50**

Robert A. Wimbish  
Fletcher & Sippel LLC  
29 North Wacker Drive, Suite 800  
Chicago, Illinois 60606-2832  
(312) 252-1500

**ATTORNEY FOR EASTERN IDAHO  
RAILROAD, L.L.C.**

Dated: February 24, 2020

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

DOCKET NO. AB-1252 (SUB-NO. 1X)

EASTERN IDAHO RAILROAD, L.L.C.  
-- ABANDONMENT EXEMPTION --  
IN BONNEVILLE COUNTY, IDAHO

---

**VERIFIED NOTICE OF EXEMPTION OF  
EASTERN IDAHO RAILROAD, L.L.C.  
PURSUANT TO 49 C.F.R. § 1152.50**

Eastern Idaho Railroad, L.L.C. (“EIRR”) hereby submits this Notice of Exemption pursuant to 49 C.F.R. part 1152, subpart F, to abandon an approximately 0.76-mile portion of a railroad line known generally as the “Old Butte Main Line” located in Idaho Falls, Bonneville County, Idaho. The portion of the Old Butte Main Line proposed herein for abandonment extends between milepost 184.14 (immediately southeast of the grade crossing with Yellowstone Highway) and milepost 184.90 (north of the grade crossing with W. Broadway Street) (the “Line”).

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), EIRR submits the following information:

**General Corporation Information: 49 C.F.R. § 1152.22(a)(1)-(2)**

EIRR is a Class III common carrier by rail operating in the State of Idaho.

The complete name and address of EIRR is:

Eastern Idaho Railroad, L.L.C.  
618 Shoshone St.  
Twin Falls, Idaho 83301

**Relief Sought: 49 C.F.R. § 1152.22(a)(3)**

Pursuant to the Board's class exemption procedures for the abandonment of out-of-service rail lines (49 C.F.R. part 1152, subpart F), EIRR seeks authority to abandon an approximately 0.76-mile segment of a railroad located in Idaho Falls, Bonneville County, Idaho, extending from milepost 184.14 (immediately southeast of the grade crossing with Yellowstone Highway) to milepost 184.90 (north of the grade crossing with W. Broadway Street).

**Map: 49 C.F.R. § 1152.22(a)(4)**

A map of the Line proposed to be abandoned is attached hereto as Exhibit A.

**H&B's Representative: 49 C.F.R. § 1152.22(a)(7)**

EIRR's representative to whom correspondence regarding this abandonment should be sent is:

Robert A. Wimbish  
Fletcher & Sippel LLC  
29 N. Wacker Drive, Suite 800  
Chicago, IL 60606-2832  
312-252-1500

**ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)**

The Line traverses a portion of United States Postal Service ZIP Code 83402.

**Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)**

Per the certification and verification attached hereto as Exhibit B, EIRR has certified that no local revenue traffic has moved over the Line for at least two years, that overhead traffic (to the extent any has existed) can be rerouted over other lines, and that no formal complaint has been filed by a user of rail service (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the line proposed for

abandonment, and that no such complaint is pending with the Board or any U.S. District Court or has been decided in favor of the complainant during the last two years.

**Consummation Date: 49 C.F.R. § 1152.50(d)(2)**

EIRR will not consummate the proposed abandonment any earlier than April 14, 2020, 50 days from the date that this notice is to be filed with the Board.

**Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)**

EIRR seeks Board authorization to abandon the Line to facilitate an interim trails use arrangement with the City of Idaho Falls, Idaho (“Idaho Falls”). Following the filing of the present abandonment notice, EIRR understands that Idaho Falls will file a petition for issuance of a notice of interim trails use, with the intent that the City will assume interim trails sponsorship for the line segment and deploy the right-of-way and the two bridges (spanning the Snake River) as part of a pedestrian trail linking parts of Idaho Falls.

**Labor Protection: 49 C.F.R. 1152.50(d)(2)**

The appropriate level of labor protection for the abandonment proposed herein is that set forth in Oregon Short Line R.R. – Abandonment – Goshen, 360 I.C.C. 91 (1979). However, EIRR does not believe that any employees will be adversely affected by the proposed abandonment.

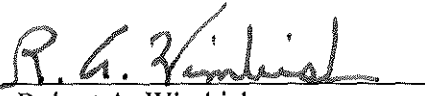
**Certificate of Compliance with Notice Requirements: 49 C.F.R. § 1152.50(d)(2)**

A certificate that the notice requirements of 49 C.F.R. § 1152(d)(1) and 49 C.F.R. § 1105.11 have been complied with is attached hereto as Exhibit C.

**Environmental and Historic Report: 49 C.F.R. §§ 1105.7 and 1105.8**

An Environmental/Historic Report prepared in compliance with the requirements and specifications of 49 C.F.R. §§ 1105.7 and 1105.8 is attached hereto as Exhibit D. That report concludes that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources. A copy of the Environmental/Historic Report has been concurrently filed with the Board's Office of Environmental Analysis.

Respectfully submitted,

By:   
Robert A. Wimbish  
Fletcher & Sippel LLC  
29 North Wacker Drive, Suite 800  
Chicago, Illinois 60606-2832  
(312) 252-1500

**ATTORNEY FOR EASTERN IDAHO  
RAILROAD, L.L.C.**

Dated: February 24, 2020

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

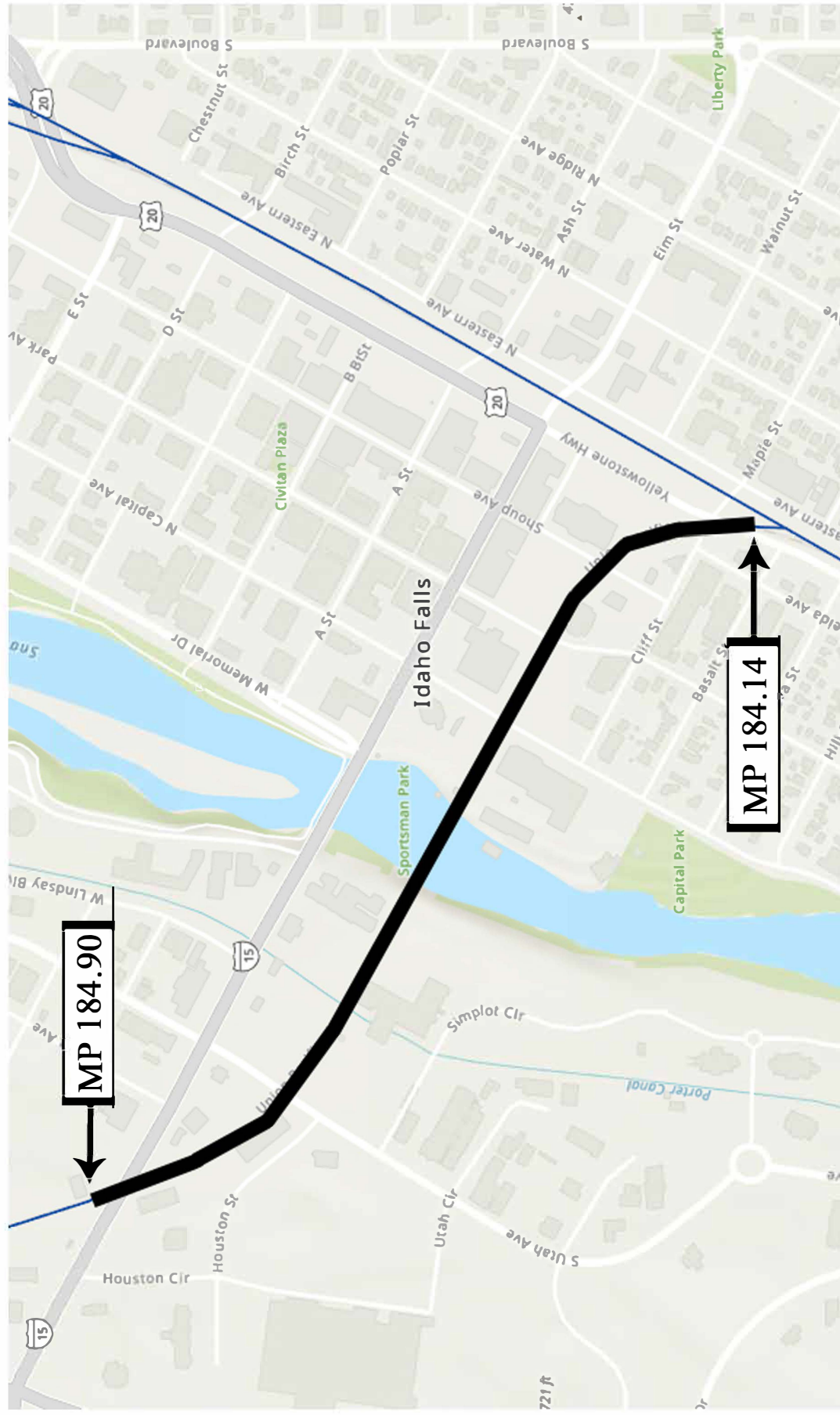
**DOCKET NO. AB-1252 (SUB-NO. 1X)**

**EASTERN IDAHO RAILROAD, L.L.C.  
-- ABANDONMENT EXEMPTION --  
IN BONNEVILLE COUNTY, IDAHO**

---

**EXHIBIT A  
MAP**

Docket No. AB-1252 (Sub-No. 1X)  
Eastern Idaho Railroad, LLC –  
Abandonment Exemption – In Bonneville County, Idaho



**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**DOCKET NO. AB-1252 (SUB-NO. 1X)**

**EASTERN IDAHO RAILROAD, L.L.C.  
-- ABANDONMENT EXEMPTION --  
IN BONNEVILLE COUNTY, IDAHO**

---

**EXHIBIT B  
CERTIFICATION AND VERIFICATION**

**DOCKET NO. AB-1252 (SUB-NO. 1X)  
EASTERN IDAHO RAILROAD, L.L.C.  
-- ABANDONMENT EXEMPTION --  
IN BONNEVILLE COUNTY, IDAHO**

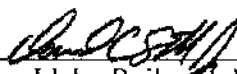
**CERTIFICATION AND VERIFICATION**

STATE OF KANSAS        )  
                                  )  
COUNTY OF CRAWFORD )

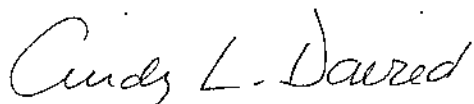
I, Dan C. Smith, Jr., Chief Executive Officer of Eastern Idaho Railroad, L.L.C., being duly sworn, certifies and verifies as follows:

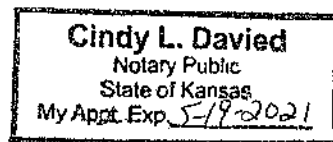
1. For the past two years, no local traffic has moved over the railroad line that is the subject of the above-docketed abandonment proceeding -- an approximately 0.76-mile segment of a railroad known generally as the "Old Butte Main Line" located in Idaho Falls, Bonneville County, Idaho, from milepost 184.14 (immediately southeast of the grade crossing with Yellowstone Highway), to milepost 184.90 (north of the grade crossing with W. Broadway Street) (the "Line"); overhead traffic (if any) can be rerouted over other lines;
2. No formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is either pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the last two years; and
3. I have read the foregoing Abandonment Notice of Exemption, know the facts therein asserted, and state that the same are true as stated.

Dated: February 21, 2020

  
\_\_\_\_\_  
Eastern Idaho Railroad, L.L.C.

Subscribed and sworn to before me this 21<sup>st</sup> day of February, 2020

  
Notary Public for Kansas  
My Commission Expires: 5-19-2021



**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**DOCKET NO. AB-1252 (SUB-NO. 1X)**

**EASTERN IDAHO RAILROAD, L.L.C.  
-- ABANDONMENT EXEMPTION --  
IN BONNEVILLE COUNTY, IDAHO**

---

**EXHIBIT C  
CERTIFICATE OF COMPLIANCE**

## CERTIFICATE OF COMPLIANCE

I, Robert A. Wimbish, counsel for Eastern Idaho Railroad, L.L.C., hereby certify that, for the proceeding before the Surface Transportation Board known as Docket No. AB-1252 (Sub-No. 1X), *Eastern Idaho Railroad, L.L.C. – Abandonment Exemption – in Bonneville County, Idaho*:

(1) The notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with.

Specifically, on February 10, 2020, written notice of the proposed abandonment was sent to the (a) United States Department of Defense, MSDDC-TEA, Attn: Railroads for National Defense; (b) U.S. Department of Agriculture, Chief of the Forest Service; (c) National Center for Conservation and Outdoor Recreation, National Park Service; and (d) Idaho Public Utilities Commission (an example of the notice letters sent is offered as Attachment 1).

(2) The notice requirements of 49 C.F.R. § 1105.11 have been complied with. Specifically, on January 31, 2020, the Environmental and Historic Report, also supplied to the Surface Transportation Board's Office of Environmental Analysis, and the accompanying transmittal letters in the form set forth in 49 C.F.R. § 1105.11 (a sample of which is attached hereto as Attachment 2) were served by first class mail, postage prepaid, on the parties listed on Attachment 3, which list includes the state historic preservation officer, all as required by 49 C.F.R. §§ 1105.7(b), 1105.8 and 1105.11.

(3) Notice of the proposed abandonment was published on February 7, 2020, in the *Post Register*, a newspaper of general circulation in Bonneville County, Idaho. The notice has alerted the public to the proposed abandonment, to presenting a case for alternative public use of the rail corridor, and to procedures for participating in the STB proceeding. Copies of the notice and *Post Register* Affidavit of Publication are attached to this certificate as Attachment 4.

Dated this 24<sup>th</sup> day of February, 2020.

  
Robert A. Wimbish  
Counsel for Eastern Idaho Railroad, L.L.C.

# ATTACHMENT 1

## FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

ROBERT A. WIMBISH  
(312) 252-1504  
rwimbish@fletcher-sippel.com

February 10, 2020

Ms. Vicki Christiansen  
Chief, Forest Service  
U.S. Department of Agriculture  
1400 Independence Avenue S.W.  
Washington, DC 20250-1111

Re: **STB Docket No. AB-1252 (Sub-No. 1X)**  
**Eastern Idaho Railroad, L.L.C. – Abandonment Exemption –**  
**In Bonneville County, Idaho**

Dear Chief Christiansen:

On or about February 24, 2020, Eastern Idaho Railroad, L.L.C. ("EIRR") intends to file with the Surface Transportation Board, Washington, D.C., a notice of exemption under 49 C.F.R. Part 1152, Subpart F – *Exempt Abandonments and Discontinuances of Service and Trackage Rights*, to permit the abandonment of an approximately 0.76-mile segment of a railroad located in Idaho Falls, Bonneville County, Idaho, extending from milepost 184.14 (immediately southeast of the grade crossing with Yellowstone Highway), to milepost 184.90 (north of the grade crossing with W. Broadway Street) (the "Line"). The Line traverses United States Postal Service ZIP Code 83402. The proceeding will be docketed as STB Docket No. AB-1252 (Sub-No. 1X). A map depicting the Line is enclosed herewith.

This notice letter supersedes one previously sent to you under the incorrect docket number AB-1252 (Sub-No. 2X), which letter also understated the length of the Line to be abandoned. The correct docket sub-number is Sub-No. 1X, and the full scope of the Line is as provided in the previous paragraph.

The exemption procedures set forth at § 1152.50 will be invoked because no local traffic has moved over the Line for at least two years, and overhead traffic (if any) can be diverted to other routes. Based on information in our possession, the Line does not contain federally-granted rights-of-way. Any documentation in the railroad's possession regarding federally-granted right-of-way will be made available promptly to those requesting it.

If you have any questions about the abandonment notice of exemption that EIRR plans soon to file, please review the applicable regulations or contact me at 312-252-1504 or the Surface Transportation Board, 395 E Street SW Washington, DC 20423-0001; TEL: (202) 245-0230.

Sincerely,



Robert A. Wimbish  
Attorney for Eastern Idaho Railroad, L.L.C.

Enclosure

## ATTACHMENT 2

### FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

ROBERT A. WIMBISH  
(312) 252-1504  
rwimbish@fletcher-sippel.com

January 31, 2020

U.S. Environmental Protection Agency, Region 10  
Attn: Chris Hladick, Regional Administrator  
1200 Sixth Ave., Suite 155  
Seattle, WA 98101

Re: **Docket No. AB-1252 (Sub-No. 1X)**  
**Eastern Idaho Railroad, L.L.C. -- Abandonment**  
**Exemption -- In Bonneville County, Idaho**

Dear Regional Administrator Hladick:

On or after February 24, 2020, Eastern Idaho Railroad, L.L.C. ("EIRR") intends to file a Notice of Exemption ("Notice") with the Surface Transportation Board ("STB") pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1152.50 to abandon approximately 0.76 miles of rail line on the "Old Butte Main Line" at Idaho Falls in Bonneville County, Idaho, extending from approximately milepost 184.14 (immediately southeast of the grade crossing with Yellowstone Highway) northwesterly to milepost 184.90 (north of the grade crossing with W. Broadway Street) ("the Line").

In accordance with 49 C.F.R. §§ 1105.7(b) and 1105.11, we are providing for your information the enclosed Corrected Environmental/Historic Report ("Corrected E&HR") which will accompany the Notice of Exemption and which describes the proposed action and any expected environmental or historic effects. The Report also includes a map of the affected area.

As you may recall, we supplied you with a previous version of the E&HR on January 8, 2020, and supplemented the January 8 letter on January 24, 2020, to address discrepancies as to the applicable STB docket number. *We have since determined that the earlier version of the E&HR erroneously gave the southeastern terminal milepost for the Line as milepost 184.26, which resulted in understating the length of the Line by roughly 0.12 miles. The locations of the terminal points (Yellowstone Avenue and W. Broadway Street, respectively) were correct, however, and the map that accompanied the original E&HR was reasonably accurate. Given the milepost discrepancy, it is important that we issue the enclosed Corrected E&HR with the correct terminal mileposts, Line length, and a new map of the Line.* We doubt that the milepost correction will have any material bearing on your assessment of the impacts of the proposed abandonment, but, in the event that it does, please so advise the undersigned counsel for EIRR and the STB's Office of Environmental Analysis, so that we may account for your

# FLETCHER & SIPPEL LLC

U.S. Environmental Protection Agency

January 31, 2020

Page 2

input. Also, if the repeated correspondence on this matter has left you in need of further clarification, please contact me at your earliest convenience. We apologize for any confusion.

We are providing this Corrected E&HR so that you may review the information that will form the basis for the STB's independent 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 STB's environmental review process, please contact the Office of Environmental Analysis at the following address:

Surface Transportation Board  
Office of Environmental Analysis  
395 E Street, S.W., Room 1106  
Washington, DC 20423-0001  
(202) 245-0295

Your comments should reference *Docket No. AB-1252 (Sub-No. IX)*, and, if written, should include a copy to the undersigned. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the Office of Environmental Analysis would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and historic preservation impacts of the contemplated action. Once again, if there are any questions concerning this proposal, please contact me directly at 312-252-1516. Thank you for your assistance on this matter.

Very truly yours,

*Robert A. Wimbish/EG*

Robert A. Wimbish  
Attorney for Eastern Idaho Railroad, L.L.C.

RAW/eg  
Enclosure

## **ATTACHMENT 3**

Idaho Falls Planning Division  
680 Park Ave.  
PO Box 50220  
Idaho Falls, ID 83405

National Geodetic Survey Information Services  
Office of Ocean and Coastal Resource Management  
NOAA Ocean Service  
1305 East-West Highway  
Silver Springs, MD 20910

USDA -Natural Resources Conservation Service  
Idaho State Office  
9173 W. Barnes Dr., Suite C  
Boise, ID 83709-1574

National Park Service  
Pacific West Regional Office  
Attn: Stan Austin, Regional Director  
333 Bush Street, Suite 500  
San Francisco, CA 94104

U.S. Army Corps of Engineers  
Idaho Falls Regulatory Office  
900 North Skyline Dr., Suite A  
Idaho Falls, ID 83402

U.S. Fish and Wildlife Service, Region 1  
Eastside Federal Complex  
911 N.E. 11th Ave.  
Portland, OR 97232-4181

Bonneville County Commissioner  
605 N. Capital Ave.  
Idaho Falls, ID 83402

Idaho Soil and Water Conservation Commission  
322 E. Front St.  
Boise, ID 83702

Idaho Department of Environmental Quality  
1410 N Hilton St.  
Boise, ID 83706

U.S. Environmental Protection Agency, Region 10

Attn: Chris Hladick, Regional Administrator  
1200 Sixth Ave., Suite 155  
Seattle, WA 98101

Office of the Governor  
State Capitol  
PO Box 83720  
Boise, ID 83720

Idaho State Historic Preservation Office  
210 Main St.  
Boise, ID 83702

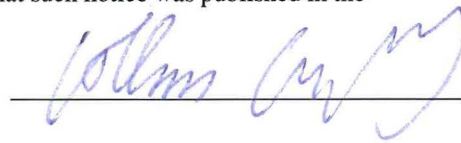
# ATTACHMENT 4

## Proof of Publication The Post Register

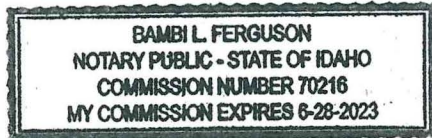
State of Idaho  
County of Bonneville

I, ~~Dawn Giannini~~ or Collins Crapo, first being duly sworn, depose and say: That I am the ~~Classified Manager, or~~ Processing Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under ad number: **184764** for **1** consecutive (days) weeks, between **02/07/2020** and **02/07/2020**, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.



Subscribed and sworn to before me, this 7th day of February 2020



  
\_\_\_\_\_  
Notary Public  
My commission expires: 06/28/2023

\_\_\_\_\_  
attached jurat \_\_\_\_\_

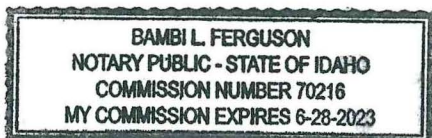
STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 7th day of February 2020, before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



  
\_\_\_\_\_  
Notary Public for The Post Company  
Residing: Idaho Falls, Idaho  
Commission expires: 06/28/2023

**NOTICE OF INTENT TO ABANDON**

**STB DOCKET NO. AB-1252 (SUB-NO. 1X)**

Eastern Idaho Railroad, L.L.C. ("EIRR") gives notice that on or about February 24, 2020, it intends to file with the Surface Transportation Board, Washington, DC, ("Board") a notice of exemption under 49 C.F.R. part 1152 Subpart F *Exempt Abandonments and Discontinuances of Service and Trackage Rights* to permit the abandonment of an approximately 0.76-mile segment of a railroad known generally as the Old Butte Main Line located in Idaho Falls, Bonneville County, Idaho, from milepost 184.14 (immediately southeast of the grade crossing with Yellowstone Highway), to milepost 184.90 (north of the grade crossing with W. Broadway Street) (the "Line").

The Line traverses United States Postal Service ZIP Code 83402. The proceeding will be docketed as STB Docket No. AB-1252 (Sub-No. 1X).

The subject legal notice corrects and supersedes a legal notice related to this same railroad line abandonment docket published on January 16, 2020. As indicated above, the proposed abandonment notice has been postponed from the originally-anticipated January 28, 2020 filing date.

The Board's Office of Environmental Analysis ("OEA") will generally prepare an Environmental Assessment ("EA"), which will become 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 OEA, Surface Transportation Board, Washington, DC 20423 or by calling OEA at 202-245-0295.

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 S.W., Washington, DC 20423 [See 49 C.F.R. §§ 1104.1(a) and 1104.3(a)], and one copy must be served on EIRR's representative [See 49 C.F.R. § 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 202-245-0230. Copies of any comments or requests for conditions should be served on EIRR's representative: Robert A. Wimbish, FLETCHER & SIPPEL LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606 (phone: 312-252-1500; fax: 312-252-2400).

**Published: 2/7/2020 (184764-110472)**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**DOCKET NO. AB-1252 (SUB-NO. 1X)**

**EASTERN IDAHO RAILROAD, L.L.C.  
-- ABANDONMENT EXEMPTION --  
IN BONNEVILLE COUNTY, IDAHO**

---

**EXHIBIT D  
ENVIRONMENTAL/HISTORIC REPORT**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

DOCKET NO. AB-1252 (SUB-NO. 1X)  
EASTERN IDAHO RAILROAD, L.L.C.  
– ABANDONMENT EXEMPTION –  
IN BONNEVILLE COUNTY, IDAHO

---

**CORRECTED ENVIRONMENTAL/HISTORIC REPORT**

Eastern Idaho Railroad, L.L.C. (“EIRR”) submits this combined (and corrected) Environmental and Historic Report (the “Report”) in compliance with the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. Supporting correspondence and certifications are appended. As explained herein, the proposed abandonment would not significantly impact the quality of the human environment or affect the conservation of energy resources.<sup>1</sup>

**ENVIRONMENTAL REPORT - 49 C.F.R. § 1105.7(e)**

1. Proposed Action and Alternatives.

EIRR intends to file a notice of exemption with the Surface Transportation Board (“STB”) to abandon an approximately 0.76-mile segment of a railroad known generally as the “Old Butte Main Line” located in Idaho Falls, Bonneville County, Idaho, from milepost 184.14 (immediately southeast of the grade crossing with Yellowstone Highway), to milepost 184.90 (north of the grade crossing with W. Broadway Street) (the “Line”).<sup>2</sup> The Line has seen no local

---

<sup>1</sup> See, generally, 49 C.F.R. § 1105.5(a) (2017) (incorporating “significant” standard of 40 C.F.R. § 1508.27).

<sup>2</sup> On January 8, 2020, EIRR circulated a Report related to this proceeding which erroneously gave the eastern terminus of the Line to be abandoned as milepost 184.26, and, accordingly, also erroneously stated that the total distance of the Line was approximately 0.64 miles, which did not correspond to the generally accurate geographic description of the Line’s terminal points or the map that was provided which identified the line as extending from near Yellowstone Avenue to

rail traffic in the previous two years. EIRR now desires to end common carrier service on and preserve the right of way for public recreational use, under an intended interim trails use arrangement, pursuant to discussions with the City of Idaho Falls, Idaho. The abandonment notice of exemption will be filed pursuant to 49 C.F.R. Part 1152, Subpart G. No alternatives to the proposed abandonment appear reasonable, since the Line has been inactive to local traffic for at least 2 years, and there is no foreseeable prospect that a need for rail service would re-emerge. The only alternative is retention of the subject railroad property as a federally-regulated, but dormant, railroad line, wherein EIRR is unnecessarily required to provide common carrier service.

A map showing the Line is attached hereto as Appendix A.

2. Transportation System. EIRR does not anticipate that existing regional or local transportation systems or patterns will be significantly affected by the proposed abandonment, but has requested input from Bonneville County and the Idaho Falls Planning Division. Appendix B, Bonneville County correspondence; Appendix C, Idaho Falls Planning Division correspondence. No replies have been received. Since the Line is inactive, abandonment would not result in the diversion of traffic to other modes.

3. Land Use.

(i) EIRR does not believe that the proposed abandonment would be inconsistent with regional and/or local land use plans, and has solicited comments from the Idaho

---

near W. Broadway Street). The present Report corrects and supersedes all previously-supplied versions.

Falls Planning Division. Appendix C. No response has been received. The National Geodetic Survey (“NOAA”) has been contacted, also, but has not yet responded. Appendix D.

(ii) The Natural Resource Conservation Service (“NRCS”) has been contacted. Appendix E. EIRR has received no comments from NRCS to date.

(iii) The Line does not appear to be within a designated Coastal Management Area. Accordingly, the proposed abandonment will not affect any land or water uses in such an area or result in any coastal impacts. EIRR solicited comments from the U.S. Environmental Protection Agency Region 10 and Idaho Department of Environmental Quality (“IDEQ”) to determine whether the proposed abandonment would have any bearing upon applicable federal, state and local water quality standards. Appendices F and G. EIRR has received no comments from the U.S Environmental Protection Agency or the IDEQ to date.

(iv) This abandonment is being undertaken in part to make the Line available for public recreational use consistent with 49 U.S.C. § 10905.

#### 4. Energy.

(i) The proposed abandonment will not have any effect on the transportation of energy resources.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by the proposed abandonment.

(iii) The abandonment will not result in an increase or decrease in overall energy efficiency. No rail freight traffic currently moves to or from points on the Line, and, thus, there will be no changes in existing transportation patterns or energy usage as a result of the proposed abandonment.

(iv) Not applicable. The abandonment of the Line will not cause the diversion of more than 1,000 rail carloads per year or an average of 50 rail carloads per mile per year to motor carriers.

5. Air.

(i) Not applicable. The Line is inactive. The abandonment will not result in (A) a minimum increase in rail traffic of 100% or eight trains per day on any segment of rail line; (B) an increase in rail yard activity of at least 100%; or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles per day on any road segment.

(ii) Not applicable. EIRR does not believe that Bonneville County, Idaho, is a Class I or Nonattainment Area under the Clean Air Act. In any event, abandonment of the Line will not result in traffic increases exceeding the thresholds at 49 C.F.R. § 1105.7(e)(5)(ii)(A), (B) or (C).

(iii) Not applicable. EIRR has contacted and requested comments from the U.S. Environmental Protection Agency Region 10 and IDEQ. Appendices F and G. No responses have been received to date.

6. Noise. Not applicable. As indicated above, none of the thresholds identified in 49 C.F.R. § 1105.7(e)(5)(i) will be exceeded as a result of the abandonment.

7. Safety.

(i) The proposed action will have no adverse effect upon public health or safety; the cessation of rail activity will likely only improve safety at the seven public and one private crossing(s) on the Line by way of eliminating the future prospect of rail-highway collisions.

(ii) Not applicable. The proposed abandonment will have no effect on the transportation of hazardous materials.

(iii) There are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way of the Line.

8. Biological Resources.

(i) No critical habitat will be destroyed, altered or affected as a result of the proposed abandonment, and EIRR does not believe that any endangered or threatened species are present in the area or would be adversely affected. EIRR has requested comments from the IDEQ and the U.S. Fish and Wildlife Service. Appendices G and H, respectively. No responses have been received to date.

(ii) Similarly, EIRR has no reason to believe that any wildlife sanctuaries or refuges will be affected, based on its review of Appendix A and absent any further comment from conservation agencies. EIRR has also contacted and requested comments from the National Park Service, as set forth in Appendix I. No response has been received to date.

9. Water.

(i) The U.S. Environmental Protection Agency Region 10 has been contacted. Appendix F. IDEQ has also been contacted. Appendix G. The Idaho Soil and Water Conservation Commission has also been contacted but has not responded. Appendix J.

(ii) The Army Corps of Engineers (the “Corps”) has been contacted to determine if the proposed abandonment requires permits under Section 404 of the Clean Water Act, though no salvage is currently contemplated. Appendix K. In its response letter dated January 7, 2020, the Corps states that the proposed project would not involve any activity that

the Corps regulates. Appendix K-1. In addition, EIRR is unaware of the proposed abandonment affecting any 100-year floodplain.

(iii) EIRR does not anticipate the discharge of any pollutants in relation to its proposed abandonment. Additionally, no material will be disposed of into waterways as part of the abandonment given the intention to preserve the bridges along the line segment. Accordingly, EIRR concludes that no permits under Section 402 of the Clean Water Act are required.

\* \* \* \* \*

In addition to the agencies referenced above, EIRR also has contacted and requested comments from the Office of the Governor. Appendix L. To date no response has been received.

\* \* \* \* \*

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

1. Map.A map of the Line is attached hereto as Appendix A.Description of Line.The relevant segment of the “Old Butte Main Line” is 0.76 miles of railroad at Idaho Falls, Bonneville County, Idaho, between milepost 184.14 (immediately southeast of the grade crossing with Yellowstone Highway) and milepost 184.90 (north of the grade crossing with W. Broadway Street). The Line traverses a portion of the City of Idaho Falls, Idaho. There are two railroad structures on the line, Bridge 184.63 A (a deck plate girder bridge) and Bridge 184.63 B (a truss bridge), spanning portions of the Snake River. EIRR has very little information about the bridges at this time, but it appears that each of the spans was constructed more than fifty years ago. EIRR intends to leave the bridges intact, and, upon completion of an anticipated interim trail use arrangement with the City of Idaho Falls (post-abandonment authorization),

plans to transfer them to Idaho Falls for use as part of a public pathway for pedestrians along the subject railroad corridor.

3.     Photographs. Overhead and side profile images of the bridges are attached as Appendix M.

4.     Information on Structures. There are no railroad structures other than the bridges.

5.     History of Operations.         The Line was historically operated by the Union Pacific Railroad Company prior to acquisition by EIRR. *Eastern Idaho Railroad, Inc.*<sup>3</sup> – *Acquisition and Operation Exemption – Union Pacific Railroad Company*, Docket No. FD 32396 (ICC served Nov. 26, 1993).

6.     Engineering Documents. EIRR will provide copies of any engineering documents in its possession.

7.     Historic Criteria. EIRR has contacted and given notice of the proposed abandonment to the Idaho State Historic Preservation Office (“ISHPO”), and, in doing so, identified the bridges and provided photographs of them. Appendix N. In its response letter dated December 17, 2019, the ISHPO expressed potential interest in the bridges, and recommended that EIRR hire a qualified consultant to undertake a “cultural resources survey” that would “identify and evaluate historic properties that may be affected” by the proposed abandonment. Appendix N-1. To be clear, EIRR has no plans whatsoever to remove or alter the

---

<sup>3</sup> Eastern Idaho Railroad, Inc. was converted to a limited liability company on December 10, 2010.

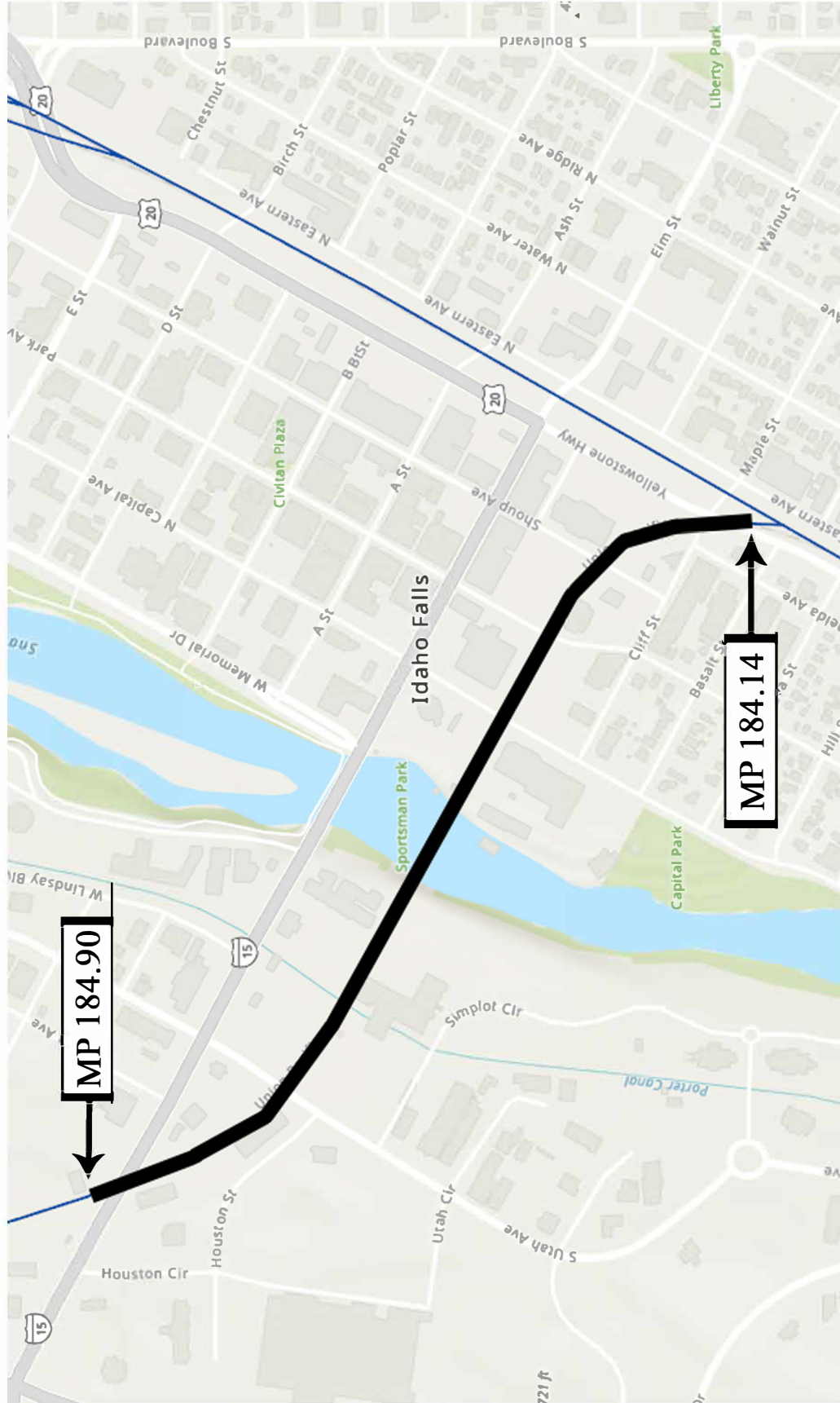
bridges, and expects that they will be retained by Idaho Falls under a trails use arrangement as important infrastructure supporting interim recreational use of the rail corridor. As such, EIRR believes that no historic properties will be affected by EIRR's plans for the line segment, but EIRR would be willing to comply with ISHPO's recommendations if they were to be imposed by the Board as a precondition to abandonment consummation (which is not contemplated for the reasons given above) or as a condition to EIRR's (again, not anticipated) salvage of either or both of those bridges.

8. Ground Disturbances.

Based on available information, EIRR does not believe that there are archaeological resources in the area. Access to the Line is generally good.

## APPENDIX A

Docket No. AB-1252 (Sub-No. 1X)  
Eastern Idaho Railroad, LLC –  
Abandonment Exemption – In Bonneville County, Idaho



## APPENDIX B

### FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208

Phone: (312) 252-1500

Fax: (312) 252-2400

www.fletcher-sippel.com

BRADON J. SMITH  
(312) 252-1516  
bsmith@fletcher-sippel.com

December 6, 2019

Bonneville County Commissioner  
605 N. Capital Ave.  
Idaho Falls, ID 83402

Re: **Docket No. AB-1252X (Sub-No. 1X)**  
**Eastern Idaho Railroad, L.L.C. – Abandonment**  
**Exemption – In Bonneville County, Idaho**

Dear Sir/Madam:

On or after January 8, 2020, the Eastern Idaho Railroad, L.L.C. ("EIRR") intends to file with the Surface Transportation Board ("STB") a notice of exemption for the abandonment of approximately 0.64 miles of rail line on the "Old Butte Main Line" at Idaho Falls in Bonneville County, Idaho, extending from approximately milepost 184.26 (near Yellowstone Highway at the junction with Union Pacific Railroad Company) northwesterly to milepost 184.90 (north of the grade crossing with W. Broadway Street) ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during the previous two years. A map showing the location of the Line is enclosed for your reference.

In accordance with the STB's environmental regulations, 49 C.F.R. § 1105, EIRR is advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year old flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land, and soil and natural resource conservation;
10. Existing or potential safety hazards;

# FLETCHER & SIPPEL LLC

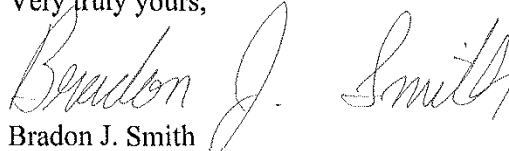
Bonneville County Commissioner  
Page 2

11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the limited nature of the proposed action, we foresee no adverse environmental effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We request a written response as soon as possible so that we may include it in the Environmental/Historic Report which will be prepared in connection with this abandonment in accordance with 49 C.F.R. § 1105.7. Any written comments should reference Docket No. AB-1252 (Sub-No. 1X) and be sent to the undersigned, as counsel for EIRR.

A copy of the Environmental/Historic Report will be forwarded to you at least twenty days before EIRR's notice of exemption is filed at the STB. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1500. Thank you for your assistance.

Very truly yours,

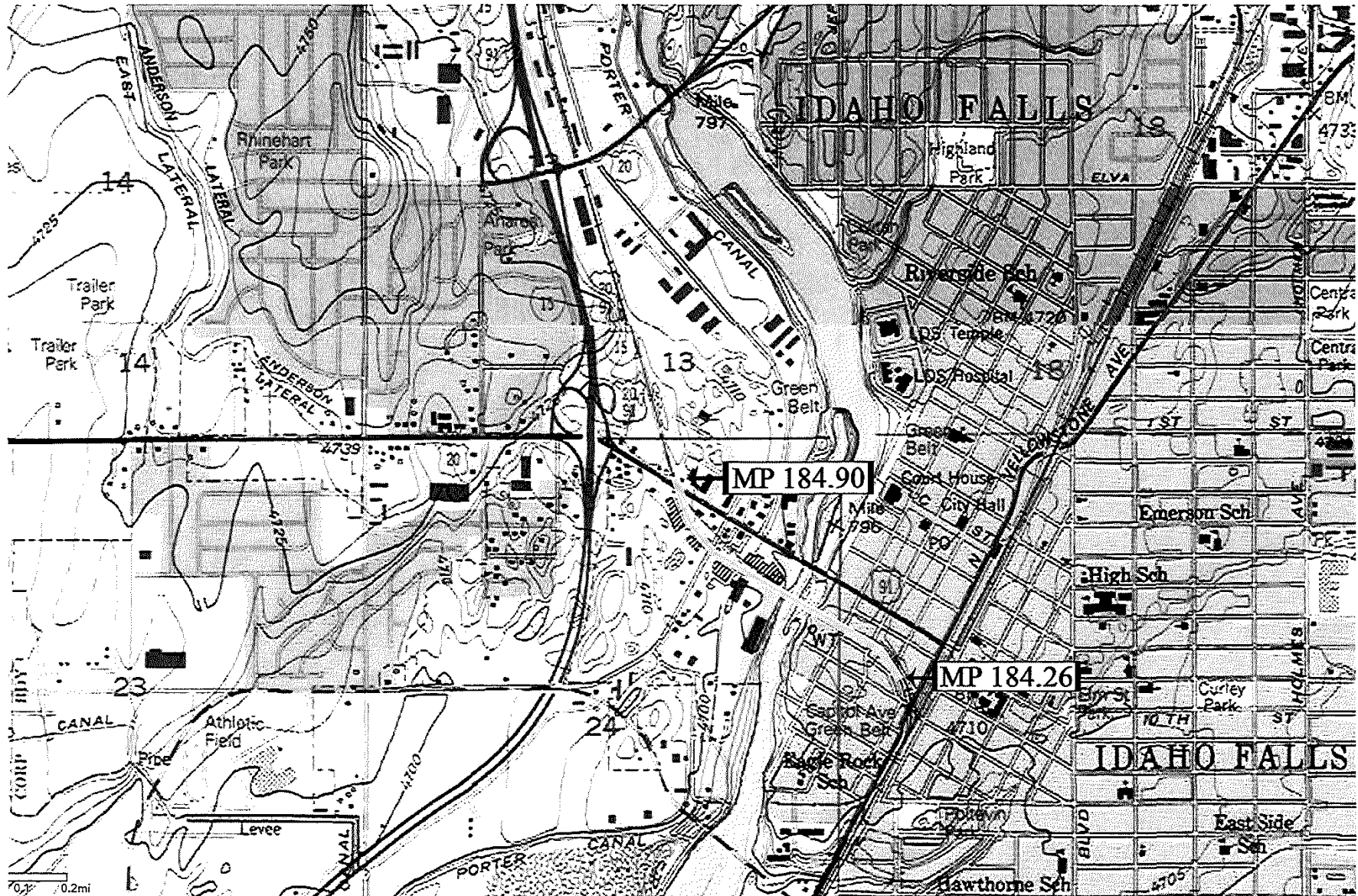


Bradon J. Smith  
Attorney for Eastern Idaho Railroad, L.L.C.

BJS/eg

Enclosure

Docket No. AB – 1252 (Sub. No. 1X)  
Eastern Idaho Railroad, LLC –  
Abandonment Exemption – In Bonneville County, Idaho



**APPENDIX C**

**FLETCHER & SIPPEL LLC**

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

BRADON J. SMITH  
(312) 252-1516  
bsmith@fletcher-sippel.com

December 6, 2019

Idaho Falls Planning Division  
680 Park Ave.  
PO Box 50220  
Idaho Falls, ID 83405

Re: **Docket No. AB-1252X (Sub-No. 1X)**  
**Eastern Idaho Railroad, L.L.C. – Abandonment**  
**Exemption – In Bonneville County, Idaho**

Dear Sir/Madam:

On or after January 8, 2020, the Eastern Idaho Railroad, L.L.C. ("EIRR") intends to file with the Surface Transportation Board ("STB") a notice of exemption for the abandonment of approximately 0.64 miles of rail line on the "Old Butte Main Line" at Idaho Falls in Bonneville County, Idaho, extending from approximately milepost 184.26 (near Yellowstone Highway at the junction with Union Pacific Railroad Company) northwesterly to milepost 184.90 (north of the grade crossing with W. Broadway Street) ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during the previous two years. A map showing the location of the Line is enclosed for your reference.

In accordance with the STB's environmental regulations, 49 C.F.R. § 1105, EIRR is advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year old flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land, and soil and natural resource conservation;

# FLETCHER & SIPPEL LLC

Idaho Falls Planning Division  
Page 2

10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the limited nature of the proposed action, we foresee no adverse environmental effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We request a written response as soon as possible so that we may include it in the Environmental/Historic Report which will be prepared in connection with this abandonment in accordance with 49 C.F.R. § 1105.7. Any written comments should reference Docket No. AB-1252 (Sub-No. 1X) and be sent to the undersigned, as counsel for EIRR.

A copy of the Environmental/Historic Report will be forwarded to you at least twenty days before EIRR's notice of exemption is filed at the STB. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1500. Thank you for your assistance.

Very truly yours,

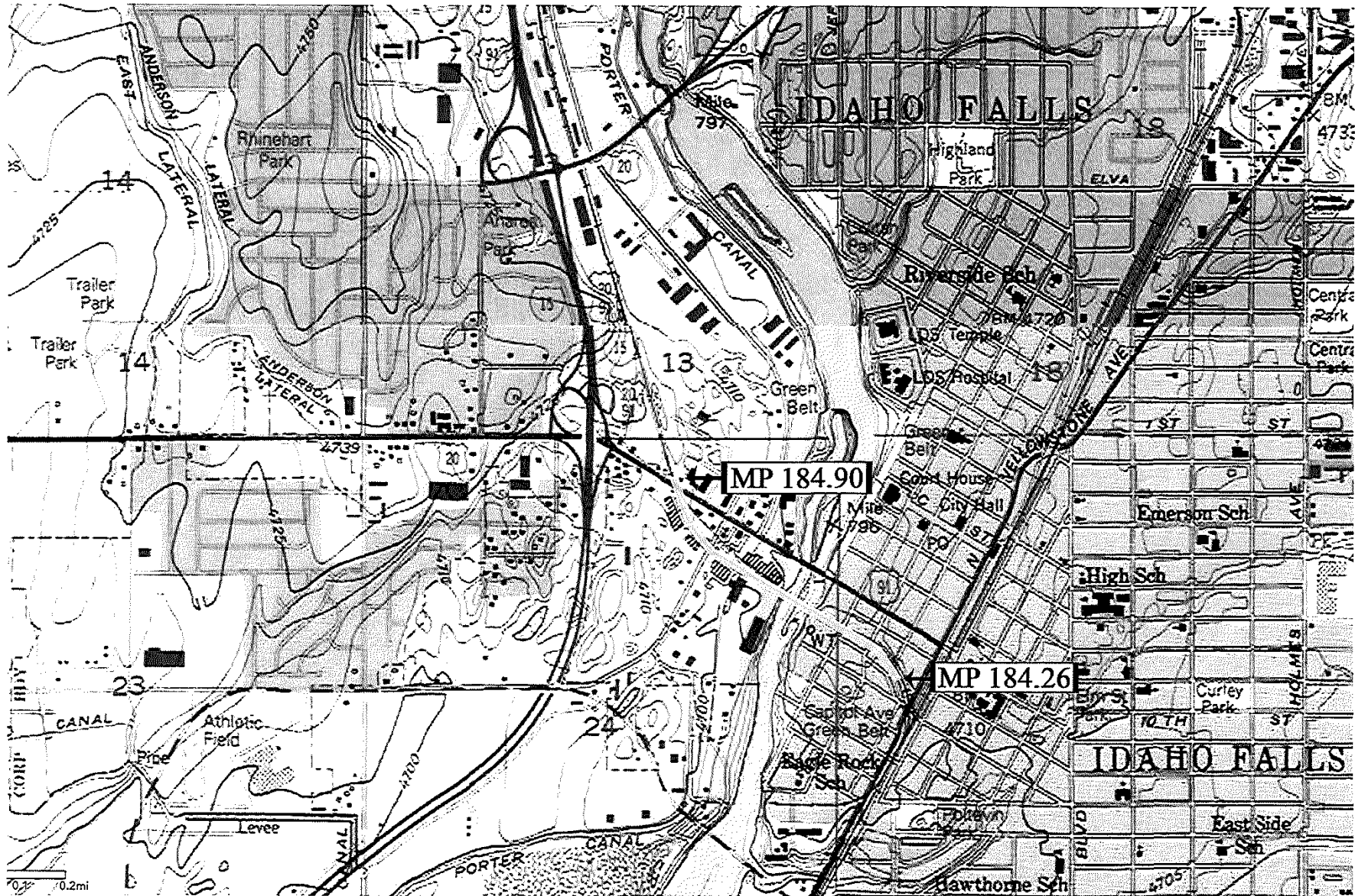


Bradon J. Smith  
Attorney for Eastern Idaho Railroad, L.L.C.

BJS/eg

Enclosure

Docket No. AB – 1252 (Sub. No. 1X)  
Eastern Idaho Railroad, LLC –  
Abandonment Exemption – In Bonneville County, Idaho



## APPENDIX D

### FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

BRADON J. SMITH  
(312) 252-1516  
bsmith@fletcher-sippel.com

December 6, 2019

National Geodetic Survey Information Services  
Office of Ocean and Coastal Resource Management  
NOAA Ocean Service  
1305 East-West Highway  
Silver Springs, MD 20910

Re: **Docket No. AB-1252X (Sub-No. 1X)**  
**Eastern Idaho Railroad, L.L.C. – Abandonment**  
**Exemption – In Bonneville County, Idaho**

Dear Sir/Madam:

On or after January 8, 2020, the Eastern Idaho Railroad, L.L.C. ("EIRR") intends to file with the Surface Transportation Board ("STB") a notice of exemption for the abandonment of approximately 0.64 miles of rail line on the "Old Butte Main Line" at Idaho Falls in Bonneville County, Idaho, extending from approximately milepost 184.26 (near Yellowstone Highway at the junction with Union Pacific Railroad Company) northwesterly to milepost 184.90 (north of the grade crossing with W. Broadway Street) ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during the previous two years. A map showing the location of the Line is enclosed for your reference.

In accordance with the STB's environmental regulations, 49 C.F.R. § 1105, EIRR is advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year old flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;

# FLETCHER & SIPPEL LLC

National Geodetic Survey Information Services

Page 2

9. Prime agricultural land, and soil and natural resource conservation;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the limited nature of the proposed action, we foresee no adverse environmental effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We request a written response as soon as possible so that we may include it in the Environmental/Historic Report which will be prepared in connection with this abandonment in accordance with 49 C.F.R. § 1105.7. Any written comments should reference Docket No. AB-1252 (Sub-No. 1X) and be sent to the undersigned, as counsel for EIRR.

A copy of the Environmental/Historic Report will be forwarded to you at least twenty days before EIRR's notice of exemption is filed at the STB. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1500. Thank you for your assistance.

Very truly yours,

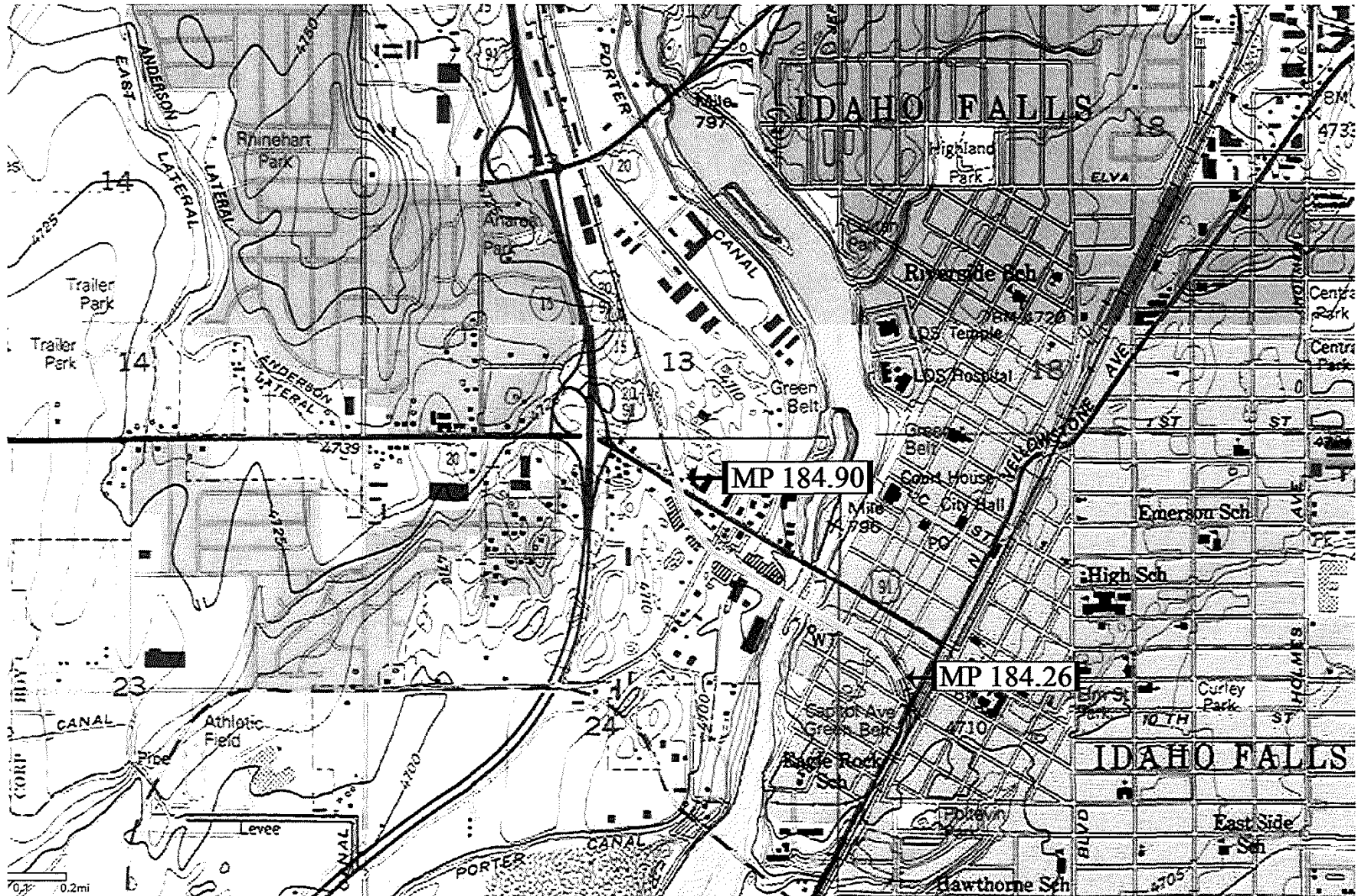


Bradon J. Smith  
Attorney for Eastern Idaho Railroad, L.L.C.

BJS/eg

Enclosure

Docket No. AB – 1252 (Sub. No. 1X)  
Eastern Idaho Railroad, LLC –  
Abandonment Exemption – In Bonneville County, Idaho



**APPENDIX E**

**FLETCHER & SIPPEL LLC**

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

BRADON J. SMITH  
(312) 252-1516  
bsmith@fletcher-sippel.com

December 6, 2019

USDA - Natural Resources Conservation Service  
Idaho State Office  
9173 W. Barnes Dr., Suite C  
Boise, ID 83709-1574

Re: **Docket No. AB-1252X (Sub-No. 1X)**  
**Eastern Idaho Railroad, L.L.C. – Abandonment**  
**Exemption – In Bonneville County, Idaho**

Dear Sir/Madam:

On or after January 8, 2020, the Eastern Idaho Railroad, L.L.C. ("EIRR") intends to file with the Surface Transportation Board ("STB") a notice of exemption for the abandonment of approximately 0.64 miles of rail line on the "Old Butte Main Line" at Idaho Falls in Bonneville County, Idaho, extending from approximately milepost 184.26 (near Yellowstone Highway at the junction with Union Pacific Railroad Company) northwesterly to milepost 184.90 (north of the grade crossing with W. Broadway Street) ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during the previous two years. A map showing the location of the Line is enclosed for your reference.

In accordance with the STB's environmental regulations, 49 C.F.R. § 1105, EIRR is advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year old flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land, and soil and natural resource conservation;

# FLETCHER & SIPPEL LLC

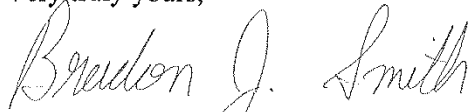
USDA - Natural Resources Conservation Service  
Page 2

10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the limited nature of the proposed action, we foresee no adverse environmental effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We request a written response as soon as possible so that we may include it in the Environmental/Historic Report which will be prepared in connection with this abandonment in accordance with 49 C.F.R. § 1105.7. Any written comments should reference Docket No. AB-1252 (Sub-No. 1X) and be sent to the undersigned, as counsel for EIRR.

A copy of the Environmental/Historic Report will be forwarded to you at least twenty days before EIRR's notice of exemption is filed at the STB. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1500. Thank you for your assistance.

Very truly yours,

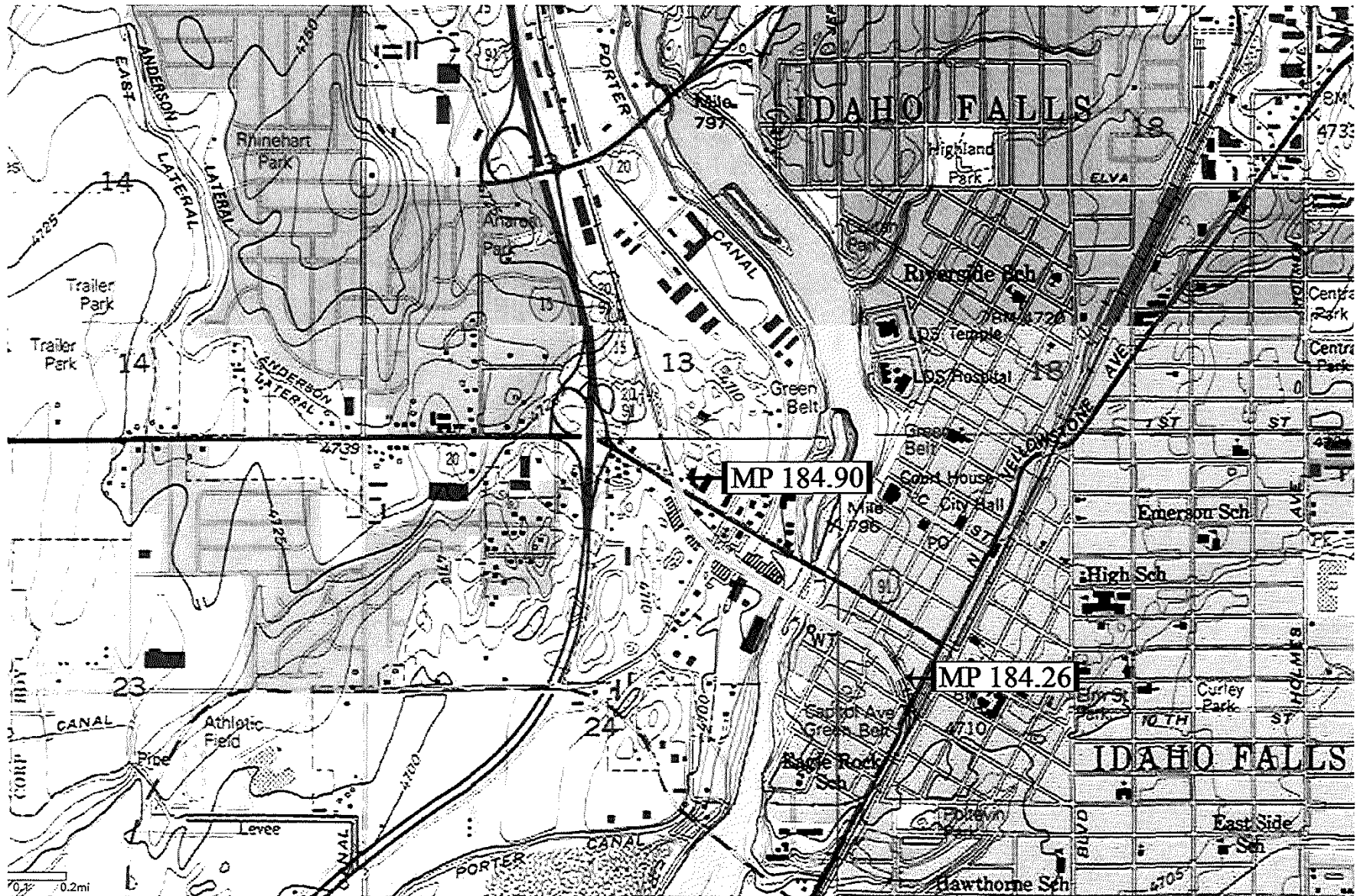


Bradon J. Smith  
Attorney for Eastern Idaho Railroad, L.L.C.

BJS/eg

Enclosure

Docket No. AB – 1252 (Sub. No. 1X)  
Eastern Idaho Railroad, LLC –  
Abandonment Exemption – In Bonneville County, Idaho



**APPENDIX F**

**FLETCHER & SIPPEL LLC**

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208

Phone: (312) 252-1500

Fax: (312) 252-2400

www.fletcher-sippel.com

BRADON J. SMITH  
(312) 252-1516  
bsmith@fletcher-sippel.com

December 6, 2019

U.S. Environmental Protection Agency, Region 10  
Attn: Chris Hladick, Regional Administrator  
1200 Sixth Ave., Suite 155  
Seattle, WA 98101

Re: **Docket No. AB-1252X (Sub-No. 1X)**  
**Eastern Idaho Railroad, L.L.C. – Abandonment**  
**Exemption – In Bonneville County, Idaho**

Dear Administrator Hladick:

On or after January 8, 2020, the Eastern Idaho Railroad, L.L.C. ("EIRR") intends to file with the Surface Transportation Board ("STB") a notice of exemption for the abandonment of approximately 0.64 miles of rail line on the "Old Butte Main Line" at Idaho Falls in Bonneville County, Idaho, extending from approximately milepost 184.26 (near Yellowstone Highway at the junction with Union Pacific Railroad Company) northwesterly to milepost 184.90 (north of the grade crossing with W. Broadway Street) ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during the previous two years. A map showing the location of the Line is enclosed for your reference.

In accordance with the STB's environmental regulations, 49 C.F.R. § 1105, EIRR is advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year old flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;

# FLETCHER & SIPPEL LLC

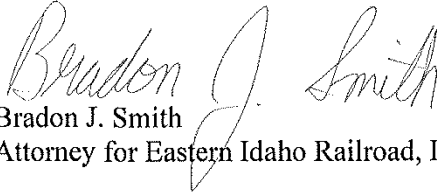
U.S. Environmental Protection Agency, Region 10  
Page 2

9. Prime agricultural land, and soil and natural resource conservation;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the limited nature of the proposed action, we foresee no adverse environmental effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We request a written response as soon as possible so that we may include it in the Environmental/Historic Report which will be prepared in connection with this abandonment in accordance with 49 C.F.R. § 1105.7. Any written comments should reference Docket No. AB-1252 (Sub-No. 1X) and be sent to the undersigned, as counsel for EIRR.

A copy of the Environmental/Historic Report will be forwarded to you at least twenty days before EIRR's notice of exemption is filed at the STB. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1500. Thank you for your assistance.

Very truly yours,

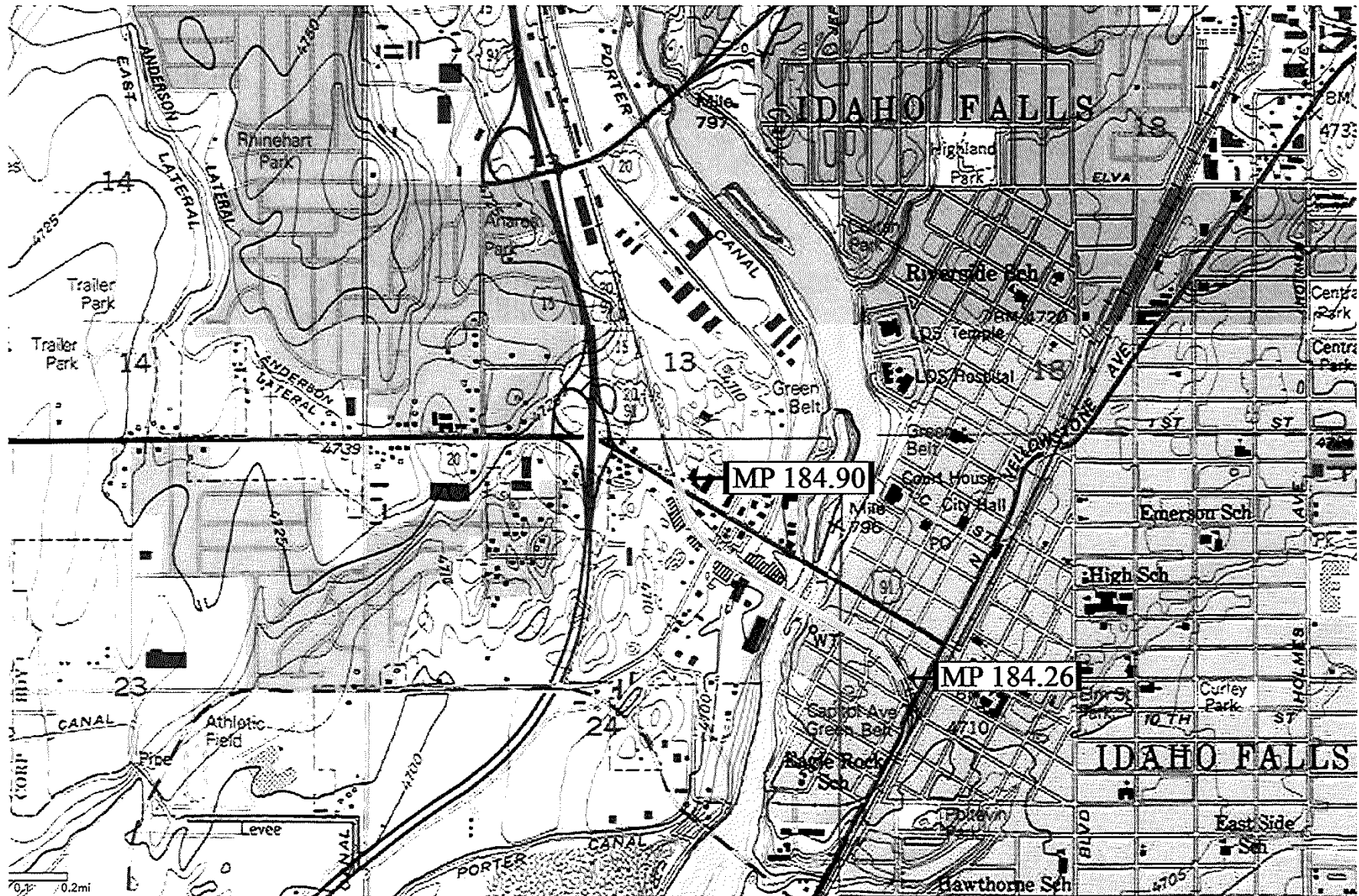


Bradon J. Smith  
Attorney for Eastern Idaho Railroad, L.L.C.

BJS/eg

Enclosure

### Abandonment Exemption – In Bonneville County, Idaho



**APPENDIX G**

**FLETCHER & SIPPEL LLC**

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

BRADON J. SMITH  
(312) 252-1516  
bsmith@fletcher-sippel.com

December 6, 2019

Idaho Department of Environmental Quality  
1410 N Hilton St.  
Boise, ID 83706

Re: **Docket No. AB-1252X (Sub-No. 1X)**  
**Eastern Idaho Railroad, L.L.C. – Abandonment**  
**Exemption – In Bonneville County, Idaho**

Dear Sir/Madam:

On or after January 8, 2020, the Eastern Idaho Railroad, L.L.C. ("EIRR") intends to file with the Surface Transportation Board ("STB") a notice of exemption for the abandonment of approximately 0.64 miles of rail line on the "Old Butte Main Line" at Idaho Falls in Bonneville County, Idaho, extending from approximately milepost 184.26 (near Yellowstone Highway at the junction with Union Pacific Railroad Company) northwesterly to milepost 184.90 (north of the grade crossing with W. Broadway Street) ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during the previous two years. A map showing the location of the Line is enclosed for your reference.

In accordance with the STB's environmental regulations, 49 C.F.R. § 1105, EIRR is advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year old flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land, and soil and natural resource conservation;
10. Existing or potential safety hazards;

# FLETCHER & SIPPEL LLC

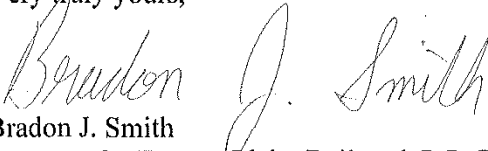
Idaho Department of Environmental Quality  
Page 2

11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the limited nature of the proposed action, we foresee no adverse environmental effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We request a written response as soon as possible so that we may include it in the Environmental/Historic Report which will be prepared in connection with this abandonment in accordance with 49 C.F.R. § 1105.7. Any written comments should reference Docket No. AB-1252 (Sub-No. 1X) and be sent to the undersigned, as counsel for EIRR.

A copy of the Environmental/Historic Report will be forwarded to you at least twenty days before EIRR's notice of exemption is filed at the STB. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1500. Thank you for your assistance.

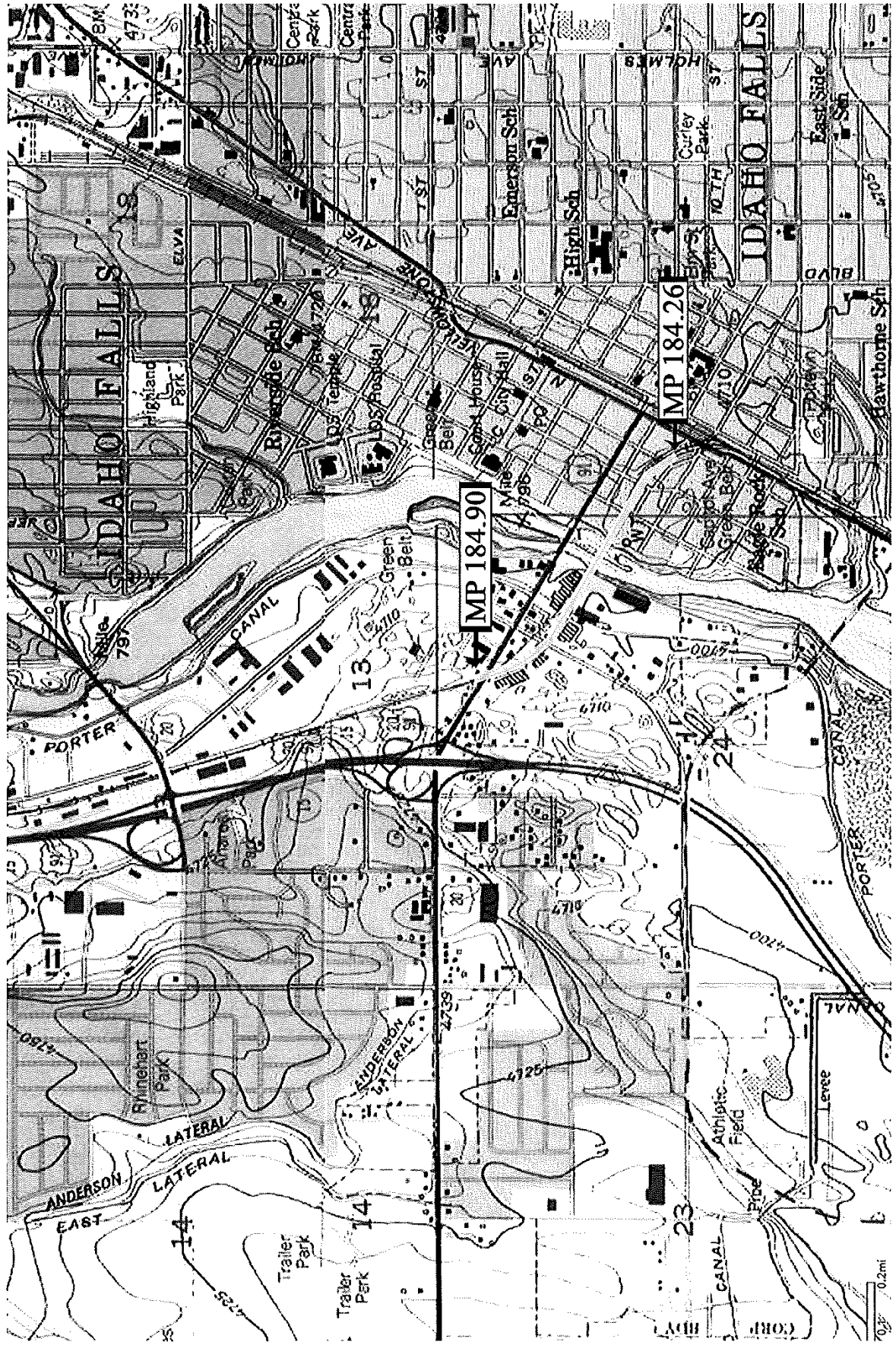
Very truly yours,

  
Bradon J. Smith  
Attorney for Eastern Idaho Railroad, L.L.C.

BJS/eg

Enclosure

Docket No. AB – 1252 (Sub. No. 1X)  
Eastern Idaho Railroad, LLC –  
Abandonment Exemption – In Bonneville County, Idaho



## APPENDIX H

### FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

BRADON J. SMITH  
(312) 252-1516  
bsmith@fletcher-sippel.com

December 6, 2019

U.S. Fish and Wildlife Service, Region 1  
Eastside Federal Complex  
911 N.E. 11th Ave.  
Portland, OR 97232-4181

Re: **Docket No. AB-1252X (Sub-No. 1X)**  
**Eastern Idaho Railroad, L.L.C. – Abandonment**  
**Exemption – In Bonneville County, Idaho**

Dear Sir/Madam:

On or after January 8, 2020, the Eastern Idaho Railroad, L.L.C. ("EIRR") intends to file with the Surface Transportation Board ("STB") a notice of exemption for the abandonment of approximately 0.64 miles of rail line on the "Old Butte Main Line" at Idaho Falls in Bonneville County, Idaho, extending from approximately milepost 184.26 (near Yellowstone Highway at the junction with Union Pacific Railroad Company) northwesterly to milepost 184.90 (north of the grade crossing with W. Broadway Street) ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during the previous two years. A map showing the location of the Line is enclosed for your reference.

In accordance with the STB's environmental regulations, 49 C.F.R. § 1105, EIRR is advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year old flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land, and soil and natural resource conservation;

# FLETCHER & SIPPEL LLC

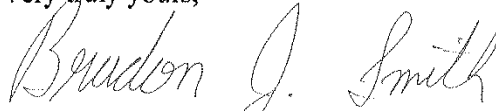
U.S. Fish and Wildlife Service, Region 1  
Page 2

10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the limited nature of the proposed action, we foresee no adverse environmental effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We request a written response as soon as possible so that we may include it in the Environmental/Historic Report which will be prepared in connection with this abandonment in accordance with 49 C.F.R. § 1105.7. Any written comments should reference Docket No. AB-1252 (Sub-No. 1X) and be sent to the undersigned, as counsel for EIRR.

A copy of the Environmental/Historic Report will be forwarded to you at least twenty days before EIRR's notice of exemption is filed at the STB. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1500. Thank you for your assistance.

Very truly yours,

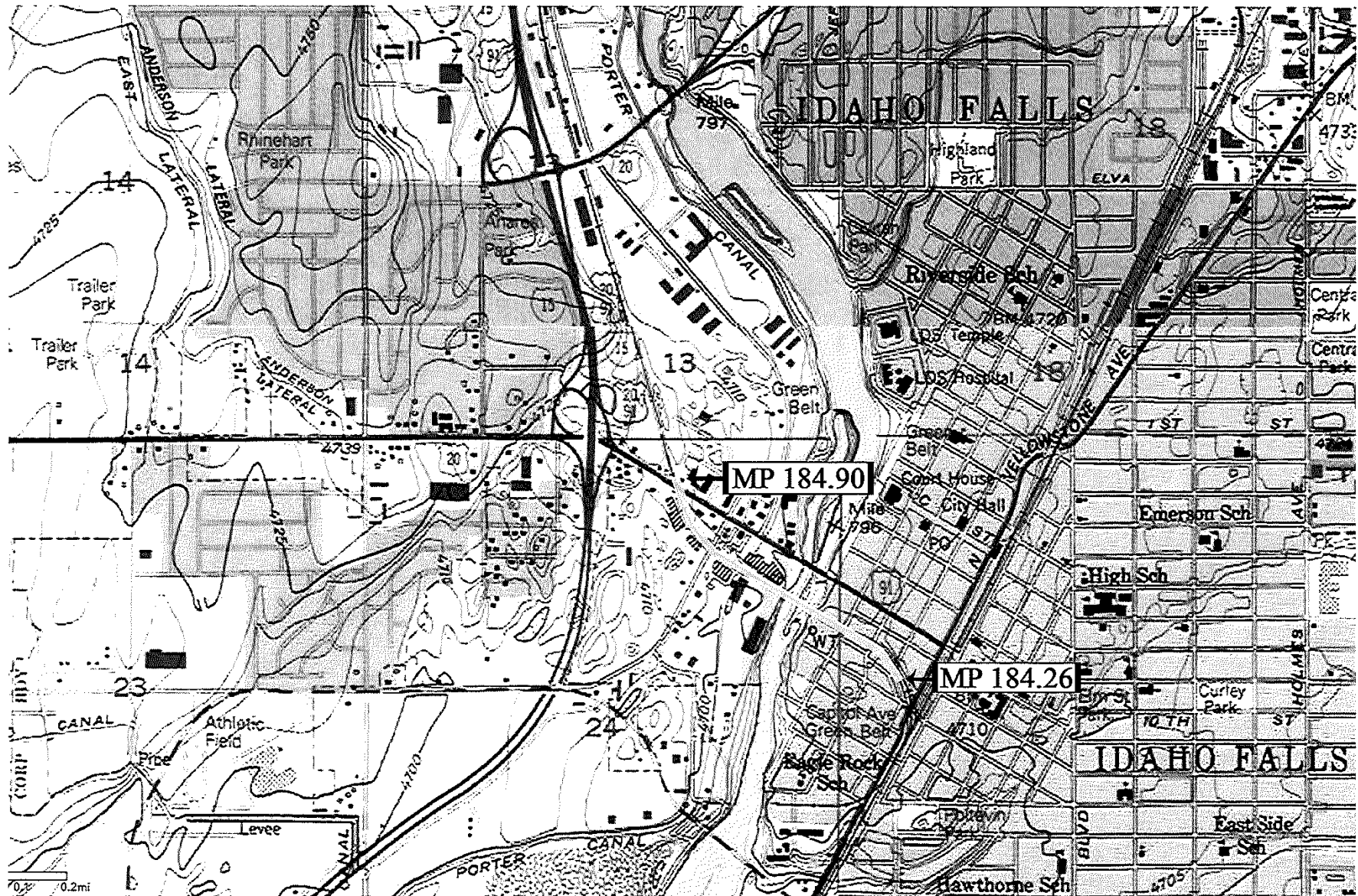


Bradon J. Smith  
Attorney for Eastern Idaho Railroad, L.L.C.

BJS/eg

Enclosure

Docket No. AB – 1252 (Sub. No. 1X)  
Eastern Idaho Railroad, LLC –  
Abandonment Exemption – In Bonneville County, Idaho



## APPENDIX I

### FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

BRADON J. SMITH  
(312) 252-1516  
bsmith@fletcher-sippel.com

December 6, 2019

National Park Service  
Pacific West Regional Office  
Attn: Stan Austin, Regional Director  
333 Bush Street, Suite 500  
San Francisco, CA 94104

Re: **Docket No. AB-1252X (Sub-No. 1X)**  
**Eastern Idaho Railroad, L.L.C. – Abandonment**  
**Exemption – In Bonneville County, Idaho**

Dear Regional Director Austin:

On or after January 8, 2020, the Eastern Idaho Railroad, L.L.C. ("EIRR") intends to file with the Surface Transportation Board ("STB") a notice of exemption for the abandonment of approximately 0.64 miles of rail line on the "Old Butte Main Line" at Idaho Falls in Bonneville County, Idaho, extending from approximately milepost 184.26 (near Yellowstone Highway at the junction with Union Pacific Railroad Company) northwesterly to milepost 184.90 (north of the grade crossing with W. Broadway Street) ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during the previous two years. A map showing the location of the Line is enclosed for your reference.

In accordance with the STB's environmental regulations, 49 C.F.R. § 1105, EIRR is advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year old flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;

# FLETCHER & SIPPEL LLC

National Park Service

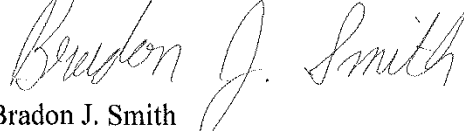
Page 2

9. Prime agricultural land, and soil and natural resource conservation;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the limited nature of the proposed action, we foresee no adverse environmental effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We request a written response as soon as possible so that we may include it in the Environmental/Historic Report which will be prepared in connection with this abandonment in accordance with 49 C.F.R. § 1105.7. Any written comments should reference Docket No. AB-1252 (Sub-No. 1X) and be sent to the undersigned, as counsel for EIRR.

A copy of the Environmental/Historic Report will be forwarded to you at least twenty days before EIRR's notice of exemption is filed at the STB. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1500. Thank you for your assistance.

Very truly yours,

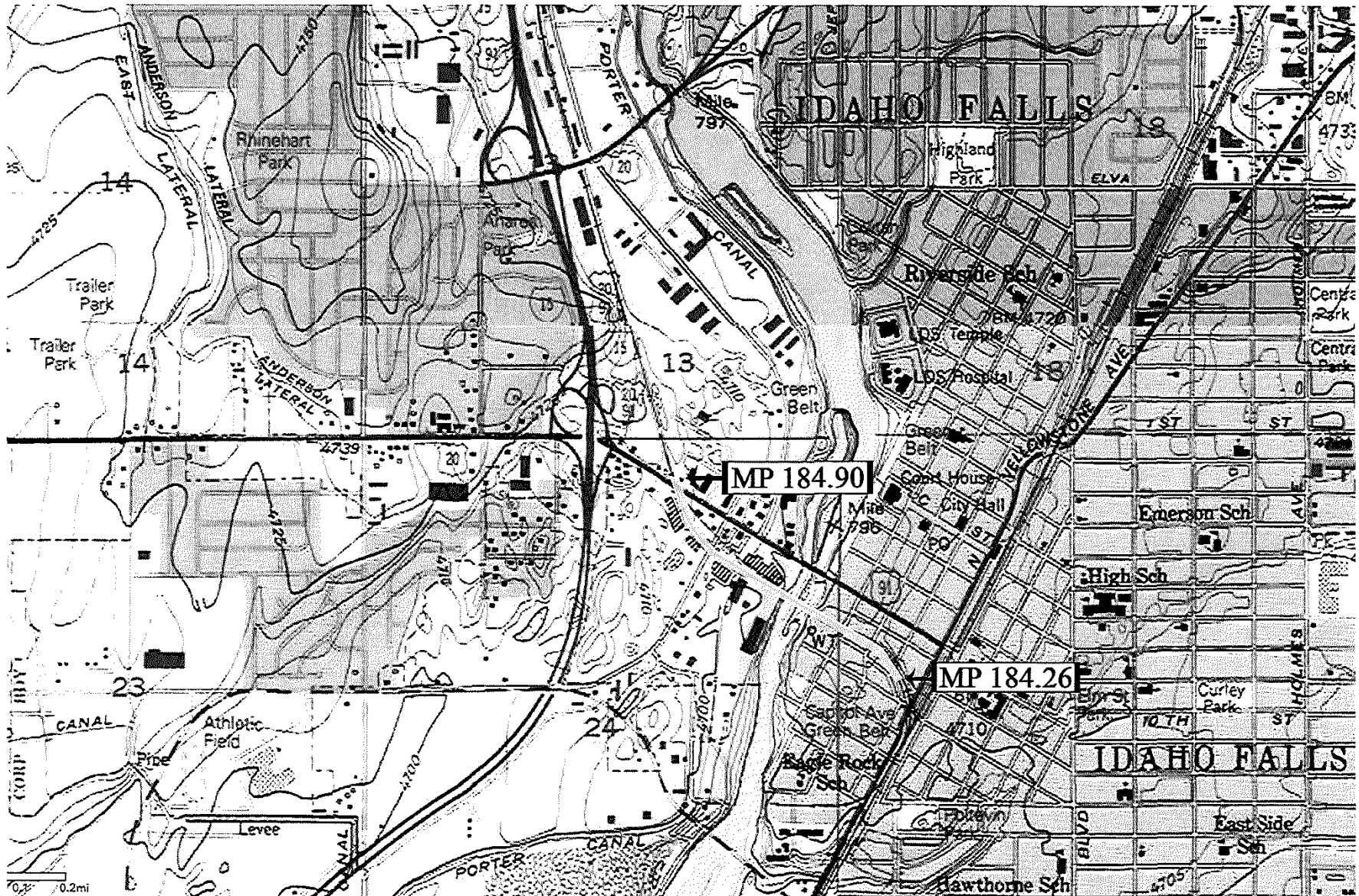


Bradon J. Smith  
Attorney for Eastern Idaho Railroad, L.L.C.

BJS/eg

Enclosure

Docket No. AB – 1252 (Sub. No. 1X)  
Eastern Idaho Railroad, LLC –  
Abandonment Exemption – In Bonneville County, Idaho



**APPENDIX J**

**FLETCHER & SIPPEL LLC**

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

BRADON J. SMITH  
(312) 252-1516  
bsmith@fletcher-sippel.com

December 6, 2019

Idaho Soil and Water Conservation Commission  
322 E. Front St.  
Boise, ID 83702

Re: **Docket No. AB-1252X (Sub-No. 1X)**  
**Eastern Idaho Railroad, L.L.C. – Abandonment**  
**Exemption – In Bonneville County, Idaho**

Dear Sir/Madam:

On or after January 8, 2020, the Eastern Idaho Railroad, L.L.C. ("EIRR") intends to file with the Surface Transportation Board ("STB") a notice of exemption for the abandonment of approximately 0.64 miles of rail line on the "Old Butte Main Line" at Idaho Falls in Bonneville County, Idaho, extending from approximately milepost 184.26 (near Yellowstone Highway at the junction with Union Pacific Railroad Company) northwesterly to milepost 184.90 (north of the grade crossing with W. Broadway Street) ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during the previous two years. A map showing the location of the Line is enclosed for your reference.

In accordance with the STB's environmental regulations, 49 C.F.R. § 1105, EIRR is advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year old flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land, and soil and natural resource conservation;
10. Existing or potential safety hazards;

# FLETCHER & SIPPEL LLC

Idaho Soil and Water Conservation Commission

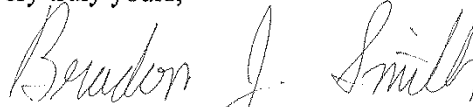
Page 2

11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the limited nature of the proposed action, we foresee no adverse environmental effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We request a written response as soon as possible so that we may include it in the Environmental/Historic Report which will be prepared in connection with this abandonment in accordance with 49 C.F.R. § 1105.7. Any written comments should reference Docket No. AB-1252 (Sub-No. 1X) and be sent to the undersigned, as counsel for EIRR.

A copy of the Environmental/Historic Report will be forwarded to you at least twenty days before EIRR's notice of exemption is filed at the STB. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1500. Thank you for your assistance.

Very truly yours,

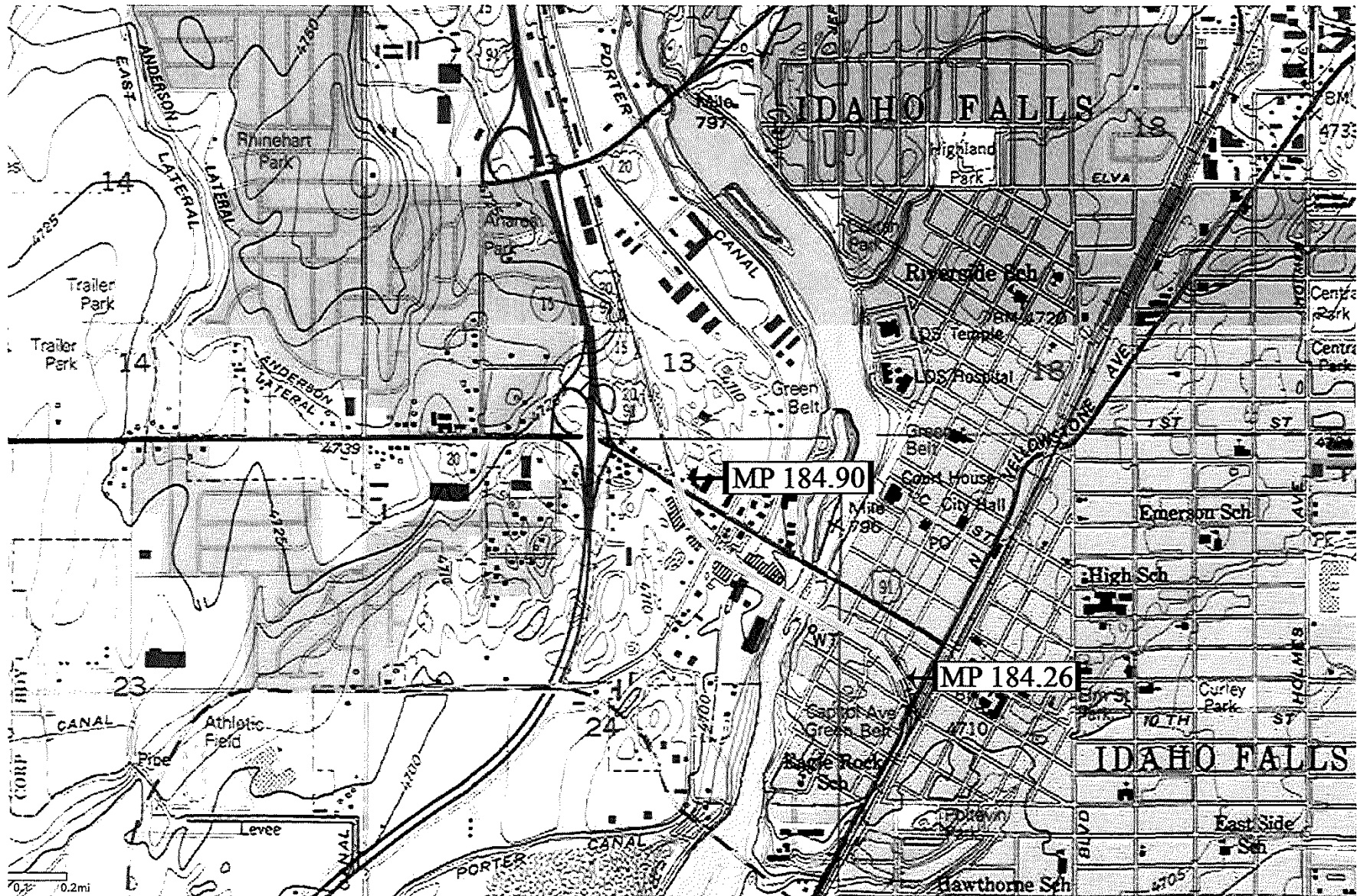


Bradon J. Smith  
Attorney for Eastern Idaho Railroad, L.L.C.

BJS/eg.

Enclosure

Docket No. AB – 1252 (Sub. No. 1X)  
Eastern Idaho Railroad, LLC –  
Abandonment Exemption – In Bonneville County, Idaho



**APPENDIX K**

**FLETCHER & SIPPEL LLC**

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

BRADON J. SMITH  
(312) 252-1516  
bsmith@fletcher-sippel.com

December 6, 2019

U.S. Army Corps of Engineers  
Idaho Falls Regulatory Office  
900 North Skyline Dr., Suite A  
Idaho Falls, ID 83402

Re: **Docket No. AB-1252X (Sub-No. 1X)**  
**Eastern Idaho Railroad, L.L.C. – Abandonment**  
**Exemption – In Bonneville County, Idaho**

Dear Sir/Madam:

On or after January 8, 2020, the Eastern Idaho Railroad, L.L.C. ("EIRR") intends to file with the Surface Transportation Board ("STB") a notice of exemption for the abandonment of approximately 0.64 miles of rail line on the "Old Butte Main Line" at Idaho Falls in Bonneville County, Idaho, extending from approximately milepost 184.26 (near Yellowstone Highway at the junction with Union Pacific Railroad Company) northwesterly to milepost 184.90 (north of the grade crossing with W. Broadway Street) ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during the previous two years. A map showing the location of the Line is enclosed for your reference.

In accordance with the STB's environmental regulations, 49 C.F.R. § 1105, EIRR is advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year old flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land, and soil and natural resource conservation;

# FLETCHER & SIPPEL LLC

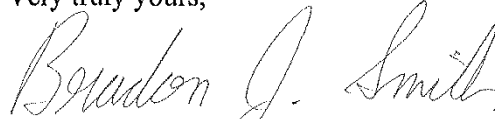
U.S. Army Corps of Engineers  
Page 2

10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the limited nature of the proposed action, we foresee no adverse environmental effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We request a written response as soon as possible so that we may include it in the Environmental/Historic Report which will be prepared in connection with this abandonment in accordance with 49 C.F.R. § 1105.7. Any written comments should reference Docket No. AB-1252 (Sub-No. 1X) and be sent to the undersigned, as counsel for EIRR.

A copy of the Environmental/Historic Report will be forwarded to you at least twenty days before EIRR's notice of exemption is filed at the STB. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1500. Thank you for your assistance.

Very truly yours,

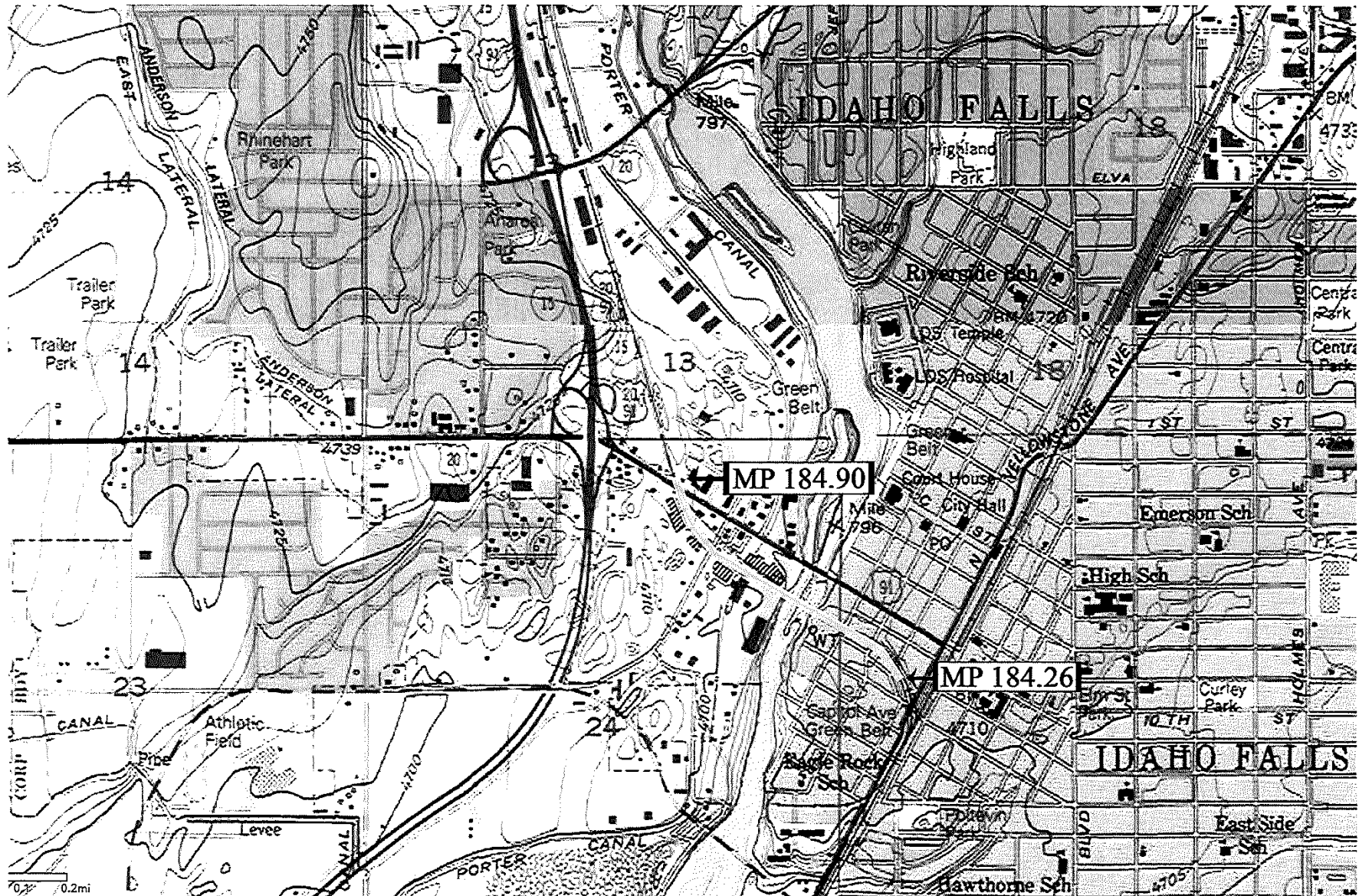


Bradon J. Smith  
Attorney for Eastern Idaho Railroad, L.L.C.

BJS/eg

Enclosure

Docket No. AB – 1252 (Sub. No. 1X)  
Eastern Idaho Railroad, LLC –  
Abandonment Exemption – In Bonneville County, Idaho



## **APPENDIX K-1**



**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
IDAHO FALLS REGULATORY OFFICE  
900 NORTH SKYLINE DRIVE, SUITE A  
IDAHO FALLS, IDAHO 83402-1718**

**January 07, 2020**

Regulatory Division

**SUBJECT: NWW-2019-676-I01, Docket No. AB 1252X (Sub-No.1X), Eastern Idaho Railroad LLC – Abandonment Exemption – In Bonneville County, Idaho**

Brandon J. Smith  
Fletcher & Sippel, LLC  
29 North Wacker Drive, Suite 800  
Chicago, IL 60606-3208

Dear Mr. Smith:

We have reviewed your December 6, 2019 letter. We have determined that the project area contains Waters of the United States (U.S.), however, your proposed project would not involve an activity we regulate. The abandonment of 0.64 miles of rail line located between milepost 184.26 and 184.90 in Idaho Falls, Idaho would not involve a discharge of dredged or fill material below the ordinary high water mark, including wetlands of the Snake River, a Water of the U.S., which is regulated under Section 404 of the Clean Water Act (U.S.C. 1344). Therefore, a Department of Army (DA) authorization is not required. An authorization may be required if you alter the method, scope, or location of any proposed activity. Please contact us if you make changes to your project.

The project would be located near Latitude (NAD83) 43.492516, Longitude (NAD83) -112.045507; Section 19 Township 2 N, Range 38 E, Boise Meridian, Bonneville County, Idaho. Your request has been assigned File Number NWW-2020-676-I01.

### **AUTHORITY**

The DA exerts regulatory jurisdiction over Waters of the United States (U.S.), including wetlands, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). Section 404 of the Clean Water Act requires a DA permit be obtained prior to discharging dredged or fill material into Waters of the U.S., which includes most perennial and intermittent rivers and streams, natural and man-made lakes and ponds, irrigation and drainage canals and ditches that are tributaries to other waters, and wetlands.

Please be advised that discharges considered placement of dredged or fill material under our jurisdiction may include those associated with mechanized land-clearing involving vegetation removal with equipment such as front-end loaders, backhoes, or bulldozers with sheer blades, rakes, or discs, windrowing of vegetation, land leveling, or

other soil disturbances in wetlands are activities which result in a discharge of dredged material that destroys or degrades a Waters of the United States.

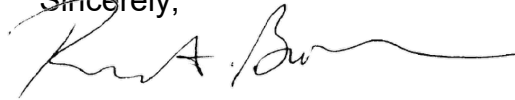
Nothing in this letter shall be construed as excusing you or your client from compliance with other Federal, state, or local statutes, ordinances or regulations which may affect this work.

### **CUSTOMER SERVICE**

We actively use feedback to improve our delivery and provide you with the best possible service. Please take our online customer service survey to tell us how we are doing.<sup>1</sup> If you have questions or if you would like a paper copy of the survey, call our office at 208-433-4464. For more information about the Walla Walla District Regulatory program, visit us online.<sup>2</sup>

If you have any questions or need additional information about this permit, you can contact me at (208) 522-1676, by mail at the address in the letterhead, or email at james.m.joyner@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Brochu", with a long horizontal flourish extending to the right.

Robert A. Brochu  
Sr. Project Manager, Regulatory Division

---

<sup>1</sup> [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)

<sup>2</sup> <http://www.nww.usace.army.mil/BusinessWithUs/RegulatoryDivision.aspx>.

**APPENDIX L**

**FLETCHER & SIPPEL LLC**

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

BRADON J. SMITH  
(312) 252-1516  
bsmith@fletcher-sippel.com

December 6, 2019

Office of the Governor  
State Capitol  
PO Box 83720  
Boise, ID 83720

Re: **Docket No. AB-1252X (Sub-No. 1X)**  
**Eastern Idaho Railroad, L.L.C. – Abandonment**  
**Exemption – In Bonneville County, Idaho**

Dear Sir/Madam:

On or after January 8, 2020, the Eastern Idaho Railroad, L.L.C. ("EIRR") intends to file with the Surface Transportation Board ("STB") a notice of exemption for the abandonment of approximately 0.64 miles of rail line on the "Old Butte Main Line" at Idaho Falls in Bonneville County, Idaho, extending from approximately milepost 184.26 (near Yellowstone Highway at the junction with Union Pacific Railroad Company) northwesterly to milepost 184.90 (north of the grade crossing with W. Broadway Street) ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during the previous two years. A map showing the location of the Line is enclosed for your reference.

In accordance with the STB's environmental regulations, 49 C.F.R. § 1105, EIRR is advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year old flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;

# FLETCHER & SIPPEL LLC

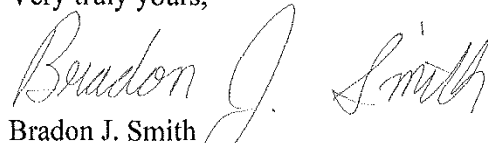
Office of the Governor  
Page 2

9. Prime agricultural land, and soil and natural resource conservation;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the limited nature of the proposed action, we foresee no adverse environmental effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We request a written response as soon as possible so that we may include it in the Environmental/Historic Report which will be prepared in connection with this abandonment in accordance with 49 C.F.R. § 1105.7. Any written comments should reference Docket No. AB-1252 (Sub-No. 1X) and be sent to the undersigned, as counsel for EIRR.

A copy of the Environmental/Historic Report will be forwarded to you at least twenty days before EIRR's notice of exemption is filed at the STB. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1500. Thank you for your assistance.

Very truly yours,

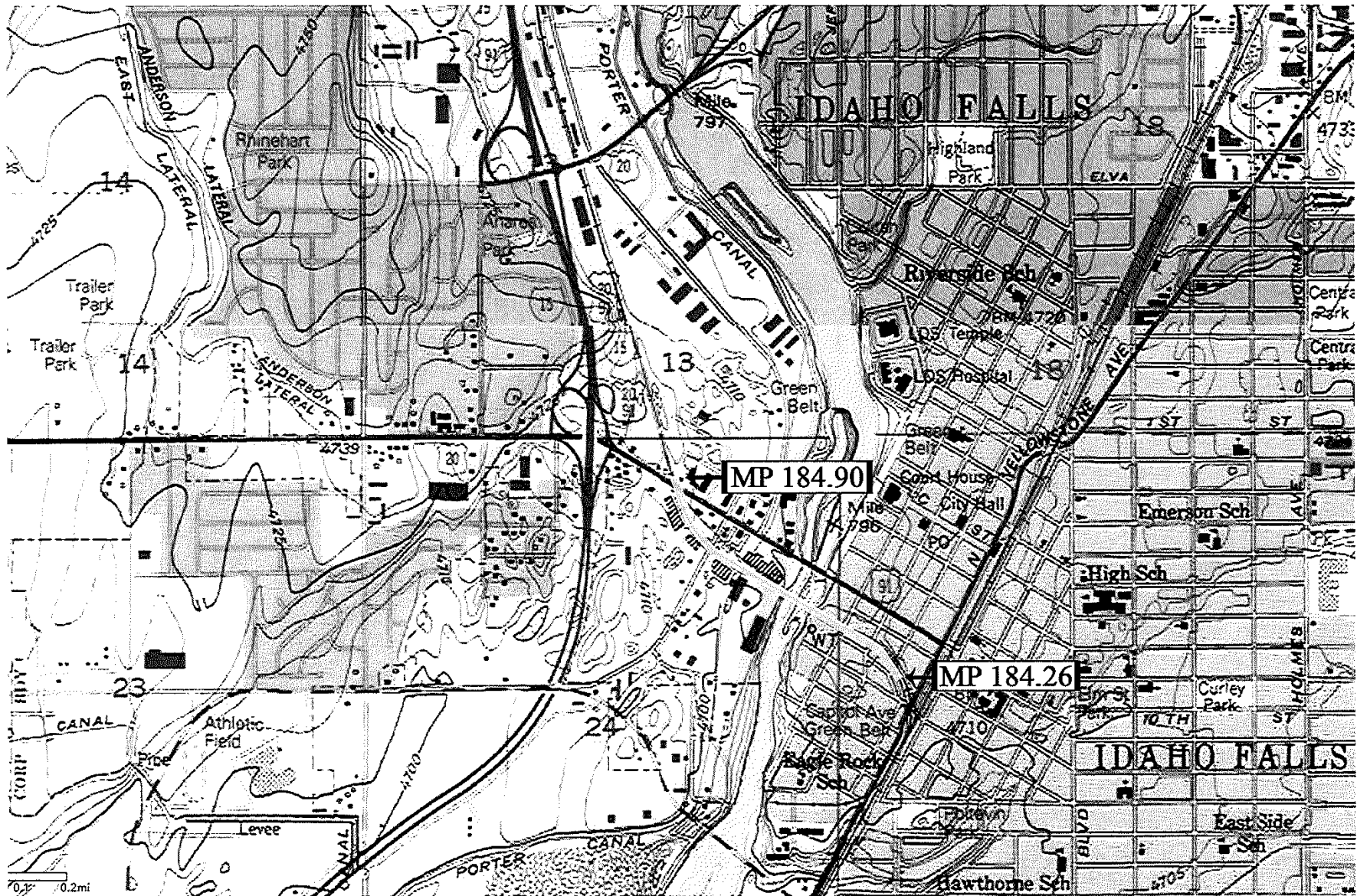


Bradon J. Smith  
Attorney for Eastern Idaho Railroad, L.L.C.

BJS/eg

Enclosure

Docket No. AB – 1252 (Sub. No. 1X)  
Eastern Idaho Railroad, LLC –  
Abandonment Exemption – In Bonneville County, Idaho



APPENDIX M



# Old Butte Main at Snake River

## Legend

-  Idaho Falls Power
-  Residence Inn Idaho Falls
-  Sportsman Park



Google Earth

©2018 Google

40 ft

Old Butte Main at Snake River (facing south from pedestrian bridge at bridge to east bank)

Legend

-  Idaho Falls Power
-  Residence Inn Idaho Falls
-  Sportsman Park



Old Butte Main at Snake River (facing south from pedestrian bridge at bridge to west bank)

Legend

-  Idaho Falls Power
-  Residence Inn Idaho Falls
-  Sportsman Park

Google Earth

©2018 Google  
©2019 Google

6.91 ft

Old Butte Main at Snake River (facing east from west bank)

- Legend
- Idaho Falls Power
  - Residence Inn Idaho Falls
  - Sportsman Park



Google Earth

©2018 Google  
©2019 Google

80 ft

**APPENDIX N**

**FLETCHER & SIPPEL LLC**

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

BRADON J. SMITH  
(312) 252-1516  
bsmith@fletcher-sippel.com

December 6, 2019

Idaho State Historic Preservation Office  
210 Main St.  
Boise, ID 83702

Re: **Docket No. AB-1252X (Sub-No. 1X)**  
**Eastern Idaho Railroad, L.L.C. – Abandonment**  
**Exemption – In Bonneville County, Idaho**

Dear Sir/Madam:

On or after January 8, 2019, the Eastern Idaho Railroad, L.L.C. ("EIRR") intends to file with the Surface Transportation Board ("STB") a notice of exemption for the abandonment of approximately 0.64 miles of rail line on the "Old Butte Main Line" at Idaho Falls in Bonneville County, Idaho extending from approximately milepost 184.26 (near Yellowstone Highway at the junction with Union Pacific Railroad Company) northwesterly to milepost 184.90 (north of the grade crossing with W. Broadway Street) ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during the previous two years. A map showing the location of the Line is enclosed for your reference.

There are two railroad structures on the line, Bridge 184.63 A (a deck plate girder bridge) and Bridge 184.63 B (a thru truss bridge), both spanning portions of the Snake River. EIRR has no further information about the bridges at this time, but believes that each of the spans was constructed more than fifty years ago. EIRR currently intends to leave the bridges intact post-abandonment, and plans to transfer them at that time to the City of Idaho Falls, Idaho for use as part of a public pathway for pedestrians. Photographs of the bridges are enclosed for your consideration.

Kindly offer of any written comments you may have regarding the proposed abandonment (if any) as soon as possible. Such comments should reference Docket No. AB-1252 (Sub-No. 1X) and be sent to the undersigned counsel for EIRR.

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty

# FLETCHER & SIPPEL LLC

Idaho State Historic Preservation Office

Page 2

days before EIRR's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1516. Thank you for your assistance on this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Bradon J. Smith". The signature is written in dark ink and is positioned above the printed name and title.

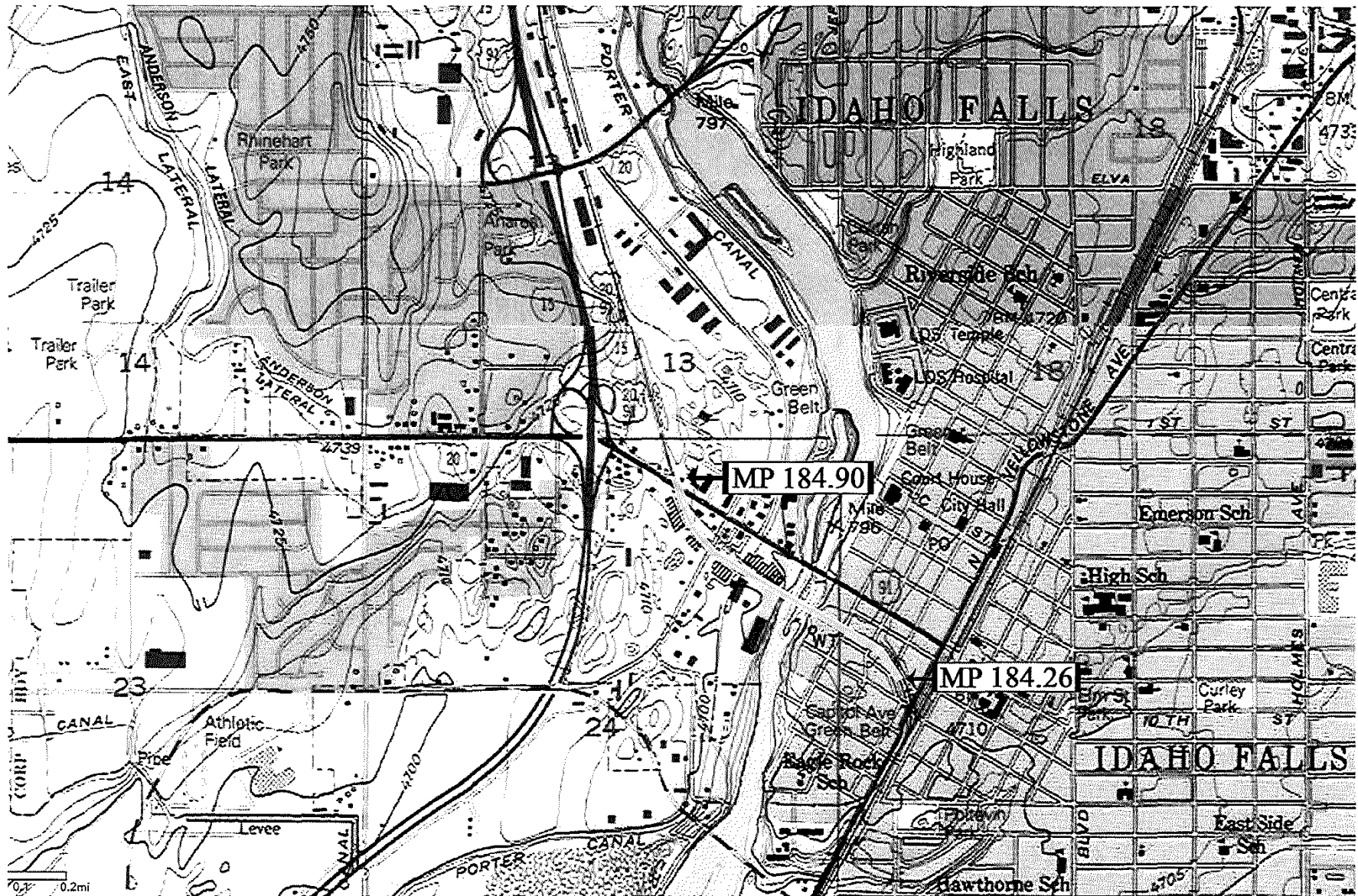
Bradon J. Smith

Attorney for Eastern Idaho Railroad, L.L.C.

BJS/eg

Enclosure

## Abandonment Exemption – In Bonneville County, Idaho



Legend  
 Locat  
 Res  
 Spc

in at Snake River



Legend  
Idat  
Res  
Spc



in at Snake River

in at Snake River (facing south from pedestrian bridge at bridge to east bank)



Legend

- Idah
- Res
- Sp

in at Snake River (facing south from pedestrian bridge at bridge to west bank)

Legend

- Idah
- Res
- Spa



in at Snake River (facing east from west bank)

Legend  
Idaf  
Ras  
Spc





17 December 2019



**Brad Little**  
Governor of Idaho

**Janet Gallimore**  
Executive Director  
State Historic  
Preservation Officer

**Administration:**  
2205 Old Penitentiary Rd.  
Boise, Idaho 83712  
208.334.2682  
Fax: 208.334.2774

**Idaho State Museum:**  
610 Julia Davis Dr.  
Boise, Idaho 83702  
208.334.2120

**Idaho State Archives  
and State Records  
Center:**  
2205 Old Penitentiary Rd.  
Boise, Idaho 83712  
208.334.2620

**State Historic  
Preservation Office:**  
210 Main St.  
Boise, Idaho 83702  
208.334.3861

**Old Idaho Penitentiary  
and Historic Sites:**  
2445 Old Penitentiary Rd.  
Boise, Idaho 83712  
208.334.2844

HISTORY.IDAHO.GOV

Brandon J. Smith  
Fletch and Sippel, LLC.  
29 North Wacker Drive  
Suite 800  
Chicago, Illinois 60606-3208  
bsmith@fletcher-sippel.com

**Re: Docket No. AB-1252X (Sub-No. 1X)  
Eastern Idaho Railroad, L.L.C. – Abandonment  
Exemption – In Bonneville County, Idaho  
SHPO Rev. No. 2020-174**

Dear Mr. Smith:

Thank you for consulting with our office on the above referenced project. We understand the scope of work includes abandoning 0.64 miles of the “Old Butte Main Line” within the City of Idaho Falls, Idaho. Within the project's area of potential effects (APE) there is one recorded historic property, the “Union Pacific Railroad,” IHSI #19-18172.

In order to be in compliance with Section 106 of the National Historic Preservation Act (as outlined in § 36 CFR 800), a cultural resources survey must be conducted to identify and evaluate historic properties that may be affected by the project. This would include documenting all buildings or structures that are 45-years of age within the APE (e.g. steel truss bridge and plate girder bridge). Work will need to be conducted by a 36 CFR Part 61- qualified architectural historian. This work is required by the [Surface Transportation Board \(STB\)](#) per § 49 CFR 1105.8.

For more information regarding SHPO reporting and documentation standards, please review [Consulting with the Idaho State Historic Preservation Office](#). This survey must be conducted by a qualified individual or firm meeting the Secretary of the Interior's Professional Qualifications for [architectural history](#), an available list of consultants is available on our [website](#). Inclusion on these lists should not be viewed as an endorsement or recommendation by our office; ultimately it is up to the hirer to confirm that the consultant meets the [Secretary of the Interior's Professional Qualification Standards](#).

If you have any questions or the scope of work changes, please contact me via phone or email at 208.488.7463 or [ashley.brown@ishs.idaho.gov](mailto:ashley.brown@ishs.idaho.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ashley Brown', with a stylized, cursive script.

**Ashley Brown**  
**Historical Review Officer**  
**Idaho State Historic Preservation Office**