

Karl Morell & Associates

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(202) 595-9045

karlm@karlmorell.com

245636

May 2, 2018

E-FILED

Ms. Victoria Rutson, Esq.
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

ENTERED
Office of Proceedings
May 2, 2018
Part of
Public Record

Re: Docket No. AB 1252, Eastern Idaho Railroad L.L.C. --
Abandonment Exemption -- in Fremont County, Idaho

Dear Ms. Rutson:

Attached please find Eastern Idaho Railroad's Environmental and Historic
Reports in the above-referenced proceeding.

Sincerely,


Karl Morell

Enclosure

ENVIRONMENTAL REPORT

(49 C.F.R. 1105.7)

Docket No. AB-1252X

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

(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.

Eastern Idaho Railroad L.L.C. ("EIRR") proposes to abandon the 5-mile rail line located between mileposts 28.80, at Egin, Idaho, and milepost 33.80, at Parker, in Fremont County, Idaho (the "Line"). Upon receipt of abandonment authority, EIRR intends to remove the rail, track material, and crossties. The culverts and ballast will remain in place along the Line.

The Line has had no local traffic for well over two years. The Line is stub-ended and not capable of handling overhead traffic. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

The only alternative to abandonment would be to not abandon the Line and forego the opportunity costs from salvaging the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

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

No passenger or freight traffic will be diverted to other modes as a result of the proposed abandonment. No local traffic has moved over the Line in well over 2 years and the Line is not capable of handling overhead traffic. Therefore, the proposed abandonment will have no adverse effects on local or regional transportation systems or 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 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.

(i) EIRR expects that the proposed abandonment will be consistent with existing land use plans. EIRR contacted the Fremont Board of County Commissioners. See Exhibit 2. To date, no response to this request has been received. A copy of this Report is being supplied to the appropriate local and state agencies for their information and comment.

(ii) The proposed abandonment should have no adverse effect on prime agricultural land. EIRR contacted the Natural Resources Conservation Service about the proposed abandonment. See Exhibit 3. To date, no response to this request has been received. A copy of this Report is being supplied to the USDA Natural Resources Conservation Service for its information and comment.

(iii) The Line does not pass through a designated coastal zone.

(iv) The involved right-of-way does not appear to be suitable for alternative public use other than a recreational trail.

(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.*

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have no adverse effect on overall energy efficiency since no local traffic has moved over the Line in well over 2 years and the Line is not capable of handling overhead traffic. The traffic that previously moved over the Line has been transferred either to other modes or other routings.

(iv) The proposed abandonment will not cause the diversion of any rail traffic to motor carriage since no local traffic has been handled over the Line in well over 2 years and the Line is not capable of handling overhead traffic.

(5) Air. (i) *If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply.* (ii) *If*

the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment 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.*

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.

- (i) The proposed abandonment will have no detrimental effects on public health and safety.
- (ii) The proposed abandonment will not affect the transportation of hazardous materials.
- (iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the rail corridor of the Line.

(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.

(i) EIRR expects that the proposed abandonment is not likely to adversely affect endangered or threatened species or areas designated as critical habitat. EIRR contacted the U.S. Fish and Wildlife Service ("FWS"). See Exhibit 4. FWS has requested additional information to which EIRR has recently responded. See Exhibit 5. A copy of this Report is being supplied to the U.S. Fish and Wildlife Service for its information and further comment.

(ii) EIRR does not believe that any wildlife sanctuaries or refuges, National or State parks or forests would be adversely affected by the proposed abandonment. EIRR notified the National Parks Service of the proposed abandonment and requested assistance in identifying any

potential effects on wildlife sanctuaries or refuges, National or State parks or forests. See Exhibit 6. To date, no response to this request has been received. A copy of this Report is being supplied to the National Park Service for its information and comment.

(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.

(i) The proposed abandonment, in EIRR's view, will be consistent with applicable water quality standards. EIRR contacted the Idaho Department of Environmental Quality ("IDEQ") and the U.S. Environmental Protection Agency ("US EPA") concerning this matter requesting assistance in determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. See Exhibit 6. To date, no response has been received from IDEQ or US EPA. A copy of this Report is being supplied to the US EPA and the IDEQ for their information and comment.

(ii) EIRR contacted the Department of the Army Corps of Engineers concerning these matters. The Army Corps of Engineers determined that its authorization is not required for the proposed activity. See Exhibit 8. A copy of this Report is being supplied to the Army Corps of Engineers for its information and further comment.

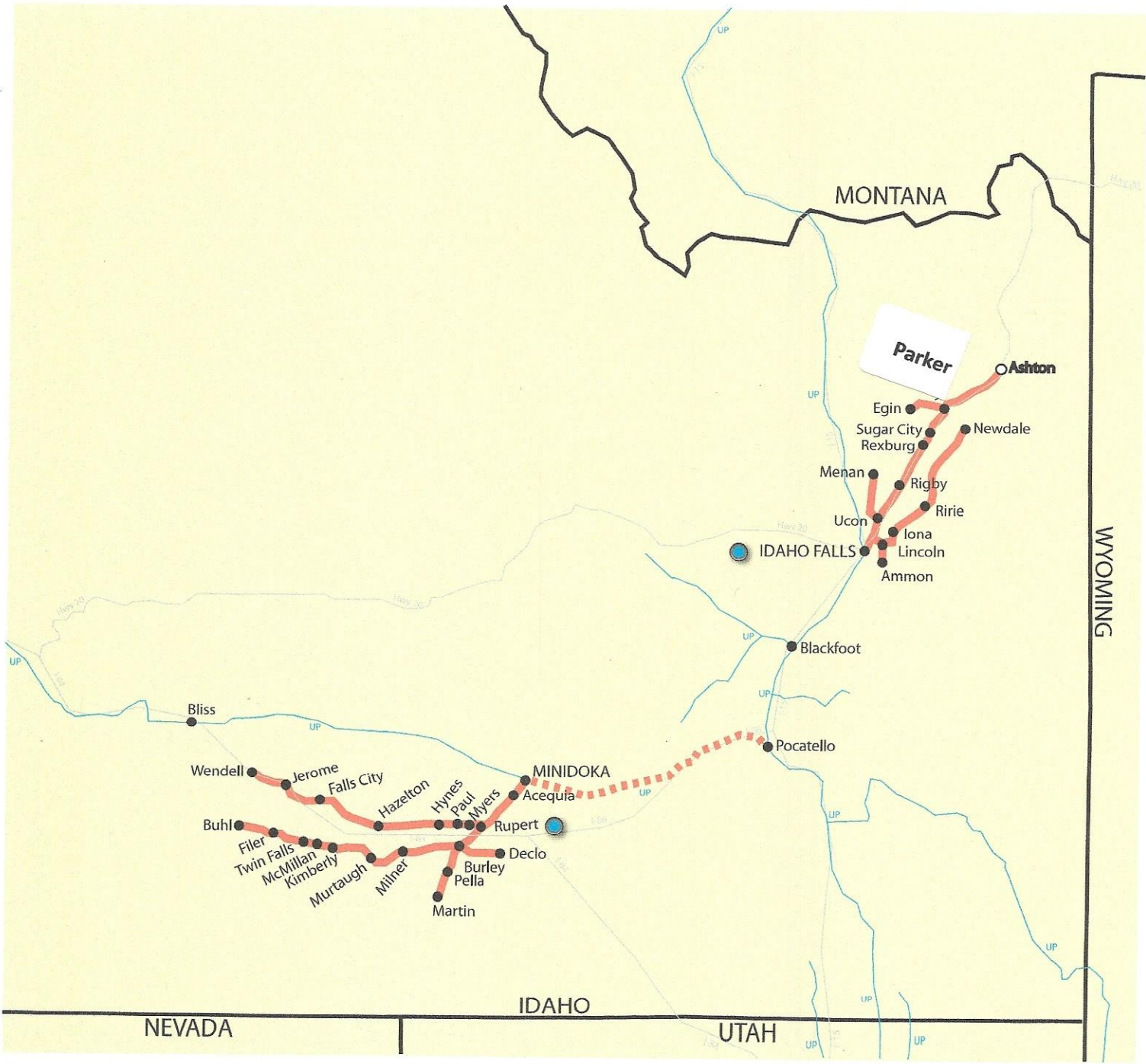
(iii) EIRR believes the proposed abandonment will not require the issuance of any permits under Section 402 of the Clean Water Act. EIRR contacted the US EPA concerning this matter and requested assistance in identifying any potential effects on applicable water quality

standards and determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. See Exhibit 7. To date, no response to this request has been received. A copy of this Report is being supplied to the US EPA for its information and comment.

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

EIRR does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. EIRR will, of course, adhere to any remedial actions suggested by the recipients of this Report and required by the Board.

EXHIBIT 1



LEGEND:

Eastern Idaho RR (EIRR)

Eastern Idaho Trackage Rights

Interchanges - Track miles 270

- Minidoka, Idaho Falls

- Mechanical Services

Karl Morell & Associates

655 15th Street, NW, Suite 225

Washington, DC 20005

(202) 595-9045

karlm@karlmorell.com

EXHIBIT 2

February 9, 2017

Fremont Board of County Commissioners
151 W. 1st North, Room 10
St. Anthony, Idaho 83445

**RE: Docket No. AB 1252X, Eastern Idaho Railroad L.L.C. --
Abandonment Exemption—In Fremont County, Idaho**

Dear Sirs:

On or shortly after April 6, 2017, Eastern Idaho Railroad, L.L.C. ("EIRR") will be filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 5 miles of its rail line located between milepost 28.80, at Egin, Idaho, and milepost 33.80, at Parker, in Fremont County, Idaho. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on existing land use plans. We must determine whether the proposed abandonment is inconsistent with existing land use plans.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If have any questions concerning this matter, please contact me.

Sincerely,



Karl Morell

Attorney for:

Eastern Idaho Railroad, L.L.C.

Karl Morell & Associates

655 15th Street, NW, Suite 225

Washington, DC 20005

(202) 595-9045

karlm@karlmorell.com

EXHIBIT 3

February 9, 2017

USDA Natural Resource Conservation Service

9173 West Barnes Drive, Suite C

Boise, ID 83709

**RE: Docket No. AB 1252X, Eastern Idaho Railroad L.L.C. –
Abandonment Exemption—In Fremont County, Idaho**

Dear Sir/Madam:

On or shortly after April 6, 2017, Eastern Idaho Railroad, L.L.C. ("EIRR") will be filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 5 miles of its rail line located between milepost 28.80, at Egin, Idaho, and milepost 33.80, at Parker, in Fremont County, Idaho. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on prime agricultural land.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If have any questions concerning this matter, please contact me.

Sincerely,



Karl Morell

Attorney for:

Eastern Idaho Railroad, L.L.C.

Karl Morell & Associates

655 15th Street, NW, Suite 225

Washington, DC 20005

(202) 595-9045

karlm@karlmorell.com

EXHIBIT 4

February 9, 2017

U.S. Fish and Wildlife Service
Eastside Federal Complex
911 NE 11th Avenue
Portland, OR 97232-4181

**RE: Docket No. AB 1252X, Eastern Idaho Railroad L.L.C. --
Abandonment Exemption—In Fremont County, Idaho**

Dear Sir/Madam:

On or shortly after April 6, 2017, Eastern Idaho Railroad, L.L.C. ("EIRR") will be filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 5 miles of its rail line located between milepost 28.80, at Egin, Idaho, and milepost 33.80, at Parker, in Fremont County, Idaho. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in determining whether it is likely to adversely affect endangered or threatened species or areas designated as a critical habitat.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If have any questions concerning this matter, please contact me.

Sincerely,



Karl Morell

Attorney for:

Eastern Idaho Railroad, L.L.C.

Karl Morell

From: Dlugolecki, Lisa <lisa_dlugolecki@fws.gov>
Sent: Tuesday, March 07, 2017 9:56 AM
To: Karl Morell
Subject: Docket No. AB 1252X

EXHIBIT 5

Dear Mr. Karl Morell

The US Fish and Wildlife Service has received your letter: Docket No. AB 1252X, Eastern Idaho Railroad L.L.C. -- Abandonment Exemption -- In Fremont County, Idaho.

We would clarify on what abandonment means. Are the tracks being abandoned and left or are the tracks and structures being removed after discontinuation of use?

Thank you for any information you may provide. You may reach me, Lisa Dlugolecki at 208-237-6975 extension 114, M-F 7am-4pm (Mountain Time). I look forward to working with you on this process.

Lisa Dlugolecki
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
4425 Burley Drive, Suite A
Chubbuck, ID 83202
(208) 237-6975 ext. 114
Lisa_Dlugolecki@fws.gov

Karl Morell & Associates

655 15th Street, NW, Suite 225

Washington, DC 20005

(202) 595-9045

karlm@karlmorell.com

EXHIBIT 6

February 9, 2017

National Park Service
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607

**RE: Docket No. AB 1252X, Eastern Idaho Railroad L.L.C. --
Abandonment Exemption—In Fremont County, Idaho**

Dear Sir/Madam:

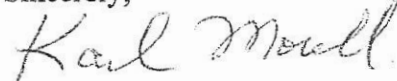
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Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on wildlife sanctuaries or refuges, National of State parks or forests.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If have any questions concerning this matter, please contact me.

Sincerely,



Karl Morell

Attorney for:

Eastern Idaho Railroad, L.L.C.

Karl Morell & Associates

655 15th Street, NW, Suite 225

Washington, DC 20005

(202) 595-9045

karlm@karlmorell.com

EXHIBIT 7

February 9, 2017

Administrator
Department of Environmental Quality
P.O. Box 83720
1410 North Hilton
Boise, ID 83706-1255

**RE: Docket No. AB 1252X, Eastern Idaho Railroad L.L.C. --
Abandonment Exemption—In Fremont County, Idaho**

Dear Sir/Madam:

On or shortly after April 6, 2017, Eastern Idaho Railroad, L.L.C. ("EIRR") will be filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 5 miles of its rail line located between milepost 28.80, at Egin, Idaho, and milepost 33.80, at Parker, in Fremont County, Idaho. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on applicable water quality standards. We also seek your assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards. EIRR does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If have any questions concerning this matter, please contact me.

Sincerely,



Karl Morell
Attorney for:
Eastern Idaho Railroad, L.L.C.

Karl Morell & Associates

655 15th Street, NW, Suite 225

Washington, DC 20005

(202) 595-9045

karlm@karlmorell.com

February 9, 2017

Environmental Protection Agency

1200 Sixth Avenue

Seattle, WA 98101

**RE: Docket No. AB 1252X, Eastern Idaho Railroad L.L.C. –
Abandonment Exemption—In Fremont County, Idaho**

Dear Sir/Madam:

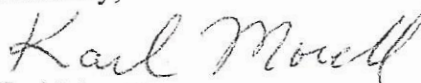
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Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on applicable water quality standards. We also seek your assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards. EIRR does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If have any questions concerning this matter, please contact me.

Sincerely,



Karl Morell

Attorney for:

Eastern Idaho Railroad, L.L.C.



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

EXHIBIT 8

March 03, 2017

Regulatory Division

SUBJECT: NWW-2017-73-I02, Docket No. AB 1252X, Eastern Idaho Railroad LLC –
Abandonment Exemption – In Fremont County, Idaho

Mr. Karl Morell
Karl Morell & Associates
655 15th Street, NW, Suite 225
Washington, DC 20005

Dear Mr. Morell:

We have reviewed your February 9, 2017 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 5 miles of rail line located between milepost 28.80, at Egin, Idaho and milepost 33.80, at Parker, Idaho would not involve a discharge of dredged or fill material below the ordinary high water mark, including wetlands of the Egin Canal, 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. Additionally, there do not appear to be any wetlands in the project area.

Your letter also requested assistance identifying 100-year floodplains in the project area. The U.S. Army Corps of Engineers has no regulatory authority relative to floodplains and floodplain mapping. We would encourage you to contact the Fremont County flood plain manager and/or Federal Emergency Management Agency (FEMA) for information concerning floodplains in the project area.

The project would be located near latitude 43.94932° N and longitude -111.80042° W, in Fremont County, between Egin and Parker, Idaho. Your request has been assigned File Number NWW-2017-73-I02.

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.

PRELIMINARY JURISDICTIONAL DETERMINATION

Attached to this letter are two copies of the Preliminary Jurisdictional Determination (PJD) form. This PJD is for Waters of the United States, including wetlands which may be located within your client's project area. **Please sign both copies and return one to the Corps at the address in the letterhead above.** The other copy is for your records.

The Preliminary Jurisdictional Determination is a non-binding action and shall remain in effect, unless a request for an Approved Jurisdictional Determination or new information supporting a revision is provided to this office. Please note that since this jurisdictional determination is preliminary, it is subject to change and therefore is not an appealable action under the Corps of Engineers Administrative Appeal Procedures (33 CFR 331). Enclosed you will find a *Notification of Administrative Appeal Options and Process and Request for Appeal* (RAF) form for further clarification.

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. Follow this link to take the survey:

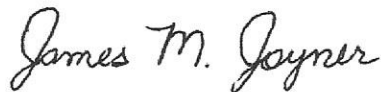
http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

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

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 that reads "James M. Joyner". The signature is written in a cursive, flowing style.

James M. Joyner
Sr. Project Manager, Regulatory Division

Enclosures:

Preliminary Jurisdictional Determination Form
Notification of Administrative Appeal Options and Request for Appeal Form

**HISTORIC REPORT
(49 C.F.R. SECTION 1105.8)**

DOCKET NO. AB-1252X

**EASTERN IDAHO RAILROAD L.L.C.
– ABANDONMENT EXEMPTION –
IN FREMONT COUNTY, IDAHO**

The Historic Report should contain the information required by Section 1105.7(e)(1) of the Environmental Report prepared for the proposed abandonment:

(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.

Eastern Idaho Railroad L.L.C. ("EIRR") proposes to abandon the 5-mile rail line located between mileposts 28.80, at Egin, Idaho, and milepost 33.80, at Parker, in Fremont County, Idaho (the "Line"). Upon receipt of abandonment authority, EIRR intends to remove the rail, track material, and crossties. The culverts and ballast will remain in place along the Line.

The Line has had no local traffic for well over two years. The Line is stub-ended and not capable of handling overhead traffic. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

The only alternative to abandonment would be to not abandon the Line and forego the opportunity costs from salvaging the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

HISTORIC REPORT

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 or older and are part of the proposed action.

A map depicting the Line proposed for abandonment was supplied to the Idaho State Historical Society ("SHPO"). See Exhibit 2. There are two bridges on the Line that are older than 50 years.

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.

The 5-mile line begins at milepost 33.80, at Parker, Idaho and extends in a westerly direction to milepost 28.80, west of Egin, Idaho. The Line traverses a lightly populated rural area.

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

Attached as Exhibit 3 are photographs of the two bridges on the Line.

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

The two bridges are older than 50 years but EIRR does know the precise date of their construction.

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.

There has been no traffic on the Line for well over 10 years. Therefore, the proposed abandonment will not result in any operational changes.

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.

EIRR does not possess any such documents.

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 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).

The Line contains no historic structures and EIRR is unaware of any archeological resources or railroad historic properties along the Line. According to the SHPO, the "proposed project actions will have **no effect** to historic properties." See Exhibit 4.

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 waste), and the surrounding terrain.

There are no existing records as to any known subsurface ground disturbance or fill, or environmental condition that might affect the archeological recovery of any potential resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way

adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).

EIRR does not foresee the likelihood that any additional information will need to be supplied in association with the proposed line abandonment. However, if any additional information is requested, EIRR will promptly supply the necessary information.

Karl Morell & Associates
655 15th Street, NW, Suite 225
Washington, DC 20005
(202) 595-9045
karlm@karlmorell.com

EXHIBIT 2

February 9, 2017

Idaho State Historical Society
210 W Main Street
Boise, ID 83702

**RE: Docket No. AB 1252X, Eastern Idaho Railroad L.L.C. –
Abandonment Exemption—In Fremont County, Idaho**

Dear Sir/Madam:

On or shortly after April 6, 2017, Eastern Idaho Railroad, L.L.C. ("EIRR") will be filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 5 miles of its rail line located between milepost 28.80, at Egin, Idaho, and milepost 33.80, at Parker, in Fremont County, Idaho. One of the requirements for this filing with the STB is that the owner of the rail line contact the State Historic Preservation Office regarding the proposed abandonment.

A map of the proposed abandonment is attached. The proposed abandonment will involve the removal of the rail, track materials and crossties.

The 5-mile line segment EIRR seeks to abandon begins at milepost 33.80, at Parker, Idaho and extends in a westerly direction to milepost 28.80 west of Egin, Idaho. The line traverses a lightly populated rural area.

EIRR knows of no historic properties existing in the immediate area. There are two bridges on the line that are older than 50 years. Pictures of the two bridges are enclosed.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If have any questions concerning this matter, please contact me.

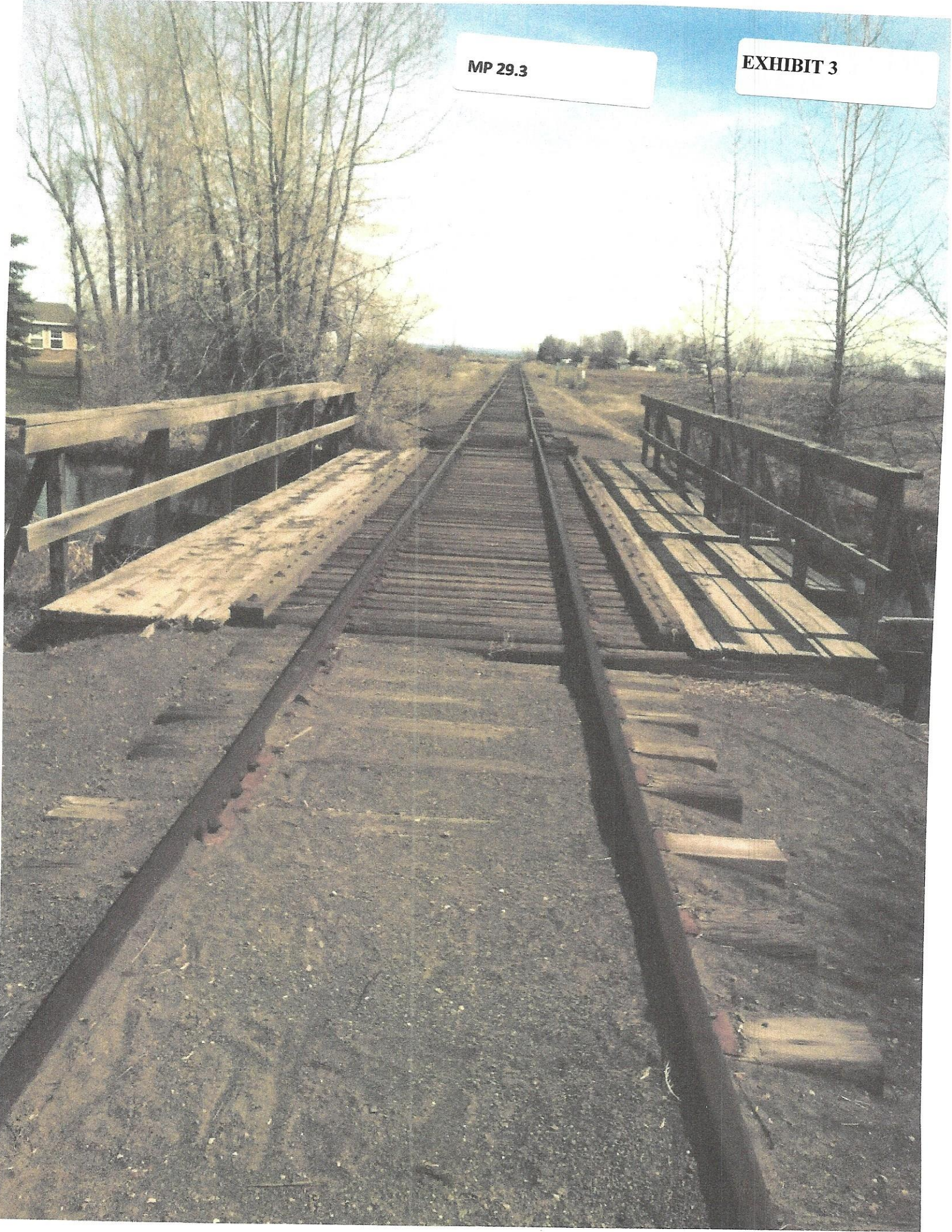
Sincerely,



Karl Morell
Attorney for:
Eastern Idaho Railroad, L.L.C.

MP 29.3

EXHIBIT 3



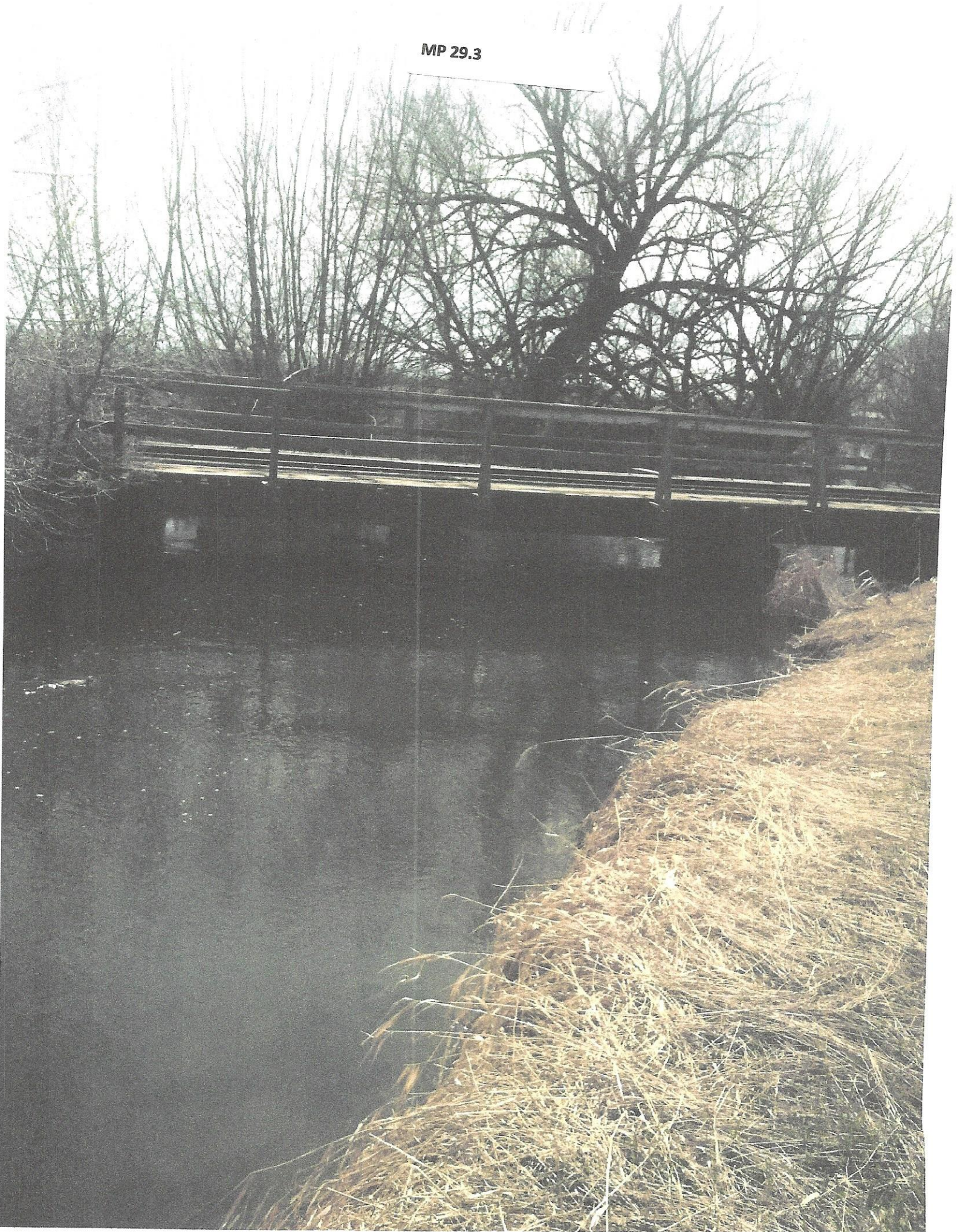
MP 29.3



MP 29.3



MP 29.3



MP 29.58



MP 29.58



MP 29.58



MP 29.58

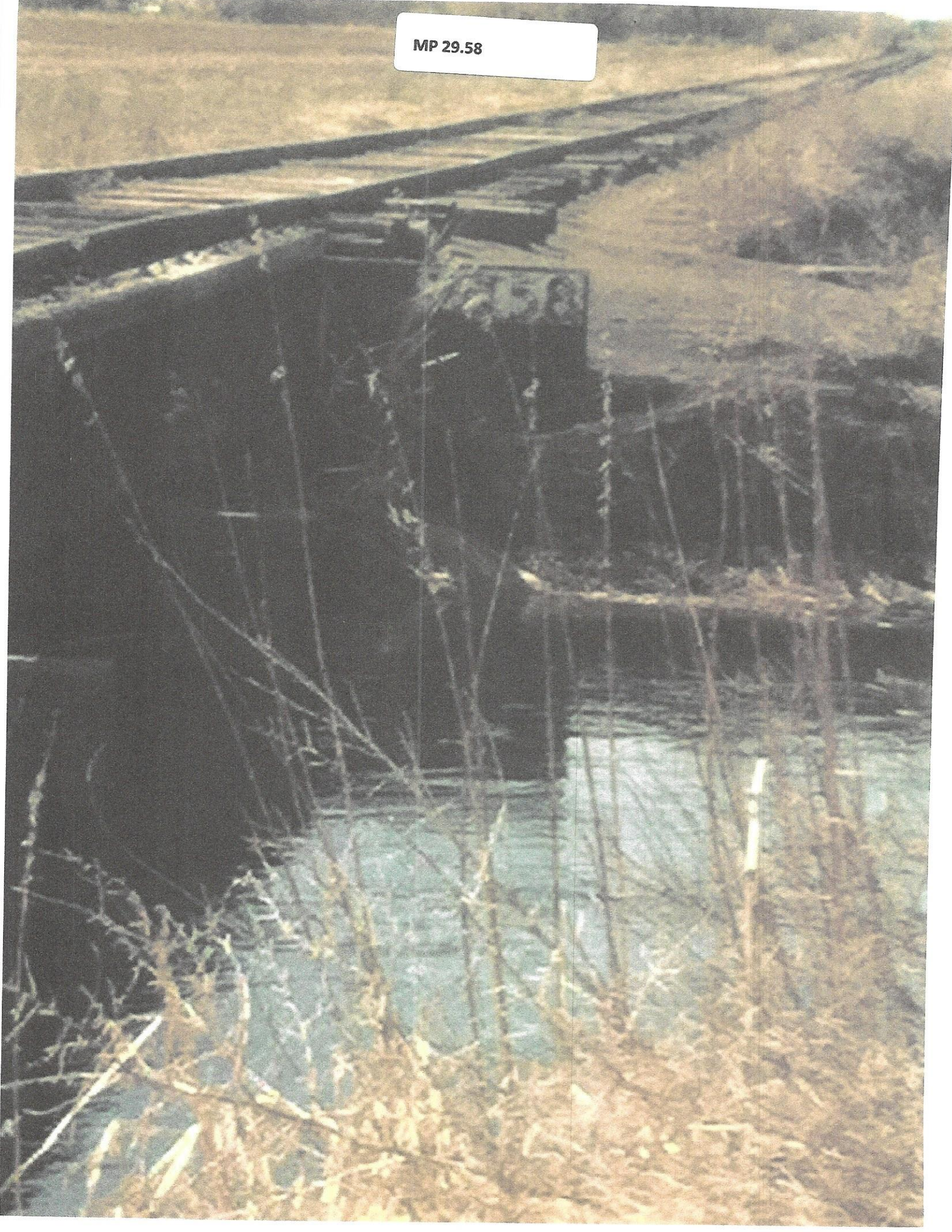




EXHIBIT 4

C.L. "Butch" Otter
Governor of Idaho

30 June 2017

Janet Gallimore
Executive Director
State Historic
Preservation Officer

Karl Morell
Karl Morell & Associates
655 15th Street, NW, Suite 225
Washington, DC 20005

Administration and
Membership and
Fund Development
2205 Old Penitentiary Road
Boise, Idaho 83712-8250
Office: (208) 334-2682
Fax: (208) 334-2774

Re: Eastern Idaho Railroad Abandonment, Fremont County, Idaho / SHPO# 2017-459

Dear Mr. Morell:

Idaho State
Historical Museum
214 Broadway Avenue
Boise, Idaho 83702
Office: (208) 334-2120
Fax: (208) 334-4059

Thank you for continuing to consult with our office on the above referenced project. We are in receipt of the railroad inventory received 13 June 2017 for the West Belt Branch of the Yellowstone Branch of the Eastern Idaho Railroad, located in Fremont County, Idaho.

Idaho State Archives and
Records Center
2205 Old Penitentiary Road
Boise, Idaho 83712-8250
Office: (208) 334-2620
Merle W. Wells
Research Center
2205 Old Penitentiary Road
Boise, Idaho 83712-8250
Phone: (208) 327-7060
Open Tues.-Sat. 11am-4pm

After reviewing the additional information provided, we concur that this particular branch of railroad from Parker to Egin, Idaho, lacks integrity and is ineligible for listing in the National Register of Historic Places. Pursuant to 36 CFR 800.5, we have applied the criteria of effect to the proposed undertaking. Based on the update information received 13 June 2017, we concur the proposed project actions will have **no effect** to historic properties.

State Historic Preservation
Office and Archaeological
Survey of Idaho
210 Main Street
Boise, Idaho 83702-7264
Office: (208) 334-3861
Fax: (208) 334-2775

In the event that cultural material is inadvertently encountered during implementation of this project, work shall be halted in the vicinity of the finds until they can be inspected and assessed by the appropriate consulting parties.

Old Idaho Penitentiary
2445 Old Penitentiary Road
Boise, Idaho 83712-8254
Office: (208) 334-2844
Fax: (208) 334-3225

If you have any questions or the scope of work changes, please contact me via phone or email at 208.488.7468 or matt.halitsky@ishs.idaho.gov.

Statewide Historic Sites
• Franklin Historic Site
• Pierce Courthouse
• Rock Creek Station and
Stricker Homesite

Sincerely,

Matthew Halitsky, AICP
Historic Preservation Review Officer
Idaho State Historic Preservation Office

