

E0-2202

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

**SUPPLEMENTAL FINAL
ENVIRONMENTAL ASSESSMENT**

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 314 (Sub-No. 6X)

December 12, 2013

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

RECOMMENDATION: Remove Section 106 Condition

In this proceeding, the Chicago Central & Pacific Railroad Company (CCP) filed a notice under 49 C.F.R. § 1152.50 seeking approval authority to abandon 0.49 mile rail line in Cedar Rapids, Linn County, Iowa. Because the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f (NHPA), had not been completed at the time of the Board's November 25, 2013 decision, the Board imposed a condition (condition 2) requiring CCP to: (a) retain its interest in, and take no steps to alter, the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way that are eligible for listing or are listed in the National Register of Historic Places until the Section 106 process of the NHPA has been completed; (b) report back to the Board's Office of Environmental Analysis (OEA) regarding any consultations with the State Historical Society of Iowa (State Historic Preservation Office or SHPO) and the public; and (c) not file a consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed the condition.

New Comments On the Abandonment

Section 106 Condition

In an email dated December 5, 2013, the SHPO submitted comments stating that the proposed abandonment should not affect any cultural resources that are listed or eligible for listing on the National Register of Historic Places. Based on consultations with the SHPO and CCP, OEA has determined that the proposed abandonment would not affect historic properties

listed in or eligible for inclusion in the National Register of Historic Places.¹ Accordingly, the Board has satisfied its responsibilities under Section 106 of the NHPA in this proceeding and OEA is recommending that the Board remove the Section 106 condition (condition 2).

Conclusions

For the reasons stated above, OEA recommends that the Board: (1) remove the condition (condition 2) that was imposed in the November 25, 2013 decision. Conditions 1 and 3 remain unchanged as follows:

1. Prior to commencement of any salvage activities, the Chicago Central & Pacific Railroad Company (CCP) shall consult with the Iowa Department of Natural Resources' (IDNR) Conservation and Recreation Division to ensure that any concerns in the right-of-way are addressed regarding disturbance to any rare species or significant natural communities. CCP shall also consult with IDNR's Environmental Services Division to determine the permit requirements, if any, for watershed disturbances, erosion and sedimentation, or wastewater discharges.
2. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's salvage activities, the railroad shall immediately cease all work and notify OEA and the State Historical Society of Iowa (State Historic Preservation Office or SHPO), pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, the railroad, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

OEA concludes that if the above conditions are imposed, the proposed action would not significantly affect the quality of the human environment.

Attachment

OEA CONTACT: Diana Wood 
202-245-0302
woodd@stb.dot.gov

Distribution: Office of Proceedings
OEA Chron
ECT

¹ The documentation for this finding, as specified at 36 C.F.R. § 800.11(e), consists of the railroads' Historic Report, all relevant correspondence, and the February 13, 2013 Environmental Assessment, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

E1-20359
Daw
AB 314 6X



RE: 130657082 Chicago Central & Pacific Railroad Company Docket AB-314 (Sub-No.6X)
MP 230.24 to MP 229.75 in Cedar Rapids
Jones, Doug [DCA]

to:

Michael Barron, Jr.

12/05/2013 12:19 PM

Cc:

"Diana.Wood@stb.dot.gov", "Jones, Doug [DCA]", "Strand, June [DCA]", "Christian, Ralph [DCA]"

Hide Details

From: "Jones, Doug [DCA]" <Doug.Jones@iowa.gov>

To: "Michael Barron, Jr." <mbarron@fletcher-sippel.com>

Cc: "Diana.Wood@stb.dot.gov" <Diana.Wood@stb.dot.gov>, "Jones, Doug [DCA]" <Doug.Jones@iowa.gov>, "Strand, June [DCA]" <June.Strand@iowa.gov>, "Christian, Ralph [DCA]" <Ralph.Christian@iowa.gov>

Michael,

I sincerely apologize for the lengthy delay in response. This should complete the documentation that we would need to agree with a No Historic Properties Affected determination for this undertaking from the federal agency. As far as we are concerned, we see no reason why the federal agency could not remove the condition and proceed with the abandonment once they complete the Section 106 consultation process.

If design changes are made for this project which would involve undisturbed new rights-of-way or easements, please forward additional information to our office for further comment along with the determination of effect. If project activities uncover an item(s) that might be of archeological, historical or architectural interest, or if important new archeological, historical or architectural data should be encountered in the project APE, the applicant should make reasonable efforts to avoid further impacts to the property until an assessment can be made by an individual that meets the Secretary of the Interior's Professional Qualification Standards (36 CFR 61) appropriate to the identified resource.

We have made these **recommendations** according to our responsibility defined by Federal law pertaining to the Section 106 process. The responsible Federal agency does not have to follow our **recommendations** to comply with the Section 106 process. It remains the responsible Federal agency's decision on whether or not to provide additional information to our office. It also remains the responsible Federal agency's decision on how you will proceed from this point forward. **If you choose not to follow our recommendations, please consult 36 CFR Part**

800, as appropriate, for guidance on how to conclude the Section 106 consultation.

This is the official SHPO comment letter for the above-referenced project, provided in accordance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations, 36 CFR Part 800 (revised, effective August 5, 2004). To read the document, you may need to download a free copy of Adobe Acrobat Reader at www.adobe.com.

Please note that you will not receive a hard copy of this letter by mail. There is no need to reply to this email unless you have specific questions or have problems opening the document. If you have any further questions, please feel free to contact me.

Douglas W. Jones, Int. Deputy State Historic Preservation Officer
State Historical Society of Iowa
600 East Locust
Des Moines, Iowa 50319
(515) 281-4358
Doug.jones@iowa.gov

From: Michael Barron, Jr. [<mailto:mbarron@fletcher-sippel.com>]

Sent: Thursday, December 05, 2013 9:29 AM

To: Jones, Doug [DCA]

Cc: Diana.Wood@stb.dot.gov

Subject: RE: 130657082 Chicago Central & Pacific Railroad Company Docket AB-314 (Sub-No.6X) MP 230.24 to MP 229.75 in Cedar Rapids

Good morning Doug. I did a site file search with the Iowa State Archeologist for the proposed abandonment. According to the results (which are attached), "no archeological sites have been reported to the OSA within or very near the project location."

If all is in order, please let Diana know so that we can remove the 106 condition and proceed with the abandonment. If there is anything else you need me to follow up on, please let me know as soon as possible.

Thank you for your assistance.

Michael Barron
Fletcher & Sippel
29 N. Wacker Dr.
Ste 920
Chicago, IL 60606-2832
Phone 312-252-1511
Fax 312-252-2400
Email: mbarron@fletcher-sippel.com

From: Michael Barron, Jr.

Sent: Wednesday, November 13, 2013 11:01 AM

To: Doug.Jones@iowa.gov

Cc: Diana.Wood@stb.dot.gov

Subject: FW: 130657082 Chicago Central & Pacific Railroad Company Docket AB-314 (Sub-No.6X) MP 230.24 to MP 229.75 in Cedar Rapids

Good morning Doug. Diana Wood from the STB provided me some feedback regarding discussions with you. I

want to make sure I am proceeding correctly. I downloaded the map from the I-Site. It is attached for reference. The next step Diana refers to is to fill out the "standard archeology form." I am not sure what form that is. Is it the "Request for Iowa Site File Search" form? That is the one you referred me to when we spoke a couple months ago. But that simply appears to request a map, which I was already able to download. Or do I need to supplement my request for SHPO comment form? Or is there a particular request for state archeologist comment form? Let me know. Thanks.

Michael Barron
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Ste 920
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Phone 312-252-1511
Fax 312-252-2400
Email: mbarron@fletcher-sippel.com

From: Diana.Wood@stb.dot.gov [mailto:Diana.Wood@stb.dot.gov]
Sent: Tuesday, November 05, 2013 11:35 AM
To: Michael Barron, Jr.
Subject: My Conversation with the Iowa SHPO

Michael:

I've spoken with Doug Jones and he is close, but not quite ready, to sign off on the section 106 process in AB 314 (Sub-No. 6X). He needs to be assured that there are no archaeological resources underneath the rail line and indicates that you need to do the following:

1. Access the Iowa University archaeology web site (he said he's walked you through the process) as explained below:

go to: www.uiowa.edu/~osa/

then click on GIS, then I-Sites. You should be able to find the Cedar Rapids location and zoom in. He gave it a quick perusal whilst walking me through the process and didn't come up with any previously recorded resources so that's good! Then print the map, and fill out the standard archaeology form, and make sure you indicate **no previously recorded resources within the area of potential effect (APE or rail right-of-way)**.

2. Provide a detailed description of the RR's salvage procedure.

3. Indicate whether there is a good chance the rail line will go into interim trail use.

That's it!

Diana

Diana F. Wood
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW Room 1110
Washington, DC 20423



Wednesday, December 04, 2013

Michael Barron
Fletcher & Sippel
29 North Wacker Dr. Suite 920
Chicago IL 60606-2832

Ref: LN Linn Iowa Site File Search No. 2014058

Dear Michael:

I have conducted a search of the Iowa Site File for archaeological sites recorded within a one-mile radius of the project area described in your request for search on 11/26/2013. This area is within 83N-7W Sec 3. Our records indicate that no archaeological sites have been reported to the OSA within or very near the project location. Five other sites were recorded within one mile of that location at the time of the site records search. Other archaeological sites may be present at or near the project location but have not been discovered or reported to the OSA.

If you have not already done so, you may wish to consult with the State Historic Preservation Office (SHPO) to determine whether an archaeological survey may be needed. In the event that previously unidentified archaeological resources are discovered during ground disturbing activities on projects complying with Section 106 of the National Historic Preservation Act or other applicable federal and state laws, construction work should cease in the area of the resource and in the surrounding area where further subsurface remains can reasonably be expected to occur. The responsible federal or state agency and State Historic Preservation Office should be immediately notified and consulted about the discovery.

If during the course of construction or earthmoving signs of a human burial are encountered, those activities should be stopped at once and the Office of the State Archaeologist should be contacted immediately. Human burials may potentially include bone, ashes, or subterranean structures with or without overlying mound structures. All human burials in the state of Iowa are legally protected under Chapters 263B, 566, and 716 of the Iowa Code.

Should you need more information about a particular site, you may write to me including the appropriate site number in your request. Since every county has a different series of site numbers, be sure to include the full trinomial site designation in your request. This designation takes the form of 13XY### where XY is the county abbreviation and ### is the order in which site reports are received for a given county.

The information in this letter is intended to assist you in fulfilling any local, state, or federal laws and regulations related to archaeological sites concerning historic preservation such as Section 106 of the National Historic Preservation Act and to assist avoidance of any burial sites potentially located within the subject area. Prior to any federal undertaking, all archaeological sites should be evaluated for their National Register eligibility. Federal undertakings include but are not limited to projects receiving any federal financial support, technical assistance, licenses, or permits received by private landowners or federal, state, or local governments. The State Historical Preservation Office (SHPO) would need to be contacted for details about the final determination of significance for any site to be affected by a federal undertaking. This letter is not meant to confirm or deny that any applicable requirements have been met.

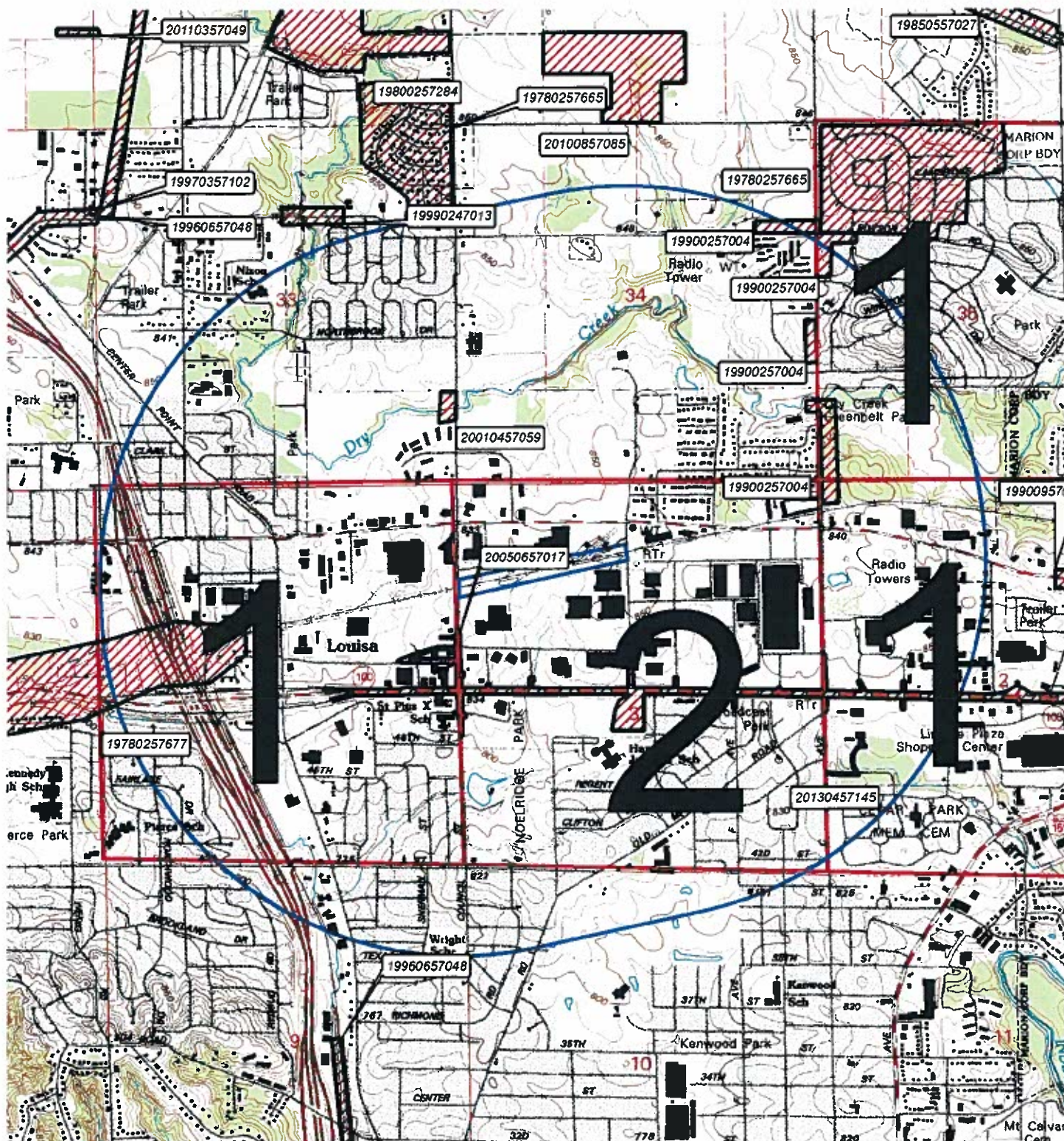
Sincerely,

Colleen Eck
Site Records Manager
enclosure

SITE	Cultural Affiliation	Site Type	AREA	DTYPE
13LN182	Prehistoric	Open habitation	389.704	inverted triangle
13LN182	Prehistoric	Prehistoric scatter	389.704	inverted triangle
13LN290	Historic Euro-American	Historic farm/residence	3145.948	polygon
13LN291	Historic Euro-American	Historic farm/residence	2682.912	polygon
13LN935	Historic Euro-American	Historic farm/residence	389.690	inverted triangle
13LN939	Historic Euro-American	Structure/building remains	389.690	inverted triangle

Dtype definitions

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

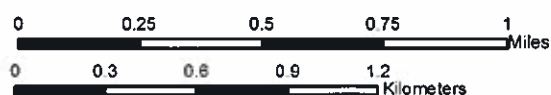


OSA Search 2014058

Linn County

Search Date: 12/4/2013 CE

- Project area
- 1-mile buffer
- Previously surveyed area, "intense" labeled with SHPO R&C number
- 2 Number of sites per section which occur within 1 mile buffer



This map contains confidential site location information. Neither the map nor the associated data may be reproduced or distributed without the consent of the Office of the State Archaeologist.

Precise locations outside of the project area may be withheld pursuant to Iowa Code section 22.7 subsection 20

Data displayed on this map are current as of the date of this search, but are subject to additions and revisions without notice