

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

H E O - 1540

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 290 (SUB-NO. 322X)
DOCKET NO. AB 414 (SUB-NO. 5X)

November 10, 2010

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**

In this proceeding, the Norfolk Southern Railway Company (NSR) and the Iowa Interstate Railroad jointly filed a notice of exemption with the Surface Transportation Board (Board) seeking approval authority to abandon 1.70 miles of railroad located in Grimes, Polk County, Iowa. The Office of Environmental Analysis (OEA) served an Environmental Assessment (EA) for this proceeding on October 22, 2010 for public review and comment. In the EA, OEA recommended 2 environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

OEA received 1 comment after the issuance of the EA (see attached). The Lower Sioux Indian Community Tribal Historic Preservation Office (THPO) commented that the area of the rail right-of-way proposed for abandonment is located on ancestral tribal lands that could be impacted by land disturbance activities typically associated with the salvage process. The THPO believes that such a disturbance could result in the inadvertent discovery of artifacts with possible tribal significance. The THPO is therefore requesting that if such discoveries are made, that all salvage activities stop immediately until the site can be reviewed by a professional with tribal expertise. To address this concern, OEA is recommending a condition that requires NSR (the railroad responsible for salvage) to cease all work and notify OEA, the THPO, and other interested federally recognized tribes on this abandonment proceeding if unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's salvage activities.

Conclusions

The EA comment period has ended. Accordingly, OEA recommends that the conditions

recommended in the EA, as well as the additional condition recommended in this document, should be imposed upon any decision granting abandonment authority. The combined conditions are:

1. Prior to commencement of any salvage activities, the Norfolk Southern Railway Company (NSR) shall consult with the U.S. Environmental Protection Agency, Region 7, to ensure that any concerns regarding potential contamination of the right-of-way are addressed. NSR shall report the results of these consultations in writing to the Board's Office of Environmental Analysis (OEA) prior to the onset of salvage operations.
2. Prior to commencement of any salvage activities, NSR shall consult with the Iowa Department of Natural Resources regarding its listed species or rare communities, stormwater, water quality, and fugitive dust requirements and shall use best management practices during salvage operations.
3. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during salvage activities, NSR shall immediately cease all work and notify OEA, the Lower Sioux Indian Community Tribal Historic Preservation Office (THPO), and other interested federally recognized tribes pursuant to 36 CFR 800.13(b). OEA shall then consult with the THPO, interested federally recognized tribes, NSR, and any 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.

OEA CONTACT:

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Distribution:

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ECT

Attachment

#E1-18405



Lower Sioux Indian Community

P.O. Box 308 • 39527 Res. Hwy. 1
Morton, Minnesota 56270

November 1, 2010

Diana Wood
Surface Transportation Board
Case Control Unit
Washington, DC 20423

Re: Docket No. AB290 (Sub-No.322X)

Dear Ms. Wood,

The Lower Sioux Indian Community Tribal Historic Preservation Office has reviewed the proposed project and has determined that there will be **no historic or cultural properties affected**. However, the proposed project is located on ancestral tribal lands, therefore, there is potential for discovery. Should any artifacts with possible tribal significance be unearthed, the LSIC THPO requests that all work stops immediately until the site is reviewed by a tribally approved professional.

If you have any questions, contact me at (507) 697-6321.

Sincerely,

Anthony Morse, THPO
Lower Sioux Indian Community