

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 337 (Sub-No. 9X)

December 5, 2016

RECOMMENDATION: Remove Section 106 Condition

In this proceeding, Dakota, Minnesota, & Eastern Railroad Corporation (DM&E) filed a notice of exemption with the Surface Transportation Board (the Board) to abandon an approximately 1.95-mile line of railroad in Scott County, Iowa (the Line). Because the Section 106 process of the National Historic Preservation Act (NHPA) at 54 U.S.C. § 30618 (formerly 16 U.S.C. § 470f), had not been completed at the time of the Board's November 9, 2016 decision, the Board imposed a condition requiring DM&E 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 (the Area of Potential Effect or APE) that are eligible for listing or listed in the National Register of Historic Places (National Register) 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 (the State Historic Preservation Officer or SHPO), and the public, and (c) not file its 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.

Section 106 Condition

Pursuant to NHPA and the National Environmental Policy Act (42 U.S.C. § 4321), OEA conducted an analysis of the potential impacts of the proposed abandonment to historic resources and the environment. Based on comments received from federal, state, and local agencies, and OEA's independent research, OEA concluded that the proposed abandonment would not significantly affect the human environment and would not affect any historic properties listed in or eligible for listing in the National Register within the project APE. Specifically, OEA concluded that, although the Line is part of a larger rail corridor that may have historical significance due to its association with broad patterns of local history, the Line does not maintain the degree of historical integrity necessary to convey that historical significance. On October 14, 2016, OEA issued an Environmental Assessment (EA) in which OEA notified the SHPO, other potentially

interested parties, and the public of its finding of no historic properties affected, pursuant to 36 C.F.R. § 800.4(d)(1).

In order to allow interested parties sufficient time to provide comment on OEA's finding of no historic properties affected, OEA recommended that the Board impose a condition to prevent DM&E from consummating the proposed abandonment until completion of the Section 106 process. Following the issuance of a Final EA on November 3, 2016, the Board imposed the recommended condition in its November 9, 2016 decision granting abandonment authority.

OEA did not receive any comments related to historic properties during the 15-day comment period following the issuance of the EA and has not received any comments following the end of the comment period. OEA believes that interested parties have had sufficient opportunity to comment on the potential impact of the proposed abandonment on historic properties.

Pursuant to 36 C.F.R. § 800.4(d)(1)(i), if the SHPO does not object to an adequately documented finding of no historic properties affected within 30 days of receipt of that finding, the federal agency's responsibilities under Section 106 are fulfilled. Because the SHPO did not object to OEA's finding within the 30-day review period, OEA concludes that the Board's responsibilities under Section 106 of NHPA have been completed. Accordingly, the condition requiring DM&E to retain its interest in and take no steps to alter the historic integrity of the Line is no longer necessary.

Conclusions

For the reasons stated above, OEA recommends that the Board remove the Section 106 condition that was imposed in the November 9, 2016 decision. No other environmental or historic mitigation conditions are recommended in this abandonment proceeding.

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