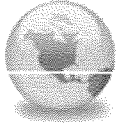


EI-21007



**RE: Dakota, Minnesota & Eastern Railway Corporation - Abandonment
Exemption - in Scott County, Iowa, STB Docket AB-337 (Sub No 7X)**

Hansen, Karl to: Kenneth.Blodgett@stb.dot.gov

06/30/2015 11:37 AM

From: "Hansen, Karl" <karl.hansen@stinsonleonard.com>

To: "Kenneth.Blodgett@stb.dot.gov" <Kenneth.Blodgett@stb.dot.gov>

3 attachments



2015143.pdf STB decision 01-22-14.pdf STB environmental assessment 12-27-13.pdf

Ken,

I write to see whether you have any unaddressed questions regarding the below correspondence that I sent while you were out of the office.

Please let me know if you require any further information. Thank you.

Karl Hansen | Attorney | Stinson Leonard Street LLP

150 South Fifth Street, Suite 2300 | Minneapolis, MN 55402

T: 612.335.7088 | M: 612.802.2053 | F: 612.335.1657

karl.hansen@stinsonleonard.com | www.stinsonleonard.com

Legal Administrative Assistant: LAAteam@stinsonleonard.com | 612.335.1874

From: Hansen, Karl

Sent: Thursday, June 18, 2015 1:46 PM

To: 'Kenneth.Blodgett@stb.dot.gov'

Cc: Wayne Carten

Subject: RE: Dakota, Minnesota & Eastern Railway Corporation - Abandonment Exemption - in Scott County, Iowa, STB Docket AB-337 (Sub No 7X)

Ken,

Attached is correspondence from the Iowa SHPO and Iowa DNR regarding satisfaction of those agencies' concerns regarding Section 106 review and water and air quality impacts. Also attached is the archeological site assessment conducted earlier this year.

I trust this information is sufficient for the OEA to recommend that the Board remove the conditions in the attached decision. Please let me know if you have any questions or require additional information.

Thank you for your assistance in this matter.

From: Kenneth.Blodgett@stb.dot.gov [mailto:Kenneth.Blodgett@stb.dot.gov]

Sent: Tuesday, March 04, 2014 6:00 AM

To: Hansen, Karl

Subject: Re: Dakota, Minnesota & Eastern Railway Corporation - Abandonment Exemption - in Scott County, Iowa, STB Docket AB-337 (Sub No 7X)

I'll review the file and give you a call. He has only addressed the track, but I'm worried about other historic resources for which I'm not qualified to make the no effect determination.

Thanks.

-----"Hansen, Karl" <karl.hansen@stinsonleonard.com> wrote: -----

To: "blodgett@stb.dot.gov" <blodgett@stb.dot.gov>

From: "Hansen, Karl" <karl.hansen@stinsonleonard.com>

Date: 03/03/2014 11:49AM

Subject: Dakota, Minnesota & Eastern Railway Corporation - Abandonment Exemption - in Scott County, Iowa, STB Docket AB-337 (Sub No 7X)

Ken,

I spoke today with Doug Jones with the State Historical Society of Iowa. As noted in his e-mail below (received after DM&E's Environmental and Historic Reports were served on the OEA), the SHPO's opinion is that the section of track does not meet any of the eligibility criteria for listing on the National Register of Historic Places. As far as whether an archeological site background check was appropriate, he indicated that would be a determination for the OEA to make. He asked that I provide the OEA's opinion on this issue.

Given the location of the line in an industrial and commercial area of Davenport and the limited impact that track and tie salvage operations will have on the right-of-way, it does not appear that an archeological background check is warranted. Please let me know if you concur. Thank you.

Karl Hansen | Attorney | Stinson Leonard Street LLP
150 South Fifth Street, Suite 2300 | Minneapolis, MN 55402
T: 612.335.7088 | M: 612.802.2053 | F: 612.335.1657
karl.hansen@stinsonleonard.com | www.stinsonleonard.com

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

Sent: Thursday, October 03, 2013 4:53 PM

To: Hansen, Karl

Cc: Strand, June [DCA]; King, Steve [DCA]; Christian, Ralph [DCA]; Troy.Brady@stb.dot.gov; Jones,

Doug [DCA]

Subject: RE: 130682044 Dakota Minnesota & Eastern Railway Corp STB Docket ab-337 (Sub No 75)

Dear Mr. Hansen,

Thank you for providing additional information to our office concerning the above referenced proposed project. We understand that this project will be a federal undertaking for the Surface Transportation Board (STB) and will need to comply with Section 106 of the National Historic Preservation Act and the National Environmental Policy Act. We make the following comments and recommendations based on our examination of this material and 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); the Advisory Council on Historic Preservation's Policy Statement on Affordable Housing and Historic Preservation (adopted November 9, 2006); and on The Advisory Council on Historic Preservation recently issued guidance in November 2011 on ***Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review*** .

Based on your information, it is our opinion that this section of track does not meet any of the eligibility criteria for listing on the National Register of Historic Places. We note that an archaeological site background check was not included with your documentation. We have no comments at this time whether there appears to be any potential that the undertaking will encounter or adversely impact archaeological properties that may be eligible for listing in the National Register of Historic Places as no information was provided in your documentation. We would like to refer you and the STB to the Advisory Council on Historic Preservation's recently issued guidance in November 2011 on ***Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review*** for guidance on what types of information should be included in the documentation provided for consultation under Section 106 of the National Historic Preservation Act. We would encourage you to contact the Office of the State Archaeologist at the University of Iowa to get an archaeological site background check conducted for your undertaking. We look forward to consulting with the federal agency when they provide us with a determination of effect to our office and all other potential consulting parties for consultation under Section 106 of the National Historic Preservation Act.

Please reference the Review and Compliance Number provided above in all future submitted correspondence to our office for this project. We look

forward to further consulting with you and the Surface Transportation Board on this project.

We have provided this **technical assistance** according to our responsibility defined by Federal law. It remains the **Federal agency's decision** on how you will proceed from this point for this project.

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: Jones, Doug [DCA]
Sent: Tuesday, June 25, 2013 5:59 PM
To: Karl.Hansen@Leonard.COM
Cc: Jones, Doug [DCA]; Strand, June [DCA]; Anderson, Sarabeth [DCA]; Christian, Ralph [DCA]; Troy.Brady@stb.dot.gov
Subject: 130682044 Dakota Minnesota & Eastern Railway Corp STB Docket ab-337 (Sub No 7S)

Attached 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. Feel free to contact me by email or phone.

Douglas W. Jones, Archaeologist and Review and Compliance Program Manager
and Interim Deputy State Historic Preservation Officer
State Historic Preservation Office
State Historical Society of Iowa
(515) 281-4358

Message from "Schwake, Christine [DNR]" <Christine.Schwake@dnr.iowa.gov> on Mon, 3 Mar 2014 -----
----- 0600- 07:38:06

<Hansen, Karl" <karl.hansen@stinsonleonard.com" :To

.RE: Blackhawk Spur Railroad Track Abandonment, STB Docket No. AB-337 (Sub-No **Subject**
(7X :

Thanks!

CHRISTINE SCHWAKE Environmental Specialist



Iowa Department of Natural Resources
515.281.6615 | christine.schwake@dnr.iowa.gov
502 E 9th St | Des Moines, IA 50319-0034

From: Hansen, Karl [mailto:karl.hansen@stinsonleonard.com]

Sent: Friday, February 28, 2014 10:55 AM

To: Schwake, Christine [DNR]

Subject: Blackhawk Spur Railroad Track Abandonment, STB Docket No. AB-337 (Sub-No. 7X)

Christine,

I write in response to your correspondence dated June 13, 2013 and our telephone call yesterday regarding any potential effect on water quality or erosion during salvage operations. I have attached a copy of the Environmental and Historic Reports that includes correspondence dated July 1, 2013 from the U.S. Army Corps of Engineers stating that a Section 404 permit will not be required. You indicated that, accordingly, the DNR would not require a Section 401 certificate.

As we discussed, the railroad line is located entirely within an industrial area in the City of Davenport. Salvage operations will be limited to removing track materials within the right-of-way. The ties and rail will either be recycled or disposed of in an environmentally appropriate manner and DM&E will take use best management practices and take proper care during salvage operations to prevent any impact on water quality.

I trust this information satisfies any concerns. Please let me know if you have further questions. Thank you.

Karl Hansen | Attorney | Stinson Leonard Street LLP
150 South Fifth Street, Suite 2300 | Minneapolis, MN 55402
T: 612.335.7088 | M: 612.802.2053 | F: 612.335.1657
karl.hansen@stinsonleonard.com | www.stinsonleonard.com

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Message from "Paulson, Christine [DNR]" <Christine.Paulson@dnr.iowa.gov> on Tue, 4 Mar 2014 -----
----- 0000+ 15:25:56

<Hansen, Karl" <karl.hansen@stinsonleonard.com" :**To**
.RE: Blackhawk Spur Railroad Track Abandonment, STB Docket No. AB-337 (Sub-No **Subject**
(7X :

Karl,

Thank you for contacting me regarding the proposed project for railroad track abandonment in Davenport, Iowa.

Based on the information you submitted in 2013 and your follow-up email on March 3, 2014, the Iowa DNR Air Quality Bureau does not have any concerns about this project. If conditions change during the project, my letter dated June 13, 2013, still serves as current notification of potential air quality rules and permitting requirements that may apply to this project.

If you have additional questions or need anything more, please contact me.

Sincerely,

CHRISTINE PAULSON Environmental Specialist Senior

Iowa Department of Natural Resources

P 515.725.9510 | christine.paulson@dnr.iowa.gov

Air Quality Bureau | 7900 Hickman Rd., Ste 1 | Windsor Heights, IA 50324

www.iowacleanair.gov | Air Construction Permit Hotline 877.247.4692

WWW.IOWADNR.GOV



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From: Hansen, Karl [<mailto:karl.hansen@stinsonleonard.com>]

Sent: Monday, March 03, 2014 10:41 AM

To: Paulson, Christine [DNR]

Subject: Blackhawk Spur Railroad Track Abandonment, STB Docket No. AB-337 (Sub-No. 7X)

Christine,

I write in response to your correspondence dated June 13, 2013 and our telephone call today regarding any potential effect on air quality during salvage operations. I have attached a copy of the Environmental and Historic Reports that includes additional information about the project.

As we discussed, the railroad line is located entirely within an industrial area in the City of Davenport. Salvage operations will be limited to removing track materials within the right-of-way. The ties and rail will either be recycled or disposed of in an environmentally appropriate manner and DM&E will take reasonable precautions to prevent fugitive dust or any other impact on air quality.

I trust this information satisfies any concerns. Please let me know if you have further questions. Thank you.

Karl Hansen | Attorney | Stinson Leonard Street LLP
150 South Fifth Street, Suite 2300 | Minneapolis, MN 55402
T: 612.335.7088 | M: 612.802.2053 | F: 612.335.1657
karl.hansen@stinsonleonard.com | www.stinsonleonard.com

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Message from "Jones, Doug [DCA]" <Doug.Jones@iowa.gov> on Thu, 18 Jun 2015 13:17:31 -0500 -----

<Hansen, Karl" <karl.hansen@stinsonleonard.com" :To
<Jones, Doug [DCA]" <Doug.Jones@iowa.gov" :cc

RE: 130682044 Dakota Minnesota & Eastern Railway Corp STB Docket AB-337 (Sub No **Subject**
(7X:

Karl,

Yes. I believe the archaeological site background check was the last item to address.

Douglas W. Jones

Review & Compliance Program Manager and Archaeologist, State Historic Preservation Office
doug.jones@iowa.gov | 515.281.4358 | iowahistory.org

Iowa Arts Council | Produce Iowa | State Historical Society of Iowa

Iowa Department of Cultural Affairs

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From: Hansen, Karl [<mailto:karl.hansen@stinsonleonard.com>]

Sent: Thursday, June 18, 2015 11:25 AM

To: Jones, Doug [DCA]

Subject: RE: 130682044 Dakota Minnesota & Eastern Railway Corp STB Docket AB-337 (Sub No 7X)

Doug,

Am I thus correct in understanding that your office has completed its Section 106 review and found no concerns? Thank you.

Karl Hansen | Attorney | Stinson Leonard Street LLP

150 South Fifth Street, Suite 2300 | Minneapolis, MN 55402
T: 612.335.7088 | M: 612.802.2053 | F: 612.335.1657
karl.hansen@stinsonleonard.com | www.stinsonleonard.com
Legal Administrative Assistant: LAAteam@stinsonleonard.com | 612.335.1874
From: Jones, Doug [DCA] [<mailto:Doug.Jones@iowa.gov>]
Sent: Thursday, June 18, 2015 11:13 AM
To: Hansen, Karl
Cc: Jones, Doug [DCA]; Gourley, Kathy [DCA]
Subject: RE: 130682044 Dakota Minnesota & Eastern Railway Corp STB Docket AB-337 (Sub No 7X)

June 18, 2015

Karl,

Thanks for resending this information and sorry for the confusion on my end. I have had a chance to review the archaeological site background check. Based on this information, there are no previously recorded archaeological sites within the Area of Potential Effect that would be affected by the proposed undertaking.

Douglas W. Jones

Review & Compliance Program Manager and Archaeologist, State Historic Preservation Office
doug.jones@iowa.gov | 515.281.4358 | iowahistory.org

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Iowa Department of Cultural Affairs

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From: Hansen, Karl [<mailto:karl.hansen@stinsonleonard.com>]
Sent: Thursday, June 18, 2015 9:25 AM
To: Jones, Doug [DCA]
Subject: FW: 130682044 Dakota Minnesota & Eastern Railway Corp STB Docket AB-337 (Sub No 7X)
Importance: High

As discussed. Thanks for your help.

Karl Hansen | Attorney | Stinson Leonard Street LLP
150 South Fifth Street, Suite 2300 | Minneapolis, MN 55402
T: 612.335.7088 | M: 612.802.2053 | F: 612.335.1657
karl.hansen@stinsonleonard.com | www.stinsonleonard.com
Legal Administrative Assistant: LAAteam@stinsonleonard.com | 612.335.1874
From: Hansen, Karl
Sent: Monday, June 01, 2015 11:09 AM
To: 'Jones, Doug [DCA]'
Subject: RE: 130682044 Dakota Minnesota & Eastern Railway Corp STB Docket AB-337 (Sub No 7X)

Dear Mr. Jones,

I write to inquire whether your office has completed its Section 106 review of the proposed abandonment in Davenport based on the additional information provided. If so, please provide a written response that I may forward to the Surface Transportation Board.

Thank you for your assistance in this matter.

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

Sent: Monday, April 20, 2015 10:13 AM

To: Hansen, Karl

Cc: Jones, Doug [DCA]

Subject: RE: 130682044 Dakota Minnesota & Eastern Railway Corp STB Docket AB-337 (Sub No 7X)

Mr. Hansen,

Yes, this would be sufficient for review. By the way, June Strand retired two years ago and Sarabeth Anderson is no longer with our organization, actually left before June retired.

Douglas W. Jones

Review & Compliance Program Manager and Archaeologist, State Historic Preservation Office
doug.jones@iowa.gov | 515.281.4358 | iowahistory.org

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Iowa Department of Cultural Affairs

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From: Hansen, Karl [<mailto:karl.hansen@stinsonleonard.com>]

Sent: Friday, April 17, 2015 10:10 AM

To: Jones, Doug [DCA]

Cc: Strand, June [DCA]; Anderson, Sarabeth [DCA]

Subject: FW: 130682044 Dakota Minnesota & Eastern Railway Corp STB Docket AB-337 (Sub No 7X)

Dear Mr. Jones:

I write to ask whether your office has determined whether the attached review by the State Archeologist is sufficient information to complete your Section 106 review.

Thank you for your assistance in this matter.

Karl Hansen | Attorney | Stinson Leonard Street LLP
150 South Fifth Street, Suite 2300 | Minneapolis, MN 55402

T: 612.335.7088 | M: 612.802.2053 | F: 612.335.1657

karl.hansen@stinsonleonard.com | www.stinsonleonard.com

Legal Administrative Assistant: Kerri Katers | 612.335.1626 | kerri.katers@stinsonleonard.com

From: Hansen, Karl

Sent: Monday, March 30, 2015 1:05 PM

To: 'Jones, Doug [DCA]'

Subject: RE: 130682044 Dakota Minnesota & Eastern Railway Corp STB Docket AB-337 (Sub No 7X)

Dear Mr. Jones,

Attached for your review is a copy of the Iowa Site File search conducted by the Office of the State Archeologist for the railroad right-of-way in Davenport to be abandoned.

Please let me know whether you require any additional information in order to complete your Section 106 review.

Thank you.

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

Sent: Wednesday, March 18, 2015 10:42 AM

To: Hansen, Karl

Cc: Jones, Doug [DCA]

Subject: RE: 130682044 Dakota Minnesota & Eastern Railway Corp STB Docket ab-337 (Sub No 7S)

Mr. Hansen,

Sorry for the delay in response. In this case, just the archaeological site background check, not a Phase I archaeological survey.

Douglas W. Jones

Review & Compliance Program Manager and Archaeologist, State Historic Preservation Office

doug.jones@iowa.gov | 515.281.4358 | iowahistory.org

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Iowa Department of Cultural Affairs

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From: Hansen, Karl [<mailto:karl.hansen@stinsonleonard.com>]

Sent: Thursday, March 12, 2015 2:27 PM

To: Jones, Doug [DCA]

Subject: RE: 130682044 Dakota Minnesota & Eastern Railway Corp STB Docket ab-337 (Sub No 7S)

Dear Mr. Jones,

I contacted the Office of the State Archeologist regarding the archeological site background

check and the OSA asked for clarification regarding the scope of review. Does your office seek an Isites record check or a more extensive Phase I for this 0.66 mile of railroad track to be salvaged in Davenport?

Thank you for your assistance.

Karl Hansen | Attorney | Stinson Leonard Street LLP
150 South Fifth Street, Suite 2300 | Minneapolis, MN 55402
T: 612.335.7088 | M: 612.802.2053 | F: 612.335.1657
karl.hansen@stinsonleonard.com | www.stinsonleonard.com

Legal Administrative Assistant: Kerri Katers | 612.335.1626 | kerri.katers@stinsonleonard.com

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

Sent: Thursday, October 03, 2013 4:53 PM

To: Hansen, Karl

Cc: Strand, June [DCA]; King, Steve [DCA]; Christian, Ralph [DCA]; Troy.Brady@stb.dot.gov; Jones, Doug [DCA]

Subject: RE: 130682044 Dakota Minnesota & Eastern Railway Corp STB Docket ab-337 (Sub No 7S)

Dear Mr. Hansen,

Thank you for providing additional information to our office concerning the above referenced proposed project. We understand that this project will be a federal undertaking for the Surface Transportation Board (STB) and will need to comply with Section 106 of the National Historic Preservation Act and the National Environmental Policy Act. We make the following comments and recommendations based on our examination of this material and 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); the Advisory Council on Historic Preservation's Policy Statement on Affordable Housing and Historic Preservation (adopted November 9, 2006); and on The Advisory Council on Historic Preservation recently issued guidance in November 2011 on *Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review*.

Based on your information, it is our opinion that this section of track does not meet any of the eligibility criteria for listing on the National Register of Historic Places. We note that an archaeological site background check was not included with your documentation. We have no comments at this time whether there appears to be any potential that the undertaking will encounter or adversely impact archaeological properties that may be eligible for listing in the National Register of Historic Places as no information was provided in your documentation. We would like to refer you and the STB to the Advisory Council on Historic Preservation's recently issued guidance in November 2011 on *Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review* for guidance on what types of information should be included in the

documentation provided for consultation under Section 106 of the National Historic Preservation Act. We would encourage you to contact the Office of the State Archaeologist at the University of Iowa to get an archaeological site background check conducted for your undertaking. We look forward to consulting with the federal agency when they provide us with a determination of effect to our office and all other potential consulting parties for consultation under Section 106 of the National Historic Preservation Act.

Please reference the Review and Compliance Number provided above in all future submitted correspondence to our office for this project. We look forward to further consulting with you and the Surface Transportation Board on this project.

We have provided this **technical assistance** according to our responsibility defined by Federal law. It remains the **Federal agency's decision** on how you will proceed from this point for this project.

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: Jones, Doug [DCA]
Sent: Tuesday, June 25, 2013 5:59 PM
To: Karl.Hansen@Leonard.COM
Cc: Jones, Doug [DCA]; Strand, June [DCA]; Anderson, Sarabeth [DCA]; Christian, Ralph [DCA]; Troy.Brady@stb.dot.gov
Subject: 130682044 Dakota Minnesota & Eastern Railway Corp STB Docket ab-337 (Sub No 7S)

Attached 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. Feel free to contact me by email or phone.

Douglas W. Jones, Archaeologist and Review and Compliance Program Manager
and Interim Deputy State Historic Preservation Officer
State Historic Preservation Office
State Historical Society of Iowa
(515) 281-4358