

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-1067 (Sub-No. 2X)

**Iowa Northwestern Railroad – Abandonment Exemption –
in Osceola and Dickinson Counties, IA**

BACKGROUND

In this proceeding, Iowa Northwestern Railroad (IANW) filed a notice under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Osceola and Dickinson Counties, IA. The rail line proposed for abandonment extends approximately 36.9 miles from milepost 215.4 to milepost 252.3 (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to IANW, the right-of-way is approximately 100 feet wide and is located in a rural area. The Line travels through rolling hills that consist primarily of grass with very few trees. IANW states that the Line was acquired from the Union Pacific Railroad Company (UP) in 2001. Prior to the purchase, the predecessor railroads of UP sold the right-of-way extending more than 50 feet from the centerline of track to other companies during the late 1960s.

ENVIRONMENTAL REVIEW

IANW submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. IANW served the environmental report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-1067 (Sub-No. 2X).

Diversion of Traffic

According to IANW, no local traffic has moved over the Line since 2003, and there is no overhead traffic to be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

IANW states that the proposed abandonment would result in the closing of two signaled and 11 unsignaled crossings. IANW also states that there are no known hazardous waste sites on the right-of-way.

IANW indicates that 95% of the right-of-way runs through rural farm and pasture land and consists of native prairie stands with encroaching weeds and trees in some sections. In other sections, local farmers have planted corn and soybean crops. IANW states that it would like a trails group to assume ownership of the right-of-way to convert at least part of it back to native prairie.

IANW states that Mr. Ron Spangler of the Osceola County Conservation Board (OCCB) reviewed the proposed abandonment on February 24, 2005, and Mr. John Vogel of the U.S. Soil Conservation Service (USSCS) reviewed the project on February 24, 2005. IANW indicates that Mr. Spangler and Mr. Vogel were unaware of any possible adverse impacts at that time. IANW also indicates that it sent OCCB and USSCS updated information requesting comments, but no further comments have been received.

IANW states that discussions with the U.S. Army Corps of Engineers (Corps) indicated that, based on the information provided, no permits under section 404 of the Clean Water Act would be required.

The U.S. Environmental Protection Agency's Region 7 Office (USEPA) has not submitted comments regarding this proposed abandonment. Accordingly, SEA will provide a copy of this EA to USEPA for its review and comment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, SEA is providing a copy of this EA to USEPA, Corps, OCCB, and USSCS for their review and comment.

HISTORIC REVIEW

IANW served the historic report on the Iowa State Historical Society (SHPO), pursuant to 49 CFR 1105.8(c). SEA has not heard from the Iowa SHPO and therefore has not been able to consider the Iowa SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register of Historic Places (National Register). Accordingly, we are recommending a condition requiring the railroad to 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) eligible for listing or listed in the National Register until completion of the Section 106 process.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the following tribes may have an interest in the proposed abandonment: the Flandreau Santee Sioux Tribe of South Dakota; the Lower Sioux Indian Community in the State of Minnesota; the Prairie Island Indian Community in the State of Minnesota; the Santee Sioux Nation, Nebraska; the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; the Spirit Lake Tribe, North Dakota; and the Upper Sioux Community, Minnesota.

CONDITIONS

We recommend that the following condition be imposed on any decision granting abandonment authority:

Iowa Northwestern Railroad (IANW) shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. IANW shall report back to the Section of Environmental Analysis regarding any consultations with the SHPO and any other Section 106 consulting parties. IANW may 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 this condition.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Danielle Gosselin, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-1067 (Sub-No. 2X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.dot.gov.

Date made available to the public: September 30, 2008.

Comment due date: October 13, 2008.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Anne K. Quinlan
Acting Secretary

Attachment