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OEA

SERVICE DATE - JANUARY 10, 2020

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

FINAL ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB 33 (Sub-No. 342X)

**Union Pacific Railroad Company and Jackson County, Mo. - Abandonment Exemption - in
Jackson County, Mo.**

ABANDONMENT TYPE

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

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

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

OEA served a Draft EA for this proceeding on December 6, 2019 for public review and comment. In the Draft EA, OEA recommended three environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the Draft EA

OEA received one comment letter on the Draft EA from the Miami Tribe of Oklahoma (Miami Tribe). The Miami Tribe states that it does not object to the proposed abandonment and it not currently aware of any existing documentation directly linking a specific Miami Tribe cultural or historic site to the vicinity of the proposed abandonment. However, the Miami Tribe states that the proposed abandonment is within its aboriginal homelands and requests that it be notified immediately in the event any human remains or archaeological evidence are discovered including Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA)(25 U.S.C. § 3001 et seq.).

Modifications to the Draft EA

Upon further independent review, OEA believes that condition 1 in the Draft EA should be modified to specify notification to the Tribal Historic Preservation Officer of the Miami Tribe of Oklahoma in the event unanticipated discoveries including Native American cultural items falling under the NAGPRA.

Conclusions

The Draft EA comment period has ended. Accordingly, OEA recommends that the conditions recommended in the Draft EA, as modified by the recommendation in this document, should be imposed upon any decision granting abandonment authority. The conditions are:

1. In the event that any unanticipated archaeological sites, human remains, funerary items, Native American cultural items falling under the Native American Graves Protection and Repatriation Act (25 U.S.C. § 3001 et seq.), or associated artifacts are discovered during salvage activities, Union Pacific Railroad Company and Jackson County, Missouri (collectively, Petitioners) shall immediately cease all work and notify the Office of Environmental Analysis (OEA), Miami Tribe of Oklahoma Tribal Historic Preservation Officer, any other interested federally recognized tribes, and the Missouri State Historic Preservation Office (SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, interested federally recognized tribes, Petitioners, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.
2. Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. § 1535), Union Pacific Railroad Company and Jackson County, Missouri (collectively, Petitioners) shall consult with the Board's Office of Environmental Analysis and the U.S. Fish and Wildlife Service - Missouri Ecological Services Field Office in Columbia, Missouri to develop appropriate mitigation measures, if necessary. Petitioners may not file a consummation notice or initiate any salvage or construction activities related to abandonment (including removal of tracks and ties) until the Section 7 consultation process is complete and the Board has removed this condition.
3. Prior to commencement of any salvage activities, Union Pacific Railroad Company and Jackson County, Missouri, shall consult with the U.S. Army Corps of Engineers, Kansas City District (Corps) and, if applicable, comply with the Corps' reasonable requirements.

If the above conditions are imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.