

From: [Bartlett, Alex](#)
To: [Riedel, Ashley D](#)
Cc: [Assenza, Adam](#); [Wolff, Mikenna](#)
Subject: RE: [EXTERNAL] Docket No. FD 36406, Port Authority of Kansas City - Request for Information and Comment
Date: Friday, May 7, 2021 2:27:05 PM
Attachments: [Port KC Initial Agency Consultation Letter USFWS Herrington.pdf](#)
[MOFO Project Evaluation Form for Port KC MRT Rail Project.docx](#)

Hi Ashley,

Attached is the letter from STB OEA dated 4/23/21 and the completed project evaluation form. Please note that project details relating to the limits of construction are unknown at this time. As a result, we're not able to definitively respond to the Decision Tree for Indiana Bat Consultations but have erred on the side of caution and indicated tree removal as a possibility.

We look forward to working with you as well! Please do not hesitate to reach-out with any questions.

Thanks!



ALEX BARTLETT | Manager – Environmental Planning |
+1.303.792.7827 direct | alex.bartlett@icf.com | icf.com
14123 Denver West Parkway, Ste. 100 | Golden, CO 80401 USA |

From: Riedel, Ashley D <ashley_riedel@fws.gov>
Sent: Friday, May 7, 2021 8:33 AM
To: Bartlett, Alex <Alex.Bartlett@icf.com>
Cc: Assenza, Adam <Adam.Assenza@stb.gov>
Subject: Fw: [EXTERNAL] Docket No. FD 36406, Port Authority of Kansas City - Request for Information and Comment

Good Morning Alex!

I will be reviewing your request for consultation on the proposed rail line in Kansas City. Could you complete the attached project review form and resend the associated documents you originally sent to Karen?

Thank you for your interest in the conservation of threatened and endangered species. I look forward to working with you!

Very Respectfully,

Ashley D. Riedel

Fish and Wildlife Biologist, USFWS

Missouri Ecological Services Field Office

101 Park Deville Drive, Suite A

Columbia, MO 65203

 573-234-2132 ext. 404*

*Teleworking - please email to schedule a call.

From: Bartlett, Alex <Alex.Bartlett@icf.com>

Sent: Friday, April 23, 2021 10:50 AM

To: Herrington, Karen <karen_herrington@fws.gov>

Cc: Assenza, Adam <Adam.Assenza@stb.gov>; Wolff, Mikenna <Mikenna.Wolff@icf.com>

Subject: [EXTERNAL] Docket No. FD 36406, Port Authority of Kansas City - Request for Information and Comment

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Greetings,

On behalf of the Surface Transportation Board's (STB) Office of Environmental Analysis (OEA), I am writing you to request your review of the attached documentation relating to an application by the Port Authority of Kansas City (Port KC) to construct and operate approximately 1.7 miles of new rail line (proposed rail line). The proposed rail line would connect the Missouri River and the Missouri River Terminal (MRT) to an interchange point with the Kansas City Terminal Railway Company (KCT) in Kansas City, Missouri. Following your review, please provide information from your agency on resources that could be affected by the proposed rail line, as well as any related permits and/or approvals.

The attached letter begins the process by which OEA will assess the potential environmental and cultural effects of the proposed rail line. Currently, the consultation period is 30 days and thus we kindly request your response by May 24, 2021.

Should you have any questions, please contact myself or OEA's Project Manager, Adam Assenza (Adam.Assenza@stb.gov).

Regards,

Alex

Project Manager, ICF, third-party consultant for OEA.

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From: [Riedel, Ashley D](#)
To: [Bartlett, Alex](#)
Cc: [Assenza, Adam](#); [Wolff, Mikenna](#)
Subject: Re: [EXTERNAL] Docket No. FD 36406, Port Authority of Kansas City - Request for Information and Comment
Date: Tuesday, May 18, 2021 12:57:05 PM

Hi Alex,

I've reviewed the documents you provided regarding the proposed rail line in Kansas City and after comparing our records, the species list provided by IPaC (which includes the Gray Bat *Myotis grisescens*, Indiana Bat *Myotis sodalis*, Northern Long-eared Bat *Myotis septentrionalis*, and Pallid Sturgeon *Scaphirhynchus albus*) appears to be accurate.

The habitat of the area does not appear to be adequate for the Western prairie-fringed orchid, of which there are no records within the project area.

Although red knots migrate through Missouri, records of sightings in the state are sparse and do not occur within the project area. In addition, red knots generally migrate in fall and spring in large flocks that are fairly easy to see, and thus avoid. These large flocks usually depart rest sites a few hours before sunrise when construction activities are likely to begin; therefore, they are not likely to be impacted by the project.

Given that no caves are disturbed, the gray bat is also not likely to be impacted by the project.

The impacts to the Indiana and northern long-eared bats will depend on tree felling activities and timelines, as well as site survey findings. Once a site visit has been conducted and you know the number of trees to be felled, we'll need to know how many trees at the site exhibit suitable roosting characteristics before we can proceed with a determination for those species.

Per the Official Species List provided by IPaC, suitable roosting site characteristics include "potential roosts (i.e., live trees and/or snags =5 inches diameter at breast height (dbh) for Indiana bat, and =3 inches dbh for northern long-eared bat, that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Tree species often include, but are not limited to, shellbark or shagbark hickory, white oak, cottonwood, and maple. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat"

In addition, records of pallid sturgeon do exist in the area. Therefore, we'll also need to know how close activities will take place to the Missouri River and Blue River, and what best management practices will be utilized before we can provide a determination for that species.

I hope this is helpful. Please let me know if you have any additional questions or concerns.

Very Respectfully,
Ashley D. Riedel
Fish and Wildlife Biologist, USFWS
Missouri Ecological Services Field Office
101 Park Deville Drive, Suite A
Columbia, MO 65203
573-234-2132 ext. 404*

*Teleworking - please email to schedule a call.

From: Bartlett, Alex <Alex.Bartlett@icf.com>
Sent: Friday, May 7, 2021 3:27 PM
To: Riedel, Ashley D <ashley_riedel@fws.gov>
Cc: Assenza, Adam <Adam.Assenza@stb.gov>; Wolff, Mikenna <Mikenna.Wolff@icf.com>
Subject: RE: [EXTERNAL] Docket No. FD 36406, Port Authority of Kansas City - Request for Information and Comment

Hi Ashley,

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Very Respectfully,
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Fish and Wildlife Biologist, USFWS
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101 Park Deville Drive, Suite A
Columbia, MO 65203



573-234-2132 ext. 404*

*Teleworking - please email to schedule a call.

From: Bartlett, Alex <Alex.Bartlett@icf.com>

Sent: Friday, April 23, 2021 10:50 AM

To: Herrington, Karen <karen_herrington@fws.gov>

Cc: Assenza, Adam <Adam.Assenza@stb.gov>; Wolff, Mikenna <Mikenna.Wolff@icf.com>

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Greetings,

On behalf of the Surface Transportation Board's (STB) Office of Environmental Analysis (OEA), I am writing you to request your review of the attached documentation relating to an application by the Port Authority of Kansas City (Port KC) to construct and operate approximately 1.7 miles of new rail line (proposed rail line). The proposed rail line would connect the Missouri River and the Missouri River Terminal (MRT) to an interchange point with the Kansas City Terminal Railway Company (KCT) in Kansas City, Missouri. Following your review, please provide information from your agency on resources that could be affected by the proposed rail line, as well as any related permits and/or approvals.

The attached letter begins the process by which OEA will assess the potential environmental and cultural effects of the proposed rail line. Currently, the consultation period is 30 days and thus we kindly request your response by May 24, 2021.

Should you have any questions, please contact myself or OEA's Project Manager, Adam Assenza (Adam.Assenza@stb.gov).

Regards,

Alex

Project Manager, ICF, third-party consultant for OEA.



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United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE MISSOURI ECOLOGICAL SERVICES FIELD OFFICE

101 PARK DEVILLE DRIVE, SUITE A
COLUMBIA, MO 65203
Telephone (573) 234-2132



PROJECT EVALUATION FORM

Purpose

The purpose of this form is to facilitate the Section 7 consultation process and to provide criteria that will enable you to determine the effect of a proposed project action. Projects that meet the below "No Effect" criteria do not require further consultation with the U.S. Fish and Wildlife Service under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544).

Section 7 Consultation

The Endangered Species Act (act) directs all federal agencies to work to conserve endangered and threatened species and to use their authorities to further the purposes of the act. Section 7 of the act, called "Interagency Cooperation," is the mechanism by which federal agencies ensure the actions they take, including those they fund or authorize (such as through a permit), do not jeopardize the existence of any listed species. Under this section, federal agencies must consult with the U.S. Fish and Wildlife Service when any of these such actions may affect a listed endangered or threatened species.

Questionnaire

1. Did you enter the project information in the Information for Planning and Consultation (IPaC) project tool?

☒ Yes, then provide your associated code ☐ No, then do so [here](#)

Consultation Code: 03E14000-2021-SLI-1550

Event Code: 03E14000-2021-E-04117

2. Is the action authorized, funded, or being carried out by Housing and Urban Development (HUD), including CDBG project?

☐ Yes ☒ No

3. Is your project located entirely within a "developed area" (an area that is already paved or supports structures and the only vegetation is limited to frequently mowed grass or conventional landscaping) AND does **not** entail any new construction activities?

☐ Yes, then No Effect ☒ No, then continue

4. Does the project entail any of the following?

a. The rehabilitation of existing buildings, if the rehabilitation does not significantly alter the present capacity or use?

☐ Yes, then No Effect ☒ No

b. The reconstruction or resurfacing of existing infrastructure (e.g., streets, sidewalks, wastewater sewer pipes, water supply pipes, etc.) without disturbance to previously undisturbed ground?

☐ Yes, then No Effect ☒ No

c. The removal of urban blight, through the demolition of unwanted and unsightly structures, provided that the locations for disposal and stockpiling of demolition debris are clearly described in project plans and do not contain plant or animal habitats?

☐ Yes, then No Effect ☒ No

d. The refinancing or remortgaging of existing buildings or structures?

☐ Yes, then No Effect ☒ No

5. Will the project require tree removal?

☒ Yes, then follow this [link](#) for assistance ☐ No

If you received a “No Effect” determination as a result of questions three or four, and answered “No” to question five, then you are finished.

Project Specifics

If you did not receive a “No Effect” determination as a result of questions three or four in the above questionnaire, or if you answered “Yes” to question five and did not receive a “No Effect” from the hyperlinked decision tree, then please provide a short description of the proposed project below for further consultation.

1. *Precise Location* – GPS coordinates of site: 39.118569, -94.467686. Refer to STB OEA consultation letter (dated April 23, 2021) and IPaC submission for additional information.
2. *Description* - Pursuant to 49 U.S.C. § 10901, the Port Authority of Kansas City (Port KC) intends to file for approval from the Surface Transportation Board (Board) to construct and operate approximately 1.7 miles of new rail line (proposed rail line) that would connect the Missouri River and the Missouri River Terminal (MRT) to an interchange point with the Kansas City Terminal Railway Company (KCT). The proposed rail line would consist of the construction of approximately 1.7 miles of new common carrier rail line on portions of the 415-acre MRT site. The proposed rail line would extend from the Missouri River to its interchange point with the Kansas City Terminal Railway Company (a Class III railroad that serves as a terminal railroad for five Class I owners). In addition to the proposed rail line, Port KC also intends to construct unregulated spur track within the meaning of 49 U.S.C. § 10906 on the MRT project site.
3. *Supplemental Information* – Please refer to STB OEA consultation letter (dated April 23, 2021) and IPaC submission for additional information



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

April 23, 2021

Karen Herrington
Field Supervisor
U.S. Fish and Wildlife Services, Missouri Ecological Services Field Office
101 Park DeVille Drive, Suite A
Columbia, MO 65203-0057

Re: Docket No. FD 36406, Port Authority of Kansas City – Construction and Operation Exemption – In Jackson and Clay Counties, Missouri; Preliminary Environmental Consultation

Dear Ms. Herrington:

Pursuant to 49 U.S.C. § 10901, the Port Authority of Kansas City (Port KC) intends to file for approval from the Surface Transportation Board (Board) to construct and operate approximately 1.7 miles of new rail line (proposed rail line) that would connect the Missouri River and the Missouri River Terminal (MRT) to an interchange point with the Kansas City Terminal Railway Company (KCT). As part of its licensing process, the Board, through its Office of Environmental Analysis (OEA), will conduct an environmental review of the proposed rail line in compliance with the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA) and the Board's environmental rules at 49 C.F.R. Part 1105. OEA will evaluate the potential environmental impacts of the proposed rail line as well as any other reasonable and feasible alternatives that may be identified during project planning.

The purpose of this letter is to advise you of the proposed rail line and to request information regarding the presence of federally-listed threatened and endangered species and designated critical habitat in the project area pursuant to Section 7(a)(2) of the Endangered Species Act (ESA). OEA also requests comments on species or resources protected by the Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, and the Fish and Wildlife Coordination Act.

Description of the Proposed Rail Line

The proposed rail line would consist of the construction of approximately 1.7 miles of new common carrier rail line on portions of the 415-acre MRT site. The proposed rail line would extend from the Missouri River to its interchange point with the Kansas City Terminal Railway Company (a Class III railroad that serves as a terminal railroad for five Class I owners). In addition to the proposed rail line, Port KC also intends to construct unregulated spur track within the meaning of 49 U.S.C. § 10906 on the MRT project site. Because the proposed rail line would be constructed within the confines of the MRT

project site¹, it would not cross any public or private roads (Attachment 1). Based on current plans, Port KC anticipates operating three trains per week on the proposed rail line.

Port KC states that it is developing the MRT as a multimodal freight center consisting of a common carrier railroad and transportation by river barge and motor carriage to expand the region's capacity for efficient management of intermodal containers into and out of the local area and regional freight market. It would also offer trans-loading of grains and oil seeds to the regional market. The MRT and the proposed rail line are also intended to promote development along the Blue River Industrial Corridor, a former industrial core within Kansas City, Missouri utilizing the anticipated economic benefits associated with freight movement through the MRT. Existing access to the MRT site is insufficient to accommodate the anticipated growth. As a result, new access roads to the MRT associated with the construction and operation of the proposed rail line may also be evaluated during OEA's environmental review.

OEA's review of the latest USFWS species list indicates that 3 federally threatened and 3 federally endangered species occur or potentially occur in Jackson and Clay Counties (see following table).

USFWS Species List for Jackson and Clay Counties, Missouri	
Species	Federal Status¹
Mammals	
Northern long-eared bat	Threatened
Indiana bat	Endangered
Gray bat	Endangered
Birds	
Red knot	Threatened
Fishes	
Pallid sturgeon	Endangered
Plants	
Western prairie fringed orchid	Threatened
Source: USFWS Environmental Conservation Online System (ECOS) (https://ecos.fws.gov/ecp/report/species-listings-by-current-range-county?fips=29095 and https://ecos.fws.gov/ecp/report/species-listings-by-current-range-county?fips=29047); accessed April 22, 2021.	

Request for Comments

We request either your concurrence or a revised species list within 30 days of your receipt of this letter, as well as any comments you may have on the Proposed Project's potential effects on federally-listed species and designated critical habitats. If we do not receive a response within 30 days, we will assume that you concur with the list we have provided and will proceed accordingly with our assessment of federally-listed species as required under Section 7(a)(2) of the ESA. Once the full extent of potential impacts to federally-listed species is determined, we will make a determination of effect regarding the potential impacts of the Proposed Project.

¹ The proposed MRT project site was previously utilized as a steel mill (GPS coordinates 39.11867 N, -94.46838 W) which has not been operational for more than 20 years.

We request your response by May 24, 2021 so that we may schedule surveys and conduct necessary follow-up activities.

Please send your written comments electronically to Adam Assenza, OEA's Project Manager for the environmental review, at Adam.Assenza@stb.gov or to OEA's third-party consultant project manager at ICF, Alex Bartlett at alex.bartlett@icf.com. If you have any questions or would like to discuss the proposed rail line in more detail, please contact Adam Assenza at 202-245-0301. We look forward to your participation in the Board's environmental review process.

Sincerely,

A handwritten signature in dark ink, appearing to read "Danielle Gosselin". The signature is fluid and cursive, with the first name "Danielle" written in a larger, more prominent script than the last name "Gosselin".

Danielle Gosselin
Acting Director
Office of Environmental Analysis

Attachments:

- 1 – Port KC MRT Rail Project Location
- 2 – Port KC MRT Rail Project Site Map

Attachment 1 – Port KC MRT Rail Project Location



Attachment 2 – Port KC MRT Rail Project Site Map

