



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

September 11, 2023

John Weber
Field Supervisor
USFWS Missouri Ecological Services Field Office
101 Park Deville Drive
Suite A
Columbia, MO 65203
john_s_weber@fws.gov

Re: Docket No. FD 36500, Canadian Pacific Railway Limited, et al.—Control of—Kansas City Southern Railway, et al.; **USFWS Informal Section 7 Consultation** – Consultation Codes: 03E14000-2022-SLI-413 (Blue Valley); 03E14000-2022-SLI-0412 (MP 431 Dawn); 03E14000-2022-SLI-0416 (MP 186 Goodman)

Dear Mr. Weber:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is re-initiating consultation for the above referenced project to address the reclassification of the northern long-eared bat as endangered. On March 15, 2023, the Board authorized Canadian Pacific Railway Limited's acquisition of control of Kansas City Southern Railway, subject to conditions, resulting in the merged railroad Canadian Pacific Kansas City (CPKC). As explained during OEA's previous informal consultation with the Missouri Ecological Services Field Office in 2022, the Board's authorization of CPKC is projected to cause an increase in rail traffic along existing rail lines and result in planned capital improvements along sections of the existing rail lines, including in Missouri. This informal consultation concluded with a concurring email from your office (from Joshua Hundley on July 8, 2022) (Attachment A). OEA subsequently followed up with your office after the proposed listing of the tricolored bat, which resulted in your office acknowledging OEA's determination and providing no additional comments (Attachment A).

Background

As a result of the acquisition, the average rail traffic is expected to increase on certain rail lines within the combined CPKC network because freight would be diverted from rail lines owned by other railroad companies and from truck transportation to rail transportation. To accommodate the projected increase in rail traffic, CPKC has begun to make certain capital improvements within the existing rail right-of-way (ROW).

In Missouri, the planned capital improvements include adding new passing sidings, extending existing sidings, or adding a double track. Construction activities associated with those capital improvements have the potential to affect federally listed threatened or endangered species, if any are present within the existing rail ROW. The planned capital improvements could also involve replacing or extending existing railroad bridges and culverts to accommodate the new or extended siding or double track.

During OEA's informal consultation with the U.S. Fish and Wildlife Service (USFWS) in 2022, OEA explained that field work was conducted in January 2022 to characterize the existing habitat at each planned capital improvement location. Prior to conducting field work, OEA used the USFWS Information for Planning and Consultation (IPaC) tool and correspondence from the Missouri Department of Conservation to determine the species of concern for each planned capital improvement location. Based on habitat-level field work, OEA identified suitable roosting and foraging habitat within the existing ROW for the northern long-eared bat (*Myotis septentrionalis*) and Indiana bat (*Myotis sodalis*) at several planned capital improvements in Missouri. In its March 2023 decision, the Board imposed multiple mitigation measures recommended by OEA to protect the northern long-eared and Indiana bat during the construction of the planned capital improvements, as detailed in Attachment B to this letter. These measures include requirements to conduct tree clearing and work on structures that provide suitable roosting habitat outside of the active season (April 1 to October 31), as well as measures related to installing lighting. Based on the mitigation developed as part of the NEPA process, OEA had determined that the Proposed Acquisition **may affect, but is not likely to adversely affect** the northern long-eared bat and Indiana bat. As noted above, the Missouri Field Office concurred with OEA's determination on July 8, 2022.

Blue Valley, MP 431 (Dawn), MP 186 (Goodman) Capital Improvements

CPKC is currently applying for a Clean Water Act (CWA) Section 404 Individual Permit from the U.S. Army Corp of Engineers (USACE) to construct the proposed capital improvement at MP 431 (Dawn), Missouri. The MP 431 capital improvement contains habitat for the northern long-eared bat. Per the USFWS final rule published on March 31, 2023, the northern long-eared bat has been reclassified as endangered under the Endangered Species Act. Therefore, USACE has requested that OEA (as the lead Federal Agency for the EIS) re-submit consultation with USFWS and include all currently listed species. OEA generated new species lists in USFWS' IPaC website and confirmed the same species (including bat species) consulted on in the 2022 consultation are potentially present in the project area (Attachment C).

In addition, OEA anticipates that CPKC might need CWA Section 404 permits for two more capital improvements in Missouri where habitat for the northern long-eared bat was found. Those locations are Blue Valley and MP 186 (Goodman), Missouri. Maps of these planned capital improvement locations in Missouri are appended to this letter (Attachment D). OEA generated new species lists in USFWS' IPaC website for these two locations and confirmed the same species (including bat species) consulted on in the 2022 consultation are potentially present in the project areas (Attachment C). In addition, a new species was Proposed – alligator snapping turtle – since the last consultation and IPaC indicates it could occur or potentially occur at the MP 186 (Goodman) project location. While this species can be found in a variety of

habitats, it is generally found in deeper waters of large rivers and their major tributaries;¹ this habitat is not found in or around the MP 186 (Goodman) project location. Therefore, OEA does not anticipate the MP 186 project would be likely to jeopardize the continued existence of the species and is not requesting a conference with USFWS.²

Table 1 summarizes the planned capital improvement locations in Missouri containing suitable habitats for the northern long-eared bat. The attached maps show suitable forested bat habitat and suitable bat roosting structures within the ROW of those three planned capital improvement locations (Attachment D). With implementation of the measures in Attachment B, OEA concludes that the capital improvement projects would still result in a **may affect, not likely to adversely affect** determination for the northern long-eared bat under the endangered status. OEA requests the USFWS' concurrence on this determination.

Table 1. Planned capital improvement locations in Missouri with suitable northern long-eared bat habitats.

Common and Scientific Name	Capital Improvement Location	Federal Status	Suitable Habitat	Recommended Effects Determination
Northern long-eared bat (<i>Myotis septentrionalis</i>)	MP 431 (Dawn), Livingston County, new siding Blue Valley, Jackson County, double track MP 186, (Goodman) McDonald County, new siding	Endangered	Suitable roosting and foraging habitat for the northern long-eared bat was present throughout the study area. Roosting habitat was identified in the forested areas along edges of railroad ROW, under multiple bridges, and in multiple culverts throughout the study area. Foraging habitat was present in the canopy-enclosed flyways of forested edges of railroad ROW, adjacent roads, and throughout riparian corridors. Habitat impacts: MP 431 (7.6 acres), Blue Valley (9.4 acres), and MP 186 (0.7 acres).	May affect, not likely to adversely affect

We appreciate your review and assistance in the consultation process and look forward to hearing from you. For further information or questions, please contact Elizabeth Webster at

¹ 86 FR 62434

² Per ESA Section 7(a)(4), a conference is required only when the Federal agency's proposed action is likely to jeopardize the continued existence of a proposed species or destroy or adversely modify proposed critical habitat.

Elizabeth.Webster@stb.gov or 202-360-0742. For further information about the merger, you may also visit the Board-sponsored project website at www.CP-KCSMergerEIS.com.

Sincerely,

A handwritten signature in black 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
Director
Office of Environmental Analysis

ATTACHMENT A: 2022 Consultation Correspondence [Consultation Codes: 03E14000-2022-SLI-413 (Blue Valley); 03E14000-2022-SLI-0412 (MP 431 Dawn); 03E14000-2022-SLI-0416 (MP 186 Goodman)]

From: [Hundley, Joshua T](#)
To: [Sydney Feldt](#)
Subject: Re: [EXTERNAL] CP/KCS Merger, STB Docket No. FD 36500, USFWS Informal Consultation Letter-Missouri
Date: Friday, July 8, 2022 11:01:06 AM

Dear Ms. Feldt,

The U.S. Fish and Wildlife Service (Service) has reviewed the information provided in your June 6, 2022 letter regarding the proposed Canadian Pacific Railway Limited, et al. and Kansas City Southern Railway, et al. Capital Improvement Projects in Cass, Grundy, Jackson, Jasper, Livingston, McDonald, and Sullivan counties, Missouri. The Service offers the following comments pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544).

The Service concurs with your "may affect, but not likely to adversely affect" (NLAA) determination for the Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*).

Thank you for your interest in the conservation of threatened and endangered species.

Josh Hundley
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Missouri Ecological Services Field Office
101 Park DeVille Drive, Suite A
Columbia, MO 65203-0057
573-234-5037 (office)
573-540-3829 (cell)

From: Sydney Feldt
Sent: Monday, June 6, 2022 1:01 PM
To: Herrington, Karen <karen_herrington@fws.gov>
Subject: [EXTERNAL] CP/KCS Merger, STB Docket No. FD 36500, USFWS Informal Consultation Letter-Missouri

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

Good afternoon,

On behalf of the Surface Transportation Board's Office of Environmental Analysis, please find the attached informal consultation letter for Docket No. FD 36500, Canadian Pacific Railway Limited, et al.—Control of—
Kansas City Southern Railway, et al.

Thank you,
Sydney

Sydney Feldt
Environmental Planner



Engineers | Scientists | Planners | Designers
www.vhb.com

VHB Viewpoints
[Explore trends](#) and critical issues with our thought leaders.

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Vanasse Hangen Brustlin, Inc. | info@vhb.com

From: [Hundley, Joshua T](#)
To: [Sydney Feldt](#)
Subject: Re: [EXTERNAL] RE: CP/KCS Merger, STB Docket No. FD 36500, USFWS Updated Informal Consultation Letter-Missouri
Date: Tuesday, December 27, 2022 10:55:24 AM

Hi Sydney,

Thanks for the follow-up email, December has been busy and few emails are buried. So, technically under ESA we cannot consult on proposed species, mainly because the proposal can be withdrawn. That's never happened, but it is a possibility. Below is the language we were given to send out.

*On September 14, 2022, the U.S. Fish and Wildlife Service (Service) published a proposal in the Federal Register to list the tricolored bat (*Perimyotis subflavus*) as endangered under the Endangered Species Act (ESA). The Service has up to 12-months from the date the proposal published to make a final determination, either to list the tricolored bat under the Act or to withdraw the proposal. The Service determined the bat faces extinction primarily due to the rangewide impacts of white-nose syndrome (WNS), a deadly fungal disease affecting cave-dwelling bats across North America. Because tricolored bat populations have been greatly reduced due to WNS, surviving bat populations are now more vulnerable to other stressors such as human disturbance and habitat loss.*

Species proposed for listing are not afforded protection under the Act; however, as soon as a listing becomes effective (typically 30 days after publication of the final rule in the Federal Register), the prohibitions against jeopardizing its continued existence and “take” will apply. Therefore, if your future or existing project has the potential to adversely affect tricolored bats after the potential new listing goes into effect, we recommend that the effects of the project on tricolored bat and their habitat be analyzed to determine whether authorization under ESA section 7 or 10 is necessary. Projects with an existing section 7 biological opinion may require reinitiation of consultation, and projects with an existing section 10 incidental take permit may require an amendment to provide uninterrupted authorization for covered activities. Contact your local U.S. Fish and Wildlife Service Ecological Services Office for assistance.

Hope this helps.

Josh Hundley
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Missouri Ecological Services Field Office
101 Park DeVille Drive, Suite A
Columbia, MO 65203-0057
573-234-5037 (office)

ATTACHMENT B: NORTHERN LONG-EARED BAT AND INDIANA BAT MITIGATION MEASURES IMPOSED BY THE BOARD

The Board's decision on March 15, 2023 required CPKC to adhere to environmental conditions, including the following measures:

- The Applicants will not conduct construction-related tree removal for the Capital Improvement Projects during the active season for the Indiana bat and the northern long-eared bat (April 1 to October 31).
- During the construction of the Capital Improvement Projects, the Applicants will take steps to reduce the unnecessary removal of bat habitat outside of active bat season by limiting tree removal to only the areas necessary to safely construct and operate the new siding or second track, marking the limits of tree clearing through the use of flagging or fencing, and ensuring that construction contractors understand clearing limits and how they are marked in the field.
- Where practicable, the Applicants will conduct any culvert or bridge removal as part of the Capital Improvement Projects outside of the roosting period of bat species, specific to each planned capital improvement location. Where practicable, if bridge or culvert removal is required during the bat roosting period where the individual planned capital improvement is located, the Applicants will consult with OEA and the local office of the U.S. Fish and Wildlife Service (USFWS) on appropriate methods to determine if bats are using the bridge or culvert as a roost.
- If construction of the Capital Improvement Projects would require removal or alteration of bridges, culverts, or other structures that provide suitable habitat for the northern long-eared bat or the Indiana bat during the active season for those species (April 1 to October 31), the Applicants will first conduct an inspection for the presence of or evidence of use by bats. The inspection will be completed by a qualified biologist. If the inspection finds bats or evidence of bats, then the Applicants will not commence work on the structure until coordinating with OEA and USFWS to determine appropriate follow-up or mitigative actions. The inspection must be completed during the same year that the work takes place.
- During construction of the Capital Improvement Projects, the Applicants will direct any temporary lighting away from suitable habitat for the northern long-eared bat or the Indiana bat during the active season for those species (April 1 to October 31). The Applicants will use downward-facing, full cut-off lens lights for any temporary lighting used during the construction of the planned capital improvements.
- If the Capital Improvement Projects would involve installing any new, or replacing any existing, permanent lights, the Applicants will use downward-facing, full cut-off lens lights (with the same intensity or less for replacement lighting).

ATTACHMENT C: 2023 USFWS Species Lists for Blue Valley, MP 186 (Goodman), and MP 431 (Dawn)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Missouri Ecological Services Field Office
101 Park Deville Drive
Suite A
Columbia, MO 65203-0057
Phone: (573) 234-2132 Fax: (573) 234-2181



In Reply Refer To:

August 17, 2023

Project Code: 2023-0118443

Project Name: Canadian Pacific Acquisition of Kansas City Southern

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Threatened and Endangered Species

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and may be affected by your proposed project. The species list fulfills the requirement for obtaining a Technical Assistance Letter from the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. **Note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days.** The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

Consultation Technical Assistance

Refer to the Midwest Region [S7 Technical Assistance](#) website for step-by-step instructions for making species determinations and for specific guidance on the following types of projects:

projects in developed areas, HUD, pipelines, buried utilities, telecommunications, and requests for a Conditional Letter of Map Revision (CLOMR) from FEMA.

Federally Listed Bat Species

Indiana bats, gray bats, and northern long-eared bats occur throughout Missouri and the information below may help in determining if your project may affect these species.

Gray bats - Gray bats roost in caves or mines year-round and use water features and forested riparian corridors for foraging and travel. If your project will impact caves, mines, associated riparian areas, or will involve tree removal around these features – particularly within stream corridors, riparian areas, or associated upland woodlots –gray bats could be affected.

Indiana and northern long-eared bats - These species hibernate in caves or mines only during the winter. In Missouri the hibernation season is considered to be November 1 to March 31. During the active season in Missouri (April 1 to October 31) they roost in forest and woodland habitats. Suitable summer habitat for Indiana bats and northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing 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. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, Indiana bats or northern long-eared bats could be affected.

Examples of unsuitable habitat include:

- Individual trees that are greater than 1,000 feet from forested or wooded areas;
- Trees found in highly-developed urban areas (e.g., street trees, downtown areas);
- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees; and
- A stand of eastern red cedar shrubby vegetation with no potential roost trees.

Using the IPaC Official Species List to Make No Effect and May Affect Determinations for Listed Species

1. If IPaC returns a result of “There are no listed species found within the vicinity of the project,” then project proponents can conclude the proposed activities will have **no effect** on any federally listed species under Service jurisdiction. Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records. An example ["No Effect" document](#) also can be found on the S7 Technical Assistance website.

2. If IPaC returns one or more federally listed, proposed, or candidate species as potentially present in the action area of the proposed project – other than bats (see #3 below) – then project proponents can conclude the proposed activities **may affect** those species. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain [Life History Information for Listed and Candidate Species](#) through the Species website.
3. If IPaC returns a result that one or more federally listed bat species (Indiana bat, northern long-eared bat, or gray bat) are potentially present in the action area of the proposed project, project proponents can conclude the proposed activities **may affect** these bat species **IF** one or more of the following activities are proposed:
 - a. Clearing or disturbing suitable roosting habitat, as defined above, at any time of year;
 - b. Any activity in or near the entrance to a cave or mine;
 - c. Mining, deep excavation, or underground work within 0.25 miles of a cave or mine;
 - d. Construction of one or more wind turbines; or
 - e. Demolition or reconstruction of human-made structures that are known to be used by bats based on observations of roosting bats, bats emerging at dusk, or guano deposits or stains.

If none of the above activities are proposed, project proponents can conclude the proposed activities will have **no effect** on listed bat species. Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records. An example ["No Effect" document](#) also can be found on the S7 Technical Assistance website.

If any of the above activities are proposed in areas where one or more bat species may be present, project proponents can conclude the proposed activities **may affect** one or more bat species. We recommend coordinating with the Service as early as possible during project planning. If your project will involve removal of over 5 acres of suitable forest or woodland habitat, we recommend you complete a Summer Habitat Assessment prior to contacting our office to expedite the consultation process. The Summer Habitat Assessment Form is available in Appendix A of the most recent version of the [Range-wide Indiana Bat Summer Survey Guidelines](#).

Other Trust Resources and Activities

Bald and Golden Eagles - Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. Should bald or golden eagles occur within or near the project area please contact our office for further coordination. For communication and wind energy projects, please refer to additional guidelines below.

Migratory Birds - The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Service. The Service has the responsibility under the MBTA

to proactively prevent the mortality of migratory birds whenever possible and we encourage implementation of recommendations that minimize potential impacts to migratory birds. Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.

Communication Towers - Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed [voluntary guidelines for minimizing impacts](#).

Transmission Lines - Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on uninsulated or unguarded power poles. To minimize these risks, please refer to [guidelines](#) developed by the Avian Power Line Interaction Committee and the Service. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas that support large numbers of raptors and migratory birds.

Wind Energy - To minimize impacts to migratory birds and bats, wind energy projects should follow the Service's [Wind Energy Guidelines](#). In addition, please refer to the Service's [Eagle Conservation Plan Guidance](#), which provides guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities.

Next Steps

Should you determine that project activities **may affect** any federally listed species or trust resources described herein, please contact our office for further coordination. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

If you have not already done so, please contact the Missouri Department of Conservation (Policy Coordination, P. O. Box 180, Jefferson City, MO 65102) for information concerning Missouri Natural Communities and Species of Conservation Concern.

We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

John Weber

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether

any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Missouri Ecological Services Field Office

101 Park Deville Drive

Suite A

Columbia, MO 65203-0057

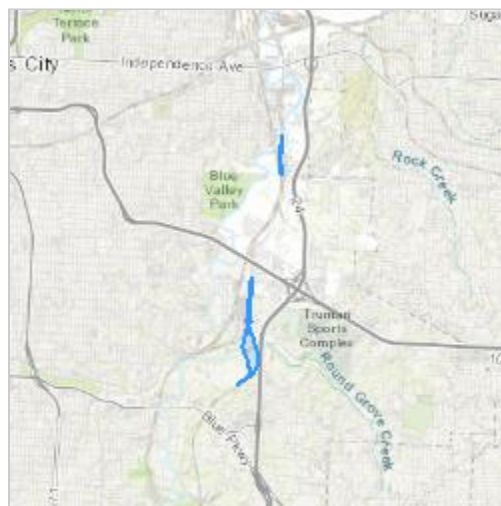
(573) 234-2132

PROJECT SUMMARY

Project Code: 2023-0118443
Project Name: Canadian Pacific Acquisition of Kansas City Southern
Project Type: Railroad - New Construction
Project Description: Canadian Pacific Railway Limited, et al. (CP) and Kansas City Southern et al. (KCS) (collectively Applicants) applied for authority from the Surface Transportation Board (STB) for CP to acquire KCS. To support the expected increase in rail traffic on the existing rail line due to the acquisition, the Applicants plan to make capital improvements within the existing rail right-of-way, which would include adding/constructing new passing sidings, extending existing sidings, adding a section of double track, and adding facility working track at certain locations along the existing rail line. One of these capital improvements occurs in two areas in Jackson County, Missouri. The work includes ground clearing activities and tree clearing. The STB's Office of Environmental Analysis (OEA) prepared a Final Environmental Impact Statement that analyzed the environmental impacts of the proposed acquisition and the STB authorized the acquisition on March 15, 2023. OEA previously consulted with the Missouri USFWS Field Office as part of the NEPA process and completed the ESA Section 7 process in November 2022. OEA is requesting a new species list due to the status change of the northern long-eared bat and may need to re-open consultation for the species.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.050263799999996,-94.50302777143125,14z>



Counties: Jackson County, Missouri

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329	Endangered
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949 General project design guidelines: https://ipac.ecosphere.fws.gov/project/S64EEVXDLNE5LB3BX4OJFPRTZ4/documents/generated/6868.pdf	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045 General project design guidelines: https://ipac.ecosphere.fws.gov/project/S64EEVXDLNE5LB3BX4OJFPRTZ4/documents/generated/6868.pdf	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: David Johnson
Address: 1001 G Street NW
Address Line 2: Suite 1125
City: Washington
State: DC
Zip: 20001
Email: dcjohnson@vhb.com
Phone: 2023600742

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Surface Transportation Board
Name: Elizabeth Webster
Email: Elizabeth.Webster@stb.gov
Phone: 2023600742



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Missouri Ecological Services Field Office
101 Park Deville Drive
Suite A
Columbia, MO 65203-0057
Phone: (573) 234-2132 Fax: (573) 234-2181



In Reply Refer To:

August 17, 2023

Project Code: 2023-0118436

Project Name: Canadian Pacific Acquisition of Kansas City Southern

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Threatened and Endangered Species

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and may be affected by your proposed project. The species list fulfills the requirement for obtaining a Technical Assistance Letter from the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. **Note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days.** The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

Consultation Technical Assistance

Refer to the Midwest Region [S7 Technical Assistance](#) website for step-by-step instructions for making species determinations and for specific guidance on the following types of projects:

projects in developed areas, HUD, pipelines, buried utilities, telecommunications, and requests for a Conditional Letter of Map Revision (CLOMR) from FEMA.

Federally Listed Bat Species

Indiana bats, gray bats, and northern long-eared bats occur throughout Missouri and the information below may help in determining if your project may affect these species.

Gray bats - Gray bats roost in caves or mines year-round and use water features and forested riparian corridors for foraging and travel. If your project will impact caves, mines, associated riparian areas, or will involve tree removal around these features – particularly within stream corridors, riparian areas, or associated upland woodlots –gray bats could be affected.

Indiana and northern long-eared bats - These species hibernate in caves or mines only during the winter. In Missouri the hibernation season is considered to be November 1 to March 31. During the active season in Missouri (April 1 to October 31) they roost in forest and woodland habitats. Suitable summer habitat for Indiana bats and northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing 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. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, Indiana bats or northern long-eared bats could be affected.

Examples of unsuitable habitat include:

- Individual trees that are greater than 1,000 feet from forested or wooded areas;
- Trees found in highly-developed urban areas (e.g., street trees, downtown areas);
- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees; and
- A stand of eastern red cedar shrubby vegetation with no potential roost trees.

Using the IPaC Official Species List to Make No Effect and May Affect Determinations for Listed Species

1. If IPaC returns a result of “There are no listed species found within the vicinity of the project,” then project proponents can conclude the proposed activities will have **no effect** on any federally listed species under Service jurisdiction. Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records. An example ["No Effect" document](#) also can be found on the S7 Technical Assistance website.
-

2. If IPaC returns one or more federally listed, proposed, or candidate species as potentially present in the action area of the proposed project – other than bats (see #3 below) – then project proponents can conclude the proposed activities **may affect** those species. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain [Life History Information for Listed and Candidate Species](#) through the Species website.
3. If IPaC returns a result that one or more federally listed bat species (Indiana bat, northern long-eared bat, or gray bat) are potentially present in the action area of the proposed project, project proponents can conclude the proposed activities **may affect** these bat species **IF** one or more of the following activities are proposed:
 - a. Clearing or disturbing suitable roosting habitat, as defined above, at any time of year;
 - b. Any activity in or near the entrance to a cave or mine;
 - c. Mining, deep excavation, or underground work within 0.25 miles of a cave or mine;
 - d. Construction of one or more wind turbines; or
 - e. Demolition or reconstruction of human-made structures that are known to be used by bats based on observations of roosting bats, bats emerging at dusk, or guano deposits or stains.

If none of the above activities are proposed, project proponents can conclude the proposed activities will have **no effect** on listed bat species. Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records. An example ["No Effect" document](#) also can be found on the S7 Technical Assistance website.

If any of the above activities are proposed in areas where one or more bat species may be present, project proponents can conclude the proposed activities **may affect** one or more bat species. We recommend coordinating with the Service as early as possible during project planning. If your project will involve removal of over 5 acres of suitable forest or woodland habitat, we recommend you complete a Summer Habitat Assessment prior to contacting our office to expedite the consultation process. The Summer Habitat Assessment Form is available in Appendix A of the most recent version of the [Range-wide Indiana Bat Summer Survey Guidelines](#).

Other Trust Resources and Activities

Bald and Golden Eagles - Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. Should bald or golden eagles occur within or near the project area please contact our office for further coordination. For communication and wind energy projects, please refer to additional guidelines below.

Migratory Birds - The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Service. The Service has the responsibility under the MBTA

to proactively prevent the mortality of migratory birds whenever possible and we encourage implementation of recommendations that minimize potential impacts to migratory birds. Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.

Communication Towers - Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed [voluntary guidelines for minimizing impacts](#).

Transmission Lines - Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on uninsulated or unguarded power poles. To minimize these risks, please refer to [guidelines](#) developed by the Avian Power Line Interaction Committee and the Service. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas that support large numbers of raptors and migratory birds.

Wind Energy - To minimize impacts to migratory birds and bats, wind energy projects should follow the Service's [Wind Energy Guidelines](#). In addition, please refer to the Service's [Eagle Conservation Plan Guidance](#), which provides guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities.

Next Steps

Should you determine that project activities **may affect** any federally listed species or trust resources described herein, please contact our office for further coordination. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

If you have not already done so, please contact the Missouri Department of Conservation (Policy Coordination, P. O. Box 180, Jefferson City, MO 65102) for information concerning Missouri Natural Communities and Species of Conservation Concern.

We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

John Weber

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether

any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Missouri Ecological Services Field Office

101 Park Deville Drive

Suite A

Columbia, MO 65203-0057

(573) 234-2132

PROJECT SUMMARY

Project Code: 2023-0118436
Project Name: Canadian Pacific Acquisition of Kansas City Southern
Project Type: Railroad - New Construction
Project Description: Canadian Pacific Railway Limited, et al. (CP) and Kansas City Southern et al. (KCS) (collectively Applicants) applied for authority from the Surface Transportation Board (STB) for CP to acquire KCS. To support the expected increase in rail traffic on the existing rail line due to the acquisition, the Applicants plan to make capital improvements within the existing rail right-of-way, which would include adding/constructing new passing sidings, extending existing sidings, adding a section of double track, and adding facility working track at certain locations along the existing rail line. One of these capital improvements occurs in McDonald County, Missouri. The work includes ground clearing activities and tree clearing. The STB's Office of Environmental Analysis (OEA) prepared a Final Environmental Impact Statement that analyzed the environmental impacts of the proposed acquisition and the STB authorized the acquisition on March 15, 2023. OEA previously consulted with the Missouri USFWS Field Office as part of the NEPA process and completed the ESA Section 7 process in November 2022. OEA is requesting a new species list due to the status change of the northern long-eared bat and may need to re-open consultation for the species.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@36.70083415,-94.43003594728964,14z>



Counties: McDonald County, Missouri

ENDANGERED SPECIES ACT SPECIES

There is a total of 7 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329	Endangered
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949 General project design guidelines: https://ipac.ecosphere.fws.gov/project/PDVUFE46OBBK3DXQEATB35GSTA/documents/generated/6868.pdf	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045 General project design guidelines: https://ipac.ecosphere.fws.gov/project/PDVUFE46OBBK3DXQEATB35GSTA/documents/generated/6868.pdf	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

REPTILES

NAME	STATUS
Alligator Snapping Turtle <i>Macrochelys temminckii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4658	Proposed Threatened

CLAMS

NAME	STATUS
Neosho Mucket <i>Lampsilis rafinesqueana</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3788	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: David Johnson
Address: 1001 G Street NW
Address Line 2: Suite 1125
City: Washington
State: DC
Zip: 20001
Email: dcjohnson@vhb.com
Phone: 2023600742

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Surface Transportation Board
Name: Elizabeth Webster
Email: Elizabeth.Webster@stb.gov
Phone: 2023600742



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Missouri Ecological Services Field Office
101 Park Deville Drive
Suite A
Columbia, MO 65203-0057
Phone: (573) 234-2132 Fax: (573) 234-2181



In Reply Refer To:

August 17, 2023

Project Code: 2023-0118400

Project Name: Canadian Pacific Acquisition of Kansas City Southern

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Threatened and Endangered Species

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and may be affected by your proposed project. The species list fulfills the requirement for obtaining a Technical Assistance Letter from the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. **Note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days.** The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

Consultation Technical Assistance

Refer to the Midwest Region [S7 Technical Assistance](#) website for step-by-step instructions for making species determinations and for specific guidance on the following types of projects:

projects in developed areas, HUD, pipelines, buried utilities, telecommunications, and requests for a Conditional Letter of Map Revision (CLOMR) from FEMA.

Federally Listed Bat Species

Indiana bats, gray bats, and northern long-eared bats occur throughout Missouri and the information below may help in determining if your project may affect these species.

Gray bats - Gray bats roost in caves or mines year-round and use water features and forested riparian corridors for foraging and travel. If your project will impact caves, mines, associated riparian areas, or will involve tree removal around these features – particularly within stream corridors, riparian areas, or associated upland woodlots –gray bats could be affected.

Indiana and northern long-eared bats - These species hibernate in caves or mines only during the winter. In Missouri the hibernation season is considered to be November 1 to March 31. During the active season in Missouri (April 1 to October 31) they roost in forest and woodland habitats. Suitable summer habitat for Indiana bats and northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing 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. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, Indiana bats or northern long-eared bats could be affected.

Examples of unsuitable habitat include:

- Individual trees that are greater than 1,000 feet from forested or wooded areas;
- Trees found in highly-developed urban areas (e.g., street trees, downtown areas);
- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees; and
- A stand of eastern red cedar shrubby vegetation with no potential roost trees.

Using the IPaC Official Species List to Make No Effect and May Affect Determinations for Listed Species

1. If IPaC returns a result of “There are no listed species found within the vicinity of the project,” then project proponents can conclude the proposed activities will have **no effect** on any federally listed species under Service jurisdiction. Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records. An example ["No Effect" document](#) also can be found on the S7 Technical Assistance website.
-

2. If IPaC returns one or more federally listed, proposed, or candidate species as potentially present in the action area of the proposed project – other than bats (see #3 below) – then project proponents can conclude the proposed activities **may affect** those species. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain [Life History Information for Listed and Candidate Species](#) through the Species website.
3. If IPaC returns a result that one or more federally listed bat species (Indiana bat, northern long-eared bat, or gray bat) are potentially present in the action area of the proposed project, project proponents can conclude the proposed activities **may affect** these bat species **IF** one or more of the following activities are proposed:
 - a. Clearing or disturbing suitable roosting habitat, as defined above, at any time of year;
 - b. Any activity in or near the entrance to a cave or mine;
 - c. Mining, deep excavation, or underground work within 0.25 miles of a cave or mine;
 - d. Construction of one or more wind turbines; or
 - e. Demolition or reconstruction of human-made structures that are known to be used by bats based on observations of roosting bats, bats emerging at dusk, or guano deposits or stains.

If none of the above activities are proposed, project proponents can conclude the proposed activities will have **no effect** on listed bat species. Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records. An example ["No Effect" document](#) also can be found on the S7 Technical Assistance website.

If any of the above activities are proposed in areas where one or more bat species may be present, project proponents can conclude the proposed activities **may affect** one or more bat species. We recommend coordinating with the Service as early as possible during project planning. If your project will involve removal of over 5 acres of suitable forest or woodland habitat, we recommend you complete a Summer Habitat Assessment prior to contacting our office to expedite the consultation process. The Summer Habitat Assessment Form is available in Appendix A of the most recent version of the [Range-wide Indiana Bat Summer Survey Guidelines](#).

Other Trust Resources and Activities

Bald and Golden Eagles - Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. Should bald or golden eagles occur within or near the project area please contact our office for further coordination. For communication and wind energy projects, please refer to additional guidelines below.

Migratory Birds - The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Service. The Service has the responsibility under the MBTA

to proactively prevent the mortality of migratory birds whenever possible and we encourage implementation of recommendations that minimize potential impacts to migratory birds. Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.

Communication Towers - Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed [voluntary guidelines for minimizing impacts](#).

Transmission Lines - Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on uninsulated or unguarded power poles. To minimize these risks, please refer to [guidelines](#) developed by the Avian Power Line Interaction Committee and the Service. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas that support large numbers of raptors and migratory birds.

Wind Energy - To minimize impacts to migratory birds and bats, wind energy projects should follow the Service's [Wind Energy Guidelines](#). In addition, please refer to the Service's [Eagle Conservation Plan Guidance](#), which provides guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities.

Next Steps

Should you determine that project activities **may affect** any federally listed species or trust resources described herein, please contact our office for further coordination. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

If you have not already done so, please contact the Missouri Department of Conservation (Policy Coordination, P. O. Box 180, Jefferson City, MO 65102) for information concerning Missouri Natural Communities and Species of Conservation Concern.

We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

John Weber

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether

any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Missouri Ecological Services Field Office

101 Park Deville Drive

Suite A

Columbia, MO 65203-0057

(573) 234-2132

PROJECT SUMMARY

Project Code: 2023-0118400
Project Name: Canadian Pacific Acquisition of Kansas City Southern
Project Type: Railroad - New Construction
Project Description: Canadian Pacific Railway Limited, et al. (CP) and Kansas City Southern et al. (KCS) (collectively Applicants) applied for authority from the Surface Transportation Board (STB) for CP to acquire KCS. To support the expected increase in rail traffic on the existing rail line due to the acquisition, the Applicants plan to make capital improvements within the existing rail right-of-way, which would include adding/constructing new passing sidings, extending existing sidings, adding a section of double track, and adding facility working track at certain locations along the existing rail line. One of these capital improvements occurs in Livingston County, Missouri. The work includes ground clearing activities and tree clearing. The STB's Office of Environmental Analysis (OEA) prepared a Final Environmental Impact Statement that analyzed the environmental impacts of the proposed acquisition and the STB authorized the acquisition on March 15, 2023. OEA previously consulted with the Missouri USFWS Field Office as part of the NEPA process and completed the ESA Section 7 process in November 2022. OEA is requesting a new species list due to the status change of the northern long-eared bat and may need to re-open consultation for the species.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.7104055,-93.61185047346967,14z>



Counties: Livingston County, Missouri

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329	Endangered
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949 General project design guidelines: https://ipac.ecosphere.fws.gov/project/MXXR7A2OT5B7DF7SOG3Y5VD7JE/documents/generated/6868.pdf	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045 General project design guidelines: https://ipac.ecosphere.fws.gov/project/MXXR7A2OT5B7DF7SOG3Y5VD7JE/documents/generated/6868.pdf	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

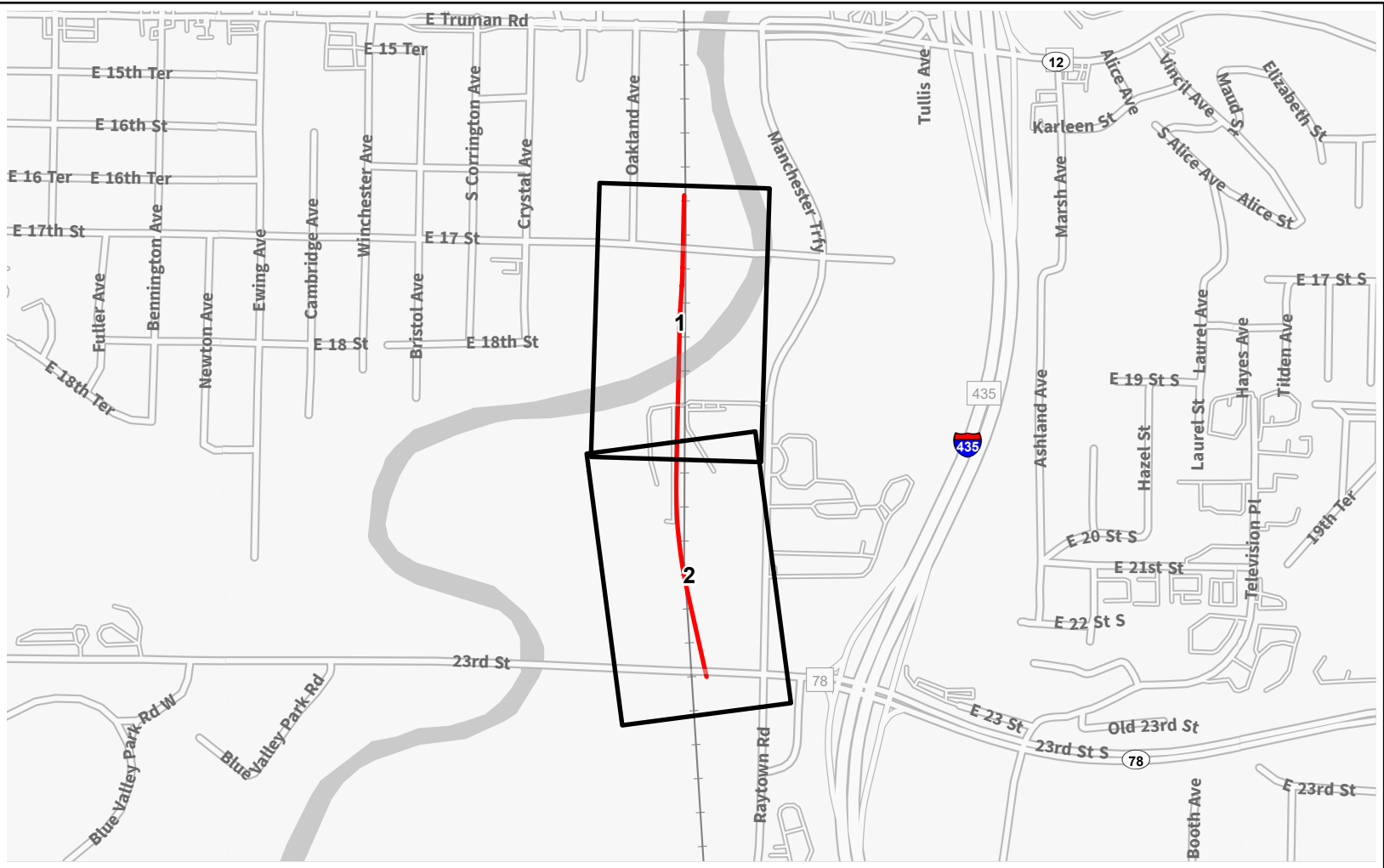
IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: David Johnson
Address: 1001 G Street NW
Address Line 2: Suite 1125
City: Washington
State: DC
Zip: 20001
Email: dcjohnson@vhb.com
Phone: 2027399524

LEAD AGENCY CONTACT INFORMATION

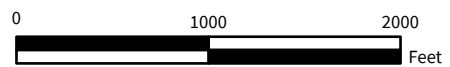
Lead Agency: Surface Transportation Board
Name: Elizabeth Webster
Email: Elizabeth.Webster@stb.gov
Phone: 2023600742

ATTACHMENT D: Maps for Blue Valley, MP 186 (Goodman), and MP 431 (Dawn)



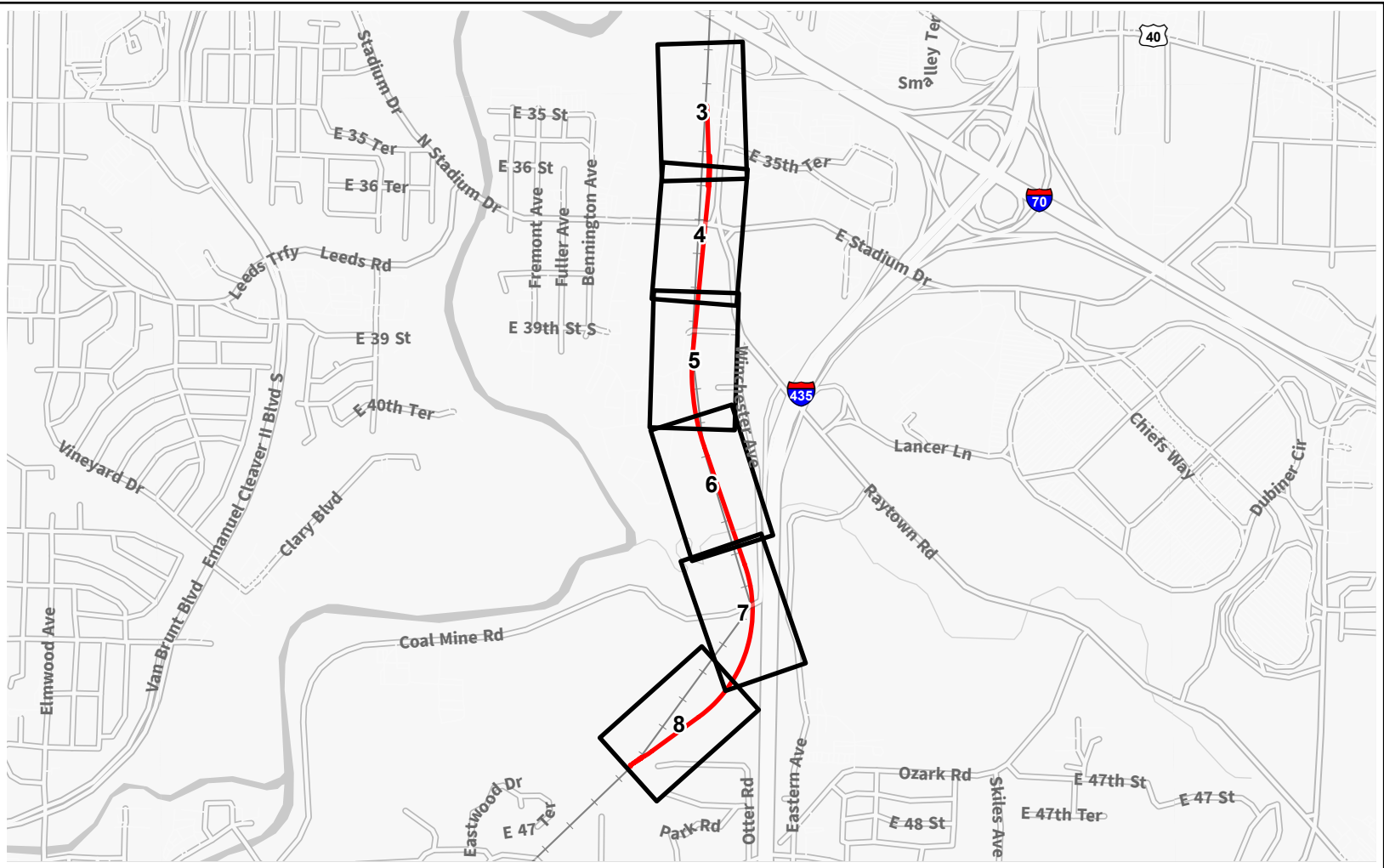
Capital Improvement Location

Page Index



Source: FRA, CP, ArcGIS Online



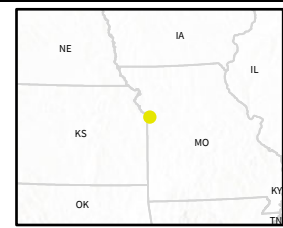


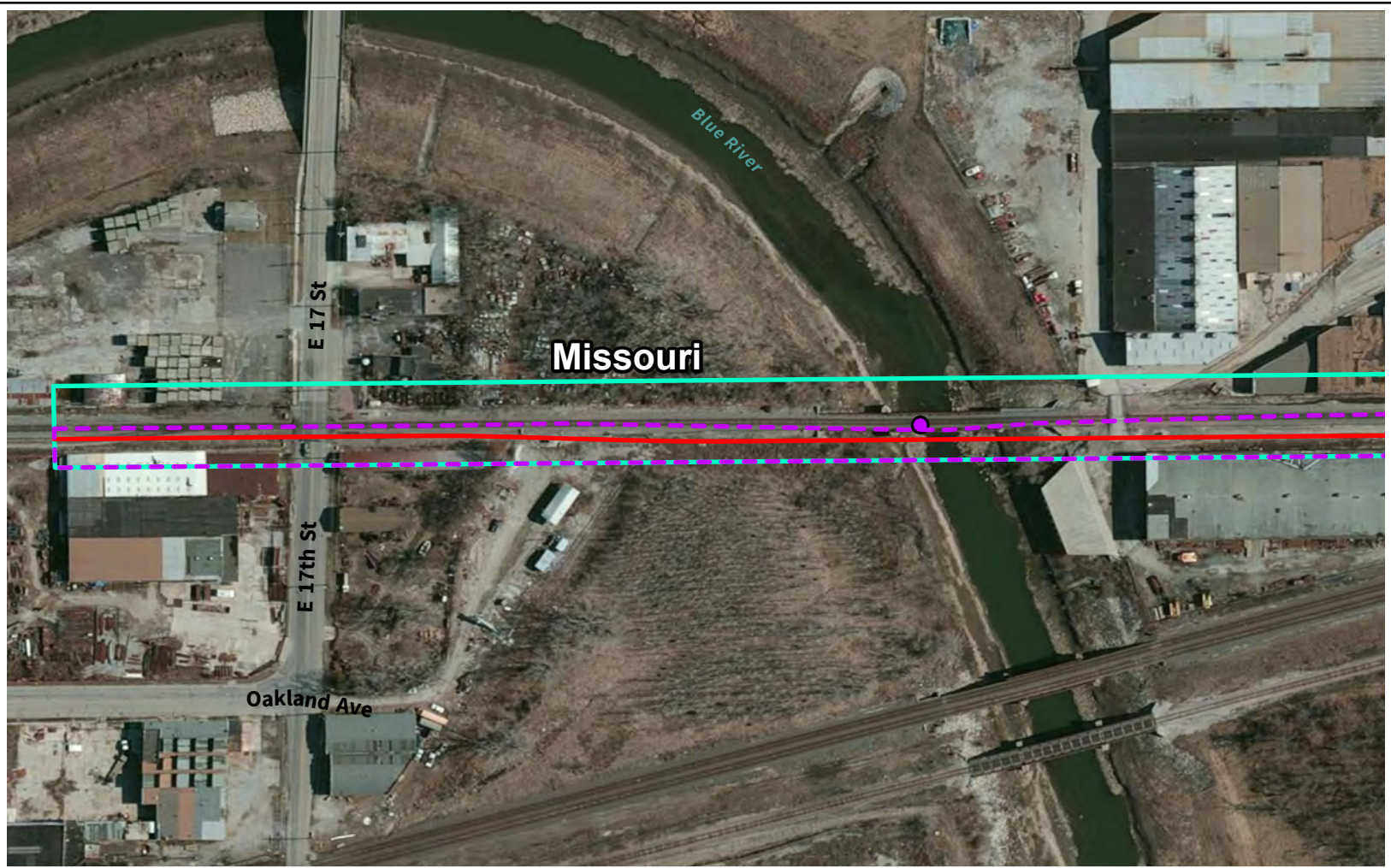
Capital Improvement Location

Page Index



Source: FRA, CP, ArcGIS Online



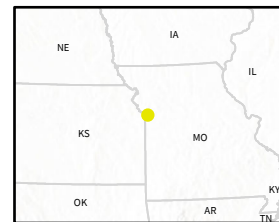


-  Study Area
-  Capital Improvement Location
-  Existing Right-of-Way

 Suitable Bat Roosting Structure



Source: FRA, CP, ArcGIS Online

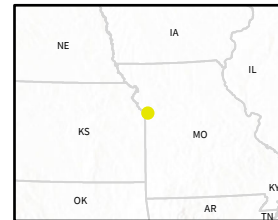




-  Study Area
-  Capital Improvement Location
-  Existing Right-of-Way



Source: FRA, CP, ArcGIS Online

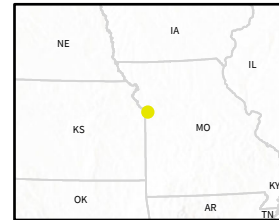




-  Study Area
-  Capital Improvement Location
-  Existing Right-of-Way

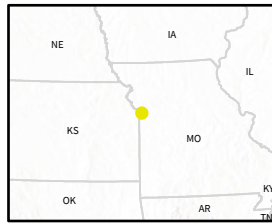


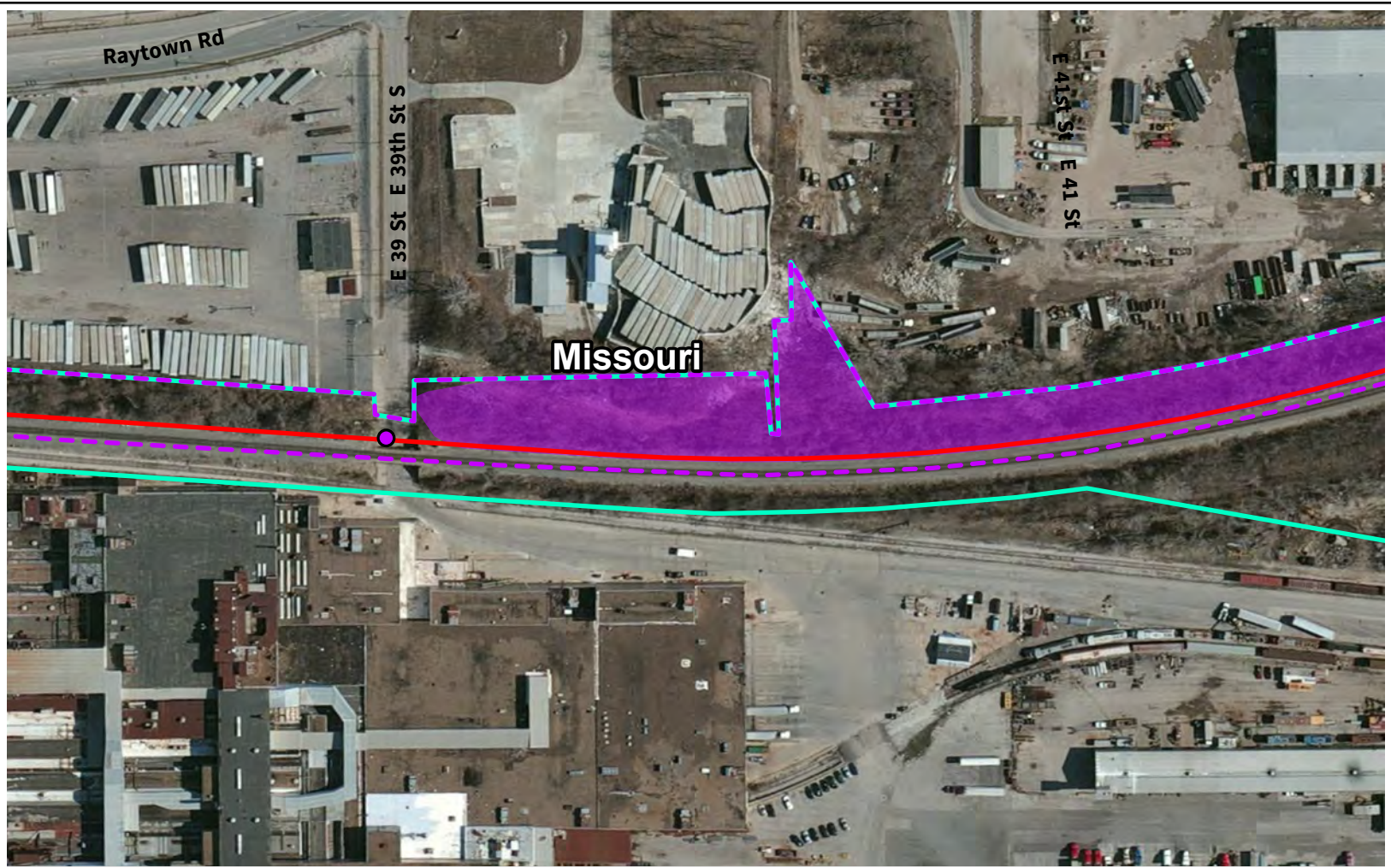
Source: FRA, CP, ArcGIS Online





- Study Area
- Suitable Bat Roosting Structure
- Capital Improvement Location
- Existing Right-of-Way

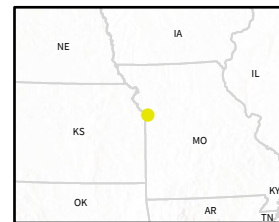


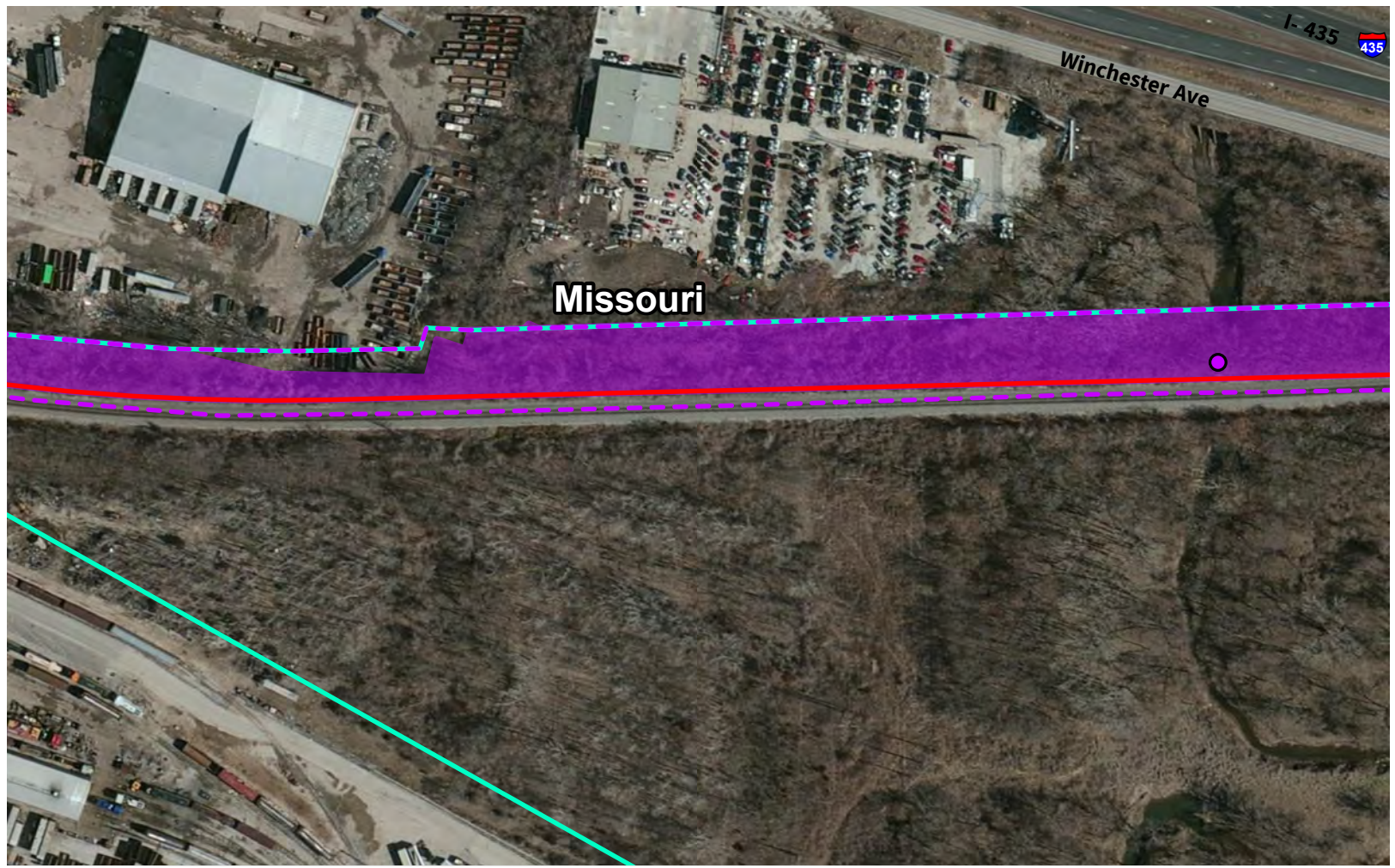


- Study Area
- Capital Improvement Location
- Suitable Forested Bat Habitat
- Suitable Bat Roosting Structure
- Existing Right-of-Way



Source: FRA, CP, ArcGIS Online

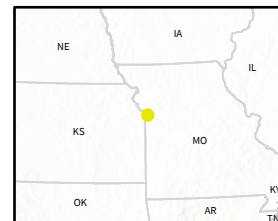


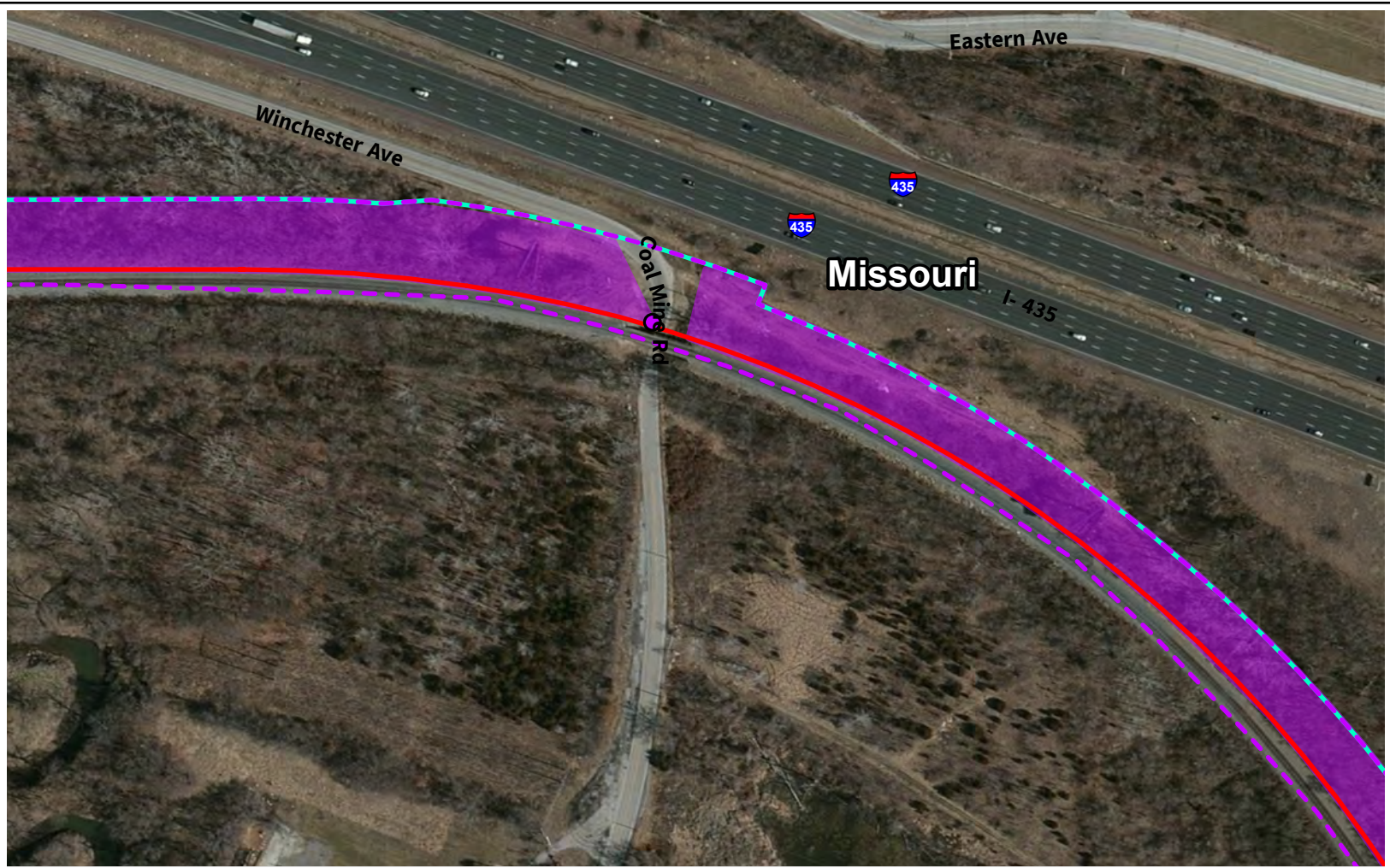


- Study Area
- Capital Improvement Location
- Existing Right-of-Way
- Suitable Bat Roosting Structure
- Suitable Forested Bat Habitat



Source: FRA, CP, ArcGIS Online

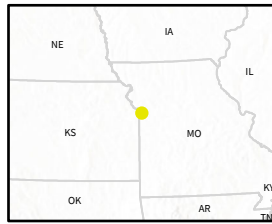


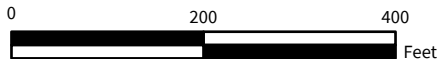
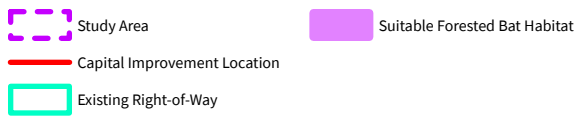
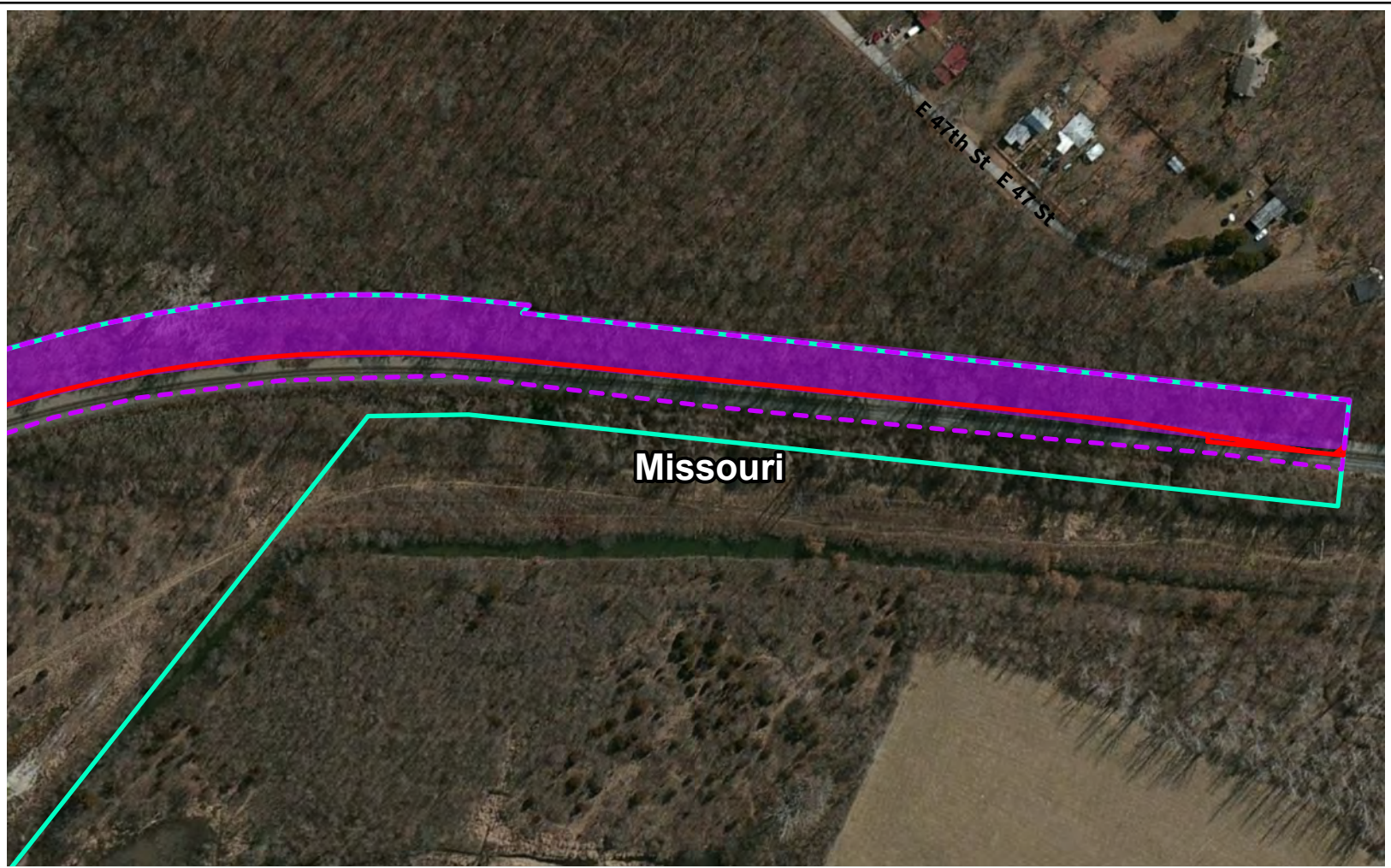


-  Study Area
-  Capital Improvement Location
-  Suitable Bat Roosting Structure
-  Suitable Forested Bat Habitat
-  Existing Right-of-Way

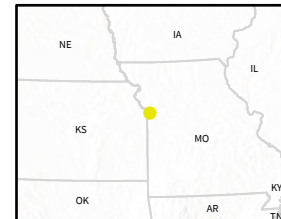


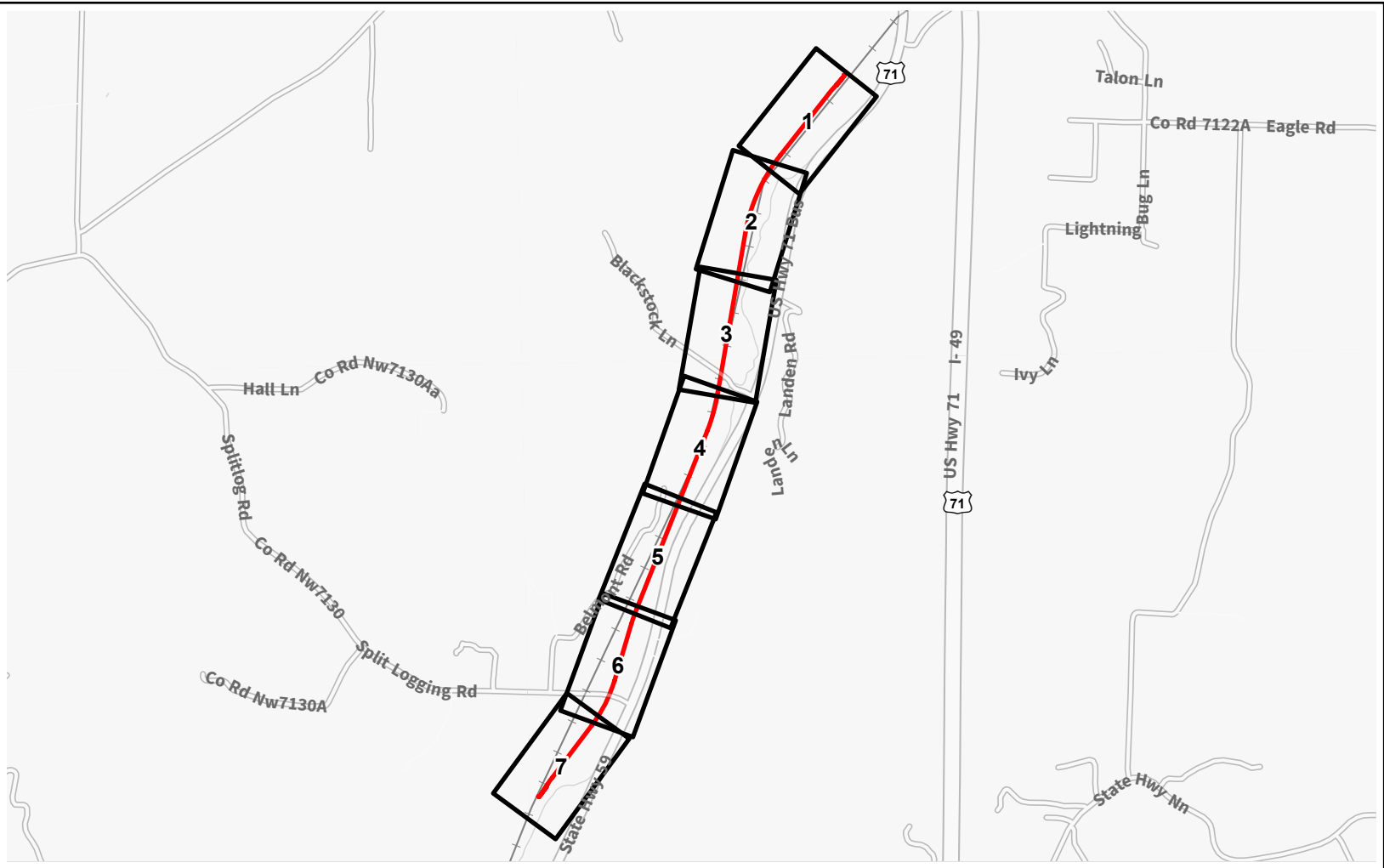
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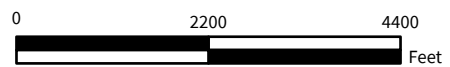
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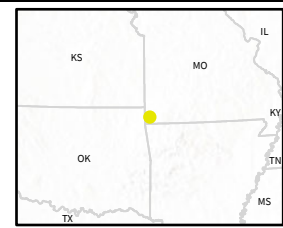


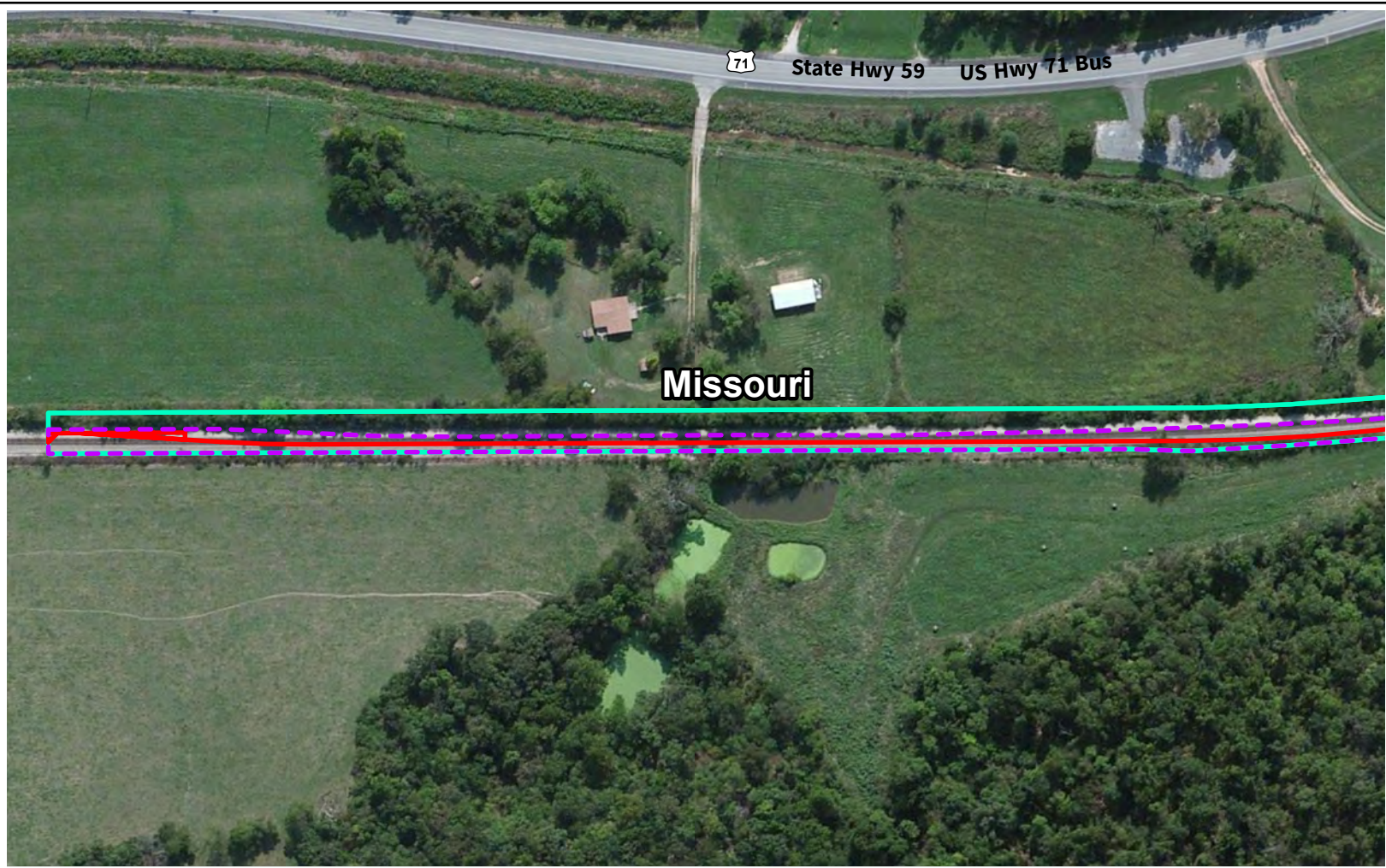
Capital Improvement Location

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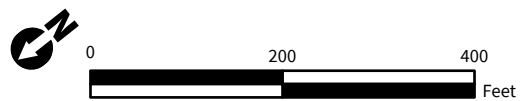


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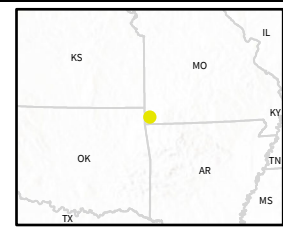




-  Study Area
-  Capital Improvement Location
-  Existing Right-of-Way



Source: FRA, CP, ArcGIS Online

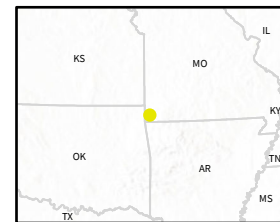


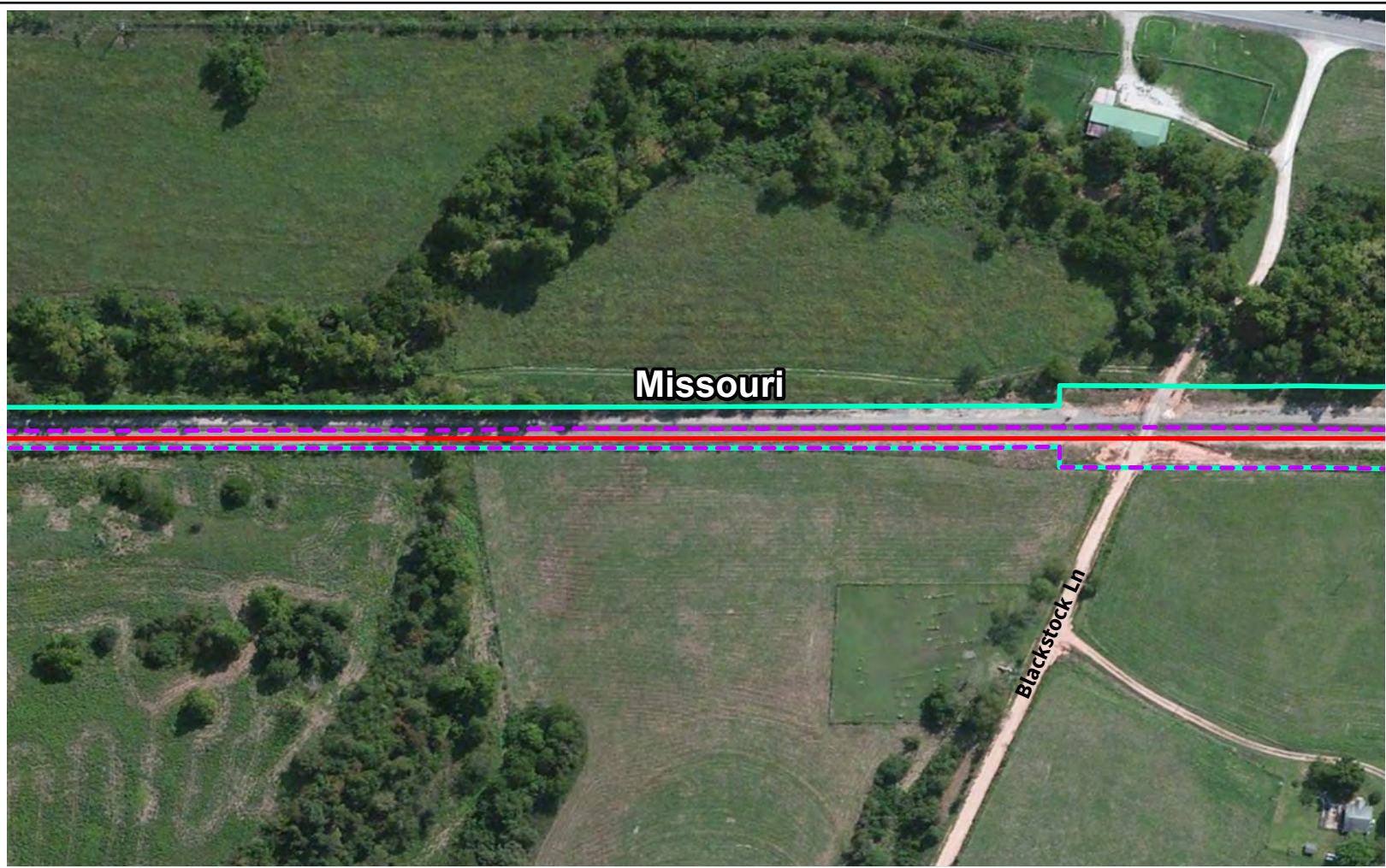


-  Study Area
-  Capital Improvement Location
-  Existing Right-of-Way



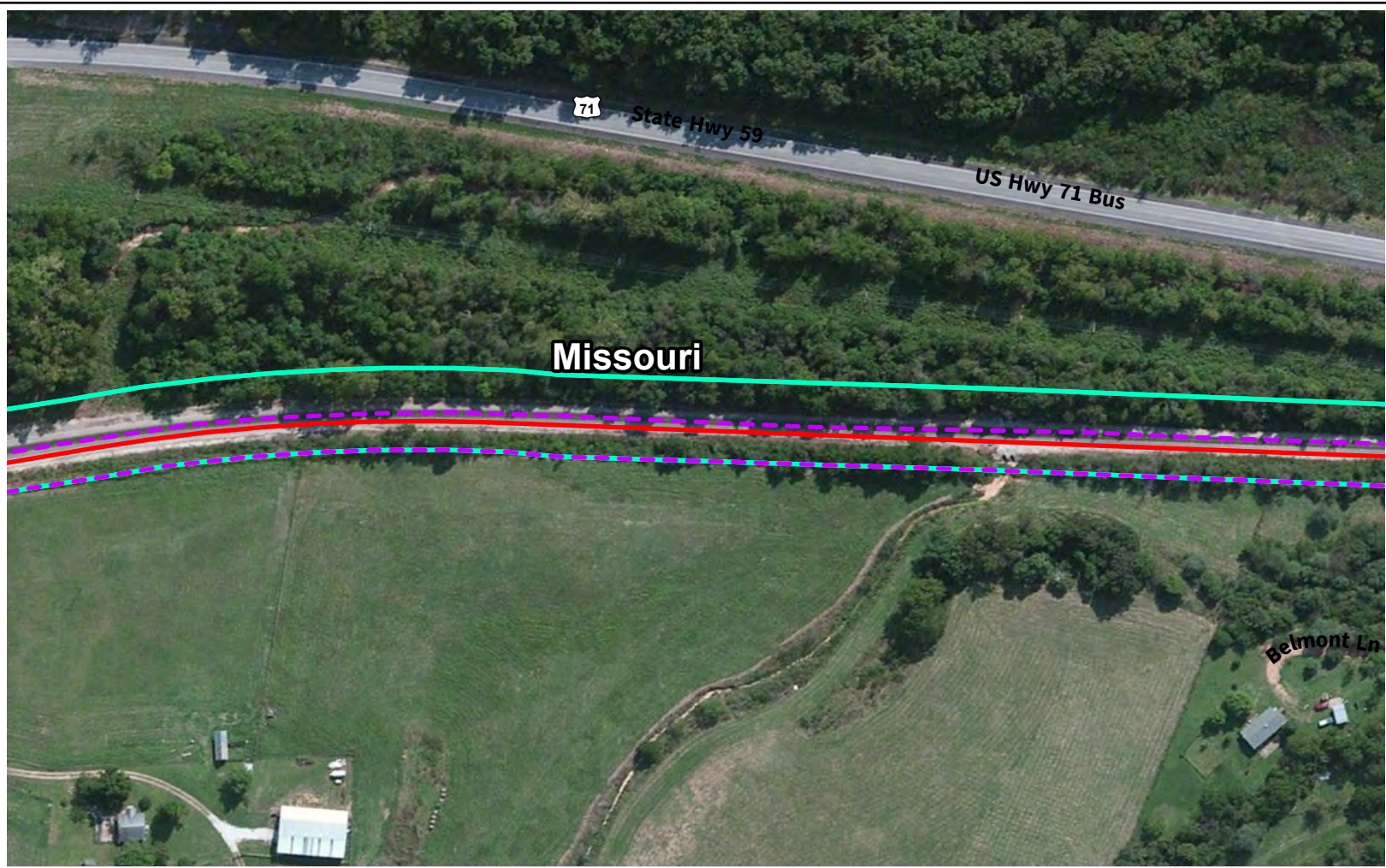
Source: FRA, CP, ArcGIS Online





-  Study Area
-  Capital Improvement Location
-  Existing Right-of-Way

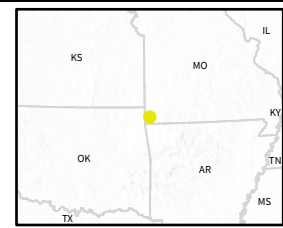


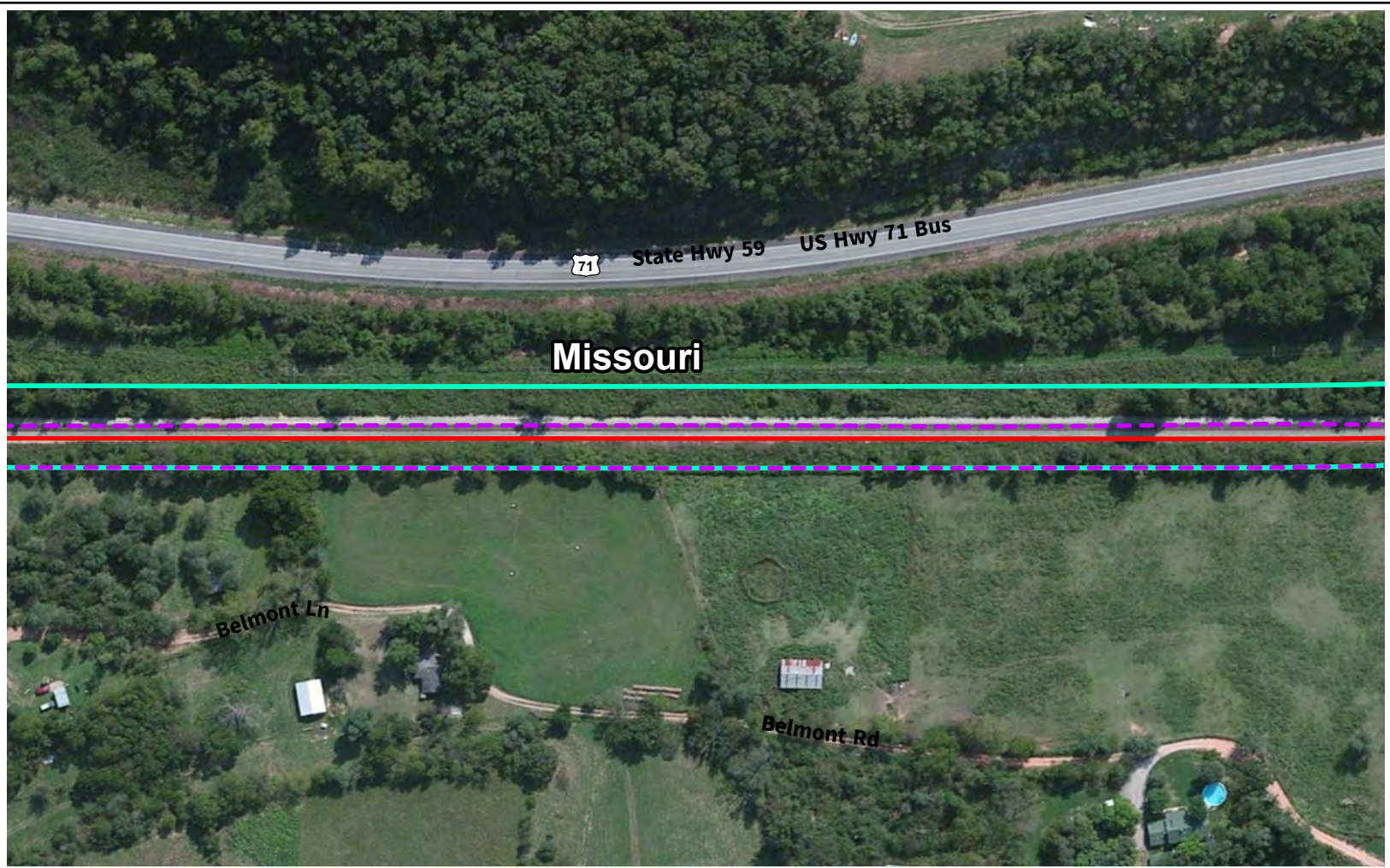


-  Study Area
-  Capital Improvement Location
-  Existing Right-of-Way



Source: FRA, CP, ArcGIS Online

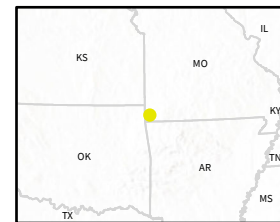


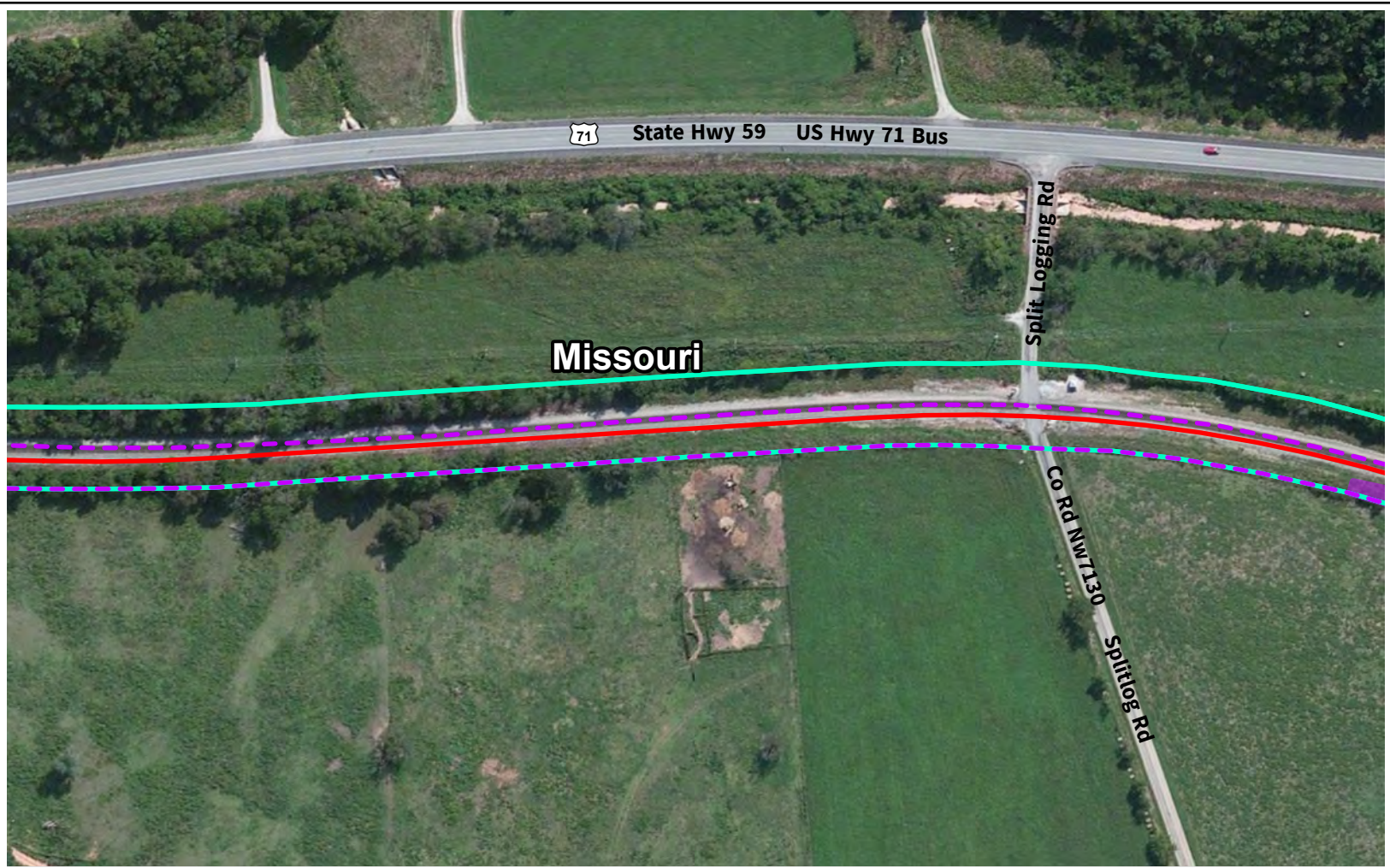


-  Study Area
-  Capital Improvement Location
-  Existing Right-of-Way



Source: FRA, CP, ArcGIS Online

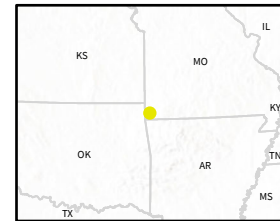


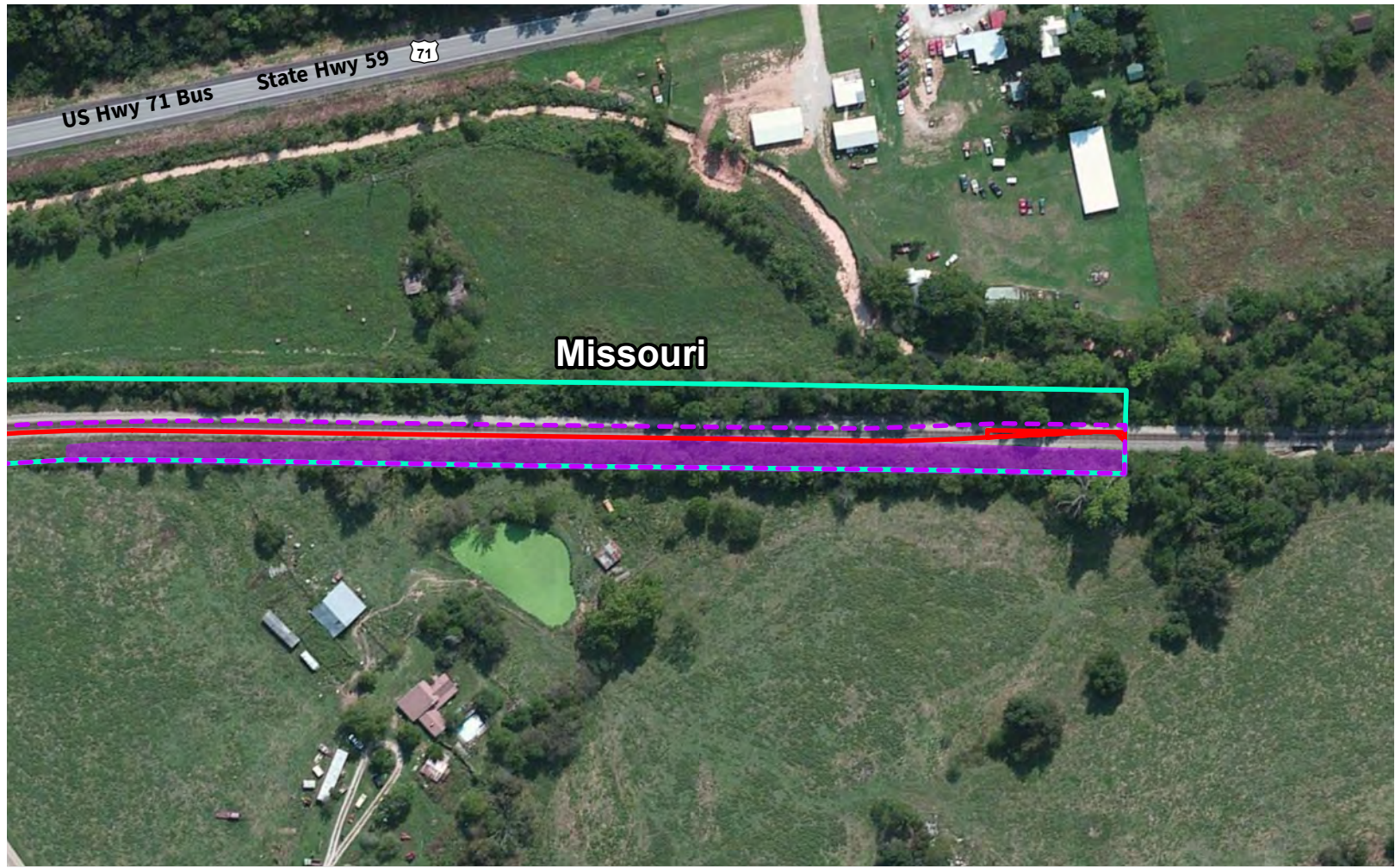


- Study Area
- Capital Improvement Location
- Existing Right-of-Way
- Suitable Forested Bat Habitat

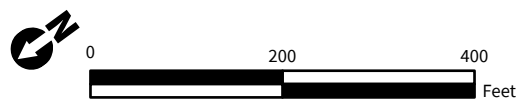


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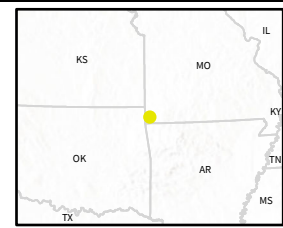




-  Study Area
-  Suitable Forested Bat Habitat
-  Capital Improvement Location
-  Existing Right-of-Way



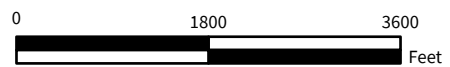
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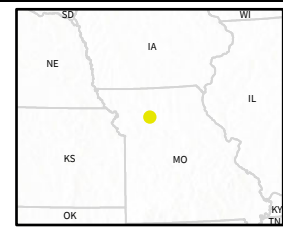


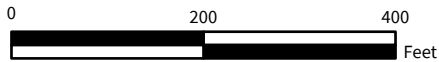
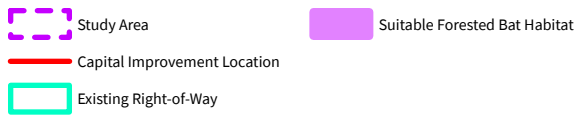
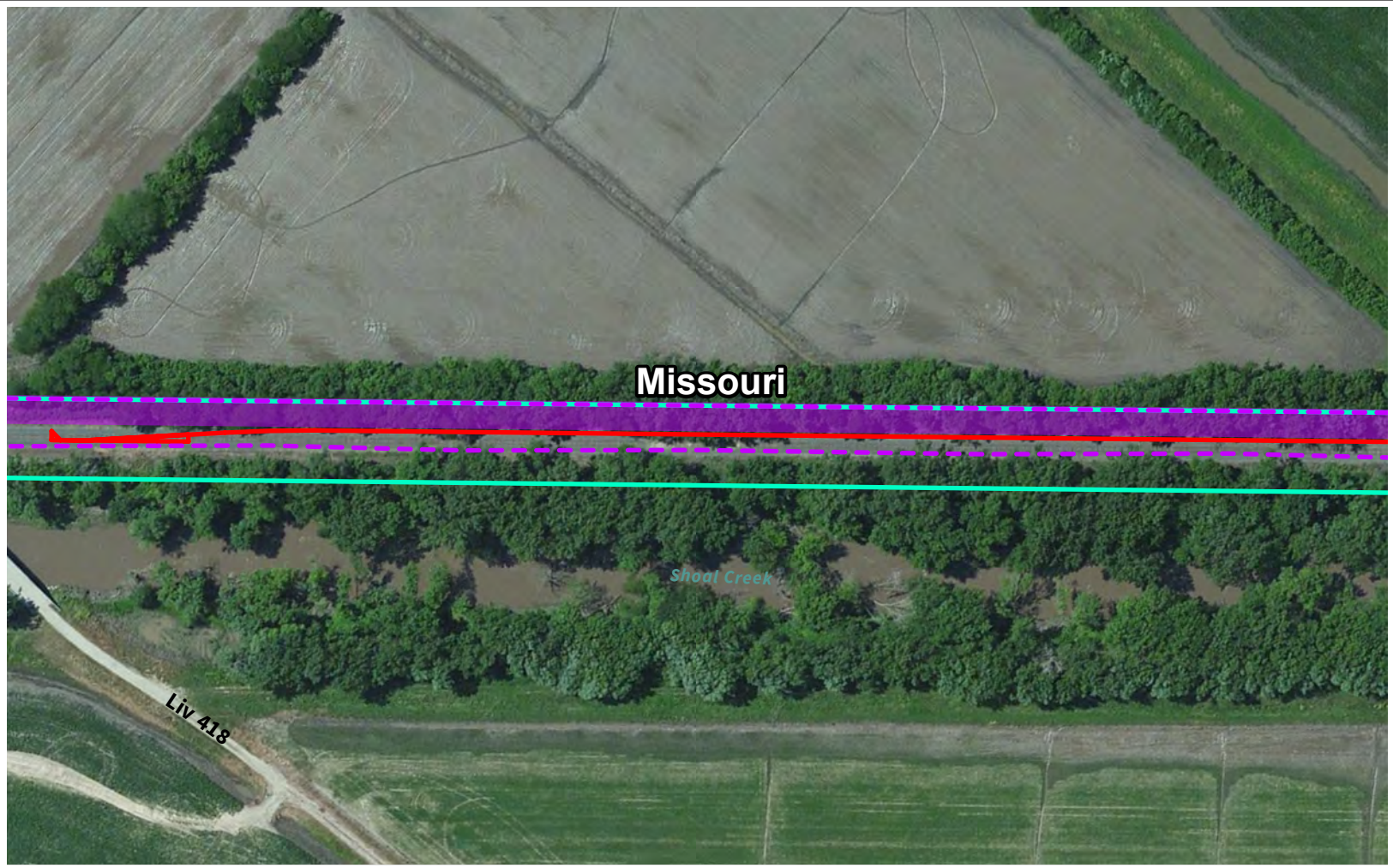
Capital Improvement Location

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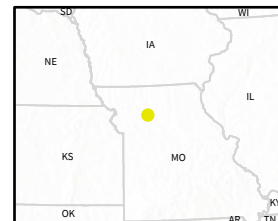


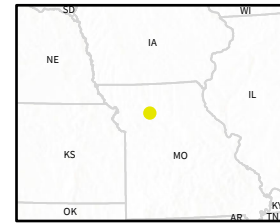
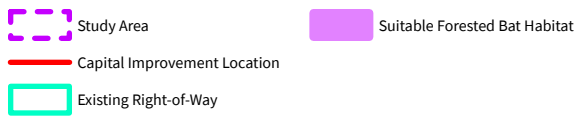
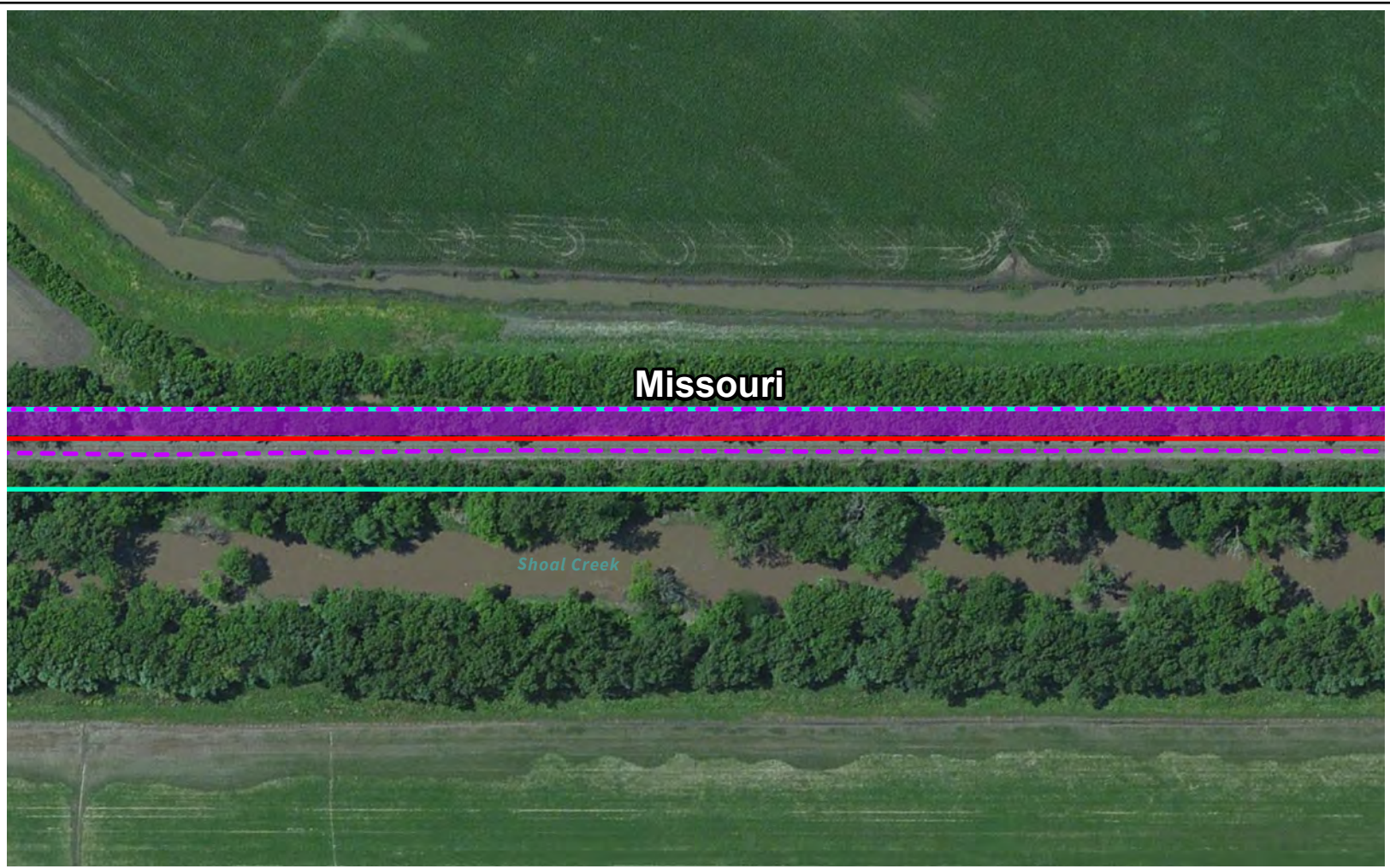
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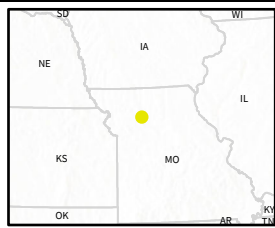
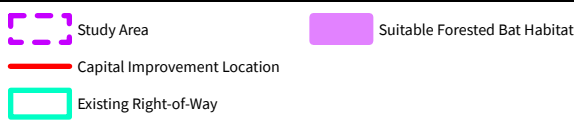
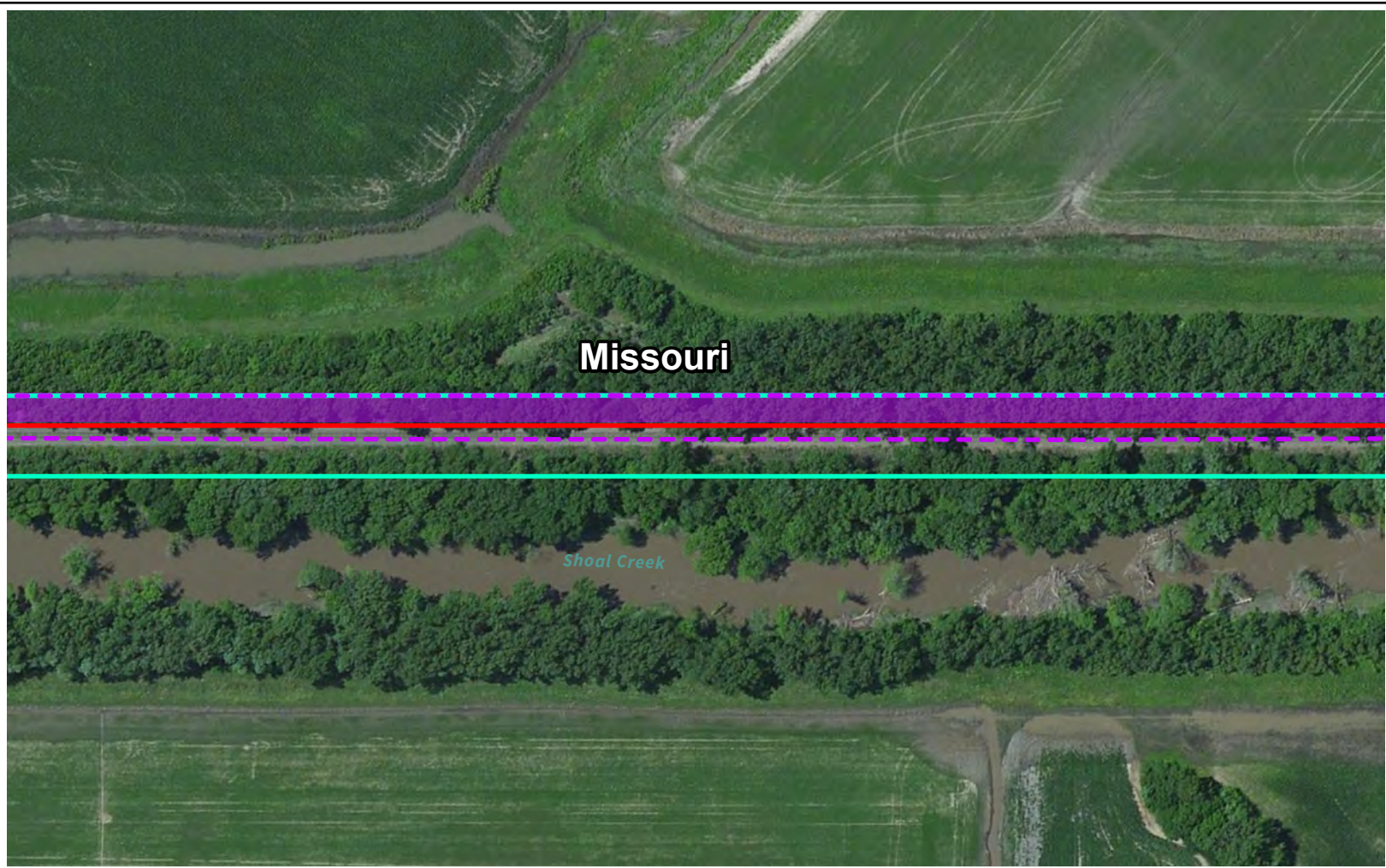


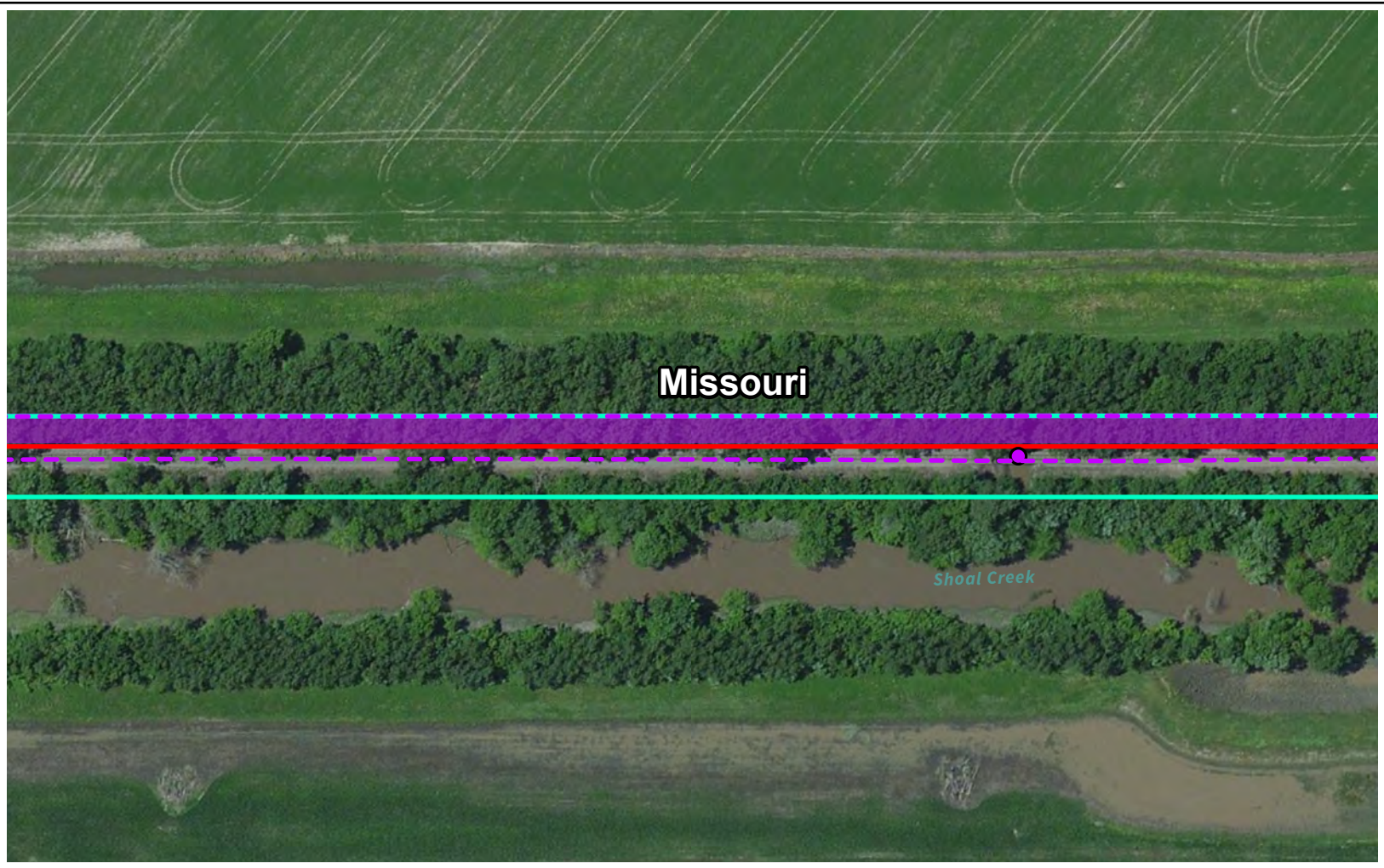


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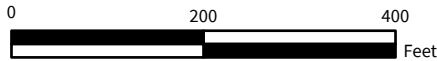




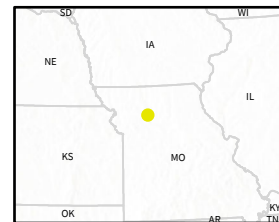


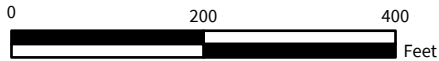
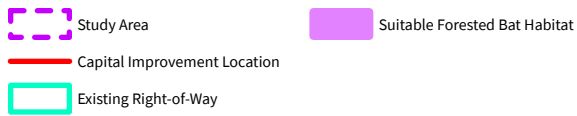
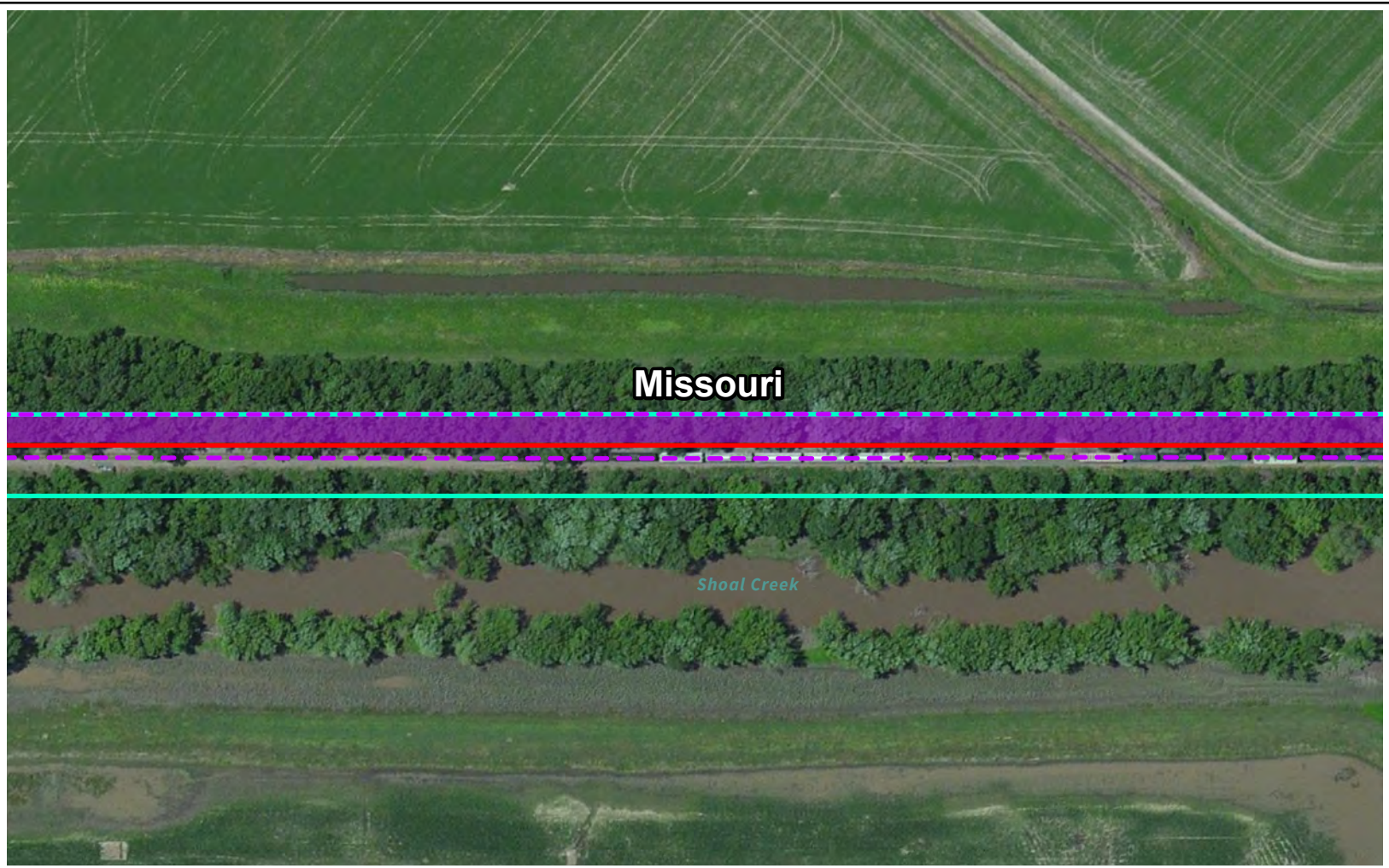


-  Study Area
-  Capital Improvement Location
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-  Suitable Forested Bat Habitat

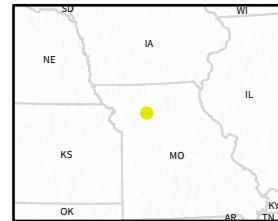


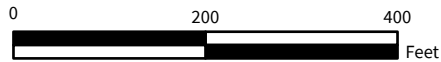
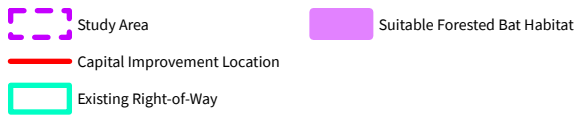
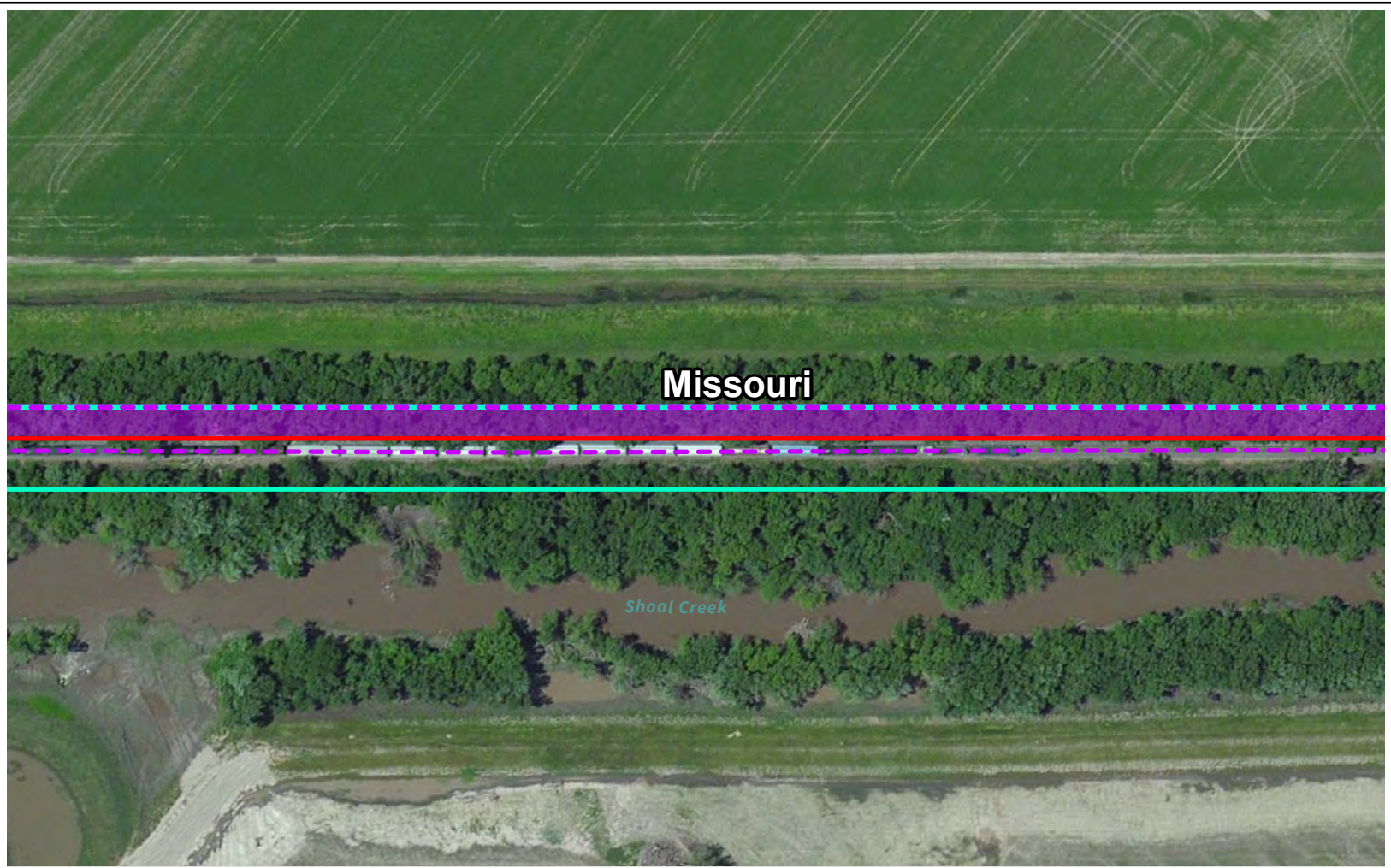
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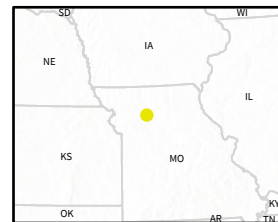


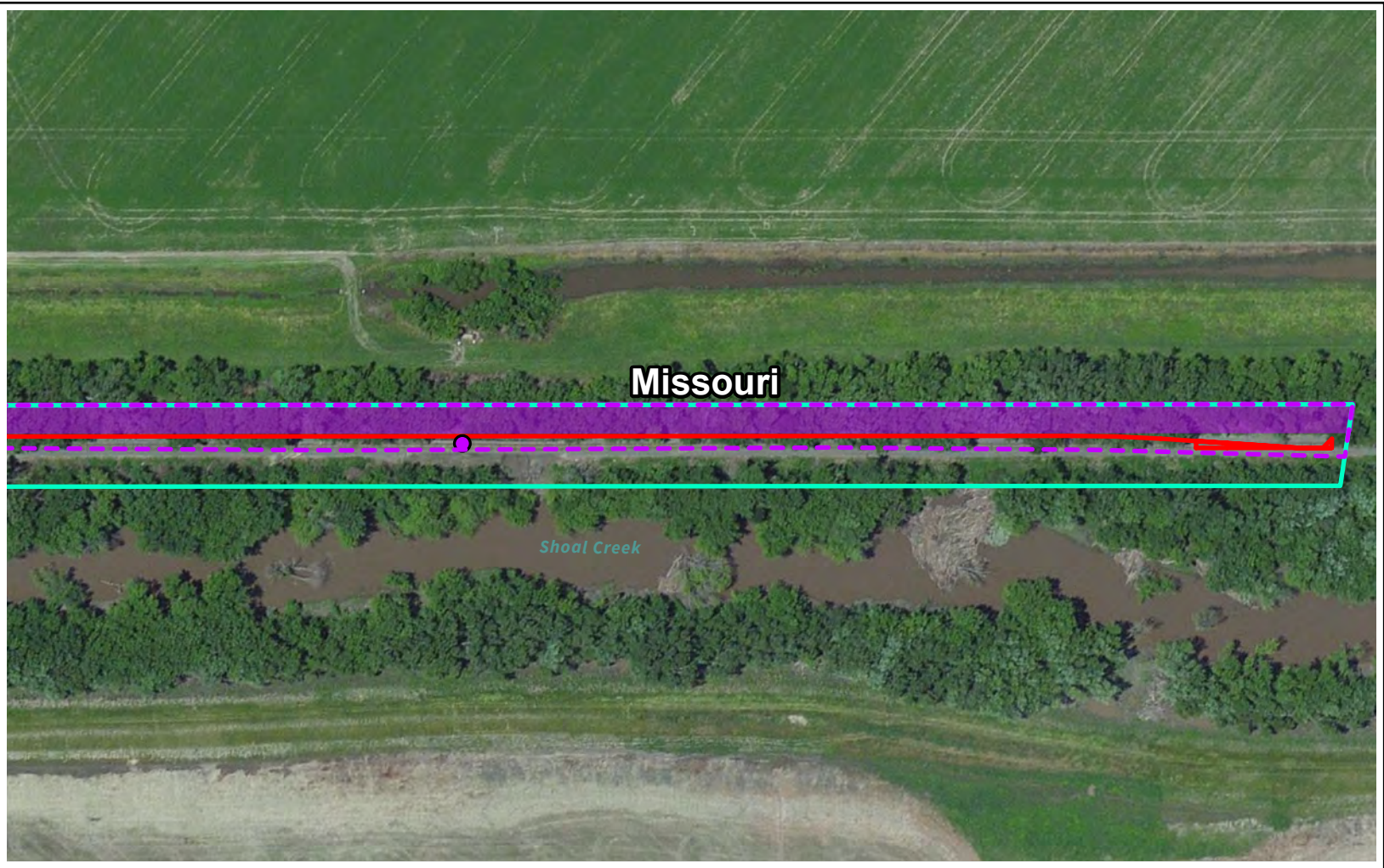
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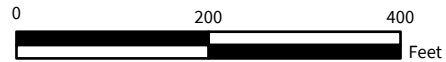


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