

From: [Moss, Jess](#)
To: [Bartlett, Alex](#)
Cc: [Assenza, Adam](#); [Wolff, Mikenna](#); [Heimbaugh, Ron](#); [Forsythe, Amy](#)
Subject: RE: Docket No. FD 36406, Port Authority of Kansas City - Request for Information and Comment
Date: Thursday, May 20, 2021 4:32:44 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image007.png](#)
[image008.png](#)
[KCRailLineLSPResponse05202021.pdf](#)

Mr. Bartlett,

I hope things are going well. Thank you for informing our program about the proposed project. I have attached a letter with our response. It appears that there could be some United States Public Land Survey System Corners in or near the proposed project. If they are to be disturbed, the attached letter explains the process.

Should you or anyone have any questions, please do not hesitate to contact our office or myself. The office phone number is (573) 368-2300.

Thank you,

Jess Moss, PLS
 Geodetic Section Chief
 Missouri Department of Agriculture
 WMCP - Land Survey Program
 Office: (573) 368-2570
agriculture.mo.gov



From: Bartlett, Alex <Alex.Bartlett@icf.com>
Sent: Friday, April 23, 2021 10:55 AM
To: Moss, Jess <Jess.Moss@mda.mo.gov>
Cc: Assenza, Adam <Adam.Assenza@stb.gov>; Wolff, Mikenna <Mikenna.Wolff@icf.com>
Subject: Docket No. FD 36406, Port Authority of Kansas City - Request for Information and Comment

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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DEPARTMENT of AGRICULTURE
STATE OF MISSOURI
JEFFERSON CITY

MICHAEL L. PARSON
GOVERNOR

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and consumers of Missouri's food, fuel and fiber products.*

CHRIS CHINN
DIRECTOR

May 20, 2021

Mr. Alex Bartlett
Project Manager, ICF
Third-Party Consultant for OEA
14123 Denver West Parkway, Ste 100
Golden, Co 80401

Mr. Bartlett:

Thank you for informing the Missouri Department Agriculture (MDA), Land Survey Program (LSP) of the proposed rail line and spur track project. This letter is only a response from the LSP, not the rest of the programs within the Missouri Department of Agriculture. Part of the statutory mission of the LSP is to maintain, and preserve the horizontal and vertical control markers and to preserve and protect the corners of United States Public Land Survey System (PLSS). As far as the horizontal and vertical control markers, all the markers located in the defined project area appear to not have been found in the past, therefore, it is unlikely they will be recovered during your project, so nothing will need to be done. However, it appears there could be PLSS corners on the proposed site. The PLSS corners were originally set by United States Deputy Surveyors during the first half of the Nineteenth Century. Generally placed at one-half mile intervals, these corners were used to inventory, describe, and distribute the public lands of Missouri. The PLSS land corners form the basis of all real property bought, sold, improved, mapped and surveyed in Missouri today. The following Missouri Revised Statutes and Code of State Regulations cover the process of disturbing PLSS corners:

60.355. Prohibits removal or destroying of property markers — penalty — damages. — 1. No person, other than a registered land surveyor registered pursuant to chapter 327, shall knowingly move, remove, deface or destroy any corner of the United States Public Land Survey System, property boundary marker, bench mark or horizontal control monument.

2. Any person who violates the provisions of this section is guilty of a class B misdemeanor.

3. Any person who violates the provisions of this section is liable for the cost of reestablishment of permanent monuments or markers by a registered land surveyor. This section shall establish a civil cause of action in favor of any owner of real estate the boundaries of which are affected by a violation of subsection 1 of this section. Venue for such cause of action shall be in the county in which the violation occurs. Damages shall be limited to reasonable surveying costs and reasonable attorneys' fees.

All custody and ownership of the original United States Public Land Survey corners were turned over to the Missouri Department of Agriculture, under Missouri revised Statute 60.550 which states:

60.550. Ownership of markers in department, unauthorized tampering prohibited, duty to prosecute. — The custody and ownership of the original United States public land survey corners and accessories,

including all restoration and replacements thereof and all accessories, belonging to the state of Missouri is hereby transferred to the department of agriculture. The department of agriculture shall see that the markers are maintained, and the alteration, removal, disfiguration or destruction of any of the corners or accessories, without specific permission of the department of agriculture, is an act of destruction of state property and is a misdemeanor. Any person convicted thereof shall be punished as provided by law. Each of the several prosecuting attorneys is specifically directed to prosecute for the violation of this section for any act of destruction which occurs in his county.

Missouri Code of State Regulations: Department of Agriculture Title 2 Division 90 Chapter 61.020 states:

2 CSR 90-61.020 Authorization for Removal or Alteration of Corners PURPOSE: *This rule identifies who is authorized to alter or remove a corner of the United States Public Land Survey and how to obtain permission from the Department of Agriculture. Only a professional land surveyor is authorized to remove, alter, restore, or reestablish a corner of the United States Public Land Survey. Any professional land surveyor who removes, alters, restores, or reestablishes a corner of the United States Public Land Survey shall report this action by filing an approved document with the Missouri Department of Agriculture, Land Survey Program within ninety (90) days from the date of the field work. The permission required by section 60.550, RSMo is granted upon filing the approved document with the Missouri Department of Agriculture Land Survey Program.*

The Land Survey Program suggests that the above statutes, and code of state regulations are followed, and if needed, the owner/owner representative, or project manager should hire a surveyor to ensure that property corners and United States Public Land Survey Corners are properly identified and preserved. If a surveyor is hired, the hired surveyor should adhere to the Missouri Revised Statutes and Missouri Code of State Regulations governing the surveying profession. If any corners are going to be disturbed, a Professional Land Surveyor who removes, alters, restores, reestablishes a corner of the United States Public Land Survey shall report this action by filing an approved document with the Missouri Department of Agriculture, Land Survey Program within ninety (90) days from the date of the field work. The permission required by section 60.550, RSMo is granted upon filing the approved document with the Missouri Department of Agriculture Land Survey Program.

If you have any questions, please contact our office at (573) 368-2300.

Thank you,



Jess Moss, PLS
Geodetic Section Chief
Land Survey Program
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JM/af