

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

#EO-2608

**SUPPLEMENTAL FINAL
ENVIRONMENTAL ASSESSMENT**

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 1068 (SUB-NO. 3X) AND
DOCKET NO. AB 1070 (SUB-NO. 3X)

July 28, 2015

ABANDONMENT TYPE

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

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

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

Recommendations: Remove conditions 1, 3 and 4, and add two new conditions

In this proceeding, the Missouri Central Railroad Company (MCRR) and Central Midland Railway Company (CMR) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 for MCRR to abandon and for CMR to discontinue service and operating rights over an approximately 144.3-mile rail line in two segments in Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Missouri.

By decision served on January 7, 2015, the Surface Transportation Board (Board) imposed four conditions that require MCRR to do the following prior to the commencement of salvage activities: (1) consult with the U.S. Army Corps of Engineers (Corps) regarding its requirements and, if applicable, comply with the reasonable requirements; (2) consult with the U.S. Environmental Protection Agency (EPA) or the Missouri Department of Natural Resources (MDNR) (whichever agency is authorized to administer the NPDES program) to ensure appropriate consideration of the National Pollutant Discharge Elimination System (NPDES) requirements and compliance with the reasonable NPDES requirements; (3) contact the U.S. Fish and Wildlife Service (USFWS) to discuss potential impacts to any federally listed endangered or threatened species; to report the results of the consultation to the Board's Office of Environmental Analysis (OEA) in writing; and to consult with OEA and USFWS to develop appropriate mitigation measures, should any potential impacts be identified; and (4) to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed; to

report to OEA regarding any consultations with the State Historic Preservation Office (SHPO) and the public; and to not file a consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed the condition.

Comments

OEA received the attached environmental comment letters in response to the conditions, and has determined that three of the four Board-imposed conditions have been satisfied and can now be removed. OEA is also recommending the addition of two new conditions for salvage operations, as detailed below.

Condition 1

Recommendation: Remove Corps Condition

By letter dated March 26, 2015 (attached), the Corps commented that the proposed abandonment and discontinuance of service would not be subject to a Department of the Army permit if salvage of the rail line occurs in the manner that MCRR has specified, such that salvage would be limited to the raised portion of the roadbed; no bridges would be removed; no grading would occur; and no instream dredging or placement of fill would occur. The Corps notes that a Corps permit is also not needed for removal of vegetation incidental to the right-of-way.

The Corps commented that other federal, state/local agencies may require permits for salvage operations. OEA notes that the agencies of concern were placed on the updated service list for this proceeding and have received a copy of the EA for review.

OEA has determined that no further consultation with the Corps is necessary in this proceeding and therefore recommends that condition 1 be removed.

Condition 2

Recommendation: Retain NPDES Condition

By letter dated April 17, 2015 (attached), MDNR commented that an NPDES permit would not be needed for the salvage operations specified by MCRR, unless such activities result in grading, digging, or groundcover/root removal. Although MCRR has indicated that its salvage operations would be minimally intrusive, it has determined that there may be a need to remove vegetation, including roots, in some areas along the line during salvage. Accordingly, MCRR has applied for an NPDES permit and will notify OEA when the permit is issued.

OEA has therefore determined that condition 2 should remain in effect until the NPDES permit is issued.

Condition 3

Recommendation: Remove USFWS Condition

By letter and email correspondences dated between March 3, 2015 and May 12, 2015 (attached), the U.S. Fish and Wildlife Service (USFWS) has concluded that the proposed abandonment and discontinuance of service may affect, but is not likely to adversely affect the

Indiana bat (*Myotis sodalis*), a federally listed endangered species, and the northern long-eared bat (*Myotis septentrionalis*), a federally listed threatened species, provided that no tree clearing or cutting occur between November 1st and March 31st for salvage activities along the abandonment right-of-way. This conservation measure is limited to those areas along the 144-mile right-of-way that require tree clearing or cutting in order to salvage the rail line. No other USFWS restrictions apply in this proceeding and MCRR may conduct salvage activities that do not otherwise involve tree clearing or cutting at any time during the year. USFW has concluded that if the above measure is taken, no further consultation is needed. Accordingly, OEA is recommending that the Board remove condition 3, and add a new condition to address USFWS's temporal restriction on tree clearing and cutting, as follows.

The Missouri Central Railroad Company (MCRR) shall ensure protection of the Indiana bat (*Myotis sodalis*), a federally listed endangered species, and the northern long-eared bat (*Myotis septentrionalis*), a federally listed threatened species by following USFWS's requirement that no tree clearing or cutting occur between November 1st and March 31st for salvage operations. This conservation measure is limited to areas along the 144-mile right-of-way that require tree clearing or cutting in order to salvage the rail line. No other restrictions apply during this time and MCRR may continue with the salvage activities that do not otherwise involve tree clearing or cutting.

Condition 4

Recommendation: Remove Section 106 Condition

OEA has negotiated a Memorandum of Agreement (MOA) with the SHPO and MCRR to resolve any adverse effects to historic properties for the proposed undertaking, pursuant to 36 C.F.R. § 800.6(b)(i)(iv). The Missouri Department of Natural Resources' Division of State Parks also signed the MOA as an invited signatory, and the City of Stover signed the MOA as a concurring party. On June 4, 2015, OEA submitted the signed MOA to the Advisory Council on Historic Preservation (ACHP). The filing of the attached MOA with ACHP completes the Board's compliance responsibilities under Section 106 of the NHPA, and accordingly, we recommend that the Board remove the Section 106 condition.¹

OEA also received the attached July 14, 2015 letter from the SHPO indicating that it reviewed the preliminary photographic documentation and concurs with MCRR's proposed list of properties to be documented to archival standards along the rail line right-of-way. The SHPO

¹ On June 8, 2015, OEA received a late request from the Osage Nation indicating that it had an interest in participating in the development of the MOA. OEA notified the Osage Nation that invitational letters to participate in the development of the MOA were sent to the 11 federally recognized tribes, including the Osage Nation, on March 27, 2015 with a requested response date of April 27, 2015. During this time, OEA received one response letter. The Peoria Tribe of Indians in Oklahoma commented that it was declining to consult in the process. After receiving the Osage Nation's late request, however, on June 16, 2015, OEA re-invited the tribe to participate in the process as a concurring party and provided a July 6, 2015 deadline to respond. Although OEA has yet to receive a response, the parties to the MOA agree that the Osage Nation should and will receive the historical and cultural information that currently is being prepared in accordance with the stipulations set forth in the MOA.

has no objection to MCRR beginning salvage activities along the 144-mile abandonment rail line, with the understanding that if any cultural materials are encountered during the salvage process, MCRR will immediately cease all site work and contact the SHPO to determine an appropriate course of action. Although this requirement is listed as a very detailed stipulation in the MOA, OEA is recommending the new condition below to ensure that this issue is properly addressed.

In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during MCRR's salvage activities, MCRR will immediately cease all work and notify OEA, interested federally recognized tribes, and the SHPO pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, interested federally recognized tribes, MCRR, and other consulting parties, to determine whether appropriate mitigation measures are necessary.

Accordingly, OEA recommends that the Section 106 condition be removed.

Recommendation to add two new conditions in addition to retaining condition 2

In addition to retaining existing condition 2 below, OEA is recommending that the following two new conditions (1 and 3) pertaining to the salvage process be imposed upon any decision granting abandonment authority. The conditions are:

1. The Missouri Central Railroad Company (MCRR) shall ensure protection of the Indiana bat (*Myotis sodalis*), a federally listed endangered species, and the northern long-eared bat (*Myotis septentrionalis*), a federally listed threatened species by following the U.S. Fish and Wildlife Service's (USFWS) requirement that no tree clearing or cutting occur during salvage operations between November 1st and March 31st along the abandonment right-of-way. This conservation measure is limited to those areas along the 144-mile right-of-way that require tree clearing or cutting in order to salvage the rail line. No other USFWS restrictions apply and MCRR may continue with the salvage activities that do not otherwise involve tree clearing or cutting at any time during the year.
2. To ensure appropriate consideration of the National Pollution Discharge Elimination System (NPDES) requirements, MCRR shall consult with U.S. Environmental Protection Agency or the Missouri Department of Natural Resources (whichever agency is authorized to administer the NPDES program) prior to commencement of any salvage activities and shall comply with the reasonable NPDES requirements.
3. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during MCRR's salvage activities, MCRR will immediately cease all work and notify the Board's OEA, interested federally recognized tribes, and the SHPO pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, interested federally recognized tribes, MCRR, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

OEA has determined that if the above new conditions are imposed, in addition to condition 2, and that if existing conditions 1, 3 and 4 are removed, the proposed action would not significantly affect the quality of the human environment.

Attachment

OEA CONTACT:

Diana Wood

202-245-0302

woodd@stb.dot.gov

Distribution:

Office of Proceedings

OEA Chron

ECT

Condition 1
Correspondence



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
STATE REGULATORY PROGRAM OFFICE - MISSOURI
221 BOLIVAR STREET, SUITE 103
JEFFERSON CITY, MISSOURI 65101

March 26, 2015

Missouri State Regulatory Office
NWK-2014-01258

Sandra J. Brown
Thompson Hine LLP
1919 M. Street, N.W., Suite 700
Washington, D.C. 20036-1600

Dear Ms. Brown,

This letter pertains to a letter submitted on behalf of Missouri Central Railroad Company (MCRR) for a Department of the Army (DA) permit received on March 25, 2015. The letter references a Corrected Decision (January 7, 2015) issued by the Surface Transportation Board. The Decision ordered MCRR to consult and comply with the reasonable requirements of the Corps prior to commencement of any salvage activities. The proposed work concerns salvage (removal) of certain rail assets from the roadbed, which will:

- Be limited to the previously disturbed right-of-way
- Only remove the ties, tack and related steel components from the roadbed
- Not include removal of ballast or changing the contour of the existing roadbed
- Not include dismantling bridges or any structure on the Line as those structures will be used for future trail purposes
- Not include in stream work, dredging, and/or use of fill materials
- Require, however, clearing vegetation and removal of some trees that have grown in the railroad right-of-way

The project area is limited to the previously disturbed linear corridor of the railroad right-of-way that is approximately 100 feet in width, and is located in two segments. The first is between mileposts 262.5 and 262.906 in Cass County, Missouri. The second is between milepost 215.325 in Pettis County and milepost 71.6 in Franklin County, Missouri. This section of rail line to be abandoned passes through all or portions of Benton, Cole, Franklin, Gasconade, Maries, Miller, Morgan, Osage and Pettis County, Missouri.

Any work or structures in, over, or under a navigable water of the United States require prior authorization from the Corps of Engineers under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403). Also, Section 404 of the Clean Water Act (33 USC 1344), which is administered under Federal regulations 33 CFR 320-332, provides the Corps of Engineers with regulatory jurisdiction over all waters of the United States. These provisions require prior

authorization from the Corps of Engineers for the discharge of dredged or fill material in waters of the United States, including wetlands.

Based upon your description of the work that salvage activities will be confined to the elevated portion of the roadbed within the rail corridor and will involve no grading, cutting, or filling activities, and that any vegetation cutting will be placed on the elevated roadbed section of the property and shall not include any disposal in any streams, waters, or wetlands that may be present along the rail line corridor, we have determined that the proposed activity will not involve the discharge of dredged or fill material in waters of the United States. Therefore, Department of the Army permit authorization is not required. Other Federal, state and/or local permits may be required, however, and you should verify this yourself.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. Please feel free to complete an electronic version of our Customer Service Survey form on our website at: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. You may also call and request a paper copy of the survey which you may complete and return to us by mail or fax.

Anthony Koch, Regulatory Specialist, reviewed the information furnished and made this determination. If you have any questions concerning this matter, please feel free to contact Anthony Koch at (816) 389-3828 or email at Anthony.J.Koch@usace.army.mil. Please reference Permit No. 2014-01258 in all comments and/or inquiries relating to this project.

Sincerely,



Anthony J. Koch
Regulatory Specialist
Missouri State Regulatory Office

Enclosures

Copies Furnished (electronically w/o enclosures):
Environmental Protection Agency,
Watershed Planning and Implementation Branch
U.S. Fish and Wildlife Service, Columbia, Missouri
Missouri Department of Natural Resources,
Water Protection Program
State Historic Preservation Office
Missouri Department of Conservation

March 25, 2015

Via First Class U.S. Mail and E-mail

Kenny Pointer
Regulatory Project Manager
Missouri State Regulatory Office
U.S. Army Corps of Engineers
221 Bolivar Street, Suite 103
Jefferson City, MO 65101

Telephone: 816-389-3833
Fax: 573-634-7960

james.k.pointer@usace.army.mil

Re: STB Docket No. AB-1068 (Sub-No. 3X), Missouri Central Railroad Company – Abandonment Exemption – in Cass, Pettis, Benton, Morgan, Miller, Cole Osage, Maries, Gasconade, and Franklin Counties, Missouri

Dear Mr. Pointer:

This letter documents the consultation of the Missouri Central Railroad Company (“MCRR”) with the U.S. Army Corps of Engineers, Kansas City District (“Corps”), in accordance with the Surface Transportation Board (“STB”) decision served on January 7, 2015 in Docket No. AB-1068 (Sub-No. 3X) (the “Decision”). See Attachment A.

MCRR filed for authorization from the STB in the above-captioned proceeding to abandon approximately 144 miles of rail line in western Missouri.¹ The project area is limited to the previously disturbed linear corridor of a railroad right-of-way that is approximately 100 feet wide and crosses through Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Missouri. The rail line abandonment is in two segments: (1) between mileposts 263.5 and 262.906 (near Pleasant Hill) in Cass County, Missouri, and (2) between milepost 215.325 (near Windsor) in Pettis County, Missouri and milepost 71.6 (near Beaufort) in Franklin County, Missouri (the “Line”). See Attachment B (map).

¹ This abandonment has a linear connection to two prior abandonments in STB Docket Nos. AB-1068X and AB-1068 (Sub-No. 1X). The Corps agreed that no permit was needed in AB-1068X via an email confirmation from Brian Donahue on March 29, 2012 to Charlie Henderson at Ameren Missouri which is an affiliated entity with MCRR. In AB-1068X, the Corps submitted comments to the STB stating that a Corps permit under Section 404 would not be needed based on the salvage activities and the STB’s environmental staff concurred with that conclusion. Missouri Central Railroad Company – Abandonment and Discontinuance of Service Exemption – In Cass, Henry, Johnson, and Pettis Counties, Mo., STB Docket NO. AB-1068 (Sub-No. 1X), Environmental Assessment (served Jun. 14, 2013).

March 25, 2015

In the Decision, the STB addressed issues related to the Corps and waters of the United States. Specifically, the STB stated that, “prior to commencement of any salvage activities, MCRR shall consult with the Corps prior to initiating salvage to determine if a Corps permit would be required, and if so, to comply with the Corps’ reasonable requirements.” See Decision at p. 4. MCRR believes that no permit is needed.

The Office of Environmental Analysis (“OEA”) served an environmental assessment (“EA”) in this proceeding on December 12, 2014. In the EA, the OEA stated that it “has not received comments from the U.S. Army Corps of Engineers (Corps), but believes that a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would not be required because MCRR has stated that it has no plans to alter the contour of the underlying roadbed, or perform any in-stream work including the dredging and/or placement of fill materials.” See EA at p. 3-4. No comments were received from the Corps in response to the EA. See Decision at p. 2.

MCRR previously contacted your office regarding similar rail abandonments by MCRR in STB Docket Nos. AB-1068X and AB-1068 (Sub-No. 1X) over the past few years, and your office informed MCRR in both cases that no permit would be needed as long as there was no discharge of dredged or fill material into waters of the U.S. The rail line abandonment in the current proceeding will entail activities identical to those in the prior two proceedings – salvage of track and other steel assets from the roadbed – and, like those prior proceedings, MCRR believes that no Corps permit is necessary.

As explained below, MCRR’s abandonment activities will be limited to salvage of certain rail assets from the roadbed. Salvage (removal) will:

- be limited to the previously disturbed right-of-way
- only remove the ties, track, and related steel components from the roadbed²
- not include removal of ballast or changing the contour of the existing roadbed
- not include dismantling bridges or any structures on the Line as those structures will be used for future trail purposes
- not include in-stream work, dredging, and/or use of fill materials
- require, however, clearing vegetation and removal of some trees that have grown in the railroad right-of-way

² After salvage is complete, the railroad right-of-way will be transferred to the Missouri Department of Natural Resources (“MDNR”), which has plans to build a trail under the Rails-to-Trails Act. As you may be aware, trail construction will occur after the property has ceased to be an active rail line, and will be outside the environmental review of the abandonment process. The STB has stated that it “does not conduct an environmental review of a potential conversion to interim trail use/railbanking because it does not exercise sufficient federal control so as to qualify as a ‘major federal action’ under the National Environmental Policy Act (NEPA).” Environmental Assessment in Missouri Central Railroad Company – Abandonment and Discontinuance of Service Exemption – in Cass County, MO, STB Docket No. AB-1068X, slip op. at 6 (n. 8) (served Dec. 3, 2010).

March 25, 2015

MCRR believes that, because the salvage activities will be confined to the elevated portion of the roadbed within the rail corridor and will involve no grading, cutting, or filling activities, there will be no impacts to or activities conducted in any streams, waters, or wetlands. Furthermore, any vegetation cutting will be placed on the elevated roadbed section of the property and shall not include any disposal in any streams, waters, or wetlands that may be present along the rail line corridor.

In conclusion, MCRR submits that it should be able to report to the STB's environmental staff that consultation with the Corps has occurred and that the abandonment project does not require a permit from the Corps. MCRR respectfully requests that the Corps confirm that this correspondence concludes the consultation required under the Decision.

Respectfully submitted,



Sandra L. Brown

Attorney for Missouri Central Railroad Company

cc: Diana Wood, Surface Transportation Board
Glennon Hof, MCRR/Ameren

Condition 2
Correspondence

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

www.dnr.mo.gov

APR 17 2015

Ms. Sandra Brown
Thompson Hine, LLP
1919 M Street, N.W., Suite 700
Washington, DC 20036-1600

RE: STB Docket No. AB-1068 (Sub-No. 3X), Missouri Central Railroad Company -
Abandonment Exemption

Dear Ms. Brown:

The Missouri Department of Natural Resources' Water Protection Program has received your letter dated March 25, 2015, regarding the Missouri Central Railroad Company's proposed abandonment of approximately 144 miles of rail line in western Missouri. The project area will be limited to the previously disturbed linear corridor of a railroad right-of-way that is approximately 100 feet wide and crosses through Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade and Franklin Counties, Missouri.

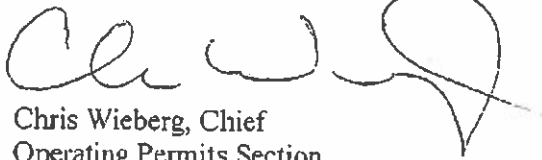
After review, it has been determined that a National Pollutant Discharge Elimination System Permit would not be required for the land disturbance activities that have been proposed. Missouri Regulation 10 CSR 20-6.200(1)(B) 9 states, "Mowing, brush hog clearing, tree cutting, or similar activities which do not grade, dig, excavate, or otherwise remove or kill the surface growth and root system of the ground cover" are exempt from stormwater permit regulations. If the project is to include activities that will remove or kill the root system of ground cover, a permit is likely required. This concurrence of exemption does not allow water quality violations of the General Criteria listed in Missouri Regulation 10 CSR 20-7.031(4).

In the event that water quality violations do occur, the Department has the right to require a permit under Missouri Regulation 20-6.200(B). Furthermore this determination only covers areas within the 100 foot wide area identified in the request. Projects such as farm road relocation or other construction activities, outside the 100 foot width may require a permit if ground cover root system are proposed to be killed or removed.

Thank you for your letter regarding this proposed project and your concern about the environment. If you have any questions about this letter, please contact Mr. Christopher Miller of my staff by phone at (573) 526-3337, by e-mail at christopher.miller@dnr.mo.gov, or by mail at the Missouri Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM

A handwritten signature in black ink, appearing to read 'Chris Wieberg', written over the printed name.

Chris Wieberg, Chief
Operating Permits Section

CW/cmp

March 25, 2015

Via First-Class U.S. Mail and E-mail

Charles Harwood
Water Protection Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

charles.harwood@dnr.mo.gov

**Re: STB Docket No. AB-1068 (Sub-No. 3X), Missouri Central Railroad Company –
Abandonment Exemption – in Cass, Pettis, Benton, Morgan, Miller, Cole Osage,
Maries, Gasconade, and Franklin Counties, Missouri**

Dear Mr. Harwood:

This letter documents the consultation of the Missouri Central Railroad Company (“MCRR”) with the Missouri Department of Natural Resources (“MDNR”) in accordance with the Surface Transportation Board (“STB”) decision served on January 7, 2015 in Docket No. AB-1068 (Sub-No. 3X) (the “Decision”). See Attachment A.

MCRR filed for authorization from the STB in the above-captioned proceeding to abandon approximately 144 miles of rail line in western Missouri.¹ The project area is limited to the previously disturbed linear corridor of a railroad right-of-way that is approximately 100 feet wide and crosses through Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Missouri. The rail line abandonment is in two segments: (1) between mileposts 263.5 and 262.906 (near Pleasant Hill) in Cass County, Missouri, and (2) between milepost 215.325 (near Windsor) in Pettis County, Missouri and milepost 71.6 (near Beaufort) in Franklin County, Missouri (the “Line”). See Attachment B (map).

In the Decision, the STB addressed the National Pollution Discharge Elimination System (“NPDES”) program. Specifically, the STB stated that, “to ensure appropriate consideration of the NPDES requirements, MCRR shall consult with EPA or MDNR (whichever agency is authorized to administer the NPDES program), prior to commencement of any salvage activities and shall comply with the reasonable NPDES requirements.” See Decision at p. 4. MCRR believes that no NPDES permit is needed.

The STB’s Office of Environmental Analysis (“OEA”) served an environmental assessment (“EA”) on December 12, 2014 in this proceeding. The OEA stated that “it expects the proposed

¹ This abandonment has a linear connection to two prior abandonments in STB Docket Nos. AB-1068X and AB-1068 (Sub-No. 1X). These projects did not trigger water related permits or land disturbance permits.

March 25, 2015

abandonment to have no adverse effects on water quality because MCRR's planned salvage operations would be limited to the removal of rail, steel track materials, and ties only." See EA at p. 4. OEA also stated that "no ballast would be removed and there are no plans to remove or alter the contour of the existing roadbed, or undertake any in-stream work or dredge and/or use fill materials." See EA at p. 4. No comments were received from the EPA or MDNR in response to the EA. See Decision at p. 2.

As explained below, MCRR's abandonment activities will be limited to salvage of certain rail assets from the roadbed. Salvage (removal) will:

- be limited to the previously disturbed right-of-way
- only remove the ties, track, and related steel components from the roadbed²
- not include removal of ballast or changing the contour of the existing roadbed
- not include dismantling bridges or any structures on the Line as those structures will be used for future trail purposes
- not include in-stream work, dredging, and/or use of fill materials
- require, however, clearing vegetation and removal of some trees that have grown in the railroad right-of-way

MCRR believes that, because the salvage activities will be confined to the elevated portion of the roadbed within the rail corridor and will involve no grading, cutting, or filling activities, there will be no impacts to or activities conducted in any streams, waters, or wetlands. Furthermore, any vegetation cutting will be placed on the elevated roadbed section of the property and shall not include any disposal in any streams, waters, or wetlands that may be present along the rail line corridor.

In conclusion, MCRR submits that it should be able to report to the STB's environmental staff that consultation with MDNR about the NPDES program has occurred and that the abandonment project does not require a NPDES permit. MCRR respectfully requests that MDNR confirm that this correspondence concludes the consultation required under the Decision.

² After salvage is complete, the railroad right-of-way will be transferred to MDNR, which has plans to build a trail under the Rails-to-Trails Act. As you may be aware, trail construction will occur after the property has ceased to be an active rail line, and will be outside the environmental review of the abandonment process. The STB has stated that it "does not conduct an environmental review of a potential conversion to interim trail use/railbanking because it does not exercise sufficient federal control so as to qualify as a 'major federal action' under the National Environmental Policy Act (NEPA)." Environmental Assessment in Missouri Central Railroad Company – Abandonment and Discontinuance of Service Exemption – in Cass County, MO, STB Docket No. AB-1068X, slip op. at 6 (n. 8) (served Dec. 3, 2010).

March 25, 2015

Respectfully submitted,



Sandra L. Brown

Attorney for Missouri Central Railroad Company

cc: Diana Wood, Surface Transportation Board
Glennon Hof, MCRR/Ameren



Re: FWS Code 03E14000-2015-SLI-0366

Marquardt, Shauna

to:

Brown, Sandra

05/12/2015 09:40 AM

Cc:

"Diana.Wood@stb.dot.gov"

Hide Details

From: "Marquardt, Shauna" <shauna_marquardt@fws.gov>

To: "Brown, Sandra" <Sandra.Brown@thompsonhine.com>

Cc: "Diana.Wood@stb.dot.gov" <Diana.Wood@stb.dot.gov>

History: This message has been replied to and forwarded.

#E1-20179
Condition 3
Correspondence

Sandy,

Thank you for providing additional information regarding the timeline for the Missouri Central Railroad ("MCRR") abandonment project. Based on the implementation of winter tree removal in areas of suitable habitat for the Indiana bat and northern long-eared bat, the Service concurs with your determinations of may affect, not likely to adversely affect for both species.

I appreciate your coordination. This concludes consultation for the project as proposed. Should project plans or timelines change, please contact our office for further guidance.

Best,
Shauna

Shauna Marquardt
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Missouri Ecological Services Field Office
101 Park De Ville Drive, Suite A
Columbia MO 65203
573/234-2132 ext. 174 (office)
573/234-2181 (fax)

On Mon, May 11, 2015 at 10:07 PM, Brown, Sandra <Sandra.Brown@thompsonhine.com> wrote:

Shauna,

It was good to talk to you last week to discuss the Missouri Central Railroad ("MCRR") abandonment project.

After talking further with my client and contractors, we are willing to implement the window that will avoid clearing of trees from November 1 to March 31 as the conservation measure to reach a "not likely to adversely affect" (NLAA) determination for the project and conclude consultation with FWS. MCRR understands that this restriction does not apply to work that can be done on the project where no trees are being cut.

The project area is a narrow corridor but MCRR recognizes that it traverses a geographic gradient of central Missouri with a range of moderate to high likelihood of bat presence. We believe this conservation measure is appropriate because there is a potential for a small amount of suitable habitat to exist in the area and some mature trees larger than 5" in diameter will need to be cleared in order to complete salvage of the track materials.

Please confirm your concurrence with the NLAA determination and the conclusion of the consultation with FWS. Best to you as you head out for bat surveys.

Regards, Sandy

Sandra L. Brown | [Partner](#) | **Thompson Hine LLP**
1919 M Street, N.W., Suite 700 | [Washington, DC 20036-1600](#)
Office: 202.263.4101 | **Mobile:** 202.841.0067
Fax: 202.331.8330 | **Email:** Sandy.Brown@ThompsonHine.com
Web: <http://www.ThompsonHine.com>

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From: Marquardt, Shauna [mailto:shauna_marquardt@fws.gov]
Sent: Wednesday, April 29, 2015 10:32 AM
To: Brown, Sandra

Subject: Re: FWS Code 03E14000-2015-SLI-0366

Hi Sandra,

I am reviewing the proposed railroad abandonment project in Missouri and had a couple questions. Your NE determinations are appropriate for the suite of species covered other than Indiana and northern long-eared bat. The only concern that I have is with these species and vegetation clearing. Do you have any information about the amount or type of vegetation? Is the vegetation shrubs/early successional, or mature trees? If there are no mature trees larger than 5", then there would be no time restriction on clearing (i.e. no suitable habitat present in the project area) and the project could proceed according to a more flexible timeline with a NE determination. However, if there are mature trees, then adverse effects are avoided by clearing trees from Nov 1 to March 31. This project covers a broad geographic gradient across central Missouri so it crosses areas from moderate to high likelihood of bat presence even in the spring and fall. Without more detailed survey data, clearing during hibernation is the conservation measure that needs to be implemented to reach a NLAA.

I propose this path forward:

- 1) Characterize suitable habitat in the project area: absent or quantify the acreage
- 2) If absent, document a NE. Consultation concludes
- 3) If suitable habitat is present, document the amount of suitable habitat present, including potential maternity roost trees to be removed. If it is only a few trees or acres, can likely get to an insignificant and discountable impact.
- 4) If less than 10 acres of suitable habitat will be removed, adopt the conservation measure to clear suitable habitat from Nov 1 to March 31. Consultation concludes

OR

- 5) Conduct bat surveys in areas of suitable habitat.

I am making the assumption that there is not much suitable bat habitat that will be impacted, but that needs to be documented somewhere. At this point, there is not a clear indication of whether the vegetation removal includes 1 acre of shrubs or 50 acres of mature trees and snags. If you can document a small amount of habitat present, winter tree clearing is the most streamlined path forward if the project timeline can accommodate it. There are some more creative alternatives but it requires more detail from you, such as identifying areas of unsuitable habitat in the western portion of the line and starting to work there in the fall first and moving eastward once winter arrives.

I am out of the office tomorrow and Friday at a meeting and will be on leave on Monday. So Tuesday, May 5th will be my next available day in the office. May 15 is the beginning of bat survey season so I will be out of pocket for most of the rest of May and some in early June. I say this to let you know that I'm trying to clear my desk of existing consultations before I head to the field. We can try to handle this by email if you can't call, but I hope we can get it finalized by the end of next week.

Shauna Marquardt
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Missouri Ecological Services Field Office
101 Park De Ville Drive, Suite A
Columbia, MO 65203
573/234-2132 ext 174 (office)
573/234-2181 (fax)

On Wed, Apr 15, 2015 at 1:18 PM, Brown, Sandra <Sandra.Brown@thompsonhine.com> wrote:

Shauna,

Attached is a copy of the Corps letter that I mentioned in my voice mail so you have it for your file.

Do you have a window this week for us to have a phone call to touch base on the MCRR project? Please let me know what works best for you and I can call your office.

In the interim, please let me know if you have any questions.

Thank you.

Regards, Sandy

Sandra L. Brown | [Partner](#) | **Thompson Hine LLP**
1919 M Street, N.W., Suite 700 | [Washington, DC](#) 20036-1600
Office: 202.263.4101 | **Mobile:** 202.841.0067
Fax: 202.331.8330 | **Email:** Sandy.Brown@ThompsonHine.com
Web: <http://www.ThompsonHine.com>

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From: Salveter, Amy [mailto:amy_salveter@fws.gov]
Sent: Tuesday, March 31, 2015 2:53 PM
To: Brown, Sandra
Cc: Shauna Marquardt
Subject: Re: FWS Code 03E14000-2015-SLI-0366

We received your letter and Shauna Marquardt of my staff has been assigned this consultation.

Amy Salveter, Field Supervisor

U.S. Fish and Wildlife Service

Missouri Ecological Services Field Office

101 Park DeVille Dr., Ste. A

Columbia, MO 65203

573-234-2132, ext. 166

On Tue, Mar 31, 2015 at 1:50 PM, Brown, Sandra <Sandra.Brown@thompsonhine.com> wrote:

Ms. Salveter,

I would like to confirm that you received the letter referenced below as sometimes larger email file attachments get held up.

If you could please confirm receipt, I would appreciate it.

Thank you,

Sandy

-----Original Message-----

From: Brown, Sandra

Sent: Monday, March 23, 2015 11:53 AM

To: 'Amy Salveter' <amy.salveter@fws.gov>

Cc: Hof, Glennon P; Diana.Wood@stb.dot.gov; 'shauna_marquardt@fws.gov'

Subject: FWS Code 03E14000-2015-SLI-0366

Ms. Salveter,

The attached letter addresses the species list provided under the above-referenced consultation code for the U.S. Fish and Wildlife Service. Please review and let me know if you have any questions.

You may recall that you were also cc'd on an email on February 12th about this project in an exchange I had with Shauna Marquardt. Ms. Marquardt was the biologist that assisted in the consultation for a prior abandonment proceeding that was adjacent to this new one.

Thank you.

Regards, Sandy

Sandra L. Brown | Partner | Thompson Hine LLP
1919 M Street, N.W., Suite 700 | Washington, DC 20036-1600
Office: 202.263.4101 | Mobile: 202.841.0067
Fax: 202.331.8330 | Email: Sandy.Brown@ThompsonHine.com
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March 23, 2015

VIA First Class Mail and E-Mail

Amy Salveter
Field Supervisor
U.S. Fish and Wildlife Service
Missouri Ecological Services Field Office
101 Park De Ville Drive, Suite A
Columbia, MO 65203

Amy_Salveter@fws.gov

Re: Consultation Code: 03E14000-2015-SLI-0366
Section 7 Endangered Species Act Consultation - STB Docket No. AB-1068 (Sub-No. 3X), Missouri Central Railroad Company - Abandonment Exemption - in Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Missouri

Dear Ms. Salveter:

This letter documents Missouri Central Railroad Company's ("MCRR") consultation under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service ("Service") for the above-captioned project.

As discussed below, MCRR believes that its project will have no effect on the natural resources listed in the species list provided through the Information, Planning, and Conservation ("IPaC") planning tool based on the proposed mitigation for the potential critical habitat for bats in the area. **See Attachment A** (Official Species List). Thus, MCRR requests that the Service confirm that consultation under Section 7 for this project is concluded.

MCRR filed for authorization from the Surface Transportation Board ("STB") in the above-captioned proceeding to abandon approximately 144 miles of rail line in central Missouri.¹ The project area is limited to the previously disturbed linear corridor of the railroad right-of-way ("ROW") that is approximately 100 feet wide, and it crosses through Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Missouri. The rail line abandonment is in two segments: (1) between mileposts 263.5 and 262.906 (near Pleasant Hill) in Cass County, Missouri, and (2) between milepost 215.325 (near Windsor) in Pettis County, Missouri and milepost 71.6 (near Beaufort) in Franklin County, Missouri (the "Line"). **See Attachment B** (map).

¹ This abandonment has a linear connection to two prior abandonments in STB Docket Nos. AB-1068X and AB-1068 (Sub-No. 1X).

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In accordance with STB regulations, MCRR sent an initial consultation letter to the Service on October 2, 2014 and sent the Combined Environmental and Historic Report ("CEHR") to the Service on October 28, 2014. The STB served an Environmental Assessment ("EA") in the proceeding on December 12, 2014. No comment was received by MCRR or the STB from the Service on any of these documents. Nevertheless, the STB noted that the line travels through rural and undeveloped land with numerous streams and drainage features and, thus, the STB's environmental office was not certain whether the Line might contain species and/or habitats of concern. Therefore, the STB imposed as a condition that "MCRR shall contact [the Service] prior to beginning salvage activities to discuss potential impacts to any federally listed endangered or threatened species." MCRR is then to report the results of the consultation to the STB's environmental staff.

As explained below, MCRR's abandonment activities will be limited to salvage of certain rail assets. Salvage (removal) will:

- be limited to the previously disturbed ROW
- only remove the ties, track, and related steel components from the roadbed²
- not include removal of ballast or changing the contour of the existing roadbed
- not include dismantling bridges or any structures on the Line as those structures will be used for future trail purposes
- not include in-stream work, dredging, and/or use of fill materials
- require, however, clearing vegetation and removal of some trees that have grown in the railroad right-of-way

MCRR has reviewed the species list provided through the IPaC system and reviewed the Missouri Department of Conservation's information concerning Missouri Plants and Animals of Conservation Concern.³ Based upon review of these materials, the referenced project area, and

² After salvage is complete, the railroad right-of-way will be transferred to the Missouri Department of Natural Resources ("MDNR") which has plans to build a trail under the Rails-to-Trails Act. As you may be aware, trail construction will occur after the property has ceased to be an active rail line, and will be outside the environmental review of the abandonment process. The STB has stated that it "does not conduct an environmental review of a potential conversion to interim trail use/railbanking because it does not exercise sufficient federal control so as to qualify as a 'major federal action' under the National Environmental Policy Act (NEPA)." Environmental Assessment in Missouri Central Railroad Company Abandonment and Discontinuance of Service Exemption – in Cass County, MO, STB Docket No. AB-1068X, slip op. at 6 (n. 8) (served Dec. 3, 2010).

³ Missouri has published two relevant booklets, the Missouri Plants of Conservation Concern found at http://mdc.mo.gov/sites/default/files/resources/2010/04/4069_1692.pdf and the Missouri

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anticipated activities, MCRR submits the following conclusions regarding the 15 threatened or endangered species on the list.

First, since MCRR activities will not include in-stream work or dredge and/or use of fill materials, there will be *no effect* ("NE") on either the five listed species of clams or the three listed species of fish.

Second, for the flowering plants listed, MCRR submits that there will be no effect on these species for the following reasons based upon information in the Missouri Plants of Conservation Concern. The Decurrent False Aster does not occur in any of the 10 counties for the project area. In addition, the habitat for the Decurrent False Aster is low areas subject to flooding by the Mississippi River and the project area is not in close proximity to the Mississippi River. The Mead's Milkweed has had limited sightings in only three counties of the 10 project area counties. Furthermore, the Mead's Milkweed habitat usually occurs on pristine prairies and glades, but the project area encompasses previously disturbed railroad right-of-way so it is unlikely that Mead's Milkweed occurs in the ROW. Finally, the Running Buffalo Clover has had only three sighted occurrences in Missouri and none of the occurrences are considered secure. The habitat is moist, partially shaded woodlands, sometimes along stream or river terraces. One reported site was discovered in 1998 in Maries County but the ROW only crosses a small portion on the northern part of Maries County near Belle, Missouri. In addition, the raised rail bed and ballast are unlikely to support germination of the Running Buffalo Clover.

The one insect species listed is the Hine's Emerald Dragonfly. According to the Missouri Animals of Conservation Concern, the Hine's Emerald Dragonfly has only been spotted in one location on land owned by a private conservation group in a county outside of the project area in south eastern Missouri.

Finally, the species list includes three bat species: the Gray Bat, the Indiana Bat, and Northern Long-Eared Bat. The Gray bat and the Indiana bat are endangered species while the Northern Long-Eared Bat is a proposed endangered species. The Gray Bat habitat is limited to caves and the project will have no effect on caves. The Indiana Bat and the Northern Long-Eared Bat both migrate during summer months to roost in wooded areas under loose tree bark on dead or dying trees (known as snag trees). According to the Indiana Bat summer survey guidelines, the summer period that bats may be present is from May 15 to August 15.⁴ MCRR will need to clear some trees from the right-of-way but this clearing will be limited to trees within the linear corridor and only those that are needed to be cleared to remove track materials. Based on the

Animals of Conservation Concern found at

http://mdc.mo.gov/sites/default/files/resources/2010/04/4068_1693.pdf.

⁴ See

<http://www.fws.gov/Midwest/Endangered/inaminals/inba/surveys/pdf/2014IBatSummerSurveyGuidelines13Jan2014.pdf>.

March 23, 2015

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limited clearing of trees, the project is *not likely to adversely affect* ("NLTA") either the Indiana Bat or the Northern Long-Eared Bat. MCRR recognizes that the STB, after consultation with the Service, customarily imposes mitigation prohibiting clearing of trees during the summer roosting season to protect snag tree habitat of the Indiana Bat and/or Northern Long-Eared Bat when such bat habitat may be impacted. To ensure no effect on these two species, MCRR proposes similar mitigation consisting of a window from May 1 to August 30 during which trees will not be cut, thereby protecting any potential habitat in which bats of these two species may roost during the summer months. This window will provide a reasonable two-week cushion on both ends of the summer survey guideline period. With this proposed mitigation, the project will have no effect on the listed bat species.

A summary chart of the listed species, status, effect, and reasoning for the determining is as follows:

Clams	Status	Effect	Reason
Pink Mucket	Endangered	NE	No in-stream or river work
Scaleshell Mussel	Endangered	NE	No in-stream or river work
Sheepnose Mussel	Endangered	NE	No in-stream or river work
Spectaclecase (mussel)	Endangered	NE	No in-stream or river work
Winged Mapleleaf	Endangered	NE	No in-stream or river work
Fishes			
Niangua Darter	Threatened	NE	No in-stream or river work
Pallid Sturgeon	Endangered	NE	No in-stream or river work
Topeka Shiner	Endangered	NE	No in-stream or river work
Flowering Plants			
Decurrent False Aster	Threatened	NE	No occurrences in project area
Mead's Milkweed	Threatened	NE	Habitat not in project area
Running Buffalo Clover	Endangered	NE	Unlikely to occur in project area
Insects			
Hine's Emerald Dragonfly	Endangered	NE	No occurrences in project area
Mammals			
Gray Bat	Endangered	NE	No caves will be impacted
Indiana Bat	Endangered	NLTAA	NE with proposed mitigation
Northern Long-Eared Bat	Proposed	NLTAA	NE with proposed mitigation

In conclusion, MCRR submits that it should be able to report to the STB's environmental staff that consultation with the Service has occurred and that the abandonment project will have no effect on federally listed endangered or threatened species. MCRR intends to ask the STB to close the Section 7 consultation for this project. MCRR will implement the proposed mitigation by not cutting trees during the window between May 1 to August 30 to protect any potential



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habitat in which bats may roost during the summer months. We respectfully request the Service to confirm that this correspondence concludes the consultation under Section 7 for this project.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sandra Brown", with a long horizontal flourish extending to the right.

Sandra L. Brown

Counsel for Missouri Central Railroad Company

cc: Diana Wood, Surface Transportation Board
Glennon Hof, MCRR/Ameren

#E1-20957



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Columbia Ecological Services Field Office
101 PARK DEVILLE DRIVE, SUITE A
COLUMBIA, MO 65203
PHONE: (573)234-2132 FAX: (573)234-2181



Consultation Code: 03E14000-2015-SLI-0366

March 03, 2015

Event Code: 03E14000-2015-E-00194

Project Name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

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

To Whom It May Concern:

This response has been generated by the Information, Planning, and Conservation (IPaC) system in order to provide information on natural resources that could be affected by your project. The response is provided by the U.S. Fish and Wildlife Service (Service) under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 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/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.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact our office if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. **Please 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.** This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-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 ECOS-IPaC system by completing the same process used to receive the enclosed list.

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, please visit species profiles at <http://www.fws.gov/midwest/endangered/section7/s7process/lifehistory.html>. 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 forest riparian areas for foraging. If your project will impact caves or mines or will involve tree removal around these areas (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. The rest of the year they roost under loose tree bark in tree crevices or cavities during the day and forage around tree canopies of floodplain, riparian, and upland forests at night. Trees which should be considered potential roosting habitat include those exhibiting loose or shaggy bark, crevices, or hollows. Tree species often include, but are not limited to: shellbark or shagbark hickory, white oak, cottonwood, and maple. If your project will impact caves or mines or will involve clearing forested habitat containing suitable roosting habitat, Indiana bats or northern long-eared bats could be affected. If your project will involve removal of over 5 acres of forested habitat, you may wish to complete a Summer Habitat Assessment prior to contacting our office in order 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, located at www.fws.gov/midwest/Endangered/mammals/inba/ under the heading Summer Survey Guidance.

If no suitable habitat for any federally-listed, candidate, or proposed species is present, and no species or their critical habitat will be affected, then no further consultation or coordination is required. However, if any of the following apply, please contact our office for further consultation:

1. Designated critical habitat is present within the project area,
2. Suitable habitat for listed, candidate, or proposed species is present within the project area (see above for habitat descriptions for bat species), or
3. You determine that project activities may affect these species or their critical habitat (e.g., project occurs upstream or within a distance such that the species or habitat could be affected).

The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. For additional conservation measures that may benefit species identified in the enclosed list, please contact our office.

Other Considerations

Bald and Golden Eagles - Although the bald eagle has recently 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 of 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 and these can be found at <http://www.fws.gov/habitatconservation/communicationtowers.html>.

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. In order to minimize these risks, please refer to guidelines developed by the Avian Power Line Interaction Committee's and the Service at http://www.aplic.org/uploads/files/2634/APPGuidelines_final-draft_Aprl2005.pdf. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas known to support large numbers of raptors and migratory birds.

Wind Energy - To minimize impacts to migratory birds and bats, wind energy projects should follow guidelines located at <http://www.fws.gov/windenergy>. In addition, please refer to the Service's Eagle Conservation Plan Guidance, located at http://www.fws.gov/windenergy/eagle_guidance.html, 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 impact any of the natural 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.

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 and please feel free to contact our office with questions or for additional information.

Amy Salveter

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

Official Species List

Provided by:

Columbia Ecological Services Field Office
101 PARK DEVILLE DRIVE
SUITE A
COLUMBIA, MO 65203
(573) 234-2132

Consultation Code: 03E14000-2015-SLI-0366

Event Code: 03E14000-2015-E-00194

Project Type: Transportation

Project Name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

Project Description: Missouri Central RR ("MCRR") has sought authorization from the STB to abandon approx. 144 miles. MCRR's abandonment actions will include salvage (removal) of the ties, track and related components. MCRR will not be removing ballast or disturbing land but will be clearing vegetation and trees required for salvage activities, that are on the existing RR embankment. No work will be done streams or rivers & all work will be limited to previously disturbed RR ROW.

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: MO Central RR Abandonment AB 1068 (Sub-No. 5X)

Project Counties: Benton, MO | Cass, MO | Cole, MO | Franklin, MO | Gasconade, MO | Maries,
MO | Miller, MO | Morgan, MO | Osage, MO | Pettis, MO



United States Department of Interior
Fish and Wildlife Service

Project name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

Endangered Species Act Species List

There are a total of 15 threatened or endangered species on your 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. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Clams	Status	Has Critical Habitat	Condition(s)
Pink mucket (<i>Lampsilis abrupta</i>) Population: Entire	Endangered		
Scaleshell mussel (<i>Leptodea leptodon</i>)	Endangered		
Sheepnose Mussel (<i>Plethobasus cyphus</i>)	Endangered		
Spectaclecase (mussel) (<i>Cumberlandia monodonta</i>)	Endangered		
Winged Mapleleaf (<i>Quadrula fragosa</i>) Population: Entire, except where listed as experimental populations	Endangered		
Fishes			
Niangua darter (<i>Etheostoma nianguae</i>) Population: Entire	Threatened	Final designated	
Pallid sturgeon (<i>Scaphirhynchus albus</i>) Population: Entire	Endangered		
Topeka shiner (<i>Notropis topeka</i> (= <i>tristis</i>))	Endangered	Final designated	



United States Department of Interior
Fish and Wildlife Service

Project name: MO Central RR Abandonment AB 1068 (Sub No. 3X)

Population Entire			
Flowering Plants			
Decurrent False aster (<i>Boitonia decurrens</i>)	Threatened		
Mead's milkweed (<i>Asclepias meadii</i>)	Threatened		
Running Buffalo clove: (<i>Trifolium stoloniferum</i>)	Endangered		
Insects			
Hine's Emerald dragonfly (<i>Somatochlora hineana</i>)	Endangered	Final designated	
Mammals			
Gray bat (<i>Myotis grisescens</i>) Population Entire	Endangered		
Indiana bat (<i>Myotis sodalis</i>) Population Entire	Endangered		
northern long-eared Bat (<i>Myotis septentrionalis</i>)	Proposed Endangered		



United States Department of Interior
Fish and Wildlife Service

Project name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

Critical habitats that lie within your project area

The following critical habitats lie fully or partially within your project area.

Fishes	Critical Habitat Type
Niangua darter (<i>Etheostoma nianguae</i>) Population: Endemic	Final designated



United States Department of Interior
Fish and Wildlife Service

Project name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

Appendix A: FWS Migratory Birds

The protection of birds is regulated by the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA). Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). The MBTA has no otherwise lawful activities. For more information regarding these Acts see: <http://www.fws.gov/migratorybirds/RegulationsandPolicies.html>.

All project proponents are responsible for complying with the appropriate regulations protecting birds when planning and developing a project. To meet these conservation obligations, proponents should identify potential or existing project-related impacts to migratory birds and their habitat and develop and implement conservation measures that avoid, minimize, or compensate for these impacts. The Service's Birds of Conservation Concern (2008) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C. 1531 et seq.).

For information about Birds of Conservation Concern, go to:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BCC.html>

To search and view summaries of year-round bird occurrence data within your project area, go to the Avian Knowledge Network Histogram Tool links in the Bird Conservation Tools section at:

<http://www.fws.gov/migratorybirds/CCMB2.htm>

For information about conservation measures that help avoid or minimize impacts to birds, please visit:

<http://www.fws.gov/migratorybirds/CCMB2.htm>

Migratory birds of concern that may be affected by your project:

There are 33 birds on your Migratory birds of concern list.

Species Name	Bird of Conservation Concern (BCC)	Seasonal Occurrence in Project Area
Blue-winged Warbler (<i>Vermivora pinus</i>)	Yes	Breeding
Bewick's Wren (<i>Thryomanes</i>)	Yes	Year-round



United States Department of Interior
Fish and Wildlife Service

Project name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

<i>bewickii ssp. bewickii</i>		
Painted Bunting (<i>Passerina ciris</i>)	Yes	Breeding
cerulean warbler (<i>Dendroica cerulea</i>)	Yes	Breeding
Black-billed Cuckoo (<i>Coccyzus erythrophthalmus</i>)	Yes	Breeding
Swainson's hawk (<i>Buteo swainsoni</i>)	Yes	Breeding
Prairie Warbler (<i>Dendroica discolor</i>)	Yes	Breeding
Bald eagle (<i>Haliaeetus leucocephalus</i>)	Yes	Year-round
Dickcissel (<i>Spiza americana</i>)	Yes	Breeding
Golden eagle (<i>Aquila chrysaetos</i>)	Yes	Wintering
Fox Sparrow (<i>Passerella iliaca</i>)	Yes	Wintering
Field Sparrow (<i>Spizella pusilla</i>)	Yes	Breeding, Year-round
Kentucky Warbler (<i>Oporornis formosus</i>)	Yes	Breeding
Loggerhead Shrike (<i>Lanius ludovicianus</i>)	Yes	Year-round
Bell's Vireo (<i>Vireo bellii</i>)	Yes	Breeding
Grasshopper Sparrow (<i>Ammodramus savannarum</i>)	Yes	Breeding



United States Department of Interior
Fish and Wildlife Service

Project name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

Worm eating Warbler (<i>Helmitheros vermicivorus</i>)	Yes	Breeding
Upland Sandpiper (<i>Bartramia longicauda</i>)	Yes	Breeding
Prothonotary Warbler (<i>Protonotaria citrea</i>)	Yes	Breeding
Least Bittern (<i>Ixobrychus exilis</i>)	Yes	Breeding
Short-eared Owl (<i>Asio flammeus</i>)	Yes	Wintering
Sedge Wren (<i>Cistothorus platensis</i>)	Yes	Breeding, Migrating
Black-crowned Night-Heron (<i>Nycticorax nycticorax</i>)	Yes	Breeding
Wood Thrush (<i>Hylocichla ustulata</i>)	Yes	Breeding
Northern Flicker (<i>Colaptes auratus</i>)	Yes	Year-round
Harris's Sparrow (<i>Zonotrichia querula</i>)	Yes	Wintering
Pied-billed Grebe (<i>Podilymbus podiceps</i>)	Yes	Year-round, Breeding
Red-headed Woodpecker (<i>Melanerpes erythrocephalus</i>)	Yes	Year-round
Henslow's sparrow (<i>Ammodramus henslowii</i>)	Yes	Breeding
Hudsonian Godwit (<i>Limosa</i>)	Yes	Migrating

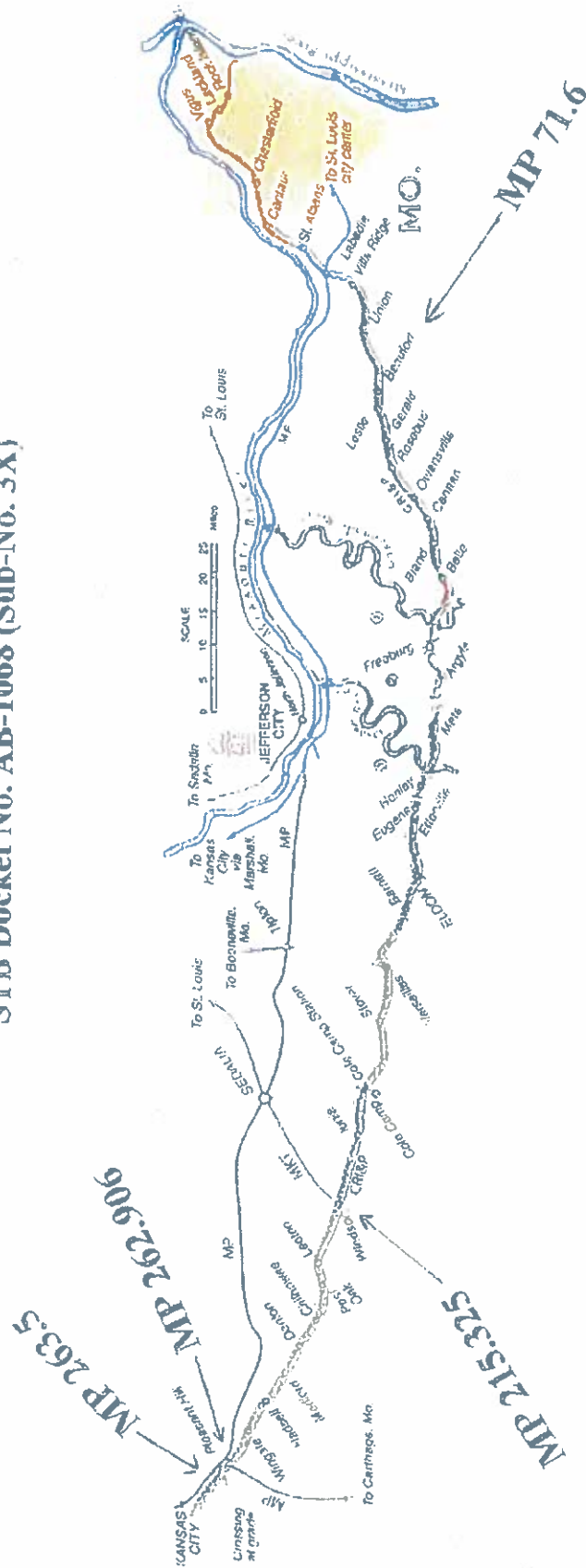


United States Department of Interior
Fish and Wildlife Service

Project name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

<i>huemastica)</i>		
Mississippi Kite (<i>Ictinia mississippiensis</i>)	Yes	Breeding
Acadian Flycatcher (<i>Empidonax virescens</i>)	Yes	Breeding
Rusty Blackbird (<i>Euphagus carolinus</i>)	Yes	Wintering

STB Docket No. AB-1068 (Sub-No. 3X)



#E1-20957



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Columbia Ecological Services Field Office
101 PARK DEVILLE DRIVE, SUITE A
COLUMBIA, MO 65203
PHONE: (573)234-2132 FAX: (573)234-2181



Consultation Code: 03E14000-2015-SLI-0366

March 03, 2015

Event Code: 03E14000-2015-E-00194

Project Name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

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

To Whom It May Concern:

This response has been generated by the Information, Planning, and Conservation (IPaC) system in order to provide information on natural resources that could be affected by your project. The response is provided by the U.S. Fish and Wildlife Service (Service) under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *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/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.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact our office if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. **Please 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.** This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-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 ECOS-IPaC system by completing the same process used to receive the enclosed list.

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, please visit species profiles at <http://www.fws.gov/midwest/endangered/section7/s7process/lifehistory.html>. 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 forest riparian areas for foraging. If your project will impact caves or mines or will involve tree removal around these areas (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. The rest of the year they roost under loose tree bark in tree crevices or cavities during the day and forage around tree canopies of floodplain, riparian, and upland forests at night. Trees which should be considered potential roosting habitat include those exhibiting loose or shaggy bark, crevices, or hollows. Tree species often include, but are not limited to: shellbark or shagbark hickory, white oak, cottonwood, and maple. If your project will impact caves or mines or will involve clearing forested habitat containing suitable roosting habitat, Indiana bats or northern long-eared bats could be affected. If your project will involve removal of over 5 acres of forested habitat, you may wish to complete a Summer Habitat Assessment prior to contacting our office in order 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, located at www.fws.gov/midwest/Endangered/mammals/inba/ under the heading Summer Survey Guidance.

If no suitable habitat for any federally-listed, candidate, or proposed species is present, and no species or their critical habitat will be affected, then no further consultation or coordination is required. However, if any of the following apply, please contact our office for further consultation:

1. Designated critical habitat is present within the project area,
2. Suitable habitat for listed, candidate, or proposed species is present within the project area (see above for habitat descriptions for bat species), or
3. You determine that project activities may affect these species or their critical habitat (e.g., project occurs upstream or within a distance such that the species or habitat could be affected).

The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. For additional conservation measures that may benefit species identified in the enclosed list, please contact our office.

Other Considerations

Bald and Golden Eagles - Although the bald eagle has recently 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 of 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 and these can be found at <http://www.fws.gov/habitatconservation/communicationtowers.html>.

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. In order to minimize these risks, please refer to guidelines developed by the Avian Power Line Interaction Committee's and the Service at http://www.aplic.org/uploads/files/2634/APPguidelines_final-draft_Aprl2005.pdf. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas known to support large numbers of raptors and migratory birds.

Wind Energy - To minimize impacts to migratory birds and bats, wind energy projects should follow guidelines located at <http://www.fws.gov/windenergy>. In addition, please refer to the Service's Eagle Conservation Plan Guidance, located at http://www.fws.gov/windenergy/eagle_guidance.html, 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 impact any of the natural 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.

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 and please feel free to contact our office with questions or for additional information.

Amy Salveter

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

Official Species List

Provided by:

Columbia Ecological Services Field Office
101 PARK DEVILLE DRIVE
SUITE A
COLUMBIA, MO 65203
(573) 234-2132

Consultation Code: 03E14000-2015-SLI-0366

Event Code: 03E14000-2015-E-00194

Project Type: Transportation

Project Name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

Project Description: Missouri Central RR ("MCRR") has sought authorization from the STB to abandon approx. 144 miles. MCRR's abandonment actions will include salvage (removal) of the ties, track and related components. MCRR will not be removing ballast or disturbing land but will be clearing vegetation and trees required for salvage activities, that are on the existing RR embankment. No work will be done streams or rivers & all work will be limited to previously disturbed RR ROW.

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

Project Counties: Benton, MO | Cass, MO | Cole, MO | Franklin, MO | Gasconade, MO | Maries,
MO | Miller, MO | Morgan, MO | Osage, MO | Pettis, MO



United States Department of Interior
Fish and Wildlife Service

Project name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

Endangered Species Act Species List

There are a total of 15 threatened or endangered species on your 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. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Clams	Status	Has Critical Habitat	Condition(s)
Pink mucket (<i>Lampsilis abrupta</i>) Population: Entire	Endangered		
Scaleshell mussel (<i>Leptodea leptodon</i>)	Endangered		
Sheepnose Mussel (<i>Plethobasus cyphus</i>)	Endangered		
Spectaclecase (mussel) (<i>Cumberlandia monodonta</i>)	Endangered		
Winged Mapleleaf (<i>Quadrula fragosa</i>) Population: Entire, except where listed as experimental populations	Endangered		
Fishes			
Niangua darter (<i>Etheostoma nianguae</i>) Population: Entire	Threatened	Final designated	
Pallid sturgeon (<i>Scaphirhynchus albus</i>) Population: Entire	Endangered		
Topeka shiner (<i>Notropis topeka</i> (<i>tristis</i>))	Endangered	Final designated	



United States Department of Interior
Fish and Wildlife Service

Project name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

Population Entire			
Flowering Plants			
Decurrent False aster (<i>Boltonia decurrens</i>)	Threatened		
Mead's milkweed (<i>Asclepias meadii</i>)	Threatened		
Running Buffalo clover (<i>Trifolium stoloniferum</i>)	Endangered		
Insects			
Hine's Emerald dragonfly (<i>Somatochlora hineana</i>)	Endangered	Final designated	
Mammals			
Gray bat (<i>Myotis grisescens</i>) Population Entire	Endangered		
Indiana bat (<i>Myotis sodalis</i>) Population Entire	Endangered		
northern long-eared Bat (<i>Myotis septentrionalis</i>)	Proposed Endangered		



United States Department of Interior
Fish and Wildlife Service

Project name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

Critical habitats that lie within your project area

The following critical habitats lie fully or partially within your project area.

Fishes	Critical Habitat Type
Niangua darter (<i>Etheostoma nianguae</i>) Population: Entire	Final designated



United States Department of Interior
Fish and Wildlife Service

Project name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

Appendix A: FWS Migratory Birds

The protection of birds is regulated by the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA). Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). The MBTA has no otherwise lawful activities. For more information regarding these Acts see: <http://www.fws.gov/migratorybirds/RegulationsandPolicies.html>

All project proponents are responsible for complying with the appropriate regulations protecting birds when planning and developing a project. To meet these conservation obligations, proponents should identify potential or existing project-related impacts to migratory birds and their habitat and develop and implement conservation measures that avoid, minimize, or compensate for these impacts. The Service's Birds of Conservation Concern (2008) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C 1531 et seq.)

For information about Birds of Conservation Concern, go to:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BCC.html>

To search and view summaries of year-round bird occurrence data within your project area, go to the Avian Knowledge Network Histogram Tool links in the Bird Conservation Tools section at

<http://www.fws.gov/migratorybirds/CCMB2.htm>

For information about conservation measures that help avoid or minimize impacts to birds, please visit:

<http://www.fws.gov/migratorybirds/CCMB2.htm>

Migratory birds of concern that may be affected by your project:

There are 33 birds on your Migratory birds of concern list.

Species Name	Bird of Conservation Concern (BCC)	Seasonal Occurrence in Project Area
Blue-winged Warbler (<i>Vermivora pinus</i>)	Yes	Breeding
Bewick's Wren (<i>Thryomanes</i>)	Yes	Year-round



United States Department of Interior
Fish and Wildlife Service

Project name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

<i>bewickii ssp. bewickii</i>)		
Painted Bunting (<i>Passerina ciris</i>)	Yes	Breeding
cerulean warbler (<i>Dendroica cerulea</i>)	Yes	Breeding
Black-billed Cuckoo (<i>Coccyzus erythrophthalmus</i>)	Yes	Breeding
Swainson's hawk (<i>Buteo swainsoni</i>)	Yes	Breeding
Prairie Warbler (<i>Dendroica discolor</i>)	Yes	Breeding
Bald eagle (<i>Haliaeetus leucocephalus</i>)	Yes	Year-round
Dickcissel (<i>Spiza americana</i>)	Yes	Breeding
Golden eagle (<i>Aquila chrysaetos</i>)	Yes	Wintering
Fox Sparrow (<i>Passerella iliaca</i>)	Yes	Wintering
Field Sparrow (<i>Spizella pusilla</i>)	Yes	Breeding, Year-round
Kentucky Warbler (<i>Oporornis formosus</i>)	Yes	Breeding
Loggerhead Shrike (<i>Lanius ludovicianus</i>)	Yes	Year-round
Bell's Vireo (<i>Vireo bellii</i>)	Yes	Breeding
Grasshopper Sparrow (<i>Ammodramus saviannarum</i>)	Yes	Breeding



United States Department of Interior
Fish and Wildlife Service

Project name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

Worm eating Warbler (<i>Helminthos vermivorum</i>)	Yes	Breeding
Upland Sandpiper (<i>Bartramia longicauda</i>)	Yes	Breeding
Prothonotary Warbler (<i>Protonotaria citrea</i>)	Yes	Breeding
Least Bittern (<i>Ixobrychus exilis</i>)	Yes	Breeding
Short-eared Owl (<i>Asio flammeus</i>)	Yes	Wintering
Sedge Wren (<i>Cistothorus platensis</i>)	Yes	Breeding, Migrating
Black-crowned Night-Heron (<i>Nycticorax nycticorax</i>)	Yes	Breeding
Wood Thrush (<i>Hylocichla mustelina</i>)	Yes	Breeding
Northern Flicker (<i>Colaptes auratus</i>)	Yes	Year-round
Harris's Sparrow (<i>Zonotrichia querula</i>)	Yes	Wintering
Pied-billed Grebe (<i>Podilymbus podiceps</i>)	Yes	Year-round, Breeding
Red-headed Woodpecker (<i>Melanerpes erythrocephalus</i>)	Yes	Year-round
Henslow's sparrow (<i>Ammodramus henslowii</i>)	Yes	Breeding
Hudsonian Godwit (<i>Limosa</i>)	Yes	Migrating



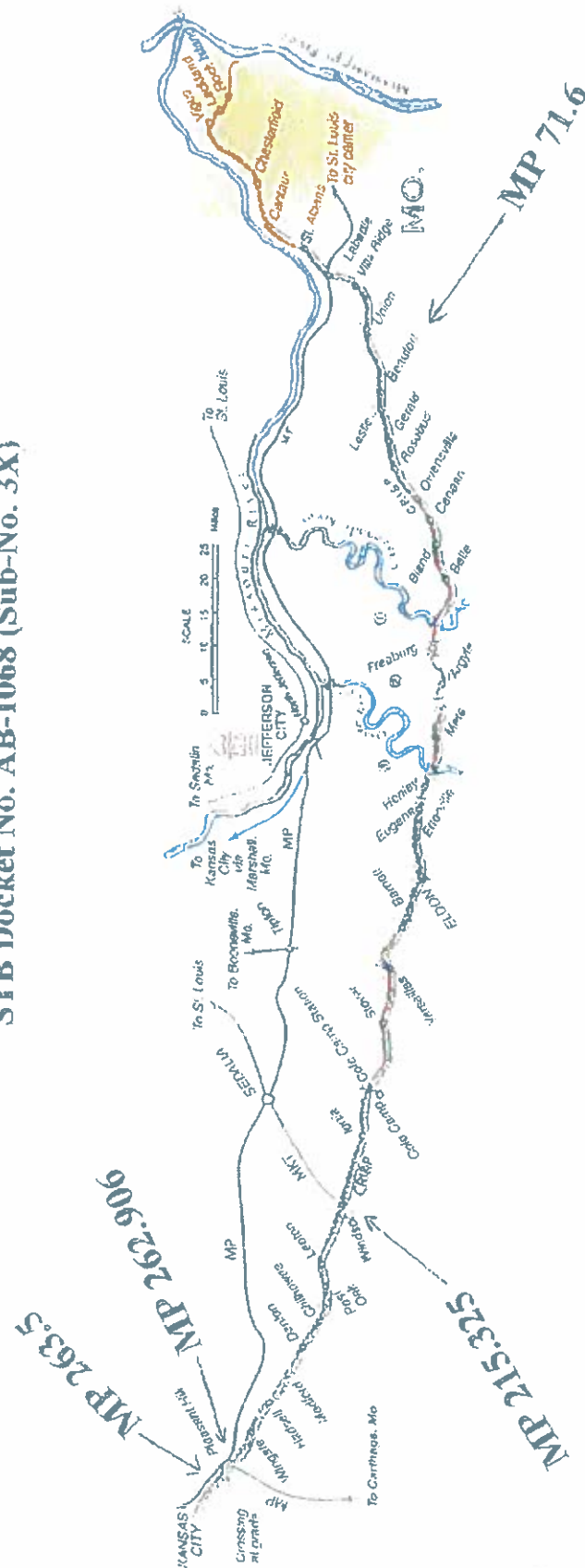
United States Department of Interior
Fish and Wildlife Service

Project name: MO Central RR Abandonment AB 1068 (Sub-No. 3X)

<i>haemastica</i>)		
Mississippi Kite (<i>Ictinia mississippiensis</i>)	Yes	Breeding
Acadian Flycatcher (<i>Empidonax virescens</i>)	Yes	Breeding
Rusty Blackbird (<i>Euphagus carolinus</i>)	Yes	Wintering

Missouri Central Railroad Company

STB Docket No. AB-1068 (Sub-No. 3X)





Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

E1-21025
Correspondence for
Condition 4

July 14, 2015

Sandra L. Brown
Thompson Hine LLP
1919 M Street NW, Suite 700
Washington, DC 20036

Re: STB Docket AB-1068 (Sub-No. 3X) & STB Docket AB-1070 (Sub-No. 3X), 144.3 miles of Missouri Central Railroad Company (STB) Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade & Franklin Counties, Missouri

Dear Ms. Brown:

Thank you for submitting information on the above referenced project for our review pursuant to Section 106 of the National Historic Preservation Act (P.L. 89-665, as amended) and the Advisory Council on Historic Preservation's regulation 36 CFR Part 800, which requires identification and evaluation of cultural resources.

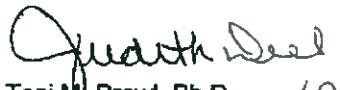
We have reviewed the preliminary photographic documentation for the 144.2 mile corridor of the Missouri Central Railroad Company STB Docket AB-1068 (Sub-No. 3X) and STB Docket AB-1070 (Sub-No. 3S0.. Based on this review it is evident that the stipulations of the Memorandum of Agreement (MOA) for this project for comprehensive photographic documentation of the corridor have been fulfilled. We also concur with the proposed list of properties that will be documented to archival standards, with the addition of the Freeburg Tunnel at mp 118.41. We look forward to the opportunity to review the archival materials.

We also have no objections to the initiation of the salvage related activities, as the photographic documentation meets the requirements of the MOA. Please be advised that, should project plans change, information documenting the revisions should be submitted to this office for further review. In the event that cultural materials are encountered during project activities, all construction should be halted, and this office notified as soon as possible in order to determine the appropriate course of action.

If you have any questions, please write Judith Deel at State Historic Preservation Office, P.O. Box 176, Jefferson City, Missouri 65102 or call 573/751-7862. Please be sure to include the SHPO Log Number (003-MLT-15) on all future correspondence or inquiries relating to this project.

Sincerely,

STATE HISTORIC PRESERVATION OFFICE


Toni M. Prawl, Ph.D.
Director and Deputy State
Historic Preservation Officer

TMP:jd

c Diana Wood, STB
Glennon Hof, Ameren

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Preserving America's Heritage

#E1-21001

June 25, 2015

Ms. Diana Wood
Environmental Project Manager
Office of Environmental Analysis
Surface Transportation Board
Washington, DC 20423

Ref: *Missouri Central Railroad Company - Abandonment and Discontinuance of Service Exemption
Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties,
Missouri*

Dear Ms. Wood:

The Advisory Council on Historic Preservation (ACHP) has received the Memorandum of Agreement (MOA) for the above referenced project. In accordance with Section 800.6(b)(1)(iv) of the ACHP's regulations, the ACHP acknowledges receipt of the MOA. The filing of the MOA, and execution of its terms, completes the requirements of Section 106 of the National Historic Preservation Act and the ACHP's regulations.

We appreciate your providing us with a copy of the MOA and will retain it for inclusion in our records regarding this project. Should you have any questions or require additional assistance, please contact Najah Duvall-Gabriel at 202-517-0210 or via e-mail at ngabriel@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

H E O - 2578



RE: Consulting Party Status: STB Docket No. AB 1068 (Sub-No. 3X)
Missouri Central Railroad Company

Diana Wood Zuzana Chovanec

06/16/2015 11:20 AM

Andrea Hunter, Stover City Hall, "Deel, Judith",
"ngabriel@achp.gov", "Brown, Sandra", "woodd@stb.dot.gov",
"Bryan, Mary"

3 attachments



MOA AB 1068X.pdf



Osage Nation.docx



Executed MOA 6-1-15.pdf

Dear Dr. Chovanec:

The attached executed MOA from another line segment of the same railroad included the Osage Nation as a concurring party, and we welcome your participation in that capacity. We based this decision - now and in the past - on the understanding that the rail line is not located on tribal lands and that the Osage Nation would not be assuming review of other responsibilities under the MOA (per ACHP guidance). We believe the stipulations below from the executed MOA adequately address the inadvertent discovery of any cultural resources and historic properties.

Please understand that as a concurring party, you will continue to receive information regarding the project but that your concurrence will not change the stipulations of the MOA or its date of execution. I have included a pdf of the executed MOA and also a signature and contact information page for you to complete and return. I will send out the revised MOA to all parties and ACHP once I receive your concurrence and contact information. In the interest of time, please provide the requested information no later than July 6, 2015.

I. UNANTICIPATED DISCOVERIES

A. Procedures for Unanticipated Discoveries of Cultural Resources and Historic Properties.

1. There are no known archaeological sites located within the 144.3-mile right-of-way. However, in the event that any unreported or unanticipated archaeological sites or cultural resources are discovered during salvage For abandonment proceedings, salvage activities may include removal of tracks and ties, removal of ballast, dismantling of any structures that may be present on the right-of-way, and regrading the right-of-way. Salvage may be performed within the right-of-way or, if necessary, via the construction of new access points to the right-of-way. activities, MCRR shall:

- a. immediately cease all work;
- b. clearly mark the area of discovery;
- c. implement interim measures to protect the discovery from looting and vandalism; and

d. notify OEA, federally-recognized Tribes, and the SHPO pursuant to 36 C.F.R. § 800.13(b)

2. Upon notification of the discovery, OEA shall consult with the SHPO, DNR/DSP, federally-recognized Tribes, MCRR, and other consulting parties, if any, to determine the NRHP eligibility of the discovery and whether appropriate mitigation measures, such as protection in place or archaeological data recovery plans, are necessary.

a. OEA, in consultation with the SHPO and appropriate federally-recognized Tribes, will have 30 calendar days following notification to determine the NRHP eligibility. OEA may assume the newly discovered property to be eligible for the NRHP.

b. If the find is determined to be potentially significant, OEA will consult with the SHPO and appropriate federally-recognized Tribes regarding appropriate measures for site treatment pursuant to 36 C.F.R. § 800.6(a). Once presented, the SHPO and the federally-recognized Tribes will have 30 calendar days to provide their objections or concurrence on the proposed actions. Mitigation measures may include:

i. formal archaeological evaluation of the site;

ii. visits to the site by the SHPO and/or appropriate Tribes; and/or

iii. preparation and implementation of a mitigation plan by OEA in consultation with federally-recognized Tribes for approval by the SHPO.

3. In the event that any human remains (other than from a crime scene) are discovered or excavated, they are subject to the immediate control, possession, custody, and jurisdiction of the SHPO, pursuant to the Missouri Unmarked Human Burials Sites Act (RSMo. 194.400-194.410). The excavation of human remains will follow guidance obtained through DNR/DSP, SHPO, and federally-recognized Tribes. The excavation, handling, and processing of any such human remains and associated funerary objects, sacred objects, or objects of cultural patrimony shall be in accordance with the SHPO instructions and pursuant to any provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) applicable to such remains and artifacts found in the APE. This excludes any cemetery human remains that may be discovered or excavated in the APE. These finds would be regulated by local government and law enforcement agencies, pursuant to Chapter 214, Cemeteries.

B. In the event of any unanticipated discoveries, MCRR shall ensure that a report on the archaeological investigations conducted pursuant to this "Unanticipated Discoveries" section is provided to the SHPO and OEA, and upon request to other interested parties.

C. Any report on unanticipated discoveries shall follow (1) procedures for the processing, analysis, and curation of collected materials as described in the Advisory Council's Handbook Treatment of Archaeological Properties, Part 111 of the Secretary of the Interior's Guidelines, and (2) currently accepted standards for the analysis and curation of archaeological remains. (DNR/DSP shall curate at Rock Bridge).

Diana F. Wood
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW Room 1110
Washington, DC 20423
202-245-0302 (phone)
202-245-0454 (fax)

From: Zuzana Chovanec <zchovanec@osagenation-nsn.gov>
To: "Diana.Wood@stb.dot.gov" <Diana.Wood@stb.dot.gov>
Cc: Andrea Hunter <ahunter@osagenation-nsn.gov>, "woodd@stb.dot.gov" <woodd@stb.dot.gov>, "Deel, Judith" <judith.deel@dnr.mo.gov>, "Brown, Sandra" <Sandra.Brown@thompsonhine.com>, "ngabriel@achp.gov" <ngabriel@achp.gov>, Stover City Hall <cityofstover@windstream.net>
Date: 06/11/2015 10:06 AM
Subject: RE: Consulting Party Status: STB Docket No. AB 1068 (Sub-No. 3X) Missouri Central Railroad Company

Dear Ms. Wood,

Thank you for your email, for detailing the situation, and providing options for the Osage Nation's involvement. Our preferred path would be included as an invited signatory. Please let me know if this would be possible.

Kind regards,

Zuzana Chovanec, Ph.D.
Archaeologist
Osage Nation Historic Preservation Office

From: Diana.Wood@stb.dot.gov [Diana.Wood@stb.dot.gov]
Sent: Tuesday, June 09, 2015 10:19 AM
To: Zuzana Chovanec
Cc: Andrea Hunter; woodd@stb.dot.gov; Deel, Judith; Brown, Sandra; Diana.Wood@stb.dot.gov; ngabriel@achp.gov; Stover City Hall
Subject: Re: Consulting Party Status: STB Docket No. AB 1068 (Sub-No. 3X) Missouri Central Railroad Company

Dear Dr. Chovanec:

I am in receipt of your request below to participate in the Section 106 consulting process and development of an MOA in the above referenced proceeding. Unfortunately, the invitation letter (see attached) I sent to all potential Section 106 parties was dated March 27th and had a 30-day response

time. Since I did not hear anything back within the time specified, the MOA was developed with only those parties who responded back. The MOA has since been executed and sent to the ACHP. I have, however, discussed this situation with Najah Duvall-Gabriel at the ACHP, and she said that it is up to the agency to decide if it wants to amend an MOA to allow for additional concurring parties. Najah suggested that I first contact you and ask if, in lieu of becoming an official concurring party, it would be acceptable to receive all the documents that will be prepared per the MOA stipulations, as if you were a concurring party, but not officially be part of the MOA. If this is acceptable, then I will include you in all future correspondence. If not, then I will have to begin the process of amending the MOA with the ACHP and other parties to include you in the process.

I've attached the MOA for your review. Please let me, and others cc'ed here, know which path you wish to take.

Thanks!

Regards,
Diana

Diana F. Wood
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW Room 1110
Washington, DC 20423
202-245-0302 (phone)
202-245-0454 (fax)

From: Zuzana Chovanec <zchovanec@osagenation-nsn.gov>
To: "woodd@stb.dot.gov" <woodd@stb.dot.gov>
Cc: Andrea Hunter <ahunter@osagenation-nsn.gov>, Zuzana Chovanec <zchovanec@osagenation-nsn.gov>
Date: 06/08/2015 11:46 AM
Subject: Consulting Party Status: STB Docket No. AB 1068 (Sub-No. 3X) Missouri Central Railroad Company

Dear Ms. Wood,

The Osage Nation Historic Preservation Office has received notification and accompanying information for the STB Docket No. AB 1068 (Sub-No. 3X) Missouri Central Railroad Company - Abandonment and Discontinuance of Service Exception - In Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Mo.

The Osage Nation has a vital interest in protecting its historic and ancestral cultural resources. We appreciate and accept your invitation to participate as a consulting party in the Section 106 process and in the development of a Memorandum of Agreement.

Please feel free to contact us with any questions or further information. Thank you for consulting with the Osage Nation on this matter.

Zuzana Chovanec, Ph.D.
Archaeologist
Osage Nation Historic Preservation Office



Consulting Party Status: STB Docket No. AB 1068 (Sub-No. 3X) Missouri Central Railroad Company

Zuzana Chovanec

to:

woodd@stb.dot.gov

06/08/2015 11:46 AM

Cc:

Andrea Hunter, Zuzana Chovanec

Hide Details

From: Zuzana Chovanec <zchovanec@osagenation-nsn.gov>

To: "woodd@stb.dot.gov" <woodd@stb.dot.gov>

Cc: Andrea Hunter <ahunter@osagenation-nsn.gov>, Zuzana Chovanec <zchovanec@osagenation-nsn.gov>

AEI-20995

Dear Ms. Wood,

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Please feel free to contact us with any questions or further information. Thank you for consulting with the Osage Nation on this matter.

Zuzana Chovanec, Ph.D.

Archaeologist

Osage Nation Historic Preservation Office



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

June 4, 2015

Najah Duvall-Gabriel, Historic Preservation Specialist
Advisory Council on Historic Preservation
Federal Permitting, Licensing and Assistance Section
401 F Street, NW, Suite 308
Washington, DC 20001-2637

Re: STB Docket No. AB 1068 (Sub-No. 3X) – Missouri Central Railroad Company – Abandonment and Discontinuance of Service Exemption – In Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Mo.

STB Docket No. AB 1070 (Sub-No. 3X) – Central Midland Railway Company – Discontinuance of Service and Operating Rights Exemption – In Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Mo.; Notification of Adverse Effect

Dear Ms. Duvall-Gabriel:

The Missouri Central Railroad Company (MCRR) and Central Midland Railway Company (CMR) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 for MCRR to abandon and for MCRR and CMR to discontinue service and operating rights over an approximately 144.3-mile rail line in two segments in Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Missouri.¹ The Surface Transportation Board's (Board) approval of this abandonment and discontinuance of service is considered an undertaking under Section 106 of the National

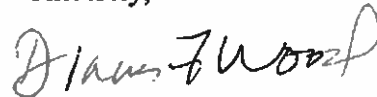
¹ The State of Missouri is interested in preserving the corridor by establishing a trail on the right-of-way, pursuant to the National Trails System Act at 16 U.S.C. § 1247(d). The trail would be a separate action by the State and would be an extension of a trail currently being developed on the 5.6-mile portion of the MCRR right-of-way between milepost 262.906 and milepost 257.283, and one that would be developed on the 42-mile portion between milepost 257.283 and milepost 215.325. Both line segments were previously proposed for abandonment.

Historic Preservation Act (16 U.S.C. § 470f) (NHPA) and is thus covered under its provisions. The Board's Office of Environmental Analysis (OEA) is responsible for ensuring the agency's compliance with the National Environmental Policy Act (NEPA) and NHPA.

I am writing to notify you that OEA has executed a Memorandum of Agreement (MOA) with the Missouri State Historic Preservation Office and the Missouri Central Railroad Company to resolve any adverse effects to historic properties for the proposed undertaking, pursuant to 36 C.F.R. § 800.6(b)(i)(iv). The Missouri Department of Natural Resources' Division of State Parks also signed the MOA as an invited signatory, and the City of Stover signed the MOA as a concurring party. The signed and executed document is included for your files. The filing of this document with the Advisory Council on Historic Preservation completes our compliance responsibilities under section 106 of the NHPA.

If you have any questions, require additional information regarding this proceeding, or have any concerns, please do not hesitate to contact me by telephone at 202-245-0302, or by email at woodd@stb.dot.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Diana Wood", written in a cursive style.

Diana Wood
Environmental Project Manager
Office of Environmental Analysis

Attachment

cc: Judith Deel, Missouri SHPO (SHPO Log # 003-MLT-15)
Sandra Brown, Thompson Hine LLP
Mary Bryan, DNR/DSP
Sharon Fry, City of Stover

MEMORANDUM OF AGREEMENT

Among

**THE SURFACE TRANSPORTATION BOARD,
MISSOURI CENTRAL RAILROAD COMPANY,
MISSOURI STATE HISTORIC PRESERVATION OFFICE, and
MISSOURI DEPARTMENT OF NATURAL RESOURCES,
DIVISION OF STATE PARKS
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**

Regarding

**STB DOCKET NO. AB-1068 (Sub-No. 3X)
MISSOURI CENTRAL RAILROAD COMPANY – ABANDONMENT
AND DISCONTINUANCE OF SERVICE EXEMPTION – IN CASS,
PETTIS, BENTON, MORGAN, MILLER, COLE, OSAGE, MARIES,
GASCONADE, AND FRANKLIN COUNTIES, MISSOURI**

Whereas, on November 18, 2014, Missouri Central Railroad Company (MCRR) and Central Midland Railway Company (CMR) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 for MCRR to abandon, and for MCRR and CMR to discontinue service over, approximately 144.3 miles of rail line in Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Missouri. The rail line abandonment is in two segments: (1) between mileposts 263.5 and 262.906 (near Pleasant Hill) in Cass County, Missouri, and (2) between milepost 215.325 (near Windsor) in Pettis County, Missouri and milepost 71.6 (near Beaufort) in Franklin County, Missouri.

Whereas, the rail line abandonment and discontinuance of service constitutes an Undertaking, as defined in 36 C.F.R. § 800.3(a); and,

Whereas, in a decision served on January 6, 2015,¹ the Surface Transportation Board (Board) imposed a condition for the proposed abandonment and discontinuance of service that requires MCRR to retain its interest in and take no further steps to alter the historic integrity of all historic properties within the project right-of-way (the Area of Potential Effects)² that are eligible for listing or are listed in the National Register of Historic Places (NRHP) until the Section 106

¹ The Board issued a corrected decision on January 7, 2015, but that correction had no impact on the Section 106 condition.

² For abandonments, the railroad right-of-way is the Area of Potential Effects or APE, defined at 36 C.F.R. § 800.16(d) as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.”

process of the National Historic Preservation Act, 16 U.S.C. § 470f (NHPA)³ has been completed and the Board has removed this condition; and,

Whereas, the rail corridor is part of the former Rock Island Line, which became the first rail line to connect Chicago with the Mississippi River in 1854, and it is significant in Missouri railroad history because, in 1901, the Rock Island acquired a local line – the St. Louis, Kansas City & Colorado RR line – as part of a plan to connect Kansas City with St. Louis. Accordingly, based on consultation with the Missouri State Historic Preservation Office (SHPO) pursuant to 36 C.F.R. Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (NHPA), the Board's Office of Environmental Analysis (OEA) determined that based on the prior review of two related proceedings in Docket No. AB 1068X and Docket No. 1068 (Sub-No. 1X) the rail line is likely eligible for inclusion in the NRHP. The basis for the prior designation was under Criterion A, for the line's association with events that have made a significant contribution to the broad patterns of our history. In addition, the certain rail structures are possibly eligible for listing in the NRHP under Criterion C, as objects that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; and,

Whereas, the rail corridor passes through or near the communities of Cole Camp, Stover, Versailles, Barnett, Eldon, Eugene, Meta, Freeburg, Belle, Bland, Owensville, Rosebud, Gerald, Leslie, and Beaufort; and,

Whereas, a historic report has been prepared for the structures in the Area of Potential Effect (APE) (See the railroads' Combined Environmental and Historic Report, dated October 28, 2014); and,

Whereas, based on consultation with the SHPO, OEA has determined that the proposed abandonment and discontinuance of service may likely have an adverse effect on the above mentioned historic resources; and,

Whereas, in a letter dated May 7, 2015, the Board notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect in accordance with 36 C.F.R. § 800.12; and,

Whereas, in a letter dated May 15, 2015, the ACHP declined to participate in the Section 106 process for this rail line abandonment, including the preparation of this MOA; and,

Whereas, pursuant to 36 C.F.R. § 800.3, the Board sent letters on March 27, 2015 inviting the Eastern Shawnee Tribe of Oklahoma, United Keetoowah Band of Cherokee, Otoe-Missouria Tribe of Indians, Omaha Tribe of Nebraska, Iowa Tribe of Oklahoma, Iowa Tribe of Kansas and Nebraska, Sac and Fox Nation of Oklahoma, The Osage Nation, Peoria Tribe of Indians in Oklahoma, Sac and Fox Tribe of the Mississippi in Iowa, and Sac and Fox Nation of Missouri in Kansas and Nebraska (collectively, "Tribes") to participate as consulting parties in the

³ The NHPA was recodified in December 2014 to Title 54. 16 USC § 470f is now known as 54 USC § 306108.

preparation of this MOA; in a letter dated April 9, 2015, the Peoria Tribe of Indians in Oklahoma declined to consult, and the Board has received no other responses or indications of interest from any other Tribes; and,

Whereas, based on currently available information, the proposed abandonment and discontinuance of service will not affect any locations known to include Native American burial sites, funerary objects, sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001 *et seq.*); and,

Whereas, MCRR owns the historic property that will be adversely affected by the proposed Undertaking and has participated in the consultation process and, pursuant to 36 C.F.R. § 800.6(c)(2)(iii), the Board has invited MCRR to be a signatory party in this MOA, which will guide the process for taking such effects into account; and,

Whereas, MCRR has accepted the invitation to be a signatory to this MOA; and,

Whereas, Missouri Department of Natural Resources, Division of State Parks (DNR/DSP), is an interested party, and has participated in the consultation process, and pursuant to 36 C.F.R. § 800.6(c)(2)(iii), the Board has invited DNR/DSP to be a signatory party in this MOA; and

Whereas, DNR/DSP has accepted the invitation to be a signatory party to this MOA; and,

Whereas, the communities of Cole Camp, Stover, Versailles, Barnett, Eldon, Eugene, Meta, Freeburg, Belle, Bland, Owensville, Rosebud, Gerald, Leslie, and Beaufort are located adjacent to a portion of the rail corridor and the Board has consulted with these locales and invited them to sign this MOA as a concurring party; and

Whereas, the City of Stover has accepted the invitation to be a concurring party to this MOA; and,

Whereas, pursuant to 36 C.F.R. § 800.6, the Board has consulted with the SHPO, MCRR, DNR/DSP, and the City of Stover regarding ways to avoid, minimize, or mitigate potential effects to the historic resources as a result of abandonment and the Board, SHPO, MCRR, DNR/DSP, and the City of Stover have all agreed upon the measures described below under “Stipulations;” and

Whereas, the definitions listed in 36 C.F.R. § 800.16 are applicable throughout this MOA.

Now, therefore, the Board, SHPO, MCRR, and DNR/DSP agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the Undertaking on historic properties, and further agree that these stipulations shall govern the Undertaking, and all of its parts until this MOA expires or is terminated. Additionally, the Board, SHPO, MCRR, DNR/DSP, and the City of Stover agree that the execution of this MOA and its subsequent submission to ACHP in accordance with 36 C.F.R. § 800.6(b)(1)(iv), shall, pursuant to 36 C.F.R. § 800.6(c), be considered to be an agreement with ACHP for purposes of the NHPA. Execution and submission of the MOA, and implementation

of its terms, evidences that the Board has afforded the ACHP an opportunity to comment on the proposed action relating to the line, and that the Board has taken into account the effects of the abandonment on historic properties and is satisfying the requirements of Section 106 of the NHPA.

STIPULATIONS

The Board will ensure that the following stipulations are carried out prior to taking any action that could adversely affect a NRHP eligible property:

I. STANDARDS

- A. Professional Qualifications: All historic preservation activities, research, evaluations, and reports implemented pursuant to this MOA shall be carried out by or under the direct supervision of a person or persons meeting, at a minimum, *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines for Professional Qualifications Standards* (48 Fed. Reg. 44738-44739) in the appropriate disciplines.

II. IDENTIFICATION

- A. The Board and MCRR have consulted with the SHPO, DNR/DSP, Tribes, and the City of Stover; reviewed existing information on cultural resources within the APE; and sought appropriate information from consulting parties and other interested parties, organizations, or federally-recognized Tribes likely to have knowledge of, or concerns regarding, cultural resources within the APE.
- B. A Combined Environmental and Historic Report was prepared by MCRR and submitted to the Board on October 28, 2014 in order to document and identify potential NRHP eligible properties within the APE.

III. EVALUATION OF EFFECTS

- A. The Board and MCRR have consulted with the SHPO, DNR/DSP, Tribes, and the City of Stover regarding the evaluation of the Undertaking's adverse effects on the following properties identified in the APE: the rail corridor, bridges, tunnels, culverts, and communities along the rail corridor.

IV. RECORDATION OF HISTORIC AND CULTURAL PROPERTIES

Prior to the alteration of any NRHP-eligible properties, the following recordation measures will be carried out in consultation with the SHPO.

- A. Bridges and Tunnels

1. MCRR will provide 5 x 7 and 8 x 10 inch black and white digital photographs printed on archival paper sufficient to document overall views and details of the bridges and tunnels. Digital copies of all photos will be provided.
 - a. The photographs should be taken with a high resolution digital camera or a 35-mm camera, printed on archival quality paper, and labeled on the back in accordance with NRHP Bulletin #16A. Three to four printed photographs will be provided for each bridge and tunnel.
2. MCRR will prepare appropriate written documentation including but not limited to: bridge measurements, engineering, history, and biographical information on the fabricator as available. Some of this information will probably be more available than others.

B. Culverts

1. MCRR will provide 5 x 7 and 8 x 10 inch black and white digital photographs printed on archival paper sufficient to document overall views and details of representative samples of the culverts on the rail line at the discretion of the archaeologist in consultation with SHPO. Only one representative culvert of each type and general size need be documented with printed photos. Digital copies of photos of all culverts on the line will be provided.
 - a. The photographs should be taken with a high resolution digital camera or a 35-mm camera, printed on archival quality paper, and labeled on the back in accordance with NRHP Bulletin #16A. Two photographs will be provided for each culvert that is documented.

C. Rail Corridor, Infrastructure, Tracks, and Ties

1. MCRR will provide 5 x 7 and 8 x 10 inch black and white digital photographs printed on archival paper sufficient to document overall views and details of the approximately 144.3-mile line, including representative photos of the rail corridor and associated properties. Digital copies will also be provided.
 - a. The photographs will be taken with a high resolution digital camera or a 35-mm camera, printed on archival quality paper, and labeled on the back in accordance with NRHP Bulletin #16A. A minimum number of photographs will be determined in consultation with the SHPO and will be provided for each resource.
 - b. As part of the Draft Report described below in Section V, MCRR will submit a draft contextual history of the rail line and the small communities along the 144.3-mile corridor, focusing on the importance of the railroad to the economy and development of the communities.

- c. If available, MCRR will submit copies of the original construction plans and historic photographs of associated historic properties, including but not limited to depots, water towers, granaries, etc.

V. REPORTING REQUIREMENTS

- A. Draft Report: MCRR shall complete historic research, photo documentation, and a written report within 3 months of the execution of this MOA.
 - 1. Comment Period. Following receipt of the Draft Report, the SHPO, DNR/DSP, and the City of Stover will have 30 days to comment on the Draft Report. After considering all comments submitted during the 30-day comment period, OEA will determine whether any additional information or revisions are appropriate, and MCRR shall modify the Draft Report in accordance with OEA's determination. Failure of SHPO, DNR/DSP, or the City of Stover to comment within the specified period shall be deemed by the Board to constitute approval of the Draft Report.
- B. Distribution of Final Report. A copy of the Final Report identified in Section V (in both hard copy and electronic format) will be sent by MCRR to: the Board, SHPO, DNR/DSP, and the City of Stover and to other appropriate archives or recipients designated by the Board and SHPO.

VI. UNANTICIPATED DISCOVERIES

- A. Procedures for Unanticipated Discoveries of Cultural Resources and Historic Properties.
 - 1. There are no known archaeological sites located within the 144.3-mile right-of-way. However, in the event that any unreported or unanticipated archaeological sites or cultural resources are discovered during salvage⁴ activities, MCRR shall:
 - a. immediately cease all work;
 - b. clearly mark the area of discovery;
 - c. implement interim measures to protect the discovery from looting and vandalism; and
 - d. notify OEA, federally-recognized Tribes, and the SHPO pursuant to 36 C.F.R. § 800.13(b)

⁴ For abandonment proceedings, salvage activities may include removal of tracks and ties, removal of ballast, dismantling of any structures that may be present on the right-of-way, and regrading the right-of-way. Salvage may be performed within the right-of-way or, if necessary, via the construction of new access points to the right-of-way.

2. Upon notification of the discovery, OEA shall consult with the SHPO, DNR/DSP, federally-recognized Tribes, MCRR, and other consulting parties, if any, to determine the NRHP eligibility of the discovery and whether appropriate mitigation measures, such as protection in place or archaeological data recovery plans, are necessary.
 - a. OEA, in consultation with the SHPO and appropriate federally-recognized Tribes, will have 30 calendar days following notification to determine the NRHP eligibility. OEA may assume the newly discovered property to be eligible for the NRHP.
 - b. If the find is determined to be potentially significant, OEA will consult with the SHPO and appropriate federally-recognized Tribes regarding appropriate measures for site treatment pursuant to 36 C.F.R. § 800.6(a). Once presented, the SHPO and the federally-recognized Tribes will have 30 calendar days to provide their objections or concurrence on the proposed actions. Mitigation measures may include:
 - i. formal archaeological evaluation of the site;
 - ii. visits to the site by the SHPO and/or appropriate Tribes; and/or
 - iii. preparation and implementation of a mitigation plan by OEA in consultation with federally-recognized Tribes for approval by the SHPO.
3. In the event that any human remains (other than from a crime scene) are discovered or excavated, they are subject to the immediate control, possession, custody, and jurisdiction of the SHPO, pursuant to the Missouri Unmarked Human Burials Sites Act (RSMo. 194.400-194.410). The excavation of human remains will follow guidance obtained through DNR/DSP, SHPO, and federally-recognized Tribes. The excavation, handling, and processing of any such human remains and associated funerary objects, sacred objects, or objects of cultural patrimony shall be in accordance with the SHPO instructions and pursuant to any provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) applicable to such remains and artifacts found in the APE.⁵
- B. In the event of any unanticipated discoveries, MCRR shall ensure that a report on the archaeological investigations conducted pursuant to this "Unanticipated Discoveries" section is provided to the SHPO and OEA, and upon request to other interested parties.
- C. Any report on unanticipated discoveries shall follow (1) procedures for the processing, analysis, and curation of collected materials as described in the Advisory Council's Handbook Treatment of Archaeological Properties, Part 111 of the Secretary of the

⁵ This excludes any cemetery human remains that may be discovered or excavated in the APE. These finds would be regulated by local government and law enforcement agencies, pursuant to Chapter 214, Cemeteries.

Interior's Guidelines, and (2) currently accepted standards for the analysis and curation of archaeological remains. (DNR/DSP shall curate at Rock Bridge).

ADMINISTRATIVE PROVISIONS

The Board shall ensure that a determination, finding, or agreement is supported by sufficient documentation to enable any reviewing parties to understand its basis.

A. **Dispute Resolution:** Should any signatory party to this MOA object at any time to the manner in which the terms of the MOA are implemented, the Board shall consult with the objecting party to resolve the objection. If the Board determines, within 15 days after consultation begins, that such objection cannot be resolved, the Board will either:

1. Render a decision regarding the dispute within 30 days after it has determined that the dispute could not otherwise be resolved. The Board will notify all parties of its decision in writing within this time frame. In reaching its decision, the Board will take all comments from the objecting party regarding the dispute into account. The Board's decision will be final; or

2. Forward all documentation relevant to the dispute to the ACHP in accordance with 36 C.F.R. § 800.2(b)(2). Any ACHP comments, and all comments from either party to this MOA, will be taken into account by the Board in reaching a final decision regarding the dispute. The Board's decision will be final.

B. **Amendments, Non-Compliance, and Termination:** If any signatory party believes that the terms of this MOA cannot be carried out or that an amendment to its terms should be made, that party shall immediately consult with the other parties to develop amendments to this MOA pursuant to 36 C.F.R. §§ 800.6(c)(7) and 800.6(c)(8). No amendments shall take effect without the unanimous consent of the signatory parties. If this MOA is not amended as provided for in this stipulation, any signatory party may terminate it, whereupon the Board shall proceed in accordance with 36 C.F.R. § 800.6(c)(8).

C. **Duration of the MOA:** Unless terminated, this MOA will be in effect until the earlier of (i) the date that the Board, in consultation with the other signatory parties, determines that all of its terms have been satisfactorily fulfilled, or (ii) three (3) years from the date of last signature hereon of a signatory party. Upon a determination by the Board that all terms of this MOA have been satisfactorily fulfilled, this MOA will terminate and have no further force or effect. The Board will promptly provide the other signatory parties with written notice of its determination and of termination of the MOA.

D. **Effective Date:** This MOA will take effect on the date it is executed by the Board, SHPO, MCRR, and DNR/DSP.

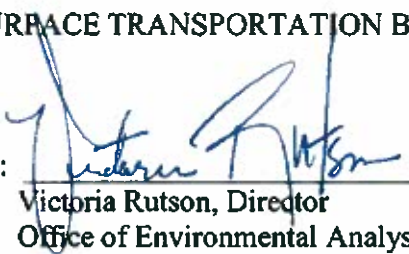
E. **Designated Point of Contact for OEA, MCRR, SHPO, DNR/DSP, and the City of Stover:** Each party is responsible for providing current phone numbers, e-mail address, and mailing

addresses for their designated point of contact. (Contact information is included in the Appendix).

Execution of this MOA by the Board, SHPO, MCRR, and DNR/DSP; its transmittal to ACHP; and subsequent implementation of its terms evidences that the Board has afforded ACHP a reasonable opportunity to comment on the Undertaking and its effects on historic properties, and that the Board has satisfied its responsibilities under Section 106 of the NRHP and applicable implementing regulations.

SIGNATORY PARTIES

SURFACE TRANSPORTATION BOARD

By: 

Victoria Rutson, Director
Office of Environmental Analysis

Date: June 1, 2015

MISSOURI STATE HISTORIC PRESERVATION OFFICE

By: _____

Date: _____

Toni M. Prawl, Deputy State Historic Preservation Officer
Missouri Department of Natural Resources

MISSOURI CENTRAL RAILROAD COMPANY

By: _____

Date: _____

James A. Sobule, President
Missouri Central Railroad Company

INVITED SIGNATORY PARTY

MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF STATE PARKS

By: _____

Date: _____

William J. Bryan, Director of the Division of State Parks
Missouri Department of Natural Resources

SIGNATORY PARTIES

SURFACE TRANSPORTATION BOARD

By: _____ Date: _____
Victoria Rutson, Director
Office of Environmental Analysis

MISSOURI STATE HISTORIC PRESERVATION OFFICE

By: Toni M. Prawl Date: 05/23/15
Toni M. Prawl, Deputy State Historic Preservation Officer
Missouri Department of Natural Resources

MISSOURI CENTRAL RAILROAD COMPANY

By: _____ Date: _____
James A. Sobule, President
Missouri Central Railroad Company

INVITED SIGNATORY PARTY

MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF STATE PARKS

By: _____ Date: _____
William J. Bryan, Director of the Division of State Parks
Missouri Department of Natural Resources

SIGNATORY PARTIES

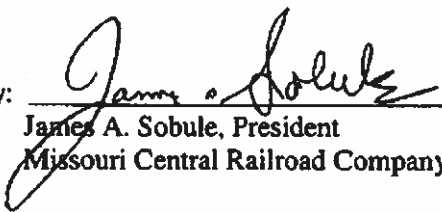
SURFACE TRANSPORTATION BOARD

By: _____ Date: _____
Victoria Rutson, Director
Office of Environmental Analysis

MISSOURI STATE HISTORIC PRESERVATION OFFICE

By: _____ Date: _____
Toni M. Prawl, Deputy State Historic Preservation Officer
Missouri Department of Natural Resources

MISSOURI CENTRAL RAILROAD COMPANY

By:  _____ Date: 5/29/2015
James A. Sobule, President
Missouri Central Railroad Company

INVITED SIGNATORY PARTY

MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF STATE PARKS

By: _____ Date: _____
William J. Bryan, Director of the Division of State Parks
Missouri Department of Natural Resources

SIGNATORY PARTIES

SURFACE TRANSPORTATION BOARD

By: _____ Date: _____
Victoria Rutson, Director
Office of Environmental Analysis

MISSOURI STATE HISTORIC PRESERVATION OFFICE

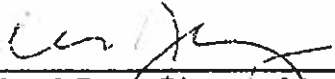
By: _____ Date: _____
Toni M. Prawl, Deputy State Historic Preservation Officer
Missouri Department of Natural Resources

MISSOURI CENTRAL RAILROAD COMPANY

By: _____ Date: _____
James A. Sobule, President
Missouri Central Railroad Company

INVITED SIGNATORY PARTY

MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF STATE PARKS

By:  _____ Date: 5/28/15
William J. Bryan, Director of the Division of State Parks
Missouri Department of Natural Resources

CONCURRING PARTY

CITY OF STOVER

By: Sharon Fry, City Clerk Date: 5-28-15
Sharon Fry, City Clerk
City of Stover

APPENDIX

SURFACE TRANSPORTATION BOARD

Diana Wood	Email: woodd@stb.dot.gov Phone: (202) 245-0302 Fax: (202) 245-0454 Surface Transportation Board Office of Environmental Analysis 395 E Street S.W., Room 1110 Washington, DC 20243
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MISSOURI STATE HISTORIC PRESERVATION OFFICE

Judith Deel	Email: Judith.deel@dnr.mo.gov Phone: (573) 751-7862 P.O. Box 176 Jefferson City, Missouri 65102
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MISSOURI CENTRAL RAILROAD COMPANY

Sandra Brown David Benz	Email: Sandra.Brown@thompsonhine.com David.Benz@thompsonhine.com Phone: (202) 331-8800 1919 M Street N.W. Suite 700 Washington, DC 20036-1600
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**MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF STATE
PARKS**

Mary Moulton Bryan	Email: mary.bryan@dnr.mo.gov Phone: (573) 751-7987 P.O. Box 176 Jefferson City, Missouri 65102
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CITY OF STOVER

Sharon Fry	Email: cityofstover@windstream.net Phone: (573) 377-4510 503 W. 2nd St. P.O. Box 370 Stover, Missouri 65078
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May 15, 2015

Ms. Diana Wood
Environmental Project Manager
Office of Environmental Analysis
Surface Transportation Board
Washington, DC 20423

Ref: *Missouri Central Railroad Company - Abandonment and Discontinuance of Service Exemption*
Central Midland Railway Company - Discontinuance of Service and Operating Rights Exemption
Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties,
Missouri

Dear Ms. Wood:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Missouri State Historic Preservation Office (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Ms. Najah Duvall-Gabriel at 202-517-0210 or via e-mail at ngabriel@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

May 7, 2015

John M. Fowler, Executive Director
Advisory Council on Historic Preservation
Office of Planning and Review
1100 Pennsylvania Avenue, NW, Suite 809
Washington, DC 20004

Re: STB Docket No. AB 1068 (Sub-No. 3X) – Missouri Central Railroad Company – Abandonment and Discontinuance of Service Exemption – In Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Mo.

STB Docket No. AB 1070 (Sub-No. 3X) – Central Midland Railway Company – Discontinuance of Service and Operating Rights Exemption – In Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Mo.; Notification of Adverse Effect

Dear Mr. Fowler:

The Missouri Central Railroad Company (MCRR) and Central Midland Railway Company (CMR) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 for MCRR to abandon and for MCRR and CMR to discontinue service and operating rights over an approximately 144.3-mile rail line in two segments in Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Missouri. The first segment of rail line extends from milepost 263.5 to milepost 262.906, near Pleasant Hill in Cass County, Missouri. The second segment extends from milepost 215.325, near Windsor in Pettis County, Missouri to milepost 71.6, near Beaufort in Franklin County, Missouri.¹ The Board's approval of this abandonment and discontinuance of

¹ The State of Missouri is interested in preserving the corridor by establishing a trail on the right-of-way, pursuant to the National Trails System Act at 16 U.S.C. § 1247(d). The trail would be a separate action by the State and would be an extension of a trail currently being developed on the 5.6-mile portion of the MCRR right-of-way between milepost 262.906 and

service is considered an undertaking under Section 106 of NHPA (16 U.S.C. § 470f) and is thus covered under its provisions.

The Board's Office of Environmental Analysis (OEA) is responsible for ensuring the agency's compliance with the National Environmental Policy Act (NEPA) and NHPA. Based on available information, the Missouri Department of Natural Resources' State Historic Preservation Office (SHPO) has submitted comments stating that the rail corridor, as well as the 39 bridges, 11 monuments, 3 tunnels, and approximately 458± culverts, are eligible for inclusion in the National Register of Historic Places. We concur with this finding, and pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the NHPA, are notifying you that the proposed abandonment and discontinuance of service may adversely affect these historic resources. OEA has begun the consultation process and is developing a Memorandum of Agreement (MOA) with the SHPO, the railroads, and other concerned or affected parties, to mitigate any adverse effects to the National Register rail line. OEA has also sent letters, dated March 27, 2015, inviting 11 federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the area of potential effects to participate in the MOA process. To date, we have received no letters of interest from the tribes.

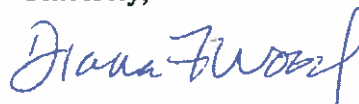
The Missouri State Parks has initiated the process of rail banking this segment of rail line, pursuant to the National Trails System Act at 16 U.S.C. § 1247(d). If negotiations are successful, this action would link the adjoining 5.6-mile portion of trail that was developed on a previously abandoned MCRR right-of-way between milepost 262.906 and milepost 257.283 and another rail line segment that is being developed on the 42-mile portion between milepost 257.283 and milepost 215.325. Both line segments were previously proposed for abandonment. Because this is not a controversial proceeding, we do not seek your participation in the Section 106 process at this time.

The following documents, which describe the proposed undertaking and provide information regarding the rail line, are enclosed for your review: 1) the Notice of Exemption that describes the proposed action and contains information about the rail line; 2) the Environmental and Historic report submitted to OEA by the railroad; 3) the December 12, 2014 Environmental Assessment prepared by OEA; 4) the March 27, 2015 letters that invite the 11 communities/cities that the rail line travels through and the 11 federally recognized tribes to participate in the Memorandum of Agreement (MOA) process, pursuant to 36 C.F.R. § 800.3; and 5) the December 16, 2014 Missouri Department of Natural Resources trail use request letter.

milepost 257.283, and one that would be developed on the 42-mile portion between milepost 257.283 and milepost 215.325. Both line segments were previously proposed for abandonment.

If you have any questions, require additional information regarding this proceeding, or have any concerns, please do not hesitate to contact me by telephone at 202-245-0302, or by email at woodd@stb.dot.gov.

Sincerely,

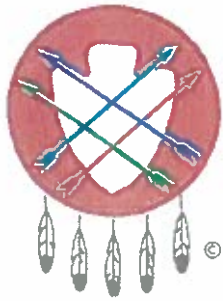
A handwritten signature in blue ink that reads "Diana Wood". The signature is fluid and cursive, with the first name "Diana" and last name "Wood" clearly distinguishable.

Diana Wood
Environmental Project Manager
Office of Environmental Analysis

Attachments

cc: Judith Deel, Missouri SHPO (SHPO Log # 003-MLT-15)
Najah Duvall-Gabriel, ACHP
Sandra Brown, Thompson Hine LLP

#EI-20970



PEORIA TRIBE OF INDIANS OF OKLAHOMA

118 S. Eight Tribes Trail (918) 540-2535 FAX (918) 540-2538

P O Box 1527

MIAMI, OKLAHOMA 74355

CHIEF

John P. Froman

SECOND CHIEF

Jason Dollarhide

April 9, 2015

Surface Transportation Board
Office of Environmental Analysis
395 E Street S.W., Room 1110
Washington, DC 20423-0001
Attn: Diana Wood

**Re: STB Docket No. AB 1068 (Sub-No. 3X) – Missouri Central Railroad Company –
Abandonment and Discontinuance of Service Exemption – in Cass, Pettis, Benton,
Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, MO**

Thank you for providing notice of the referenced project. The Peoria Tribe of Indians of Oklahoma is unaware of any documentation directly linking Indian Religious Sites to the proposed project locations. There appear to be no objects of cultural significance or artifacts linked to our tribe located on or near either project location.

The Peoria Tribe of Indians of Oklahoma is unaware of items covered under NAGPRA (Native American Graves Protection and Repatriation Act) to be associated with the proposed project sites. These items include: funerary or sacred objects; objects of cultural patrimony; or ancestral human remains.

The Peoria Tribe has no objection at this time to the proposed project. If, however, at any time items are discovered which fall under the protection of NAGPRA, the Peoria Tribe requests immediate notification and consultation. Only then would we like to consult. In addition state, local and tribal authorities should be advised as to the findings until consultation with all concerned parties has occurred.

Thank you,

Cynthia Stacy
Special Projects Manager/NAGPRA