

EO - 1857

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB 1068X

February 23, 2012

RECOMMENDATION: Remove the Section 106 Condition

OEA served a Final Environmental Assessment for this proceeding on December 3, 2010. In the Final EA, OEA recommended 5 environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

By decision served on December 27, 2010, the Board imposed the 5 recommended environmental conditions, including a condition requiring Missouri Central Railroad Company (MCRR) 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 completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA); report back to OEA regarding any consultations with the Missouri Department of Natural Resources' Office of Historic Preservation (the State Historic Preservation Office or SHPO), federally recognized tribes, or the public; and not file its 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 this condition.

New Developments

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 Osage Nation, Peoria Tribe of Indians of Oklahoma, and City of Pleasant Hill signed the MOA as concurring parties. On February 21, 2012, OEA submitted the MOA to the Advisory Council on Historic Preservation (Advisory Council); the filing of this MOA with the Advisory Council completes the Board's compliance responsibilities under Section 106 of the NHPA. Accordingly, we recommend that the Board remove the Section 106 condition.