

#ED-2126

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 1068 (SUB-NO. 1X) AND
DOCKET NO. AB 1070 (SUB-NO. 1X)

July 3, 2013

ABANDONMENT TYPE

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

☒ Notice of Exemption ☐ Petition for Exemption ☐ Regulated Abandonment

☒ **NO NEW COMMENTS WERE RECEIVED**

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In this proceeding, the Missouri Central Railroad Company (MCRR) and Central Midland Railway Company (CMR) (collectively, Applicants) 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 over, an approximately 42-mile rail line in Cass, Henry, Johnson, and Pettis Counties, Missouri. The Office of Environmental Analysis (OEA) served an Environmental Assessment (EA) for this proceeding on June 14, 2013 for public review and comment. In the EA, OEA recommended three environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Conclusion

The EA comment period has ended. Accordingly, OEA recommends that the three conditions recommended in the EA should be imposed upon any decision granting abandonment authority. The conditions are:

1. Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. §1535), the Missouri Central Railroad Company (MCRR) shall consult with the Board's Office of Environmental Analysis and the U.S. Fish and Wildlife Service to determine if the proposed abandonment could adversely impact the Indiana bat (*Myotis sodalis*), a federally listed endangered species, or Indiana bat habitat. If the Indiana bat or Indiana bat habitat is located within the right-of-way, USFWS may recommend avoidance and impact mitigation measures. In order to develop appropriate mitigation measures, if necessary, MCRR may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 7 consultation process is complete and the Board has removed this condition.

2. MCRR shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.
3. MCRR shall 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. MCRR shall report back to OEA regarding any consultations with the State Historic Preservation Office and the public. MCRR may 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.

OEA concludes that if the above conditions are imposed, the proposed action would not significantly affect the quality of the human environment.

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