



Ameren Rock Island Rail Line Abandonment

Diana Wood to reink4

Cc: Diana Wood

ED-2798

06/03/2016 09:05 AM

Dear Mr. Reinkemeyer:

I received your inquiry regarding the above referenced abandonment and current salvage operations. You indicated that tree clearing has been occurring despite the fact that temporal restrictions are in place that prohibit tree clearing between April and October, particularly trees that are 5 inches and greater in size. I have been in communication with the railroad's attorney and will be discussing this very serious matter with all parties involved in the project next week to determine the appropriate action. In the meantime, I understand that the salvage contractor has been ordered to stop clearing brush.

All the environmental correspondence for this case is available on the Board's web site under the docket number AB 1068 (Sub-No. 3X).

To access the Board's decisions, go to

www.stb.dot.gov and click on decisions and conduct a search of the docket number. You may also access filings in the drop down menu and then conducting a search. To access environmental correspondence, click on environmental matter and then scroll to environmental correspondence. You may conduct a search of incoming or outgoing correspondence (from top menu) and then scroll to docket number.

I've attached some pertinent information:



Decision USFWS Temporal Restriction.pdf



EA.pdf



USFWS Letter.pdf



Alan Reinkemeyer June 2016.pdf

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)

Surface Transportation Board Incoming Correspondence Record

#EI-23165

E-Filing Correspondence Information		Status: Complete	
* Required Fields		Recorded by <i>Diana Wood</i> on: <i>06/01/2016</i>	
*Docket #:	AB 1068 3 X	Affiliation:	Self / Individual
*Name of Sender:	Alan Reinkemeyer	Letter Type:	E-filing
Group:		NEPA Type:	Other
Attention Of:	Unknown	In Public Docket?	☒ Yes ☐ No
*Date Received:	06/02/2016	Phone Number:	573-694-6984
Date of Letter:	06/02/2016	Email Address:	reink4@embarqmail.com
Group's Address:	14129 Lower Bottom Road	Group's Zip Code:	65076-
Group's City:	St. Thomas		
Group's State:	MO		

Submitter's Comments
I am looking for any environmental assessment or plan for the railroad abandonment of the former Rock Island Railroad (now owned by AmerenUE) in Missouri. I own property adjoining the line and there is an endangered species of bat. I was told in a public meeting the rail clearing activities were to be done in the winter months but the crews were still clearing in my area just a few weeks ago. I want a copy of this plan as our property also adjoins the Bat Cave Conservation area (home to endangered Indiana Grey and Longear bats). We enjoy viewing the bats in the evening and I have deep concerns the human encroachment this project has brought and will bring will be detrimental. Please forward to mail me a copy of the plan. Thanks

STB's Comments

Image Attachment(s)

SERVICE DATE – SEPTEMBER 23, 2015

SURFACE TRANSPORTATION BOARD

DECISION

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, MO.

Decided: September 22, 2015

Missouri Central Railroad Company (MCRR) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon approximately 144.3 miles of rail line in two segments: (1) between mileposts 263.5 and 262.906 near Pleasant Hill, in Cass County, Mo.; and (2) between milepost 215.325 near Windsor, in Pettis County, Mo., and milepost 71.6 near Beaufort, in Franklin County, Mo.¹ MCRR made the necessary certifications, including that no local traffic had moved over the line for at least two years, and notice of the exemption was served and published in the Federal Register on December 8, 2014 (79 Fed. Reg. 72,757). The exemption became effective on January 7, 2015.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on December 12, 2014. In its Final EA, dated January 5, 2015, OEA concluded that the proposed abandonment would have no potential for significant environmental impacts if four conditions were imposed. On January 6, 2015, the Board served a decision adopting all of OEA's analysis and conclusions and imposing the four environmental conditions recommended in the Final EA.² These conditions required MCRR to: (1) consult with the U.S. Army Corps of Engineers (Corps) prior to initiating salvage, and comply with the reasonable requirements of the Corps; (2) consult with the U.S. Environmental Protection Agency or the Missouri Department of Natural Resources, whichever has delegated authority to administer the federal National Pollution Discharge Elimination System (NPDES) Program, prior to initiating salvage, and comply with the reasonable NPDES requirements; (3) contact the U.S. Fish and Wildlife Service (USFWS) prior to beginning salvage, and consult with OEA and USFWS to develop appropriate mitigation measures if potential impacts are identified; and (4) retain its interest in and take no steps to alter the historic integrity of all historic properties until completion of the Section 106 process of the National Historic Preservation Act.

¹ The notice that was served and published embraced Central Midland Ry.—Discontinuance of Service Exemption—in Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, & Franklin Cntys., Mo., Docket No. AB 1070 (Sub-No. 3X).

² A corrected decision was served on January 7, 2015.

By decision served on February 26, 2015, the Board issued a notice of interim trail use, imposing trail use and public use conditions. The time to negotiate interim trail use was extended to February 21, 2016 in a decision served on August 10, 2015.

In a Supplemental Final EA dated July 28, 2015, OEA recommended that three of the four Board-imposed conditions be removed, and that two new conditions be imposed. The Board, by decision served August 11, 2015, adopted OEA's recommendations. Specifically, the Board removed the first condition involving the Corps, the third condition involving USFWS, and the fourth condition pertaining to Section 106. The Board also added a condition to address USFWS's temporal restriction on tree clearing and cutting and a condition consistent with a requirement in a Memorandum of Agreement negotiated with the State Historic Preservation Officer and MCRR pertaining to cultural materials.

In a Revised Supplemental Final EA, dated September 3, 2015, OEA now recommends that the second condition pertaining to NPDES (adopted in the January 6, 2015 decision) be removed, because MCRR has now obtained a NPDES permit. Additionally, OEA states that the new USFWS restriction pertaining to tree clearing and cutting (adopted in the August 11, 2015 decision) contained an error that should be corrected. OEA states that, whereas its Supplemental Final EA and the August 11, 2015 decision indicated that no tree clearing or cutting should occur between November 1 and March 31, the condition instead should indicate that tree clearing or cutting for salvage operations is only allowed to occur between November 1 and March 31. OEA indicates that no other USFWS restrictions apply.

Based on OEA's recommendations, this proceeding will be reopened and the previously imposed second condition relating to NPDES (adopted in the January 6, 2015 decision) will be removed. Additionally, the new USFWS restriction pertaining to tree clearing and cutting (adopted in the August 11, 2015 decision) will be modified. The other new restriction pertaining to cultural materials (adopted in the August 11, 2015 decision) remains in effect.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proceeding is reopened.
2. Upon reconsideration, the second condition pertaining to NPDES imposed in the January 6, 2015 decision in this proceeding is removed. Additionally, the new USFWS condition adopted in the August 11, 2015 decision is modified as follows: MCRR shall follow USFWS's requirement that tree clearing or cutting for salvage operations is only allowed to occur between November 1 and March 31.
3. This decision and notice is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

44129
OEA

SERVICE DATE – DECEMBER 12, 2014

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

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.**

AND

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.**

BACKGROUND

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 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. The two segments are collectively referred to as the line, unless otherwise specified.¹

The proposed abandonment and discontinuance of service traverses U.S. postal zip code 64080 in Cass County; U.S. postal zip code 65360 in Pettis County; U.S. postal zip codes 65078, 65084, 65011, and 65026 in Morgan County; U.S. postal zip codes 65026, 65032, 65040, 65075, and 65058 in Miller County; U.S. postal zip codes 65032 and 65040 in Cole County; U.S. postal

¹ The line segments connect to two previously abandoned line segments in AB 1068X and AB 1070X and AB 1068 (Sub-No. 1X) and AB 1070 (Sub-No. 1X) that have either become or will become a recreational trail, pursuant to the National Trails System Act at 16 U.S.C. § 1247(d).

zip codes 65058, 65085, 65048, 65001, 65035, 65013, and 65014 in Osage County; U.S. postal zip code 65013 in Maries County; U.S. postal zip codes 65014, 65066, 63091, and 63037 in Gasconade County; and U.S. postal zip codes 63037, 63056, and 63013 in Franklin County; all in Missouri.

The rail line passes through rural areas and the right-of-way is generally 100-feet in width.² Agriculture is the predominant land use, though the line passes through or near a number of small towns including Windsor; Cole Camp; Stover, Versailles; Barnett; Eugene; Meta; Freeburg; Belle; Bland; Owensville; Rosebud; Gerald; Leslie; and Beaufort. The surrounding terrain is flat to rolling. The line crosses the Osage River (near milepost 143.3) and the Gasconade River (near milepost 114.6), and the area contains numerous smaller waterways and drainage features. There are 39 bridges, 11 monuments, 3 tunnels, and approximately 458± culverts on the line proposed for abandonment and discontinuance of service. Applicants indicate that the rail line does not contain any federally granted right-of-way. If the notice becomes effective, MCRR would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

Applicants submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. Applicants served the environmental report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].³ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

Applicants state that no local traffic has moved over the line proposed for abandonment and discontinuance for at least two years and no overhead traffic would need to be rerouted. Applicants state that there has been no reasonable request for service in many years, despite the railroads' prior efforts to develop traffic on the line, and further note that the area served by the line is in proximity to a roughly parallel rail line owned and operated by the Union Pacific Railroad Company. Accordingly, the proposed abandonment and discontinuance of service would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

² The rail line width is generally 100 feet, but varies up to 300+ feet in places.

³ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 1068 (Sub-No. 3X).

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regarding of the right-of-way. Salvage may be performed within the right-of-way, or if necessary, via construction of new access points to the right-of-way. According to MCRR, if abandonment and discontinuance authority is granted, MCRR would salvage the rail, tie, and track material, but would retain the underlying ballast, and any structures including bridges, tunnels, and culverts so as not to alter or impede existing drainage flows.

MCRR indicates that the proposed abandonment and discontinuance of service is consistent with the State of Missouri's intent to develop the line as a recreational trail. Specifically, the State is interested in preserving the corridor by establishing a trail on the right-of-way, and MCRR is willing to negotiate rail-banking, 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.⁴

The Cass County Commission commented that it had not identified any adverse environmental or historic impacts related to the proposed abandonment and discontinuance of service. The County supports the establishment of a trail on the right-of-way.

The State of Missouri's Office of Administration filed comments indicating that the Missouri Federal Assistance Clearinghouse, in cooperation with state and local agencies, reviewed the proposed abandonment and discontinuance of service, and had no comments to offer at this time.

MCRR states that the line proposed for abandonment and discontinuance of service does not pass through any wildlife sanctuaries or refuges, or National or State parks or forests. The line is adjacent to the Hi Lonesome Prairie Conservation Area near Cole Camp, Missouri, but MCRR states that this Conservation Area is outside the railroad right-of-way. OEA believes that the proposed abandonment and discontinuance of service would not adversely affect the Conservation Area because MCRR's salvage activities would be limited to the railroad right-of-way and involve the removal of rail, steel track materials, and ties only. No ballast would be removed and MCRR has no plans to remove or alter the contour of the existing roadbed, or undertake in-stream work or dredge and/or use fill materials.

OEA 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

⁴ See generally Missouri Central R.R.Co. – Aban. and Discontinuance of Service Exemption – In Cass County, Mo, AB 1068X, and Missouri Central R.R.Co. – Aban. and Discontinuance of Service Exemption – In Cass, Henry, Johnson, and Pettis Counties, Mo, AB 1068 (Sub-No. 1X).

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. However, because there are numerous streams and other drainage features along the 144-mile rail line proposed for abandonment and discontinuance of service, OEA has included a condition in this EA that would require MCRR to 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.

OEA has not received comments from the U.S. Environmental Protection Agency (USEPA) or the Missouri Department of Natural Resources (MDNR), but anticipates that the proposed abandonment and discontinuance of service would 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. 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. However, because there are numerous streams and other drainage features along the 144-mile rail line proposed for abandonment and discontinuance of service, OEA has included a condition in this EA that would require MCRR to consult with the USEPA or MDNR (whichever agency has delegated authority to administer the federal National Pollution Discharge Elimination System (NPDES) program) prior to initiating salvage to determine if an NPDES stormwater permit is required under Section 402 of the Clean Water Act, and if so, to comply with the agency's reasonable requirements.

OEA has not received comments from the Natural Resources Conservation Service (NRCS) regarding project applicability to the Farmland Protection Policy Act (FPPA), but believes that the proposed abandonment and discontinuance of service would be exempt from the full provisions of FPPA because the rail line was an established right-of-way well before the FPPA applicability date of August 4, 1984.⁵ OEA has, however, included NRCS in the service list for this proceeding so that it may receive a copy of this EA and comment, if necessary.

OEA has not received comments from the U.S. Fish and Wildlife Service regarding project applicability to Section 7 of the Endangered Species Act. However, given that the 144-mile rail line proposed for abandonment and discontinuance travels through rural and undeveloped land with numerous streams and drainage features, OEA is not certain if the line segment contains species and/or habitat of concern. Accordingly, OEA has included a condition in this EA that would require MCRR to contact USFWS prior to beginning salvage activities to discuss potential impacts to any federally listed endangered or threatened species. MCRR shall report the results of this consultation to OEA in writing. Should any potential impacts be identified, MCRR shall consult with OEA and USFWS to develop appropriate mitigation measures.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

⁵ The rail line right-of-way dates to between the mid-1850s and early 1900s.

MCRR states that there are no known hazardous waste sites on or adjacent to the right-of-way. MCRR contacted the USEPA and MDNR for any comments they may have regarding this subject, but to date, has not received responses. OEA has included USEPA and MDNR in the service list for this proceeding so that they may receive a copy of the EA for review.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to the following agencies for review and comment: the U.S. Fish and Wildlife Service; the U.S. Environmental Protection Agency; the U.S. Army Corps of Engineers; the Natural Resources Conservation Service; the National Park Service; the National Geodetic Survey; the Missouri Department of Natural Resources; the Cass County Commissioners; the Pettis County Commissioners; the Benton County Commissioners; the Morgan County Commissioners; the Miller County Commissioners; the Cole County Commissioners; the Osage County Commissioners; the Maries County Commissioners; the Gasconade County Commissioners; and the Franklin County Commissioners.

HISTORIC REVIEW

MCRR served the Historic Report on the Missouri Department of Natural Resources State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c) as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)]. 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 Railroad line – as part of a plan to connect Kansas City with St. Louis. Accordingly, the SHPO submitted comments stating that, based on this review and its prior reviews of the 5.6-mile and 42-mile abandonment line segments in AB 1068X and AB 1068 (Sub-No. 1X), respectively, it is likely that this additional section of railroad will be determined eligible for inclusion in the National Register of Historic Places (National Register). The SHPO also believes that there is a moderate to high potential for archaeological resources to exist within or adjacent to many sections of the corridor right-of-way, and that additional railroad related historic properties may exist in the many small towns along the rail corridor.⁶ The SHPO has requested additional information so that it may conduct a more detailed review.

Although MCRR has indicated that the SHPO's requested information is forthcoming, it has asked that the SHPO deem the 458+ culverts on the line not eligible for listing on the National Register under any criterion. MCRR is also requesting that the culverts be exempt from being individually documented because they would remain in place during salvage and are of the same common design as the culverts in the two prior abandonments in AB 1068X and AB 1068 (Sub-No. 1X).⁷ MCRR asserts that if the SHPO does determine that the culverts are eligible for

⁶ The Board's statutory authority is limited to the rail line right-of-way, or area of potential effect, therefore any structures or objects outside the right-of-way, such as any railroad related historic properties along the route, would be outside of the Board's jurisdictional control.

⁷ The rail corridor and the 11 bridges and approximately 85 culverts on the line were

listing in the National Register, it would only be under Criterion A, and that the culverts could be documented using a more generalized approach.⁸ OEA has discussed this request with MCRR and the SHPO and believes that it is too early in the review process to make an informed decision on MCRR's request. However, it was determined that the issue could be resolved later, as more detailed information concerning Section 106 resources becomes available, and possibly, as part of the Memorandum of Agreement (MOA)⁹ process.

MCRR has also requested that the salvage process be allowed to move forward prior to the completion of the Section 106 review process of the National Historic Preservation Act (NHPA) so that it may begin to remove the rail, steel track materials, and ties. MCRR states that it has no plans to disturb any potentially historic structures or features, including the roadbed, ballast, bridges, tunnels, culverts, or other structures, nor would it remove or alter the contour of the existing roadbed, or undertake any in-stream work that could potentially uncover archaeological resources. OEA has discussed this request with MCRR and the SHPO and believes that it is too early in the review process to make an informed decision on MCRR's request. However, it was determined that the issue could be resolved later, as more detailed information concerning Section 106 resources becomes available, and possibly, as part of the MOA process.

Accordingly, OEA is recommending a condition that would require 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, or APE, eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American and the Tribal Directory Assessment Tool Consultation Databases to identify federally recognized tribes that may have ancestral connections to the project area.¹⁰ The databases indicate that there are 11 federally-recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The tribes are: the Iowa Tribe of Kansas and Nebraska; the Iowa Tribe of Oklahoma; the Omaha

determined to be eligible for listing in the NRHP under Criterion A, for their association with events that made a significant contribution to the broad patterns of our history. The bridges and culverts were also determined to be 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.

⁸ The culverts in the other two abandonments were individually documented in the Phase I Archaeological Survey Report prepared in 2013 by SCI Engineering, Inc.

⁹ A Memorandum of Agreement is an agreed-upon document that defines steps to avoid, minimize, or mitigate adverse effects associated with a proposed action.

¹⁰ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited November 20, 2014) and the U.S. Housing and Urban Development's Tribal Directory Assessment Tool at <http://egis.hud.gov/tat/Tribal.aspx> (last visited November 20, 2014).

Tribe of Nebraska; the Osage Nation; the Otoe-Missouria Tribe of Indians; the Peoria Tribe of Indians of Oklahoma; the Sac and Fox Nation of Missouri in Kansas and Nebraska; the Sac and Fox Nation of Oklahoma; the Sac and Fox Tribe of the Mississippi in Iowa; the Eastern Shawnee Tribe of Oklahoma; and the United Keetoowah Band of Cherokee Indians.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. Prior to commencement of any salvage activities, the Missouri Central Railroad Company (MCRR) shall consult with the U.S. Army Corps of Engineers (Corps) regarding its requirements and, if applicable, shall comply with the reasonable requirements of the Corps.
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. MCRR shall contact the U.S. Fish and Wildlife Service (USFWS) prior to beginning salvage activities to discuss potential impacts to any federally listed endangered or threatened species. MCRR shall report the results of this consultation to the Board's Office of Environmental Analysis (OEA) in writing. Should any potential impacts be identified, MCRR shall consult with OEA and USFWS to develop appropriate mitigation measures prior to initiating the salvage process.
4. 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.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation is imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1068 (Sub-No. 3X) and AB 1070 (Sub-No. 3X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov.

Date made available to the public: December 12, 2014.

Comment due date: December 30, 2014.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment

#E1-20179



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.

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
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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**
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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

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