



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