

VIA EMAIL

July 9, 2012

ENVIRONMENTAL CORRESPONDENCE

Christa Stoeckner, Esquire
Office of Environmental Analysis
Surface Transportation Board
395 E Street, S. W.
Washington, D.C. 20423-0001

Re: STB Docket No. AB-1068X; *Missouri Central Railroad Company – Abandonment*
and *Discontinuance – In Cass County, Missouri*

Dear Christa:

On December 3, 2010, the Board's Office of Environmental Analysis ("OEA") issued an Environmental Assessment ("EA") in the above-referenced rail line abandonment proceeding. In the EA, OEA recommended that certain conditions be imposed and those conditions were imposed in a Decision issued December 27, 2010. This letter is to provide an update on the conditions and notify OEA that salvage is expected to begin soon on the line.

The conditions were:

1. Prior to commencement of any salvage activities, contact Missouri Department of Natural Resources ("MDNR") regarding removal and salvage methods and stormwater and sediment runoff mitigation practices to be utilized during salvage activities;
2. Prior to commencement of any salvage activities, consult with MDNR's Kansas City Regional Office regarding its Land Disturbance Permits and comply with its reasonable requirements, if salvage activities would disturb an area greater than one acre;
3. In the event that any springs or streams are discovered, immediately cease all salvage activities, notify OEA and MDNR's Public Drinking Water Branch of the discovery, and consult with OEA and MDNR to determine whether mitigation is necessary;
4. Prior to commencement of any salvage activities, consult with the United States Army Corps of Engineers' Kansas City District (Corps) regarding potential impacts to waters of the United States, including wetlands, and, if applicable, comply with the reasonable requirements of the Corps; and
5. 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 are listed in the National Register until the Section 106 process of the NHPA has been completed, report back to OEA regarding any consultations with the SHPO, federally recognized tribes, or the

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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.

Update on Condition 1 (stormwater)and Condition 2 (Land Disturbance) – MCRR provided written materials on the project and proposed rail salvage work to James Coles, Environmental Specialist at MDNR on March 15, 2012. Mr. Coles was consulted with to obtain input on the requirements, conditions or notifications that MCRR needed to comply with to begin salvage for the project including the two referenced conditions. As part of that consultation, MDNR informed MCRR that if MCRR determined that its project fell within various exemptions in MDNR's regulations, MCRR would not need any permit or other requirements for the project. MCRR recently completed its consultation with the environmental services group of MCRR's affiliate and confirmed that the work can proceed under an MDNR exemption without a land disturbance permit or other water quality conditions.

Update on Condition 3 (springs) – MCRR will instruct its salvage contractor to immediately cease all salvage activities in the event that any new springs or streams are discovered during salvage and, in that event, MCRR will notify and consult with OEA and MDNR's Public Drinking Water Branch.

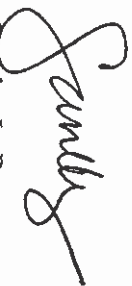
Update on Condition 4 (Corps) - MCRR provided written materials on the project and proposed rail salvage work to Kenny Pointer, Regulatory Project Manager, Kansas City District, Corps of Engineers on March 16, 2012. The Corps responded via email dated March 29, 2012 (see attachment) with confirmation that no Corps permit is needed for the proposed salvage activities.

Update on Condition 5 (Section 106) – A Memorandum of Agreement ("MOA") between the Board, MCRR and the SHPO was executed and submitted to the Advisory Count on Historic Preservation on February 21, 2012. As a result, the Board removed Condition Number 5 in a decision issued March 13, 2012 as the terms of the MOA now govern the stipulations that will be undertaken to account for the effects on historic properties. After the draft report and comment period were completed, the Final Report on Historic and Cultural Properties was served on the appropriate parties on June 22, 2012. Issuance of the Final Report was necessary before MCRR could begin salvage. Salvage will not include any ground disturbing activities or the removal of ballast. Unanticipated discoveries will be handled pursuant to the MOA. Once salvage is complete and if no unanticipated cultural resources or historic properties are discovered during the salvage, MCRR will request that the Board proceed with terminating the MOA as provided in the MOA. Once the MOA is terminated, MCRR and MDNR have reached agreement to transfer the property to MDNR for interim trail use under the Trails Act.

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Please let me know if you have any questions.

Regards,



Sandra L. Brown

enclosure

Brown, Sandra

Subject:

FW: MCRR and STB Docket No. AB1068X (UNCLASSIFIED)

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

From: Henderson, Charles R [<mailto:CHenderson@ameren.com>]

Sent: Friday, March 30, 2012 11:23 AM

To: Neff, Bob K; Sobule, Jim A; Brown, Sandra

Subject: FW: MCRR and STB Docket No. AB1068X (UNCLASSIFIED)

CHARLES HENDERSON

Managing Executive Missouri Fossil Fuels

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Please consider the environment before printing this e-mail.

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

From: Donahue, Brian T NWK [<mailto:Brian.T.Donahue@usace.army.mil>]

Sent: Thursday, March 29, 2012 9:26 AM

To: Henderson, Charles R

Subject: MCRR and STB Docket No. AB1068X (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Mr. Henderson- Please reference your recent letter dated March 16, 2012 regarding this subject and our subsequent telephone conversation regarding the proposed work. Permits from the Corps of Engineers are issued under the authority of Section 404 of the Clean Water Act for activities involving excavation and fill within streams and wetlands. If no fill activity within these waters, either temporary or permanent are required for removal of the steel rail and metal off the railbed, no permit is required under the Clean Water Act.

Brian Donahue

Regulatory Branch

Corps of Engineers

(816) 389-3703

Classification: UNCLASSIFIED

Caveats: NONE