



SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis

T.J. Miller, Chief
 U.S. Fish and Wildlife Service
 Ecological Services
 5600 American Blvd. West, Suite 990
 Bloomington, MN 55437-1458

May 2, 2013

Re: Designation of Missouri Central Railroad Company and its representatives as non-federal representatives for Section 7 consultation in AB 1070 (Sub-No. 1X),
Missouri Central Railroad Company—Abandonment and Discontinuance of Service
Exemption—In Cass, Henry, Johnson, and Pettis Counties, Missouri

Dear Mr. Miller:

Under the National Environmental Policy Act of 1969 (NEPA),¹ the Surface Transportation Board (Board) must consider the potential environmental impacts of a proposed rail line abandonment before making a final decision on whether to authorize, deny, or approve the action with conditions. The Office of Environmental Analysis (OEA) is the office within the Board that is responsible for conducting the environmental review process to ensure the agency's compliance with NEPA and related environmental laws, such as the Endangered Species Act of 1973, as amended.² As explained in more detail below, we are reviewing a proposed rail line abandonment in Missouri, and the purpose of this letter is to designate The Missouri Central Railroad Company (MCRR) and their representatives as "non-federal representatives" for purposes of Section 7 consultation.

Abandonment

MCRR is seeking Board authority to abandon an approximately 42-mile rail line in Cass, Henry, Johnson, and Pettis Counties, Missouri. MCRR has determined that the Indiana bat (*Myotis sodalis*), a federally-listed endangered species, may occur in the project area. While no Indiana bats or other threatened or endangered species have been observed within the rail right-of-way, four areas of potential Indiana bat habitat were visually observed within the project corridor.³ Therefore, we are initiating informal consultations in order to determine whether the proposed abandonment may have any adverse effects on the Indiana bat or its critical habitat.

¹ 42 U.S.C. §§ 4321-43.

² 16 U.S.C. §§ 1531-43.

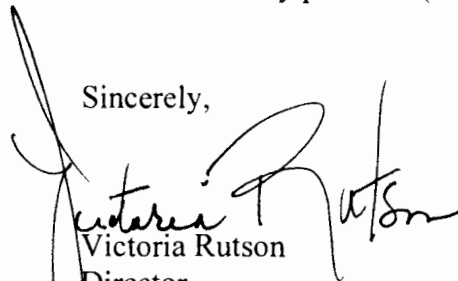
³ These areas of potential habitat included snag trees, which can be used as roost for the Indiana bat.

Delegation of Authority

In accordance with the interagency cooperation regulations at 50 C.F.R. § 402.08, a federal agency may designate a non-federal representative to conduct informal consultations with the U.S. Fish and Wildlife Service (USFWS), prepare a biological assessment, and/or provide information for a formal consultation. This letter designates MCRR and their representatives as "non-federal representatives" for purposes of Section 7 consultation. Accordingly, MCRR and their representatives are authorized to contact and work with the appropriate USFWS office to ensure that any effects on federally-listed or proposed threatened or endangered species or their critical habitats are identified and evaluated during the Board's environmental review process. We recognize that the Board retains ultimate responsibility for Section 7 obligations.

If you have any questions, please contact Christa Stoebner by phone at (202) 245-0299 or e-mail at christa.stoebner@stb.dot.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson", is written over the printed name and title.

Victoria Rutson

Director

Office of Environmental Analysis

Cc: Jennifer Szymanski, Regional ESA Section 7 Coordinator
Sandra Brown, Thompson Hine