

#E1-20979



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" &lt;shauna\_marquardt@fws.gov&gt;

To: "Brown, Sandra" &lt;Sandra.Brown@thompsonhine.com&gt;

Cc: "Diana.Wood@stb.dot.gov" &lt;Diana.Wood@stb.dot.gov&gt;

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

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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)  
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On Mon, May 11, 2015 at 10:07 PM, Brown, Sandra <[Sandra.Brown@thompsonhine.com](mailto: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**  
1919 M Street, N.W., Suite 700 | Washington, DC 20036-1600  
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**From:** Marquardt, Shauna [mailto:[shauna\\_marquardt@fws.gov](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.

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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)

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On Wed, Apr 15, 2015 at 1:18 PM, Brown, Sandra <[Sandra.Brown@thompsonhine.com](mailto: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

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**From:** Salveter, Amy [mailto:[amy\\_salveter@fws.gov](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](mailto: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@fws.gov](mailto:Amy_Salveter@fws.gov)'

Cc: Hof, Glennon P; [Diana.Wood@stb.dot.gov](mailto:Diana.Wood@stb.dot.gov); '[shauna\\_marquardt@fws.gov](mailto: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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