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Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

March 30, 2009

Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Docket Number Ab_102_13

Dear Sirs:

On March 12, 2009, the Rails to Trails Conservancy (RTC), Save the Katy Bridge Coalition, Inc. (Coalition), and the Missouri Parks Association filed a motion before the Surface Transportation Board (STB) requesting that the STB comply with Section 106 of the National Historic Preservation Act (Section 106) in connection with the Union Pacific Railroad (UPRR) efforts to remove the Katy Bridge across the Missouri River at Boonville, MO.

The Missouri Department of Natural Resources (Department) has reviewed the motion and concurs with the conclusions contained therein. Specifically, the Department agrees that the STB, as the successor of the Interstate Commerce Commission (ICC), retains jurisdiction to complete the review under Section 106 in the event UPRR would seek to abandon the Katy Bridge under the Certificate of Interim Trail Use (CITU). Historic preservation issues, as well as environmental issues, need to be addressed prior to any decision to abandon the bridge. No abandonment of the Katy Bridge should occur until the STB, as successor to ICC, complies with the section 106 review. UPRR has not yet initiated that process with the STB.

The Department recognizes the historic, recreational, and economic benefits of preserving the Katy Bridge. In order to protect the rights of the public, there must be an opportunity to ensure that these historic resources are preserved, and that the process be open to the public. The STB is the appropriate agency to oversee the Section 106 process and to ensure that these issues are adequately addressed. The Department recommends that the STB consults with the Advisory Council on Historic Preservation (ACHP) and that the STB assumes jurisdictional authority over this matter.

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Furthermore, the Department objects to the removal of a section of the bridge prior to its lawful authorization. No authorization or notification for its removal has been provided. The Department requests that the STB direct UPRR to cease further demolition or modification of the Katy Bridge until lawfully authorized to do so. We further request that the STB initiates Section 106 consultation with the Missouri State Historic Preservation Office.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES



Mark N. Templeton, Director and
State Historic Preservation Officer

MNT:rsj