

From: [Chris Rice](#)
To: [EIS Contact](#)
Subject: FW: Environmental Assessment for Kansas City Southern Railroad STATE AGENCY COMMENTS
Date: Tuesday, October 18, 2022 2:04:24 PM
Attachments: [image002.png](#)
[#3215-TRC.pdf](#)

EI-32633

I have attached comments as received by Arkansas Clearinghouse (SPOC) for this project. Please confirm receipt. Thanks!



Christopher Rice
Arkansas Department of Finance and Administration
Intergovernmental Services / State Clearinghouse
Fiscal Support Analyst
Office: (501) 682-8070
chris.rice@dfa.arkansas.gov
<https://www.dfa.arkansas.gov/intergovernmental-services>

From: Chris Rice
Sent: Friday, August 19, 2022 2:06 PM
To: ADEQ <NEPA@adeq.state.ar.us>; Arkansas Historic Preservation <section106@arkansas.gov>; 'Bill Prior' <Bill.Prior@arkansas.gov>; 'Carol Lincoln' <land@cosl.org>; Chris Rice <Chris.Rice@dfa.arkansas.gov>; 'Cindy Osborne' <Cindy.Osborne@arkansas.gov>; Darcia Routh <darcia.routh@arkansas.gov>; 'Darren Spinks' <Darren.Spinks@agriculture.arkansas.gov>; 'Don Nichols' <Don.Nichols@ardot.gov>; Doris Smith <doris.smith@dfa.arkansas.gov>; Joe Martin <joe.martin@adeq.state.ar.us>; John Beasley <john.beasley@agriculture.arkansas.gov>; Josh Burns <josh.burns@arkansas.gov>; 'Josh Seagraves' <Josh.Seagraves@ardot.gov>; Lakesha Stewart <LStewart@Metroplan.org>; 'Laura Brown' <Laura.Brown@arkansas.gov>; Letha Bell <letha.bell@dfa.arkansas.gov>; Mickey Matthews <mickey.matthews@ardot.gov>; Randy Roberson <randy.roberson@arkansas.gov>; Tate Wentz <tate.wentz@agriculture.arkansas.gov>; Whitney Montague <Whitney.Montague@agriculture.arkansas.gov>; 'Will Moore' <cosllegal@cosl.org>
Cc: Natyia Smith <natyia.smith@dfa.arkansas.gov>
Subject: Environmental Assessment for Kansas City Southern Railroad

See attached memo and source files at link below for Environmental Assessment requesting comments.

Please provide comments to Laura Brown at ANRC by September 16th, 2022. Thank you.

Christopher Rice
Arkansas Department of Finance and Administration
Intergovernmental Services / State Clearinghouse
Fiscal Support Analyst
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chris.rice@dfa.arkansas.gov
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Dear Interested Party:

The Surface Transportation Board's (Board) Office of Environmental Analysis is pleased to announce that the Draft Environmental Impact Statement (Draft EIS) for the proposed acquisition of Kansas City Southern Railway (KCS) by Canadian Pacific Railway (CP) is available for review and comment.

The Draft EIS analyzes the potential environmental impacts of the proposed acquisition, including impacts related to expected increases in rail traffic ranging from 8 to approximately 14.4 additional trains per day, on average, on CP and KCS rail lines between Chicago, Illinois and Laredo, Texas. Please click this link <https://cp-kcsmergereis.com/draft-eis.htm> for the Board-sponsored project website, which provides a copy of the Draft EIS, information about ways to comment, and upcoming in-person and online public meetings.

Danielle Gosselin
Director
Office of Environmental Analysis
Surface Transportation Board

CP/KCS Merger EIS

Email: Contact@CP-KCSMergerEIS.com

Information Line: 1-888-319-2337 (Toll free)

Website: <https://www.cp-kcsmergereis.com>



Asa Hutchinson
Governor

ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205
agriculture.arkansas.gov
(501) 225-1598



Wes Ward
Secretary of Agriculture

MEMORANDUM

TO: Christopher Rice
State Clearinghouse

FROM: Chris Colclasure, Chairman C. C.
Technical Review Committee

SUBJECT: ENVIRONMENTAL ASSESSMENT # 3215
Kansas City Southern Railroad acquisition by Canadian Pacific Railway
Office of Environmental Analysis: D. Gosselin
Little River, Polk and Sevier Counties

DATE: October 14, 2022

Members of the Technical Review Committee have reviewed the above referenced project:

The purpose of the proposed project involves the application for the Board authority for Canadian Pacific (CP) to acquire Kansas City Southern (KC). This acquisition would combine America's two smallest but fastest growing Class I railroads to build a more efficient and competitive rail network. The Applicant is stating the proposed merger would result in rail traffic being diverted from other rail lines into the combined CPKC network and the diversion of freight from trucks to rail transportation. The Applicant is expecting the largest change to occur on the CP mainline between Sabula, Iowa and Kansas City, Missouri where the Applicant's project that rail traffic would increase by 14.4 trains per day on average. OEA has conducted an extensive analysis of the environmental impacts that could result from the proposed acquisition. OEA expects that the proposed acquisition would result in only minor adverse impacts on freight rail safety. The probability of an accident, such as derailment or collision, occurring on a particular rail line depends, in part, on the number trains that move on that rail line. Therefore, an increase in rail traffic as predicted by the proposed acquisition would increase the risk of an accident. OEA expects that most incidents would be minor and offset other accidents occurring on rail lines. The proposed acquisition could affect traffic on roadways by diverting freight from truck to rail, which would reduce the number of trucks traveling highways, and by increasing operational activities at certain intermodal facilities. This would result in less trucks on highways, but more freight trucks on local roads that provide access to those intermodal facilities. OEA concluded that the planned individual capital improvements could temporarily impact 0.00 and 0.53

Memorandum
Environmental Assessment # 3215
Page 2.
October 14, 2022

acres of surface water and between 0,00 and 6.43 acres of wetlands, depending on the location. These impacts would be avoided or minimized by the implementation of the Applicant's voluntary mitigation measures.

The Committee supports this project.

Agency comments are included for your review. The opportunity to comment is appreciated.



STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES

Department of Finance and Administration

1515 West Seventh Street, Suite 412

Post Office Box 8031

Little Rock, Arkansas 72203-8031

Phone: (501) 682-1074

Fax: (501) 682-5206

<https://www.dfa.arkansas.gov/intergovernmental-services>

MEMORANDUM

TO: Technical Review Committee Members

FROM: State Clearinghouse

DATE: August 19th, 2022

SUBJECT: #3215 EA - Kansas City Southern Railroad acquisition by Canadian Pacific Railway

APPLICANT: Surface Transportation Board - Office of Environmental Analysis

LOCATION: Counties of Little River, Polk & Sevier

Please review the above stated document under the provisions of the National Historic Preservation Act (1966), National Environmental Policy Act (1969), Clean Water Act (1972), Environmental Assessments / Environmental Impact Statements and the Arkansas Project Notification and Review System.

Your comments should be emailed by **September 16, 2022** to **Laura.Brown@arkansas.gov** from the office of Arkansas Natural Resources Commission (ANRC). The Director of ANRC and the Technical Review Committee Chairman is Chris Colclasure. Ms. Brown will ensure that he is informed of any needed information.

It is imperative that your response be sent by the date requested. If you have "No Comments," this should be indicated below and submitted. Should your Agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Laura Brown at (501) 682-3985 or the State Clearinghouse office at (501) 682-8070.

_____ Do Not Support (Comments Attached)

_____ Support _____ Support with Following Conditions

_____ Comments Attached _____ Non-Degradation Certification Issues

☒ No Comments (Applies to ADEQ Only)

Name (Print) John Beasley Date 8-31-22

Agency AR For. Div. Phone Number 870-312-9999



STATE OF ARKANSAS

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1515 West Seventh Street, Suite 412
Post Office Box 8031
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MEMORANDUM

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FROM: State Clearinghouse

DATE: August 19th, 2022

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LOCATION: Counties of Little River, Polk & Sevier

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_____ Support

_____ Support with Following Conditions

_____ Comments Attached

_____ Non-Degradation Certification Issues

 X No Comments (Applies to ADEQ Only)

Name (Print) Trevor Drown Date August 26, 2022

Agency Commissioner of State Lands Phone Number 501-291-9430



STATE OF ARKANSAS

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MEMORANDUM

TO: Technical Review Committee Members

FROM: State Clearinghouse

DATE: August 19th, 2022

SUBJECT: #3215 EA - Kansas City Southern Railroad acquisition by Canadian Pacific Railway

APPLICANT: Surface Transportation Board - Office of Environmental Analysis

LOCATION: Counties of Little River, Polk & Sevier

Please review the above stated document under the provisions of the National Historic Preservation Act (1966), National Environmental Policy Act (1969), Clean Water Act (1972), Environmental Assessments / Environmental Impact Statements and the Arkansas Project Notification and Review System.

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_____ Do Not Support (Comments Attached)

_____ Support

_____ Support with Following Conditions

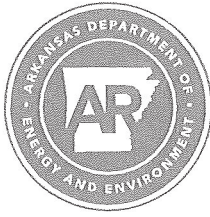
☒ _____ Comments Attached

_____ Non-Degradation Certification Issues

_____ No Comments (Applies to ADEQ Only)

Name (Print) Vanessa Kohrs Date 9/15/2022

Agency: Arkansas Energy and Environment Phone Number: 501-682-0946



ARKANSAS ENERGY & ENVIRONMENT

September 15, 2022

Technical Review Committee Members
Office of Intergovernmental Services
Department of Finance and Administration

RE: National Environmental Policy Act (NEPA) Comments Requested Regarding IGS #3215
EA - Kansas City Southern Railroad Acquisition by Canadian Pacific Railway Project,
Benton, Polk, and Little River Counties

The Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ), is pleased to comment on the Office of Environmental Analysis, Surface Transportation Board's proposed acquisition of Canadian Pacific Railway Limited (CP) and Kansas City Southern (KCS), both Class I railroads in the United States. The proposed acquisition would combine CP and KCS into a single rail system known as Canadian Pacific Kansas City (CPKC). Capital improvements are planned along the existing rail right-of-way to accommodate increased rail traffic. In Arkansas, those planned improvements include adding one (1) new passing siding located in Gentry, Arkansas, and extending one (1) existing siding located in Mena, AR.

From an environmental compliance standpoint, based on the information provided, there are areas of concern. A Construction Stormwater General Permit ARR150000 is required if the project disturbs one (1) acre or more of land. The Construction Stormwater General Permit is required prior to the start of construction. Information on the permit and its requirements can be found on DEQ's website, <https://www.adeq.state.ar.us/water/permits/npdes/stormwater/>, or by contacting DEQ's Office of Water Quality (OWQ), Construction Stormwater Section, at 501.682.0620.

If you believe the construction of this project may be exempt from Construction Stormwater permitting requirements, please submit a written request to DEQ for the exemption. Supporting documentation providing basis for the exemption must be submitted along with the request.

The Construction Stormwater General permit does not authorize any activity to be conducted in Waters of the State or Waters of the United States. Work in Waters of the State requires a short-term activity authorization (STAA) from DEQ prior to working in the wetted area of a stream or water body. A STAA is necessary for any in-stream activity that could cause an exceedance of applicable water quality standards, including, but not limited to: gravel removal, bridge or crossing repair/maintenance, bank stabilization, debris removal, culvert replacement, flood control projects, and stream relocation. Appropriate Best Management Practices should be used during construction to ensure the protection of the water quality and prevent future impacts or impairment of the receiving waters. For more information and

forms, see DEQ's website, <https://www.adeq.state.ar.us/water/planning/instream/>, or call 501.682.0047.

The Division of Environmental Quality will provide feedback during the water quality certification stage of the formal permitting process, if necessary. For more information on 401 water quality certification, including how to apply, visit <https://www.adeq.state.ar.us/water/planning/instream/>.

Additionally, if the project causes water utilities to be relocated, the project will require coverage under the Non-Stormwater Hydrostatic Testing General Permit ARG670000. All applicable State and Federal laws must be met before, during, and after the completion of the project. Any discharge of wastewater — whether domestic, industrial, process water or such related activities — must be authorized by obtaining the appropriate permits prior to the activities taking place.

This letter is issued in reliance upon the statements and representations made in the submittal. DEQ has no responsibility for the adequacy or proper functioning of the proposed project. Please contact the respective offices with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Lucy Cross". The signature is fluid and cursive, with the first name "Lucy" and the last name "Cross" clearly distinguishable.

Lucy Cross
Director of Enterprise Services, Division of Environmental Quality
5301 Northshore Drive, North Little Rock, AR 72118

LC: vdk



STATE OF ARKANSAS

**Department of Finance
and Administration**

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MEMORANDUM

TO: Technical Review Committee Members

FROM: State Clearinghouse

DATE: August 19th, 2022

SUBJECT: #3215 EA - Kansas City Southern Railroad acquisition by Canadian Pacific Railway

APPLICANT: Surface Transportation Board - Office of Environmental Analysis

LOCATION: Counties of Little River, Polk & Sevier

Please review the above stated document under the provisions of the National Historic Preservation Act (1966), National Environmental Policy Act (1969), Clean Water Act (1972), Environmental Assessments / Environmental Impact Statements and the Arkansas Project Notification and Review System.

Your comments should be emailed by **September 16, 2022** to **Laura.Brown@arkansas.gov** from the office of Arkansas Natural Resources Commission (ANRC). The Director of ANRC and the Technical Review Committee Chairman is Chris Colclasure. Ms. Brown will ensure that he is informed of any needed information.

It is imperative that your response be sent by the date requested. If you have "No Comments," this should be indicated below and submitted. Should your Agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Laura Brown at (501) 682-3985 or the State Clearinghouse office at (501) 682-8070.

_____ Do Not Support (Comments Attached)

_____ Support _____ Support with Following Conditions

X _____ Comments Attached _____ Non-Degradation Certification Issues

_____ No Comments (Applies to ADEQ Only)

No apparent or immediate conflict with public outdoor recreation at this time. See attached comments.

Name (Print) Randy Roberson Date 14 September 2022

Agency ADPHT Outdoor Recreation Grants Program Phone Number 501-682-6946

Laura Brown

From: Randy Roberson
Sent: Wednesday, September 14, 2022 6:30 PM
To: Laura Brown
Subject: Clearinghouse Review #3215-EA-KCS
Attachments: (20220915) #3215 EA - KCS Railroad acquisition by CP Railway.pdf

Laura,

Thank you for the opportunity to review information regarding the proposed acquisition of the Kansas City Southern Railway (KCS) by Canadian Pacific Railway (CP). As the Environmental Review Coordinator for the Outdoor Recreation Grants Program of the Department of Parks, Heritage and Tourism, I focus my review on a proposed undertaking's potential to affect outdoor recreation sites within the state of Arkansas with particular emphasis on those sites that have utilized grant funds administered by our program.

Based on review of the information provided, I understand that rail traffic on the merged KCS / CP system is anticipated to increase significantly with the resulting effects to include an increase in noise and vibration. For simplicity, my review focuses on the potential increase in noise levels only.

Based on review of the noise contour maps associated with the rail segments located within the State of Arkansas, it appears that approximately seven (7) grant funded outdoor recreation sites fall within the area affected by the No Action and Proposed Acquisition contours representing 65 Ldn noise level. Of these sites, three (3) are already located completely within the No-Action **and** the Proposed Acquisition contours for 65 Ldn noise level. The remaining four (4) sites are located partly within the existing 65 Ldn contour. With the proposed acquisition, a larger portion of each of these four (4) sites would be contained within the 65 Ldn contour.

The EIS indicates that "Applying the (Surface Transportation) Board's thresholds, the Proposed Acquisition would result in an adverse noise impact for receptors where noise levels from rail operations meet or exceed 65 Ldn **and** increase by at least 3 dBA Ldn, compared to the No-Action Alternative. Based on review of the draft environmental impact statement for this project, it appears that none of the above referenced outdoor recreation sites would experience noise levels that meet or exceed 65 Ldn **and** would experience at least a 3BA increase in noise level.

Given the above, the increased rail traffic associated with the proposed acquisition of KCS by CP should not conflict with any of the public outdoor recreation sites located within the area affected by the Arkansas segments of the proposed merger of the KCS and CP railroads. I have attached a copy of your memo which has been marked to indicate this finding to this message.

Sincerely,

RANDY ROBERSON,
Project Officer – Environmental Review Coordinator

Arkansas Department of Parks, Heritage and Tourism
One Capitol Mall
Little Rock, AR 72201
randy.roberson@arkansas.gov
p: 501.682.6946 | f: 501.682.0081

OutdoorGrants.com

Order of Review

#1-Josh Burns _____

#2-J. Ryan Benefield _____

RETURN TO LAURA

MEMORANDUM

TO: Christopher Rice
State Clearinghouse

FROM: Chris Colclasure, Chairman
Technical Review Committee

SUBJECT: ENVIRONMENTAL ASSESSMENT # 3215
Kansas City Southern Railroad acquisition by Canadian Pacific Railway
Office of Environmental Analysis: D. Gosselin
Little River, Polk and Sevier Counties

DATE: October 14, 2022

Members of the Technical Review Committee have reviewed the above referenced project:

The purpose of the proposed project involves the application for the Board authority for Canadian Pacific (CP) to acquire Kansas City Southern (KC). This acquisition would combine America's two smallest but fastest growing Class I railroads to build a more efficient and competitive rail network. The Applicant is stating the proposed merger would result in rail traffic being diverted from other rail lines into the combined CPKC network and the diversion of freight from trucks to rail transportation. The Applicant is expecting the largest change to occur on the CP mainline between Sabula, Iowa and Kansas City, Missouri where the Applicant's project that rail traffic would increase by 14.4 trains per day on average. OEA has conducted an extensive analysis of the environmental impacts that could result from the proposed acquisition. OEA expects that the proposed acquisition would result in only minor adverse impacts on freight rail safety. The probability of an accident, such as derailment or collision, occurring on a particular rail line depends, in part, on the number trains that move on that rail line. Therefore, an increase in rail traffic as predicted by the proposed acquisition would increase the risk of an accident. OEA expects that most incidents would be minor and offset other accidents occurring on rail lines. The proposed acquisition could affect traffic on roadways by diverting freight from truck to rail, which would reduce the number of trucks traveling highways, and by increasing operational activities at certain intermodal facilities. This would result in less trucks on highways, but more freight trucks on local roads that provide access to those intermodal facilities.

Memorandum
Environmental Assessment # 3215
Page 2.
October 14, 2022

OEA concluded that the planned individual capital improvements could temporarily impact 0.00 and 0.53 acres of surface water and between 0.00 and 6.43 acres of wetlands, depending on the location. These impacts would be avoided or minimized by the implementation of the Applicant's voluntary mitigation measures.

The Committee supports this project.

Agency comments are included for your review. The opportunity to comment is appreciated.

RB/JB/lab