



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

EO-3587

Name
Organization
Department
Address Line 1
Address Line 2
City, State, Zip Code
Email Address

November 12, 2021

Re: Docket No. FD 36500, Canadian Pacific Railway Limited, et al.—Control of—
Kansas City Southern, et al.; **Notice of Intent to Prepare an Environmental
Impact Statement**

Dear Tribal Official:

The purpose of this letter is to determine your interest in initiating formal government-to-government consultation regarding the above-referenced project. On October 29, 2021, Canadian Pacific Railway Limited, et al. (CP) and Kansas City Southern, et al. (KCS) (collectively, Applicants) filed an application with the Surface Transportation Board (Board) seeking authorization for CP to acquire KCS. This acquisition would create the first railroad to connect Canada, the United States, and Mexico. CP's system runs east to west across Canada, connecting the east and west coast ports. It runs south into the U.S. Midwest and connects with KCS in Kansas City. KCS runs from Kansas City to the Gulf Coast and into Mexico. The combination of these two railroads would be an 'end-to-end' merger because the CP and KCS railroad networks do not overlap (see the interactive map on the Board-sponsored project website here: <https://cp-kcsmergereis.com/maps.htm>).

As part of the approval process, the Board must evaluate the potential impacts of the proposed acquisition on the environment, in accordance with the National Environmental Policy Act (NEPA) and the Board's environmental regulations (49 C.F.R. Part 1105). To comply with NEPA, the Board's Office of Environmental Analysis (OEA) has initiated preparation of an Environmental Impact Statement (EIS) by issuing a Notice of Intent to Prepare an EIS (NOI) in the *Federal Register* on November 12, 2021. A copy of the NOI is available here: <https://cp-kcsmergereis.com/docs/cp-kcs-noi.pdf> . The EIS will describe the potential environmental impacts of the proposed acquisition and assist the Board with making its decision about whether to approve, approve with conditions, or deny the application.

Scoping

Scoping is the first step in the preparation of an EIS. Scoping is an open process that helps define the range of issues that should be considered in the EIS. This letter describes OEA's proposed approach to the EIS and asks you to review and comment on the proposed approach as well as provide any information you believe may be relevant when considering impacts, either negative or beneficial, to environmental resources under your jurisdiction or purview.

Description of the Proposed Action

According to the Applicants, the purpose of the proposed acquisition is to combine America's two smallest but fastest-growing Class I railroads to build a more efficient and more competitive rail network. The Applicants state that the proposed acquisition would further the need for expanded and more capable and efficient transportation infrastructure while simultaneously advancing the interests of current and future customers in more reliable and economical rail transportation options serving important North-South trade flows. The Applicants also state that the proposed acquisition would generate environmental benefits by reducing truck transportation on highways in North America by more than 60,000 trucks annually, resulting in less congestion, less maintenance, and improved safety on those roads, as well as less noise pollution in the places where those trucks would have driven, and lowered air emissions, including greenhouse gas emissions.

The proposed acquisition would involve (1) changes in level of operations (e.g., an increase in average trains per day) on certain segments of the combined rail network that would exceed the Board's thresholds for environmental review at 49 C.F.R. § 1105.7(e); (2) changes in activity at some rail yards and intermodal facilities that would exceed the Board's thresholds for environmental analysis; and (3) capital improvements within the existing rail right-of-way. The thresholds for assessing environmental impacts from increased rail traffic on rail lines in railroad acquisition proceedings are an increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase in rail traffic of at least eight trains per day. For air quality impacts, rail lines located in areas classified as being in nonattainment under the Clean Air Act are also assessed if they would experience an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains per day. Based on the information provided by the Applicants to date, OEA has identified rail lines in Illinois, Iowa, Missouri, Kansas, Oklahoma, Arkansas, Louisiana, and Texas that could experience increases in rail traffic that would exceed the analysis thresholds as a result of the proposed acquisition. The EIS will analyze potential environmental impacts from increased rail traffic on these rail lines, as appropriate.

To support increased rail traffic on the combined network, the Applicants propose to add new passing sidings or extend existing passing sidings at 24 locations within the rail right-of-way as part of the proposed acquisition. Sidings would be added or extended at locations in Louisiana, Oklahoma, Arkansas, Kansas, Minnesota, Illinois, Iowa, and Missouri. The Applicants also propose to add approximately four miles of double track within the right-of-way along the KCS Pittsburg Subdivision in Missouri and to add approximately five miles of facility working track within the right-of-way adjacent to the International Freight Gateway intermodal terminal in Missouri. The EIS will analyze potential environmental impacts, as appropriate, from these capital improvement projects.

The interactive map on the Board-sponsored project website here: <https://cp-kcsmergereis.com/maps.htm> shows the locations of the rail lines, rail yards, and intermodal facilities that would experience operational changes that would exceed the Board's environmental analysis threshold, as well as the locations of proposed capital improvements within the rail right-of-way.

Consultation Questionnaire

The Board is interested in knowing your views regarding your tribe's interest in our consulting with you regarding the broad range of impacts assessed under NEPA including those to tribal lands and resources. To assist you in your response, I have attached a comment card regarding any future involvement your tribe may want in the overall NEPA process. I respectfully request that you complete the card and return it at your convenience by email to Joshua.Wayland@stb.gov or by mail to:

Joshua Wayland, Surface Transportation Board, c/o VHB
Attention: Environmental Filing, Docket No. FD 36500
940 Main Campus Dr., Suite 500
Raleigh, NC 27606

Public Scoping Meetings

Additionally, to provide an opportunity for the public to provide oral comments, OEA will hold six online public scoping meetings. We invite you to attend those meetings if you are interested. You can attend the online public scoping meetings in one of two ways:

- Join online at: <https://bit.ly/cp-kcs>.
 - Project information will be available for review at this link prior to the public meeting dates.
- Join by phone by calling (888) 788-0099 (Toll Free) and using the call-in information below:

Public Scoping Meeting Dates and Times

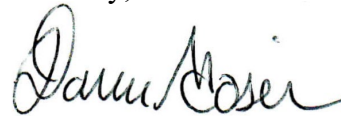
Date	Time	Meeting ID	Passcode
Tuesday, November 30, 2021	6-8 PM	899 9411 9431	336859
Wednesday, December 1, 2021	2-4 PM	834 1445 3134	140066
Thursday, December 2, 2021	6-8 PM	860 6003 9544	510488
Tuesday, December 7, 2021	6-8 PM	891 6903 1796	598592
Wednesday, December 8, 2021	2-4 PM	884 5338 0280	470936
Thursday, December 9, 2021	6-8 PM	899 8627 2409	227867

Next Steps

Following the end of the scoping period on December 17, 2021, OEA will review the comments and then issue a Final Scope of Study for the EIS. OEA will then proceed with the preparation of the Draft EIS. The public will be notified of the publication of the Draft EIS and will have the opportunity to review and comment on the document. At this time, OEA anticipates issuing the Draft EIS in the spring of 2022. In the meantime, OEA may contact you with questions or queries pertaining to the resources under your jurisdiction or purview.

Additional information on this project and the Board's environmental review process is available on the Board-sponsored project website at www.CP-KCSMergerEIS.com. If you have any questions or would like to discuss the proposal in more detail, please contact Joshua Wayland at 202-245-0330 or by e-mail at Joshua.Wayland@stb.gov. We look forward to your participation in the Board's environmental review process.

Sincerely,



Danielle Gosselin
Acting Director
Office of Environmental Analysis

CONSULTATION QUESTIONNAIRE

_____ Tribe

Re: Docket No. FD 36500, Canadian Pacific Railway Limited, et al.—Control of— Kansas City Southern, et al.; Notice of Intent to Prepare an Environmental Impact Statement

Please check all the appropriate response(s) that apply from the list below and use the back of this form or additional sheets if you wish to make comments:

_____ We have no interests associated with CP and KCS's proposed rail line merger and further consultation with our Tribe is not required.

_____ We want to continue to receive project information by mail or email and participate in the public involvement process. Please specify email and/or mailing address

_____ We have an interest in CP and KCS's proposed rail line merger and want to participate in government to-government consultation.

Name of the _____ Tribe designated contact for CP-KCS's proposed rail line merger:

_____ Phone: _____

Please print e-mail: _____

Signed: _____ Date: _____

Please mail to:

Joshua Wayland, Surface Transportation Board, c/o VHB
Attention: Environmental Filing, Docket No. FD 36500
940 Main Campus Dr Suite 500
Raleigh, NC 27606.

Or email to: Joshua.Wayland@stb.gov

TRIBE	FIRST-NAME	LAST-NAME	TITLE	STATE
Seminole Tribe of Florida	Marcus	Oseola Jr	Chairman	FL
Sac & Fox Tribe of the Mississippi in Iowa	Judith	Bender	Chairwoman	IA
Iowa Tribe of Kansas and Nebraska	Tim	Rhodd	Chairperson	KS
Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas	Lester	Randall	Chairman	KS
Prairie Band Potawatomi Nation	Liana	Onnen	Chairperson	KS
Sac & Fox Nation of Missouri in Kansas and Nebraska	Edmore	Green	Chairman	KS
Chitimacha Tribe of Louisiana	John Paul	Darden	Tribal Chairman	LA
Coushatta Tribe of Louisiana	David	Sickey	Chairman	LA
Jena Band of Choctaw Indians	B Cheryl	Smith	Principal Chief	LA
Tunica-Biloxi Indian Tribe	Marshall	Pierite	Chairman	LA
Hannahville Indian Community, Michigan	Kenneth	Meshigaud	Chairperson	MI
Keweenaw Bay Indian Community, Michigan	Warren	Swartz	President	MI
Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan	James	Williams	Chairman	MI
Little Traverse Bay Bands of Odawa Indians, Michigan	Regina	Gasco-Bentley	Chairperson	MI
Pokagon Band of Potawatomi Indians, Michigan and Indiana	Matthew	Wesaw	Chairperson	MI
Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe	Catherine	Chavers	Chairman	MN
Fond du Lac Band of the Minnesota Chippewa Tribe	Kevin	Dupuis	Chairperson	MN
Grand Portage Band of the Minnesota Chippewa Tribe	Beth	Drost	Chairwoman	MN
Leech Lake Band of the Minnesota Chippewa Tribe	Faron	Jackson	Chairman	MN
Lower Sioux Indian Community in the State of Minnesota	Robert	Larsen	President	MN
Mille Lacs Band of Ojibwe (The Mille Lacs Band of the Minnesota Chippewa Tribe Mille Lacs Band of Ojibwe)	Melanie	Benjamin	Chief Executive	MN
Minnesota Chippewa Tribe	Catherine	Chavers	President	MN
Prairie Island Indian Community in the State of Minnesota	Shelley	Buck	President	MN
Red Lake Band of Chippewa Indians, Minnesota	Darrell	Seki	Chairperson	MN
Shakopee Mdewakanton Sioux Community of Minnesota	Charles	Vig	Chairperson	MN
Upper Sioux Community, Minnesota	Kevin	Jensvold	Chairperson	MN
White Earth Band of the Minnesota Chippewa Tribe	Terrence	Tibbetts	Chairperson	MN
Mississippi Band of Choctaw Indians	Cyrus	Ben	Chief	MS
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana	Andrew	Werk	President	MT
Spirit Lake Tribe, North Dakota	Myra	Pearson	Chairwoman	ND
Turtle Mountain Band of Chippewa Indians of North Dakota	Jamie	Azure	Chairperson	ND
Omaha Tribe of Nebraska	Isaac	Sherman Jr	Chairperson	NE
Santee Sioux Nation, Nebraska	Roger	Trudell	Chairperson	NE
Winnebago Tribe of Nebraska	Coly	Brown	Chairperson	NE
Mescalero Apache Tribe of the Mescalero Reservation, New Mexico	Arthur "Butch"	Blazer	President	NM
Alabama-Quassarte Tribal Town	Nelson	Harjo	Chief	OK
Apache Tribe of Oklahoma	Bobby	Komardley	Chairman	OK
Caddo Nation of Oklahoma	Tamara	Francis	Chairperson	OK
Cherokee Nation	Chuck	Hoskin	Principal Chief	OK
Cheyenne and Arapaho Tribes, Oklahoma	Reggie	Wassana	Governor	OK
Choctaw Nation of Oklahoma	Gary	Batton	Chief	OK
Citizen Potawatomi Nation, Oklahoma	John	Barrett	Chairman	OK
Comanche Nation, Oklahoma	William	Nelson	Chairman	OK
Delaware Nation, Oklahoma	Deborah	Dotson	President	OK
Iowa Tribe of Oklahoma	Edgar	Kent	Chairman	OK
Kaw Nation, Oklahoma	Elaine	Huch	Chair	OK
Kickapoo Tribe of Oklahoma	Estavio	Elzondo	Chairman	OK
Miami Tribe of Oklahoma	Douglas	Lankford	Chief	OK
Muscogee (Creek) Nation	David	Hill	Principal Chief	OK
Osage Nation	Geoffrey	Standing Bear	Principal Chief	OK
Otoe-Missouria Tribe of Indians, Oklahoma	John	Shotton	Chairman	OK
Peoria Tribe of Indians of Oklahoma	Craig	Harper	Chief	OK
Quapaw Tribe of Indians	Joseph	Byrd	Chairperson	OK
Sac & Fox Nation, Oklahoma	Justin	Wood	Principal Chief	OK
Tonkawa Tribe of Indians of Oklahoma	Russell	Martin	President	OK
United Keetoowah Band of Cherokee Indians in Oklahoma	Joe	Bunch	Chief	OK
Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma	Terri	Parton	President	OK
Flandreau Santee Sioux Tribe of South Dakota	Anthony	Reider	Chairperson	SD
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota	Verlyn	Beaudreau	Interim Chairperson	SD
Alabama-Coushatta Tribe of Texas	Cecilia	Flores	Chairperson	TX
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin	Michael	Wiggins	Chairman	WI
Forest County Potawatomi Community of Wisconsin	Ned	Daniels Jr	Chairman	WI
Ho-Chunk Nation of Wisconsin	Jon	Greendeer	President	WI
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin	Joseph	Wildcat Sr	President	WI
Menominee Indian Tribe of Wisconsin	Joan	Delabrea	Chairwoman	WI
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin	Rick	Peterson	Chairperson	WI
Sokaogon Chippewa Community, Wisconsin	Garland	McGeshick	Chairperson	WI