



**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS, KANSAS CITY DISTRICT**  
**601 E. 12<sup>TH</sup> STREET, 635 FEDERAL BUILDING**  
**KANSAS CITY, MO 64106-2824**

September 29, 2022

Regulatory Branch  
(NWK-2021-00859)

Mr. Joshua Wayland  
Surface Transportation Board, c/o VHB  
940 Main Campus Drive, Suite 500  
Raleigh, NC 27606

Dear Mr. Wayland:

This is in response to your notification requesting comments regarding the Draft Environmental Impact Statement, (DEIS), for the merger of the Canadian Pacific Railway and Kansas City Southern railroad companies. The proposed combined rail lines of these two companies span multiple U.S. Army, Corps of Engineers Districts, including the Kansas City District.

The Corps of Engineers has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (33 USC 1344) and /or Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403).

The location of planned work within our District includes the Blue Valley, Grandview/IFG, Laredo, MP-431-Dawn, and Newtown capital improvement areas. We have reviewed these locations and the associated planned facilities that may result in impacts to waters of the U.S. Based on the estimated impacts to wetlands and other surface waters described in the DEIS, an individual permit will likely be required. We will further evaluate any necessary permit considerations for the work when an application with more detailed descriptions of the work to be performed in waters of the United States has been submitted for our review.

Thank you for providing us the opportunity to comment on the DEIS for the project. If you have any questions concerning this matter, please feel free to write or contact Mr. Brian Donahue, Project Manager, at 816-389-3703 or by email at [brian.t.donahue@usace.army.mil](mailto:brian.t.donahue@usace.army.mil). Please reference Permit file number NWK-2021-00859 in all comments and/or inquiries relating to this project. This letter is only being provided to electronically through the project website at [www.stb.gov](http://www.stb.gov).

Sincerely,

*David R. Hibbs*

David R. Hibbs  
Chief, Regulatory Branch  
Operations Division