



***SURFACE TRANSPORTATION BOARD
Washington, DC 20423***

Office of Environmental Analysis

Initial Tribal Distribution List

RE: Docket No. FD 36727, CSX Transportation, Inc.—Acquisition and Operation—Rail Line of Meridian & Bigbee Railroad, L.L.C. & Docket No. FD 36732, Canadian Pacific Kansas City Limited and the Kansas City Southern Railway Company, D/B/A CPKC – Acquisition and Operation – Certain Rail Line of Meridian & Bigbee Railroad, L.L.C., in Lauderdale County, Mississippi and Choctaw and Marengo Counties Alabama

This document lists all Tribal Nations contacted by the Office of Environmental Analysis (OEA) in connection with the above referenced Dockets No. FD 36727 and 36732.

- Cyrus Ben, Chief, Mississippi Band of Choctaw Indians
- Rick Sylestine, Chairperson, Alabama-Coushatta Tribe of Texas
- Wilson Yargee, Chief, Alabama-Quassarte Tribal Town
- Gary Batton, Chief, Choctaw Nation of Oklahoma
- Jonathan Cernek, Chairman, Coushatta Tribe of Louisiana
- David Hill, Principal Chief, Muscogee (Creek) Nation
- Glenna Wallace, Chief, Eastern Shawnee Tribe of Oklahoma
- Chuck Hoskin Jr., Principal Chief, Cherokee Nation
- Bill Anoatubby, Governor, Chickasaw Nation
- Richard Sneed, Principal Chief, Eastern Band of the Cherokee Indians
- Douglas G. Lankford, Chief, Miami Tribe of Oklahoma
- Wena Supernaw, Chairman, Quapaw Nation



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 21, 2023

Cyrus Ben
Chief
Mississippi Band of Choctaw Indians
P.O. Box 6010 Choctaw Branch
Choctaw, Mississippi, 39350

info@choctaw.org

RE: Docket No. FD 36727, CSX Transportation, Inc.—Acquisition and Operation—Rail Line of Meridian & Bigbee Railroad, L.L.C. & Docket No. FD 36732, Canadian Pacific Kansas City Limited and the Kansas City Southern Railway Company, D/B/A CPKC – Acquisition and Operation – Certain Rail Line of Meridian & Bigbee Railroad, L.L.C., in Lauderdale County, Miss. and Choctaw and Marengo Counties Ala.

Cyrus Ben:

The purpose of this letter is to determine your tribe's interest in formal government-to-government consultations with the Surface Transportation Board (Board) regarding the above-referenced project.

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According to CSXT and CPKC, approval and implementation of the proposed contiguous transactions would create a direct interchange between CPKC and CSXT at Myrtlewood that would expand shipping options for CSXT and CPKC for intermodal, automotive, and other traffic moving between the Southeastern United States and the Southwestern United States or Mexico. Following implementation of the proposed transactions, CPKC expects the addition of one new roundtrip train per day over its section of the MNBR line (two trains, one in each

direction), consisting of approximately 70 cars per train, which would handle traffic moving between CPKC and CSXT, including diverted traffic and new traffic attracted to the Myrtlewood interchange. CSXT also forecasts an increase in gross ton miles over its section of the MNBR line post-transaction and anticipates that eastbound and westbound through service would increase from 3 days a week to 7 days a week.

On November 3, 2023, the Board accepted both applications for consideration in separate decisions.¹ The Board stated that, for expediency and efficiency, its Office of Environmental Analysis (OEA) will prepare one Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) for both the CSXT and CPKC Transactions. The Board explained that these transactions involve contiguous sections of the same rail line, that CPKC and CSXT each provided volume forecasts showing exceedance of the gross ton mile thresholds based on the scenario in which both transactions are authorized and implemented, the environmental impacts from both transactions are otherwise expected to be very similar, and both applications were filed at the same time, allowing the environmental review of the two transactions to proceed simultaneously. Decision No. 1, FD 36727 et al., slip op. at 13; Decision No. 1, FD 36732 et al., slip op. at 13. For more information about these transactions, see Decision No. 1, FD 36727 et al., slip op. at 2-4; Decision No. 1, FD 36732 et al., slip op. at 2-4.

OEA is interested in knowing your tribe's interest in consulting with OEA regarding the broader range of impacts assessed under NEPA including those to tribal lands and resources. To assist you in your response, OEA has attached a comment card regarding any future involvement your tribe may want in the overall NEPA process (see Attachment 1: Consultation Questionnaire). I respectfully request that you complete the card and return it to Diana Wood or Elizabeth Webster of my staff at your earliest convenience.

The EA Process

Under the Board's environmental regulations, an acquisition under 49 U.S.C. § 11323 generally requires the preparation of an EA where certain thresholds would be exceeded. See 49 C.F.R. § 1105.6(b)(4). The thresholds for assessing environmental impacts from increased rail traffic on rail lines in acquisitions are an increase in rail traffic of at least 100% (measured in gross ton miles annually)² or an increase of at least eight trains per day. 49 C.F.R. § 1105.7(e)(5). For air quality impacts, rail lines located in areas classified as being in "nonattainment" areas under the Clean Air Act (42 U.S.C. §§ 7401-7671q) are also assessed if

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OEA has reviewed the data provided by CSXT and CPKC, including their traffic projections through 2029. Based on the data, neither the 8-trains-per-day nor 3-trains per-day thresholds for environmental review will be exceeded as a result of either transaction. However, because there will be an increase in gross ton miles in excess of 100% if both transactions are authorized, the gross-ton mile threshold will be exceeded and therefore, as noted in the Board decisions referenced above, OEA will prepare an EA. See 49 C.F.R. §§ 1105.7(e)(5)(i); 1105.10(b).

The EA process will address potential environmental impacts associated with both transactions, including changes in rail line traffic and rail yard activity changes. OEA will prepare a Draft EA and issue it for public comment. Following the close of the comment period, OEA will prepare a Final EA. The Final EA will address the comments received on the Draft EA, present OEA's final conclusions regarding the potential environmental impacts of the transactions, and set forth OEA's final recommendations to the Board, including recommended environmental mitigation measures. The Board then will consider the entire record for each transaction, including the record on the transportation merits, the Draft EA, the Final EA, and all public comments received. In its final decisions, the Board will decide whether the transactions should be authorized and, if so, what conditions, including environmental mitigation conditions, to impose.

Contact Information

If you have any questions or would like to discuss the project in more detail please do not hesitate to contact Diana Wood at 202-934-0388 or by email at Diana.Wood@stb.gov or Elizabeth Webster at 202-360-0742 or by email at Elizabeth.Webster@stb.gov. We look forward to hearing from you.

Sincerely,



Danielle Gosselin
Director
Office of Environmental Analysis

Enclosures:

Attachment 1: Consultation Questionnaire

Attachment 2: Project Location Map



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 21, 2023

Rick Sylestine
Chairperson
Alabama-Coushatta Tribe of Texas
571 State Park Road 56
Livingston, TX 77351

tcrsylestine@actribe.org

RE: Docket No. FD 36727, CSX Transportation, Inc.—Acquisition and Operation—Rail Line of Meridian & Bigbee Railroad, L.L.C. & Docket No. FD 36732, Canadian Pacific Kansas City Limited and the Kansas City Southern Railway Company, D/B/A CPKC – Acquisition and Operation – Certain Rail Line of Meridian & Bigbee Railroad, L.L.C., in Lauderdale County, Miss. and Choctaw and Marengo Counties Ala.

Rick Sylestine:

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Sincerely,



Danielle Gosselin

Director

Office of Environmental Analysis

Enclosures:

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Attachment 2: Project Location Map



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 21, 2023

Wilson Yargee
Chief
Alabama-Quassarte Tribal Town
PO Box 187
Wetumka, OK 74883

wilson.yargee@alabama-quassarte.org

RE: Docket No. FD 36727, CSX Transportation, Inc.—Acquisition and Operation—Rail Line of Meridian & Bigbee Railroad, L.L.C. & Docket No. FD 36732, Canadian Pacific Kansas City Limited and the Kansas City Southern Railway Company, D/B/A CPKC – Acquisition and Operation – Certain Rail Line of Meridian & Bigbee Railroad, L.L.C., in Lauderdale County, Miss. and Choctaw and Marengo Counties Ala.

Wilson Yargee:

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Director

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 21, 2023

Gary Batton
Chief
Choctaw Nation of Oklahoma
1802 Chukka Hina Dr.
Durant, OK 74701

gbatton@choctawnation.com

RE: Docket No. FD 36727, CSX Transportation, Inc.—Acquisition and Operation—Rail Line of Meridian & Bigbee Railroad, L.L.C. & Docket No. FD 36732, Canadian Pacific Kansas City Limited and the Kansas City Southern Railway Company, D/B/A CPKC – Acquisition and Operation – Certain Rail Line of Meridian & Bigbee Railroad, L.L.C., in Lauderdale County, Miss. and Choctaw and Marengo Counties Ala.

Gary Batton:

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December 21, 2023

Jonathan Cernek
Chairman
Coushatta Tribe of Louisiana
1940 C.C. Bel Road
Elton, LA 70532

mbell@coushatta.org

RE: Docket No. FD 36727, CSX Transportation, Inc.—Acquisition and Operation—Rail Line of Meridian & Bigbee Railroad, L.L.C. & Docket No. FD 36732, Canadian Pacific Kansas City Limited and the Kansas City Southern Railway Company, D/B/A CPKC – Acquisition and Operation – Certain Rail Line of Meridian & Bigbee Railroad, L.L.C., in Lauderdale County, Miss. and Choctaw and Marengo Counties Ala.

Jonathan Cernek:

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Sincerely,



Danielle Gosselin

Director

Office of Environmental Analysis

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Attachment 2: Project Location Map



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 21, 2023

David Hill
Principal Chief
Muscogee (Creek) Nation
1007 East Eufaula Street
Okmulgee, OK 74447

dhill@mcn-nsn.gov

RE: Docket No. FD 36727, CSX Transportation, Inc.—Acquisition and Operation—Rail Line of Meridian & Bigbee Railroad, L.L.C. & Docket No. FD 36732, Canadian Pacific Kansas City Limited and the Kansas City Southern Railway Company, D/B/A CPKC – Acquisition and Operation – Certain Rail Line of Meridian & Bigbee Railroad, L.L.C., in Lauderdale County, Miss. and Choctaw and Marengo Counties Ala.

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Director

Office of Environmental Analysis

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 21, 2023

Glenna Wallace
Chief
Eastern Shawnee Tribe of Oklahoma
127 West Oneida
Seneca, MO 64865

gjwallace@estoo.net

RE: Docket No. FD 36727, CSX Transportation, Inc.—Acquisition and Operation—Rail Line of Meridian & Bigbee Railroad, L.L.C. & Docket No. FD 36732, Canadian Pacific Kansas City Limited and the Kansas City Southern Railway Company, D/B/A CPKC – Acquisition and Operation – Certain Rail Line of Meridian & Bigbee Railroad, L.L.C., in Lauderdale County, Miss. and Choctaw and Marengo Counties Ala.

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 21, 2023

Chuck Hoskin Jr.
Principal Chief
Cherokee Nation
17675 South Muskogee Avenue
Tahlequah, OK 74464

chuck-hoskin@cherokee.org

RE: Docket No. FD 36727, CSX Transportation, Inc.—Acquisition and Operation—Rail Line of Meridian & Bigbee Railroad, L.L.C. & Docket No. FD 36732, Canadian Pacific Kansas City Limited and the Kansas City Southern Railway Company, D/B/A CPKC – Acquisition and Operation – Certain Rail Line of Meridian & Bigbee Railroad, L.L.C., in Lauderdale County, Miss. and Choctaw and Marengo Counties Ala.

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 21, 2023

Bill Anoatubby
Governor
Chickasaw Nation
520 East Arlington
Ada, OK 74820

tammy.gray@chickasaw.net

RE: Docket No. FD 36727, CSX Transportation, Inc.—Acquisition and Operation—Rail Line of Meridian & Bigbee Railroad, L.L.C. & Docket No. FD 36732, Canadian Pacific Kansas City Limited and the Kansas City Southern Railway Company, D/B/A CPKC – Acquisition and Operation – Certain Rail Line of Meridian & Bigbee Railroad, L.L.C., in Lauderdale County, Miss. and Choctaw and Marengo Counties Ala.

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Contact Information

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Sincerely,



Danielle Gosselin

Director

Office of Environmental Analysis

Enclosures:

Attachment 1: Consultation Questionnaire

Attachment 2: Project Location Map



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 21, 2023

Richard Sneed
Principal Chief
Eastern Band of the Cherokee Indians
88 Council House Loop Road
Cherokee, NC 28719

ashlstep@nc-choerokee.com

RE: Docket No. FD 36727, CSX Transportation, Inc.—Acquisition and Operation—Rail Line of Meridian & Bigbee Railroad, L.L.C. & Docket No. FD 36732, Canadian Pacific Kansas City Limited and the Kansas City Southern Railway Company, D/B/A CPKC – Acquisition and Operation – Certain Rail Line of Meridian & Bigbee Railroad, L.L.C., in Lauderdale County, Miss. and Choctaw and Marengo Counties Ala.

Richard Sneed:

The purpose of this letter is to determine your tribe's interest in formal government-to-government consultations with the Surface Transportation Board (Board) regarding the above-referenced project.

In Docket No. FD 36727, CSX Transportation (CSXT) filed an application under 49 U.S.C. § 11323 with the Board to acquire and operate the assets comprising the rail line of Meridian & Bigbee Railroad, L.L.C. (MNBR) that runs approximately 93.68 miles between the cities of Burkville, Ala., and Myrtlewood, Ala., in Lowndes, Dallas, Wilcox and Marengo Counties (CSXT Transaction). In Docket No. FD 36732, Canadian Pacific Kansas City Limited (CPKC) filed an application under 49 U.S.C. § 11323 with the Board on the same day to acquire from MNBR and to operate approximately 50.4 miles of rail line between Meridian, Miss., and Myrtlewood, Ala. (CPKC Transaction). (See Attachment 2: Project Location Map).

According to CSXT and CPKC, approval and implementation of the proposed contiguous transactions would create a direct interchange between CPKC and CSXT at Myrtlewood that would expand shipping options for CSXT and CPKC for intermodal, automotive, and other traffic moving between the Southeastern United States and the Southwestern United States or Mexico. Following implementation of the proposed transactions, CPKC expects the addition of one new roundtrip train per day over its section of the MNBR line (two trains, one in each

direction), consisting of approximately 70 cars per train, which would handle traffic moving between CPKC and CSXT, including diverted traffic and new traffic attracted to the Myrtlewood interchange. CSXT also forecasts an increase in gross ton miles over its section of the MNBR line post-transaction and anticipates that eastbound and westbound through service would increase from 3 days a week to 7 days a week.

On November 3, 2023, the Board accepted both applications for consideration in separate decisions.¹ The Board stated that, for expediency and efficiency, its Office of Environmental Analysis (OEA) will prepare one Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) for both the CSXT and CPKC Transactions. The Board explained that these transactions involve contiguous sections of the same rail line, that CPKC and CSXT each provided volume forecasts showing exceedance of the gross ton mile thresholds based on the scenario in which both transactions are authorized and implemented, the environmental impacts from both transactions are otherwise expected to be very similar, and both applications were filed at the same time, allowing the environmental review of the two transactions to proceed simultaneously. Decision No. 1, FD 36727 et al., slip op. at 13; Decision No. 1, FD 36732 et al., slip op. at 13. For more information about these transactions, see Decision No. 1, FD 36727 et al., slip op. at 2-4; Decision No. 1, FD 36732 et al., slip op. at 2-4.

OEA is interested in knowing your tribe's interest in consulting with OEA regarding the broader range of impacts assessed under NEPA including those to tribal lands and resources. To assist you in your response, OEA has attached a comment card regarding any future involvement your tribe may want in the overall NEPA process (see Attachment 1: Consultation Questionnaire). I respectfully request that you complete the card and return it to Diana Wood or Elizabeth Webster of my staff at your earliest convenience.

The EA Process

Under the Board's environmental regulations, an acquisition under 49 U.S.C. § 11323 generally requires the preparation of an EA where certain thresholds would be exceeded. See 49 C.F.R. § 1105.6(b)(4). The thresholds for assessing environmental impacts from increased rail traffic on rail lines in acquisitions are an increase in rail traffic of at least 100% (measured in gross ton miles annually)² or an increase of at least eight trains per day. 49 C.F.R. § 1105.7(e)(5). For air quality impacts, rail lines located in areas classified as being in "nonattainment" areas under the Clean Air Act (42 U.S.C. §§ 7401-7671q) are also assessed if

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Sincerely,



Danielle Gosselin

Director

Office of Environmental Analysis

Enclosures:

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Attachment 2: Project Location Map



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 21, 2023

Douglas G Lankford
Chief
Miami Tribe of Oklahoma
P.O. Box 1326
Miami, OK 74355

dlankford@miamination.com

RE: Docket No. FD 36727, CSX Transportation, Inc.—Acquisition and Operation—Rail Line of Meridian & Bigbee Railroad, L.L.C. & Docket No. FD 36732, Canadian Pacific Kansas City Limited and the Kansas City Southern Railway Company, D/B/A CPKC – Acquisition and Operation – Certain Rail Line of Meridian & Bigbee Railroad, L.L.C., in Lauderdale County, Miss. and Choctaw and Marengo Counties Ala.

Douglas G Lankford:

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 21, 2023

Wena Supernaw
Chairman
Quapaw Nation
P.O. Box 765
Quapaw, OK 74363

wena.supernaw@quapawnation.com

RE: Docket No. FD 36727, CSX Transportation, Inc.—Acquisition and Operation—Rail Line of Meridian & Bigbee Railroad, L.L.C. & Docket No. FD 36732, Canadian Pacific Kansas City Limited and the Kansas City Southern Railway Company, D/B/A CPKC – Acquisition and Operation – Certain Rail Line of Meridian & Bigbee Railroad, L.L.C., in Lauderdale County, Miss. and Choctaw and Marengo Counties Ala.

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Danielle Gosselin
Director
Office of Environmental Analysis

Enclosures:

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ATTACHMENT 1: CONSULTATION QUESTIONNAIRE

TRIBE NAME

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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 the proposed project and further consultation with our Tribe is not required.
- ☐ We want to continue to receive project information by mail and participate in the public involvement process.
- ☐ We have an interest in proposed project and want to participate in government-to-government consultation.

Name of the TRIBE NAME designated contact for the proposed project:

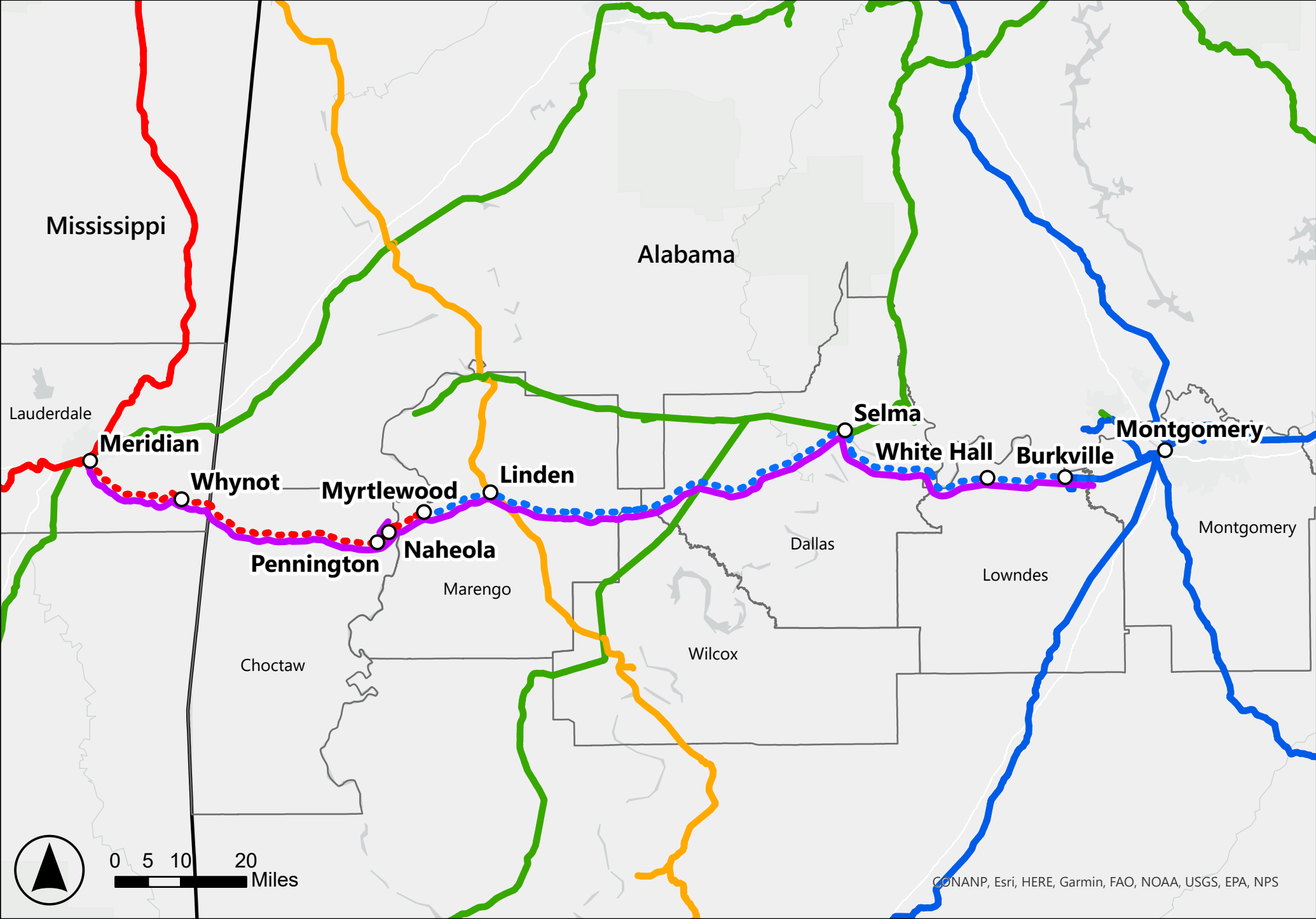
Please print

Phone: _____
e-mail: _____

Signed: _____ Date: _____

Please mail to: Diana Wood (Docket No. FD 36727) or Elizabeth Webster (Docket No. FD 36732)
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Or Email to: Diana.Wood@stb.gov or Elizabeth.Webster@stb.gov



- | | | |
|------------------------|--------|----------------------|
| ●● Eastern Line (CSXT) | — CPKC | — AGR |
| ●● Western Line (CPKC) | — CSXT | ○ Segment End Points |
| — MNBR | — NS | □ Counties |

Attachment 2: Project Location Map
FD 36727 (CSXT) & FD 36732 (CPKC)

CONANP, Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NPS