

El-33270

From: Kacirek, David - NRCS, St Joseph, MO <david.kacirek@usda.gov>
Sent: Friday, May 14, 2021 9:23 AM
To: Assenza, Adam <Adam.Assenza@stb.gov>; Bartlett, Alex <Alex.Bartlett@icf.com>
Cc: Bradley-Redden, Diane - NRCS, St Joseph, MO <diane.bradley-redden@usda.gov>; Lugo-Camacho, Jorge - NRCS, Columbia, MO <jorge.lugo-camacho@usda.gov>; Saunders, Jason - NRCS, Platte City, MO <jason.saunders@usda.gov>
Subject: FW: Docket No. FD 36406, Port Authority of Kansas City - Request for Information and Comment

To: Alex Bartlett, Adam Assenza

This e-mail and attachments are in response to your environmental effects request letters sent to Scott Edwards, State Conservationist, and Jason Saunders, District Conservationist, NRCS Missouri. I have attached my environmental effects letter detailing NRCS comments. Also attached is the AD-1006 Farmland Conversion Impact Rating Form.

If you have any other concerns or questions, I am the NRCS point of contact for these projects in Northwest Missouri, and can be reached at the contact information below.

Thank you.

David Kacirek
Area Resource Soil Scientist
USDA / NRCS
3915 Oakland Avenue, Suite 103
Saint Joseph, MO 64506
816-364-3927 ext. 5786
Cell # 816-302-5435

From: Bartlett, Alex <Alex.Bartlett@icf.com>
Sent: Friday, April 23, 2021 10:56 AM
To: Edwards, Scott - NRCS, Columbia, MO <scott.edwards@usda.gov>
Cc: Assenza, Adam <Adam.Assenza@stb.gov>; Wolff, Mikenna <Mikenna.Wolff@icf.com>
Subject: [External Email]Docket No. FD 36406, Port Authority of Kansas City - Request for Information and Comment

[External Email]

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Greetings,

On behalf of the Surface Transportation Board's (STB) Office of Environmental Analysis (OEA), I am writing you to request your review of the attached documentation relating to an application by the Port Authority of Kansas City (Port KC) to construct and operate approximately 1.7 miles of new rail line (proposed rail line). The proposed rail line would connect the Missouri River and the Missouri River Terminal (MRT) to an interchange point with the Kansas City Terminal Railway Company (KCT) in Kansas City, Missouri. Following your review, please provide information from your agency on resources that could be affected by the proposed rail line, as well as any related permits and/or approvals.

The attached letter begins the process by which OEA will assess the potential environmental and cultural effects of the proposed rail line. Currently, the consultation period is 30 days and thus we kindly request your response by May 24, 2021.

Should you have any questions, please contact myself or OEA's Project Manager, Adam Assenza (Adam.Assenza@stb.gov).

Regards,

Alex

Project Manager, ICF, third-party consultant for OEA.



ALEX BARTLETT | Manager – Environmental Planning |
+1.303.792.7827 direct | alex.bartlett@icf.com | icf.com
14123 Denver West Parkway, Ste. 100 | Golden, CO 80401 USA |

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3915 Oakland Avenue, Suite 103, St. Joseph, MO. 64506

May 14, 2021

Danielle Gosselin
Acting Director
Office of Environmental Analysis
Surface Transportation Board
Washington, DC

Dear Danielle Gosselin,

This letter is in response to your environmental effects request letters dated April 23, 2021 and sent to Jason Saunders, District Conservationist, and Scott Edwards, State Conservationist, NRCS, Missouri. The following comments pertain to the proposed construction of the multimodal freight center involving rail, barge, and motor carriage aspects in Jackson and Clay Counties, Missouri. I have reviewed the proposed project and offer the following information for consideration in your environmental report:

1. Background Information-In 1981, the U.S. Congress passed the Farmland Protection Policy Act (FPPA) which directs USDA through NRCS to provide technical assistance to Federal agencies, and State and local governments or organizations that desire to develop programs or policies to limit the conversion of productive farmlands to non-agricultural uses.
2. The Goal of FPPA- is to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of important farmland to nonagricultural uses. More information is available at the FPPA web site-
https://www.nrcs.usda.gov/wps/portal/nrcs/detail/?ss=16&navtype=SUBNAVIGATION&cid=nrcs143_008275&navid=1001701800000000&pnavid=1000000000000000&position=WELCOME.Html&tttype=detail&pname=Farmland%20Protection%20Policy%20Act%20%7C%20NRCS

As the web site explains, if areas are considered already in urban use, or are on existing right of way purchased before August 4th, 1984, then FPPA does not apply.

You can obtain site specific acres of prime farmland, and farmland of statewide importance by utilizing the Web Soil Survey. <http://websoilsurvey.nrcs.usda.gov/app/>

3. Review of the Proposed Project-Areas where distribution facilities or lines are constructed within road and highway right of ways, are determined "previously converted" to non-agricultural uses. Areas where the poles and guy wires are installed in cultivated fields and pastures will have only a minor impact on the conversion of important farmlands. Generally, buried cables and pipelines will not cause the conversion of important farmlands. **If any areas can no longer be farmed due to new construction, or restricted access, they are subject to FPPA and a form AD-1006 should be completed.** Cropland, forest, grassland, are included in the definition of agricultural land. If final construction does not eliminate any



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land from agricultural crop production, then FPPA does not apply. Construction for national defense purposes are exempt from the FPPA- Farmland Protection Policy Act.

4. The NRCS County Hydric soil lists can be obtained at the county NRCS field office, and on the Web Soil Survey. Hydric soils are soils that show properties of long term saturation, and have a high probability of being classified as a wetland. The Hydric soil list is also on line at the NRCS Web Soil Survey. If needed, site specific wetland determinations for non-agricultural purposes can be requested from the U.S. Army Corps of Engineers, or from private consulting firms.
5. Erosion Considerations-If your project includes trenching, or construction activity that would destroy grass or vegetative cover, we recommend special attention be given to areas subject to soil erosion caused by rain and water flow. Even though most trenches are narrow, soil erosion can still be a significant hazard on slopes greater than 2 percent. Vegetation should be promptly reestablished on disturbed areas. The Missouri NRCS Critical Area Planting standard can be accessed on the electronic field office tech guide at <http://www.nrcs.usda.gov/technical/efotg/>
6. Soil chemical and physical properties based on the county soil survey can be accessed on Web Soil Survey. This would include soils data regarding saturated hydraulic conductivity, and soil particle size distribution. The soil survey is a general planning tool and should not be substituted for site specific soil investigations, or soil laboratory analysis.
7. Endangered Species- Some species may fall under state, and or, federal protection. If you have not already done so, I recommend that you contact the Missouri Department of Conservation regarding specific threatened and endangered species in the project area. MDC can be contacted at 2901 W. Truman Blvd, P.O Box 180, Jefferson City, MO. 65102, phone- 573-751-4115.

If you have any questions, please call me at 816-364-3927 ext. 5786.

Sincerely,

A handwritten signature in dark ink, appearing to read "David K. Kacirek", is written over a horizontal line.

David K. Kacirek
Area Resource Soil Scientist

cc: Diane Bradley-Redden, Area Conservationist, St. Joseph, MO
Jorge L. Lugo-Camacho, State Soil Scientist, Columbia, MO
Jason Saunders, District Conservationist, Platte City, MO

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request				
Name of Project		Federal Agency Involved				
Proposed Land Use		County and State county and state				
PART II (To be completed by NRCS)		Date Request Received By NRCS		Person Completing Form:		
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		YES ☐	NO ☐	Acres Irrigated	Average Farm Size	
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %	Amount of Farmland As Defined in FPPA Acres: %				
Name of Land Evaluation System Used	Name of State or Local Site Assessment System	Date Land Evaluation Returned by NRCS				
PART III (To be completed by Federal Agency)		Alternative Site Rating				
		Site A	Site B	Site C	Site D	
A. Total Acres To Be Converted Directly						
B. Total Acres To Be Converted Indirectly						
C. Total Acres In Site						
PART IV (To be completed by NRCS) Land Evaluation Information						
A. Total Acres Prime And Unique Farmland						
B. Total Acres Statewide Important or Local Important Farmland						
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted						
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value						
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)						
PART VI (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)		Maximum Points	Site A	Site B	Site C	Site D
1. Area In Non-urban Use		(15)				
2. Perimeter In Non-urban Use		(10)				
3. Percent Of Site Being Farmed		(20)				
4. Protection Provided By State and Local Government		(20)				
5. Distance From Urban Built-up Area		(15)				
6. Distance To Urban Support Services		(15)				
7. Size Of Present Farm Unit Compared To Average		(10)				
8. Creation Of Non-farmable Farmland		(10)				
9. Availability Of Farm Support Services		(5)				
10. On-Farm Investments		(20)				
11. Effects Of Conversion On Farm Support Services		(10)				
12. Compatibility With Existing Agricultural Use		(10)				
TOTAL SITE ASSESSMENT POINTS		160	0	0	0	0
PART VII (To be completed by Federal Agency)						
Relative Value Of Farmland (From Part V)		100	0	0	0	0
Total Site Assessment (From Part VI above or local site assessment)		160	0	0	0	0
TOTAL POINTS (Total of above 2 lines)		260	0	0	0	0
Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES ☐ NO ☐				
Reason For Selection:						
Name of Federal agency representative completing this form:						
Date:						

(See Instructions on reverse side)

Form AD-1006 (03-02)

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

- Step 1 - Federal agencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form. For Corridor type projects, the Federal agency shall use form NRCS-CPA-106 in place of form AD-1006. The Land Evaluation and Site Assessment (LESA) process may also be accessed by visiting the FPPA website, <http://fppa.nrcs.usda.gov/lesa/>.
- Step 2 - Originator (Federal Agency) will send one original copy of the form together with appropriate scaled maps indicating location(s) of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the U.S. The USDA Office Information Locator may be found at http://offices.usda.gov/scripts/ndISAPI.dll/oip_public/USA_map, or the offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS State Conservationist and State Office in each State.)
- Step 3 - NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days.
- Step 4 - For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.
- Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.
- Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form and return the form with the final selected site to the servicing NRCS office.
- Step 7 - The Federal agency providing financial or technical assistance to the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

(For Federal Agency)

Part I: When completing the "County and State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

Part III: When completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them or other major change in the ability to use the land for agriculture.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities planned build out capacity) that will cause a direct conversion.

Part VI: Do not complete Part VI using the standard format if a State or Local site assessment is used. With local and NRCS assistance, use the local Land Evaluation and Site Assessment (LESA).

1. Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, power line and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighed a maximum of 25 points and criterion #11 a maximum of 25 points.
2. Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule after submitting individual agency FPPA policy for review and comment to NRCS. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points equal or exceed 160, consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites, Modifications or Mitigation).

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, convert the site assessment points to a base of 160.

Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Site A}$

For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for additional instructions to complete the AD-1006 form.



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

April 23, 2021

Scott Edwards
State Conservationist
Natural Resource Conservation Service
Parkade Center, Suite 250
601 Business Loop 70 West
Columbia, MO 65203-2546

Re: Docket No. FD 36406, Port Authority of Kansas City – Construction and Operation Exemption – In Jackson and Clay Counties, Missouri; Preliminary Environmental Consultation

Dear Mr. Edwards:

Pursuant to 49 U.S.C. § 10901, the Port Authority of Kansas City (Port KC) intends to file for approval from the Surface Transportation Board (Board) to construct and operate approximately 1.7 miles of new rail line (proposed rail line) that would connect the Missouri River and the Missouri River Terminal (MRT) to an interchange point with the Kansas City Terminal Railway Company (KCT). As part of its licensing process, the Board, through its Office of Environmental Analysis (OEA), will conduct an environmental review of the proposed rail line in compliance with the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA) and the Board's environmental rules at 49 C.F.R. Part 1105. OEA will evaluate the potential environmental impacts of the proposed rail line as well as any other reasonable and feasible alternatives that may be identified during project planning.

The purpose of this letter is to advise you of the proposed rail line, request information from your agency on the resources under your jurisdiction that could be affected by the proposed rail line and identify permits and approvals that could be required of Port KC. The information you provide will help us determine what type of NEPA document should be prepared.

Description of the Proposed Rail Line

The proposed rail line would consist of the construction of approximately 1.7 miles of new common carrier rail line on portions of the 415-acre MRT site. The proposed rail line would extend from the Missouri River to its interchange point with the Kansas City Terminal Railway Company (a Class III railroad that serves as a terminal railroad for five Class I owners). In addition to the proposed rail line, Port KC also intends to construct unregulated spur track within the meaning of 49 U.S.C. § 10906 on the MRT project site. Because the proposed rail line would be constructed within the confines of the MRT

project site¹, it would not cross any public or private roads (Attachment 1). Based on current plans, Port KC anticipates operating three trains per week on the proposed rail line.

Port KC states that it is developing the MRT as a multimodal freight center consisting of a common carrier railroad and transportation by river barge and motor carriage to expand the region's capacity for efficient management of intermodal containers into and out of the local area and regional freight market. It would also offer trans-loading of grains and oil seeds to the regional market. The MRT and the proposed rail line are also intended to promote development along the Blue River Industrial Corridor, a former industrial core within Kansas City, Missouri utilizing the anticipated economic benefits associated with freight movement through the MRT. Existing access to the MRT site is insufficient to accommodate the anticipated growth. As a result, new access roads to the MRT associated with the construction and operation of the proposed rail line may also be evaluated during OEA's environmental review.

Request for Comments

This letter begins the process by which OEA will assess the potential environmental and historic effects that may be associated with the proposed rail line. OEA will prepare a draft environmental document and issue it for public review and comment as required by NEPA and the Board's environmental rules. After the environmental review process is complete, the Board will then decide whether to approve, approve with conditions (which could include conditions designed to mitigate potential impacts on the environment), or deny approval for the proposed rail line described above.

We appreciate your assistance in preliminarily identifying whether any resources of concern to your agency may be affected by the proposed rail line and welcome any additional issues or concerns that you consider appropriate. Please respond by May 24, 2021 so that we may schedule surveys and conduct necessary follow-up activities.

Please send your written comments electronically to Adam Assenza, OEA's Project Manager for the environmental review, at Adam.Assenza@stb.gov or to OEA's third-party consultant project manager at ICF, Alex Bartlett at alex.bartlett@icf.com. If you have any questions or would like to discuss the proposed rail line in more detail, please contact Adam Assenza at 202-245-0301. We look forward to your participation in the Board's environmental review process.

Sincerely,



Danielle Gosselin
Acting Director
Office of Environmental Analysis

¹ The proposed MRT project site was previously utilized as a steel mill (GPS coordinates 39.11867 N, -94.46838 W) which has not been operational for more than 20 years.

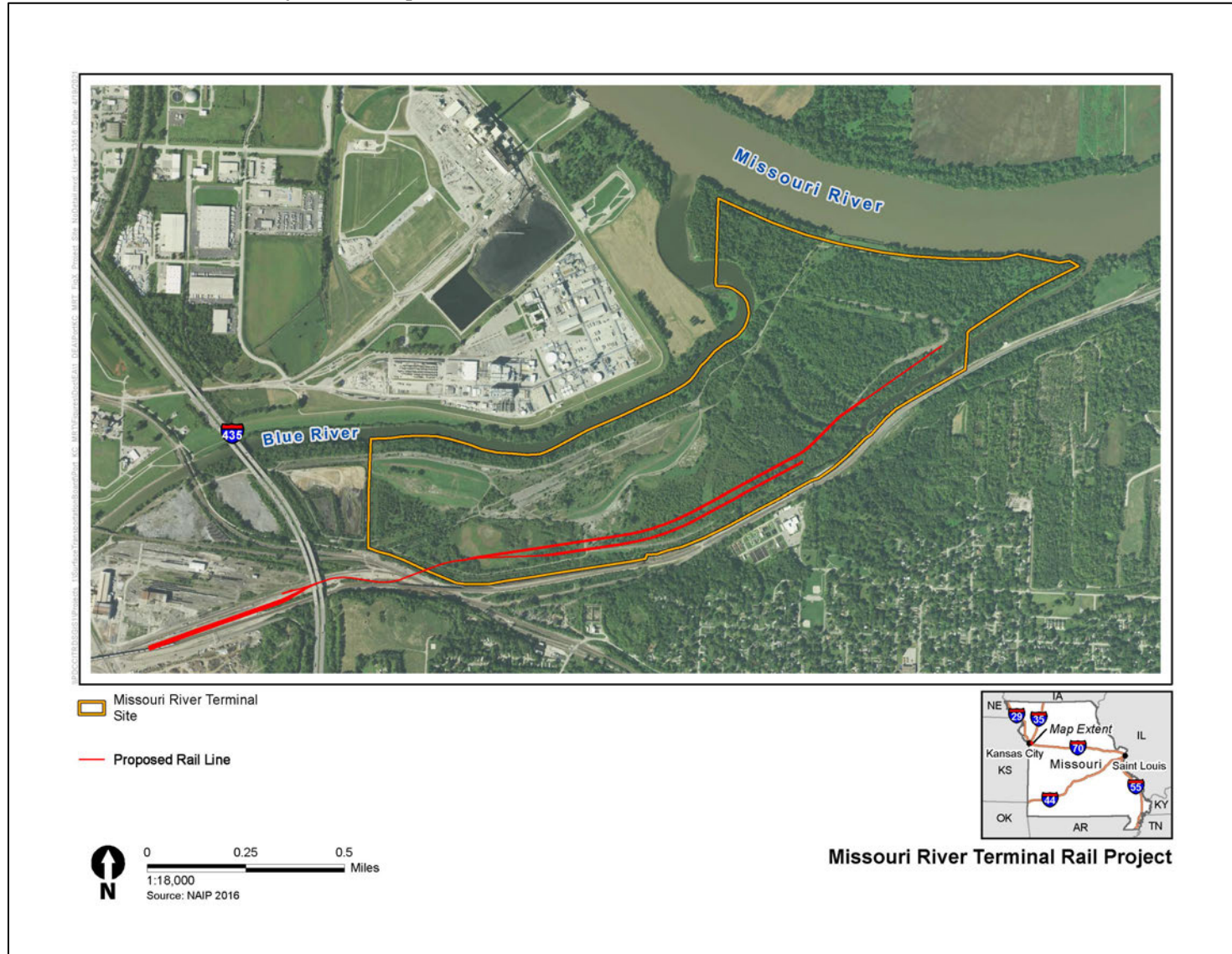
Attachments:

- 1 – Port KC MRT Rail Project Location
- 2 – Port KC MRT Rail Project Site Map

Attachment 1 – Port KC MRT Rail Project Location



Attachment 2 – Port KC MRT Rail Project Site Map





SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

April 23, 2021

Karen Herrington
Field Supervisor
U.S. Fish and Wildlife Services, Missouri Ecological Services Field Office
101 Park DeVille Drive, Suite A
Columbia, MO 65203-0057

Re: Docket No. FD 36406, Port Authority of Kansas City – Construction and Operation Exemption – In Jackson and Clay Counties, Missouri; Preliminary Environmental Consultation

Dear Ms. Herrington:

Pursuant to 49 U.S.C. § 10901, the Port Authority of Kansas City (Port KC) intends to file for approval from the Surface Transportation Board (Board) to construct and operate approximately 1.7 miles of new rail line (proposed rail line) that would connect the Missouri River and the Missouri River Terminal (MRT) to an interchange point with the Kansas City Terminal Railway Company (KCT). As part of its licensing process, the Board, through its Office of Environmental Analysis (OEA), will conduct an environmental review of the proposed rail line in compliance with the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA) and the Board's environmental rules at 49 C.F.R. Part 1105. OEA will evaluate the potential environmental impacts of the proposed rail line as well as any other reasonable and feasible alternatives that may be identified during project planning.

The purpose of this letter is to advise you of the proposed rail line and to request information regarding the presence of federally-listed threatened and endangered species and designated critical habitat in the project area pursuant to Section 7(a)(2) of the Endangered Species Act (ESA). OEA also requests comments on species or resources protected by the Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, and the Fish and Wildlife Coordination Act.

Description of the Proposed Rail Line

The proposed rail line would consist of the construction of approximately 1.7 miles of new common carrier rail line on portions of the 415-acre MRT site. The proposed rail line would extend from the Missouri River to its interchange point with the Kansas City Terminal Railway Company (a Class III railroad that serves as a terminal railroad for five Class I owners). In addition to the proposed rail line, Port KC also intends to construct unregulated spur track within the meaning of 49 U.S.C. § 10906 on the MRT project site. Because the proposed rail line would be constructed within the confines of the MRT

project site¹, it would not cross any public or private roads (Attachment 1). Based on current plans, Port KC anticipates operating three trains per week on the proposed rail line.

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OEA's review of the latest USFWS species list indicates that 3 federally threatened and 3 federally endangered species occur or potentially occur in Jackson and Clay Counties (see following table).

USFWS Species List for Jackson and Clay Counties, Missouri	
Species	Federal Status¹
Mammals	
Northern long-eared bat	Threatened
Indiana bat	Endangered
Gray bat	Endangered
Birds	
Red knot	Threatened
Fishes	
Pallid sturgeon	Endangered
Plants	
Western prairie fringed orchid	Threatened
Source: USFWS Environmental Conservation Online System (ECOS) (https://ecos.fws.gov/ecp/report/species-listings-by-current-range-county?fips=29095 and https://ecos.fws.gov/ecp/report/species-listings-by-current-range-county?fips=29047); accessed April 22, 2021.	

Request for Comments

We request either your concurrence or a revised species list within 30 days of your receipt of this letter, as well as any comments you may have on the Proposed Project's potential effects on federally-listed species and designated critical habitats. If we do not receive a response within 30 days, we will assume that you concur with the list we have provided and will proceed accordingly with our assessment of federally-listed species as required under Section 7(a)(2) of the ESA. Once the full extent of potential impacts to federally-listed species is determined, we will make a determination of effect regarding the potential impacts of the Proposed Project.

¹ The proposed MRT project site was previously utilized as a steel mill (GPS coordinates 39.11867 N, -94.46838 W) which has not been operational for more than 20 years.

We request your response by May 24, 2021 so that we may schedule surveys and conduct necessary follow-up activities.

Please send your written comments electronically to Adam Assenza, OEA's Project Manager for the environmental review, at Adam.Assenza@stb.gov or to OEA's third-party consultant project manager at ICF, Alex Bartlett at alex.bartlett@icf.com. If you have any questions or would like to discuss the proposed rail line in more detail, please contact Adam Assenza at 202-245-0301. We look forward to your participation in the Board's environmental review process.

Sincerely,

A handwritten signature in dark ink, appearing to read "Danielle Gosselin". The signature is fluid and cursive, with the first name "Danielle" and last name "Gosselin" clearly distinguishable.

Danielle Gosselin
Acting Director
Office of Environmental Analysis

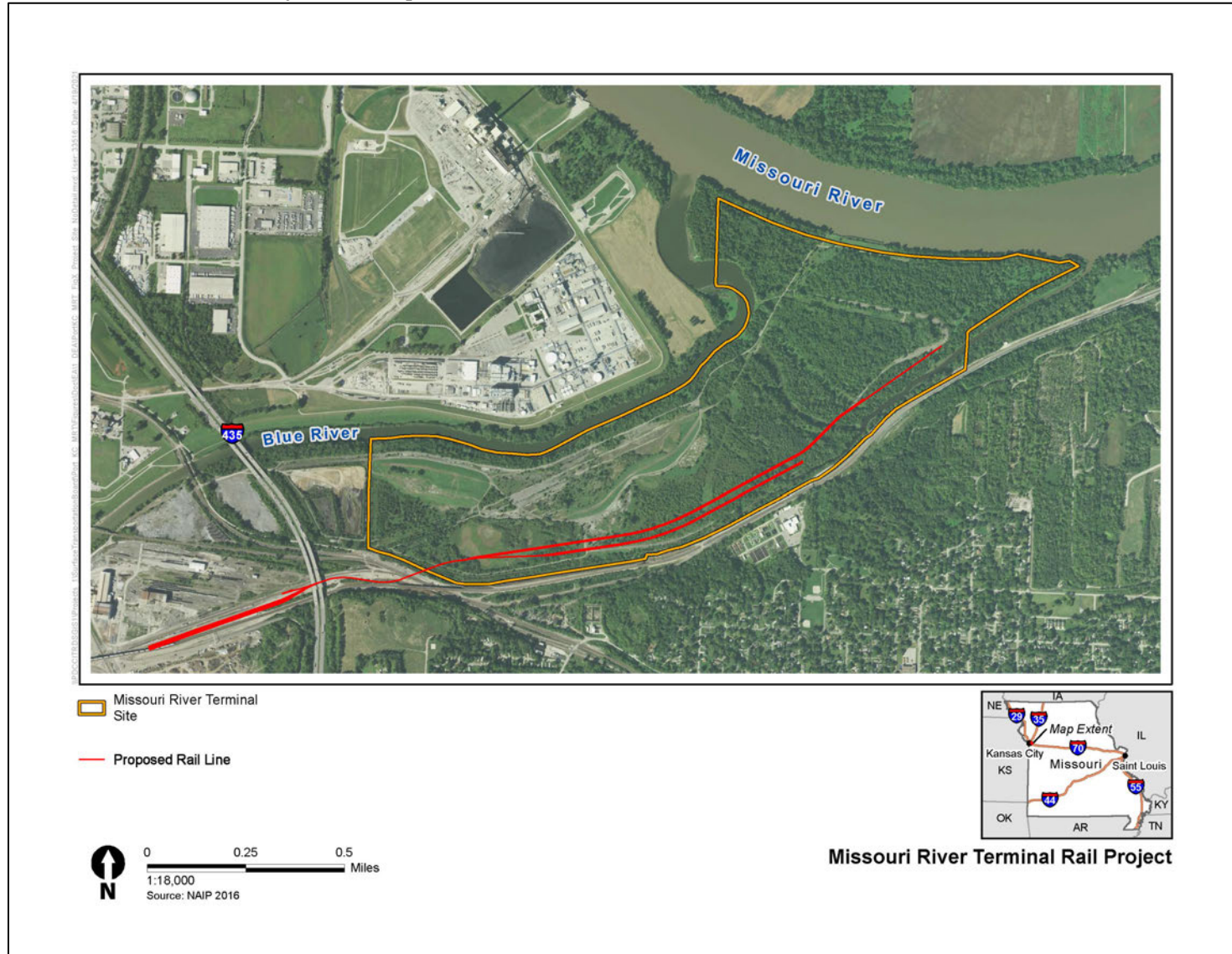
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3915 Oakland Avenue, Suite 103, St. Joseph, MO. 64506

May 14, 2021

Danielle Gosselin
Acting Director
Office of Environmental Analysis
Surface Transportation Board
Washington, DC

Dear Danielle Gosselin,

This letter is in response to your environmental effects request letters dated April 23, 2021 and sent to Jason Saunders, District Conservationist, and Scott Edwards, State Conservationist, NRCS, Missouri. The following comments pertain to the proposed construction of the multimodal freight center involving rail, barge, and motor carriage aspects in Jackson and Clay Counties, Missouri. I have reviewed the proposed project and offer the following information for consideration in your environmental report:

1. Background Information-In 1981, the U.S. Congress passed the Farmland Protection Policy Act (FPPA) which directs USDA through NRCS to provide technical assistance to Federal agencies, and State and local governments or organizations that desire to develop programs or policies to limit the conversion of productive farmlands to non-agricultural uses.
2. The Goal of FPPA- is to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of important farmland to nonagricultural uses. More information is available at the FPPA web site-
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If you have any questions, please call me at 816-364-3927 ext. 5786.

Sincerely,

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David K. Kacirek
Area Resource Soil Scientist

cc: Diane Bradley-Redden, Area Conservationist, St. Joseph, MO
Jorge L. Lugo-Camacho, State Soil Scientist, Columbia, MO
Jason Saunders, District Conservationist, Platte City, MO