

HAND DELIVERED

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Subject: Request for Public Hearing regarding Permit No. 2006-1014

Pursuant to 22 CFR Part 327, Section 327.4, I request that a public hearing be held to consider the following material matters at issue in the permit application:

1. Impact on endangered species by the relocation of the unnamed tributary to Big Bull Creek, general grading, filling of wetlands and open water, rerouting of the relatively permanent stream, and track relocation.
2. Impact on 3.12 acres of emergent wetlands, 1.18 acres of forested wetlands, and .31 acres of scrub shrub wetlands
3. Impact on cultural resources. Johnson County was home to several Native American groups, including the Shawnee Indians. The hearing will offer the opportunity to learn more about what Native Americans inhabited this location and to identify culturally significant locations.
4. Impact on endangered species. Several endangered species are found in Johnson County, several are often located near wetlands, and no thorough review of endangered species has yet been conducted by State or Federal agencies. See http://www.kdwp.state.ks.us/news/other_services/threatened_and_endangered_species/threatened_and_endangered_species/county_lists/johnson_county OR <http://tinyurl.com/2v5chr>.
5. Rail Yards are a well known source of environmental pollution, as is the case with the BNSF Livingston Superfund site in Livingston MT. Pollutants at that site include diesel fuel, chlorobenzene, chlorotoluene, dichlorobenzene, methylene chloride, tetrachloroethene, trichloroethene, dichloroethene, vinyl chloride, chrysene, dibenzanthracene, indenopyrene, and petroleum hydrocarbons. More information can be found at <http://livingstonweekly.com/bnfsuperfund.html> OR <http://tinyurl.com/2x765a>. This hearing will provide an opportunity to learn what potential pollutants are to be stored or used at this location, and to ensure that the environment will be protected.

6. Information for State Policymakers. The BNSF refuses to provide the information that the KDOT and KDHE has asked for, further preventing policymakers from gaining the information needed for informed decision-making. This hearing will provide an opportunity for the public and public officials to get this information.
7. Traffic Congestion. The BNSF has, in its traffic study, stated that the Intermodal Facility will generate 1500 off-site diesel truck trips per day. The study also states that the number of container lifts and truck trips will increase at the rate of just 5 percent per year.

This estimate is at odds with the growth of Intermodal container traffic across the BNSF system, and with growth at other new or expanded BNSF Intermodal Facilities. Lifts at the BNSF Elwood Facility in Illinois increase 400 percent in 4 years; lifts at the BNSF Memphis facility increased 700 percent in 7 years. If this Intermodal Facility starts at 1500 trucks/day leaving the facility in 2009, and grows at the rate of Elwood (400 percent in 4 years), it will be generating 6000 truck trips per day by 2013. If it grows at the rate of Memphis (700 percent in 7 years), it will be generating 10,500 trucks trips per day by 2016.

At this point, no date has been fixed for a new I-35 interchange, but the best possible scenarios put it 5 to 10 years in the future. If it takes 10 years, we will be handling the 2016 traffic without the interchange. No analysis has been done to evaluate the impact of these numbers of diesel truck trips, either with our without the interchange. This hearing offers the opportunity to explore these issues and get improved information for policymakers.

8. Air Quality. The BNSF promised the MidAmerica Regional Council (MARC) that it would provide information for use in an air quality impact analysis, which was scheduled to be completed in the first quarter of 2007. BNSF did not provide that information, and the analysis has still not been completed. The purpose of the analysis was to provide public-policymakers good information for decision-making. Because of the BNSF failure to provide the information, policy makers are being asked to make decisions without this vital information. This hearing will provide an opportunity to obtain and present this and other vital environmental information that is needed by public policy and decision-makers...
9. NEPA. Kansas City is currently failing to meet Federal air quality guidelines. Given the huge amounts of diesel truck traffic this facility will generate, it is almost certain to damage metropolitan efforts to comply with air quality guidelines. This issue can be explored at this public hearing.
10. Health Effects. There is a huge amount of data that shows that Intermodal Rail Yards and associated warehouses are a threat to public health. To date, BNSF has offered no information about how they intend to prevent damage to health of citizens in and around Gardner Kansas. More information on health effects can be found at http://gardnerintermodal.org/?page_id=11

11. General needs and welfare of the people. A survey shows that the majority of residents of Gardner are very concerned with the impact of this facility on their road congestion, their health, noise, light, and air pollution, and the quality of their lives. Survey results are at http://gardnerintermodal.org/?page_id=73. This hearing will offer an opportunity to better understand the impact of this facility and to get the input of the public.

12. Statewide Strategies to Reduce Locomotive and Associated Rail Yard Emissions. The State of California responded to health and other impacts of Intermodal Rail Yards by entering into a set of agreements with the railroads. http://www.arb.ca.gov/msprog/offroad/loco/121406ryloco_strtgy.pdf OR <http://tinyurl.com/3y4tm3>. This hearing will offer the opportunity to explore how the protections of these agreements could be put in place for this Intermodal Facility.

Thank you,



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