



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
MAINE FOREST SERVICE
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

Notice of Violation

IMMEDIATE ACTION REQUIRED

April 27, 2023

John Giebenhain
Canadian Pacific Kansas City
55 Glenham Road
Saratoga, NY 12866

Dear Mr. Giebenhain,

The Maine Forest Service (MFS) and the Maine Land Use Regulation Commission (LUPC) of the Department of Agriculture, Conservation and Forestry have certain responsibilities to prevent water quality degradation and enforce rules that prohibit sedimentation into protected natural resources in the unorganized and deorganized areas of the state.

On April 26 and 27, 2023, MFS and LUPC staff observed sedimentation into waterbodies as a result of derailment cleanup activities on behalf of and under the direction of Canadian Pacific Kansas City (CPKC). The sedimentation was caused by equipment usage on access roads leading to the derailment site located on Weyerhaeuser property in Sandwich Academy Grant Twp., T2R1 NBKP. The saturated soil conditions and repeated equipment passage have caused and continue to cause severe rutting of access roads and sediment discharge into protected natural resources.

MFS has regulatory authority under 12 M.R.S. c.805, sub-c. 3-A, otherwise known as the Forest Practices Act, and implementing rule, Chapter 27, Standards for Timber Harvesting and Related Activities within Unorganized and Deorganized Areas of the State. The conditions detailed above appear to have resulted in violations of standards set forth in MFS Rules; Chapter 27, Section 5: Land Management Roads and Water Crossings. MFS considers CPKC responsible for these violations.

PATTY CORMIER, DIRECTOR
MAINE FOREST SERVICE
18 ELKINS LANE, HARLOW BUILDING



PHONE: (207) 287-2791
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LUPC is mandated to uphold strong environmental protections. The activities outlined above, specifically along the access roadway, appear to have resulted in violations of 12 M.R.S. § 685, Chapter 10 § 10.25(M) Erosion and Sedimentation Control, and Chapter 10.27(D) Roads and Water Crossings. The crossing replaced under emergency action repair under the rail line also has been determined by staff to not meet Chapter 10.27(D) water crossings standards and Chapter 10.25(P), Protected Natural Resources, for no unreasonable impacts.

Immediate action must be taken to stabilize all exposed soils within 75 feet of protected natural resources and prevent sediment discharge into these resources. To avoid additional violations and further degradation of water quality, MFS and LUPC strongly urge CPKC to suspend the use of access roads until site and weather conditions improve.

MFS and LUPC staff are available to conduct a site visit with you and discuss our concerns, water quality rules, and standards and to discuss possible solutions to these issues. If you have any questions or would like to schedule a site visit, please contact Adam Cates, MFS Regional Enforcement Coordinator, at (207) 441-4139 or adam.e.cates@maine.gov, or Audie Arbo, LUPC Permitting and Compliance Manager at (207) 557-2023 or audie.t.arbo@maine.gov.

Sincerely,



Patty Cormier
Director
Maine Forest Service



Stacie R. Beyer
Executive Director
Land Use Planning Commission

Cc: Adam Cates, MFS
Audie Arbo, LUPC
Commissioner Beal, DACF
Jim Beyer, MEDEP