

**TABLE OF CONTENTS**

	<b>PAGE</b>
CHAPTER 1: DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES.....	1-1
1.1 INTRODUCTION .....	1-1
1.2 BACKGROUND .....	1-4
1.3 PURPOSE AND NEED.....	1-6
1.4 PROPOSED ACTION.....	1-6
1.5 CONNECTED ACTIONS.....	1-7
1.6 ALTERNATIVES CONSIDERED .....	1-7
1.7 OUTREACH AND CONSULTATION .....	1-8
CHAPTER 2: AFFECTED ENVIRONMENT.....	2-1
2.1 SOCIOECONOMIC SETTING.....	2-1
2.1.1 Background/Methodology .....	2-1
2.1.2 Existing Conditions – Demographics and Employment.....	2-1
2.1.3 Existing Conditions – Community Facilities and Services.....	2-3
2.2 PHYSIOGRAPHY.....	2-3
2.2.1 Background/Methodology .....	2-3
2.2.2 Existing Conditions – Land Use .....	2-3
2.2.3 Existing Conditions – Topography .....	2-5
2.2.4 Existing Conditions – Geology.....	2-5
2.2.5 Existing Conditions – Soils.....	2-5
2.3 WATER RESOURCES .....	2-6
2.3.1 Background/Methodology .....	2-6
2.3.2 Existing Conditions – Groundwater.....	2-6
2.3.3 Existing Conditions – Surface Water.....	2-7
2.4 WILDLIFE.....	2-7
2.4.1 Background/Methodology .....	2-7
2.4.2 Existing Conditions – Vegetation and Wildlife.....	2-7
2.4.3 Existing Conditions – Threatened and Endangered Species.....	2-8
2.5 TRANSPORTATION AND SAFETY .....	2-8
2.5.1 Background/Methodology .....	2-8
2.5.2 Existing Conditions – Local Road Traffic/Grade Crossing Delay .....	2-8
2.5.3 Existing Conditions – Hazardous Materials Transport.....	2-9
2.6 AIR QUALITY .....	2-9
2.6.1 Background/Methodology .....	2-9
2.6.2 Existing Conditions – Air Quality .....	2-10
2.7 NOISE.....	2-10
2.7.1 Background/Methodology .....	2-10
2.7.2 Existing Conditions – Noise-Sensitive Receptors .....	2-10

**TABLE OF CONTENTS  
(CONTINUED)**

	<b>PAGE</b>
2.8 CULTURAL RESOURCES .....	2-10
2.8.1 Background/Methodology .....	2-10
2.8.2 Existing Conditions – Cultural Resources .....	2-12
2.9 RECREATION .....	2-12
2.9.1 Background/Methodology .....	2-12
2.9.2 Existing Conditions – Recreation .....	2-12
CHAPTER 3: ENVIRONMENTAL IMPACTS .....	3-1
3.1 SOCIOECONOMIC SETTING.....	3-1
3.1.1 Impact Analysis – Demographics and Employment.....	3-1
3.1.2 Impact Analysis – Community Facilities and Services .....	3-3
3.2 PHYSIOGRAPHY .....	3-3
3.2.1 Impact Analysis – Land Use.....	3-3
3.2.2 Impact Analysis – Topography.....	3-3
3.2.3 Impact Analysis – Geology.....	3-4
3.2.4 Impact Analysis – Soils .....	3-4
3.3 WATER RESOURCES .....	3-5
3.3.1 Impact Analysis – Groundwater .....	3-5
3.3.2 Impact Analysis – Surface Water .....	3-5
3.4 WILDLIFE.....	3-5
3.4.1 Impact Analysis – Vegetation and Wildlife.....	3-5
3.4.2 Impact Analysis – Threatened and Endangered Species .....	3-6
3.5 TRANSPORTATION AND SAFETY .....	3-6
3.5.1 Impact Analysis – Local Road Traffic/Grade Crossing Delay .....	3-6
3.5.2 Impact Analysis – Rail Operations Safety .....	3-7
3.5.3 Impact Analysis – Hazardous Materials Transport.....	3-8
3.6 ENERGY RESOURCES AND AIR QUALITY .....	3-9
3.6.1 Impact Analysis – Energy Resources .....	3-9
3.6.2 Impact Analysis – Air Quality .....	3-10
3.7 NOISE.....	3-11
3.8 CULTURAL RESOURCES .....	3-11
3.9 RECREATION .....	3-12
3.10 ENVIRONMENTAL JUSTICE .....	3-12
3.11 CUMULATIVE IMPACTS.....	3-12
3.12 CONNECTED ACTIONS .....	3-13

**TABLE OF CONTENTS  
(CONTINUED)**

	<b>PAGE</b>
CHAPTER 4: MITIGATION .....	4-1
4.1 OVERVIEW OF OEA’S APPROACH TO ENVIRONMENTAL MITIGATION.....	4-1
4.1.1 Limits of the Board’s Conditioning Power .....	4-1
4.1.2 Voluntary Mitigation and Negotiated Agreements .....	4-1
4.1.3 Preliminary Nature of Environmental Mitigation.....	4-2
4.2 HARTWELL’S VOLUNTARY MITIGATION MEASURES.....	4-2
4.2.1 Soils.....	4-2
4.2.2 Vegetation and Wildlife.....	4-3
4.2.3 Local Road Traffic/Grade Crossing Delay .....	4-3
4.2.4 Rail Operations Safety .....	4-3
4.3 OEA’S PRELIMINARY RECOMMENDED MITIGATION .....	4-3

**APPENDICES**

APPENDIX A: HARTWELL'S NOTICE OF EXEMPTION

APPENDIX B: AGENCY AND INTERESTED PARTY COMMENTS

APPENDIX C: APPLICANT CORRESPONDENCE

APPENDIX D: SHPO INFORMATION

APPENDIX E: LIST OF PREPARERS

APPENDIX F: REFERENCES

**LIST OF FIGURES**

<b>FIGURE</b>		<b>PAGE</b>
1-1	PROJECT LOCATION .....	1-2
1-2	HARTWELL/CSXT INTERCHANGE DESIGN PLAN.....	1-3
1-3	HARTWELL’S REGIONAL OPERATIONS.....	1-5
2-1	LAND USE.....	2-4
2-2	CULTURAL RESOURCES AREA OF POTENTIAL EFFECTS .....	2-11

**LIST OF TABLES**

<b>TABLE</b>		<b>PAGE</b>
2-1	ELBERT COUNTY POPULATION DATA .....	2-1
2-2	ELBERT COUNTY HOUSING DATA.....	2-2
2-3	ELBERT COUNTY EMPLOYMENT BY SECTOR 1990-2010.....	2-2
3-1	ENVIRONMENTAL IMPACTS BY RESOURCE AREA .....	3-2
3-2	ESTIMATED ANNUAL DIESEL FUEL CONSUMPTION .....	3-9
3-3	ESTIMATED ANNUAL MOBILE SOURCE EMISSIONS OF CRITERIA POLLUTANTS (TONS/YEAR) .....	3-11

**LIST OF ACRONYMS AND ABBREVIATIONS**

<b>Board</b>	Surface Transportation Board
<b>BOC</b>	Board of Commissioners
<b>CAAA</b>	Clean Air Act Amendments of 1990
<b>CEQ</b>	Council on Environmental Quality
<b>C.F.R.</b>	Code of Federal Regulations
<b>CO</b>	Carbon Monoxide
<b>CSXT</b>	CSX Transportation, Inc.
<b>CWA</b>	Clean Water Act
<b>DNR</b>	Department of Natural Resources
<b>EA</b>	Environmental Assessment
<b>EMS</b>	Emergency Medical Services
<b>EPD</b>	Environmental Protection Division
<b>ESA</b>	Endangered Species Act
<b>FEMA</b>	Federal Emergency Management Agency
<b>FHWA</b>	Federal Highway Administration
<b>FIRM</b>	Flood Insurance Rate Map
<b>FRA</b>	Federal Railroad Administration
<b>FRSA</b>	Federal Railroad Safety Act
<b>GDOT</b>	Georgia Department of Transportation
<b>Hartwell</b>	Hartwell Railroad Company
<b>HC</b>	Hydrocarbons
<b>HSA</b>	Highway Safety Act
<b>ICC</b>	Interstate Commerce Commission
<b>LOD</b>	Limits of Disturbance
<b>MOA</b>	Memorandum of Agreement

<b>NAAQS</b>	National Ambient Air Quality Standards
<b>NEPA</b>	National Environmental Policy Act of 1969
<b>NHPA</b>	National Historic Preservation Act of 1966
<b>NO<sub>x</sub></b>	Nitrogen Oxides
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>NRCS</b>	Natural Resources Conservation Service
<b>NSR</b>	Norfolk Southern Railway Company
<b>NWI</b>	National Wetland Inventory
<b>O<sub>3</sub></b>	Ozone
<b>OEA</b>	Office of Environmental Analysis
<b>OSHA</b>	Occupational Safety and Health Administration
<b>Pb</b>	Lead
<b>PM</b>	Particulate Matter
<b>SHPO</b>	State Historic Preservation Office
<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>USACE</b>	U.S. Army Corps of Engineers
<b>U.S.C.</b>	United States Code
<b>USDOT</b>	U.S. Department of Transportation
<b>USEPA</b>	U.S. Environmental Protection Agency
<b>USFWS</b>	U.S. Fish and Wildlife Service
<b>USGS</b>	U.S. Geological Survey
<b>WRD</b>	Wildlife Resources Division

## CHAPTER 1 DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

### 1.1 INTRODUCTION

On May 27, 2014, the Hartwell Railroad Company (Hartwell)<sup>1</sup> filed a verified notice of exemption (see Appendix A) with the Surface Transportation Board (Board),<sup>2</sup> from the prior approval requirements of 49 U.S.C. § 10901 and pursuant to the class exemption at 49 C.F.R. § 1150.36. Hartwell proposes to construct approximately 1,360 feet of track (i.e., the Proposed Action) that would connect the existing active lines of Hartwell and CSX Transportation, Inc. (CSXT) in Elberton, Elbert County, Georgia, on land within existing rail right-of-way owned either by Hartwell or CSXT. Figure 1-1 shows the general location of Hartwell's proposed project in Elbert County and the associated project study area for the Board's environmental analysis. Figure 1-2 shows the engineering design plan (prepared by HDR Engineering, Inc. and CSXT's Engineering Department) and the associated limits of disturbance (LOD) of new track construction and temporary staging for the Proposed Action.

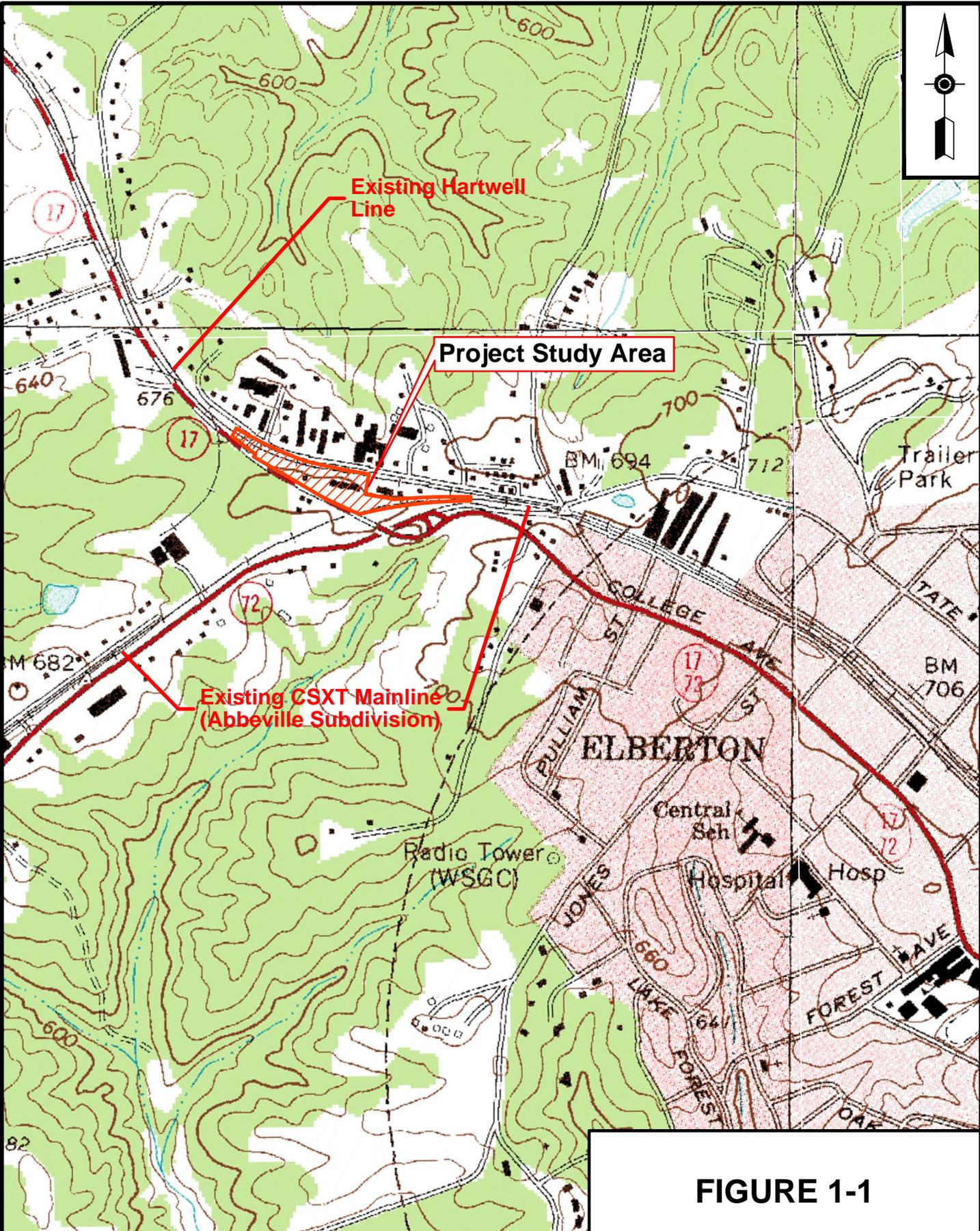
The Board, pursuant to 49 U.S.C. § 10901, is the federal agency responsible for authorizing the construction and operation of new rail lines. In this capacity, the Board, through its Office of Environmental Analysis (OEA), is the lead agency responsible under the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 *et seq.* (NEPA) for the preparation of this Environmental Assessment (EA). OEA has prepared this EA in accordance with NEPA, the Council on Environmental Quality (CEQ) regulations for implementing NEPA (found at 40 C.F.R. § 1500), and the Board's own environmental regulations (found at 49 C.F.R. § 1105) to provide the Board; other federal, state, and local agencies; and the public with clear and concise information on the potential environmental impacts of the proposed project and reasonable and feasible alternatives.

On August 30, 2013, and pursuant to 49 C.F.R. § 1105.10(c), OEA granted Hartwell's request for waiver of the six-month pre-filing notice (see Appendix C) generally required for construction projects under 49 C.F.R. § 1105.10(a)(1). Subsequently, on May 8, 2014, OEA granted Hartwell a waiver from the requirements of 49 C.F.R. § 1105.6(a), which generally provides for the preparation of an Environmental Impact Statement (EIS) for a rail construction and operation proposal. OEA granted the requested waiver based on available information gathered to date, including materials submitted by the applicant, OEA's consultation with federal, state and local agencies, and a site visit on December 5, 2013 to the project area.

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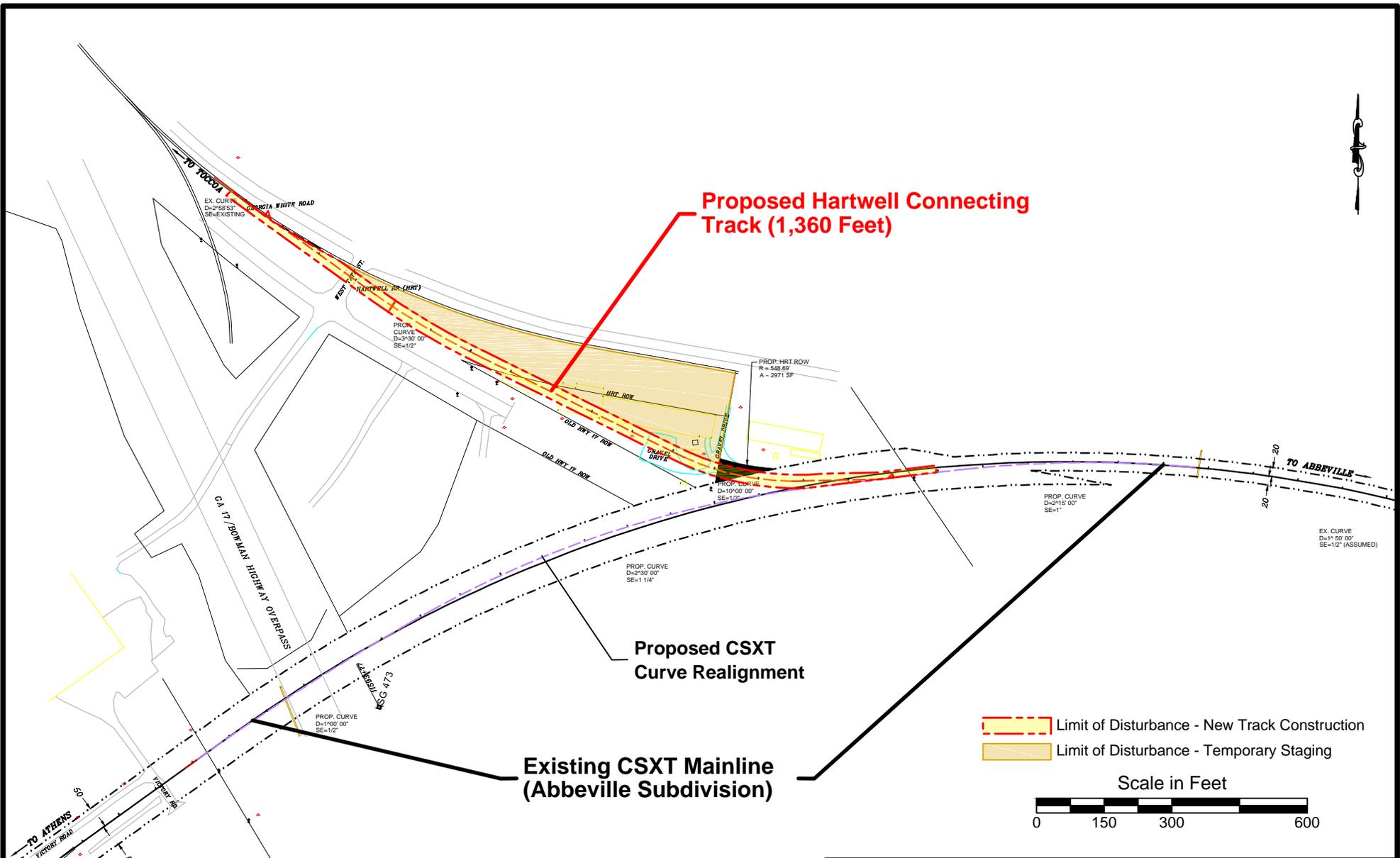
<sup>1</sup> Hartwell is a Class III short line railroad operating out of Bowersville, Georgia. Hartwell operates over a former Norfolk Southern Railway Company (NSR) light-density line that extends from an interchange with NS at Toccoa, through Lavonia and Royston, to Elberton, Georgia. The Hartwell Railroad Company is majority-owned and controlled by Bennie Ray Anderson, SR.

<sup>2</sup> The Surface Transportation Board is a bipartisan, decisionally independent adjudicatory body, organizationally housed within the U.S. Department of Transportation (USDOT). The Board was established by the Interstate Commerce Commission (ICC) Termination Act of 1995 (49 U.S.C. § 10101 *et seq.*; P.L. 104-88, December 29, 1995) to assume certain regulatory functions that the ICC administered. The Board has jurisdiction over rail constructions, rail abandonments, rail rates, railroad acquisitions, and consolidations. Other functions of the ICC were either eliminated or transferred to different agencies within USDOT.



**FIGURE 1-1**  
**PROJECT LOCATION**

Source:  
USGS 7.5' Quadrangles - Dewy Rose, Rock Branch,  
Elberton West and Elberton East, Georgia



**Proposed Hartwell Connecting Track (1,360 Feet)**

**Proposed CSXT Curve Realignment**

**Existing CSXT Mainline (Abbeville Subdivision)**

  Limit of Disturbance - New Track Construction  
  Limit of Disturbance - Temporary Staging  
 Scale in Feet  
 0    150    300    600

**FIGURE 1-2  
HARTWELL/CSXT INTERCHANGE  
ENGINEERING DESIGN PLAN**

**HDR**  
 HDR ENGINEERING INC.  
 180 PEACHTREE STREET, N.E., STE. 400  
 ATLANTA, GEORGIA 30309-4533  
 (404) 815-1122

**[CSX]** ENGINEERING DEPARTMENT  
 JACKSONVILLE, FLORIDA

To assist in conducting the NEPA environmental analysis and in preparing the EA, OEA approved Mr. Kevin Starner of Skelly and Loy, Inc. to act as the Board's independent third-party consultant, in accordance with the Board's environmental regulations at 49 C.F.R. § 1105.4 (j). Under the direction, supervision, and approval of OEA, the third-party contractor develops the technical data required to conduct the environmental review of the proposed project and assists in the preparation of the EA. Mr. Starner visited the project area on December 5, 2013, to document the existing conditions and assess the potential effects of the Proposed Action on the environment.

OEA is issuing this EA for public review and comment. The Board will consider the entire environmental record, comprising the Draft and Final EAs, public and agency comments submitted on the Draft EA, and OEA's environmental recommendations in making its final decision on Hartwell's proposal to construct and operate 1,360 feet of additional track. The Board will decide whether to approve, approve with conditions (which could include conditions designed to mitigate environmental impacts), or deny the Proposed Action.

## 1.2 BACKGROUND

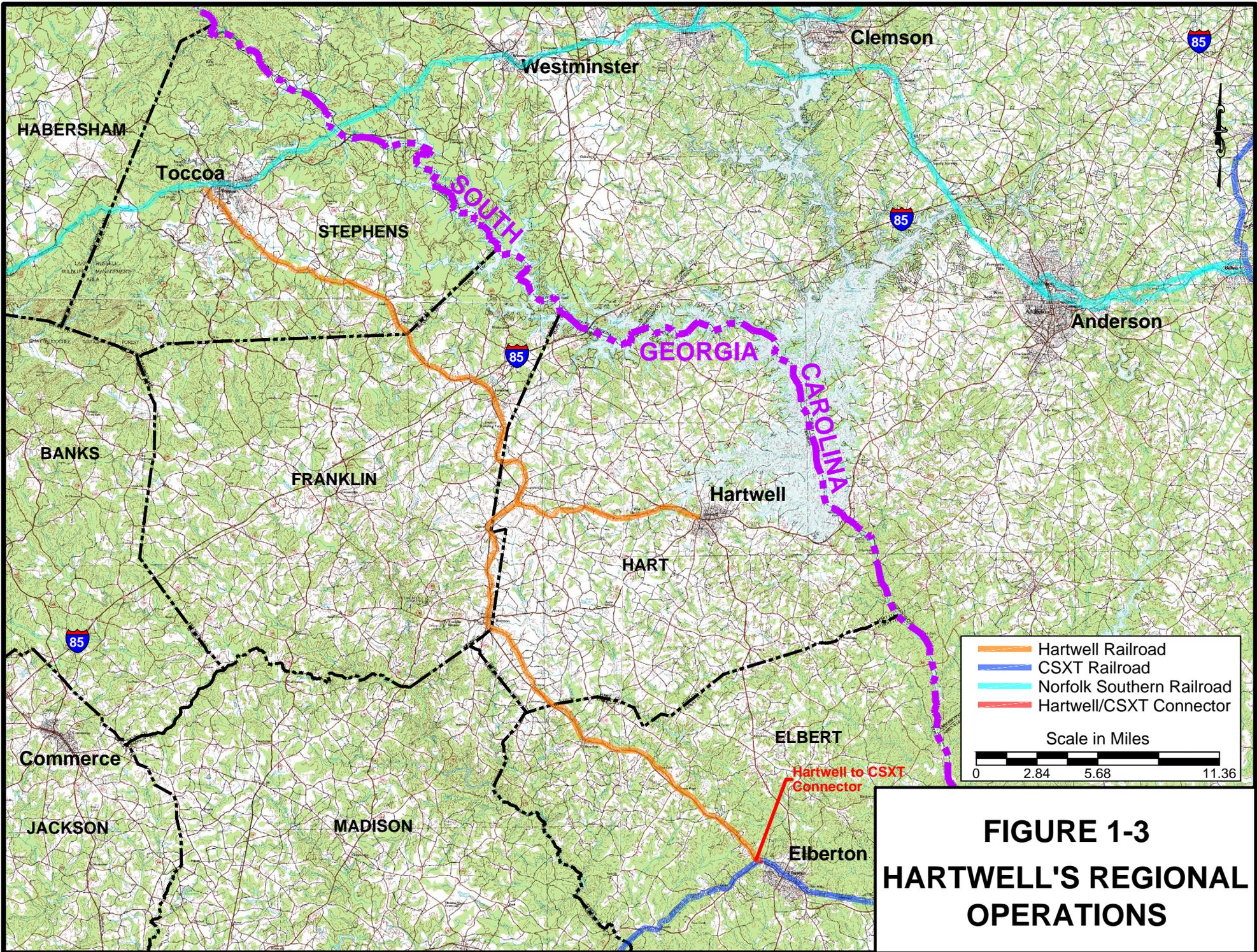
In 1995, Hartwell acquired from the Norfolk Southern Railway Company (NSR) an approximate 48.3-mile railroad line between Toccoa (Milepost 0.5) and Elberton (Milepost 48.8) in Elbert, Franklin, Hart, and Stephens Counties, Georgia (the Toccoa-Elberton Line).<sup>3</sup> At the time of the acquisition, Hartwell interchanged traffic with NSR at Toccoa on the west end of the Toccoa-Elberton Line. NSR retained about 1.9 miles of railroad line connecting to the east end of the Toccoa-Elberton Line, which interchanged with CSXT. NSR subsequently proceeded to abandon this 1.9-mile section of track between milepost 48.5 and milepost 50.4 in Elberton, Georgia.<sup>4</sup> The abandonment severed Hartwell's close access to interchange with CSXT in Elberton and instead required Hartwell to interchange traffic solely with NSR at Toccoa, where access to CSXT is approximately 60 miles to the northeast and about 37 miles to the southwest (see Figure 1-3).

Now, Hartwell seeks to construct the proposed rail connection in order to re-establish an interchange between Hartwell and CSXT at Elberton. CSXT's main line between Atlanta, Georgia and Greenwood, South Carolina (i.e., the Abbeville Subdivision) runs through Elberton. Hartwell contends that construction of the proposed rail line connection would permit it to offer competitive alternatives to existing and future shippers on its Toccoa-Elberton Line. Hartwell's customers would also benefit from the ability to use single-line service offered by CSXT to: 1) reach points served by CSXT that NSR does not serve and 2) eliminate the inefficiency that would otherwise involve three carriers (Hartwell-NSR-CSXT) instead of two (Hartwell-CSXT) to reach points served solely by CSXT. Hartwell expects to handle up to one train per day in each direction over the new connection with CSXT.

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<sup>3</sup> Hartwell Railroad Company – Acquisition and Operation Exemption – Line of Norfolk Southern Railway Company, ICC Finance Docket No. 32675 (ICC served March 31, 1995).

<sup>4</sup> *Norfolk Southern Railway Company – Abandonment Exemption – in Elberton, GA*, ICC Docket No. AB-290 (Sub-No. 158X) (ICC served April 1995).



**FIGURE 1-3  
HARTWELL'S REGIONAL  
OPERATIONS**

Hartwell and CSXT have agreed to enter into an interchange agreement relative to this project, and CSXT has agreed to construct, in its own right-of-way, the connection between Hartwell's proposed rail line and its existing Abbeville Subdivision.

### **1.3 PURPOSE AND NEED**

Hartwell has stated in its verified notice that the Proposed Action would re-establish a direct interchange between Hartwell's existing Toccoa-Elberton Line and CSXT's existing Abbeville Subdivision. The purpose and need for this proposed project is based on the current lack of direct connectivity between Hartwell's existing Toccoa-Elberton Line and CSXT's Abbeville Subdivision in Elberton, Georgia. Hartwell claims that the proposed project is needed in order to promote transportation efficiency and provide competitive transportation Alternatives, which would benefit Hartwell's existing and future customers.

Under the CEQ's NEPA regulations, specifically 40 C.F.R. § 1508.9(b), an Agency's EA shall include a brief discussion of the proposed project's purpose and need. OEA notes that the analysis of a project's purpose and need depends upon the type of federal action that is involved in the particular project. Here, the Proposed Action involves an application by a rail carrier, Hartwell, for approval. The Proposed Action is not a federal government-proposed or -sponsored project. In cases such as this, courts have held that the project's purpose and need should be defined by the private applicant's goals, in conjunction with the agency's enabling statute, 49 U.S.C. § 10901.<sup>5</sup>

### **1.4 PROPOSED ACTION**

In accordance with Hartwell's application before the Board, the Proposed Action involves the construction of approximately 1,360 feet of rail line just outside the corporate limits of the City of Elberton in Elbert County, Georgia to provide a direct connection between Hartwell's existing Toccoa-Elberton Line and CSXT's existing Abbeville Subdivision (see Figure 1-2). Associated with the construction of the proposed rail line would be the demolition of several abandoned industrial buildings on the former Century Granite Company property, which was recently purchased by Hartwell, and the installation of a second set of tracks at the existing West Tate Street Extended grade crossing.

If approved by the Board, Hartwell anticipates that the proposed rail line would be constructed in less than 90 days and would be used to handle up to one train per day in each direction six days/week. The types of commodities anticipated to be transported by Hartwell over its proposed rail line include, but are not limited to: grain, soybean meal, dried distiller grains, potash, limestone, steel, plastic, wood chips, lumber, propane, granite rock, canola, canola oil, and manufactured goods (i.e., Caterpillar tractors). The new track would be maintained by Hartwell as a minor expansion of its larger Toccoa-Elberton Line.

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<sup>5</sup> See, e.g., *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 196 (D.C. Cir. 1991); see also *Nat'l Parks & Conservation Assoc. v. BLM*, 606 F.3d 1058, 1070 (9th Cir. 2009).

## 1.5 CONNECTED ACTIONS

As noted above, Hartwell and CSXT have agreed to enter into an interchange agreement and CSXT has agreed to construct, in its own right-of-way, the connection between Hartwell's proposed rail line and its existing Abbeville Subdivision. Beyond these actions, CSXT is planning to adjust the track curvature of its existing Abbeville Subdivision to better accommodate the proposed new connection with Hartwell's rail line within a tangent or straight line section, in conformance with CSXT's corporate safety policy for new connections. This minor curve adjustment, as shown in Figure 1-2, involves realigning approximately 2,393 linear feet of track an average of 5 feet entirely within CSXT's existing right-of-way. (The width of this realignment ranges from 1 to 11.7 feet with the average width measuring approximately 5.3 feet.) This minor curve realignment within CSXT's existing right-of-way is not subject to Board authorization. However, OEA evaluated the environmental impacts of this related action as a connected action because the realignment would not occur in the absence of Hartwell's Proposed Action (see Chapter 3).

## 1.6 ALTERNATIVES CONSIDERED

NEPA regulations require federal agencies to consider a reasonable range of feasible alternatives to the Proposed Action. However, NEPA does not mandate consideration of every conceivable variation of an alternative. In this context, OEA decided early on that an exhaustive alternatives analysis would not be warranted for a project of this limited scale and magnitude. Thus, OEA focused its analysis on the environmental impacts of the Proposed Action in direct comparison to the No-Build Alternative. Pursuant to NEPA regulations, the No-Build Alternative would involve taking no action, rail or otherwise, and simply maintaining the existing project area environment as is. Under this alternative, Hartwell would not construct its proposed connection to the CSXT Abbeville Subdivision, and its existing Toccoa-Elberton Line would continue to terminate at a dead-end stub several hundred feet east of the West Tate Street Extended grade crossing.

Prior to submitting its application to the Board, Hartwell briefly considered two other alternate options for connecting its existing Toccoa-Elberton Line to the CSXT Abbeville Subdivision. These alternate options included: 1) reconstructing the original 1.9 miles of railroad line that NS did not sell to Hartwell and subsequently proceeded to abandon in 1995 and 2) constructing the connection to CSXT using a southwestern curvilinear section of track instead of the currently proposed southeastern curvilinear section of track. Hartwell rejected the first option when it determined that a number of industrial buildings associated with the granite processing industry had been constructed within the former railroad right-of-way. This alternative would have involved significantly more track construction and greater right-of-way acquisition than that of the Proposed Action. Hartwell rejected the second alternative when it was determined that there would be greater environmental impacts associated with the construction of the southwestern curvilinear section of track. Construction of this section would have also been in conflict with the recently constructed Georgia State Route 17 highway bridge over CSXT/State Route 72. For these reasons, Hartwell did not advance either alternative as viable options.

## 1.7 OUTREACH AND CONSULTATION

Hartwell has conducted early outreach and consultation with various local agencies, officials, and interested parties. Hartwell performed its outreach and consultations both by letter and in meetings in and around the project area. Hartwell received feedback from many stakeholders in Elbert and Franklin Counties, as well as existing shippers serving the project area and those with future interests. Project proponents include: the Elbert County Manager; the Elbert County Board of Commissioners (BOC); the Franklin County Industrial Building Development Authority; the Development Authority of Elbert County, Elberton and Bowman, Georgia; Fanello Industries, Inc.; Quality Industries, LLC; Rose Acre Farms; the Scoular Company; and CSXT. On January 13, 2014, Hartwell attended a public meeting to brief the BOC and public on the proposed project. Following the meeting, the BOC passed a resolution in support of the project. These comments and the BOC resolution may be found in Appendix B and in Hartwell's notice of exemption (see Appendix A).

In addition, on December 13, 2013, OEA sent consultation letters to various federal, state, and local agencies and jurisdictions that might have an interest or regulatory oversight role in the project. OEA has incorporated agency comments and concerns into this EA and provided responses where applicable. The comment letters may be found in Appendix B. To date, only one environmental issue associated with the proposed project has been identified. Specifically, the Georgia Department of Natural Resources' Historic Preservation Division (State Historic Preservation Office or SHPO) identified the former Century Granite Company site, including several buildings, as being eligible for listing on the National Register of Historic Places (National Register). Therefore, in consultation with the SHPO, OEA has determined that the Proposed Action would have an adverse effect on these resources and is in the process of developing a Memorandum of Agreement (MOA) to ensure that the area is properly documented. In addition to the above commenters, others include: the U.S. Department of Agriculture's Natural Resources Conservation Service; the U.S. Fish and Wildlife Service; the Georgia Department of Natural Resources, Wildlife Resources Division; and the Georgia Department of Natural Resources, Parks and Recreation Division. Project information developed to date indicates that there would be no significant impacts to transportation systems, land use, energy, air quality, noise, safety, biological resources, or surface or groundwater resources. Nor is it anticipated that there would be significant impacts on minority or low-income populations based on review of the existing demographic data for the region and site reconnaissance.

**CHAPTER 2  
AFFECTED ENVIRONMENT**

This chapter describes and discusses the existing environment within the project study area as it relates to the natural, cultural, and socioeconomic environment in accordance with CEQ NEPA implementing regulations and guidelines. The analysis includes a detailed description of the environmental setting and methodology used for each environmental resource. This chapter establishes the basis for assessing the environmental implications of the Proposed Action and its alternatives in the next chapter, Environmental Impacts.

**2.1 SOCIOECONOMIC SETTING**

**2.1.1 Background/Methodology**

CEQ NEPA implementing regulations state that the human environment “shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment” (40 C.F.R. § 1508.14). The same regulations state that, although “economic or social effects are not intended by themselves to require preparation of an environmental impact statement,” when “economic or social and natural or physical environmental effects are interrelated, then the environmental document will discuss all of these effects on the human environment.” OEA evaluated the existing socioeconomic environment and living conditions, including demographics, employment, and community facilities of the area by conducting a field survey and literature review using area and regional maps, census data, and existing local planning documents.

**2.1.2 Existing Conditions – Demographics and Employment**

The project study area is located in Elbert County, Georgia, just outside the municipal limits of the City of Elberton. Table 2-1 shows past and current population data for Elbert County. Elbert County experienced a moderate level of growth (7.5 percent) during the 30-year period between 1980 and 2010, with the population peaking at 20,511 during the 2000 Census. The Elbert County Comprehensive Plan (2004) explains that this moderate increase in population was primarily due to the migration of individuals moving into the County rather than through childbirth. Although Elbert County is primarily rural, it does contain two municipalities – the City of Elberton (located due east of the project study area) and the City of Bowman (located approximately 12 miles northwest of the project study area). According to the 2000 Census, less than one-third of the County’s total population resides in the two municipalities, compared with 47 percent in the region and nearly 72 percent statewide residing in urban municipalities. The remaining two-thirds of Elbert County’s population reside outside the corporate limits of these municipalities.

**TABLE 2-1  
ELBERT COUNTY POPULATION DATA**

<b>POPULATION</b>				<b>1980-2010 PERCENT CHANGE</b>
<b>1980</b>	<b>1990</b>	<b>2000</b>	<b>2010</b>	
18,758	18,949	20,511	20,166	7.5

Table 2-2 shows select 2010 Census housing data for Elbert County. According to this table, the majority (71 percent) of housing units in Elbert County is owner-occupied, and the average household size is 2.5 individuals. Of the 9,583 total housing units, the 2010 Census shows that approximately 8,063 housing units are occupied and the remaining 1,520 units are vacant.

**TABLE 2-2  
ELBERT COUNTY HOUSING DATA**

HOUSING UNITS		OWNER-OCCUPIED (PERCENT)	RENTER-OCCUPIED (PERCENT)	AVERAGE HOUSEHOLD SIZE
TOTAL	OCCUPIED			
9,583	8,063	71.0	29.0	2.5

Table 2-3 contains employment statistics for Elbert County as reported in the 2004 Elbert County Comprehensive Plan. This table indicates that the manufacturing sector is, and historically has been, the largest employer in the County, with the vast majority of these jobs related to the granite industry. Elbert County is a major international supplier of finished and unfinished granite products. The County is commonly referred to as the “Granite Capital of the World,” and the project area contains both active businesses specializing in the processing and finishing of granite stone as well as remnants of prior granite operations.

**TABLE 2-3  
ELBERT COUNTY EMPLOYMENT BY SECTOR 1990-2010**

CATEGORY	1990	2000	2010
Farm/Agricultural Services	531	541	548
Mining	139	145	155
Construction	485	425	446
Manufacturing	3,364	2,842	2,898
TCU <sup>1</sup>	231	281	325
Wholesale Trade	383	538	687
Retail Trade	1,117	1,275	1,307
FIRE <sup>2</sup>	332	450	495
Services	1,572	1,745	2,109
Government	1,480	1,662	1,905
<b>Total</b>	<b>9,634</b>	<b>9,904</b>	<b>10,875</b>

<sup>1</sup> TCU refers to the Transportation, Communication, and Public Utilities sector

<sup>2</sup> FIRE refers to the Finance, Insurance, and Real Estate sector

### **2.1.3 Existing Conditions – Community Facilities and Services**

There are no community facilities (such as schools, churches, libraries, or municipal buildings) in the project area. The City of Elberton provides public water and sewer service to the project area. The city receives its water supply from Lake Russell, which has a holding capacity of 336 billion gallons of untreated water. The city is currently permitted to withdraw 7.5 million gallons per day, and the current demand is well below that amount (at 1.7 to 2.7 million gallons per day). Elberton is planning to expand its service area territory beyond the project area. The level of service for public sewer operations is adequate for existing use and projected increases.

Elbert County provides emergency response services through a countywide Emergency 9-1-1 System operated from its central communications building in Elberton. The Center is responsible for dispatching emergency services countywide, including the City of Elberton Police and Fire Departments, respectively. The Elbert County Sheriff's Department provides law enforcement and emergency response services throughout the unincorporated portions of the county from its headquarters in Elberton. The Elbert County Fire Department provides fire protection services throughout the unincorporated portions of the county and is headquartered in Elberton. Similarly, Elbert County operates an Emergency Medical Services (EMS) Department serving the entire County. The EMS Department operates four fully equipped ambulances and two fully equipped rescue trucks. The vehicle fleet is dispatched out of the Elbert Memorial Hospital in Elberton and responds to calls through the countywide Emergency 9-1-1 System.

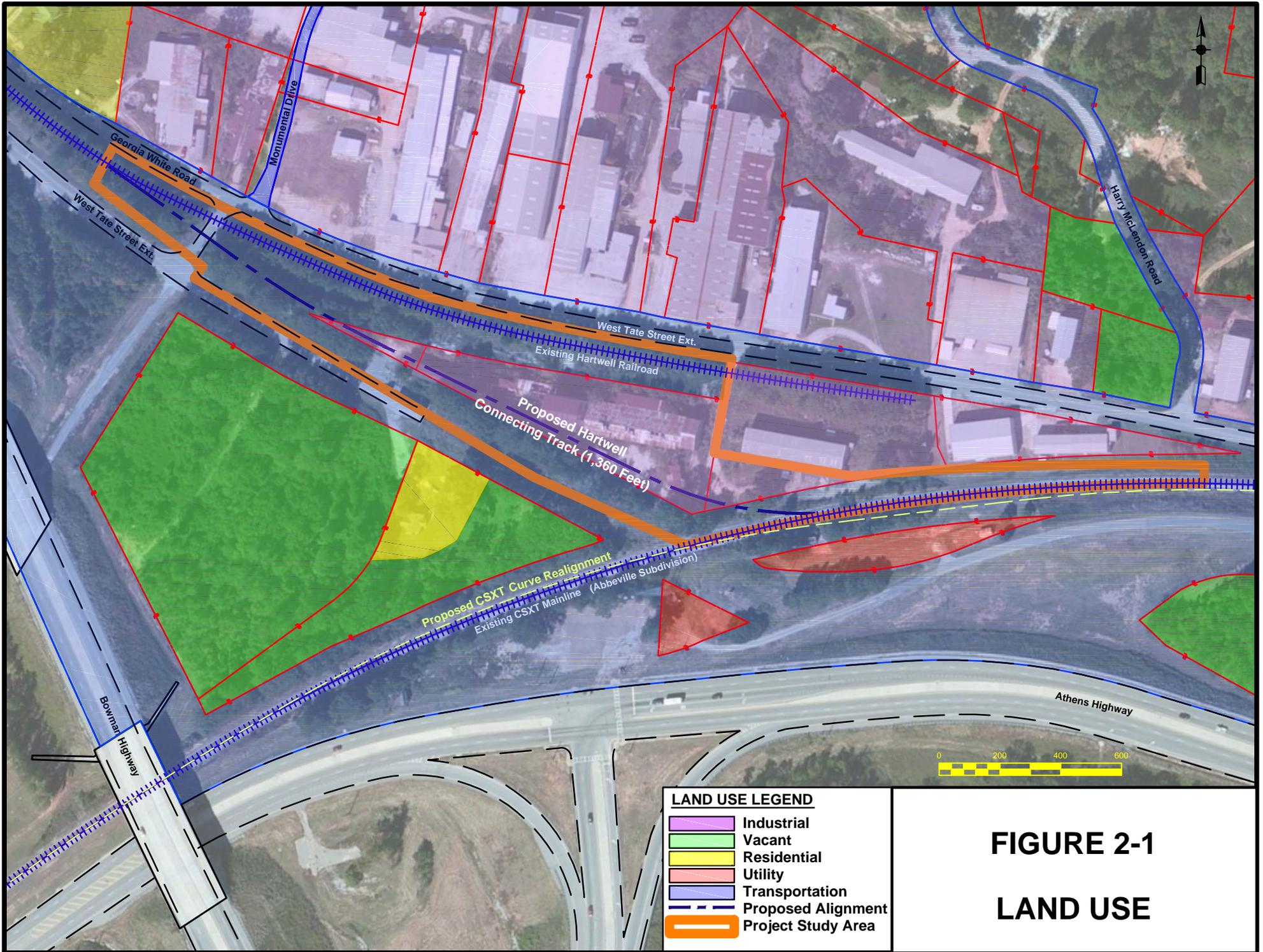
## **2.2 PHYSIOGRAPHY**

### **2.2.1 Background/Methodology**

NEPA regulations require an analysis of the Proposed Action's impact on land use, including an assessment of the project's consistency with existing land use plans. The analysis also takes into consideration other landscape features, including topography, geology, and soils. OEA relied on field and map surveys to characterize the project area's physiographic setting and to identify existing land uses at the parcel-specific level. OEA contacted the Elbert County Commissioners' Office to determine project consistency with area land uses and relied on published reports, maps, and Internet resources to assess information on area topography, geology, and soils.

### **2.2.2 Existing Conditions – Land Use**

Figure 2-1 shows that the land use in and around the project study area is predominantly industrial and supported by a network of transportation-related uses. As noted above, Elbert County is a major international supplier of granite products. The industrial parcels identified in Figure 2-1, on both sides of West Tate Street Extended, support the granite industry, either in granite processing (cutting, etching, and polishing) or granite tool supplies. As noted in the field survey, some parcels located inside the project study area (as shown in Figure 2-1) are vacant and in a state of disrepair. The area contains highway and rail corridors that provide access to and from the local business network.



**LAND USE LEGEND**

	Industrial
	Vacant
	Residential
	Utility
	Transportation
	Proposed Alignment
	Project Study Area

**FIGURE 2-1**  
**LAND USE**

These corridors include Georgia White Road/West Tate Street Extended, the recently relocated Georgia State Route 17 (Bowman Highway), and the existing rail lines of the Hartwell railroad and CSXT's Abbeville Subdivision. Georgia White Road/West Tate Street Extended is a local road that parallels the project study area in an east-west direction. It connects with Georgia State Route 17 approximately one mile north of the project study area and provides direct access into the City of Elberton due east of the project study area. Georgia State Route 17 and the Hartwell railroad (Toccoa-Elberton Line) roughly parallel each other in a north-south direction for approximately 48 miles between Toccoa and Elberton, Georgia. On its northern end, Georgia State Route 17 connects with I-85 (the major interstate connector between Charlotte, North Carolina, and Atlanta, Georgia) via an interchange at Lavonia, Georgia. On its southern end, Georgia State Route 17 interchanges with I-20 (the major interstate connector between Columbia, South Carolina, and Atlanta, Georgia) approximately 54 miles south of Elberton. As noted in Chapter 1, Hartwell's Toccoa-Elberton Line is approximately 48 miles long and connects with NSR on its northern end. The CSXT Abbeville Subdivision is an east-west mainline connection between Atlanta, Georgia, and Greenwood, South Carolina.

The area contains one residential parcel, shown in yellow on Figure 2-1, near the southern edge of the project study area. This parcel has recently been acquired by Hartwell, and the residence is slated for demolition.

### **2.2.3 Existing Conditions – Topography**

The topography for the project area was assessed using U.S. Geological Survey (USGS) 7.5-minute topographic maps, Elberton West, Georgia (see Figure 1-1). Topography in the project study area is flat to gently rolling. The area is situated approximately 700 feet above mean sea level and is the highest point of the watershed. The project area drains north to Beaverdam Creek. Much of the landscape has been disturbed by heavy industrial or transportation-related land uses. The relocation of the interchange of Georgia State Route 17 is the most recent example, as the right-of-way was abandoned and relocated approximately 1,800 feet to the southwest.

### **2.2.4 Existing Conditions – Geology**

Physiographically, Elbert County is situated in the Midland Georgia Subsection of the Southern Piedmont Physiographic Province. According to sources at the University of Georgia's Department of Geology, the Southern Piedmont region contains moderate to high-grade metamorphic rocks (such as schists, amphibolites, gneisses, and migmatites) and igneous rocks (such as granite). These features are visible in the outcrop areas of rivers and ravines. The Geologic Map of Georgia indicates that the project area is largely composed of granitic bedrock of varying age.

### **2.2.5 Existing Conditions – Soils**

OEA used the U.S. Department of Agriculture, Natural Resources Conservation Service's (NRCS) electronic Web Soil Survey for Elbert, Franklin, and Madison Counties, Georgia, to assess soil data for the project area. The area contains two soil mapping units of the Cecil Series. The western half of the project area consists of Cecil sandy loam on moderate (2 to 6 percent) slopes, and the eastern half consists of Cecil sandy clay loam on steep (6 to 10 percent), eroded

slopes. These soils formed from weathered granite and are well-drained and suitable for development. The Cecil sandy loam located on moderate slopes would also be suitable for agricultural uses under the federal Farmland Protection Policy Act.

## **2.3 WATER RESOURCES**

### **2.3.1 Background/Methodology**

Water resources are regulated under several federal, state, and local programs. The U.S. Army Corps of Engineers (USACE) is responsible for regulating wetlands and watercourses (any flowing body of water), pursuant to Section 404 of the Clean Water Act (CWA). USACE administers the CWA permit process for projects involving impacts to wetlands and watercourses. The Georgia Department of Natural Resource (DNR) Environmental Protection Division (EPD) administers the state permitting process for projects involving encroachments into wetlands and watercourses, pursuant to its regulatory authority under the Coastal Marshlands Protection Act and the Georgia Water Quality Control Act. Additionally, DNR EPD has administrative authority under Section 401 of the CWA to issue water quality certifications as part of the joint permitting process. This ensures that projects impacting wetlands and watercourses are consistent with state water quality standards. DNR EPD has delegated authority under Section 402 of the CWA to ensure compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) stormwater construction permit program for projects having certain disturbance thresholds, generally of one acre or more.

OEA identified and assessed surface water resources in the project area using existing planning documents and by conducting a field review. OEA relied on USGS topographic maps, County soil survey information, National Wetland Inventory (NWI) maps, the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), and high-resolution aerial photography. OEA relied on the USACE Wetland Delineation Manual, Technical Report Y-87-1 (1987), and the recommendations in the Regional Supplement to USACE's Wetland Delineation Manual: Eastern Mountains and Piedmont Region to assess field conditions.

Groundwater resources and public water supplies are important considerations in the NEPA process. Potential impacts to potable water supplies typically extend beyond the immediate project area and can result in regional implications at the aquifer and watershed levels. An event or incident that results in the contamination of a potable water source can impact every individual that relies on that particular water source and not just those in the immediate proximity of the particular event or incident. OEA relied on published literature and County resources to evaluate the existing project area's groundwater resources and public water supplies, as described below.

### **2.3.2 Existing Conditions – Groundwater**

Groundwater resources are contained within underground reservoirs known as aquifers. These aquifers are zones of rock beneath the earth's surface capable of containing or producing water from a well. They occupy vast regions of the subsurface and are replenished by infiltration of surface water runoff in zones of the surface known as groundwater recharge areas. Generally speaking, groundwater in the Piedmont Physiographic Province largely flows along faults and

fractures, making it difficult to find but often locally abundant. Groundwater recharge areas in the Piedmont generally exist in areas with thick soils and slopes of less than 8 percent. According to the Elbert County Comprehensive Plan, no significant groundwater recharge areas have been identified in or near the project study area. Further, the project study area is serviced with public water by the City of Elberton's public utility system, which receives its supply from a surface water withdrawal on Lake Russell. Field reconnaissance did not identify any groundwater wells within the project study area.

### **2.3.3 Existing Conditions – Surface Water**

According to USGS topographic mapping (Elberton West, Georgia), the project area drains north to the Beaverdam Creek watershed. There are no regulated surface water features (i.e., ponds, lakes, reservoirs, wetlands, watercourses, and/or floodplains) in the project study area. However, the area does contain a few engineered drainage features used to convey stormwater to low-lying catchments and adjacent streams. These non-regulated features are located adjacent to the existing Hartwell railroad and West Tate Street Extended.

## **2.4 WILDLIFE**

### **2.4.1 Background/Methodology**

OEA evaluated the biological resources that could potentially be affected by the Proposed Action. The resources evaluated include the vegetative communities and associated wildlife/habitats within the project area as well as the potential presence of threatened and endangered plant and animal species. The identification and assessment of biological resources are typically completed via detailed field reconnaissance/field survey supplemented, as necessary, by background research and agency coordination to establish existing conditions. For this project, OEA did not vary from this standard approach. The resulting findings/conclusions are summarized below.

### **2.4.2 Existing Conditions – Vegetation and Wildlife**

The project area is located in the Piedmont Physiographic Province in the Savannah River drainage. In Georgia, the Piedmont forest is generally characterized by oak-hickory-pine and mixed deciduous. Oak-hickory-pine forests are the most widespread type of forest in the southeastern United States and cover the entire Piedmont Province from Virginia south to Alabama and west to Texas. The dominant trees include oaks, hickories, short-leaf pine, and loblolly pine. Pines occur in less favorable or disturbed areas of the Piedmont.

As previously mentioned, the project area is located in an urban setting just outside the City of Elberton. Land uses consist primarily of industrial parcels associated with the granite processing industry and transportation rights-of-way. Undeveloped portions of the project study area are dominated by loblolly pine and water oak with a fairly dense herbaceous understory (e.g., pokeweed, green brier, honeysuckle, etc.). Other tree species observed within the project study area include American holly, sweet gum, red cedar, and tulip poplar. Bird species observed within the project study area include eastern phoebe, northern mockingbird, American crow, blue jay, and Carolina wren. No mammal, reptile, or amphibian species were observed within the

project study area, but it is reasonable to conclude that a number of common species are likely present.

### **2.4.3 Existing Conditions – Threatened and Endangered Species**

The U.S. Fish and Wildlife Service (USFWS) regulates threatened and endangered species at the federal level, pursuant to the Endangered Species Act (ESA). Coordination with the Georgia Field Office of USFWS (see Appendix B) indicated that species protected under the ESA are not likely to occur on the project site.

The DNR Wildlife Resources Division (WRD) regulates threatened and endangered species at the state level. WRD has indicated in a correspondence letter (see Appendix B) that it has no records of high-priority species or habitats within the project area and that because the Proposed Action is located in an urban setting, it likely would not have a negative impact on any species of concern or their habitat.

## **2.5 TRANSPORTATION AND SAFETY**

### **2.5.1 Background/Methodology**

This section describes the existing traffic delay at all highway/rail at-grade crossings (grade crossings) and the associated operational and safety features currently applicable to the project area. The Federal Highway Administration (FHWA) and Federal Railroad Administration (FRA) have regulatory jurisdiction over safety at grade crossings under the Highway Safety Act (HSA) and the Federal Railroad Safety Act (FRSA), respectively. HSA governs the distribution of funds to states for the elimination of hazards at grade crossings. FHWA has promulgated regulations addressing grade crossing safety and provides funding for the installation and improvement of warning devices. All warning devices installed at crossings must comply with FHWA's *Manual on Uniform Traffic Control Devices*. This manual provides standards for the types of warning devices that must be installed at all grade crossings. Similarly, FRA has issued regulations under its railroad safety authority that impose minimum standards for grade crossings (49 C.F.R. Parts 234-36). FRA maintains information for each grade crossing based on information provided by states and railroads. Together, FRA and FHWA coordinate research efforts related to grade crossing accidents and solutions to grade crossing problems.

According to FHWA's *Railroad-Highway Grade Crossing Handbook* (FHWA-TS-86-215, 2<sup>nd</sup> ed., 1986), "jurisdiction over highway/rail grade crossings resides primarily with the states." The states perform on-site inspections and order safety improvements, when necessary. FHWA maintains oversight and approval authority of state determinations. In Georgia, the Georgia Department of Transportation (GDOT) Office of Utilities administers the federally funded Railroad Grade Crossing Safety Program by identifying and funding safety enhancement projects at public highway-rail grade crossings.

### **2.5.2 Existing Conditions – Local Road Traffic/Grade Crossing Delay**

An on-site inspection of the project study area revealed that Hartwell maintains one active grade crossing within the general vicinity of the proposed project. This grade crossing is located at the

extreme western end of the project and consists of a single-track crossing of West Tate Street Extended (see Figure 2-1). Coordination with representatives of Hartwell indicates that this existing grade crossing is infrequently used because the current limits of Hartwell's active operations terminate at a dead-end stub several hundred feet east of this grade crossing. Hartwell uses this grade crossing exclusively to move railroad cars stored on the terminal section of track. The resulting traffic delay on West Tate Street Extended as a result of the Hartwell's intermittent use of this grade crossing is insignificant.

### **2.5.3 Existing Conditions – Hazardous Materials Transport**

Several federal agencies have established requirements for the transportation of hazardous materials on rail lines, including procedures for planning for transportation incidents (releases) and responding to them. These agencies include USDOT, the U.S. Environmental Protection Agency (USEPA), and the Occupational Safety and Health Administration (OSHA). FRA has authority to ensure the safe movement of rail traffic. USDOT regulates the transportation of hazardous materials through controls and practices. It focuses on the source of the risk, regulating the types of containers that contain hazardous materials (such as rail cars) and the way these containers are managed. It also oversees signaling, train control, and track safety. Additionally, FRA enforces USDOT regulations that require all hazardous materials shippers to transport hazardous materials in rail cars designed to safely transport the commodity being carried (49 C.F.R. Parts 171 through 180). The objective is to maximize safety and minimize risks to human health and the environment generally. Federal regulations do not include requirements to buffer corridors or to provide safe distances along rail lines with respect to particular types of structures, such as residences, schools, or hospitals. Moreover, hazardous materials are routinely transported along rail lines and highways across the U.S. through areas with many types of land uses (including industrial, commercial, and residential) as well as through environmentally sensitive regions.

Relative to its existing operations over the Toccoa-Elberton Line, Hartwell has been issued a Hazardous Materials Certificate by the USDOT Pipeline and Hazardous Materials Safety Administration. The only hazardous material currently being transported by Hartwell is liquid propane gas. Hartwell delivers three to four of these rail cars per year to a single customer, thereby minimizing the overall risk and liability associated with transporting this hazardous material.

## **2.6 AIR QUALITY**

### **2.6.1 Background/Methodology**

OEA's regulations at 49 C.F.R. § 1105.7(e)(5) establish thresholds for analysis of anticipated effects on air emissions. The Board analyzes air quality impacts of a Proposed Action when there is an increase of at least eight trains per day, an increase in rail traffic of at least 100 percent, or a 100 percent increase in rail yard activity. However, for a proposal to construct a new line or reinstitute service over a previously abandoned line, only the eight-train per day provision shall apply. When the Proposed Action affects a Class I or non-attainment area (as defined by the Clean Air Act), which is not the case for this project, the Board analyzes air quality impacts if there is an increase of at least three trains per day, an increase in rail traffic of

at least 50 percent, or a 20 percent increase in rail yard activity. However, for a proposal to construct a new line or reinstitute service over a previously abandoned line, only the three-train per day provision shall apply. Based on these regulatory thresholds, the Proposed Action does not warrant a detailed air quality analysis.

## **2.6.2 Existing Conditions – Air Quality**

There are six principal pollutants that serve as indicators of air quality in the United States: Carbon Monoxide (CO), Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>), Sulfur Dioxide (SO<sub>2</sub>), Nitrogen Oxides (NO<sub>x</sub>), Lead (Pb), and Ozone (O<sub>3</sub>). The Clean Air Act Amendments of 1990 (CAAA) refer to them as criteria pollutants and establish the National Ambient Air Quality Standards (NAAQS) which are the concentration thresholds for each principal pollutant. Areas of the country where air pollution levels consistently stay below these standards are designated “attainment.” Areas where air pollution levels persistently exceed these standards are designated “non-attainment.” If an area was in non-attainment, but is now in attainment and has a USEPA-approved plan to maintain the standard, it is designated a “maintenance” area. Elbert County is in attainment for all six CAAA criteria pollutants.

## **2.7 NOISE**

### **2.7.1 Background/Methodology**

The Board’s regulations at 49 C.F.R. § 1105.7(e)(6) specify a quantitative noise analysis when a project will result in an increase of at least eight trains per day, an increase in rail traffic of at least 100 percent, or an increase in rail yard activity of at least 100 percent. Based on these regulatory thresholds, the Proposed Action does not warrant a quantitative noise analysis.

### **2.7.2 Existing Conditions – Noise-Sensitive Receptors**

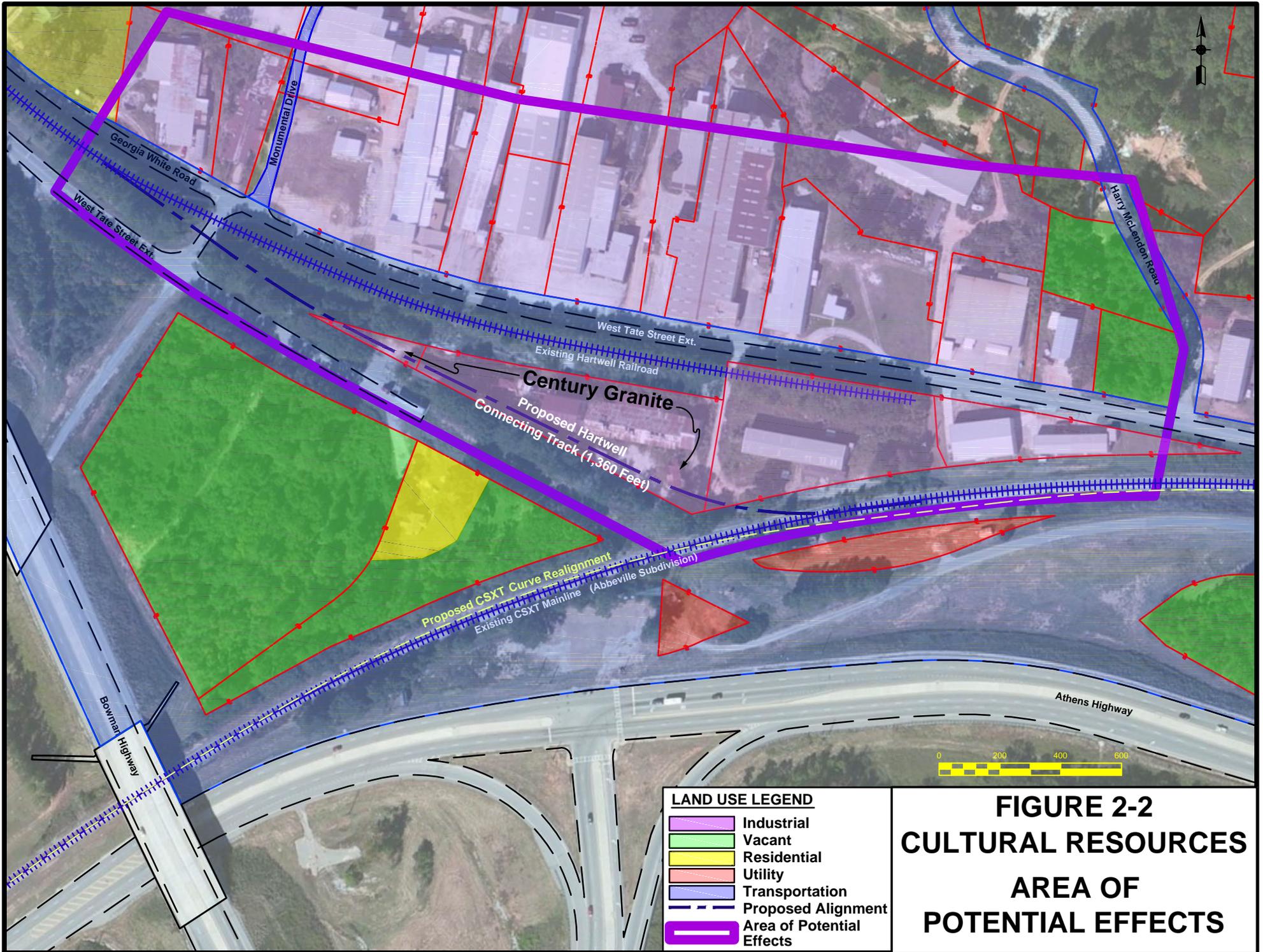
One noise-sensitive residential receptor (shown in yellow on Figure 2-1) has been identified near the southern edge of the project study area. However, this parcel has recently been acquired by Hartwell, and the associated residence has subsequently been vacated.

## **2.8 CULTURAL RESOURCES**

### **2.8.1 Background/Methodology**

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires federal agencies to “take into account how each of its undertakings could affect historic properties.” Historic properties include buildings, structures, objects, sites, districts and archaeological resources that are at least 50 years of age and have been identified as being listed on or eligible for listing on the National Register of Historic Places (National Register).

OEA initiated the Section 106 cultural resource process for this project by conducting background research and coordinating with the DNR Historic Preservation Division (State Historic Preservation Office, or SHPO) to determine if any properties in or near the project study area (see Figure 2-2) have been previously surveyed and either listed on or determined to be eligible for listing on the National Register.



Part of the background research included a review of the Elbert County Comprehensive Plan and the DNR's Georgia Natural, Archaeological, and Historic Resources Geographic Information Systems database, both of which include detailed information on previously surveyed properties. Following the initial background research, OEA conducted an on-site investigation to identify any historic properties that might be eligible for listing on the National Register.

### **2.8.2 Existing Conditions – Cultural Resources**

In its January 16, 2014, correspondence (see Appendix B), the Georgia SHPO determined that both the Hartwell railroad line and the CSXT Abbeville Subdivision are eligible for listing on the National Register under Criterion A for transportation and commerce. In this same letter, the Georgia SHPO also determined that the former Century Granite Company buildings (to be removed by Hartwell as a direct result of this project) are eligible for listing on the National Register under Criterion A for industry. Further, the SHPO concurred that no archaeological resources eligible for or listed on the National Register will be affected by the Proposed Action due to previous site disturbances.

## **2.9 RECREATION**

### **2.9.1 Background/Methodology**

The identification and assessment of public parks and recreation areas is a critical component of the NEPA process. The Board's own environmental regulations, found at 49 C.F.R. § 1105.7(e)(8), specify an evaluation of the Proposed Action's resulting impact on recreation resources. To complete the analysis, OEA relied on a combination of field reconnaissance, map analysis, and secondary source data review.

### **2.9.2 Existing Conditions – Recreation**

There are no national parks, forests, monuments, recreation areas, wildlife refuges, or natural landmarks in Elbert County. Two state parks (Bobby Brown and Richard B. Russell) and two state wildlife management areas (Broad River and Elbert County) are located in Elbert County, but not in close proximity to the project study area. Analysis of the Elbert County Comprehensive Plan indicates that a number of smaller community parks are located in the City of Elberton, but these, too, are not in close proximity to the project study area. In short, no public parks or recreation areas were identified within or adjacent to the project study area.

## CHAPTER 3 ENVIRONMENTAL IMPACTS

This chapter discusses the environmental impacts of the Proposed Action and the No-Build Alternative as they relate to the natural, cultural, and socioeconomic setting of the proposed rail line. Table 3-1 summarizes these environmental impacts by individual resource area for the two alternatives. The environmental impacts analysis includes a 15-foot-wide limit of disturbance (LOD) on either side of the proposed rail centerline to accommodate for track construction, as well as a designated area along the north side of the proposed rail line for temporary equipment storage and construction staging as shown in Figure 1-2. This chapter provides a summary of the comments received (see Appendix B) to date from interested parties and federal, state, and local agencies on the Proposed Action and provides responses where warranted.

The CEQ guidelines for implementing NEPA require agencies to assess three types of impacts: 1) direct, 2) indirect, and 3) cumulative (40 C.F.R. § 1508.25(c)). Direct and indirect impacts are caused by the action. Direct impacts occur at the same time and place while indirect impacts are later in time or farther removed in distance but are still reasonably foreseeable (40 C.F.R. § 1508.8). The placement of fill material into a wetland and the resulting loss of habitat is one example of a direct impact, and a change in the downstream hydrology that results from the elimination or alteration of an upstream wetland is an example of an indirect impact. OEA has assessed the Proposed Action and the No-Build Alternative for direct and indirect impacts, as discussed in further detail in this chapter.

A cumulative impact is the “incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions” (40 C.F.R. § 1508.7). The cumulative impacts analysis must consider actions that are not caused by the Proposed Action but that are close enough geographically and temporally to potentially affect the same resources as the Proposed Action. OEA has included the cumulative impacts analysis of the Proposed Action in this chapter by individual resource category where appropriate.

### 3.1 SOCIOECONOMIC SETTING

#### 3.1.1 Impact Analysis – Demographics and Employment

The project area is located in Elbert County, Georgia, immediately west of the City of Elberton. The Proposed Action would have no direct effect on area demographics or employment, as no homes or businesses would be displaced and no new employment opportunities would be created. Hartwell intends to construct the proposed rail line connection in less than 90 days and does not anticipate the need to hire any additional employees. However, following construction, the new interchange is anticipated to have a positive effect on the area’s economy, as many of the inefficiencies that currently exist for Hartwell and its customers in accessing CSXT’s markets, as discussed in Chapter 1, would be eliminated. Hartwell claims that the improved train movements that would result under the Proposed Action would reduce travel time, expand market potential, improve operations, and potentially spur economic development and job growth in the area.

**TABLE 3-1  
ENVIRONMENTAL IMPACT SUMMARY TABLE**

<b>RESOURCE/IMPACT CATEGORY</b>	<b>PROPOSED ACTION</b>	<b>NO-BUILD ALTERNATIVE</b>
Demographics and Employment	Potential Positive Cumulative Impacts for the Region	No Potential Positive Cumulative Impacts for the Region
Community Facilities and Services	None	None
Land Use	Potential Positive Cumulative Impacts for the Region	No Potential Positive Cumulative Impacts for the Region
Topography	Minor Site Grading	None
Geology	None	None
Soils	0.94-acre of Earth Disturbance	None
Groundwater	None	None
Surface Water	None	None
Vegetation and Wildlife	0.34-acre of Vegetation Removal	None
Threatened and Endangered Species	None	None
Local Road Traffic/Grade Crossing Delay	3.64-Minute Traffic Delay (Twice Daily) at the West Tate St. Extended Grade Crossing	N/A
Rail Operations Safety	None	N/A
Estimated Annual Fuel Consumption (Gallons/Year)	1,607	N/A
Estimated Annual Mobile Source Air Emissions		
NO <sub>x</sub> (Tons/Year)	0.32	N/A
CO (Tons/Year)	0.05	
HC (Tons/Year)	0.02	
PM (Tons/Year)	0.01	
Noise-Impacted Sensitive Land Uses	None	None
Cultural Resources	Adverse Effect	No Effect
Recreation	None	None
Environmental Justice	None	None

The Elbert County Board of Commissioners has written a letter of support and approved a Resolution affirming its position for the Proposed Action. The Development Authority of Elbert County, Elberton and Bowman also commented that it supports the Proposed Action and notes that it would be beneficial to the region's economy and, specifically, to the granite quarrying and manufacturing industry. The Development Authority believes that rail transport is important to Elbert County because it is more cost effective and reliable than shipping by truck and has greater market potential for the region as a whole.

The No-Build Alternative would have no impacts on project area demographics and employment.

### **3.1.2 Impact Analysis – Community Facilities and Services**

As noted in Chapter 2, there are no community facilities (i.e., schools, churches, libraries, municipal buildings, etc.) within the project study area. Public water and sewer services are provided in the project area by the City of Elberton, and emergency response services are provided by Elbert County. No substantive impacts are expected to occur to community services as a result of the Proposed Action.

The No-Build Alternative would have no impacts on project area community services.

## **3.2 PHYSIOGRAPHY**

### **3.2.1 Impact Analysis – Land Use**

As shown in Figure 2-1, land uses primarily consist of industrial parcels associated with the granite processing industry as well as transportation rights-of-way. The project area contains a number of parcels, some vacant and some with buildings in various states of disrepair, that may be suitable for adaptive reuse or redevelopment. The project area contains one residential parcel, shown in yellow in Figure 2-1, that Hartwell recently acquired for future use in its railroad operations. Because efficient transportation systems have the potential to reduce business costs, open new markets, and improve competitiveness, Hartwell believes that the improved efficiencies that would result from the rail infrastructure improvements proposed here would have a positive effect on economic growth and redevelopment in the area. And as previously noted, the Development Authority of Elbert County, Elberton and Bowman commented that the Proposed Action is a welcomed project that would have positive benefits on the area's economy.

The No-Build Alternative would have no impact on project area land use.

### **3.2.2 Impact Analysis – Topography**

According to the USGS topographic map, the project area is located in the Midland, Georgia, Subsection of the Southern Piedmont Physiographic Province (as shown in Figure 1-1), at the highest point in the watershed at approximately 700 feet above mean sea level. The study area drains north to Beaverdam Creek. The landscape is generally flat to rolling, and much of it has been altered from previous development. The most recent disturbance involved the removal and relocation of the Georgia State Route 17 highway corridor. No substantive impacts are

anticipated for site topography other than the minor grading needed to construct the proposed rail line.

The No-Build Alternative would have no impact on site topography.

### **3.2.3 Impact Analysis – Geology**

As discussed in Chapter 2, Affected Environment, the project study area, and most of Elbert County, is underlain by granitic bedrock of varying age. Minor earth-disturbance activities necessary to establish the appropriate grade of the proposed rail line are not anticipated to result in any substantive impacts to the underlying geology.

For comparison purposes, the No-Build Alternative would have no impact on geology.

### **3.2.4 Impact Analysis – Soils**

According to the electronic version of the Georgia Web Soil Survey for Elbert, Franklin, and Madison Counties, the project study area contains two soil map units, both of the Cecil Series. The western half of the project area consists of Cecil sandy loam on 2 to 6 percent slopes, and the eastern half contains Cecil sandy clay loam on eroded 6 to 10 percent slopes. The Proposed Action would result in approximately 0.94 acre (1,360 linear feet of a 30-foot-wide corridor) of earth disturbance to achieve the necessary grade for the proposed rail line. This disturbance would be mitigated during construction by the use of best management practices.

The Natural Resources Conservation Service commented that there are no areas of prime farmland, wetland reserves, ranch protection, watershed dams, or project easements within the project area or downstream of the project area.

The Elbert County Board of Commissioners commented that a land disturbance permit would be required if more than one acre of soil is disturbed during project construction. Because less than one acre of soil would be disturbed under the Proposed Action, OEA notes that a permit would not be needed. However, impacts to soil resources are expected to be minimal because Hartwell has proposed to use best management practices under Voluntary Mitigation Measure #1 (see Chapter 4, Mitigation). Specifically, Hartwell would minimize earth-clearing activities by disturbing only the area needed to physically construct the rail line, infrastructure, and staging area; install erosion and sediment control measures to prevent sediment runoff; and immediately stabilize disturbed areas with an appropriate vegetative cover after completion of construction activities.

The No-Build Alternative would have no impacts on project area soils.

## **3.3 WATER RESOURCES**

### **3.3.1 Impact Analysis – Groundwater**

According to the Elbert County Comprehensive Plan, no significant groundwater recharge areas have been identified in or near the project study area. Public water in the project area is provided

by the City of Elberton's public utility system via nearby Lake Russell. No groundwater wells were identified during a field visit to the project study area. Therefore, the Proposed Action is not anticipated to result in any substantive impacts to groundwater resources.

The No-Build Alternative would have no impacts on groundwater resources.

### **3.3.2 Impact Analysis – Surface Water**

No regulated surface water features (such as ponds, lakes, reservoirs, wetlands, watercourses, or floodplains) were identified in map or field surveys of the project area. Therefore, neither the Proposed Action nor the No-Build Alternative is anticipated to result in any surface water impacts.

## **3.4 WILDLIFE**

### **3.4.1 Impact Analysis – Vegetation and Wildlife**

As previously mentioned, the project area is located in an urban setting just outside the City of Elberton. Land uses consist primarily of industrial parcels associated with the granite processing industry as well as transportation rights-of-way. Undeveloped portions of the project study area are dominated by loblolly pine and water oak with a fairly dense herbaceous understory (e.g., pokeweed, green brier, honeysuckle, etc.). Tree species observed within the project study area include American holly, sweet gum, red cedar, and tulip poplar. Bird species observed within the project study area include eastern phoebe, northern mockingbird, American crow, blue jay, and Carolina wren. No mammal, reptile, or amphibian species were observed within the project study area, but it is reasonable to conclude that a number of common species are likely present.

Given the urban setting of the project study area, impacts to vegetation and wildlife would be minimal and largely restricted to the westernmost section of the project where vegetation is actively growing along portions of Hartwell's existing right-of-way. This impact would consist of clearing and grading approximately 0.34 acre (i.e., 500 linear feet of a 30-foot-wide corridor) of currently vegetated land for the purposes of constructing the proposed rail line. The minor impact to vegetation in an otherwise urban setting is not anticipated to result in any substantive impacts to wildlife or wildlife habitat. Wildlife species potentially displaced by the construction and operation of the proposed rail line would likely relocate to adjacent vegetated areas. Therefore, the Proposed Action is not anticipated to have any significant impacts on vegetation and wildlife. To minimize impacts during rail operations and following construction, Hartwell has proposed to use best practices in Voluntary Mitigation Measure # 2 when chemical applications are needed for weed control in the right-of-way.

The No-Build Alternative would have no resulting impact on vegetation and wildlife.

### **3.4.2 Impact Analysis – Threatened and Endangered Species**

The Georgia Department of Natural Resources, Wildlife Resources Division, commented that it has no records of high-priority species or habitats within the project area and that, because the Proposed Action is in an urban area, it is not likely to negatively impact rare species or habitats.

The USFWS commented that species protected under the Endangered Species Act are not likely to occur on the project site, and no Wildlife Refuges exist within the vicinity of the Proposed Action. Therefore, the Proposed Action is not anticipated to have any impacts on threatened and endangered species or Wildlife Refuges.

The No-Build Alternative would have no impacts on threatened and endangered species.

### **3.5 TRANSPORTATION AND SAFETY**

#### **3.5.1 Impact Analysis – Local Road Traffic/Grade Crossing Delay**

Hartwell maintains one active single-track grade crossing at West Tate Street Extended (see Figure 2-1) located at the western end of the project area. According to Hartwell, this existing grade crossing is used infrequently because the current limit of Hartwell's operations terminates at a dead-end stub several hundred feet east of this grade crossing. Hartwell uses this grade crossing only when it is moving railroad cars stored at this location and would continue to use it under the Proposed Action. Therefore, as discussed in greater detail below, traffic delay on West Tate Street Extended under the Proposed Action is expected to be minimal.

As shown in Figure 1-2, the Proposed Action would involve the addition of a second set of tracks to the existing grade crossing. Construction of the second set of tracks would impact local traffic operations of West Tate Street Extended on a short-term basis and thus require a temporary detour and/or lane restriction. This construction-related impact, however, is expected to be minimal and of short duration (i.e., three to five days). The more lasting impact would be associated with the operation of the proposed rail line and the subsequent vehicle delay that would be experienced at this grade crossing when in use by the two daily trains. Assuming an average train length of 3,200 feet (i.e., the approximate length of a 60-car train having an average car length of 50 feet with two 100-foot locomotives) with a 10 miles per hour (mph) or 880 feet per minute operating speed, the estimated length of time that the West Tate Street Extended grade crossing would be closed to vehicular traffic when in use by a train would be approximately 3 minutes and 38 seconds. Based on the rail operations information supplied in Hartwell's notice to the Board, this grade crossing delay would be experienced twice daily (i.e., one inbound train and one outbound train), six days per week.

Relative to the addition of this second set of tracks and the associated grade crossing delay that would be experienced at West Tate Street Extended, it is important to note that a significant portion of West Tate Street Extended comprises the former right-of-way of Georgia State Route 17 and functions as a local connector between the relocated highway and Georgia White Road (see Figure 1-2). As an alternate to the West Tate Street Extended grade crossing, motorists can access Georgia State Route 17 approximately one mile north on Georgia White Road or half a mile south on West Railroad Street. These same alternate connection options would also apply to local emergency response service providers, thereby mitigating any potential delays in emergency response times.

Although the impact is not expected to be significant, Hartwell has proffered a number of voluntary mitigation measures for the construction of the second set of tracks at the West Tate

Street Extended grade crossing. Specifically, Voluntary Mitigation Measure # 3 would require Hartwell to coordinate the construction, including the temporary maintenance and protection of traffic measures to be implemented with the Elbert County Road Department and the appropriate local emergency response service providers. In Voluntary Mitigation Measure # 4, Hartwell would be required to provide appropriate advance warning signs for the detour/temporary lane restriction in accordance with Georgia Department of Transportation standards. And Voluntary Mitigation Measure #5 would require Hartwell to provide and maintain a permanent sign prominently displaying both a toll-free telephone number and a unique grade-crossing identification number in compliance with the Department of Transportation Federal Highway Administration's (FHWA) regulations at 23 C.F.R. Part 655.

The No-Build Alternative would have no resulting impact on local road traffic/grade crossing delay.

### **3.5.2 Impact Analysis – Rail Operations Safety**

Vehicular safety at grade crossings is a major concern of the railroad industry at the national level. FHWA and FRA have regulatory jurisdiction over safety at grade crossings under the HSA and FRSA, respectively. The HSA governs the distribution of funds to states for the elimination of hazards at grade crossings. USDOT has promulgated regulations addressing grade crossing safety and provides funding for the installation and improvement of warning devices. All warning devices installed at crossings must comply with FHWA's *Manual on Uniform Traffic Control Devices*. This manual provides standards for the types of warning devices that must be installed at all grade crossings. Similarly, FRA has issued regulations under its railroad safety authority that impose minimum standards for grade crossings (49 C.F.R. Parts 234-36). FRA maintains information for each grade crossing based on information provided by states and railroads. Together, FRA and FHWA coordinate research efforts related to grade crossing accidents and solutions to grade crossing problems.

Beyond grade crossings, FRA regulates most other aspects of railroad safety for common carrier railroads that are part of the general railroad system of transportation. In addition, several railroad associations (including the Association of American Railroads, the American Short Line and Regional Railroad Association, and the American Railway Engineering Maintenance-of-Way Association) also develop and establish standards and practices for the industry. FRA regulations specify minimum safety requirements for rolling stock (i.e., locomotives and freight cars), track, signals, operating practices, and the transport of hazardous materials. Safety requirements address the design and inspection of railroad cars, tracks, and signal systems. Train crews are required to follow safe and appropriate operating rules, and the railroads and FRA conduct unannounced service testing of crews regarding operating rules. FRA regulations require that railroads inspect freight cars when they are placed in a train and that they inspect track and signals periodically. Railroad inspection records are reviewed by FRA for accuracy and thoroughness and are verified by independent inspections. Each railroad's operating rules must comply with FRA requirements and are reviewed by FRA inspectors. Additionally, FRA enforces USDOT regulations that require all hazardous materials shippers to transport hazardous materials in rail cars designed to safely transport the commodity being carried (49 C.F.R. Parts 171 through 180).

Specific to the Proposed Action, the 1,360 feet of track that would be constructed has been designed for a 10 mph operating speed. This low rate of speed, combined with the placement of new railroad crossbucks and the mandatory sounding of the horn at the West Tate Street Extended grade crossing, should serve to address railroad safety issues associated with this project. As such, the Proposed Action is not anticipated to have substantive impacts on local safety.

Hartwell has proffered a number of voluntary mitigation measures that would ensure that that rail safety is taken into consideration on the Line during rail operations. Specifically, in Voluntary Mitigation Measure # 6, Hartwell has agreed to limit the speed of trains operating over the proposed rail line to 10 miles per hour. In Voluntary Mitigation Measure # 7, Hartwell has agreed to comply with all applicable Federal Railroad Administration rail operations safety requirements at 49 C.F.R. Parts 200-299. And in Voluntary Mitigation Measure # 8 Hartwell has agreed to erect new railroad crossbucks at the West Tate Street Extended grade crossing in accordance with FHWA's Manual on Uniform Traffic Control Devices.

The No-Build Alternative would have no resulting impact on local safety.

### **3.5.3 Impact Analysis – Hazardous Materials Transport**

As part of its current operations, Hartwell complies with all applicable laws and regulations governing the transport of hazardous materials as outlined in Section 2.5.3. All rail cars are properly identified with the appropriate placards for the type of materials they carry. In addition to complying with FRA regulations, Hartwell has a specific procedure/protocol that its train crew must follow in the event of an incident involving a release of hazardous materials. Hartwell ensures that all its rail cars containing hazardous materials have a bill of lading that identifies the load as a hazardous material and specifies the type of hazardous material being transported. The train crew is also required to have the USDOT Emergency Response Guide in the locomotive to use as a reference for handling a release of hazardous materials.

In the event of such an incident, the crew is first instructed to call 911 to report the incident and to get help from the appropriate local authorities (i.e., police, fire, ambulance, etc.). After the call is made, the crew then consults the Emergency Response Guide for special instructions in handling any hazardous materials release. Until the arrival of First Responders, the crew is to follow the guide and take steps that are appropriate under the circumstances to safeguard the public and environment. Once the First Responders arrive, the train crew reports all pertinent information and then relinquishes control to authorities. The train crew always remains at the scene to provide assistance, if needed.

Once the situation has been assessed by the local authorities and the risk of immediate danger has been determined, Hartwell would engage the services of an appropriate third-party contractor with credentials in handling hazardous material releases and any required remediation. Hartwell must rely on qualified third-party contractors for this kind of service because it is a small short-line railroad that does not have in-house resources or personnel available to address such specialized and infrequent events related to a hazardous materials incident.

OEA’s recommended Mitigation Measure # 2 requires that Hartwell comply with all hazardous materials regulations of the U.S. Department of Transportation (including the Federal Railroad Administration and the U.S. Pipeline and Hazardous Materials Safety Administration), the Department of Homeland Security (including the Transportation Security Administration), the U.S. Environmental Protection Agency, and the Occupational Safety and Health Administration and that it dispose of all materials that cannot be reused in accordance with applicable law.

Hartwell is not aware of any changes that would occur as a result of the Proposed Action. Therefore, the Proposed Action is not anticipated to have substantive impacts on hazardous materials releases given Hartwell’s current procedures and practices and the low rate of speed of 10 mph that would occur at this connection.

**3.6 ENERGY RESOURCES AND AIR QUALITY**

**3.6.1 Impact Analysis – Energy Resources**

The effects on energy resources that would result from the operation of the Proposed Action were analyzed. Specifically, the estimated annual fuel requirement (in gallons per year) that would likely be needed based on the rail operations information presented in Hartwell’s application to the Board was used. Table 3-2 estimates the total annual diesel fuel requirement for the operation of trains over the proposed rail line. The analysis is based on an average fuel consumption rate of 50.0 gallons per hour for a typical GP38 and/or GP40 locomotive operating in Throttle Position 4 out of the eight possible settings and considered that Hartwell would likely be operating two of these locomotives per train over the proposed rail line with one roundtrip per day, six days per week.

**TABLE 3-2  
ESTIMATED ANNUAL DIESEL FUEL CONSUMPTION**

<b>OPERATION</b>	<b>GP38/GP40 LOCOMOTIVE FUEL ECONOMY (GALLONS/HOUR)</b>	<b>DAILY OPERATION TIME (HOURS)</b>	<b>ANNUAL FUEL CONSUMPTION (GALLONS/YEAR)</b>
Roundtrip Transport via the Proposed Action (2,720 feet)	50.0	0.0515	1,607

Other than the estimated annual fuel requirement, the Proposed Action would result in negligible impacts on other energy resources and would not impact utility facilities beyond minor utility pole relocations or adjustments to local overhead electrical lines, as necessary to safely construct the rail line. The proposed rail line is also not anticipated to impact electrical transmission towers, high-voltage transmission lines, or pipelines. In terms of overall fuel usage, rail transport is considered to be the most fuel-efficient form of ground transportation. A freight train can move a ton of freight an average of 436 miles on a single gallon of fuel, which is four times the distance it could be moved by truck. Generally, freight trains are three to four times more fuel-efficient than trucks. Thus, the impact of the proposed rail line would be negligible on energy resources compared to truck transport of various commodities over that same distance.

The No-Build Alternative would have no impact on energy resources.

### 3.6.2 Impact Analysis – Air Quality

The estimated annual air quality emissions for the Proposed Action were quantitatively evaluated using the USEPA's emission standards for locomotives to calculate emissions. Specifically, this analysis included calculating mobile source emissions for NO<sub>x</sub>, CO, hydrocarbons (HC), and PM. Because SO<sub>2</sub> emissions are a direct result of the concentration of sulfur in the fuel, they were not included in the calculations. Diesel fuel is subject to a sulfur concentration standard rather than an emission limit from sources.

Given Elbert County's attainment status and the lack of defined criteria for these emissions on the part of federal, state, and local authorities, the calculated emissions for the Proposed Action were compared with USEPA's Title V major emission-source threshold for permit applicability. This threshold of 100 tons/year emission of a criteria pollutant is used as an indicator of whether a proposed activity would result in impacts comparable to those for which USEPA requires a Title V permit (40 C.F.R. § 52). Emission of criteria pollutants below this level is considered to be below the threshold of significance.

Construction of the proposed rail line would have an effect on local ambient air quality as a result of fugitive dust and diesel fuel emissions generated by construction equipment and machinery. However, based on the relatively short duration of construction (i.e., less than 90 days), this effect would be both localized and temporary. Thus, the construction-related impact of the proposed rail line on regional air quality would be considered negligible.

From an air quality perspective, long-term operation of trains over the proposed rail line would be a more substantive concern. The standard emission factors for NO<sub>x</sub>, CO, HC, and PM pollutants derived from USEPA's *Emission Factors for Locomotives* (EPA-420-F-09-025) were used to calculate the estimated annual mobile source emissions associated with the operation of the proposed rail line. The calculations are based on Hartwell's anticipated use of two locomotives per train. More specifically, the emission standard was based off of locomotives constructed between 1973 and 2000 for line-haul operation (Tier 0). The USEPA line-haul emission rates in grams/gallon were applied to the estimated annual fuel consumption, as previously reported in Table 3-2, to yield annual emissions for criteria pollutants.

Table 3-3 summarizes the results of these estimated annual mobile source emission calculations for the Proposed Action. Analysis of this table indicates that the estimated annual mobile source emission of each criteria pollutant for the Proposed Action would be well below USEPA's major emission source threshold of 100 tons/year for Title V permit applicability. Under these standards, the operation of trains over the proposed rail line would not result in significant adverse impacts to local air quality.

**TABLE 3-3**  
**ESTIMATED ANNUAL MOBILE SOURCE EMISSIONS**  
**OF CRITERIA POLLUTANTS**  
**(TONS/YEAR)**

NO <sub>x</sub>	CO	HC	PM
0.32	0.05	0.02	0.01

The No-Build Alternative would not result in an increase in mobile source emissions. Therefore, this alternative would not have an impact on local or regional air quality.

### 3.7 NOISE

Construction of the proposed rail line would result in a temporary increase in local noise levels on a short-term basis (i.e., less than 90 days) due to the operation of construction equipment and machinery. However, given the industrial setting of the project area, these temporary, construction-related noise impacts are anticipated to be nominal. Similarly, noise impacts associated with the operation of trains over the proposed rail line are anticipated to be of no substantive concern to the adjacent industrial operations. Consequently, a detailed noise analysis was not warranted for this project, and no further impacts are anticipated.

### 3.8 CULTURAL RESOURCES

In its January 9, 2014, correspondence, the Georgia SHPO determined that both the Hartwell railroad line and the CSXT Abbeville Subdivision are eligible for listing in the National Register under Criterion A for transportation and commerce. However, given the limited scope of work, the SHPO concurred that the Proposed Action would have no adverse effect on these active rail lines but did request additional information on granite operations within the project area as further discussed below.

In a follow-up letter of January 16, 2014, the SHPO requested additional documentation on the Century Granite Company site due to its eligibility for listing on the National Register of Historic Places under Criterion A for industry. Since the Proposed Action involves the demolition of the industrial buildings at this location, the Georgia SHPO determined that the Proposed Action would have an adverse effect on these resources, pursuant to Section 106 of the NHPA. Specifically, the SHPO is requiring that the structures be documented via photographs, plat and site plans, and a narrative history (see Appendix D) and has requested that an MOA be completed between all affected parties in order to mitigate the adverse effect of the Proposed Action. OEA, the SHPO, and Hartwell are in the process of preparing this document, a copy of which will be included in the Final EA. In the interim, OEA has included Mitigation Measure #3 (see Chapter 4, Mitigation) that would require Hartwell to comply with the terms of the MOA, as agreed to by the SHPO.

For comparison purposes, the No-Build Alternative would have no resulting impact on cultural resources.

### **3.9 RECREATION**

As indicated in Chapter 2, Affected Environment, no public parks or recreation areas were identified within or adjacent to the project study area. Therefore, implementation of the Proposed Action would have no impact on recreation.

The Georgia Department of Natural Resources, Parks, Recreation, and Historic Sites Division commented that it has no comments or concerns regarding these resources.

### **3.10 ENVIRONMENTAL JUSTICE**

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, directs federal agencies to “promote nondiscrimination in federal programs that substantially affect human health and the environment, and to provide minority and low-income communities access to public information on, and an opportunity for public participation in, matters relating to human health or the environment.” Executive Order 12898 also directs agencies to identify and consider disproportionately high and adverse human health or environmental effects of their actions on minority and low-income communities and to provide opportunities for community input in the NEPA process, including input on potential effects and mitigation measures.

The Environmental Justice impact assessment process includes a multi-step process. The first step is to determine if any minority and/or low-income populations exist at the project level. As indicated in Chapter 2, only one residential parcel (shown in yellow on Figure 2-1) was identified near the southern edge of the project study area. This parcel was recently acquired by Hartwell for future use in railroad operations and has since been vacated. The remainder of the project study area consists of industrial land uses surrounded by transportation corridors. There are no residential uses and no minority and/or low-income populations within the project area. The Proposed Action has the potential to create jobs and, thus, could be an overall economic benefit to the region.

### **3.11 CUMULATIVE IMPACTS**

The CEQ regulations implementing NEPA define a cumulative impact as “the impact on the environment, which results from the incremental consequences of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions.” 40 C.F.R. § 1508.7. This ensures that the range of actions that are considered in the NEPA document includes not only the project proposed, but also all actions that could contribute to cumulative impacts.

Using CEQ guidelines, OEA evaluated the cumulative impact from the proposed rail connection. OEA consulted with local officials and local planning agencies to determine if other projects or activities would occur in the area. No other projects were identified; therefore, no cumulative impacts would occur as a result of the Proposed Action.

### **3.12 CONNECTED ACTIONS**

Connected actions are those that are “closely related” to the proposal and alternatives. 40 C.F.R. § 1508.25. A connected action would not occur on its own, but rather is dependent on another action. As discussed above, under the Proposed Action, CSXT would need to reconfigure an approximately 2,393 linear foot curve section of track to a tangent or straight line section of track to ensure that the sight distance between the two rail lines at the point of connection complies with CSXT’s safety requirements. The realignment would occur in CSXT’s right-of-way and is not subject to Board authorization. It is, however, considered a connected action because CSXT would not otherwise make any changes to this section of track in the absence of Hartwell’s Proposed Action.

Based on a detailed site inspection of this area, the curve realignment is not anticipated to result in any substantive environmental impacts. CSXT would need to remove a minimal amount of vegetation (trees and brush) in one section of its right-of-way to allow for grading and track construction. However, most of the disturbance would occur on existing roadbed and ballast. As previously mentioned, the right-of-way disturbance width would range from 1 to 11.7 feet and average 5.3 feet. CSXT’s realignment is expected to have little to no perceivable impact on the natural, cultural, or social environment, and is therefore considered minimal.

## **CHAPTER 4 MITIGATION**

This chapter presents OEA's recommended environmental mitigation. Based on the information available to date, consultations with appropriate agencies, comments from interested parties, and extensive environmental analyses, OEA has developed environmental mitigation measures to address the potential environmental impacts of the construction, operation, and maintenance of the proposed rail line.

### **4.1 OVERVIEW OF OEA'S APPROACH TO ENVIRONMENTAL MITIGATION**

In conducting the environmental review, OEA has taken a hard look at the environmental consequences of the Proposed Action and its alternatives. The potential environmental effects that OEA identified would be both beneficial and adverse. Chapters 2 and 3 discuss in detail the affected environment and potential environmental impacts. OEA's environmental analysis and its resulting mitigation recommendations reflect the variety and complexity of the environmental issues and offer a reasonable and feasible way of minimizing some of the environmental impacts discovered during the course of OEA's environmental review. As discussed below, OEA also encourages negotiations between applicants and potentially affected communities, or others, to reach mutually acceptable solutions to address the parties' concerns. Sometimes negotiated solutions can be more far-reaching than mitigation the Board could unilaterally impose. The mitigation in this Draft EA includes both mitigation developed by OEA and voluntary mitigation offered by Hartwell.

#### **4.1.1 Limits of the Board's Conditioning Power**

The Board has limited authority to impose conditions to mitigate potential environmental impacts. As a government agency, the Board can only impose conditions that are consistent with its statutory authority. Accordingly, any conditions the Board imposes must relate directly to the transaction before it, must be reasonable, and must be supported by the record before the Board. Thus, the Board's practice consistently has been to mitigate only those impacts that result directly from the proposed action. The Board typically does not require mitigation for pre-existing environmental conditions.

#### **4.1.2 Voluntary Mitigation and Negotiated Agreements**

OEA encourages applicants to propose voluntary mitigation. In some situations, voluntary mitigation may replace, supplement, or be more far-reaching than measures that the Board might otherwise impose. Because applicants gain a substantial amount of knowledge about the issues associated with a proposed rail line during project planning, and because they consult with regulatory agencies during the permitting process, they are often in a position to offer relevant voluntary mitigation. In that regard, Hartwell has proposed voluntary mitigation, which is discussed below.

OEA also encourages applicants to negotiate mutually acceptable agreements with affected entities to address potential environmental impacts, if appropriate. Negotiated agreements can be with individual property owners, groups of property owners, neighborhoods, communities,

municipalities, counties, regional coalitions, states, or other entities. If an applicant submits negotiated agreements to the Board, the Board requires compliance with the terms of any such agreements as environmental conditions in any final decision approving the proposed action. These negotiated agreements supersede any environmental conditions for that particular community or other entity that the Board would otherwise impose.

#### **4.1.3 Preliminary Nature of Environmental Mitigation**

OEA emphasizes that the recommended environmental mitigation measures in this Draft EA are preliminary and invites public and agency comments on these proposed environmental mitigation measures. In order for OEA to assess the comments effectively, it is critical that the public be specific regarding any desired mitigation and the reasons why the suggested mitigation would be appropriate.

OEA will make its final recommendations on environmental mitigation to the Board in the Final EA after considering all public comments on the Draft EA. The Board will then make its final decision regarding this project and any environmental conditions it might impose. In making its decision, the Board will consider the Draft EA, the Final EA, public and agency comments, and OEA's final environmental mitigation recommendations.

## **4.2 HARTWELL'S VOLUNTARY MITIGATION MEASURES**

Pursuant to its Notice of Exemption, Hartwell has offered voluntary mitigation measures for the Board to consider. OEA has reviewed the voluntary mitigation measures and recommends that the Board, should the proposed rail line be approved, require Hartwell to comply with all of the voluntary mitigation measures submitted. These voluntary mitigation measures are set forth below by resource category.

### **4.2.1 Soils**

VM 1. Hartwell shall implement the following best management practices to minimize potential erosion and sedimentation impacts during project construction:

- Minimize earth-clearing activities to the greatest extent practicable by disturbing only the area needed to physically construct the proposed rail line, required infrastructure, and staging area.
- Prior to initiating site clearing, install erosion and sediment control measures such as silt fencing, silt socks, mulch blankets, or a similar erosion-control measure along the limit of disturbance and at the inlet of any storm drain structures within the construction zone.
- Immediately stabilize any disturbed areas outside the rail corridor (i.e., temporary staging/equipment storage/material stockpiling areas) with an appropriate permanent vegetative cover after the completion of construction activities.

#### **4.2.2 Vegetation and Wildlife**

- VM 2. Hartwell shall ensure that any herbicides used during track maintenance are registered with the U.S. Environmental Protection Agency and applied by licensed individuals with experience in using best practices to minimize any environmental and safety risks to the extent necessary for rail operations.

#### **4.2.3 Local Road Traffic/Grade Crossing Delay**

- VM 3. Hartwell shall coordinate the construction of the second set of tracks at the West Tate Street Extended grade crossing, including the temporary maintenance and protection of traffic measures to be implemented at this grade crossing (i.e., detour/temporary lane restriction), with the Elbert County Road Department and the appropriate local emergency response service providers (i.e., police, fire, and ambulance).
- VM 4. During the construction of the second set of tracks at the West Tate Street Extended grade crossing, Hartwell shall provide appropriate advance warning signs for the detour/temporary lane restriction in accordance with Georgia Department of Transportation standards.
- VM 5. For the West Tate Street Extended grade crossing, Hartwell shall provide and maintain a permanent sign prominently displaying both a toll-free telephone number and a unique grade-crossing identification number in compliance with the Department of Transportation Federal Highway Administration's (FHWA) regulations at 23 C.F.R. Part 655.

#### **4.2.4 Rail Operations Safety**

- VM 6. Hartwell shall limit the speed of trains operating over the proposed rail line to 10 miles per hour.
- VM 7. Hartwell shall comply with all applicable Federal Railroad Administration rail operations safety requirements at 49 C.F.R. Parts 200-299.
- VM 8. Hartwell shall erect new railroad crossbucks at the West Tate Street Extended grade crossing in accordance with FHWA's Manual on Uniform Traffic Control Devices.

### **4.3 OEA'S PRELIMINARY RECOMMENDED MITIGATION**

Based on available project information and comments received during scoping, OEA considered preliminary recommended mitigation measures (MM #) to address the potential environmental impacts of the Proposed Action in the following resource areas: safety, emergency response, and historic resources. These recommended mitigation measures would supplement Hartwell's proposed voluntary mitigation. OEA emphasizes that these measures are preliminary and welcomes public and agency comment during the comment period on all aspects of this Draft EA, including the environmental analysis. In order for OEA to assess comments effectively, please be specific about any desired mitigation and the reasons why the suggested mitigation would be appropriate.

- MM 1. Hartwell shall comply with all voluntary mitigation measures.
- MM 2. During operations, Hartwell shall comply with all hazardous materials regulations of the U.S. Department of Transportation (including the Federal Railroad Administration and the U.S. Pipeline and Hazardous Materials Safety Administration), the Department of Homeland Security (including the Transportation Security Administration), the U.S. Environmental Protection Agency, and the Occupational Safety and Health Administration. During construction and operations, Hartwell shall dispose of all materials that cannot be reused in accordance with applicable law.
- MM 3. In order to mitigate the adverse effect that the proposed undertaking would have on the former Century Granite Company buildings, a Memorandum of Agreement (MOA) shall be developed among the Surface Transportation Board's Office of Environmental Analysis, the Georgia Department of Natural Resources' Historic Preservation Division (State Historic Preservation Office or SHPO), and Hartwell Railroad Company for buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places in accordance with Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470. The MOA, which must be fully executed by the parties before the Final EA can be issued, shall incorporate the conditions agreed to by the SHPO and amended by the parties in accordance with the following:
- A one- to two-page narrative of the history of the granite industry in Elberton.
  - Photographic documentation showing the overall appearance of the buildings.
  - A basic site plan (does not have to be to scale) and aerial photographs showing building locations. The site plan does not have to be drawn to scale, and an existing plat or documents from the county tax records that show the relative position of the building on the property may be used. In addition, a photograph taken from Google Earth will satisfy the aerial requirement for an aerial photo.