

**FINAL ENVIRONMENTAL ASSESSMENT**

**Finance Docket No. 35874**

**LONE STAR RAILROAD, INC. AND SOUTHERN SWITCHING COMPANY  
RAIL CONSTRUCTION AND OPERATION IN HOWARD COUNTY, TEXAS**

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

*Office of Environmental Analysis*

December 18, 2015

Re: Docket No. FD 35874, Lone Star Railroad, Inc. and Southern Switching Company—Rail Construction and Operation—Howard County, Texas

Dear Reader:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to provide you with the Final Environmental Assessment (Final EA) for the proposed construction and operation of approximately 3.18 miles of rail line by Lone Star Railroad, Inc. and Southern Switching Company (the Applicants). The proposed rail line would connect to an existing Union Pacific mainline and provide rail service to an industrial park property near Big Spring, in Howard County, Texas. The efficient transloading of frac sand delivered by rail to truck at the industrial park would provide more effective service to the extensive Permian Basin shale oil activity located west and south of Big Spring.

On October 16, 2015, OEA issued its Draft EA addressing the potential impacts of the proposed project for public review and comment. The 30-day comment period ended on November 16, 2015. OEA received three comments. The National Park Service indicated that they had no comment on the Draft EA at this time. The U.S. Environmental Protection Agency commented on a number of aspects of the Draft EA including air quality, cultural resources, socioeconomics, physical resources, and biological resources and included a number of recommendations for mitigating potential impacts. The Texas Parks and Wildlife Department noted that it had provided recommendations in correspondence dated May 8, 2015, and noted that those recommendations remain applicable.

OEA has distributed this Final EA to all parties of record for this docket and the environmental distribution list, which includes key governmental agencies, federally recognized tribes, and other appropriate entities. A hard copy of the Final EA is available for review in the Howard County Library located at 500 South Main Street in Big Spring, Texas. The Final EA is also available on the Board's website at <http://www.stb.dot.gov>.

This Final EA includes OEA's final conclusions on potential impacts that may result from the proposed project and includes OEA's final recommendations, including OEA's final recommended mitigation measures. The Board will now consider the complete environmental record, including the Draft EA, all comments received, and the Final EA in making its final decision whether to approve the rail line construction and operation proposed by the Applicants. If the Board should approve the proposal, it will also determine what, if any, environmental mitigation to impose.

If you have questions, please feel free to contact Kenneth Blodgett of my staff at (202) 245-0305 or by email at [blodgettk@stb.dot.gov](mailto:blodgettk@stb.dot.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is written in a cursive style with a large initial "V" and "R".

Victoria Rutson  
Director  
Office of Environmental Analysis

# Summary of Major Conclusions

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The Office of Environmental Analysis (OEA) has concluded its review of the potential environmental impacts that could result from the proposed action, the construction and operation of a new rail line approximately 3.18 miles long that would connect to an existing Union Pacific Railroad Company (UP) mainline and provide rail service to an industrial park property near Big Spring in Howard County, Texas. OEA has reviewed and considered the comments submitted during the environmental consultation process and the 30-day comment period on the Draft EA and has reached the following major conclusions:

- 1) Lone Star Railroad, Inc. (LSR) and Southern Switching Company (SSC) (the Applicants) seek authority to construct and operate approximately 3.18 miles of new rail line that would connect to an existing UP mainline and provide rail service to an industrial park property near Big Spring in Howard County, Texas.
- 2) The proposed rail line would provide more effective service to the extensive Permian Basin shale oil activity located west and south of Big Spring by allowing for the efficient transloading of frac sand by rail to trucks at the industrial park. At this uncongested location, frac sand would be staged, transloaded to trucks, and delivered to crude oil wellheads in the Permian Basin near Midland and Odessa, Texas.
- 3) The proposed rail line would eventually support an average of five trains per week (including both inbound and outbound trains) consisting of up to 100 hopper cars of frac sand per train, resulting in 1,000 truckload shipments of frac sand per week.
- 4) The only federally endangered species currently listed for Howard County is the black-capped vireo. There is no suitable habitat to support breeding black-capped vireos and no documented occurrences within the wildlife survey area for this Draft EA. Under Section 7(a)(2) of the Endangered Species Act, OEA has determined that the construction and operation of the proposed project would have no effect on black-capped vireo. OEA also consulted with the Texas Parks and Wildlife Department (TPWD) regarding species designated by TPWD as rare, threatened, or endangered and has determined that, with the implementation of OEA's recommended mitigation measures, impacts resulting from the construction and operation of the proposed rail line on these species would not be likely.
- 5) OEA examined the addition of frac sand truck traffic to the roadways adjacent to the proposed rail line. OEA concluded that the addition of frac sand truck traffic to the roadways would result in increases in annual average daily traffic (AADT) ranging from 0.24 percent for Interstate 20 to 2.22 percent for Highway 176. These predicted increases in truck traffic would not result in a significant increase in AADT and represent a negligible impact on traffic and transportation in the project area.

- 6) OEA prepared a noise contour analysis to determine if noise impacts from the operation of the proposed rail line would result in adverse impacts on sensitive noise receptors. Rail noise from the operation of the proposed rail line in combination with the existing rail traffic would be less than 65 DNL at all receptor locations and DNL values at the closest receptor would be essentially unchanged. Consequently, there would be no adverse noise impacts resulting from the operation of the proposed rail line.
- 7) OEA conducted a survey within the proposed rail line right-of-way to identify prehistoric, historic, and cultural resources and to assess the significance of those resources and their potential to be eligible for inclusion in the National Register of Historic Places (NRHP). Three historic/prehistoric sites were identified during the survey, with portions of the sites located both within and outside the proposed rail line right-of-way. The portions of the sites within the proposed rail line right-of-way were determined to have no potential for the NRHP. Should rail line construction activities outside the proposed rail line right-of-way be required, OEA has recommended mitigation to address potential impacts to the portions of the sites located outside the proposed rail line right-of-way. The Texas State Historic Preservation Officer (SHPO) has concurred with OEA's Section 106 determination of "no historic properties affected."
- 8) OEA determined that there are no surface waters, wetlands, floodplains, or recorded groundwater wells within close proximity to the proposed rail line right-of-way and concluded that it is unlikely that drainage from the proposed rail line right-of-way would reach mapped waterbodies and wetlands. Groundwater aquifer recharge is limited in the proposed project area. Existing flood-storage capacity and the course of the existing floodways are unlikely to be affected. Consequently, the construction and operation of the proposed rail line would not likely result in impacts on surface waters, groundwater, wetlands, and floodplains.
- 9) Based on OEA's review of all information provided from all sources and its independent analysis, OEA concludes that the construction and operation of the proposed rail line would have no significant environmental impact if the Surface Transportation Board (Board) imposes, and the Applicants implement, the Applicants' voluntary mitigation measures and OEA's final recommended mitigation measures as set forth in this Final EA.

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## Abbreviations and Acronyms

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Applicants	Lone Star Railroad, Inc. and Southern Switching Company
Board	Surface Transportation Board
CEQ	Council on Environmental Quality
Draft EA	Draft Environmental Assessment
EIS	Environmental Impact Statement
Final EA	Final Environmental Assessment
ICC	Interstate Commerce Commission
LSR	Lone Star Railroad, Inc.
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
NPS	United States Department of the Interior National Park Service
OEA	Office of Environmental Analysis
SHPO	State Historic Preservation Officer
SSC	Southern Switching Company
TPWD	Texas Parks and Wildlife Department
USEPA	United States Environmental Protection Agency

# Introduction and Environmental Review Process

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On February 24, 2015, Lone Star Railroad, Inc. (LSR) and Southern Switching Company (SSC) (collectively referred to hereafter as the Applicants) filed a petition for exemption with the Surface Transportation Board (Board), pursuant to 49 U.S.C. 10502(a) and 49 C.F.R. 1121.1 *et seq.* LSR proposes to construct and SSC proposes to operate approximately 3.18 miles of rail line (the proposed action) that would connect to an existing Union Pacific Railroad Company mainline and provide rail service to an industrial park property near Big Spring, in Howard County, Texas.

The primary purpose for the proposed action is the delivery of frac sand by rail to the industrial park property, where it would be transloaded to trucks and delivered to crude oil wellheads in the Permian Basin near Midland and Odessa, Texas. Figure 1-1 provides an overview of the project area. The production of crude oil requires large quantities of frac sand, which is mined primarily in Wisconsin and Minnesota and transported to West Texas by rail. The Applicants indicate that the proposed rail line would help to better serve the extensive Permian Basin shale oil activity located west and south of Big Spring by allowing for the transloading of frac sand from rail to truck at an uncongested location for staging and delivery to the wellhead locations.

The Applicants' proposal to construct the rail line would require approximately 37.6 acres for the rail line right-of-way to accommodate an average construction corridor of 50 feet from each side of the rail centerline. Construction of the proposed rail line and rail bed would follow methods approved by the American Railway Engineering and Maintenance of Way Association and the Federal Railroad Administration. The majority of the proposed rail line would be located within the industrial park property.

SSC would operate over the proposed rail line to provide service to shippers and receivers in the industrial park property. Although the Applicants anticipate that the proposed rail line would primarily be used to receive shipments of frac sand, the proposed rail line could also be used to ship and receive other supplies associated with shale oil production. While it is difficult to predict the likely train traffic volumes resulting from a volatile crude oil market, the Applicants anticipate that the proposed rail line would eventually support an average of five trains per week (including both inbound and outbound trains), consisting of up to 100 hopper cars of frac sand per train. In addition to commodities supporting shale oil activities, the proposed rail line could provide opportunities for non-shale commodities to originate, terminate, or be transloaded at the industrial park property.

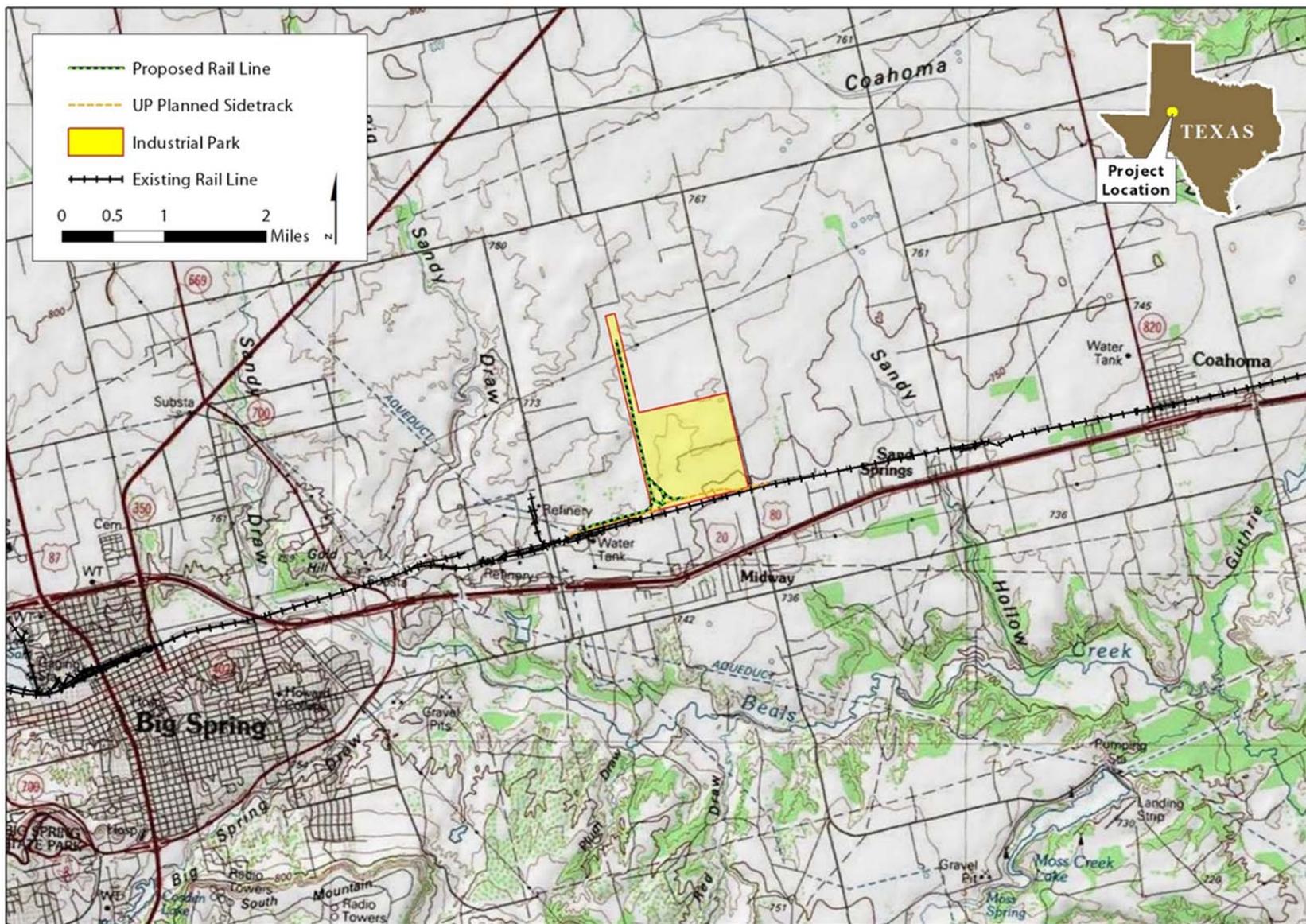


Figure 1-1. Proposed Project Area

The Board's Office of Environmental Analysis (OEA) conducted an environmental review to ensure that the proposed action complies with the statutory requirements under the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4331-4335), the Board's environmental regulations (49 CFR Part 1105), and other applicable rules and regulations. OEA prepared a Draft Environmental Assessment (Draft EA) that provided an independent analysis of the potential effects of the proposed construction and operation, as well as the No Action Alternative. OEA visited the proposed project area to document existing conditions and assess the potential effects of the proposed action on the environment. OEA performed a habitat assessment survey and a cultural resources survey.

OEA served the Draft EA on October 16, 2015. The Draft EA was provided to all parties to the proceeding; appropriate federal, state, and local agencies; federally recognized tribes; and any party requesting copies of the document. On the same date, OEA published the *Issuance of the Draft EA; Request for Comments* in the *Federal Register* (80 FR 62599) and posted the Draft EA on the Board's website. A copy of the Draft EA was also made available for review at the Howard County Public Library in Big Spring. OEA requested comments on all aspects of the document, including the scope and adequacy of the recommended mitigation measures. The 30-day comment period closed on November 16, 2015. Comments on the Draft EA were filed by two federal agencies and one state agency. Comments are attached as Appendix A to this Final Environmental Assessment (Final EA).

OEA carefully reviewed the comments submitted in preparing its final recommendations to the Board contained in this Final EA. If the mitigation measures recommended in this Final EA are imposed by the Board, OEA believes that any potential environmental impacts resulting from construction and operation of the proposed rail line would not be significant; therefore, preparation of an Environmental Impact Statement (EIS) is not necessary.

## Chapter 2

# Comments and Responses

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Comments on the Draft EA were submitted by the United States Department of the Interior National Park Service (NPS), United States Environmental Protection Agency (USEPA), and the Texas Parks and Wildlife Department (TPWD). Copies of these three comment letters are included in Appendix A of this Final EA. Summaries of the comments received and OEA's responses to the comments are provided below.

### **NPS Comment:**

NPS indicated that it had no comment on the Draft EA at this time.

### **Response:**

Comment noted.

### **USEPA Comment - Environmental Consequences of Proposed Action on Air Quality:**

USEPA indicated that mitigation should include the use of best management practices for control of PM<sub>10</sub><sup>1</sup> and fugitive dust during construction. USEPA recommended development of a detailed construction emissions mitigation plan or enhancement of the mitigation measures recommended by OEA in the Draft EA. USEPA suggested several measures intended to reduce emissions of particulate matter and other pollutants from construction-related activities and recommended that these measures be included in the Final EA as applicable and practicable. These included fugitive dust source control measures, mobile and stationary source control measures, and administrative control measures.

### **Response:**

OEA has incorporated most of USEPA's recommended air quality control measures as mitigation in this Final EA (see Chapter 3 *Final Recommended Mitigation*). USEPA recommended that water be used as necessary during grading activities in disturbed areas. OEA's recommended mitigation measure MM-1 in the Draft EA already addresses the suppression of fugitive dust through the use of water trucks. MM-1 is included in Chapter 3 *Final Recommended Mitigation* of this Final EA.

USEPA recommended unscheduled inspections of heavy equipment idling time during rail line construction. USEPA also recommended the identification of sensitive receptors in the project area (e.g., children, the elderly, and the infirm) and specifying the means to minimize impacts from construction-related air emissions on these populations. As noted in Section 4.1.3 *Air Quality* of the Draft EA, the increase in vehicle emissions from construction equipment would be temporary and localized to the proposed rail line right-of-way and

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<sup>1</sup> PM<sub>10</sub> refers to particulate matter ≤ 10 microns in diameter.

nearby areas. The impacts on air quality from construction-related vehicle emissions would be negligible. OEA, therefore, did not incorporate this recommendation into the final recommended mitigation in this Final EA.

USEPA recommended provisions for monitoring fugitive dust. As noted in Section 4.1.3 *Air Quality* of the Draft EA, fugitive dust emissions during the construction of the proposed rail line would be temporary and would not result in significant impacts on air quality. Fugitive dust emissions would be minimized through the implementation of additional best management practices included in OEA's recommended mitigation measure MM-6 in this Final EA. OEA, therefore, does not believe that the incorporation of a requirement for fugitive dust monitoring into this Final EA is necessary.

**USEPA Comment - Environmental Consequences of Proposed Action on Cultural Resources:**

USEPA commented that there was no consultation with Native American tribes regarding the proposed project and recommended that affected tribes be identified and Government-to-Government consultation (pursuant to Executive Order 13715) be conducted. USEPA also recommended that in-depth explanations on tribal impact be provided.

**Response:**

As stated in Section 3.5 *Cultural Resources* and Section 4.5 *Cultural Resources* of the Draft EA, OEA conducted Government-to-Government consultation by sending consultation letters requesting comments on the construction and operation of the proposed rail line to three federally-recognized tribes which were identified as having a possible interest in the project area to determine the potential impacts on tribal resources and land use in the area. Potentially affected, federally recognized tribes identified and contacted by OEA included the Apache Tribe of Oklahoma, the Comanche Nation, and the Kiowa Indian Tribe of Oklahoma. OEA identified potentially affected, federally recognized tribes using the Native American Consultation Database maintained by the National Park Service on the Native American Graves Protection and Repatriation Act (or NAGPRA) National Online Database. OEA also reviewed the U.S. Department of Housing and Urban Development Tribal Directory Assessment Tool to identify contact information for tribes with interests in the project area. OEA's consultation letter invited tribal input on a number of environmental topics outlined in the letter and requested input on any other concerns they considered appropriate.

A copy of the environmental consultation letter sent to the tribes is included in Appendix A of the Draft EA. OEA received no response from the tribes indicating any concerns. On October 16, 2015, OEA sent copies of the Draft EA to the three tribes identified above. OEA did not receive any comments on the Draft EA from the tribes.

**USEPA Comment - Environmental Consequences of Proposed Action on Socioeconomics:**

USEPA commented that there were no identifiable discussions about effects on Environmental Justice populations in the Draft EA. USEPA recommended that consolidated discussions be allocated on Environmental Justice (pursuant to Executive Order 12898) and an in-depth explanation be provided for the impact determination.

**Response:**

OEA included a discussion of the potential impacts on low-income and minority populations in the Draft EA. Section 3.8 *Socioeconomics* of the Draft EA, identifies where low-income and minority populations were identified within 0.5 mile of the proposed rail line using census block and census block group data published by the U.S. Census Bureau. As noted in the Draft EA, one census block was found where there are more minorities present than found in Howard County as a whole. OEA did not identify any census block groups where the share of the population in poverty was greater than that for Howard County as a whole. Section 4.8 *Socioeconomics* of the Draft EA included an analysis of potential impacts on minority and low-income populations as required under Executive Order 12898. As indicated in the Draft EA:

*Pursuant to the Executive Order, an adverse environmental justice impact would only occur if any high and adverse effect were to fall disproportionately on a low-income or minority population. Because no high and adverse human health or environmental effects were identified in Sections 4.1 through 4.8 of this Draft EA, no disproportionately high and adverse human health or environmental effects would be likely on minority or low-income populations as a result of the construction and operations of the proposed rail line.*

The President's Council on Environmental Quality (CEQ) has established guidance to assist Federal agencies with their NEPA procedures so that environmental justice concerns are effectively identified and addressed. The CEQ guidance includes methods for evaluating potential environmental justice impacts and indicates that, when determining whether the human health effects and environmental effects of an action are high and adverse, agencies are to consider whether there will be an impact that significantly and adversely affects a minority population, low-income population, or Indian tribe. As noted in Section 4.8 *Socioeconomics* of the Draft EA, because none of the potential impacts identified in the Draft EA would be significant, the construction and operation of the proposed rail line would not result in disproportionately high and adverse effects on minority or low-income populations.

**USEPA Comment - Environmental Consequences of Proposed Action on Socioeconomics:**

USEPA recommended that populations be identified by race, national origin, and income utilizing a number of tools and methods to identify Environmental Justice populations.

**Response:**

As noted in the comment response above and cited in the Draft EA, OEA used data from the U.S. Census Bureau to identify low-income and minority populations at the census block and census block group levels within 0.5 mile of the proposed rail line. OEA reviewed 2010 census summary information and the American Community Survey 5-Year Estimates for 2009-2013. CEQ's guidance on Environmental Justice indicates that where a proposed agency action would not cause any adverse environmental impacts, and therefore would not cause any disproportionately high and adverse human health or environmental impacts, specific demographic analysis may not be warranted. OEA demonstrated in the Draft EA that the construction and operation of the proposed rail line would not result in disproportionately high and adverse human health or environmental impacts. Pursuant to CEQ guidance on Environmental Justice, OEA has determined that identification of the national origin of the surrounding population or the use of additional tools and methods to identify Environmental Justice populations surrounding the proposed rail line is not warranted.

**USEPA Comment - Environmental Consequences of Proposed Action on Socioeconomics:**

USEPA also recommended that public documents, notices, and hearings related to human health and/or the environment be translated for limited English speaking populations and be made readily accessible.

**Response:**

Based on information identified during the environmental review and site visit, OEA has no reason to believe that there is a non-English speaking population that could be affected by the construction and operation of the proposed rail line. OEA did not receive any requests during the environmental review and public involvement process for the translation of any of the environmental materials.

**USEPA Comment - Recommendations for Mitigation:**

OEA's recommended mitigation measure MM-3 in the Draft EA would require the Applicants to "comply with the reasonable requirements of applicable federal, state, and local regulations regarding the control of fugitive dust related to rail line construction activities." USEPA suggested that the word "reasonable" be removed from the mitigation measure.

**Response:**

As explained in Chapter 1 *Purpose and Need* of the Draft EA, the Board was established through the Interstate Commerce Commission (ICC) Termination Act of 1995 (49 U.S.C. 10101 *et seq.*; 104-88, December 29, 1995) and has jurisdiction over rail constructions, rail abandonments, rail rates, railroad acquisitions, and consolidations. The general jurisdiction of the Board is provided by 49 U.S.C. 10501(b) of the Interstate Commerce Act, which gives the Board exclusive jurisdiction over rail transportation by rail carriers and preempts the

application of state and local laws that would unreasonably interfere with interstate commerce. OEA's final recommended mitigation measure, therefore, has been modified to clarify that it does not require the Applicants to comply with federal, state, and local requirements that would unreasonably interfere with interstate commerce.

**USEPA Comment - Recommendations for Mitigation:**

USEPA recommended that a more detailed hazardous waste and spill prevention plan be provided that discusses specific preventative and response measures.

**Response:**

OEA has revised mitigation measure MM-6 from the Draft EA (now MM-10 in this Final EA) to require the Applicants to develop and implement a detailed hazardous waste and spill prevention plan to prevent spills of oil or other petroleum products during rail line construction, operation, and maintenance and identify specific preventative and responsive measures in the plan.

**TPWD Comment:**

TPWD commented that it had provided recommendations in correspondence dated May 8, 2015, and noted that those recommendations remain applicable.

**Response:**

OEA reviewed TPWD's correspondence dated May 8, 2015, and considered TPWD's concerns in its environmental review of the proposed rail line. The Draft EA includes analyses in Section 4.2 *Biological Resources* and recommended mitigation measures MM-6, MM-7, and MM-8 that appropriately address TPWD's concerns. The measures identified above have been included as final recommended mitigation measures MM-10, MM-11, and MM-12 in this Final EA. TPWD's correspondence is included in Appendix A of the Draft EA.

This chapter describes OEA’s final recommended mitigation measures that, if imposed by the Board in any decision granting the Applicants the authority to construct and operate the proposed rail line, would avoid, minimize, or compensate for the potential environmental impacts related to the construction, operation, and maintenance of the proposed rail line. OEA developed the final mitigation measures based on consultations with appropriate agencies, comments from interested parties, and extensive environmental analyses. In addition, the Applicants have proposed voluntary mitigation measures that include ongoing consultation with Howard County, Texas and the use of best management practices.

### **3.1 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 the No Action Alternative. The potential environmental effects that OEA identified would be both beneficial and adverse. Chapter 3 *Affected Environment* and Chapter 4 *Environmental Consequences of Proposed Action* of the Draft EA discussed in detail the affected environment and potential environmental impacts related to the proposed rail line construction and operation. OEA’s environmental analysis and its resulting mitigation recommendations reflect the variety 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. OEA also encourages negotiations between applicants and potentially affected communities, or others, to reach mutually acceptable solutions to address the parties’ concerns. The mitigation in this Final EA includes both mitigation developed by OEA and voluntary mitigation offered by the Applicants.

### **3.2 Limits of the Board’s Conditioning Power**

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

## 3.3 Voluntary Mitigation and Negotiated Agreements

OEA encourages applicants to propose voluntary mitigation. In some situations, voluntary mitigation could replace, supplement, or reach farther than mitigation measures 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, the Applicants have proposed voluntary mitigation, which is discussed below.

OEA encourages applicants to negotiate mutually acceptable agreements with affected communities and other government entities to address potential environmental impacts, if appropriate. Negotiated agreements could be with neighborhoods, communities, counties, cities, regional coalitions, states, and other entities. If the Applicants submit to the Board any such negotiated agreements, the Board would require compliance with the terms of any such agreements as environmental conditions in any final decision authorizing construction and operation of the proposed rail line. Any potential negotiated agreement would supersede any environmental conditions for that particular community or other entity that the Board might otherwise impose.

## 3.4 Applicants' Voluntary Mitigation Measures

The Applicants have offered two 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 the Applicants to comply with both of the voluntary mitigation measures submitted. These voluntary mitigation measures are set forth below.

### 3.4.1 Transportation and Safety

- **VM-1.** The Applicants shall consult with Howard County, Texas regarding curb cut and road planning in the vicinity of the proposed rail line construction.

### 3.4.2 Noise and Vibration

- **VM-2.** The Applicants shall use industry best practices in order to minimize noise in the residential area to the south of the proposed track construction.

## 3.5 OEA's Final Recommended Mitigation Measures

Based on available project information and comments received during the environmental consultation process and 30-day public comment period on the Draft EA, OEA is recommending a number of mitigation measures to address the potential environmental impacts of the proposed action in the following resource areas: geology and soils, water resources, air quality, vegetation, wildlife, threatened and endangered species, and cultural resources. Note that four new mitigation measures have been added and one mitigation measure has been amended based on comments received during the 30-day comment period. New mitigation measures include MM-6 through MM-9. Mitigation measure MM-10 has been amended. The recommended mitigation measures below would supplement the Applicants' proposed voluntary mitigation.

### 3.5.1 Physical Resources – Geology and Soils, Water Resources, and Air Quality

- **MM-1.** The Applicants shall use water trucks as appropriate during rail line construction activities in order to minimize fugitive dust emissions and shall employ best management practices in the control and suppression of fugitive dust emissions.
- **MM-2.** The Applicants shall limit rail line construction activities, vegetation clearing, and soil disturbance to the rail line right-of-way in order to minimize fugitive dust generation.
- **MM-3.** The Applicants shall comply with the requirements of applicable federal, state, and local regulations regarding the control of fugitive dust related to rail line construction activities that do not unreasonably interfere with interstate commerce.
- **MM-4.** Should federal funds be used by the Applicants in the construction of the rail line, the Applicants shall consult with the United States Department of Agriculture, Natural Resources Conservation Service regarding the requirements of the Farmland Protection Policy Act.
- **MM-5.** The Applicants shall implement soil erosion and sedimentation control measures to minimize impacts on surface waters in the project area from stormwater runoff during rail line construction activities.
- **MM-6.** In order to minimize fugitive dust emissions related to rail line construction activities, the Applicants shall implement the best management practices listed below during rail line construction.
  - Stabilize heavily used, unpaved construction roads with a non-toxic soil stabilizer or soil weighting agent that will not result in loss of vegetation or increase other environmental impacts.

- Limit vehicle speeds to 25 miles per hour on stabilized unpaved construction roads and 10 miles per hour on unpaved areas within rail line construction sites or unstabilized unpaved roads and further reduce speeds when dust emissions are visible.
  - Post vehicle speed limit signs at rail line construction site entrances.
  - Inspect and wash construction equipment vehicle tires as necessary so they are free of dirt before leaving rail line construction sites and entering paved roadways.
  - Provide gravel ramps at least 20 feet in length at tire washing/cleaning stations and ensure construction vehicles exit rail line construction sites through treated roadways.
  - Use sandbags or equivalent effective measures to prevent run-off to roadways from rail line construction areas adjacent to paved roadways.
  - Sweep the first 500 feet of paved roads exiting rail line construction sites or construction staging areas as appropriate.
  - Cover or treat soil storage piles and disturbed areas remaining inactive for longer than 10 days with appropriate dust suppressant compounds.
  - Provide vehicles used to transport solid bulk material on public roadways and that have potential to cause visible emissions with covers or sufficiently wet and load materials onto the trucks to a maximum level of at least one foot below the top of the truck bed sides.
  - Use wind erosion control techniques where soils are disturbed in rail line construction areas, access and maintenance routes, and materials stock pile areas until the soil is stabilized or permanently covered with vegetation.
- **MM-7.** In order to minimize fugitive dust emissions after rail line construction activities are completed, the Applicants shall stabilize disturbed soils with a non-toxic soil stabilizer, soil weighting agent, or other approved soil stabilizing method.
  - **MM-8.** In order to limit air emissions from rail line construction equipment, the Applicants shall schedule rail line construction in a manner to minimize rail line construction-related vehicle trips as feasible and shall limit the idling of heavy construction equipment to less than 5 minutes.
  - **MM-9.** In order to limit air emissions from rail line construction equipment, the Applicants shall develop a construction traffic and parking management plan that maintains traffic flow.

### 3.5.2 Biological Resources – Vegetation, Wildlife, and Threatened and Endangered Species

- **MM-10.** The Applicants shall develop and implement a detailed hazardous waste and spill prevention plan to prevent spills of oil or other petroleum products during rail line construction, operation, and maintenance. The plan shall include specific preventative and first response procedures to address the release of hazardous materials, reporting and notification procedures, fuel storage and transfer practices to prevent spills and leaks.
- **MM-11.** The Applicants shall clear vegetation in preparation for rail line construction before or after the bird nesting season (March 1 to August 31) to avoid inadvertent removal of active nests (nesting adults, young birds, or eggs) and to ensure compliance with the Migratory Bird Treaty Act. If vegetation clearing for the rail line construction is required during bird nesting season, the Applicants shall consult with the U.S. Fish and Wildlife Service regarding the implementation of appropriate nest survey methods to ensure that no migratory bird nests, eggs, or young are disturbed by construction activities until the eggs have hatched and the young have fledged.
- **MM-12.** To address the concerns of the Texas Parks and Wildlife Department (TPWD), the Applicants shall conduct ground-disturbing activities related to rail line construction to before or after the Texas horned lizard hibernation season (September/October to March/April – when ambient temperatures fall below 75° F) to avoid destruction of hibernating Texas horned lizards. If ground-disturbing activities for the rail line construction are required during the hibernation season of the Texas horned lizard, the Applicants shall consult with TPWD regarding the implementation of appropriate pre-construction surveys to determine the presence of Texas horned lizards. If Texas horned lizards are present, the Applicants shall contact TPWD to develop plans for their relocation.

### 3.5.3 Cultural Resources

- **MM-13.** Should any rail line construction activities take place adjacent to but outside the rail line right-of-way in the vicinity of the three historic/prehistoric sites recorded during OEA's pedestrian archeological resources survey, Applicants shall, prior to conducting those construction activities, consult with OEA and the Texas State Historic Preservation Officer (SHPO) regarding additional archeological investigations that may be necessary and report the results of any consultation with the SHPO to OEA.
- **MM-14.** In the event that any unanticipated archaeological sites, human remains, funerary items, or associated artifacts are discovered during rail line construction, the Applicants shall immediately cease all work and notify OEA and the Texas State Historic Preservation Officer (SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, the Applicants, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

## APPENDIX A

# Comment Letters

## **Appendix A**

### **Comment Letters**

- Exhibit 1      Texas Parks and Wildlife Department
- Exhibit 2      National Park Service
- Exhibit 3      United States Environmental Protection Agency, Region 6

# **Exhibit 1**

## **Texas Parks and Wildlife Department**



EI-21181

November 3, 2015

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S. Reed Morian  
Houston

Dick Scott  
Wimberley

Lee M. Bass  
Chairman-Emeritus  
Fort Worth

---

Carter P. Smith  
Executive Director

Mr. Ken Blodgett  
Surface Transportation Board  
395 E Street SW  
Washington, DC 20423-0001

RE: Issuance of Draft Environmental Assessment for the Lone Star  
Railroad, Docket Number FD 35874

Dear Mr. Blodgett:

Texas Parks and Wildlife Department (TPWD) has received the draft Environmental Assessment (EA) for the above referenced project. TPWD staff has reviewed the information provided and offers the following comments and recommendations concerning this project.

**Project Description**

Lone Star Railroad Inc. proposes to construct and Southern Switching Company proposes to operate approximately 3.18-miles of rail line that would connect to an existing Union Pacific Railroad Company mainline and provide rail service to an industrial park property near Big Spring, in Howard County, Texas.

**Previous Coordination**

TPWD provided information and recommendations regarding this project to ICF International on May 8, 2015. This letter is included in Appendix A of the EA.

**Recommendation:** Please review the TPWD correspondence in Appendix A and consider the recommendations provided, as they remain applicable to the project as proposed.

Mr. Ken Blodgett  
Page 2  
November 3, 2015

TPWD appreciates the opportunity to provide comments on this EA. Please contact me at (806) 761-4936 or [Richard.Hanson@tpwd.texas.gov](mailto:Richard.Hanson@tpwd.texas.gov) if you have any questions or need additional assistance.

Sincerely,



Rick Hanson  
Wildlife Habitat Assessment Program  
Wildlife Division

RH: gg.ERCS-11951

# **Exhibit 2**

# **National Park Service**



Re: Issuance of Draft Environmental Assessment for the Lone Star Railroad  
IMRextrev, NPS

to:

Moelter, Chris

11/09/2015 09:40 AM

Sent by:

<david\_hurd@nps.gov>

Cc:

blodgettk

Hide Details

From: "IMRextrev, NPS" <imrextrev@nps.gov>

To: "Moelter, Chris" <Chris.Moelter@icfi.com>

Cc: <blodgettk@stb.dot.gov>

Sent by: <david\_hurd@nps.gov>

Dear Mr. Moelter,

The National Park Service (NPS) would like to thank you for the opportunity to be involved in your project. The NPS has reviewed this project and has found no comments at this time.

Regards,

National Park Service  
Intermountain Region External Review Team  
Serving MT, UT, WY, CO, AZ, NM, OK, TX  
[imrextrev@nps.gov](mailto:imrextrev@nps.gov)

On Tue, Oct 20, 2015 at 9:44 AM, Hurd, David <[david\\_hurd@nps.gov](mailto:david_hurd@nps.gov)> wrote:

----- Forwarded message -----

From: **Moelter, Chris** <[Chris.Moelter@icfi.com](mailto:Chris.Moelter@icfi.com)>

Date: Fri, Oct 16, 2015 at 5:39 PM

Subject: Issuance of Draft Environmental Assessment for the Lone Star Railroad

To: "[david\\_hurd@nps.gov](mailto:david_hurd@nps.gov)" <[david\\_hurd@nps.gov](mailto:david_hurd@nps.gov)>

Dear Mr. Hurd:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to announce the availability of the Draft Environmental Assessment (Draft EA) for the proposed construction and operation of approximately 3.18 miles of rail line by Lone Star Railroad, Inc. and Southern Switching Company that would provide rail service to an industrial park property near Big Spring, in Howard County, Texas.

The Draft EA is available online at the STB's website at [www.stb.dot.gov](http://www.stb.dot.gov), by clicking "Decisions" under "Quick Links," and locating the document under the service date of 10/16/2015. You will also receive an electronic copy on CD-ROM in the mail in the next few business days. OEA invites comment on all aspects of the Draft EA and is providing a 30-day public comment period which begins today, October 16, 2015. OEA will consider all comments and respond to substantive comments in the Final EA. The Final EA will include OEA's final conclusions on potential impacts that may result from the proposed project and will include OEA's final recommendations, including OEA's final recommended mitigation measures. The Board will then make its final decision regarding this project and any environmental conditions it might impose. Interested parties are invited to submit written comments on the Draft EA by November 16, 2015. OEA will consider and respond to comments received on the Draft EA in the Final EA. The Board will issue a final decision on the proposed transaction after issuance of the Final EA.

Comments submitted by mail should be addressed to:

Ken Blodgett

Attention: Environmental Filing, Docket No. FD 35874

Surface Transportation Board

395 E Street SW

Washington, DC 20423-0001

Comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. The comment period will close on November 16, 2015. Please refer to Finance Docket No. 35874 in all correspondence, including e-filings, addressed to the Board.

Thank you for your interest and participation in the environmental review process. If you would like additional information about the environmental review process, please contact Kenneth Blodgett at (202) 245-0305 or by email at [blodgettk@stb.dot.gov](mailto:blodgettk@stb.dot.gov).

Sincerely,

**Christopher Moelter** | Manager | 503.525.6145 (office) | [cmoelter@icfi.com](mailto:cmoelter@icfi.com) | [icfi.com](http://icfi.com)

**ICF INTERNATIONAL** | 615 SW Alder Street, Suite 200, Portland, OR 97205 | 503.228.3820 (fax)

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--  
David Hurd  
Environmental Protection Specialist  
NPS - Intermountain Regional Office  
12795 W. Alameda Pkwy.  
Denver, Colorado 80225-0287  
Tel: 303.987.6705  
Fax: 303.969.2717  
Email: [david\\_hurd@nps.gov](mailto:david_hurd@nps.gov)

## **Exhibit 3**

# **United States Environmental Protection Agency, Region 6**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY****Region 6****1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733**

November 16, 2015

Kenneth Blodgett  
Surface Transportation Board  
395 E Street SW  
Washington, DC 20423-0001  
Attn: STB Finance Docket No. 35874

**RE: STB Docket No. FD 35874, Lone Star Railroad, Inc. and Southern Switching Company – Rail Construction and Operation – Howard County, Texas**

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA) and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) Region 6 has reviewed the Draft Environmental Assessment (EA) titled "Lone Star Railroad, Inc. and Southern Switching Company Rail Construction and Operation in Howard County, Texas". The proposed action will connect a rail line to an existing Union Pacific Railroad Company mainline. The Lone Star Railroad, Inc. and Southern Switching Company project involves the construction and operation of 3.18 miles of new rail line, which would assist in efficient delivery of frac sand.

We have enclosed detailed comments for your consideration in preparation of the Final EA. Please provide your responses to our comments in a dedicated section of the Final EA to validate that our comments were addressed.

EPA appreciates the opportunity to provide comments for the Draft EA. Please send the Final EA to my attention. Should you have any questions or concerns regarding these comments, do not hesitate to call me at 214-665-7451, or contact Stephanie Meyers of my staff, at 214-665-6469 or [meyers.stephanie@epa.gov](mailto:meyers.stephanie@epa.gov) for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Jansky P.E.", written over a circular stamp or seal.

Michael Jansky, P.E.  
Chief, Special Projects Section  
Compliance Assurance and  
Enforcement Division

**DETAILED COMMENTS  
ON THE  
DRAFT ENVIRONMENTAL ASSESSEMENT  
FOR THE  
LONE STAR RAILROAD, INC. AND SOUTHERN SWITCHING COMPANY PROJECT**

**4.0 Environmental Consequences of Proposed Action**

**4.1.3 Air Quality**

Given that the project could result in 1,000 truckload shipments of frac sand per week (approximately 143 loaded and 143 unloaded truck trips per day on average), and may potentially involve substantial earth moving activities, EPA believes it is especially important that mitigation measures include the use of best management practices for PM10 and fugitive dust control (e.g., gravel roads, soil wetting practices, limiting access, traffic and speed reduction). In order to further reduce potential air quality impacts, the responsible parties should develop a more detailed Construction Emissions Mitigation Plan (Plan) – or modify Section 5.6.1 Physical Resources – Geology and Soils, Water Resources, and Air Quality of the EA to further enhance the proposed mitigation measures.

EPA recommends that, in addition to all applicable local, state, or federal requirements, the following mitigation measures be included (as applicable and practicable) in the Plan or EA in order to reduce air quality impacts associated with emissions of NO<sub>x</sub>, CO, CO<sub>2</sub>, PM, SO<sub>2</sub>, and other pollutants from construction-related activities, any planned structural and non-structural activities, and any possible future modifications to the roadway system in the project area.

***Recommendations:***

- EPA recommends the following control measures be included (**as applicable and practicable**) in the Construction Emissions Mitigation Plan in order to reduce impacts associated with emissions of particulate matter and other pollutants from construction-related activities:
  - Fugitive Dust Source Controls: EPA recommends that the plan include these general commitments:
    - Stabilize heavily used unpaved construction roads with a non-toxic soil stabilizer or soil weighting agent that will not result in loss of vegetation, or increase other environmental impacts.
    - During grading, use water, as necessary, on disturbed areas in construction sites to control visible plumes.
    - Vehicle Speed
      - Limit speeds to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.
      - Limit speeds to 10 miles per hour or less on unpaved areas within construction sites on un-stabilized (and unpaved) roads.
      - Post visible speed limit signs at construction site entrances.

- Inspect and wash construction equipment vehicle tires, as necessary, so they are free of dirt before entering paved roadways, if applicable.
- Provide gravel ramps of at least 20 feet in length at tire washing/cleaning stations, and ensure construction vehicles exit construction sites through treated entrance roadways, unless an alternative route has been approved by appropriate lead agencies, if applicable.
- Use sandbags or equivalent effective measures to prevent run-off to roadways in construction areas adjacent to paved roadways. Ensure consistency with the project's Storm Water Pollution Prevention Plan, if such a plan is required for the project.
- Sweep the first 500 feet of paved roads exiting construction sites, other unpaved roads en route from the construction site, or construction staging areas whenever dirt or runoff from construction activity is visible on paved roads, or at least twice daily (less during periods of precipitation).
- Stabilize disturbed soils (after active construction activities are completed) with a non-toxic soil stabilizer, soil weighting agent, or other approved soil stabilizing method.
- Cover or treat soil storage piles with appropriate dust suppressant compounds and disturbed areas that remain inactive for longer than 10 days. Provide vehicles (used to transport solid bulk material on public roadways and that have potential to cause visible emissions) with covers. Alternatively, sufficiently wet and load materials onto the trucks in a manner to provide at least one foot of freeboard.
- Use wind erosion control techniques (such as windbreaks, water, chemical dust suppressants, and/or vegetation) where soils are disturbed in construction, access and maintenance routes, and materials stock pile areas. Keep related windbreaks in place until the soil is stabilized or permanently covered with vegetation.
- Mobile and Stationary Source Controls:
  - Plan construction scheduling to minimize vehicle trips.
  - Limit idling of heavy equipment to less than 5 minutes and verify through unscheduled inspections.
- Administrative controls:
  - Develop a construction traffic and parking management plan that maintains traffic flow and plan construction to minimize vehicle trips.
  - Identify any sensitive receptors in the project area, such as children, elderly, and the infirm, and specify the means by which impacts to these populations will be minimized (e.g. locate construction equipment and staging zones away from sensitive receptors and building air intakes).

- Include provisions for monitoring fugitive dust in the fugitive dust control plan and initiate increased mitigation measures to abate any visible dust plumes.

#### **4.5 Cultural Resources**

Texas Historic Commissions' State Historic Preservation Officer (SHPO) advised that the proposed project was in an area with potential for cultural resources and several archeological sites had been recorded in the vicinity. There was no consultation with Tribes regarding this proposed project.

In addition, the United States has a unique legal relationship with federally-recognized tribes based on the Constitution, treaties, statutes, Executive Orders, and court decisions. This relationship includes recognition of the right of tribes as sovereign governments to self-determination, and an acknowledgment of the federal government's trust responsibility to tribes. The precise nature of this relationship will vary depending upon the identity of the tribes, nature of trust resources, and federal agencies involved.

#### ***Recommendations:***

- EPA recommends conducting a Tribal Government-to-Government consultation and identify the tribes which could be affected.
- EPA recommends that discussions be provided on Tribal (Executive Order 13175) impact and an in-depth explanation for a no impact determination.

#### **4.9.5 Socioeconomics**

The Draft EA states effects of the proposed rail line on low-income and minority populations were analyzed in accordance with Environmental Justice, but there were no identifiable discussions.

#### ***Recommendations:***

- EPA recommends that a consolidated discussions be allocated on Environmental Justice (Executive Order 12898) impact and an in-depth brief explanation for a no impact determination.
- EPA suggests that populations be identified by race, national origin, as well as income and impact assessed.
- EPA recommends that all the necessary tools and methods (i.e. EJ Screen, ACS and U.S. Census Bureau and area knowledge) be used in identifying the low income and minority population within or near the parameter of the project area.
- Please adequately translate public documents, notices, and hearings related to human health and/or the environment for limited English speaking populations and make them readily accessible to the public.

## **5.0 Recommendations for Mitigation and Request for Comments**

### **5.6.1 Physical Resources – Geology and Soils, Water Resources, and Air Quality**

The Draft EA states, for Mitigation Measure 3, that, “The Applicants shall comply with the reasonable requirements of applicable federal, state, and local regulations regarding the control of fugitive dust related to rail line construction activities.”

#### ***Recommendation:***

- EPA recommends removing the term, “reasonable” from Mitigation Measure 3.

### **5.6.2 Biological Resources – Vegetation, Wildlife, and Threatened and Endangered Species**

The Draft EA includes a Mitigation Measure regarding development of a plan to prevent and address spills of oil or other hazardous products during construction and operation of the rail line, although a specific plan addressing these issues is not included.

#### ***Recommendation:***

- EPA recommends including a more detailed hazardous waste and spill prevention plan. The plan should discuss specific preventative and response measures regarding the release of hazardous materials.