Chapter 4
POTENTIAL ENVIRONMENTAL IMPACTS

This chapter provides an overview of the potential environmental impacts from the proposed construction and operation of the Pemiscot County Port Authority rail line (rail line) in Pemiscot County, Missouri. Although the primary impacts from construction and operation of the proposed rail line would occur within the project area, some operational impacts associated with the development of the proposed action would extend beyond the immediate rail line corridor between Hayti and the Pemiscot County Port.

4.1 TRANSPORTATION AND SAFETY

SEA used the following criteria to determine impacts of the proposed action on the highway and road network in the project area:

- Need for new grade crossings.
- Safety conditions at highway/railroad at-grade crossings.
- Construction impacts to area roads.
- Expected traffic delays.
- Risk of occurrence of train accidents, derailments, and other incidents.

The proposed action would re-introduce rail transportation to Hayti and the surrounding project area. At 12 locations the rail line would intersect with the existing road system in Pemiscot County. No new grade separations are proposed to be constructed for this project. One grade separation would exist for the proposed action wth the rail passing under the existing Interstate 55. The Missouri Department of Transportation has suggested that the state roads in Hayti – Lee Street (Route P), Route J and Route 84 – should have gated and signalized crossings. The remaining local streets in Hayti would have non-signalized cross-bucks. One gravel and dirt farm access road in Pemiscot County, beyond the city limits of Hayti, would also require a non-

signalized cross-buck. Two additional state roads in Pemiscot County – Route D and Route 84 – would be crossed by the proposed action. The Missouri Department of Transportation suggests that these two roads also have gated and signalized crossings.

4.1.1 Grade Separations

No grade-separated crossings would be constructed for the proposed action.

4.1.2 At-Grade Crossings

Table 4-1 lists the 12 proposed crossings of local and area roads and streets for the proposed action. Complicating, to a degree, the safety elements of these crossings is the fact that the existing rail right-of-way in Hayti overlays the grid street pattern in Hayti in a manner that often bisects street intersections at odd angles. The angles are especially acute at the intersection of Grant and 2nd Street and at the intersection of Lee and Third Street.

The alignment, configuration, and signalization of the rail crossings of the existing streets is coordinated by the Missouri Department of Transportation's Railroad Safety Section. This Section formerly operated as the Division of Motor Carrier and Railroad Safety in the Department of Economic Development. In June of 2002, the Division moved to the Department of Transportation's Multimodal Operations Railroad and Waterways Unit. The Railroad Safety Section has jurisdiction over the construction, modification, or removal of public highway-rail crossings in Missouri. They also regulate railroad activities such as operating practices, track safety, site obstructions at crossings, and crossing surface ride quality.

The Missouri Department of Transportation has conducted a preliminary review of safety enhancements to local roads crossed by the proposed rail line (see Table 4-1). The Missouri Department of Transportation has indicated that the state roads in Hayti (Lee Street, Route J and Route 84) and the state roads in Pemiscot County (Route D and Route 84) to be crossed by the proposed rail line may require gated and signalized crossings. The remaining local streets in Hayti would have non-signalized cross-bucks. One gravel and dirt farm access road in Pemiscot

Table 4-1

Local Roads Crossed by the Proposed Rail Line and Preliminary Safety Enhancements

Street	**Preliminary Safety Enhancements***
West Cleveland Street	Existing signalization and gated crossing on the north side of the street.
2nd Street and East Grant Street	Railroad crossing signs.
3rd Street and Lee Street	Lee Street, or Route P, is a State Road. MoDOT has indicated that gates and signals may be required for this crossing.
North 4th Street	Railroad crossing signs.
East Madison Street	Railroad crossing signs.
Missouri Route 84	Missouri 84 is a State Road. MoDOT has indicated that gates and signals may be required for this crossing.
Lincoln Street	Railroad crossing signs.
East Main Street	Railroad crossing signs.
Broadway	Railroad crossing signs.
State Highway J	Route J is a State Road. MoDOT has indicated that gates and signals may be required for this crossing.
County Highway (Route D)	Route D is a State Road. MoDOT has indicated that gates and signals may be required for this crossing.
Missouri Route 84	Missouri 84 is a State Road. MoDOT has indicated that gates and signals may be required for this crossing.

* MoDOT has conducted a preliminary evaluation of safety enhancements along the proposed route. Specific safety measures for streets and intersections will be determined in discussions between MoDOT and the Port Authority.

County, beyond the city limits of Hayti, would also require a non-signalized cross-buck. In forthcoming discussions with the Port Authority, the Missouri Department of Transportation will determine the final safety enhancements that would be required at the twelve proposed road crossings.

To ensure that the implementation of the proposed action would not have any significant impacts on transportation or safety, SEA recommends that the Board impose the following transportation mitigation measures should it approve the rail line construction proposal:

- The Port Authority shall submit detailed plans and specifications to the Missouri Department of Transportation for approval prior to construction.

- The Port Authority shall coordinate at-grade crossing construction with the Missouri Department of Transportation and Pemiscot County in order to minimize traffic delay during crossing construction. The Port Authority shall use appropriate signs and barricades to control traffic during construction.

- The Port Authority shall develop internal emergency response plans for construction to allow for agencies and individuals to be notified in case of an emergency. The Port Authority shall provide the emergency response plans to state and local entities.

- The Port Authority shall install, at its sole cost, active rail/highway grade warning devices consisting of pole and cantilever mast mounted flashing lights and gates, and roadway modifications (as needed) as instructed by the Missouri Department of Transportation.

- The Port Authority shall enter into an agreement with the Missouri Department of Transportation that specifies the responsibility of each party concerning the maintenance and repair of equipment and crossings.

4.1.3 Construction Impacts

Phase 1 and 2 construction was nearly completed at the time the Port Authority was notified of the need to obtain Board approval. Construction of the new rail (i.e.; Phases 3 or 4) in Pemiscot County would occur over several months. The periodic closing of roads or traffic delays to the public would be limited to periods during construction.

On Route D and Route 84, lane use restrictions or road closure would occur only for short times, while track is installed and adjustments or tie-ins are made to the existing roadway profile. Detour routes would be made available as necessary. The Port Authority would station equipment so that any total closures would be minimized, allowing the disturbed area to be quickly restored for passage by emergency vehicles. The extent of lane restrictions or road closures would be similar to that encountered by the public during routine highway maintenance or resurfacing projects.

Permission for and scheduling of lane restrictions or road closures, as well as detour approvals, would be obtained in coordination with the appropriate public transportation agency. The Port Authority would consider maintenance of emergency response capabilities and school bus schedules in planning and executing the necessary road work. The Port Authority or its designated contractor would be responsible for the cost of all permits, detours, coordination with local officials and agencies, and public notifications related to temporary lane restrictions or road closures.

4.1.4 Impact on Vehicular Traffic

The Port Authority projects that approximately one round trip train movement a day would occur, and the train would move at approximately 10 miles per hour in Hayti and slightly higher outside the town limits. The light volume of train traffic expected at the at-grade crossings would consist of through traffic, with potential stoppage for any significant length of time likely only in the unusual instance of a mechanical or other emergency situation.

MoDOT reports Average Annual Daily Traffic (AADT) counts on Highway 84 between Caruthersville and Hayti of 10,000 to 19,000 vehicles. State Highway J has an AADT of 1,540 vehicles. MoDOT suggests the installation of flashing lights and gates installed at the at-grade intersections of the proposed rail line and Highway 84 and Highway J. Traffic volumes along the streets in Hayti are typical of low-volume residential streets. Safety measures on the rail line crossing of local streets would consist of railroad crossing signs.

Delays at intersections are a function of the number of cars and trains traveling through the crossing, train speeds, and the number and types of tracks and road lanes. The proposed action is not expected to cause delays. The proposed one daily round trip train movement would result in movements through intersections twice a day.

MoDOT's Division of Motor Carrier and Railroad Safety indicates that they do not expect traffic delays due to the one round trip per day and the fact that there are no loading facilities between the Port Authority and the main line. The State of Missouri has regulations that prohibit the parking of trains in intersections or within 250 feet of an intersection. No train stoppages along the rail line are expected to occur. The Division of Motor Carrier and Railroad Safety is responsible for monitoring rail movements, traffic volumes, and intersection delays. If design thresholds are exceeded, options for improving traffic flow and safety can include such actions as upgrading crossing gates and lights, changing train speed limits, rerouting local road traffic, and upgrading one crossing while closing adjacent crossings, and constructing grade separations.

The crossing of local streets in Hayti by the rail line would not be expected to cause delays to emergency response vehicles. The Hayti Fire Department is located near the rail ROW in a new building at 101 Delta Lane, near Route J in Hayti.

4.1.5 Risk of Derailment or Spills

The trains that the Port Authority would operate over the proposed line would not involve the transportation of hazardous materials. Any hazardous waste or materials generated in the

normal course of construction, operation and maintenance activities would be stored and disposed of in accordance with applicable environmental laws.

The Port Authority would implement an inspection and maintenance program to minimize the potential for derailments. To ensure that proper procedures are in place in the event of a spill, SEA recommends that the Port Authority develop a spill prevention and emergency response plan.

4.2 LAND USE

The potential for local land use impacts from the construction and operation of a rail line generally arise from the acquisition of land for ROW and associated uses, as well as the effects on property adjacent to the new right-of-way. SEA considered the following criteria to assess the significance of land use impacts:

- Interference with the normal functioning of adjacent land uses.
- Consistency and/or compatibility with local land use plans and policies.
- Permanent loss of Prime Agricultural Land.

4.2.1 Land Use Impacts

Construction and operation of the proposed rail line would be expected to result in minimal impacts to current land use. Potential long-term impacts to existing land use would be limited to areas acquired for the rail line construction and operation activities. The typical width of the ROW along the proposed corridor is 50 feet through the incorporated areas of Hayti and 60 feet in the areas of new construction. The track and rail bed would be approximately 20.5 feet in width. These widths can vary slightly depending on the geometric configuration of the planned rail, spacing needs at intersections with roads, rail embankment and drainage facilities.

Based on the ROW requirements, approximately 46 acres of new ROW would be acquired for the proposed project. Of this total, approximately 43 acres are currently open field agriculture use.

The United States Department of Agriculture's Natural Resources Conservation Services (NRCS) identified the presence of "important farmland" within the project area and requested that a Farmland Conversion Impact Rating be conducted for the impacted farmland along the ROW. The NRCS determined that the Farmland Conversion Impact Rating conducted in 1995 for the proposed action was still valid.[3] That analysis determined that approximately 50 acres of farmland would be taken out of agricultural production for the construction and operation of the rail line. The Impact Rating identified 45 of these 50 acres as Prime and Unique Farmlands, while 5 acres were determined to be Statewide and Local Important Farmland. The Impact Rating indicated that the 50 acres needed no protection status by state or local governments. According to NRCS regulations (at 7 CFR 658.4C), sites receiving an FPPA rating less than 160 need not be given further consideration for protection, and no alternative sites need to be evaluated. The rating for the proposed rail line was determined in 1995 to be 142. The NCRS, as stated above, concurs with the applicability of the 1995 rating to the currently proposed action, thus the farmland in the project area carries no protective status. No impacts to Prime and Unique Farmlands or Statewide and Local Important Farmlands is expected as a result of the proposed action.

Pemiscot County, the regional Bootheel Planning Commission, and the towns of Hayti and Caruthersville were contacted (see Appendix B for a list of contacts and correspondence) regarding the proposed action's consistency with local planning documents.[1] There is no comprehensive plan for the region, county, or cities in the project area. Planning activities are

[3] The Impact Rating was conducted by the U.S. Department of Agriculture's Rural Economic and Community Development's and documented in their 1995 Environmental Assessment. Please refer to Chapter 1 for more information. A copy of the 1995 report is provided in Appendix A.

[1] The Pemiscot County Port rail line is located within the town of Hayti and Pemiscot County, Missouri. It does not enter the corporate limits of Caruthersville, Missouri.

conducted at the local level in Hayti and Caruthersville by the Town Administrator who reviews and approves proposed development. Comments received by local administrators indicated support for the proposed action. Given the absence of specific local development plans in the project area, no impacts on current land use were identified.

Based on an evaluation of the project area, it is unlikely that construction and operation of the proposed action would have significant impacts on land use. The construction and operation of the rail line would not be expected to interfere with the normal functioning of adjacent land uses, or be incompatible with local land use plans and ordinances. Field observations and a review of the preliminary design plans for the rail line indicate that the rail line would follow or run parallel to existing property lines and boundaries that separate areas of agricultural cultivation. The siting of the rail line along existing property lines and cultivation boundaries would help to minimize impacts to local agricultural uses.

Residential homes in Hayti are adjacent to the existing railroad ROW that would be used under the proposed action. The proposed action would not require the displacement of any residents. The action also does not conflict with any known proposed residential development and would not impinge any future development adjacent to the rail line. Impacts to the residents may occur in the form of increased noise, traffic, and safety issues. These are addressed in the technical sections that follow.

4.2.2 Visual Environment

The proposed action would create a visual impact in Hayti and the rural region of the project area. In Hayti, rail traffic would create a visual intrusion into existing residential neighborhoods. The rail line ROW would not traverse any historic district or recreation area in Hayti. The presence of an existing rail yard in Hayti can have the effect of creating an expectation for rail traffic. While the introduction of rail traffic in Hayti could be a visual intrusion, the anticipated one train per day is not expected to create an adverse effect on the visual environment. In the area of new construction, the existing visual environment of flat agricultural fields would not be

adversely impacted by the introduction of a rail line and the operation of trains. Train traffic is not an uncommon sight on the visual landscape in this region of the country where rail is used to transport products. Impacts to the visual environment are not expected to create an adverse impact and would require no mitigation.

4.2.3 Coastal Zone

The proposed action is not located in a Coastal Zone Management Area. No potential impacts associated with Coastal Zone Management Areas exist for the proposed action.

4.3 SOCIOECONOMICS

SEA analyzed the socioeconomic effects of the proposed rail line construction and operation on the project area. SEA considered impacts to be adverse if construction or operation of the proposed line would result in significant alteration to economic growth or noncompliance with adopted growth plans; cause displacement of a significant number of local residents; disrupt or sever community interactions and public services; or create negative effects to the local or regional economy.

Potential socioeconomic impacts related to the construction and operation of the proposed rail line would be expected to be minimal. No new direct permanent employment would be expected as a result of the project construction. The Port Authority states that, if the Board approves its proposal, it intends to construct the rail line using private contractors for grading, bridge construction, track construction and railway signal installation. Approximately 20 to 30 contractor-directed employees could be expected to work on the proposed line. These would likely be drawn from local and regional organized labor pools and thus would not require short-term housing in the area of the project. Contractors hired by the Port Authority would also operate and maintain the proposed line. No long-term negative impacts to the local or regional economy would be anticipated.

No residential or commercial displacements would result from the proposed action. No impacts to community services are anticipated as there would be no taking of community facilities and no interruption of services provided by these facilities. The proposed action would impact patterns of local community interaction in Hayti; movements in neighborhoods adjacent to the line would be modified where the proposed line intersects the existing road network. These impacts, while adverse, are not expected to be significant. The anticipated operation of one round trip per day on the rail line would result in only minor changes to vehicular and pedestrian patterns.

No significant adverse impacts on the area's economic development are expected to occur as a direct result of the construction and operation of the proposed action. Additionally, the proposed rail line would not interrupt or displace any public services. Emergency vehicle access is not expected to be impacted. The proposed action would also have no impact on recreational activities or uses in the Pemiscot County project area.

4.4 GEOLOGY

SEA examined the potential for the proposed action to modify the geology and landforms of the project area. Construction impacts that modify water flow are addressed in the water resources section, while impacts to soils are described in Section 4.1 Land Use.

The construction of the proposed rail line would result in a minor modification of the area topography. The Port Authority intends to construct the rail line on top of a rail bed that would be raised above the 100-year floodplain for the entire length of the new construction ROW. The proposed ROW would be graded and filled, as needed, to prepare the sub-grade. Above the sub-grade the sub-ballast would be constructed. The sub-ballast would then support the ballast, rail ties, and track. On average, the track would be 2 to 4 feet above the existing ground elevation. Drainage ditches would be constructed on either side of the rail bed, a minimum of one-foot below the existing ground elevation. The Port Authority and its construction contractors would

abide by generally accepted industry construction practices to add fill and stabilize slopes. No blasting would be expected during the construction of the roadbed.

The construction of the new rail bed would require the placement of fill in order to build the rail bed above the present elevation. There would also be a need to place fill on either side of the levee for the rail line crossing of the levee. To date, the total amount of fill has not been determined. The source location of the fill has also not yet been determined. It is anticipated that the fill would be obtained from a local source and trucked to the construction site. Excavated construction material would likely be used as fill, as applicable. Upon completion of the construction project, all exposed soil slopes and surfaces would be vegetated as appropriate to create stable slopes.

SEA concludes that these construction activities would result in only minor changes to the local geology. Furthermore, the Port Authority would ascribe to post-construction mitigation measures as described in their storm water permit, such as re-grading and re-vegetation to return the undeveloped areas to pre-construction conditions. This permit is described in section 4.4 Water Resources. SEA concludes that additional mitigation would not be warranted.

4.5 BIOLOGICAL RESOURCES

SEA assessed the biological resources in the project area and the potential for the proposed rail line to affect local species or to otherwise modify habitat in the project area. Biological resources include wildlife, vegetation, and species of concern. SEA used the following evaluation criteria for assessing the potential harm or loss to biological resources:

- Harm to or loss of individual or populations of threatened or endangered species.
- Loss or degradation of critical habitat, sanctuaries, refuges, use areas or migration corridors for threatened or endangered species.
- Loss of large numbers of non-threatened or non-endangered species.

4.5.1 Wildlife Impacts

SEA does not anticipate that the proposed action would adversely impact terrestrial or aquatic wildlife in the project area. The project area includes both Hayti and the undeveloped agricultural fields that lie between Hayti and the Pemiscot Port. The present land within the ROW is devoid of quality habitat, including forested and native vegetation areas. Natural habitat in the rail ROW is located in the area abutting the Hayti Ditch east of Route J. This area could be subject to some sporadic disturbance related to noise-generating construction activities and subsequent train operations. The impacts would not be expected to be long-lasting or adverse.

Construction of the rail line could temporarily displace local small terrestrial wildlife associated with open fields and agricultural lands. However, such disturbances would be expected to be temporary and would not result in any major redistribution of resident species.

It is not anticipated that construction and operation of the rail line would require the clearing of any natural vegetation within the ROW for the rail bed and track. Rail construction and operations would not destroy or adversely impact any unique or protected habitat.

Implementation of the proposed action would not be expected to cause notable impacts to wildlife from either harm to, or loss of, individuals or populations. Train operations of one train per day would not be expected to adversely affect local animal populations or their habitats.

4.5.2 Vegetative Impacts

SEA anticipates that there would be no natural vegetation loss as a result of the proposed rail line. There are no woodland or wetland areas within the immediate construction area. High quality habitat along the proposed route was not identified in the field visit conducted by SEA.

4.5.3 Threatened and Endangered Species Impacts

SEA correspondence with applicable Federal and state agencies revealed no Federal or state endangered or threatened wildlife or plants that are known to exist along the proposed rail line.

Consequently, the U.S. Fish and Wildlife Service has indicated that construction and operation of the proposed rail line would not have an adverse effect on any protected species. In addition, there are no wildlife sanctuaries, refuges, or national or state parks located in the vicinity of the proposed rail line. (See Appendix B)

4.6 WATER RESOURCES

SEA used the following evaluation criteria to assess potential harm or loss to water resources:

- Degradation of groundwater quality.
- Alteration of creek embankments with rip-rap, concrete and other bank stabilization measures.
- Temporary or permanent loss of surface water area associated with the incidental deposition of fill.
- Downstream sediment deposition or water turbidity due to fill activities, dredging, and/or soil erosion from upland construction site areas.
- Loss of aquatic, wetland and riparian vegetation/habitat.
- Degradation of water quality through sediment loading or chemical/petroleum spills.
- Alteration of water flow that could increase bank erosion or flooding, uproot or destroy vegetation, or adversely affect fish and wildlife habitats.

4.6.1 Permitting

The U.S. Army Corps of Engineers (Corps), pursuant to Section 404(e) of the Clean Water Act, is authorized to issue general permits on a statewide basis for the discharge of dredged or fill materials and/or the placement of structures that are components of a single and complete project (including all temporary and permanent features) that individually or cumulatively result in direct or indirect impacts to 1.0 acre or less of waters of the U.S. (including jurisdictional wetlands). Indirect impacts include impacts to waters of the U.S. or jurisdictional wetlands that are indirectly affected by flooding, excavation, or drainage, as a result of a project.

The Corps determined that a Corps of Engineers permit would be needed for the deposition of riprap fill for bank protection related to a triple culvert construction at Hayti Ditch (please see Appendix B for a copy of the correspondence from the Corps of Engineers). A Nationwide Permit No. 3 was issued on June 3, 1998, to the Port Authority for the replacement of the Hayti Ditch rail trestle bridge. This work was completed with the construction of a triple-box culvert on the proposed rail line east of Route J (Old Highway 61).

The proposed rail line would also cross the smaller Drainage Ditch 6. A double 72-inch reinforced concrete pipe is proposed for the rail line crossing of this ditch. The Corps has indicated that a Nationwide Permit No. 14 would be needed for the crossing of this ditch. While the Nationwide Permit does not typically require mitigation, some bank stabilization may be required for the placement of the concrete pipe.

Construction of the proposed rail line would not be expected to impact more than 1.0 acre of waters of the U.S. or jurisdictional wetlands. No individual permits would need to be obtained.

4.6.2 Surface Water

Construction of the waterway structure across the Hayti Ditch would result in some minor alteration to the watercourse bed, possible loss of aquatic and riparian habitats through the enclosure of waterways, and possible loss of embankments through the use of rip-rap, concrete, or other bank stabilization measures. These impacts are not expected to be adverse and therefore do not require mitigation.

Construction of the rail line over Drainage Ditch 6 would result in some minor alternation to the watercourse bed of this small and shallow drainage ditch. Any impacts that occur are not expected to be adverse and are expected to require minimum, if any, mitigation.

Construction of the proposed rail line would be expected to disturb approximately 46 acres of land. The Missouri Department of Natural Resources, Water Pollution Control Program requires

that a storm water permit be obtained prior to construction of the rail line. The permit application provides the Water Pollution Control Program with information about the Best Management Practices that would be employed during construction. Construction of the rail line would include silt and sedimentation control such as silt fences and re-seeding of cleared areas, as needed. The preliminary plans and drawings for the proposed new construction show that the rail line would be built with drainage ditches on one of both sides of the line. These ditches, typically 1 foot below the existing ground elevation and 2 feet in width would serve the purpose of providing drainage away from the rail bed. As the proposed line approaches the levee, the preliminary plans call for an 8-foot wide flat bottom ditch to control runoff. It is not expected that the runoff from these ditches would result in any adverse impact to the receiving waters or adjacent land uses.

Surface waters could potentially be impacted by construction impacts. The Missouri Department of Natural Resources, Water Pollution Control Program, requires that a General Permit for Land Disturbance be obtained prior to construction. This general permit provides assurances that land disturbed during construction is restablized and returned to existing conditions as soon as possible after construction.

Surface water could potentially be impacted if a spill occurred during operation of the proposed action. The potential for spills is considered to be minimal. The assigned rail line operators would be required to implement inspection and maintenance programs to minimize the potential for derailments. To ensure that proper procedures are in place in the event of a spill, SEA recommends that the Pemiscot Port Authority develop a spill prevention and emergency response plan.

4.6.3 Wetlands and Floodplains

No wetland areas have been identified along the proposed rail line route. Two drainage ditches would be traversed by the proposed rail line. The crossing of the Hayti Ditch is covered under a

Nationwide Permit No. 3. The crossing of Drainage Ditch 6 would require the issuance of a Nationwide Permit No. 14.

Although the project area is protected from Mississippi River by a levee, the proposed rail line would be constructed within the 100-year floodplain. Therefore, the rail bed would be raised above the 100-year floodplain. Executive Order 11988, Floodplain Management and Farmers Home Administration Instruction 1940 directs agencies to identify critical actions that could impact floodplains and waterways. A critical action is defined as a project located or carried out within a floodplain and that poses a greater-than-normal risk for flood-caused loss of life or property. The proposed action would not be expected to pose a greater-than-normal risk for flood-caused loss.

It is not expected that the proposed action would result in significant adverse impacts to wetlands or floodplains from alteration of wetlands, loss of wetland habitat or vegetation, or alteration of volume or speed of flood flow.

4.6.4 Aquifers and Groundwater

Recharge to aquifers is not expected to be impeded because of the small amount of impervious surface associated with the rail line and the utilization of proper run-off design. No aquifers would be disturbed in the areas of excavation for the proposed rail line.

Groundwater quality could potentially be affected if a spill or contaminant release occurred during rail line construction or operation and the contaminants penetrated the aquifer. The likelihood of such a release, however, is extremely small due to proper containerization and handling and to the small quantities of fuels and oils that would be present during construction and operation. To ensure that proper procedures are in place in the event of a spill, SEA recommends that the Pemiscot Port Authority develop a spill prevention and emergency response plan.

4.7 AIR QUALITY

SEA evaluated the potential for the proposed action to cause the following types of air quality impacts:

- Adverse impacts to air quality from short-term construction activities.
- Long-term degradation of air quality from rail line operations.
- Surface Transportation Board air quality thresholds as defined in 49 CFR Part 1105.7(d)(5).

4.7.1 Construction Impacts

The construction phase of the proposed rail line could temporarily affect air quality in the immediate project area. Land grading and transportation of fill material from borrow areas could result in a temporary increase in fugitive dust emissions. Any open burning of debris and any vegetation that would be removed could contribute to temporary increases in particulate matter, nitrogen oxides, volatile organic compounds, and carbon monoxide emissions. To minimize impact from the potential release of pollutants, the Port Authority and its contractors would apply standard construction mitigation measures (best management practices) to reduce fugitive dust emissions during construction activities.

Air emissions related to temporary construction activities would be expected to result in minor concentrations of pollutants associated with heavy machinery and truck activities. These activities would be unlikely to result in significant adverse effects on air quality due to their temporary, local, and controlled nature, and the fact that they would occur in open and unpopulated areas away from residents, schools, and businesses.

4.7.2 Operations Impacts

Pemiscot County has attainment status for all six of the National Ambient Air Quality Standard (NAAQS)-regulated criteria air pollutants. The project area is not within a Class I designated area, given to areas of pristine air quality that warrant enhanced protection. The Port Authority

has stated that train travel over the proposed line would be approximately one round trip per day. This level of activity is well below the threshold applied by the Board to determine the need for quantifying air quality impacts generated by a proposed rail line. Air quality impacts from the trains routed over the proposed rail line would be expected to be minimal. Construction and operation of the rail line would result in a decrease in the use of diesel trucks previously servicing the port. Reductions in the amount of diesel fuel would be expected to result in some decreases in truck emissions.

In April 1998, EPA promulgated air emission standards for locomotives. The standards identify nitrogen oxides, hydrocarbons, carbon monoxide and particulate matter as compounds emitted by locomotives that are of potential concern to air quality. The EPA standards establish manufacturing requirements for new or rebuilt locomotive engines to control emissions during locomotive operations. Locomotives operated by the Port Authority or its contractors would be subject to the EPA air emission standards.

The proposed action would not result in adverse impacts on air quality.

4.8 NOISE

The Board applies a threshold level of rail traffic increase in determining whether to quantify noise that would be generated by rail traffic over a new rail line proposed for construction and operation. This threshold is contained at 49 CFR 1105.7 (e)(6). If a proposed action would add eight or more trains per day to a line to be constructed (three trains in areas classified as "nonattainment," which the project area is not), noise to be generated by operations over the line must be quantified and sensitive receptors (e.g., residences) would need to be identified.

Projected train operations over the proposed rail line fall substantially short of the threshold described above. Therefore, SEA has not quantified the potential increase in noise levels due to operations. However, as discussed below, trains operations would increase ambient noise levels in the immediate vicinity of the line.

In Hayti, the proposed rail line would operate near residential areas including approximately six single-family detached residential homes located within 50 feet of the center line of the proposed rail line. Residents within these homes would experience adverse impacts from wayside noise and locomotive horns.[2] However, the limited train operations that are proposed by the Port Authority would include only one round trip train per day and trains that consist of as few as three cars. This low level of train operations would limit the frequency and duration of train noise, respectively. Trains within Hayti would also travel at speeds of approximately 10 mph, which would further limit a portion of the amount of wayside noise.

Train speeds could increase up to 25 mph outside Hayti. However, the land use outside of Hayti is rural and adverse noise impacts would not be expected.

The Federal Railroad Administration (FRA) has established a set of noise standards for the operation of locomotives that are applicable to those that would operate over the proposed rail line (See 49 CFR §210.29). These Federal regulations set upper limits on wayside noise levels produced by locomotives. The standards limit the decibel level of the noise produced by each locomotive. The Port Authority, or its contractors would be required to operate in compliance with the FRA locomotive noise standards.

FRA has issued a proposed rule covering the sounding of locomotive horns at highway-rail grade crossings. The proposed rule would implement a statutory requirement that locomotive horns sound at each highway-rail grade crossing unless certain exceptions are met. The proposed rule

[5] Wayside noise refers collectively to all train-related operational noise adjacent to the right-of-way, excluding horn noise. Wayside noise results from steel train wheels contacting steel rails and from locomotive exhaust and engine noise. The amount of noise created by wheels on the rails is dependent on the train speed, while the amount of noise created by the locomotive is dependent on the throttle setting. Horn noise occurs in the vicinity of road/rail at-grade crossings to warn motorists and pedestrians of approaching trains.

describes Supplementary Safety Measures that a community may use to establish a quiet zone within which locomotive horns would not be sounded. The rule would also establish an upper limit for the loudness of train horns. The proposed rule will not be effective until FRA completes its review of the regulation.

4.9 HAZARDOUS WASTE AND TRANSPORTATION OF HAZARDOUS MATERIAL

Impacts related to hazardous materials are evaluated using the criteria listed below:

- Increase in generation or release of hazardous waste.
- Increase in quantity of hazardous materials transported.
- Potential disturbance of existing hazardous waste sites.

The proposed action would neither disturb nor generate hazardous wastes during construction or operation. A review of records provided by the EPA, and consultation with the EPA and the Missouri State Department of Natural Resources, indicated that there are no known sites in the project area that are considered hazardous. It is not anticipated that the materials to be transported over the proposed line would be classified as hazardous. No hazardous waste is expected to be carried on the line.

4.10 CULTURAL RESOURCES

This section describes the potential impacts to cultural resources, including archaeological and historical resources. The Port Authority consulted with the Missouri State Historic Preservation Officer (SHPO) to ensure compliance with state requirements for survey, analysis, and mitigation of cultural and historical resources. A survey report was prepared and submitted to the SHPO for review in December 2002. This report, "Phase I Archaeological Survey of the Proposed Pemiscot County Port Authority Rail Line Project" describes the archaeological resources in the project area.

In compliance with Section 106 of the NHPA and the Board's regulations at 49 CFR 1105.8, SEA reviewed these reports and consulted with the SHPO to review and document the cultural and historic resources in the project area.

SEA used the following criteria for determining impacts to cultural and historical resources in the Pemiscot County project area.

- Identification of and potential eligibility of archaeological sites for inclusion in the *National Register*.
- Identification of and potential eligibility of historic architectural resources for inclusion in the *National Register*.

All archaeological work was performed in accordance with the requirements and criteria outlined in the provisions of the Missouri Bureau of Historic Preservation's *Guidelines for Archaeological Investigations* (BHP 1991). The reporting methodology and analysis for the cultural resource investigative activities are consistent with the requirements of the National Historic Preservation Act of 1966 (Public Law 89-665, as amended) and Advisory Council's Guidelines as set forth in 36 CFR, Part 800 for the Protection of Historical and Cultural Properties.

4.10.1 Archaeological Resources

The following methods were used to identify archaeological and cultural resources in the project area:

- Review of Missouri Archaeological Site Survey forms.
- Pedestrian reconnaissance of the entire project area.
- Subsurface archaeological surveys.
- Geomorphological assessment of the project area.
- Laboratory analysis of materials found in the survey work.
- Coordination of findings with the SHPO.

Phase I investigations conducted in the project area consisted of background research and systematic shovel testing in eight areas deemed testable using accepted professional criteria to identify and provide a preliminary assessment of the cultural resources located within the proposed rail line ROW. One historic site was recorded during the survey. A preliminary evaluation of this site was performed against the National Register of Historic Places (NRHP) criteria of significance (36 CFR 60.6 *Federal Register* 1976).

The site identified during the Phase I survey work appears to represent a discard/disposal area dating to the early twentieth century. In view of the overall paucity of material at the site, the lack of potential for subsurface features, and its relatively recent age, the site does not appear to meet the NRHP criteria of significance and, consequently, is evaluated as not eligible for listing to the NRHP. It appears that the proposed construction and operation activities would not impact significant cultural deposits at this one site. No further archaeological investigation of the site was recommended.

Consultation with the SHPO revealed the presence of two National Register eligible sites. These sites are Drainage Ditch 6 and the Main Line Levee. The SHPO indicated in correspondence dated October 10, 2002, that the proposed rail line would have "no adverse effect" on the fabric of these properties (see Appendix B). The two resources were photographed and the prints submitted to the SHPO per their specifications.

4.10.2 Architectural Resources

The following methods were applied to determine impacts of the proposed action on the historic architectural resources.

- Historical background research.
- Interviews with knowledgeable local residents.
- Site-specific research.
- Coordination with the SHPO.
- Intensive-level field survey.

Consultation with the SHPO revealed the presence of one National Register eligible site in Hayti; the 1921 Hayti Water Plant building, located west of the proposed rail line ROW on Lee Street. The SHPO indicated in correspondence dated October 10, 2002, that the proposed rail line would have "no adverse effect" on this property. The building was photographed and the prints submitted to the SHPO per their specifications. No other historic and architecturally significant resources were identified in the project area.

4.11 ENVIRONMENTAL JUSTICE

SEA analyzed the effects of the proposed rail line on low-income and minority populations in accordance with procedures outlined in Executive Order 12898 – "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." SEA conducted an environmental justice analysis to (1) determine the presence or absence of environmental justice communities of concern in proximity to the proposed project, and (2) if such a community is present, determine the presence or absence of disproportionately high and adverse human health or environmental effects on the citizens of that community.

As part of this analysis, SEA reviewed the demographic and income data from the 1990 and 2000 censes to compare the population of the project area with that of Pemiscot County. SEA used the following criteria established by the EPA for identifying communities of concern:

- At least one-half of the census block being analyzed is minority status, or
- At least one-half of the census block being analyzed is low-income status, or
- The percentage minority of the census block being analyzed is more than 10 percentage points higher that the percent minority for the entire county in which the block is located, or
- An adverse environmental justice effect would occur if any significant adverse effect of the proposed construction or operation were to fall disproportionately on low-income or minority populations.

As described in Chapter 3, SEA's review of the demographic characteristics of Pemiscot County did not identify any populations in the project area that would meet the criteria for low-income or minority populations. Based on this review, construction and operation of the proposed rail line would have neither a disproportionately high nor adverse environmental impact on minority or low-income communities. Therefore, no environmental justice impacts would occur. No further assessment of potential environmental justice impacts is required for the proposed project.

4.12 ENERGY AND RECYCLABLE COMMODITIES

Consistent with STB regulations, SEA evaluated the potential for the proposed rail line to affect the movement of energy resources and recyclable commodities. This section analyzes the potential for energy-savings to occur as a result of the proposed action. The criteria for evaluating energy savings are the change in overall energy efficiency as it relates to the proposed action.

4.12.1 Energy Savings in Rail Operations

The Port Authority presently transports materials and goods to and from the port in trucks and barges. Construction and operation of the proposed rail line would allow unit trains to provide for the movement of many of these goods and materials.

While the proposed action would affect the movement of energy resources in Missouri, it is not expected to affect the movement of recyclable commodities. It is anticipated that the project would likely derive energy benefits from the reduction in truck trips required to service the port.

4.12.2 Recyclable Commodities

The proposed project does not involve the transportation of recyclable commodities.

4.13 RECREATION

Potential impacts to recreational resources were evaluated using the following criteria:

- Loss or impairment of public recreational areas.
- Harm to game species or other natural resources used for recreation.

Construction and operation of the proposed rail line would not create a loss of or adversely affect access to any public recreational areas identified in the project area. The proposed action would not directly affect any recreational area. The project area is absent of public recreational areas, therefore, no impacts to public recreational areas would be expected. Similarly, construction and operation of the proposed rail line would not affect game species of birds, mammals or fish. SEA concluded that the proposed rail line would not have an adverse impact on recreation because the proposed action would not result in the loss or impairment of public recreational areas or harm game species or other natural resources used for recreation.

4.14 CUMULATIVE EFFECTS

The regulations of the CEQ implementing the NEPA define 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 CFR 1508.7). This ensures that the range of actions that is considered in the NEPA document includes not only the project proposed, but also all actions that could contribute to cumulative impacts.

Using CEQ guidelines, SEA evaluated the cumulative impact from the proposed rail line. SEA 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. The environmental impacts of the Port Authority's project have been addressed previously in this EA and will not be repeated in this Cumulative Impacts section. Consultation with local officials and planning groups did not reveal any other planned projects in the vicinity of the Pemiscot County Port Authority's proposed action. The Port Authority anticipates that the rail line would aid in the development and growth of port facilities. However, no expansion of the Port or Port-related businesses is currently underway or planned.

4.15 CONSTRUCTION IMPACTS

Construction impacts would be expected to occur to the following resources.

4.15.1 Transportation

Phase 1 and 2 construction was nearly completed at the time the Port Authority was notified of the need to obtain Board approval. Construction of the new rail (i.e.; Phases 3 or 4) in Pemiscot County would occur over several months. The periodic closing of roads or traffic delays to the public would be limited to periods during construction.

On Route D and Route 84, lane use restrictions or road closure would occur only for short times, while track is installed and adjustments or tie-ins are made to the existing roadway profile. Detour routes would be made available as necessary. The Port Authority would station equipment so that any total closures would be minimized, allowing the disturbed area to be quickly restored for passage by emergency vehicles. The extent of lane restrictions or road closures would be similar to that encountered by the public during routine highway maintenance or resurfacing projects.

Permission for and scheduling of lane restrictions or road closures, as well as detour approvals, would be obtained in coordination with the appropriate public transportation agency. The Port Authority would consider maintenance of emergency response capabilities and school bus schedules in planning and executing the necessary road work. The Port Authority or its

designated contractor would be responsible for the cost of all permits, detours, coordination with local officials and agencies, and public notifications related to temporary lane restrictions or road closures.

4.15.2 Land Use

Construction of the proposed rail line would effectively remove approximately 43 acres of agricultural land from production. It is unlikely that construction of the proposed action would have significant impacts on agricultural land use in the county. The rail line would follow or run parallel to existing property lines and boundaries that separate areas of agricultural cultivation. The siting of the rail line along existing property lines and cultivation boundaries would help to minimize impacts to local agricultural uses.

4.15.3 Socioeconomics

Construction of the proposed rail line is expected to create beneficial, albeit minor, impacts to the local economy. The Port Authority states that, if the Board approves the proposal, it intends to construct the rail line using private contractors for grading, bridge construction, track construction and railway signal installation. Approximately 20 to 30 contractor-directed employees could be expected to work on the proposed line. These would likely be drawn from local and regional organized labor pools

4.15.4 Geology

The construction of the proposed rail line would result in a minor modification of the area topography. The Port Authority intends to construct the rail line on top of a rail bed that would be raised above the 100-year floodplain for the entire length of the new construction ROW. The proposed ROW would be graded and filled, as needed, to prepare the sub-grade. On average, the track would be 2 to 4 feet above the existing ground elevation. Drainage ditches would be constructed on either side of the rail bed, a minimum of one-foot below the existing ground elevation. The Port Authority and its construction contractors would abide by generally accepted industry construction practices to add fill and stabilize slopes. No blasting would be expected during the construction of the roadbed.

The construction of the new rail bed would require the placement of fill in order to build the rail bed above the present elevation. There would also be a need to place fill on either side of the levee for the rail line crossing of the levee. The total amount of fill, or its source, had not been determined at the time of this document. It is anticipated that the fill would be obtained from a local source and trucked to the construction site. Excavated construction material would likely be used as fill, as applicable. Upon completion of the construction project, all exposed soil slopes and surfaces would be vegetated as appropriate to create stable slopes.

SEA concludes that these construction activities would result in only minor changes to the local geology. Furthermore, the Port Authority would ascribe to post-construction mitigation measures such as re-grading and re-vegetation to return the undeveloped areas to pre-construction conditions. These mitigation measures would be detailed in the storm water permit obtained from the Missouri Department of Natural Resources, Water Pollution Control Program (described below under Surface Water). SEA concludes that additional mitigation would not be warranted.

4.15.5 Biological Resources

SEA does not anticipate that the proposed action would adversely impact terrestrial or aquatic wildlife in the project area. The natural habitat in the rail ROW abutting the Hayti Ditch east of Route J could be subject to some sporadic disturbance related to noise-generating construction activities and subsequent train operations. The impacts would not be expected to be long-lasting or adverse.

Construction of the rail line could temporarily displace local small terrestrial wildlife associated with open fields and agricultural lands. However, such disturbances would be expected to be temporary and would not result in any major redistribution of resident species.

It is not anticipated that construction and operation of the rail line would require the clearing of any natural vegetation within the ROW for the rail bed and track. Rail construction and operations would not destroy or adversely impact any unique or protected habitat.

4.15.6 Water Resources

A Nationwide Permit No. 3 was issued in June, 1998, to the Port Authority for the replacement of the Hayti Ditch rail trestle bridge. This work was completed with the construction of a triple-box culvert on the rail line east of Route J (Old Highway 61).

A double 72-inch reinforced concrete pipe is proposed for the rail line crossing of the smaller Drainage Ditch 6. The Corps has indicated that a Nationwide Permit No. 14 would be needed for the crossing of this ditch. While the Nationwide Permit does not typically require mitigation, some bank stabilization may be required for the placement of the concrete pipe.

Construction of the proposed rail line would not be expected to impact more than 1.0 acre of waters of the U.S. or jurisdictional wetlands. No individual permits would need to be obtained.

Construction of the waterway structure across the Hayti Ditch would result in some minor alteration to the watercourse bed, possible loss of aquatic and riparian habitats through the enclosure of waterways, and possible loss of embankments through the use of rip-rap, concrete, or other bank stabilization measures. These impacts are not expected to be adverse and therefore do not require mitigation.

Construction of the rail line over Drainage Ditch 6 would result in some minor alternation to the watercourse bed of this small and shallow drainage ditch. Any impacts that occur are not expected to be adverse and are expected to require minimum, if any, mitigation.

Construction of the proposed rail would be expected to disturb approximately 46 acres of land. The Missouri Department of Natural Resources, Water Pollution Control Program requires that a storm water permit be obtained prior to construction of the rail line. The permit application provides the Water Pollution Control Program with information about the Best Management Practices that will be employed during construction. Construction of the rail line would include silt and sedimentation control such as silt fences and re-seeding of cleared areas, as needed. The preliminary plans and drawings for the proposed new construction show that the rail line would be built with drainage ditches on one of both sides of the line. These ditches, typically 1 foot below the existing ground elevation and 2 feet in width would serve the purpose of providing drainage away from the rail bed. As the proposed line approaches the levee, the preliminary plans call for an 8-foot wide flat bottom ditch to control runoff. It is not expected that the runoff from these ditches would result in any adverse impact to the receiving waters or adjacent land uses.

Surface waters could potentially be impacted by construction impacts. The Missouri Department of Natural Resources, Water Pollution Control Program, requires that a General Permit for Land Disturbance be obtained prior to construction. This general permit provides assurances that land disturbed during construction is restablized and returned to existing conditions as soon as possible after construction.

The proposed rail line would be constructed within the 100-year floodplain. The railbed would be raised above the 100-year floodplain. Executive Order 11988, Floodplain Management and Farmers Home Administration Instruction 1940, directs agencies to identify critical actions that could impact floodplains and waterways. A critical action is defined as a project located or carried out within a floodplain and that poses a greater-than-normal risk for flood-caused loss of

life or property. Construction of the proposed action would not be expected to pose a greater-than-normal risk for flood-caused loss.

4.15.7 Air Quality

The construction phase of the proposed rail line could temporarily affect air quality in the immediate project area. Land grading and transportation of fill material from borrow areas could result in a temporary increase in fugitive dust emissions. Any open burning of debris and any vegetation that would be removed could contribute to temporary increases in particulate matter, nitrogen oxides, volatile organic compounds, and carbon monoxide emissions. To minimize impact from the potential release of pollutants, the Port Authority and its contractors would apply standard construction mitigation measures (best management practices) to reduce fugitive dust emissions during construction activities.

Air emissions related to temporary construction activities would be expected to result in minor concentrations of pollutants associated with heavy machinery and truck activities. These activities would be unlikely to result in significant adverse effects on air quality due to their temporary, local, and controlled nature, and the fact that they would occur in open and unpopulated areas away from residents, schools, and businesses.

4.15.8 Noise

Construction noise in Hayti is expected to be minimal due to the near-completed nature of the rehabilitated rail line. Construction activities along the new ROW would generate noise related to earth moving activities and construction. Noise impacts would be expected to be short term in nature. The rural nature of the area around the new ROW would result in minimal construction noise impacts.

Chapter 5
AGENCY CONSULTATION AND PROPOSED MITIGATION

5.1 AGENCY CONSULTATION

This chapter summarizes SEA's consultation with Federal, regional, state, and local agencies and officials regarding the proposed construction and operation of the rail line between Hayti, Missouri and the Pemiscot County Port and mitigation measures recommended by SEA. The mitigation described below is based on SEA's evaluation of the information available to date, consultation with appropriate Federal, state, and local agencies.

Agency consultation activities were undertaken with Federal, regional, state, and local agencies to inform them about the proposed construction, to identify issues of concern, and to obtain information about environmental resources within the project study area. Specifically, in June and July, 2002, SEA sent consultation letters to Federal, state and local agencies describing the proposed project, showing the proposed alignment, and requesting that any concerns be identified. Early consultation was to provide the agencies and officials with an opportunity to provide input at an early stage in the environmental process, prior to the preparation of the EA. Each consultation letter included a map of the study area. A list of the agencies consulted is provided in Appendix B.

In addition, some of these agencies were also contacted by the Port Authority while conducting preliminary field investigations and preparing information that was subsequently submitted to the Board.

This early notification and coordination allowed for timely identification, evaluation, and resolution of environmental and regulatory issues during preparation of the EA. Although most of the responding agencies did not have any comments or concerns about the scope of the

project, some agencies requested that specific issues be discussed in the EA. The following is a summary of specific comments received in correspondence during the consultation process.

United States Department of Agriculture - Natural Resources Conservation Service

The Natural Resources Conservation Service expressed concerns about encroachments on Prime and Important agricultural farmlands. Analysis conducted revealed that the impacts did not warrant further analysis or mitigation.

United States Department of Interior - Fish and Wildlife Service

The Service determined that the project area contained no Federally-listed endangered and threatened species as well as proposed species, candidate species, and species of concern.

United States Environmental Protection Agency

Provided information about the lack of hazardous waste sites in the project area.

Department of the Army, Memphis District, Corps of Engineers

Provided information about past permitting activities and stated that coordination was required for potential wetland impacts and permitting.

Missouri Department of Natural Resources

The State Historic Preservation Officer required the identification and evaluation of cultural resources. This work was performed and a determination made that no impacts to cultural or historical resources would take place.

Missouri Department of Conservation

Conducted a review of records in their database that revealed no known sensitive species or communities.

State of Missouri Emergency Management Agency

Identified the need for a floodplain development permit within special flood hazard areas.

Bootheel Regional Planning and Economic Development Commission

Commented on their support of the proposed action.

City of Caruthersville, Missouri

Described the jurisdiction of the project and no impacts to human or natural resources would occur.

City of Hayti, Missouri

Described blacktopping activities on Cleveland Street.

Pemiscot County, Missouri

Provided information about the drainage ditches in Pemiscot County.

5.2 SEA RECOMMENDED MITIGATION MEASURES

SEA reviewed all information available to date and completed its independent analysis of the construction and operation of the proposed rail line, all the comments and mitigation requested by various Federal, state, and local agencies, as well as other concerned parties. SEA recommends that if the Board approves the Port Authority's construction and operation of the proposed rail line such approval be subject to the following mitigation measures:

Transportation and Safety

1. The Port Authority shall submit detailed plans and specifications to the Missouri Department of Transportation for approval prior to construction.

2. The Pemiscot County Port Authority shall coordinate at-grade crossing construction with the Missouri Department of Transportation and Pemiscot County in order to minimize traffic delay during crossing construction. The Pemiscot County Port Authority shall use appropriate signs and barricades to control traffic during construction.

3. The Pemiscot County Port Authority shall develop internal emergency response plans for construction to allow for agencies and individuals to be notified in case of an emergency. The Pemiscot County Port Authority shall provide the emergency response plans to appropriate state and local entities.

4. The Pemiscot County Port Authority shall install, at its sole cost, active rail/highway grade warning devices consisting of pole and cantilever mast mounted flashing lights and gates at routes identified by the Missouri Department of Transportation, subject to the approval and permitting by the Missouri Department of Transportation. These routes may include the intersection of 3rd and Lee Streets, Missouri Route 84 in Hayti, State Highway J, Missouri Route D, and Missouri Route 84 in Pemiscot County.

5. The Pemiscot County Port Authority shall install, at its sole cost, the necessary signage, lighting, and safety warnings for all unsignalized at-grade crossings as required by the Missouri Department of Transportation. These at-grade crossings may include 2nd and East Grant Streets, North 4th Street, East Madison Street, Lincoln Street, East Main Street, and Broadway.

6. The Pemiscot County Port Authority shall install, at its sole cost, the necessary signage, lighting, and safety warnings for all unsignalized at-grade crossings across unimproved farm access roads.

7. The Pemiscot County Port Authority or its designated contractor shall obtain permission for, and scheduling of, lane restrictions, road closures, and detour approvals, in coordination with the appropriate public transportation agency. The Pemiscot County

Port Authority or its designated contractor shall be responsible for the cost of all permits, detours, coordination with local officials and agencies, and public notifications related to temporary lane restrictions or road closures.

8. The Pemiscot County Port Authority shall consider maintenance of emergency response capabilities and school bus schedules in planning and executing the necessary road work. The Port Authority would station equipment so that any total closures would be minimized, allowing the disturbed areas to be quickly restored for passage by emergency vehicles.

9. The Pemiscot County Port Authority shall implement an inspection and maintenance program to minimize the potential for derailments. To ensure that proper procedures are in place in the event of a spill, the Port Authority shall develop a spill prevention and emergency response plan.

10. The Pemiscot County Port Authority shall enter into an agreement with the Missouri Department of Transportation that specifies the responsibility of each party concerning the maintenance and repair of equipment and crossings.

Land Use

11. The Pemiscot County Port Authority shall ensure that all areas disturbed by project-related construction activities which are not located on the railroad's property (such as access roads, haul roads, crane pad and borrow pits) are promptly restored as closely to their original condition, as is practical, following conclusion of project-related construction activities at that site.

Geologic Resources

12. The Pemiscot County Port Authority and its construction contractors would abide by generally accepted industry construction practices to add fill and stabilize slopes.

13. The Pemiscot County Port Authority would, upon completion of the construction project, ensure that all exposed soil slopes and surfaces would be vegetated as appropriate to create stable slopes.

Biological Resources

14. The Pemiscot County Port Authority shall use appropriate Best Management Practices to control erosion, runoff, surface instability during construction, and silt and sedimentation control, which may include seeding fiber mats, straw mulch, plastic lined slope drains, silt fences, re-seeding of cleared areas, and other appropriate erosion control devices. Once the track is constructed, the Pemiscot County Port Authority shall establish vegetation on the embankment slope to provide permanent cover and prevent erosion. If erosion develops, the Pemiscot County Port Authority shall take steps to develop other appropriate erosion control procedures.

Water Resources

15. The Pemiscot County Port Authority shall obtain all necessary Federal, state, and local permits if construction activities require the alteration of wetlands, or other water bodies or if these activities would cause soil or other material to wash into these water resources. The Pemiscot County Port Authority shall use appropriate techniques to minimize impacts to wetlands and water bodies.

16. The Pemiscot County Port Authority shall disturb the smallest area practicable around any waterway.

17. The Pemiscot County Port Authority shall obtain the necessary General Permit for Land Disturbance Surface from the Missouri Department of Natural Resources, Water Pollution Control Program.

18. The Pemiscot County Port Authority shall obtain the necessary storm water permit from the Missouri Department of Natural Resources, Water Pollution Control Program.

19. The Pemiscot County Port Authority shall ascribe to post-construction mitigation measures as described in their storm water permit, such as re-grading and re-vegetation to return the undeveloped areas to pre-construction conditions.

20. In instances in which the Pemiscot County Port Authority or its contractors would need to apply herbicides for ROW maintenance, the Pemiscot County Port Authority shall ensure the use of staff or contractors trained in herbicide application and shall require the following of label directions in applying herbicides and shall limit the amount potentially entering waterways. The Pemiscot County Port Authority shall require the use only of herbicides regulated for such uses with Environmental Protection Agency and follow all state regulations that require their use.

21. As agreed to by the Pemiscot County Port Authority, it shall comply with mitigation requirements contained in the existing Nationwide Permit 3 issued by the U.S. Army Corps of Engineers and issued by the Missouri Department of Natural Resources (Permit number 98-003-0730, issued June 3, 1998). It shall also comply with mitigation requirements contained in any additional permits (e.g.; Nationwide Permit 14) issued by the U.S. Army Corps of Engineers and issued by the Missouri Department of Natural Resources.

Air Quality

22. The Pemiscot County Port Authority shall comply with all applicable Federal, state, and local regulations regarding the control of fugitive dust. Fugitive dust emissions created during construction shall be minimized by using such control methods as water spraying, installation of wind barriers, and chemical treatment.

23. The Pemiscot County Port Authority shall maintain construction equipment to minimize air emissions.

Noise

24. The Pemiscot County Port Authority shall control temporary noise from construction equipment through the use and maintenance of appropriate muffler systems on machinery.

25. The Pemiscot County Port Authority shall comply with the Federal Rail Administration regulations (49 CFR Part 210) that establish decibel limits for train operations and locomotive noise standards.

5.3 CONCLUSION AND REQUEST FOR COMMENTS

Based on the information provided from all sources to date and its independent analysis, SEA preliminarily concludes that construction and operation of the proposed rail line would have no significant environmental impacts if the Board imposes and the Pemiscot County Port Authority implements the mitigation recommended above. Therefore, the EIS process is unnecessary in this proceeding.

SEA specifically invites comments on all aspects of this EA, including suggestions for additional mitigation measures. SEA will consider all comments received in response to the EA in making its final recommendations to the Board. The Board will consider the entire environmental record, SEA's final recommendations, including final recommended mitigation measures, and the environmental comments in making its final decision in this proceeding.

Comments (an original and 10 copies) should be sent to: Surface Transportation Board, Case Control Unit, 1925 K Street NW, Suite 500, Washington, D.C. 20423. The lower left-hand corner of the envelope should be marked: Attention: Mr. David Navecky, Environmental Concerns, Finance Docket No. 34117. Questions may also be directed to Mr. David Navecky at this address or by telephoning (202) 565-1593 or email naveckyd@stb.dot.gov.

Date Made Available to the Public: May 7, 2003
Comment Due Date: June 6, 2003