

STB Identification No. 31667

Service Date: September 17, 2001
Comment Due Date: October 17, 2001

Draft Environmental Assessment

Finance Docket No. 34003

The Burlington Northern and Santa Fe Railway Company

BNSF Construction and Operation Exemption Rail Line Between Kamey and Seadrift, Texas

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CONCLUSION

This Draft Environmental Assessment (EA) considers the potential environmental impacts of the construction and operation of a 7.8-mile rail line by The Burlington Northern and Santa Fe Railway Company (BNSF) in Calhoun County, Texas. The proposed new construction would connect the Union Carbide Corporation's Seadrift industrial complex to the nearby Port Lavaca Branch of the former Southern Pacific Transportation (SP) line, now owned by the Union Pacific Railroad Company (UP). This connection would make it possible for the BNSF to provide alternative direct rail access to the Seadrift complex.

Based on the Section of Environmental Analysis' (SEA) review of all information available to date and its independent analysis of the proposed rail line construction and operation, all the comments and mitigation requested by various Federal, state, and local agencies, as well as other concerned parties, and the mitigation offered by BNSF, SEA preliminarily concludes in this Draft EA that construction and operation of the proposed rail line would have no significant environmental impacts if the Board imposes and BNSF implements the mitigation recommended in Section ES.5.

Therefore, SEA preliminarily recommends that the Board impose on any final decision approving the proposed rail line construction and operation, conditions requiring BNSF to implement the mitigation contained in Section ES.5. SEA will consider all comments received in response to the Draft EA in making its final recommendations to the Board. The Board will consider SEA's final recommendations and the environmental comments in making its final decision.

EXECUTIVE SUMMARY

The Surface Transportation Board's Section of Environmental Analysis (SEA) has prepared this Draft Environmental Assessment (EA) in response to a petition filed by The Burlington Northern and Santa Fe Railway Company (BNSF) seeking exemption pursuant to 49 CFR 10502 from the prior approval requirements of 49 USC 10901 for authority from the Surface Transportation Board (the Board¹) to construct and operate a rail line between Kamey and Seadrift, in Calhoun County, Texas.

ES.1 PURPOSE AND NEED FOR AGENCY ACTION

BNSF proposes to construct a 7.8-mile rail line from the existing Union Carbide Corporation's (UCC) industrial complex at Seadrift, Texas to the former Southern Pacific Transportation Company (SP) line between Placeo, Texas and Port Lavaca, Texas, now owned by the Union Pacific Railroad Company (UP). The UCC complex currently has rail access by UP, the proposed rail construction would make it possible for BNSF to provide alternative rail access to the complex.

On June 19, 2001, the Board conditionally granted BNSF's petition, subject to its further consideration of the environmental impacts of the proposal. Upon completion of the environmental review process, the Board will issue a further decision addressing those matters and making the exemption effective at that time, if appropriate, thereby allowing construction to begin.

SEA prepared the Draft EA based on its independent analysis of the project, the comments and mitigation requested by various Federal, state and local agencies as well as other concerned parties, and all the information available to date. The Draft EA assesses the potential environmental effects of the proposed action and other alternatives considered, including the "no-build" alternative. SEA has served the Draft EA on the public, which has been invited to

¹ The Board was formerly the Interstate Commerce Commission (ICC). The ICC Termination Act of 1995, Public Law No. 104-88, 109 Stat 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the ICC and transferred certain rail functions and proceedings to the Board.

submit comments on the document. SEA will consider all comments received in making its final recommendations to the Board. The Board will consider the entire environmental record, SEA's recommendations, including final recommended mitigation measures, and the environmental comments in making its final decision.

ES.2 DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES (See Chapters 1 and 2 for details)

ES.2.1 Proposed Action

Construction

The proposed rail line, or Property Alignment Alternative, is a 7.8-mile alignment taking maximum advantage of existing UCC easements and property. Connecting on its northern end to the existing Placeo-Port Lavaca rail line (the Port Lavaca Branch) south of Kamey, this alternative would follow existing property lines in a generally southern direction, connecting with the north end of the UCC North Rail Yard.

The proposed rail line would consist of a single track composed of continuous welded rail on concrete ties placed on 12 inches of ballast. The typical width of the right-of-way is 90 feet – to accommodate a standard BNSF track bed, adjacent access road, and drainage ditch. At grade crossings would be constructed at six locations (two public roads and four private roads). Grade separations would be constructed where the proposed rail line intersects US 87 and State Highway 35. Eight bridges would be constructed over major creeks and drainage channels. Numerous culverts would also be constructed. Right-of-way fencing would be included as agreed on with adjoining landowners.

BNSF estimates construction of the new rail line would require a labor force of about 75 people over a period of 14 months. The construction would require clearing of existing vegetation and grading – involving approximately 1.5 million cubic yards of earthwork (cut/fill).

Operation

Two trains per day, one inbound and one outbound, would operate over the proposed rail line. The average length of trains would be 25 to 30 cars. Most shipments would consist of non-hazardous materials, with inbound cars generally being empty and most outbound cars containing plastic pellets in covered hopper cars. In addition to the plastic pellets, UCC ships or receives an average of 2,500 cars per year of hazardous materials, including ethylene glycol and ethylene glycol monobutyl ether (commercially known as Butyl Cellosolve Solvent).

ES.2.2 Alternatives Considered But Dismissed

BNSF identified and evaluated two other route locations as alternatives to the proposed action (see Figure 2-1).

The Direct Alignment Alternative was a 6.2-mile route that generally would take a direct path from the connection with the Port Lavaca Branch near Kamey to the UCC North Yard. This alternative would use some of the lands already owned by UCC but would cut across numerous private property lines. As a result, this alternative would divide much more private farm land and ranch land. This alternative also would affect approximately 10 times the number of acres of wetlands as the proposed action and therefore, was rejected.

The **Pipeline / FM 185 Alignment Alternative** was an 11.4-mile alignment developed as an alternative to access the southern side of the UCC facility. Connecting on its northern end to the Port Lavaca Branch midway between Placeo and Kamey, this alternative would follow the right-of-way of an existing underground pipeline in a generally southwestly direction to Heyser, where it would turn generally southeastly to parallel the existing UP line, connecting with the south end of the existing UCC North Yard near Green Lake. This alternative would not improve the operational flexibility of the North Yard, nor would it accommodate any expansion. This alternative would use few existing easements and would require the acquisition of additional right-of-way, thereby affecting local landowners, and would divide more farm land and ranch land than either of the other alternatives. Because of this significantly larger commitment and acquisition of private property, and associated disruption to farming operations, this alternative alignment was rejected.

ES.2.3 Environmentally Preferable Route

SEA preliminarily concludes that the Property Alignment Alternative is the most environmentally preferable route. This route is preferable to the other two alternative alignments for a number of reasons: it follows existing property lines for almost its entire length, thereby minimizing disruption to local farming operations and avoiding displacements; it affects a much smaller amount of wetlands; and avoids the only recorded historical site in the area.

ES.2.4 No-Build Alternative

If the proposed rail line is not built, environmental impacts associated with rail construction and operation would not occur, including acquisition of land for right-of-way, limited wetland impacts, and limited operational air, noise, and transportation impacts. Moreover, the no-build alternative would not satisfy the purpose or needs identified for the project. Under the no-build alternative, BNSF would not obtain access to the UCC facility and the potential local

employment benefits of the BNSF proposal would not occur. Also, according to BNSF, the no-build alternative would preclude BNSF from providing competitive service to UCC.

ES.3 OVERVIEW OF THE EXISTING ENVIRONMENT (See Chapter 3 for details)

The proposed rail line would be located in a rural area of north west Calhoun County. The area surrounding the proposed project is primarily agricultural land, consisting of active cropland, fallow fields, and range land for grazing. There are no county land use plans or zoning ordinances in place for the area. Regulations on municipal subdivision plots and building easements are used to manage local land development.

The local economy is based primarily on the manufacturing industry. In recent years, Calhoun County has shown an improvement in its per capita income and unemployment rates. In terms of racial composition, whites constitute the largest racial group, followed by Hispanics and blacks. Four census blocks within the project area meet the criteria for Environmental Justice Communities of Concern.

The proposed project would be located in an area of very flat topography, most at or below 30 feet above mean sea level. Several creeks and drainage channels that would intersect the proposed alignment bisect the area. Intermittent wetlands are located along the waterways and in isolated locations.

The proposed project does not encroach upon the 100-year floodplain as identified by Federal Emergency Management Agency (FEMA) mapping. However, local landowners have reported significant flooding and drainage problems resulting from much less severe storms. Drainage analysis conducted by BNSF reported that the area surface water resulting from 100-year storms to be more extensive than shown by the FEMA maps and does include the location of the proposed rail line. The results of the analyses were used to better define the drainage characteristics of the area and to specify the proper size of all drainage structures associated with the rail line (i.e., bridges and culverts).

A biological survey of the proposed rail line found no endangered, threatened or otherwise protected plant and animal species. No critical habitat was identified.

Calhoun County is currently categorized as being in attainment with the National Ambient Air Quality Standards. Current sources of air emissions in the project area include automobiles, locomotives, industrial operations, and dust from farm operations.

Noise levels in the rural project area are low and sensitive noise receptors are limited to the few residences located along the proposed route. Predominant noise sources in the area are attributed to automobile traffic on adjacent roadways (US 87 and State Highway 35).

A cultural resource survey was conducted that included a record search and field investigations for sites within and adjacent to the proposed right-of-way of the rail line. The survey indicated that there are no cultural resources within the survey area that are eligible for the National Register of Historic Places. The Texas Historical Commission has confirmed this finding.

ES.4 SUMMARY OF ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION (See Chapter 4 for details)

ES.4.1 Land Use

Land Use. The 90-foot wide right-of-way for the new rail line would require the conversion of approximately 84 acres of agricultural land. This includes 49.1 acres of cropland, 25.1 acres of fallow field or range land, 8.7 acres of wooded areas, and 1.0 acre of publicly owned right-of-way and roadways.² This taking would remove a small amount of land out of potential agricultural production from nine farm parcels, and should not result in significant land use impacts.

Prime Farm lands. The proposed rail line would convert 49.1 acres of potential farm land from agricultural use to transportation use. By following existing property lines, construction and operation of the existing rail line should have minimal effects on farming operations. No farm lands would be bisected and all existing access would be maintained with at-grade crossings.

Coastal Zone. The proposed project is located within the Port Lavaca Area of the Texas Coastal Zone Management Area. The construction and operation of the proposed rail line would not affect resources associated with coastal ecosystems, including estuaries and tidal wetlands, coastal vegetation, fisheries, or coastal wildlife.

Evaluation of the proposed project to ensure compliance with the Coastal Zone Management Plan is being coordinated as part of the Section 404 permitting process. The General Land Office of Texas may provide comments and will make a consistency determination during the Section 404 review process.

American Indian Reservations. There are no American Indian reservations or tribal lands located in or near the project area.

ES.4.2 Socioeconomics

Displacements. No residential or commercial displacements would be caused by the proposed project.

² These amounts do not include the additional lands required to build the grade-separated highway structures proposed for US 87 and State Highway 35.

Community Service Impacts. No impacts to community services are anticipated because of the proposed project. There would be no takings of community facilities, no interruption of services provided by these facilities, and no impacts to patterns of community interaction.

Economic Impacts. Short-term beneficial impacts to the local economy would result due to the creation of jobs associated with construction. This positive impact is expected to be experienced directly by workers involved in the construction of the rail line and indirectly by nearby businesses that these workers would patronize. No long-term negative impacts to the local or regional economy are anticipated.

The proposed project would result in the acquisition of 49.1 acres of private cropland. As noted in Section ES.4.1, these acquisitions should result in minimal, if any, impacts to individual farming operations.

ES.4.3 Environmental Justice

Although the President's directive on Environmental Justice in Executive Order 12898 of 1994 technically does not apply to independent agencies like the Board, SEA has evaluated the potential impacts to determine if they could result in disproportionately high or adverse impacts on minority or low-income communities. SEA reviewed demographic information in the vicinity of all construction-related activities that would meet or exceed the Board's thresholds for environmental analysis. SEA has concluded that there are four census block areas (numbers 2073, 2079, 2081 and 1057) that contain minority populations that meet the Environmental Justice threshold for this project. The proposed project would not have a disproportionately high or adverse human health or environmental impact on the citizens within these blocks. Moreover, minor land acquisitions associated with the proposed project would not result in disruption of community activities or the local economy. See ES.3 for additional discussion.

ES.4.4 Transportation and Safety

Transportation Systems. The construction of the proposed rail line would permit BNSF to access the UCC complex that is presently served exclusively by Union Pacific (UP). According to BNSF, the availability of an alternative rail line to the UCC complex is expected to provide more efficient service through competitive, single-line service.

BNSF does not expect traffic to be diverted to or from other transportation modes onto the proposed line. No impact on the regional highway network is anticipated.

Impacts to vehicular traffic on local roadways are anticipated to be minimal as well. As noted previously, the proposed new rail line would handle an average of two trains per day, one inbound and one outbound, and each train would consist of approximately 25-30 cars. To avoid disruption to the two major highways intersected by the proposed rail line, the Texas

The Department of Transportation (TxDOT) would require that BNSF build grade separations at US Highway 87 and State Highway 35, thereby preventing delays to rail and vehicular traffic if the proposed construction and operation is approved by the Board. In addition, TxDOT would require the grade separation of US Highway 87 to accommodate the planned expansion of the highway from two to four lanes. The proposed rail line would also intersect six other local roads -- two public roads and four private access roads. Delay to vehicular traffic at these six locations would be minimal—approximately 1-1/2 minutes for each train passby, or a total delay of 3 minutes over an average 24-hour period.

Local emergency services on major roadways would not be disrupted by the operation of the proposed rail line. As noted above, traffic on US 87 and State Highway 35 would be carried over the rail line on new overpass structures, thus avoiding any potential delay. Similarly, the grade-separated structure at US 87 would ensure no impact to the local evacuation route.

Trains operating on the proposed rail line are not expected to block local access roads to the UCC complex. By constructing the proposed rail line to access the northern end of UCC's North Yard, the rail line would also reduce the number of blocked grade crossing delays that occur at the plant's southern entrances on Highway 185 that are presently associated with UP access to the UCC facility.

Transport of Hazardous Materials. The construction and operation of the proposed rail line would not affect the safe transport of hazardous materials. UCC rail traffic includes both inbound and outbound tank cars of hazardous materials. Approximately 2,500 carloads of these materials are moved by rail each year. However, these hazardous materials would constitute only a small proportion of the carloads handled by BNSF on the proposed line.

All hazardous materials would be transported in compliance with the U.S. Department of Transportation's Hazardous Materials Regulations³, BNSF Instructions for Handling Hazardous Materials, and Emergency Response Plans.⁴ Based on the limited number of cars carrying hazardous materials, the proposed rail line would not constitute a Key Route⁵ and therefore, would not be subject to the procedures of the Inter-Industry Task Force.

Similarly, the Surface Transportation Board's threshold for evaluation of potential adverse or

³ 49 CFR Parts 171 to 180

⁴ BNSF is a participant in the American Chemical Council's Responsible Care Program, a railroad industry initiative to improve responsible handling of chemicals. The Association of American Railroads (AAR) and Chemical Manufacturers Association establish standards to manage the risk of hazardous materials that the railroad industry follow.

⁵ As defined by the AAR, a key route is a track that carries an annual volume of 10,000 car loads or intermodal tank loads of any hazardous material. AAR has developed voluntary industry key route maintenance and equipment guidelines designed to address safety concerns in the rail transport of hazardous materials.

significant environmental impact is 10,000 carloads per year. UCC's annual volume of hazardous material movements is about 2,500 carloads, and BNSF is expected to handle only a small amount of that volume. Thus, the potential for significant environmental impact associated with the movement of hazardous materials is minor.

Hazardous Waste Sites. No hazardous waste sites would be affected by the proposed project.

ES.4.5 Water Resources

Surface Waters. The proposed rail line would cross three natural stream channels: the Chocolate Bayou, an intermittent tributary to the Chocolate Bayou, and the Agua Dulce Creek, which has been channelized to carry runoff from agricultural lands (see Figure 2-3). Additionally, the alignment would cross five man-made upland drainage ditches that were excavated between the 1950s and early 1970s. In addition, the grade-separated crossing at US 87 would require the filling and relocation of two man-made drainage channels (Kamey and US 87 channels) due to additional right-of-way requirements to construct the highway overpass over the proposed rail line (see Figure 2-3).

Construction and operation of the proposed rail line would not have any adverse effect on any waterways. The existing flow of the natural as well as man-made channels would be maintained. Each of the three natural channels would be bridged in order to minimize the disruption to the bed and bank of the channel and to minimize the impact on stream banks, vegetation, and fish and wildlife habitats. Impacts to streams and channels would be stabilized and revegetated to minimize erosion and to protect water quality.

As noted above, a portion of the Kamey Channel would be filled and relocated in order to widen US Highway 87 to the west of the proposed grade-separated crossing. The existing stream channel has been heavily impacted by past drainage improvements and channelization efforts. BNSF is currently coordinating with the U.S. Army Corps of Engineers to determine permitting requirements. However, due to the degraded state of the stream, no adverse effects are anticipated.

Ground Water. The proposed rail line would not be located in an aquifer recharge zone. Impermeable clay layers in the soil protect drinking water aquifers in the area from pollution on the ground. Therefore, the project would not adversely affect ground water quantity.

Floodplains and Drainage. The proposed rail line would cross the upper headwaters of area waterways within the flood hazard area designated by the Federal Emergency Management Agency and the 100-year surface water area of the Chocolate Bayou. All bridges and culverts would be constructed to accommodate the 100-year-frequency flood to be conveyed without causing significant damage to the rail bed, stream channels, or property. Consistent with the

Executive Order 11988 - Floodplain Management, the proposed project would not produce

increases of backwater elevations within the 100-year floodplain of one foot or greater.

Potential flooding effects from more common storms would also be minimized by the proposed design of the rail line's drainage components. Based on the hydraulic analyses conducted for the project (see Section 3.1.5 and Appendix A), all bridges and culverts would be designed and engineered in such a way to blend with the natural terrain and not to exacerbate the existing drainage problems of the lands and roadways in the area.

Wetlands. Field surveys identified three wetland sites within or near the proposed rail line right-of-way (see Figure 4-1). Site No. 1 is a small linear wetland, which developed in and along a partially filled and abandoned agricultural drainage channel west of the Chocolate Bayou. Approximately 0.02 acre (870 square feet) of this man-made wetland would be within the proposed right-of-way and potentially impacted. The two other wetlands (Site Nos. 2 and 6) are soil inclusions within areas mapped as Telferner and Dacosta-Conte soils and are ponded long enough to produce hydric conditions⁶ in most years. Site No. 2 (approximately 1 acre) is located outside the proposed right-of-way and would not be impacted. Site No. 6, the largest of the noted wetlands (approximately 7.5 acres), is located partially within the proposed right-of-way. The placement of fill and clearing of vegetation associated with the construction of the rail bed would likely impact approximately 0.01 acre (400 square feet) of the eastern edge of this wetland.

BNSF would seek a permit from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act, as well as any state and/or local permits, before construction begins. As part of the pre-construction notice and permit process, BNSF has submitted a "Delineation of Potential Jurisdictional Waters of the U.S., Including Wetlands" (March 28, 2001) to the U.S. Army Corps of Engineers. The delineation report was verified by Corps representatives during a site visit to the project area on August 1, 2001 and is included as Appendix B.

ES.4.6 Biological Resources

Vegetation. The proposed rail right-of-way would displace up to approximately 84 acres of fallow fields, range, pasture and agricultural lands. Impacts to floral communities are not expected to be significant because of the disturbed nature of the landscape and the absence of any critical habitats. The loss of vegetation within the construction area along the tracks would be permanent. The impacts to vegetation in other areas disturbed by the construction would be temporary and it is likely that opportunistic species would invade and reclaim these areas.

⁶ "Hydric conditions" refer to the soil-water interactions that are manifested as field indicators of supporting wetland hydrology. The presence of long or very long ponding creates reducing (hydric) soil conditions, a necessary component of jurisdictional wetlands.

Wildlife. The proposed project would convert 84 acres of land to railroad right-of-way, including track bed, access road, and drainage ditches. This total includes 8.7 acres of sparsely wooded lands, 25.1 acres of fallow fields and grasslands, and 49.1 acres of agricultural lands. These areas provide low to fair habitat for wildlife.

Most of the wooded areas are found along the borders of agricultural land and along fence lines. These trees and shrubs provide cover, nesting, and foraging sites for wildlife. The woodlands along the project are predominantly dominated by invasive native and introduced species common in previously disturbed habitats. Trees removed by the proposed project would be replaced gradually through natural regrowth.

The majority of grasslands are used for grazing livestock. Most of the agricultural lands consist of row crops. These areas provide habitat to some species of birds and small animals that tolerate the livestock and agricultural conditions. The proposed rail line, which follows existing property lines, would only traverse the periphery of these grassland systems. Although there would be some minor loss of habitat and cover, the proposed rail line should not be significantly disruptive to wildlife nesting or foraging activities. However, short-term impacts from construction activities within the proposed right-of-way could temporarily displace wildlife from affected areas.

Threatened and Endangered Species. The Federally listed species for Calhoun County, Texas include the brown pelican (*Pelecanus occidentalis*), bald eagle (*Haliaeetus leucocephalus*), hawksbill sea turtle (*Eretmochelys imbricata*), Kemp's Ridley sea turtle (*Leidochelys kempii*), leatherback sea turtle (*Demochelys coriacea*), whooping crane (*Chelonia imrydas*), loggerhead sea turtle (*Caretta caretta*), green sea turtle (*Chelonia mydas*) and piping plover (*Charadrius mexicanus*). Most of these listed species occur in more coastal environments or are migrants that make sporadic use of the area. However, whooping cranes (Endangered) use the Aransas National Wildlife Refuge as winter residence. Because this refuge is 19 miles away from the proposed project, construction or operation of the proposed new line is not anticipated to have any significant impact on the cranes. Bald eagles (Threatened) are common in the area due to a high number of wintering waterfowl that use the wetland habitats along the Gulf of Mexico. However, no potential nesting or roosting habitat was identified during recent site visits. Therefore, the construction and operation of the proposed rail line is not expected to adversely impact the bald eagle.

Parks, Forests Preserves, Refuges, and Sanctuaries. The Guadalupe Delta Wildlife Reserve would not be affected by the construction and operation of the proposed rail line. Its distance from the construction site (approximately 10 miles) effectively shields the facility from any adverse visual or noise effects associated with the construction and operation of the proposed rail line. Similarly, the Aransas National Wildlife Reserve (noted above) is located 19 miles away from the proposed project and should not be affected by the proposed rail line.

ES.4.7 Air Quality

The Board typically applies a threshold level of rail traffic increase for determining whether to quantify the air pollution impacts that would be generated by rail traffic over a new rail line proposed for construction and operation. If the line is not located in either a Class I or a nonattainment area, pollutant emissions from rail traffic would be quantified only if the proposed action would add eight or more trains per day to the line to be constructed. The project area is not in a Class I area. Calhoun County is in attainment for all six criteria air pollutants. Substantially fewer than eight train movements per day are expected to be added to the proposed line (two daily train movements are expected). Because of this, expected air pollutant emissions from rail operations over the proposed line have not been quantified. However, they are expected to be insignificant.

ES.4.8 Noise

The Board applies a threshold level of rail traffic increase for determining whether to quantify noise that would be generated by rail traffic over a new rail line proposed for construction. If a proposed action would add eight or more trains per day to the line to be constructed, noise to be generated by operations over the line must be quantified and sensitive receptors⁷ are identified. As projected train operations over the proposed line fall substantially short of this threshold, SEA has not quantified the potential increase in noise levels due to such operations. However, the potential increase in noise should be fairly minimal due to the low rail traffic level; also, the number of noise receptors would be relatively few, as the line would pass through a primarily rural area, with only two residences within 2,500 feet of the proposed rail line.

ES.4.9 Cultural Resources

One archaeological site (41CL93) was recorded in a cultivated field near the southwest bank of the Chocolate Bayou, as well as two non-site, modern shell scatters and an isolated find in the Aqua Dulce Creek. Site 41CL93 consists of a scatter of historic artifacts (bottle glass, stoneware, white ware, window glass, concrete, tile, animal bone) from a farmstead dating to sometime between the 1880s and 1930s. The farmstead was observed on the 1929 aerial photograph of the area, but not on later topographic maps. The two shell scatters are the results of shell being used as road fill and bridge stabilization. The isolated find, a piece of bone and rusted nail, was identified in the cutbank of the creek channel. None of these sites are considered eligible for inclusion in the National Register of Historic Places. The proposed construction would therefore, have no effect on historic properties. The Texas Historical Commission has concurred with this finding.

ES.4.10 Visual and Aesthetics

The addition of a rail line would cause insignificant alterations to the visual environment within the study area. Along most of the alignment, the rail line would run at grade and

⁷ A land use or facility where sensitivity to noise or vibration is considered.

would not introduce any major intrusion to the existing visual setting of the area. Where new structural elements (i.e., bridges and culverts) would be required, all would be in keeping with the surrounding visual character. Each of the proposed grade separations would reflect design standards approved by the Texas Department of Transportation (TxDOT) and would be consistent with other such structures throughout the area. Similarly, the new drainage and waterway crossings would consist of standard designs, which minimize extraneous structural elements. These below-grade structures also should blend in with the existing environs.

ES.4.11 Energy Resources

Operation of construction equipment and delivery of construction materials would result in energy consumption (primarily diesel fuel). However, the energy consumption would be insignificant and of a temporary nature.

The proposed rail line would intersect eight existing roadways in the project area. The two principal highways, US Highway 87 and State Highway 35, are planned to be grade-separated. Therefore, there would be no delays to vehicle traffic at those roadways and the proposed action would not result in any significant increase in regional energy consumption. The proposed rail line would cross the other six roadways at grade. Although some vehicles would be delayed during train passages, the increase in energy consumption due to these short delays would be insignificant.

As previously discussed, construction and operation of the proposed rail line would result in two new train trips per day. However, BNSF expects to capture existing rail traffic from UP. If this diversion occurs, the effect of the new BNSF operations is not expected to increase regional energy consumption.

No UCC traffic is expected to be diverted to or from other transportation modes.

ES.4.12 Construction Impacts

Construction of the new alignment would include site preparation and grading, rail bed preparation, ballast application, track installation, and bridge and culvert construction. Grade separations would also include construction of the overpasses and approaches at US 87 and State Highway 35. The construction zone is anticipated to be limited to the proposed 90-foot right-of-way. Borrow material would be obtained from local sources.

The construction may involve excavation from or the placement of dredged or fill material into "waters of the United States" including designated wetlands. Construction may result in increased sediment loading into some surface water bodies. BNSF would incorporate Texas Best Management Practices (BMP) for environmental protection, including appropriate measures for sediment and erosion control, during construction of the new rail line.

Wildlife would temporarily avoid habitat near the construction sites during construction, but would subsequently return to the area. Installation of new culverts in streams and channels would displace natural bottom habitats with concrete or metal pipe. Over time, however, siltation of the culvert bottoms should recreate the more natural bottom conditions.

The impacts of construction on vegetation in the area would be temporary. It is likely that opportunistic species would invade and reclaim these areas.

Air quality in the vicinity of the project area could be affected by temporary increases in emissions from combustion of diesel fuel used in construction vehicles. The emission of these pollutants would be minor and of short duration and would have insignificant effects on air quality. Construction activities would also result in the generation of fugitive dust emissions. Appropriate control measures would be used to minimize fugitive dust emissions, including the use of water or dust suppression chemicals.

Construction activities would also result in temporary increases in noise levels and intrusive noise for nearby noise-sensitive land uses.

Plans would be developed for the maintenance of access to roadways and to property during the construction. Construction activities would be carried out so as not to impede traffic or access to property. The site would be landscaped and restored following construction activities.

ES.4.13 Secondary and Cumulative Impacts

Secondary Effects. SEA has determined that the proposed rail line should not cause effects related to the pattern of local land use, nor any related effects on air, water, or other natural systems.

Cumulative Effects. The only other major project in the vicinity of the new rail line is the proposed widening of 12 miles of US Highway 87 between Placeo in Victoria County and Port Lavaca in Calhoun County by TxDOT. The project area for this highway improvement includes a new overpass carrying US 87 over the proposed rail line. As part of the project, TxDOT would also build new bridges and conduits over 11 drainage ditches crossed by the highway, and would relocate oil and gas pipelines and power and utility lines. TxDOT would implement the US 87 widening project two years after the initiation of construction of the proposed rail line.

Another planned construction project is the expansion of the UCC North Rail Yard. This UCC project would be constructed at approximately the same time as BNSF's proposed rail line. UCC states that this construction activity would impact a minor amount of range land. The proposed expansion of the UCC North Rail Yard is not a part of this project and would not require Board action. Generally, expansion of an existing rail yard with existing right-of-way

is not considered a major Federal action and is not subject to review under the National Environmental Policy Act

The cumulative effects of the US 87 widening with the Seadrift Build-In project include impacts to a larger amount of agricultural lands and wetlands than those experienced under the rail line project alone. The combined projects would remove approximately 165 acres of land from agricultural use and convert it to highway and railroad right-of-way. This total, however, represents less than 0.02 percent of the two-county total of agricultural lands. The combined wetland impacts of the two projects would be approximately 0.53 acre; however, restoration/creation within the transportation rights-of-way would mitigate this loss. In addition, both projects would result in minor increases in storm water runoff but would be controlled through use of Best Management Practices. Construction impacts would occur in sequence and are not expected to result in adverse cumulative construction impacts.

The potential environmental effects of constructing and operating the proposed rail line are summarized in the following table:

**Table ES-1
SUMMARY OF PROJECT-RELATED ENVIRONMENTAL EFFECTS**

Resource	Assessment Criteria	Effects
Land Use	New Right-of-Way Required Farmland Affected Within Coastal Zone Management Area American Indian Reservations/Tribal Lands	84.0 acres 49.1 acres Yes None
Socioeconomics	Residential/Commercial Displacements Disproportionate Effect on Minority and Low Income Groups	None None
Transportation and Safety	New Train Movements New Grade Crossings Average Grade Crossing Delay Per Train Passage Effect on Transportation of Hazardous Materials Hazardous Waste Sites Affected	2 trains/day 6 90 seconds None None
Water Resources	Effect on Surface Water Effect on Floodplains and Drainage Wetlands Affected	None None 0.03 acre
Biological Resources	Loss of Critical Habitats Effect on Threatened and Endangered Species Effect on Parks, Forest Preserves, Refuges and Sanctuaries	None None None
Air Quality	Emissions from Construction Equipment and Idling Vehicles Effect on Air Quality Due to Construction (Fugitive Dust)	Negligible Negligible
Noise	Increase over Existing Levels	Minor
Cultural Resources	NRI-Eligible or Listed Historic Sites Affected NRI-Eligible or Listed Archeological Sites Affected	None None
Energy	Changes in Fuel Consumption due to Construction Effect on Transportation of Energy Resources Effect on Regional Energy Consumption Rail to Motor Carrier Diversions	Negligible None None None

ES.5 AGENCY CONSULTATION AND MITIGATION (See Chapter 5 for details)

Based on the information available to date, consultations with appropriate agencies, and extensive environmental analysis, SEA developed preliminary environmental mitigation measures to address the environmental impacts of the proposed construction and operation.

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

SEA preliminarily recommends that the Board impose the following mitigation measures in any decision approving the construction and operation of the proposed BNSF rail line in Seadrift, Texas.

Land Use and Zoning

1. BNSF shall limit ground disturbance to only the areas necessary for project related construction activities.
2. BNSF 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 pads, 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.
3. BNSF shall commence reclamation of disturbed areas, as soon as practicable, after project related construction ends along a particular stretch of rail line. The goal of reclamation shall be the rapid and permanent reestablishment of ground cover on disturbed areas. BNSF shall monitor reclaimed areas for one year and shall reseed vegetative cover as necessary.

Transportation Systems

4. BNSF shall coordinate atgrade crossing construction with the Texas Department of Transportation and Calhoun County in order to minimize traffic delay during crossing construction. BNSF shall use appropriate signs and barricades to control traffic disruptions during construction.
5. During project related construction of the atgrade crossings at Boyd Road and Sikes Road, BNSF shall allow for the movement of emergency vehicles and other vehicles either by flagging, temporary detours or bypasses as may be required by the roadway authority having jurisdiction.

6. BNSF shall maintain new grade crossing warning devices according to Federal Railroad Administration track safety standards (49 CFR Part 213).

Safety

7. In undertaking project related construction activities, BNSF shall use construction materials, construction standards, and safety practices which either conform to BNSF standards or which are recommended by the American Railway Engineering and Maintenance of Way Association (AREMA). BNSF shall inspect and maintain the track in compliance with Federal Railroad Administration standards.
8. As agreed to by BNSF, the public at grade crossings at Boyd Road and Sikes Road will be equipped with active warning devices, subject to the direction and approval of the Texas Department of Transportation.
9. BNSF shall develop internal emergency response plans for construction to allow for agencies and individuals to be notified in case of an emergency. BNSF shall provide the emergency response plans for construction to state and local entities. BNSF shall provide local emergency response organizations with the schedule for construction throughout the project area, including the sequence of construction of grade crossings.
10. BNSF shall notify the National Response Center, the Texas Natural Resource Conservation Commission, and the appropriate state department of natural resources, in the event of a reportable hazardous material release with the potential to affect wetlands or wildlife habitat(s).
11. BNSF shall transport all hazardous materials in compliance with U.S. Department of Transportation Hazardous Materials Regulations (49 CFR Parts 171 to 180). BNSF shall provide, upon request, local emergency management organizations with copies of all applicable Emergency Response Plans. In the case of a hazardous material incident, BNSF shall follow appropriate emergency response procedures contained in its Emergency Response Plans.

Water Resources

12. BNSF shall obtain all necessary Federal, state, and local permits if construction activities require the alteration of wetlands, ponds, lakes, or streams or if these activities would cause soil or other materials to wash into these water resources. BNSF shall use appropriate techniques to minimize impacts to water bodies and wetlands.
13. As agreed to by BNSF, it shall work with the local drainage district to provide appropriate access to BNSF property as may be needed for maintenance of the Coloma Creek drainage channel.

14. To minimize sedimentation into water bodies, BNSF shall use Best Management Practices, such as silt screens and straw bale dikes, to minimize soil erosion, sedimentation, runoff, and surface instability during project-related construction. BNSF shall disturb the smallest area practicable around any waterway, and shall consult with the Natural Resource Conservation Service, Texas Parks & Wildlife Department, Texas Natural Resource Conservation Commission, and the Texas Department of Transportation to ensure proper revegetation of disturbed areas as soon as possible following construction activities related to this project.
15. For right-of-way maintenance, for those instances in which BNSF uses contractors to apply herbicides, BNSF shall use only contractors trained in herbicide application and shall require those contractors to follow label directions in applying herbicides. BNSF shall also require those contractors to use only herbicides registered for such use with the U.S. Environmental Protection Agency and to follow all applicable state regulations regarding the use of those herbicides. BNSF shall ensure that herbicides are applied in such a manner as to minimize the amount potentially entering waterways.
16. BNSF shall establish staging areas for project-related construction equipment in areas that are not near water bodies, whenever practicable. When project-related construction activities, such as culverts and bridge work require work in stream beds, BNSF shall conduct these activities, to the extent possible, during low flow periods.
17. BNSF shall regularly inspect and maintain culverts, and bridge abutments to avoid potential flooding and stream flow alteration. BNSF shall design all project-related drainage structures to pass a 100-year flood.

Biological Resources

18. BNSF shall use Best Management Practices to control erosion, runoff, and surface instability during construction, including seeding, fiber mats, straw mulch, plastic liners, slope drains, and other erosion control devices. Once the track is constructed, BNSF shall establish vegetation on the embankmentslope to provide permanent cover and prevent potential erosion. If erosion develops, BNSF shall take steps to develop other appropriate erosion control procedures.

Air Quality

19. BNSF 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.

20. BNSF shall maintain project related construction and maintenance vehicles in good working order with properly functioning mufflers to control air emissions.

Noise and Vibration

21. BNSF shall control temporary noise from construction equipment through the use and maintenance of muffler systems on machinery.
22. BNSF shall comply with Federal Railroad Administration regulations (49 CFR Part 210) establishing decibel limits for train operations.

Cultural Resources

23. If previously undiscovered archaeological remains are found during construction, BNSF shall cease work and immediately contact the Texas Historical Commission regarding appropriate measures to protect the resource.

Community Relations

24. BNSF shall establish a Community Liaison to consult with landowners and agencies for a period of one year following startup of operations on the new rail line. BNSF shall also provide the name and phone number of the Community Liaison to appropriate local officials.
25. As agreed to by BNSF, it shall continue to maintain communications with the community through the Community Advisory Panel and Near Neighbor organization prior to and throughout construction activities to keep local officials informed of the projects status.
26. BNSF shall provide its construction schedule to affected farmers and ranchers to allow them to determine whether they should continue to crop or graze right of way areas or discontinue such activities due to impending construction activities related to this project.

ES.6 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 BNSF implements the mitigation recommended above. Therefore, the environmental impacts statement process is unnecessary in this proceeding.

SEA specifically invites comments on all aspects of this Draft EA, including suggestions for additional mitigation measures. SEA will consider all comments received in response to the Draft 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: Vernon A. Williams, Secretary, Surface Transportation Board, 1925 K Street NW, Suite 700, Washington, D.C. 20423. The lower left hand corner of the envelope should be marked: Attention: Ms. Phyllis Johnson-Ball, Environmental Comments, Finance Docket No. 34003. Questions may also be directed to Ms. Johnson-Ball at this address or by telephoning (202) 565-1530.

Date made available to the public: September 17, 2001

Comment due date: October 17, 2001

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DESCRIPTION OF THE PROPOSED ACTION

On January 31, 2001, The Burlington Northern and Santa Fe Railway Company (BNSF) filed an Exemption Petition seeking exemption pursuant to 49 CFR 10502 from the prior approval requirements of 49 USC 10901 for authority from the Surface Transportation Board (the Board or STB)¹ to construct and operate a rail line between Kamey and Seadrift, Texas.

As a part of this petition, BNSF proposes to construct a 7.8-mile rail line from the existing Union Carbide Corporation (UCC)² industrial complex at Seadrift, Texas to the former Southern Pacific Transportation Company (SP) line (Port Lavaca Branch) between Placedo, Texas and Port Lavaca, Texas, now owned by the Union Pacific Railroad Company (UP).³ The new rail line would afford UCC access to a second rail carrier at its Seadrift facility. The Board's Section of Environmental Analysis (SEA) has prepared this Draft Environmental Assessment (EA) to determine whether construction and operation of this rail line would have any significant effects on the environment.

1.1 OVERVIEW OF THE PROPOSED RAIL LINE

1.1.1 Location and Description

The proposed rail line construction would be generally located between Kamey and Seadrift in Calhoun County, Texas. Calhoun County is located in southeastern Texas, approximately 150 miles southeast of Houston and 90 miles northeast of Corpus Christi (see Figure 1-1). The proposed rail line would provide a 7.8-mile industrial lead within a 90-foot right-of-way (ROW) and would connect UCC's North Rail Yard, which is located just south of State Highway 35, to the Port Lavaca Branch at a point near Kamey, Texas. In this location, the Port Lavaca Branch runs generally southeast to northwest between Port Lavaca and Placedo

¹ The Board was formerly the Interstate Commerce Commission (ICC). The ICC Termination Act of 1995, Public Law No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the ICC and transferred certain rail functions and proceedings to the Board.

² UCC is a wholly owned subsidiary of the Dow Chemical Company.

³ In 1996, STB approved the merger of SP and the Union Pacific Railroad Company.

Figure 1-2). Trains on the new rail line would enter and exit the UCC North Rail Yard via a 0.7-mile industrial track.⁴ This industrial track, which is located entirely on UCC property, would be constructed by the UCC as part of the expansion of the Seadrift industrial complex.⁵

Inbound BNSF trains would enter the Port Lavaca Branch from the Angleton Subdivision at Placedo and proceed to the proposed new rail line near Kamey, then to UCC's North Yard. Outbound trains would operate over the reverse route.

BNSF would access the proposed new rail line by using trackage rights over the Port Lavaca Branch. The right to acquire these trackage rights was imposed by the UP/SP merger and as provided by the Settlement Agreement between UP/SP and BNSF, dated September 25, 1995; and, as amended by the Second Supplemental Agreement between UP/SP and BNSF, dated June 27, 1996. BNSF would serve the new line by running trains on the UP Alcoa-Brownsville, Texas mainline (Angleton Subdivision) over which BNSF will acquire trackage rights as a result of the UP/SP merger. The proposed rail line would allow BNSF to provide alternate rail service to the UCC facility, which is currently served solely by UP.

1.1.2 Construction Requirements

BNSF estimates that the construction of the new rail line connection would require a labor force of about 75 people over a period of 14 months. The construction would require the clearing of existing vegetation and grading along the entire 7.8-mile alignment. These activities would involve approximately 1.5 million cubic yards of earthwork (cut/fill). Use of borrow material could also be required and, if necessary, would be obtained from local sources and hauled to the construction site by rail or truck. Various types of heavy equipment (such as bulldozers, roller/compactors, tie loaders, and rail installers) would be used during construction.

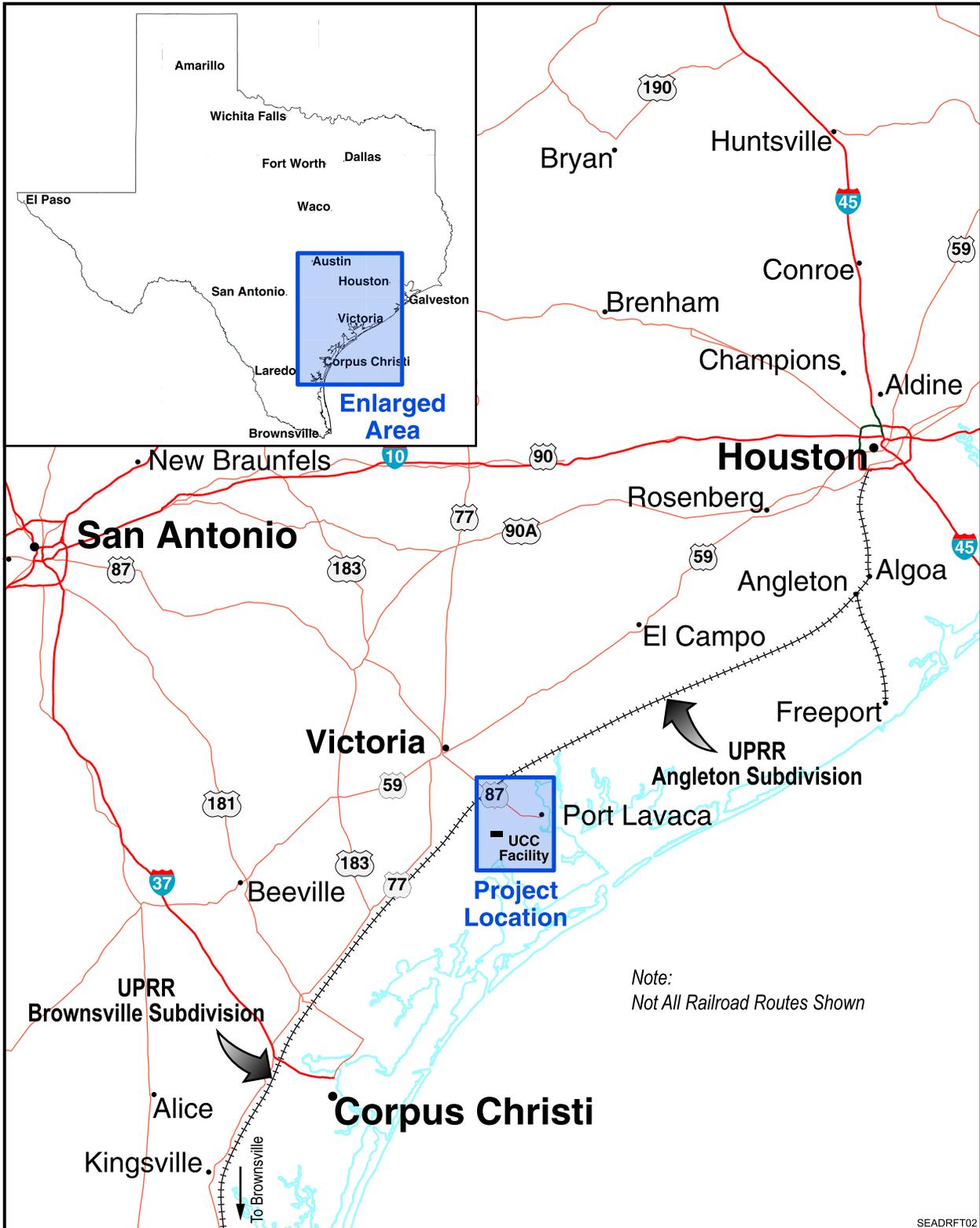
1.1.3 New Rail Traffic

BNSF estimates that an average of two trains per day, one inbound and one outbound, with an average length of 25 to 30 cars, would operate over the proposed rail line. Most shipments would consist of non-hazardous materials. Inbound cars are generally empty and most outbound cars transport plastic pellets in covered hopper cars. In addition to plastic pellets, UCC ships or receives an average of 2,500 cars per year of hazardous materials, including ethylene glycol and ethylene glycol monobutyl ether (commercially known as Butyl Cellusolve™ Solvent).

INSERT

A track that diverges from a main line and typically serves one or more industries.

⁵ This Draft EA considers the environmental impacts of constructing and operating the proposed rail; it does not consider the environmental impacts of the 0.7-mile industrial track or yard expansion.



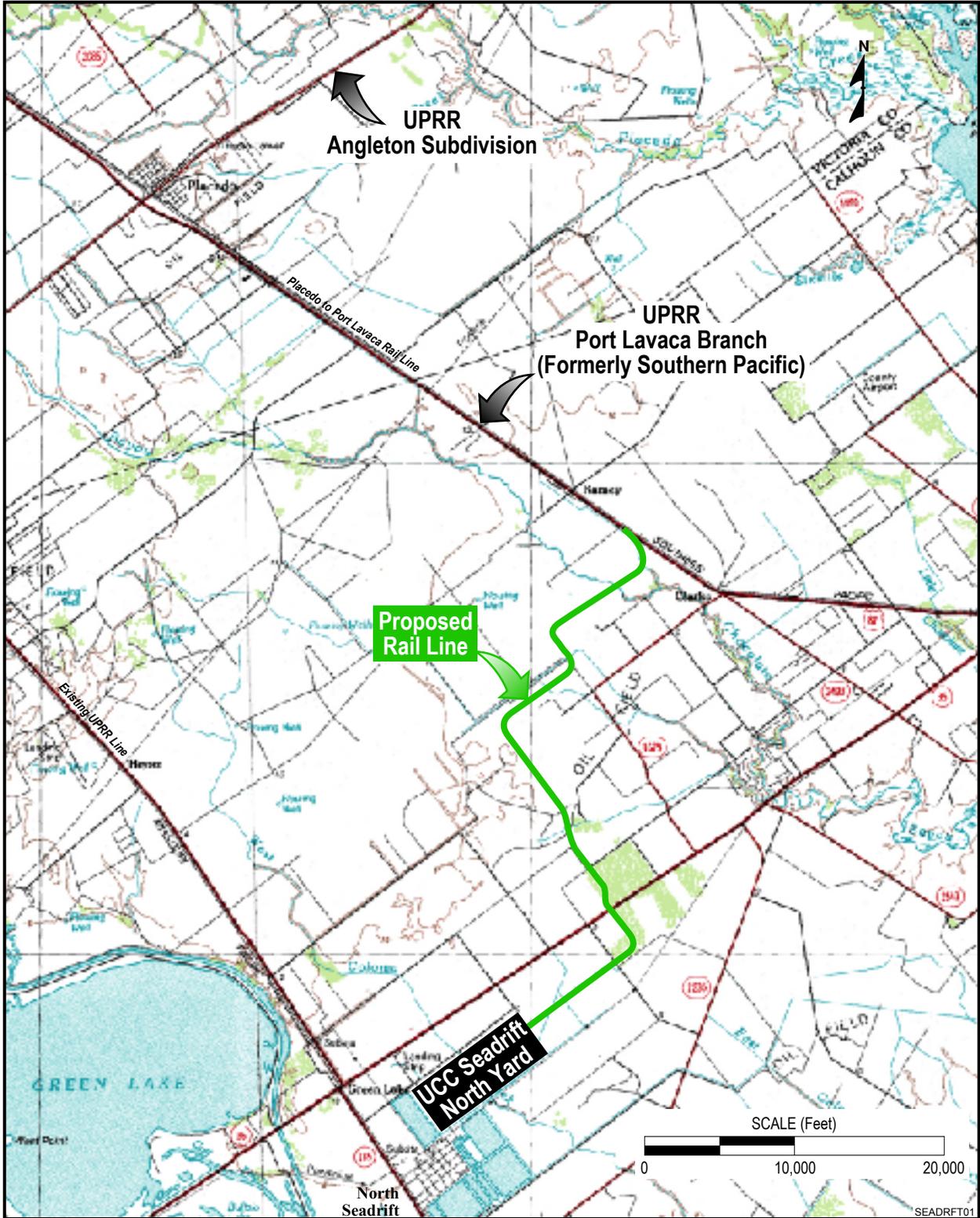
SEADRFT02

Seadrift Rail Build-In

Finance Docket No. 34003

PROJECT AREA

Figure 1-1



Source: USGS 1:100,000 Topographic Quadrangle – Port Lavaca, TX

SEADRFT01

Seadrift Rail Build-In

Finance Docket No. 34003

PROJECT LOCATION

Figure 1-2

1.2 PURPOSE AND NEED FOR THE PROPOSED RAIL LINE

BNSF states that this rail line would provide competitive rail service to the UCC facility near Seadrift, which is currently served solely by the UP. Specifically, this rail line would provide UCC with two-carrier rail service and access to BNSF's extensive single-line service system. The rail line would provide access to the UCC facility via the Port Lavaca Branch along US Highway 87, on which BNSF would operate via trackage rights pursuant to a condition of the UP/SP merger on June 19, 2001. The Board conditionally granted BNSF's exemption petition, subject to its further consideration of the environmental impacts of the proposal. Upon completion of the Board's environmental review process, it will issue a further decision addressing those matters and making the exemption effective at that time, if appropriate, thereby allowing construction to begin.

1.3 RELATIONSHIP BETWEEN THE PROPOSED ACTION AND IMPROVEMENTS TO US HIGHWAY 87

The Texas Department of Transportation (TxDOT) is pursuing the expansion of US Highway 87 from two lanes to four lanes in Calhoun County. The new rail line would cross US Highway 87 immediately in the vicinity of the Port Lavaca Branch approximately 1.0 mile southeast of Kamey. The new rail line and US Highway 87 would be grade-separated to accommodate the expansion of the highway. BNSF coordinated designs of the grade-separated structure closely with TxDOT. SEA also engaged TxDOT in consultation early in the development of this Draft EA. TxDOT provided information necessary to assess the cumulative effects of the two projects and was given the opportunity to review and provide comments on this Draft EA.

1.4 SEA ENVIRONMENTAL REVIEW PROCESS

SEA prepared this Draft EA to ensure that the proposed action complies with the statutory requirements under the National Environmental Policy Act (NEPA) of 1969, as amended,⁶ the Board's environmental regulations,⁷ and other applicable rules and/or regulations. SEA is responsible for conducting the Board's NEPA environmental review.

The Board has adopted the former ICC's environmental regulations⁸ that govern the environmental review process and outline procedures for preparing environmental documents. SEA reviewed the proposed rail construction and operation and determined that, because the rail line is not expected to result in significant environmental impacts, an Environmental Assessment would be appropriate.

⁶ 42 USC 4321 *et. seq.*

⁷ 49 CFR Part 1105

⁸ 49 CFR Part 1105

In preparing the Draft EA, SEA identified issues and areas of potential environmental impact, analyzed the potential environmental impacts of the proposed rail line construction project, reviewed agency and public comments, and developed mitigation measures to avoid or reduce anticipated impacts on the environment. To assist it in conducting the NEPA environmental analysis and in preparing the Draft EA, SEA selected and approved Parsons Transportation Group Inc. to act as the Board's independent third-party consultant, in accordance with the Board's environmental regulations.⁹ The third-party consultant worked on behalf of the Board and solely under SEA's direction to collect the needed environmental information and to compile it into the draft environmental document, which was submitted to SEA for its review, verification, and approval.

SEA analyzed BNSF's proposed operations as described in the Petition for Exemption and supporting statements, and technical studies conducted by BNSF's environmental consultant, HDR Engineering, Inc. (HDR) for the Seadrift Build-In (proposed rail line). SEA prepared the Draft EA based on its independent analysis of the proposed construction and operation, which included verifying the projected rail operations; performing land use, habitat, surface water, and wetland surveys; assessing effects to biological resources; and performing archeological and historic resource surveys. In addition, SEA's independent third-party consultant coordinated with BNSF and its environmental consultant and visited the proposed rail line construction site to document the existing conditions and assess the potential effects of the proposed project on the environment.

⁹ 49 CFR Part 1105.10(d)