

Decision ID # 44628

Service Date: March 30, 2016

FINAL ENVIRONMENTAL ASSESSMENT

FINANCE DOCKET NO. 35802

**NORTHWEST TENNESSEE REGIONAL PORT AUTHORITY
CONSTRUCTION AND OPERATION EXEMPTION
IN LAKE COUNTY, TENNESSEE**

Lead Agency:



Surface Transportation Board
Office of Environmental Analysis
Victoria Ruston, Director

Project Manager:

Joshua Wayland
Environmental Protection Specialist
395 E St. SW, Rm. 1105
Washington, DC 20423

Cooperating Agency:

United States Army Corps of Engineers
Memphis District

March 2016

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SURFACE TRANSPORTATION BOARD
Office of Environmental Analysis
Washington, DC 20423

March 30, 2016

RE: STB Finance Docket No. 35802, Northwest Tennessee Regional Port Authority —
Rail Construction and Operation — in Lake County, Tennessee

Dear Reader,

The Surface Transportation Board's (the Board's) Office of Environmental Analysis (OEA) is pleased to provide you with this copy of the Final Environmental Assessment (Final EA) for the proposal of the Northwest Tennessee Regional Port Authority (NWTRPA) to construct and operate approximately 5.5 miles of new rail line in Lake County, Tennessee. The proposed rail line would connect the newly constructed Port of Cates Landing on the Mississippi River to an existing rail line operated by the Tennken Railroad near Tiptonville, Tennessee. It would provide rail service to customers at the Port of Cates Landing and the adjacent Lake County Industrial Park, which is currently being developed by Lake County.

On December 28, 2015, OEA issued its Draft Environmental Assessment (Draft EA) addressing the potential impacts of the proposed project for public review and comment. In the Draft EA, OEA analyzed the potential environmental impacts of NWTRPA's proposal and three alternatives to the proposal, including the No Action Alternative. The Draft EA concluded that construction and operation of the proposed rail line would not significantly affect the quality of the human environment under any of the alternatives that OEA considered. Two of the alternatives—Alternative A, which is NWTRPA's preferred alternative, and Alternative B—would result in similar and minor impacts to the environment, while the third alternative, Alternative C, would result in slightly more, though still minor, impacts.

The 30-day comment period for the Draft EA ended on January 27, 2016. During the comment period, OEA received one comment from NWTRPA. In its comment, NWTRPA states that OEA should select Alternative A, NWTRPA's preferred alternative, as its "environmentally preferable alternative" because that alternative would result in the fewest minor environmental impacts, according to NWTRPA. OEA has reviewed and considered NWTRPA's comment in this Final EA.

The Final EA documents OEA's final conclusions regarding the potential environmental impacts that could result from the construction and operation of the proposed rail line, based on the analysis conducted in the Draft EA and the comment received during the comment period for the Draft EA. Based on its independent analysis and on the comment received, OEA has identified Alternative A as the environmentally preferable alternative because OEA's analysis indicates that this alternative would result in the fewest minor environmental impacts. The Final EA also presents OEA's final recommended environmental mitigation measures. If the recommended

mitigation measures are imposed in any decision granting NWTRPA the authority to construct and operate the proposed rail line, OEA concludes that NWTRPA's proposal would not significantly affect the quality of the human environment.

The Board will now consider the complete environmental record, including the Draft EA, comments received, and the Final EA in making its final decision whether to approve the rail line construction and operation proposed by NWTRPA. If the Board should approve the proposal, it will also determine what, if any, environmental mitigation to impose.

This Final EA has been served on all parties of record for this docket and the environmental distribution list, which includes key government agencies and other appropriate entities. Hard copies of the Final EA are available for review at the Tiptonville Public Library and the Tiptonville Town Hall in Tiptonville, Lake County, Tennessee. The Final EA is also available on the Board's website at <http://www.stb.dot.gov>. If you have questions, please feel free to contact Josh Wayland of my staff at (202) 245-0330 or by email at waylandj@stb.dot.gov.

Thank you for your interest and participation in the Board's environmental review process.

Sincerely,

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

Victoria Rutson
Director
Office of Environmental Analysis

SUMMARY OF MAJOR CONCLUSIONS IN THIS ENVIRONMENTAL ASSESSMENT

The Surface Transportation Board's (the Board's) Office of Environmental Analysis (OEA) has concluded its review of the potential environmental impacts that could result from the Northwest Tennessee Regional Port Authority's (NWTRPA's) proposal to construct and operate approximately 5.5 miles of rail line in Lake County, Tennessee. OEA has reviewed and considered the one comment that was submitted during the 30-day comment period on the Draft Environmental Assessment (EA) and has reached the following major conclusions:

- The proposed rail line would extend approximately 5.5 miles from the newly constructed Port of Cates Landing to a connection with a rail line operated by the Tennken Railroad near Tiptonville, Tennessee. The proposed rail line would provide rail service to customers at the newly constructed Port of Cates Landing, as well as to the Lake County Industrial Park currently being developed adjacent to the port facility.
- NWTRPA anticipates that rail traffic on the proposed rail line would initially be fewer than 1,000 carloads per year, and would eventually rise to more than 1,000 carloads per year. This corresponds to approximately two round trips per week, for a total of four 10-car trains per week during the initial years of operations. This traffic level could increase in the future, depending on the needs of customers at the Port of Cates Landing and the Lake County Industrial Park. NWTRPA anticipates that service would be available to customers once per day in either direction, 5 days per week. Depending on future markets, the proposed rail line could transport a variety of commodities, potentially including agricultural products, raw materials, industrial products, energy commodities, and finished manufactured products.
- In addition to NWTRPA's proposed alignment (Alternative A), OEA considered two alternative alignments that could feasibly be constructed (Alternative B and Alternative C). The construction and operation of any of these three Action Alternatives would not result in any significant environmental impacts related to land use, geological resources, water resources, biological resources, threatened and endangered species, transportation systems, air quality, noise and vibration, environmental justice and socioeconomics, safety, hazardous wastes or materials, energy resources, or greenhouse gases and climate change. OEA also considered the potential environmental impacts of the No Action Alternative, under which the proposed rail line would not be constructed. No significant environmental impacts would occur as a result of the No Action Alternative. Under the No Action Alternative, however, the purpose and need of the proposal would not be met.
- The proposed rail line would cross several roadways. Alternatives A, B, and C would require two, two, and three at-grade crossings of roadways, respectively. Because the level of traffic on local roads is low, with fewer than 400 motor vehicles per day on nearby roadways, and

because the level of proposed train traffic would be low (with an average of fewer than one train per day) and because trains operating on the proposed rail line would travel at low speeds of less than 20 miles per hour, the construction of the at-grade crossings would not adversely affect local transportation patterns or public safety. OEA is recommending mitigation measures to ensure that the at-grade roadway crossings would be appropriately designed and demarcated to protect public safety.

- The construction of the proposed rail line would result in the conversion of approximately 70 acres of farmland to nonagricultural use. The acres of farmland would be small relative to the amount of available agricultural land in the project area, which is predominantly agricultural.
- The proposed rail line would primarily cross farmland that has been substantially altered by long-standing agricultural use. Therefore, essentially no natural habitat remains that could be affected by the proposed rail line. Construction and operation of the proposed rail line would have no effect on federally or state-listed threatened or endangered species. No impacts to wildlife habitat or abundance would occur.
- Each of the alternatives under consideration would cross at least one stream and several agricultural drainage channels. Each of the alternatives would also cross at least one linear wetland. These crossings would require the construction of one bridge and several culverts. Impacts to these water resources would be minor and would be minimized by the mitigation conditions that OEA is recommending.
- Because trains on the proposed rail line would carry freight that would otherwise be transported by truck, the proposed construction and operation would reduce truck traffic on local roads, enhance transportation efficiency, improve public safety, and reduce local air pollution and greenhouse gas emissions relative to the No Action Alternative.
- A cultural resource survey was conducted and submitted to the Tennessee Historical Commission (the State Historic Preservation Officer or SHPO), in compliance with Section 106 of the national Historic Preservation Act of 1966, to provide information to OEA and the SHPO with which to make a determination of effect to historic and cultural properties pursuant to Section 106. Based on the results of the survey and in consultation with the SHPO, OEA determined that the construction and operation of the proposed rail line would have no effect on historic properties within the area of potential effect. Pursuant to 36 Code of Federal Regulations 800.4(d) (1), OEA informed the SHPO of its determination on July 10, 2015. The SHPO has concurred with OEA's finding of no effect to historic properties.
- Benefits of the proposed rail line include increased efficiency in the local and regional transportation network, the potential for new employment opportunities for members of local

communities, and the potential for increased air quality and climate change impacts from displacing trucks that would otherwise be used to transport freight to and from the Port of Cates Landing and the Lake County Industrial Park if the proposed railroad is not constructed.

- Based on the information provided from all sources to date and its independent analysis, OEA concludes that construction and operation of the proposed rail line would have no significant environmental impacts if the recommended mitigation measures set forth in the Final EA are imposed. Therefore, the environmental impact statement process is unnecessary in this proceeding.

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Acronyms

BMPs	Best Management Practices
CFR	Code of Federal Regulations
EA	Environmental Assessment
FRA	Federal Railroad Administration
NWTRPA	Northwest Tennessee Regional Port Authority
OEA	Office of Environmental Analysis
SHPO	State Historic Preservation Officer
TDOT	Tennessee Department of Transportation
USACE	United States Army Corps of Engineers
U.S.C.	United States Code

1.0 INTRODUCTION AND ENVIRONMENTAL REVIEW PROCESS

1.1 Introduction

On June 27, 2014, the Northwest Tennessee Regional Port Authority (NWTRPA), pursuant to 49 U.S.C. §10502, filed a petition for exemption with the Surface Transportation Board (the Board), for exemption from the requirements of 49 U.S.C. §10901 for authority to construct and operate a new rail line in Lake County, Tennessee. NWTRPA proposes to construct and operate approximately 5.5 miles of new rail line to serve the newly constructed Port of Cates Landing on the Mississippi River near the town of Tiptonville, Tennessee.

According to NWTRPA, the purpose for the proposed action is to provide an additional transportation option to customers of the Port of Cates Landing and the Lake County Industrial Park, an industrial park that is currently being developed adjacent to the Port of Cates Landing. The proposed rail line would provide customers with access to the interstate rail network by connecting the port facility to an existing line of railroad owned by the Hickman River City Development Corporation of Hickman, Kentucky, and operated by the Tennken Railroad, a Class III common carrier short line.

In addition to supporting the development of a sound transportation system with effective competition, NWTRPA notes that the construction and operation of the proposed rail line would promote transportation safety and energy conservation by reducing truck traffic from local roads and highways as the Port of Cates Landing and the Lake County Industrial Park continue to develop.

The proposed rail line involves a petition by NWTRPA for a license or approval from the Board to construct a common carrier rail line as part of the interstate rail network. The proposed rail line is not a federal government-proposed or sponsored project. Therefore, the project's purpose and need should be informed by both the private applicant's goals and the agency's enabling statute here. Construction and operation of new rail lines requires prior authorization by the Board under 49 U.S.C § 10901(c), which is a permissive licensing standard. It directs the Board to grant construction proposals unless the Board finds the proposal "inconsistent with the public convenience and necessity." Thus, Congress presumes that rail construction projects are in the public interest unless shown otherwise.¹

NWTRPA states that rail service on the proposed rail line would be available once per day in either direction, depending on the needs of customers. NWTRPA estimates that rail traffic during the initial years of operation would consist of approximately 1,000 carloads per year which, at an average of 10 cars per train, would correspond to an average of two roundtrips per work week

¹ Although the statute does not define the term public convenience and necessity, historically, a three-part test has been used to evaluate that term: whether an applicant is financially fit to undertake proposed construction and provide the proposed service; whether there is public demand or need for the proposed service; and whether the proposal is in the public interest and will not unduly harm existing services.

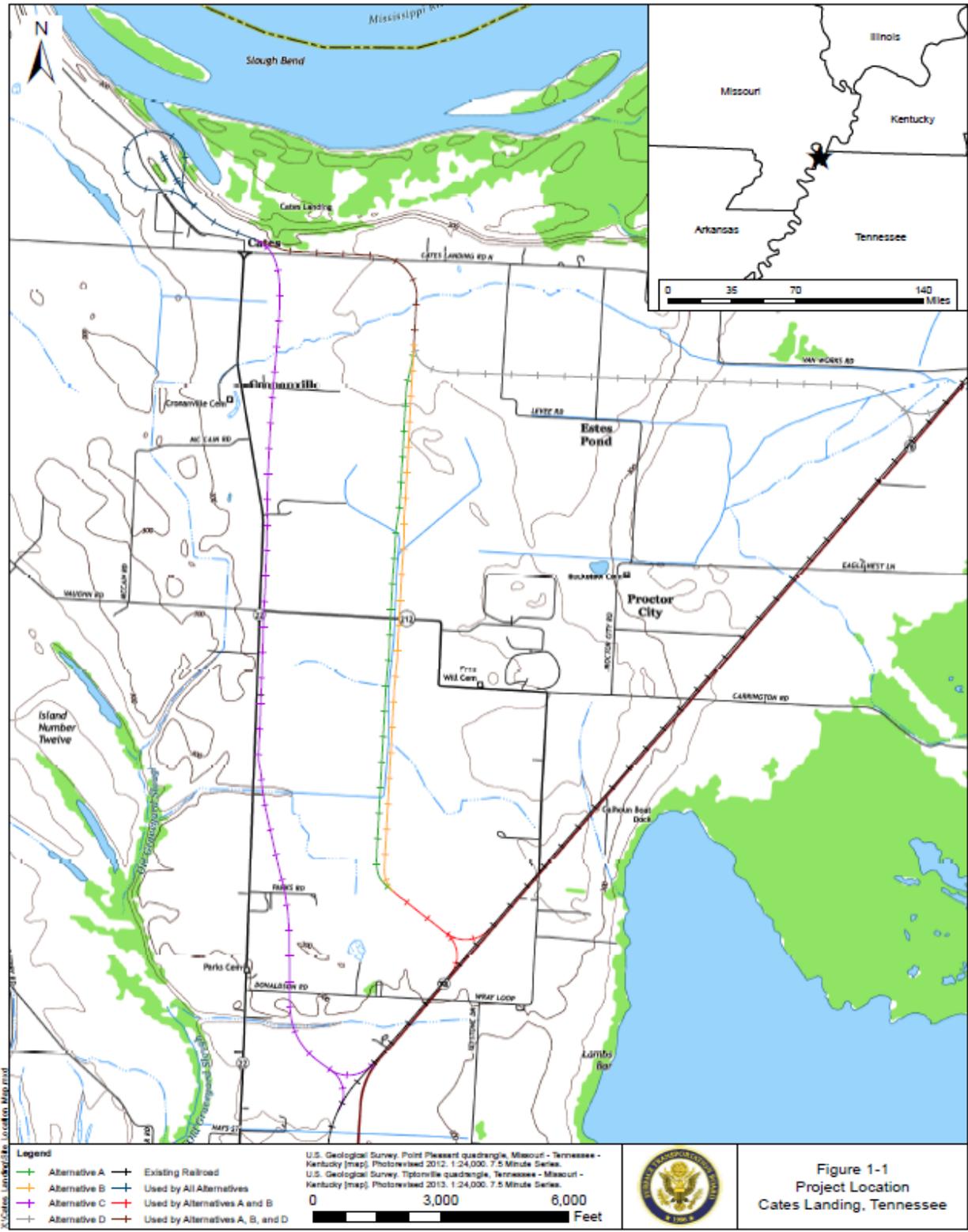
(i.e., Monday through Friday), for a total of four trains per week. Potential cargo would include agricultural commodities and products, industrial products and raw materials for industrial products, finished manufactured goods, energy commodities, and special cargos.

1.2 Environmental Review Process

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

OEA served the Draft EA on December 28, 2015. The Draft EA was provided to all parties to the proceeding; appropriate federal, state, and local agencies; and any party requesting copies of the document. On the same date, OEA published the *Issuance of the Draft EA; Request for Comments* in the *Federal Register* (80 FR 80878) and posted the Draft EA on the Board's website. The Draft EA was made available online for review at the Board's website (<http://www.stb.dot.gov/>). Hard copies of the Draft EA were made available for review at the Tiptonville Town Hall and the Tiptonville Public Library in Tiptonville, Tennessee. OEA also mailed a notice of the availability of this Draft EA to all residents and property owners within 1,500 feet of right-of-way of the proposed rail line. OEA requested comments on all aspects of the document, including the scope and adequacy of the recommended mitigation measures. The 30-day comment period closed on January 27, 2016. OEA received one comment on the Draft EA from NWTRPA. This comment is attached as Appendix A to this Final EA.

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



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2.0 COMMENTS AND RESPONSES

One comment on the Draft EA was submitted by NWTRPA. A copy of this comment letter is included in Appendix A of this Final EA. A summary of the comment received and OEA's response to the comment are provided below.

NWTRPA Comment:

By letter dated January 27, 2016, NWTRPA requested that OEA identify Alternative A as the “environmentally preferable alternative” because the proposed rail line under that alternative would result in the fewest potential environmental impacts, according to NWTRPA. NWTRPA also states that both Alternative A and Alternative B would result in fewer environmental impacts than under Alternative C.

According to NWTRPA, relative to the other alternatives that OEA considered, Alternative A would:

- Require the smallest area of land to be developed;
- Impact the fewest land owners;
- Potentially permit the rail line to serve the largest area within the proposed Lake County Industrial Park; and
- Maintain a buffer between the rail line and residences in the project area.

NWTRPA also states that, relative to the other alternatives that OEA considered, the proposed rail line under Alternative C would:

- Require the largest acreage;
- Impact more land owners than either Alternative A or Alternative B;
- Require additional road crossings to be constructed if new roadways were constructed as part of the ongoing development of the Lake County Industrial Park;
- Block vehicular traffic at road crossings that could be constructed in the future as part of the development of the proposed Lake County Industrial Park;
- Be located closer to residences than under Alternative A or Alternative B; and
- Impact the largest area within the Lake County Industrial Park, reducing the area that could be developed within the park.

Finally, in its comment, NWTRPA identifies additional potential impacts associated with Alternative D that OEA did not identify in the Draft EA. In the Draft EA, OEA did not consider Alternative D in detail because of concern regarding potential impacts to the watershed of Reelfoot Lake. According to NWTRPA, the proposed rail line under Alternative D would:

- Be located partially within the drainage basin of Reelfoot Lake, whereas Alternative A, Alternative B, and Alternative C would be located outside of the drainage basin of Reelfoot Lake; and
- Require additional earthwork relative to the other Action Alternatives that OEA considered due to the larger vertical grade differences along the path of the proposed rail line.

OEA Response:

In the Draft EA, OEA compared the potential impacts of the proposed rail line under each alternative to public safety, transportation systems, geological resources, air quality, water resources, biological resources, cultural resources, noise and vibration, climate change, and hazardous wastes. Based on the analysis presented in the Draft EA, OEA concluded that the potential environmental impacts related to those resource areas would be identical for Alternative A and Alternative B, and would be somewhat higher for Alternative C.

Based on its review of the additional information provided by NWTRPA in its comment, OEA concludes that the potential environmental impacts associated with Alternative A would be similar to but somewhat less than the impacts associated with Alternative B. Specifically, because NWTRPA anticipates that implementing Alternative A would require purchasing a smaller area of land than would Alternative B and Alternative C, OEA concludes that Alternative A would result in the smallest area of land being converted from farmland to other use. In addition, as noted by NWTRPA, the vegetation that is present along the agricultural stream adjacent to Alternative A would provide an additional barrier between the proposed rail line and residences located to the east of the agricultural stream. Finally, based on NWTRPA's comments, OEA believes that Alternative A could improve transportation efficiency relative to Alternative B and Alternative C because it would permit the greatest number of potential customers to receive rail service within the Lake County Industrial Park.

3.0 ENVIRONMENTALLY PREFERABLE ALTERNATIVE

Based on the independent analysis presented in the Draft EA and its review of the comment received during the comment period for the Draft EA, as discussed above, OEA has concluded that construction and operation of the proposed rail line would not result in significant environmental impacts. OEA also concludes that the potential for environmental impacts from the construction and operation of the proposed rail line would be minimized under Alternative A compared to the other alternatives.

Compared to the No Action Alternative, Alternative A, Alternative B, and Alternative C would result in minor adverse environmental impacts to waterways, soil, and wildlife in the project area, as discussed in the Draft EA. Impacts to air quality, public safety, and climate change would be beneficial compared to the No Action Alternative. The minor adverse environmental impacts associated with

Alternative A would be similar to but somewhat less than the impacts associated with Alternative B. Both Alternative A and Alternative B would have similar but fewer minor environmental impacts than would Alternative C. Accordingly, OEA has identified Alternative A as the environmentally preferable alternative in this proceeding.

4.0 FINAL RECOMMENDED MITIGATION

This chapter describes OEA’s final recommended mitigation measures that, if imposed by the Board in any decision granting the NWTRPA the authority to construct and operate the proposed rail line, would avoid, minimize, or mitigate for the potential environmental impacts related to the construction, operation, and maintenance of the proposed rail line. OEA developed the final mitigation measures based on consultations with appropriate agencies, comments from interested parties, and extensive environmental analyses.

4.1 OEA’s Final Recommended Mitigation Measures

Based on available project information and the comments received during the environmental consultation process and 30-day public comment period on the Draft EA, OEA is recommending 32 mitigation measures to address the potential environmental impacts of the proposed action in the following resource areas: transportation and safety, geology resources, water resources, air quality, vegetation, wildlife, threatened and endangered species, cultural resources, socioeconomic and environmental justice, and hazardous materials and transportation of hazardous materials.

4.1.1 Transportation and Safety

1. NWTRPA shall schedule construction activity so as to minimize the periodic closing of roads or traffic delays to the public. NWTRPA shall coordinate with Tennessee Department of Transportation (TDOT) and the Lake County Highway Commission regarding the scheduling of construction activities that could result in the temporary closing of roads and shall provide for detours and associated signage, as appropriate, or maintain at least one open lane of traffic at all times to allow for the passage of emergency and other vehicles.
2. NWTRPA shall confine all project-related construction traffic to a temporary access road within the right-of-way or established public roads. Where traffic cannot be confined to temporary access roads or established public roads, NWTRPA shall make necessary arrangements with landowners to gain access. After construction is completed, NWTRPA shall remove and restore any temporary access roads constructed outside the rail line right-of-way unless otherwise agreed to with the landowners.
3. NWTRPA shall ensure that proposed activities within and along existing roads are consistent with the *Manual on Uniform Traffic Control Devices* for installation of signs (e.g., regulatory, warning/caution, speed), delineators, and other roadway appurtenances and

in compliance with the terms and conditions of any American Association of State Highway and Transportation Officials safety standards.

4. NWTRPA shall consult with appropriate federal, state, and local transportation agencies to determine the final design and other details of the grade-crossing warning devices on public roads. Implementation of all grade-crossing warning devices on public roadways will be subject to the review and approval of reasonable warning devices by TDOT and by the Lake County Highway Commission. NWTRPA shall coordinate with TDOT and Lake County Highway Commission to identify the maintenance and repair responsibilities of each party for project-related warning devices and at-grade road crossings.
5. NWTRPA shall comply with the safety regulations implemented and enforced by the Federal Railroad Administration (FRA), including regulations that establish safe speed limits for train operations and regulations that establish procedures for implementing an inspection and maintenance program to minimize the potential for derailments and other rail-related accidents.

4.1.2 Land Use

6. NWTRPA shall, to the extent practicable, design the proposed rail right-of-way to minimize the conversion of prime farmland to nonagricultural use.
7. NWTRPA shall ensure that land areas directly disturbed by NWTRPA's project-related construction are restored to their original condition, as may be reasonably practicable, after project-related construction is completed.
8. NWTRPA shall require contractors involved in construction or operation of the proposed rail line to remove all trash and debris generated as a result of the project from public land and dispose of it at an authorized facility in accordance with all applicable federal, state, and local regulations.
9. NWTRPA shall consult with utility managers during design and construction so that utilities are protected during project-related construction activities. NWTRPA shall notify the manager of each such utility identified prior to project-related construction activities and coordinate with the owner to minimize damage to utilities.

4.1.3 Geological Resources

10. NWTRPA shall limit ground disturbance to only those areas necessary for project-related construction activities.
11. NWTRPA shall employ Best Management Practices (BMPs) during construction to minimize the erosion of soil from disturbed areas.

12. NWTRPA shall stabilize any disturbed areas outside of the rail corridor with appropriate vegetative cover after the completion of construction activities.
13. NWTRPA shall design the rail line in accordance with engineering criteria related to seismic events and other geologic hazards to comply with applicable design codes. For example, NWTRPA shall design the proposed rail line in accordance with the latest applicable seismic codes taking into account the region's potential for earthquake activity to mitigate potential damage to bridges and tracks.

4.1.4 Water Resources

14. NWTRPA shall design and construct the rail line authorized by the Board, including culverts and bridges, in such a way as to maintain natural water flow and drainage patterns to the extent practicable.
15. During project-related construction and operation, NWTRPA shall avoid and minimize impacts to waterbodies and wetlands. NWTRPA shall obtain from the United States Army Corps of Engineers (USACE) any federal permits required by Section 404 of the Clean Water Act before initiating project-related construction activities that would impact wetlands and waterbodies. NWTRPA shall comply with all reasonable requirements as required by USACE and shall incorporate the stipulations of these permits and authorizations into construction contract specifications. NWTRPA shall work directly with USACE to develop appropriate mitigation for direct wetland impacts as stipulated in the Section 404 permit.
16. NWTRPA shall coordinate with Tennessee Department of Environment and Conservation, Division of Water Resources to obtain all appropriate state permits related to impacts to water resources resulting from construction activities, including an Aquatic Resource Alteration Permit for alterations to waters of the state and coverage under Tennessee's General National Pollutant Discharge Elimination System Permit for Discharges of Storm Water Associated with Construction Activities.
17. In instances in which NWTRPA or its contractors need to apply herbicides for right-of-way maintenance, NWTRPA shall ensure the use of staff or contractors who are properly trained in herbicide application, shall require the following of label directions in herbicide application, and shall limit the amount potentially entering waterways. NWTRPA shall require the use only of herbicides regulated for such uses with United States Environmental Protection Agency and follow all state regulations that require their use.

4.1.5 Biological Resources

18. NWTRPA shall minimize disturbance to wildlife by restricting construction activities to the proposed rail right-of-way and immediate surrounding area.

19. NWTRPA shall notify OEA and the United States Fish and Wildlife Service if any federally listed threatened or endangered species are discovered during project-related construction activities.
20. NWTRPA shall consult with the Tennessee Wildlife Resources Agency and shall comply with the reasonable recommendations of that agency regarding the design of in-stream structures to permit migration of aquatic species.

4.1.6 Cultural Resources

21. If any cultural resources are discovered or uncovered during construction of the rail line, NWTRPA shall halt all work immediately and notify the Tennessee Historical Commission (the SHPO) and the OEA to identify and implement the required consultation and mitigation. NWTRPA shall then consult with the SHPO and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

4.1.7 Air Quality

22. NWTRPA shall work with its contractors to make sure that construction equipment is properly maintained and that mufflers and other required pollution-control devices are in working condition to limit construction-related air pollutant emissions.
23. NWTRPA shall minimize fugitive dust emission during construction by confining construction activity and clearing to the rail right-of-way and by employing BMPs in the control and suppression of dust emissions.
24. NWTRPA shall comply with all applicable federal, state, and local regulations regarding the control of air emissions.

4.1.8 Noise and Vibration

25. NWTRPA shall control temporary noise from construction equipment through the use and maintenance of appropriate muffler systems on machinery.
26. NWTRPA shall comply with FRA regulations that establish decibel limits for train operations and locomotive noise standards.

4.1.9 Socioeconomics and Environmental Justice

27. NWTRPA shall, before commencing construction activities related to this project, notify local communities, local agencies, local emergency response providers, and landowners about construction timeframes and potential disturbances related to construction.

28. NWTRPA shall ensure that project-related construction vehicles, equipment, and workers will not access work areas through landowners' properties without the permission of the property owners. In the unlikely event of inadvertent damage, NWTRPA shall work with affected landowners to appropriately redress any damage caused by NWTRPA's project-related construction activities.

4.1.10 Hazardous Waste Sites and Transportation of Hazardous Materials

29. NWTRPA shall ensure that waste materials related to this project are removed and disposed of promptly at an appropriate waste-disposal site. NWTRPA shall store and dispose of any hazardous waste generated or hazardous materials used in the normal course of construction, operation, and maintenance activities in accordance with applicable environmental laws.

30. NWTRPA shall develop a spill prevention plan for handling the release of petroleum products or other hazardous materials during construction activities and rail operations. In the event of a spill, NWTRPA shall comply with its spill prevention plan and applicable federal, state, and local regulations pertaining to spill containment and appropriate clean-up.

31. NWTRPA shall comply with applicable United States Department of Transportation regulations, policies, and procedures regarding the transportation of hazardous materials should any such material be transported on the proposed rail line.

32. If any undocumented hazardous waste sites are discovered or uncovered during construction of the rail line, NWTRPA shall immediately halt all work and notify the appropriate regulatory agencies.

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Appendix A
Comment Letters

Exhibit 1 Northwest Tennessee Regional Port Authority

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January 27, 2016

JOHN D. HEFFNER
(202) 742-8607
Direct Fax (202) 742-8697
John.Heffner@strasburger.com

BY E-FILING

Mr. Josh Wayland
Office of Environmental Assessment
Surface Transportation Board
395 E Street, S.W.
Room 1105
Washington, D.C. 20423

**RE: STB FD 35802, Northwest Tennessee Regional Port Authority
Construction and Operation Exemption - in Lake County, TN**

Dear Mr. Wayland:

On December 28, 2015, the Board's Office of Environmental Analysis ("OEA") released its Draft Environmental Assessment ("EA") in connection with the Northwest Tennessee Regional Port Authority ("NWTRPA")'s plan to build and operate a new line of railroad to serve the Port of Cates Landing ("the Port"). The Draft EA states that comments must be submitted to OEA by January 27, 2016, to be considered in the preparation of the Final EA.

The Draft EA reviewed three different Action Alternatives identified as Alternatives A, B, and C and a No Action Alternative (i.e. not to build the railroad). A fourth alternative identified as Alternative D was rejected. The EA concludes that none of the three "build" alternatives would have any significant adverse environmental or historic impacts if the 32 suggested mitigation measures are imposed. Significantly, the Draft EA states "OEA has not yet selected its environmentally preferable alternative. After reviewing public comments on this Draft EA, OEA will prepare a Final EA, which will identify OEA's environmentally preferable alternative and will specify OEA's final recommendations to the Board."

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NWTRPA has reviewed OEA's Draft EA and offers the following comments from an engineering perspective. Simply stated, NWTRPA urges OEA to select Alternative A as the "environmentally preferable alternative." In support of its position, NWTRPA offers the following reasons in support of Alternative A:

- a. Requires smallest acreage.
- b. Impacts the fewest number of land owners.
- c. Potentially serves the largest acreage (without additional drainage ditch crossings) in a future Industrial Park expansion build-out.
- d. Provides a better buffer from local residences and from the two existing prisons.

While NWTRPA regards Alternative B as its second choice, that option has four disadvantages over Alternative A. They are:

- a. Requires additional acreage.
- b. Impacts more land owners than Alternative "A".
- c. Potentially would require additional drainage ditch crossings to serve a future expanded Industrial Park build-out on the west side of ditch.
- d. Provides a less buffered screen from the two existing prisons.

NWTRPA regards alternative C as its "least favored" option for the following reasons:

- d. Requires additional acreage.
- b. Impacts more land owners than Alternatives "A" or "B".
- c. Location would block vehicular traffic from turning off of State Route 22 into a future expanded Industrial Park build-out where future roads could potentially be added anywhere along the route crossing from State Route 22 over

Mr. Josh Wayland

January 27, 2016

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the rail to access industrial roads or industrial sites. This disadvantage could range from only a nuisance to a major time delay if unit trains are serving the Port/Industrial Park.

d. Creates potential additional hazards for vehicle and train accidents due to additional future crossings into the expanded Industrial Park.

e. Is closest of three options to local residences along the route.

f. Impacts the most acreage in the existing Industrial Park site potentially losing developable site acreage.

Alternative D which OEA properly rejected presents two additional problems that OEA did not identify. They are:

a. The eastern half of the connector track from the Tennken Railroad to the Lake County Industrial Park would be in the drainage basin of Reelfoot Lake. Alternatives "A", "B", and "C" have natural drainage away from Reelfoot Lake and sensitive environmental areas.

b. In addition, this option would also require additional earthwork to transition the vertical grade differences.

In conclusion, NWTRPA urges OEA to pick Alternative A as its "environmentally preferable alternative." NWTRPA thanks OEA and the Board for the time it has spent carefully examining its project and routing alternatives. It looks forward to receiving the Final EA and a decision approving the project on its merits.

Respectfully submitted,



John D. Heffner
Counsel for Petitioner

Mr. Josh Wayland

January 27, 2016

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cc: John Lannom, Esq.