

February 21, 2006

By Messenger

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

215835



RE: Finance Docket Nos. 34421, *HolRail LLC-Petition for Exemption from 49 U.S.C. §10901 to Construct and Operate a Rail Line in Orangeburg and Dorchester Counties, South Carolina*

Dear Secretary Williams:

Please find enclosed the original and ten (10) copies of Holrail LLC's Errata to Environmental Mitigation Plan to be filed in the above referenced proceeding. Also enclosed is a diskette with a copy of the filing in Word and PDF format.

Please note that the original and the copies contain COLOR IMAGES in Exhibit 1, Sheet 1 and 2.

An extra copy of this filing is enclosed for stamping and returning to our offices.

Should you have any questions regarding the foregoing, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey O. Moreno".

Jeffrey O. Moreno

Office of the Secretary
Surface Transportation Board

Enclosures

cc: Louis E. Gitomer
David C. Navecky
Winn B. Frank

215835

BEFORE THE
SURFACE TRANSPORTATION BOARD



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Public Record

STB FINANCE DOCKET NO. 34421

HOLRAIL LLC—
PETITION FOR EXEMPTION FROM 49 U.S.C. § 10901
TO CONSTRUCT AND OPERATE A RAIL LINE
IN ORANGEBURG AND DORCHESTER COUNTIES, SOUTH CAROLINA

ERRATA TO ENVIRONMENTAL MITIGATION PLAN

On November 16, 2005, HolRail LLC ("HolRail"), submitted its "Environmental Mitigation Plan" in connection with the rail construction proposed in this docket. Last week, the Board's third party environmental consultant brought to HolRail's attention a discrepancy in the Plan for areas subject to shading. Specifically, Sheets 1 and 2, attached as part of the Plan, lists 0.92 acres of shaded impact area for the Preferred Route and 0.64 acres for the Alternate Route, respectively. Upon review, HolRail has determined that, with proper measurement, the actual impact will be 0.35 acres for the Preferred Route and 0.44 acres for the Alternate Route. These corrections, in turn, require adjustment of the required mitigation credits ("RMCs") in the Plan.

In order to show these corrections, HolRail has attached, as Exhibit 1, a redline version of its November 16, 2005 "Environmental Mitigation Plan," including revised Sheets 1 and 2.

Respectfully submitted,

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February 21, 2006

Attorneys for HolRail LLC

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB FINANCE DOCKET NO. 34421



**HOLRAIL LLC—
PETITION FOR EXEMPTION FROM 49 U.S.C. § 10901
TO CONSTRUCT AND OPERATE A RAIL LINE
IN ORANGEBURG AND DORCHESTER COUNTIES, SOUTH CAROLINA**

ENVIRONMENTAL MITIGATION PLAN

Petitioner, HolRail LLC ("HolRail"), has submitted a Petition for Exemption to construct a Preferred Route and an Alternate Route from the Holcim (US) Inc. cement plant near Holly Hill, South Carolina, to a connection with the Norfolk-Southern Railroad near Giant, South Carolina. A portion of both routes would cross jurisdictional wetlands and waters of the United States within Four Hole Swamp. In order to mitigate the adverse environmental effects of the proposed construction, HolRail hereby proposes the following plan.

The U.S. Army Corps of Engineers requires compensatory mitigation for projects that affect jurisdictional wetlands and waters of the United States. The Charleston District, which includes Four Hole Swamp, has adopted guidelines for developing mitigation plans. These guidelines calculate a number of Required Mitigation Credits ("RMCs") based on the quantity and quality of the wetlands affected by a project. The guidelines recognize five types of compensatory mitigation measures and set forth the number of credits that will be awarded for such measures. HolRail has followed those guidelines in preparing this mitigation plan.

The five types of compensatory mitigation measures recognized by the Charleston District are the following:

- **Protection of existing jurisdictional wetlands** is achieved by placing a permanent conservation easement on property that contains jurisdictional wetlands. Charleston District Corps policy generally allows 50 percent of the Required Mitigation Credits (RMCs) to come from protection, although a higher percentage can be considered to protect significant wetland assets.
- **Protection of upland buffers** in perpetuity enhances the adjacent aquatic wetland. Generally, the Corps allows this type of credit to be used for up to 25 percent of the RMCs needed.
- **Enhancement** of marginal wetland areas and upland buffers to improve water quality or habitat characteristics qualifies for RMCs.
- **Restoration** is the Corps' preferred method of mitigation. It involves the re-establishment or rebuilding of former wetlands to rehabilitate the natural or historic functions of degraded wetlands. The availability of suitable areas is typically the limiting factor to the number of credits achieved through restoration.
- **Creation** of functional wetlands in areas that previously did not contain wetlands is the least attractive option. Wetlands construction typically involves excavation to lower upland areas, importation of hydric soils, and planting of wetland species. Long-term monitoring is required to document successful wetland function.

Preferred Route Mitigation Plan

On the attached Sheet 1,¹ HolRail has calculated the RMCs for the Preferred Route pursuant to the Charleston Corps guidelines. Construction of the Preferred Route will disturb ~~7.00~~6.43 acres of jurisdictional wetlands immediately adjacent to road fill material on the existing CSX line. Of this area, approximately ~~6.15~~5.58 acres will be permanently impacted and the remaining 0.85-acre will be disturbed only during construction. Of the ~~6.15~~5.58 acres, ~~85~~94 percent will be filled and ~~15~~6 percent will be shaded (crossed by trestles). The wetlands adjacent to the existing CSX rail bed already are slightly impaired by the presence of the existing transportation corridor. In light of these factors, HolRail has calculated a need for ~~70~~65 RMCs.

Pursuant to the Charleston Corps guidelines, HolRail proposes the following compensatory mitigation measures in satisfaction of the ~~70~~65 RMCs:

¹ **Note for Attachments:** The color-coding on the calculation sheets indicates which weighting factor from the table at the top of the page was used in the calculation of required RMCs in the table at the bottom of the page. The impact type differed for the "Duration" and "Dominant Impact" factors that are used to calculate the "Cumulative Impact" for each of the three areas.

- **Protection of ~~38.235.5~~ acres** of existing jurisdictional wetlands in Four Hole Swamp (60 percent of the total RMCs). Charleston Corps guidance provides for 1.1 credits per acre for this type of mitigation, resulting in a total of ~~42.39~~ **credits**.
- **Enhancement by buffering of approximately 11.25 upland acres** adjacent to jurisdictional wetlands in Four Hole Swamp. Charleston Corps guidance provides for 1.3 to 1.7 credits per acre for this type of mitigation, resulting in a total of ~~17.516.3~~ **credits**.
- **Enhancement of ~~4.43.9~~ acres** of degraded jurisdictional wetlands and floodplain buffer in Four Hole Swamp or a tributary drainage. Charleston Corps guidance provides for 2.4 credits per acre for this type of mitigation, resulting in a total of ~~10.59.7~~ **credits**.

It is anticipated that these mitigation credits would be earned on property owned by Holcim (US) Inc., HolRail's parent company, in the immediate vicinity of the proposed project.

Alternate Route Mitigation Plan

On the attached Sheet 2,² HolRail has calculated the RMCs for the Alternate Route pursuant to the Charleston Corps guidelines. Construction of the Alternate Route will disturb ~~13.93~~ 13.73 acres of jurisdictional wetlands and waters of the US within an undisturbed corridor of Four Hole Swamp. Of this area, approximately ~~12.49~~ 12.29 acres will be permanently impacted and the remaining 1.44 acres will be disturbed during construction. Of the ~~12.49~~ 12.29 acres, ~~95-96~~ percent will be filled and ~~5-4~~ percent will be shaded (crossed by trestles). In light of these factors, HolRail has calculated a need for ~~156-154~~ RMCs.

Pursuant to the Charleston Corps guidelines, HolRail proposes the following compensatory mitigation measures in satisfaction of the ~~156-154~~ RMCs:

- **Protection of ~~85.184~~ acres** of existing jurisdictional wetlands in Four Hole Swamp (60 percent of the total RMCs). Charleston Corps guidance provides for 1.1 credits per acre for this type of mitigation, resulting in a total of ~~93.692.4~~ **credits**.

² **Note for Attachments:** The color-coding on the calculation sheets indicates which weighting factor from the table at the top of the page was used in the calculation of required RMCs in the table at the bottom of the page. The impact type differed for the "Duration" and "Dominant Impact" factors that are used to calculate the "Cumulative Impact" for each of the three areas.

- **Enhancement by buffering of approximately 22.5 upland acres** adjacent to jurisdictional wetlands in Four Hole Swamp. Charleston Corps guidance provides for 1.3 to 1.7 credits per acre for this type of mitigation, resulting in a total of ~~39~~38.2 credits.
- **Enhancement of 4.4 acres** of degraded jurisdictional wetlands and floodplain buffer in Four Hole Swamp or a tributary drainage. Charleston Corps guidance provides for 2.4 credits per acre for this type of mitigation, resulting in a total of **10.5 credits**.
- **Restoration of 2.8 acres** of degraded jurisdictional wetlands and floodplain buffer in Four Hole Swamp or a tributary drainage. Charleston Corps guidance provides for 4.6 credits per acre for this type of mitigation, resulting in a total of **12.9 credits**.

It is anticipated that these mitigation credits would be earned on property owned by Holcim (US) Inc., HolRail's parent company, in the immediate vicinity of the proposed project, and on adjacent lands controlled by conservation organizations.

Respectfully submitted,

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November 16, 2005

Calculation of Required Mitigation Credits Preferred Route

14. Tables and Wetlands

14.1 Adverse Impacts Table

ADVERSE IMPACT FACTORS FOR WETLANDS AND OTHER WATERS OF THE US EXCLUDING STREAMS

FACTORS	OPTIONS				
	Type C 0.2	Type B 2.0	Type A 3.0		
Priority Category	Tertiary 0.5	Secondary 1.5	Primary 2.0		
Existing Condition	Very Impaired 0.1	Impaired 1.0			Fully Functional 2.5
Duration	Seasonal 0.1	0 to 1 0.2	1 to 3 0.5	3 to 5 1.0	5 to 10 1.5
Dominant Impact	Shade 0.2		Dredge 1.5	Drain 2.0	Impound 2.5
Cumulative Impact	$0.05 \times (\text{Sum of AA}_i) =$				

Note: For the Cumulative impact factor, AA_i stands for the sum of the acres of adverse impacts to aquatic areas for the overall project. When computing this factor, round to the nearest tenth decimal place using even number rounding. This 0.01 and 0.050 are rounded down to give a value of zero while 0.051 and 0.09 are rounded up to give a 0.1 as the value of the cumulative impact factor. **The cumulative impact factor for the overall project must be used in each area column on the Required Mitigation Credits Worksheet below.**

Factor	Preferred Route		
	Fill / Perm	Shade/Perm	Clear/Temp
	Area 1	Area 2	Area 3
Lost Type	3.0	3.0	3.0
Priority Category	0.5	0.5	0.5
Existing Condition			
Duration			0.5
Dominant Impact		0.2	
Cumulative Impact	0.300	0.300	0.300
Sum of R Factors	10.800	8.000	7.300
Impacted Area	5.23	0.35	0.85
R x AA =	56.484	2.8	6.205
Total Credits Required	65.49		

Calculation of Required Mitigation Credits Alternate Route (630' Center Trestle)

14. Tables and Wetlands

14.1 Adverse Impacts Table

ADVERSE IMPACT FACTORS FOR WETLANDS AND OTHER WATERS OF THE US EXCLUDING STREAMS

FACTORS	OPTIONS				
	Lost Type	Type C 0.2	Type B 2.0		Type A 3.0
Priority Category	Tertiary 0.5		Secondary 1.5		Primary 2.0
Existing Condition	Very Impaired 0.1	Impaired 1.0		Slightly Impaired 2.0	
Duration	Seasonal 0.1	0 to 1 0.2	1 to 3 0.5	3 to 5 1.0	5 to 10 1.5
Dominant Impact	Shade 0.2		Dredge 1.5	Drain 2.0	Impound 2.5
Cumulative Impact	0.05 x (Sum of AAi) =				

Note: For the Cumulative impact factor, AAi stands for the sum of the acres of adverse impacts to aquatic areas for the overall project. When computing this factor, round to the nearest tenth decimal place using even number rounding. This 0.01 and 0.050 are rounded down to give a value of zero while 0.051 and 0.09 are rounded up to give a 0.1 as the value of the cumulative impact factor. **The cumulative impact factor for the overall project must be used in each area column on the Required Mitigation Credits Worksheet below.**

Factor	Alternate Route (630' Center Trestle)		
	Fill / Perm	Shade/Perm	Clear/Temp
	Area 1	Area 2	Area 3
Lost Type	3.0	3.0	3.0
Priority Category	0.5	0.5	0.5
Existing Condition			
Duration			0.5
Dominant Impact		0.2	
Cumulative Impact	0.700	0.700	0.700
Sum of R Factors	11.700	8.900	8.200
Impacted Area	11.85	0.44	1.44
R x AA =	138.645	3.916	11.800
Total Credits Required	154.36		

CERTIFICATE OF SERVICE

I hereby certify that this 21st day of February, 2006, I served a copy of the foregoing "Errata to Environmental Mitigation Plan" by hand delivery upon counsel for CSX Transportation, Inc., at the following address:

Louis E. Gitomer, Esq.
BALL JANIK LLP
1455 F Street, N.W.
Suite 225
Washington, D.C. 20005

A handwritten signature in black ink, appearing to read "Aimee L. DePew". The signature is written in a cursive style with a large initial "A" and "D".

Aimee L. DePew