

PROJECT: Environmental Assessment for the Extension of the New Orleans & Gulf Coast Railway Company's Mainline in Plaquemines Parish, LA
STB DOCKET #: FD 36633
NAME OF MEETING: PROJECT UPDATE MEETING
RECORDED BY: Nina Reins / Kelsey Calvez / Tom Dixon, revised by Adam Assenza
DATE: March 11, 2024 at 2 PM Eastern / 1 PM Central
LOCATION: Microsoft Teams Meeting
ATTENDEES: Adam Assenza – STB OEA Rachel Kenney – Infinity
 Alan Tabachnick – STB OEA Bill Thomassie - Infinity
 Kelsey Calvez – FNI Melissa Folse – Port of Plaquemines
 Nina Reins – FNI Danielle Triche – ELOS Environmental
 Tom Dixon – FNI Drake Arnone - ELOS
 Cindy Gallo – Infinity

The following reflects our understanding of the items discussed during the meeting. Please notify us within five working days if edits are required, otherwise approval is assumed, and notes become final.

- **INTRODUCTIONS**

- **PROJECT UPDATES**

- **Infinity**

- **Project updates**

1. In December 2022, the Port terminated its agreement with the LA23. Infinity Engineering was then hired to provide Program Management Services on behalf of the Port.
2. The Plaquemines Port Harbor & Terminal District will be constructing the rail line, New Orleans & Gulf Coast Railway Company will be operating the rail line, and Sustainability Partners (SP) is still the private equity funding source.
3. Jay Johnson with Venable is willing to reengage (previously provided outside counsel for STB processes), FNI is willing to reengage as 3rd Party Consultant to STB-OEA.
4. Infinity talked with WSP (environmental consultant previously being used by LA23) but WSP is not proceeding forward with the team. WSP has not provided any documentation for the services they provided to LA23.

- **STB-OEA**

- i. **Notes on Process and Procedure**

1. The majority of applicants seeking Board authority to construct and operate a rail line are rail companies or Ports; it is unusual for contracted developers to seek such authority for themselves.
2. Applicants typically have their own environmental consultants for project-related work, but OEA directs (and the Applicant pays for) third-party contractor support of its environmental review process, per the terms of the MOU.
3. OEA's review process includes project initiation, field work and investigation, preparation of a draft environmental document (EA or EIS), circulation of the draft document for public and agency review, responding to substantive comments (and additional field work if necessary) and preparation of the final environmental document, which provides recommendations to the Board that it will consider (along with other aspects of project merit) when making its decision to approve or deny the project.

- ii. **Notes on FD-36633**

1. The NEPA process with STB is considered a petition to construct/operate a rail line and that a formal filing has to be submitted to STB by an Applicant (Previously presumed to be LA23 now the Port).
 2. To date, OEA's review of the proposed rail line construction has been based on initial communications with LA23 indicating that Board authority was required.
 3. OEA had a site visit with FNI in December 2022.
 4. LA23 previously told OEA that several environmental and cultural reports had already been prepared, and would be provided, but after several extensions of that deadline, did not do so, stalling environmental review with significant delay.
 5. OEA cannot continue its evaluation without an updated MOU, as the applicant has changed. The MOU states that OEA directs 3rd party contractor work and that the applicant is responsible for timely payment of costs incurred.
- **Port**
 - i. **Clarification of Role**
 1. The Port confirmed its role as the project applicant in this case, with Infinity facilitating their navigation through any necessary permitting or authorization processes.
 - ii. **Port Process and Schedule**
 1. The Port Board meets twice a month. The next meeting is March 28th and then April 11th.
 2. The Port Board requires that anything introduced be provided 2 full weeks prior to introduction. Therefore, if the Port Board were provided a draft version of the MOU on March 15, it could be introduced at the March 28th meeting, then it would be voted on at the April 11th meeting.
 3. The Port is going to issue a letter to STB approving and/or re-engaging with FNI and Infinity can draft this letter and provide it to the Port.
 - **Q and A / Discussion**
 - **Infinity** – Bill inquired if there is a second docket number that may be duplicative? Infinity wants to make sure there isn't information that has not been discovered yet.
 - **STB-OEA** – Adam noted that he is not aware of another docket number. But Infinity can contact the Office of Proceedings within STB to confirm.
 - **Infinity** – Bill received correspondence from Alan Summerville at VHB advising that the rail expansion may be categorized as a rail spur and therefore not require Board authority. Infinity asked OEA if that could be the case.
 - **STB-OEA** – Adam noted that OEA does not make the determination as to whether a rail line constituted exempt spur or private track, but would look into whether formal determination is required in some way, or a filing noting the intent.
 - **Infinity** – Bill inquired what Venable's role in the project was under LA23's direction.
 - **STB-OEA** – Adam noted that applicants often consult with outside counsel specialized in proceedings before the Board due to its unique and court-like administrative procedures.
 - **Infinity** – Bill inquired about the difference in STB's involvement if the project was considered a spur implementation versus a new rail construct.
 - **STB-OEA** – Adam noted that to date, OEA has been operating under the understanding that the applicant (LA23) had already determined that the proposed rail line extension required Board authorization. OEA does not make this determination.
 - **ACTION ITEMS (and post-meeting updates):**

- **Infinity EC to circulate previous MOU to Port for preliminary review by March 15.**
 - o Cindy circulated the previously executed MOU to the Port, OEA, and FNI on 3/11/24.
- **STB-OEA will submit updated MOU to the Port of Plaquemines once approved after internal review.**
- **STB-OEA and FNI to confirm past public record meeting minutes are posted on the STB website, and to inform Infinity when this is verified.**
- **STB-OEA will follow up with Infinity EC regarding the question of possible exempt track.**
 - o Update, 3/18/24. OEA advises the Port, Infinity, or affiliated counsel to contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) for assistance in determining how to classify and navigate Board procedures if unsure.

ACRONYMS:

EA	Environmental Assessment
EIS	Environmental Impact Statement
FNI	Freese and Nichols, Inc.
LA	Louisiana
LA23	Louisiana 23 Development Company LLC
MOU	Memorandum of Understanding
OEA	Office of Environmental Analysis
Port	Plaquemines Port Harbor & Terminal District
STB	Surface Transportation Board

MEETING INVITE TEXT:

Hello,

At Infinity EC's request, this meeting is to clarify the current status of STB Docket FD-36633. Ideally, this meeting should include, the project applicant (entity requesting authority from the STB to construct and operate the proposed rail line), any of its contractors supporting that effort/petition, any outside counsel supporting that effort (previously, possibly currently Venable), STB's Office of Environmental Analysis (OEA), and OEA's Third-Party Contractor (currently Freese and Nichols, under the MOU with LA23).

Some essential goals of this meeting:

- 1) Confirm the project applicant appearing before the Board
- 2) Identify all new / lead contacts involved on all sides
- 3) Provide an overview of the environmental review of this project so far
- 4) Identify which previous efforts may need to be revisited with any change of applicant (ex: docket title, Memo of Understanding for OEA's third party contractor, initial agency outreach efforts, etc.)
- 5) Determine next steps and set up monthly recurring meeting

If anyone has additional objectives for this meeting, please email me and I will add them to this list for all to see ahead of the call.

PROJECT UPDATE MEETING

March 11, 2024

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Thank you,

Adam Assenza

Environmental Protection Specialist

Office of Environmental Analysis

Surface Transportation Board

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e: adam.assenza@stb.gov

From: [Assenza, Adam](#)
To: [Cindy Gallo](#)
Cc: [Jennifer Roth](#); [Tabachnick, Alan](#); [Rachel Kenney](#); [Melissa Folse](#); [Bill Thomassie](#); [Kelsey Calvez](#); [Tom Dixon](#); [Robert Chambers](#); [Nina Reins](#)
Subject: RE: STB FD-36633: March Project Meeting Minutes
Date: Thursday, March 21, 2024 10:02:00 AM
Attachments: [FD-36633 Project Update Meeting 3-11-2024- Finalized.pdf](#)

Hello Everyone,

Please see the final minutes incorporating Cindy's edits. These will also be posted on the Board's website, as any substantive communications between Applicants and OEA are public record and part of the docket.

Thanks,

Adam

From: Cindy Gallo <cgallo@infinityec.com>
Sent: Tuesday, March 19, 2024 4:17 PM
To: Assenza, Adam <Adam.Assenza@stb.gov>
Cc: Jennifer Roth <Jroth@pphtd.com>; Tabachnick, Alan <alan.tabachnick@stb.gov>; Rachel Kenney <rkenney@infinityec.com>; Melissa Folse <mfolse@pphtd.com>; Bill Thomassie <wthomassie@infinityec.com>; Kelsey Calvez <Kelsey.Calvez@freese.com>; Tom Dixon <Tom.Dixon@freese.com>; Robert Chambers <RWC@freese.com>; Nina Reins <Nina.Reins@freese.com>
Subject: RE: STB FD-36633: March Project Meeting Minutes

Adam,

The attached document contains Infinity's edits and comments, with changes tracked.

Let me know if there are any questions.

Thanks,

Cindy Gallo, P.E.
Project Delivery Manager

From: Assenza, Adam <Adam.Assenza@stb.gov>
Sent: Monday, March 18, 2024 8:52 PM
To: Bill Thomassie <wthomassie@infinityec.com>; Melissa Folse <mfolse@pphtd.com>; Nina Reins <Nina.Reins@freese.com>
Cc: Jennifer Roth <Jroth@pphtd.com>; Cindy Gallo <cgallo@infinityec.com>; Tabachnick, Alan <alan.tabachnick@stb.gov>; Rachel Kenney <rkenney@infinityec.com>; Kelsey Calvez <Kelsey.Calvez@freese.com>; Tom Dixon <Tom.Dixon@freese.com>; Robert Chambers

<RWC@freese.com>

Subject: STB FD-36633: March Project Meeting Minutes

Hello Everyone,

Please find attached the draft minutes from last week's meeting about the proposed NOGC rail line expansion, as well as a few updates to Action Items listed. If anyone identifies a necessary revision, please let me know by Friday.

Thank you,

Adam Assenza

Environmental Protection Specialist (he/him)

Office of Environmental Analysis

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