



Cates Landing Railroad Project- EIS waiver letter

Joshua Wayland to: Heffner, John D.

Cc: byates, pstoddard, jlannom@lannomcoronado.com, rrhodes@flcmail.com

09/26/2014 06:48 PM

[Show Details](#)

John,

I have attached the letter approving your request for a waiver of the Environmental Impact Statement requirements in STB Docket No. FD35802. Please feel free to give me a call next week if you have any questions.



Approval of EIS Waiver.pdf

Best regards,

Josh Wayland
Environmental Protection Specialist
Office of Environmental Analysis
Surface Transportation Board
Tel: (202) 245-0330



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

September 26, 2014

John D. Heffner, Esq.
Strasburger & Price, LLP
1025 Connecticut Ave., NW
Suite 717
Washington, DC 20036

Re: FD 35802, Northwest Tennessee Regional Port Authority—Construction and
Operation of a Line of Railroad—In Lake County, TN; Approval of EIS Waiver
Request

Dear Mr. Heffner:

Pursuant to 49 C.F.R. § 1105.6(d), the Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is granting your July 16, 2014 request for a waiver from the requirements of 49 C.F.R. § 1105.6(a), which generally provide for the preparation of an Environmental Impact Statement (EIS) for a rail construction and operation proposal. OEA is granting the requested waiver based on available information gathered to date, including materials submitted by the petitioner, OEA's consultation with federal, state, and local agencies, and a site visit on May 13, 2014 to the project area.

On June 27, 2014, the Northwest Tennessee Regional Port Authority (NWTRPA) submitted a petition seeking exemption from the prior approval requirements of 49 U.S.C § 10901 for the construction and operation of approximately 5.5 miles of rail line that would extend between the Port of Cates Landing on the Mississippi River and the existing TennKenn Railroad near Tiptonville, Tennessee. The new rail line would serve the port, as well as the adjacent Lake County Industrial Park.

OEA understands that the projected traffic level once the port and the industrial park are completed would be an average of one train per day, or approximately 350 trains per year. The volume and type of freight to be moved on the line would depend on market conditions, but are anticipated to include agricultural products, industrial raw materials, industrial products, manufactured goods, energy commodities, and special cargoes.

Based on the information available to date, OEA believes that the proposed action would not result in significant environmental impacts and that any impacts could be addressed through appropriate mitigation measures. OEA's opinion is based on the reasons outlined below:

- The U.S. Army Corps of Engineers (the Corps) conducted an Environmental Assessment (EA) in 2004 in connection with the construction of the harbor at the Port of Cates Landing. The EA evaluated potential impacts of the harbor construction and related activities, including the construction of the port facility and industrial park, on the environment. The EA concluded that, with the implementation of appropriate mitigation activities, the project would not result in significant impacts. Because the EA analyzed the same general project area that will be considered in OEA's environmental review, OEA believes that it is unlikely that any potentially significant impacts will be identified in its analysis of the present action.
- On July 24, 2014, OEA sent out agency consultation letters to various federal, state, and local agencies. To date, OEA has received responses from the Tennessee Historical Commission (the State Historic Preservation Officer or SHPO); the Natural Resources Conservation Service (NRCS); the City of Tiptonville, Tennessee; the Tennessee Department of Environment and Conservation, Division of Water Resources (TDEC); the Northwest Tennessee Development District; the United States Fish and Wildlife Service (USFWS); and the Tennessee Wildlife Resources Agency (TWRA). The only environmental issue identified in these comments is the potential impact on stream and wetlands. Specifically, TWRA requests that, if streams or wetlands are delineated within the project area, mitigation for the impacts be implemented. In their comments, TDEC and USFWS indicate that, based on their records, no wetlands or water sources are likely to be impacted by the project. During the course of the environmental review, OEA will conduct a delineation of wetlands and streams in the project area and, should any be identified, will recommend appropriate mitigation for potential impacts.
- NRCS and the SHPO have requested additional information regarding the proposed project in order to assess potential impacts. OEA will provide the requested information to these agencies during the environmental review process.
- On May 13, 2014, OEA and EnSafe, Inc., OEA's third-party contractor, conducted a site inspection of the proposed project area. The proposed rail line would cross primarily agricultural land. In addition to the port facility, there are several residences and a state prison in the general project area. The line would cross two lightly-traveled public roads and an agricultural drainage ditch. There do not appear to be any homes or other structures located on or immediately adjacent to the proposed route.
- Also on May 13, 2014, OEA and EnSafe met with representatives of the local government of Lake County, Tennessee. No potential environmental issues were raised during this meeting.

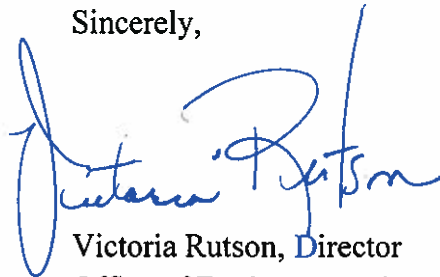
- Information collected to date indicates that there would be no significant impacts to transportation systems, land use, energy, air quality, noise, safety, biological resources, or surface or groundwater resources. Nor does OEA anticipate that there would be significant impacts on minority or low-income populations, based on initial site reconnaissance.

After the EA is prepared, OEA will make the document available for a 30-day public review and comment period. Once the comment period ends, OEA will prepare a Final EA that discusses the comments received and includes any additional analysis or appropriate modifications to its analysis. The Final EA will also set forth OEA's recommended mitigation measures for the Board. The Board will then consider the EA, the public comments, and the Final EA recommendations before making its final decision in this proceeding.

If during the environmental review process it becomes clear that potentially significant adverse environmental impacts would result from the project and that these impacts could not be adequately mitigated, OEA would then prepare a more detailed EIS, as required by the Council on Environmental Quality's regulations and the Board's environmental rules at 49 C.F.R. § 1105.6(a).

If you have any questions or would like to discuss this matter further, please contact Josh Wayland of my staff at (202) 245-0330 or email at waylandj@stb.dot.gov.

Sincerely,



Victoria Rutson, Director
Office of Environmental Analysis