PORT BIENVILLE RAILROAD

COMBINED FINAL ENVIRONMENTAL IMPACT STATEMENT AND RECORD OF DECISION

Prepared for:

Federal Railroad Administration

Mississippi Department of Transportation

December 2019

COMBINED FINAL ENVIRONMENTAL IMPACT STATEMENT AND RECORD OF DECISION

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APPENDICES

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FEDERAL RAILROAD ADMINISTRATION

Port Bienville Railroad
Combined Final Environmental Impact Statement and Record of Decision

Prepared by:

U.S. Department of Transportation Federal Railroad Administration

and

Mississippi Department of Transportation

Pursuant to:
National Environmental Policy Act (42 U.S.C. § 4332, et seq.), Council on Environmental Quality's implementing regulations (40 CFR § 1500-1508), Federal Railroad Administration Procedures for Considering Environmental Impacts (64 FR 28545 (May 26, 1999)), 49 U.S.C. § 303 (formerly Department of Transportation Act of 1966, Section 4(f)); National Historic Preservation Act (16 U.S.C. § 470); Clean Air Act as amended (42 U.S.C. § 7401, et seq. and 40 CFR §§ 51 and 93); the Endangered Species Act of 1973 (16 U.S.C. § 1531-1544); the Clean Water Act (33 U.S.C. § 1251-1387); and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. § 3601).

2/3/2020
Date of Approval

Paul Nissenbaum, Associate Administrator
Office of Railroad Policy and Development
Federal Railroad Administration

12/17/2019
Date of Approval

Mississippi Department of Transportation

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This final environmental impact statement (FEIS) evaluates a new freight rail line that would provide a direct connection between the Port Bienville Railroad (PBRR) and the Norfolk Southern (NS) rail line near

This final environmental impact statement (FEIS) evaluates a new freight rail line that would provide a direct connection between the Port Bienville Railroad (PBRR) and the Norfolk Southern (NS) rail line near Interstate 59 (I-59), north of NASA's John C. Stennis Space Center (SSC). This connection would provide a second Class I rail connection to Port Bienville and the Port Bienville Industrial Park.

The Federal Railroad Administration (FRA), an operating administration within the U.S. Department of Transportation, agreed to serve as the lead federal agency in the preparation of this environmental impact statement. The build alternative would provide a direct connection between the PBRR and the NS rail line near I-59, north of SSC.

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PART 1: FINAL ENVIRONMENTAL IMPACT STATEMENT

1.1. Introduction

The Mississippi Department of Transportation (MDOT), in coordination with Federal Railroad Administration (FRA), and the Hancock County Ports and Harbor Commission (HCPHC) has prepared this final environmental impact statement (FEIS) for the proposed Project. The proposed Project includes new freight rail line, approximately 24 miles in length, which would provide a single-track, direct connection between the Port Bienville Railroad (PBRR), located at the Port Bienville Industrial Park in Hancock County and the existing Norfolk Southern Railroad (NS) near Interstate 59 (I-59) north of NASA's John C. Stennis Space Center (SSC) in Pearl River County (herein referred to as the "Project"). This connection would provide a second Class I rail connection to Port Bienville and the Port Bienville Industrial Park. The Surface Transportation Board (STB), National Marine Fisheries Service (NMFS), U.S. Environmental Protection Agency (EPA), and U.S. Fish and Wildlife Service (USFWS), are cooperating agencies for the Project.

In 2013, a feasibility study was commissioned by HCPHC and led by MDOT, in coordination with FRA, as the first step in developing the Project. This feasibility study developed and analyzed a number of alternatives for the proposed rail corridor alignment. The streamlined screening and alternatives identification process for this Project incorporated geographic information systems (GIS) analysis, an automated corridor analysis tool called the Alignment Alternatives Research Tool (AART), limited field reconnaissance and data validation, engineering design criteria, and review and evaluation by professional planners and engineers that comprise the Project team. These activities were performed as part of the National Environmental Policy Act (NEPA) process and incorporated input from FRA, and HCPHC, in addition to public and other stakeholder comments and concerns, as well as consideration of previous studies. The alternatives development process was iterative in nature, providing a continuous quantification and comparison of impacts to an equal level of detail as MDOT made modifications to alternatives based on design criteria, cost, and other considerations during Project development. One main corridor of least impact was identified for the majority of the alignment; four segments along the corridor still had multiple alternates. As these segments were evaluated using an impact matrix, alternate segments were eliminated, and a reasonable Build Alternative was brought forward for detailed study in the draft environmental impact statement (DEIS) by MDOT.

Currently, there is no funding identified for construction of the Project. FRA, an operating administration within the U.S. Department of Transportation (USDOT), agreed to serve as the lead federal agency in the preparation of the EIS. However, FRA has not committed any Federal funding for further design or construction of the Project.

The DEIS for the Project was issued on September 11, 2018 and published in the Federal Register on September 21, 2018 (Federal Register Vol. 83, No. 184/Friday, September 21, 2018/Notices)[1]. The public comment period occurred between September 21, 2018 and November 5, 2018.

[1] 83 FR 47922 (September 21, 2018)

Project stakeholders, members of the public, local governments, elected officials, nongovernmental organizations, and federal, state, and local agencies have been involved in the preparation of the DEIS and FEIS through public meetings, scoping meetings, agency and stakeholder meetings, and individual briefings.

FRA determined that a single, combined FEIS and record of decision (ROD) could be issued for the Project, pursuant to Public Law 112-141, 126 Stat. 405, § 1319(b), also known as Moving Ahead for Progress in the 21st Century Act (MAP-21).[2] MAP-21 streamlined the NEPA process, including the issuance of a combined FEIS/ROD document and a FEIS errata sheet, where appropriate. On December 4, 2015, the Fixing America's Surface Transportation Act (FAST Act) (Public Law 114-94) was signed into law. Section 1304(j) repeal Section 1319 of MAP-21 but included a new provision providing FRA with similar authority. See FAST Act, Section 1311. Section 1311 allows for the development of a combined FEIS and ROD as well as the use of errata. In accordance with the FAST Act, a combined FEIS and ROD and errata can be used when no substantial changes are being made to the proposed action and when no significant new circumstances or environmental concerns would affect the proposed action. The primary purpose of this combined FEIS/ROD is to respond to substantive comments received during the public comment period and to state the decision, identify the alternatives considered in reaching the decision, identify changes made to the DEIS as a result of public and agency comments, and state the means to avoid, minimize, or mitigate effects appropriate for an EIS. This combined FEIS/ROD is organized as follows:

- Part 1: Final Environmental Impact Statement
  - Section 1.1 provides the introduction to the FEIS.
  - Section 1.2 provides an overview of the FAST Act for the completion of a combined FEIS/ROD by errata.
  - Section 1.3 documents the selection of the Preferred Alternative.
  - Section 1.4 provides an overview of the public outreach that has occurred since the release of the DEIS.
  - Section 1.5 contains the errata to the DEIS.
- Part 2: Record of Decision
  - Section 2.1 contains the introduction to the ROD.
  - Section 2.2 provides a summary of the alternatives considered.
  - Section 2.3 contains a summary of the public outreach and opportunities to comment on the DEIS.
  - Section 2.4 provides the Preferred Alternative description and basis for decision.
  - Section 2.5 contains mitigation measures.

[2] https://www.transportation.gov/sites/dot.gov/files/docs/MAP-21_1319_Final_Guidance.pdf

- Section 2.6 provides a list of the anticipated permits and approvals required for construction of the rail line.
- Section 2.7 provides the determinations and findings regarding other laws
- Section 2.8 contains the FRA Decision.

The FEIS/ROD also contains the following appendices:

- Appendix A: Public Hearing Distribution List
- Appendix B: Public Hearing Legal Notices
- Appendix C: Public Hearing Materials
- Appendix D: Public Hearing Sign-in Sheets
- Appendix E: Copy of All Comments Received During DEIS Comment Period
- Appendix F: Response to Comments Matrix
- Appendix G: Revised DEIS Sections

1.2. Errata Sheets and Combined FEIS/ROD

1.2.1 Use of Errata

The use of errata sheets in lieu of writing a FEIS that repeats a large amount of information already published in the DEIS, is appropriate when comments received on a DEIS are minor and the responses to those comments are limited to factual corrections or explanations of why the comments do not warrant further response. Comments on the Project required factual corrections, expanded analyses, and minor clarifications to the DEIS. However, no comments resulted in further response in the form of additional alternatives or consideration of undisclosed environmental consequences or impacts.[3]

In accordance with 49 U.S.C. § 304(a), the errata sheets are being utilized and made available to the public to the same extent as the DEIS. Continued availability of the DEIS is also being ensured.

The DEIS is currently available to the public on the MDOT and FRA websites: http://sp.mdot.ms.gov/Environmental/Pages/Projects.aspx or at https://www.fra.dot.gov/Page/P0798.

Hard copies of the DEIS can also be reviewed at the following locations:

- Pearlington Public Library, 6096 First Avenue, Pearlington, MS 39572
- Pearl River County Library, 900 Goodyear Boulevard, Picayune, MS 39466
- MDOT Lyman Project Office, 16499 US Highway 49, Saucier, MS 39574
- Hancock County, Office of County Administrator, 854 Highway 90, Bay St. Louis, MS 39520
- Pearl River County, 200 South Main Street, Poplarville, MS 39470

The errata sheets are included in this FEIS/ROD in Section 1.5 and will also be provided with the DEIS on the MDOT and FRA websites and at the locations noted above. The revised DEIS sections are included in Appendix G to this FEIS/ROD.

[3] https://www.transportation.gov/sites/dot.gov/files/docs/mission/transportation-policy/permittingcenter/337371/feis-rod-guidance-final-04302019.pdf

1.2.2 Combined FEIS/ROD

In accordance with the Council on Environmental Quality Regulations, FEIS and ROD documents are traditionally issued separately with a minimum 30-day period between the FEIS and ROD (40 CFR § 1506.10(b)(2)). However, as explained previously in Section 1.2, directs the lead agency to expeditiously develop a single, combined FEIS and ROD, to the maximum extent practicable, unless:

- The FEIS makes substantial changes to the proposed actions that are relevant to environmental or safety concerns.
- A significant new circumstance or information relevant to environmental concerns bears on the proposed action or the impacts of the proposed action.

Additionally, the applicable requirements for both an FEIS and a ROD must be met for the issuance of a single combined FEIS and ROD document. This combined FEIS and ROD document does not include substantial changes to the proposed action in terms of environmental or safety concerns, nor are there significant new circumstances or information relevant to environmental concerns of the proposed action or its impacts.

In accordance with USDOT Guidance this combined FEIS and ROD includes the following:

- Identification of the Preferred Alternative (included in Section 1.3.2.2 of this FEIS).
- List of commitments for mitigation measures for the Preferred Alternative (included in Section 2.5 of the ROD).
- Summary of the public outreach efforts, comments received on the DEIS, public hearing responses, and public and agency coordination activities that have taken place since the issuance of the DEIS (included in Section 1.4 of this FEIS).

1.3. Identification of the Preferred Alternative

This section discusses the Project Purpose and Need and identifies the Preferred Alternative as the Build Alternative (Alternative C) presented in the DEIS. This section also discusses the potential transportation, economic, and environmental effects of the Preferred Alternative as compared to the No-Build Alternative (refer to Section 1.3.2 for further detail on the Preferred Alternative). The discussions within Section 1.3.2 demonstrate why the Preferred Alternative remains the preferred alternative following the formal DEIS comment period (see Section 1.4 for public outreach since the release of the DEIS).

EPA published the Notice of Availability for the DEIS in the Federal Register on Friday, September 21, 2018, beginning the formal 45-day public review and comment period. Distribution of the DEIS to local, regional, state, and federal agencies, interested and affected parties, and the public provided opportunity for review and comment. The review and comment period ended on November 5, 2018. MDOT held a public hearing on October 23, 2018, where verbal and written comments could be made regarding the DEIS.

No substantive comments were received on the DEIS that would result in changes to the Preferred Alternative. Additionally, no comments raised new circumstances or provided new information relevant to environmental or safety concerns that would warrant a change to the recommended Preferred Alternative.

1.3.1 Purpose and Need

MDOT, FRA, and HCPHC prepared the Port Bienville EIS to evaluate a proposed new freight rail line that would provide a single-track, direct connection between the PBRR and the NS rail line near Interstate 59 (I-59), north of the National Aeronautics and Space Administration's (NASA) John C. Stennis Space Center (SSC) (the Project). Port Bienville is currently served by one Class I rail connection, provided by CSX Transportation (CSX). The Project would provide a second Class I rail line connection for Port Bienville and the Port Bienville Industrial Park.

The full detailed Purpose and Need can be found in Chapter 2.0 of the DEIS.

1.3.1.1 Purpose

The purpose of the Project is to provide dual Class I access to the Port Bienville Industrial Park to support the access needs, reliability, and competitiveness of its tenants and other industries in the area.

1.3.1.2 Need

Providing dual Class I rail access to the Port Bienville Industrial Park would address the following needs:

- Improve rail transport time, reliability, and cost.
- Foster greater economic opportunities and attract new industries to Hancock and Pearl River Counties.
- Create flexibility and resilience in rail transportation options during storms and other emergencies.

1.3.2 Comparison of Environmental Consequences

This section discusses the potential environmental effects of the Preferred Alternative (Build Alternative) compared with the No-Build Alternative. The No-Build Alternative would not impact either the natural or human environment; however, the anticipated economic benefits of the proposed Project would also not be realized. The Build (Preferred) Alternative would impact both the natural and human environment. As summarized in **Table FEIS-1** at the end of this section, the primary impacts would include streams, wetlands, farmlands, floodplains, noise, vibration, and safety of at-grade crossings.

1.3.2.1 The No-Build Alternative

The No-Build Alternative does not meet the Purpose and Need for the Project, but was brought forward for further analysis and evaluation under NEPA to serve as the basis for comparison of the environmental impacts associated with the Build Alternative. Under the No-Build Alternative, construction of the new rail line and/or improvements to existing rail lines in the Study Area, shown in **Figure FEIS-1**, would not occur. There are no planned/proposed improvements to the existing Port Bienville shortline rail line; therefore, no changes would be made to this line under the No-Build Alternative. The No-Build Alternative would not provide a connection to the NS rail line and therefore, would not provide dual Class I service to Port Bienville or the Port Bienville Industrial Park.

1.3.2.2 Preferred Alternative

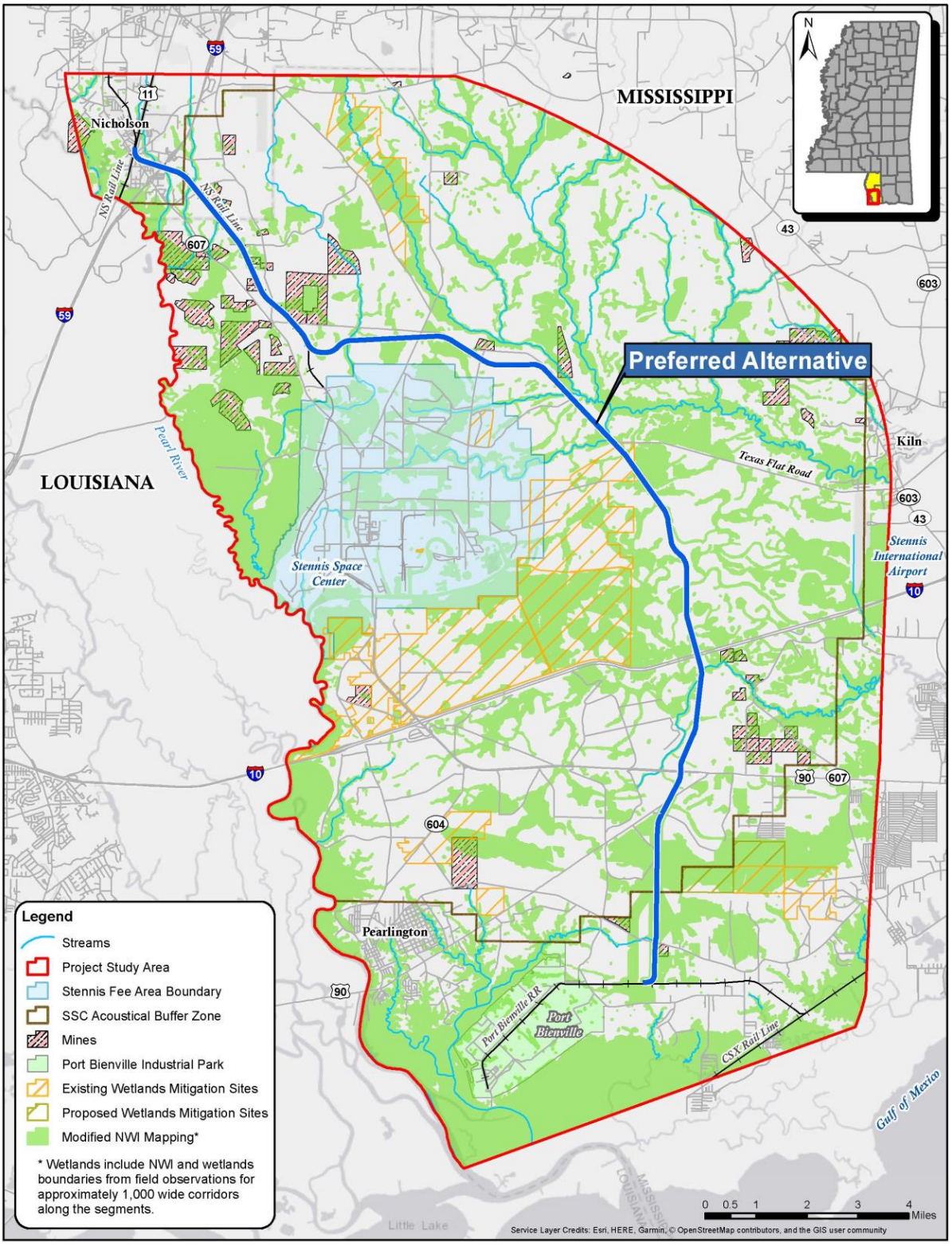
The Build Alternative (Alternative C) includes the construction of a new proposed rail line, approximately 24 miles in length. The proposed rail line would provide a direct connection between the PBRR and the NS rail line near I-59, north of SSC (**Figure FEIS-1**). The Build Alternative would begin in the northern section of the Study Area in Nicholson, Mississippi and would continue southwest along the existing NS rail line. It would leave the existing rail south of Texas Flat Road and continue in an easterly direction. It would turn to the southeast and would turn and travel south. The alignment continues in a southerly direction along the southern Alternative C and ties into the existing Port Bienville Rail Road. **Figure FEIS-1** shows the proposed alignment of the Build Alternative.

The Build Alternative would impact both the natural and human environment. As summarized in **Table FEIS-1**, the primary impacts would include streams, wetlands, farmlands, floodplains, noise, vibration, and safety of at-grade crossings.

Because 76 percent of the land within the Study Area is within the SSC acoustical buffer zone, land use changes are not anticipated in the area. The Build Alternative would provide a link between the PBRR and the Norfolk Southern line, which would support economic development and growth in Hancock County and the Port Bienville Industrial Park. With the benefits of attracting new businesses and increasing workforce expected by the Project, it is likely that increases in employment and income may be experienced in the region. Noise and vibration associated with the Project has the potential to affect residential and commercial properties adjacent to the rail line near Nicholson. Using methods published by the Federal Transit Administration and FRA, Project-related noise and vibration were evaluated to assess the potential for impacts. In developing the Build Alternative, considerable effort was made to avoid waters of the U.S., including wetlands, during the planning and preliminary design process. Impacts to wetlands and other waters have been minimized by modifying the alignment to the extent practicable. During the design phase, construction limits would be defined; construction limits are estimated to be approximately 75 feet wide, which would further reduce impacts. Construction of the Project would require a permit under Section 404 of the Clean Water Act (CWA) to authorize impacts to waters of the U.S., including wetlands. The Project would be designed to include features, such as bridges and culverts, so that it would not create over a foot of rise of flood water within the Study Area.

FRA identified the Build Alternative (Alternative C) as the Preferred Alternative in the DEIS. No changes were made to the Preferred Alternative based on comments received on the DEIS.

Figure FEIS-1: Study Area & Preferred Alternative



The DEIS showed that the Preferred Alternative would achieve the Purpose and Need and would represent the least environmentally damaging practicable alternative compared with the No-Build Alternative and the other segment alternatives considered and evaluated in the DEIS. Comments received during the public comment period for the DEIS raised points of information, clarification, or correction. However, the comments did not result in new information or introduce new discipline-based analyses that were not previously conducted or that would change the selection of the Preferred Alternative.

Table FEIS-1: Summary of Impacts and Costs

Impact Category (Units)	No-Build Alternative	Build Alternative
HUMAN ENVIRONMENT		
Cultural Resources (Sites)	N/A	0
Farmland (Acres)	N/A	222
Noise (No.)	N/A	2 Severe/12 Moderate
Vibration (No.)	N/A	3
Residential Relocations (No.)	N/A	0
Hazardous Materials (Sites)	N/A	1
Business Relocations (No.)	N/A	0
Environmental Justice Impacted Census Blocks (No.)	N/A	4
NATURAL ENVIRONMENT		
Streams (LF)[a]	N/A	2,482
Wetlands (Acres)[a]	N/A	171.58
Other Waters (Acres)[a]	N/A	2.01
Floodplains (Acres)	N/A	96.74
Threatened and Endangered Species (affect/impact)[b]	N/A	7b
ENGINEERING		
Gas Pipelines (Crossings No.)	N/A	8
Railroad Bridges Over Roadways (No.)	N/A	4
Railroad Bridges Over Streams (No.)	N/A	2
SAFETY AND MOBILITY		
At-Grade Crossings (No.)	N/A	22
Construction Costs (2019)[c]	N/A	$111,722,668.30

a) Based on detailed field work.
b) Two of the species are State Listed Species
c) Construction costs have been updated since the DEIS based on 3 percent annual inflation and a more refined preliminary design for the FEIS that eliminates retaining walls and bridge approaches. The 2016 costs in the DEIS ($118,151,058) included extensive retaining walls at bridge approaches to keep the project footprint within a 100-foot-wide corridor.

1.4. Public Outreach since the Release of the DEIS

1.4.1 Notice of Availability

A Notice of Availability (NOA) for the DEIS was published in the Federal Register on September 21, 2018.[4] The NOA informed interested parties that the DEIS for the Project was available for public review and initiated a 45-day public review and comment period. The review and comment period ended on November 5, 2018. MDOT and FRA held a public hearing on October 23, 2018, where verbal and written comments could be made regarding the DEIS.

The NOA invited comments through multiple sources and encouraged public participation through their review and input on the DEIS. Comments on the DEIS could be provided via the following:

- By email to environmentalcomments@mdot.ms.gov
- By fax to 601-359-7355
- By U.S. mail to: Kevin Wright, Environmental Protection Specialist, Federal Railroad Administration, 1200 New Jersey Ave. SE, MS-20, Washington, D.C. 20590
- By telephone to Kevin Wright 202–493–0845
- By comment form at the public hearing:
  Tuesday, October 23, 2018; 4:00 to 7:00 p.m.
  Stennis International Airport, Multipurpose Room No. 202, 7250 Stennis Airport Drive, Kiln, Mississippi 39556

Following the publication of the NOA, the DEIS was made available on MDOT and FRA websites:

- MDOT: http://sp.mdot.ms.gov/Environmental/Pages/Projects.aspx
- FRA: https://www.fra.dot.gov/Page/P0798

A hard copy of the DEIS was also made available at the following locations:

- Pearlington Public Library, 6096 First Avenue, Pearlington, MS 39572
- Pearl River County Library, 900 Goodyear Boulevard, Picayune, MS 39466
- MDOT Lyman Project Office, 16499 US Highway 49, Saucier, MS 39574
- Hancock County, Office of County Administrator, 854 Highway 90, Bay St. Louis, MS 39520
- Pearl River County, 200 South Main Street, Poplarville, MS 39470

Digital copies of the DEIS were also distributed to select agencies and stakeholders for their review. Lists of agencies and stakeholders that received notification of the availability of the DEIS are included in Appendix A.

1.4.2 Public Hearing (2018)

The Council on Environmental Quality (CEQ) defines the public involvement requirements that must be met to satisfy the requirements of the NEPA process (40 CFR § 1506.6). CEQ regulations state that if a DEIS is to be considered at a public hearing, the agency should make the statement available to the

[4] 83 FR 47922

public at least 15 days in advance (unless the purpose of the hearing is to provide information for the DEIS). The NOA for the DEIS was published on September 21, 2018, 33 days before the public hearing.

MDOT announced the availability of the DEIS and public hearing in newspaper advertisements, through an email notice to public officials, Cooperating Agencies, and other state and local agencies and via letters to the landowners.

FRA and MDOT hosted the public hearing on October 23, 2018. Prior to the public hearing, at 10:00 a.m. on October 23, MDOT hosted a special public officials/resource agencies meeting to provide an opportunity to review the information provided in the DEIS and speak with the study team members. This meeting was held in the same location as the public hearing.

The public hearing and special public officials/agencies meeting were focused on providing the public with access to project staff knowledgeable about the Project and the DEIS process to help answer questions and offer guidance on how to review and comment on the DEIS.

During the public hearing, materials–including the DEIS with appendices—and exhibits were made available for review. Upon arrival, attendees were given the opportunity to sign up to speak and provide verbal comments. No verbal comments were made at the public hearing.

Approximately 46 individuals attended the public hearing and 27 people attended the public officials/resource agencies meeting, including Project Team representatives. All exhibits provided at the public hearing and public officials/resource agencies meeting can be found in Appendix C. The sign-in sheets for the public officials/resource agencies meeting and the public hearings are in Appendix D. No comments were made to the court reporter during the public hearing; therefore, there are no public hearing transcripts.

1.4.3 DEIS Comments Received

During the 45-day comment period, MDOT received a total of 29 comment letters or comment cards from various citizens, stakeholders, and agencies. Of the 29 comments received, 17 comments were from private citizens. All comment letters/cards received during the comment period are included in Appendix E.

Overall, the Project received support from the comments received on the DEIS. Many stakeholders and the public provided their support of the Preferred Alternative based on the comments received during the comment period. Comments range from general support to comments from the U.S. Department of the Interior (DOI), EPA, Gulf Restoration Network (GRN), and Southern Rail Commission requesting additional information or clarification be added to the EIS. Comment response letters were sent to agencies who requested additional information or clarification be added to the EIS and are included in Appendix F. All comments were documented, along with the responses, in a response to comments matrix (Appendix F). The updates to the DEIS in response to agency comments are included in Section 1.5, DEIS Errata Sheets, and more detail regarding the resolution of these comments is provided in that section.

Comments in support of the Project were also received from the City of Diamondhead, the City of Waveland, Mississippi Power, DAK Americas, and the Hancock Chamber of Commerce. A comment of concern was received from Tradewinds Energy, Inc. The comment from Tradewinds Energy, Inc. was

regarding the Preferred Alternative alignment running through the land for a proposed 80 megawatt (MW) solar energy facility (Hancock County Solar Project, LLC). A response to this comment is provided in the response to comments matrix (Appendix F). The response to comments matrix shows all comments received and responses to those comments, or "no response required." For the agencies with more substantive comments (DOI, EPA, and GRN), the matrix refers to the comment response letters sent to the respective agencies, which can be found in Appendix F. None of the comments resulted in a change to the selection of the Preferred Alternative.

1.5. DEIS Errata Sheets

The DEIS errata sheets contained in **Table FEIS-2** document the changes that have been made to the DEIS (signed September 21, 2018) based on comments received during the public comment period. The changes incorporated into the DEIS are minor and have not affected the selection of the Preferred Alternative. The table is organized into two sections based on the two types of errata prepared for this EIS: revised DEIS sections and minor text revisions.

1.5.1 Revised DEIS Sections

Revised DEIS sections or subsections, where responses to comments required inclusion of additional information, data, or analysis, and section formatting updates at multiple locations within the sections to retain readability of each section and/or incorporate new subsections or tables are discussed in this section. The changes have been summarized in **Table FEIS-2** and the revised sections and tables have been noted in the errata sheets, so the reader can easily follow those revisions. **Table FEIS-2** lists the sections, subsections, and pages of the DEIS that were revised in response to comments and refers to Appendix G where the full revised DEIS sections can be found. The following DEIS sections have been revised and can be found in Appendix G:

- Chapter 3.0 Alternatives Analysis:
  - 3.2.3.2 Evaluation of the Southern Alternatives
- Chapter 4.0 Affected Environment:
  - 4.15.1 Threatened and Endangered Species
  - 4.15.4.1 Potential of Listed T&E Species to Occur in the Survey Corridor
  - 4.18.3.4 Passenger Rail
- Chapter 5.0 Environmental Consequences:
  - 5.14.2 Effects on Federally Listed Species
  - 5.14.4 Threatened and Endangered Species Effects/Impacts Summary

1.5.2 Minor Text Revisions

Minor text revisions are minor corrections or additional information provided outside of the revised sections noted above. The changes are minor and easily described with the DEIS errata table entry; therefore, these minor changes are not included in a revised DEIS section and are therefore, not included in Appendix G. Sections, subsections, and page numbers are provided in **Table FEIS-2** for each minor text revision with details of the change. Minor text revisions have been made to the following sections, as noted in **Table FEIS-2**:

- DEIS Executive Summary
  - Summary of Environmental Consequences; Summary of Impacts; Threatened and Endangered Species

- Chapter 5.0 Environmental Consequences:
  - 5.11.1 Impacts to Wetlands, Streams, and Other Water Bodies
  - 5.13.1.2 Water Quality
  - 5.14.3 State-Listed Species; Table 5.12

The errata captured in **Table FEIS-2** and the revised DEIS sections in Appendix G are provided in lieu of preparing a FEIS that repeats a large amount of information already published in the DEIS. The updates and revisions noted in the errata table do not change the selection of the Preferred Alternative. Some comments from EPA resulted in analysis of additional species, and a new table and subsection, but no comments introduced new discipline-based analyses that were not previously conducted. The combined FEIS and ROD document is being used in conjunction with the DEIS to present the most current data.

Table FEIS-2: DEIS Errata Sheet

Chapter	Section	Subsection	Page	Action taken
Revised DEIS Sections (see Appendix G)				
3.0 Alternatives Screening	3.2. Phase 2 – Segment Screening	3.2.3.2 Evaluation of the Southern Alternatives	3-33 to 3-34	In response to comments received from EPA, multiple revisions have been made to the Alternative D discussion paragraph in 3.2.3.2. These changes do not affect the environmental determinations or the selection of the Preferred Alternative. • additional detail regarding noise and vibration impacts from Alternative D, specifically provided the exact distances of the two residences from the Alternative D centerline. • the distances from the Alternative D centerline where noise and vibration impacts would be moderate to severe. • the magnitude or level of noise and vibration that the two residences would experience under Alternative D. (See Appendix G)
4.0 Affected Environment	4.15 Habitat and Wildlife	4.15.4 Threatened and Endangered Species; 4.15.4.1 Potential of Listed T&E Species to Occur in the Survey Corridor	4-67 to 4-71	In response to comments received from DOI, multiple subsections of section 4.15 were revised to include assessment of one additional proposed threatened species, the Eastern black rail, which was proposed for listing as federally threatened after the DEIS was published. These changes do not affect the environmental determinations or the selection of the Preferred Alternative. • 4.15.4 was revised to include mention of the Eastern black rail and date of the proposed listing. • 4.15.4.1 was revised to update the number of federal species listed within Hancock and Pearl River Counties and add the new federal candidate. • Table 4.24 provides a summary of the federal and state species; it was revised to include the Eastern black rail. (See Appendix G)

Chapter	Section	Subsection	Page	Action taken
4.0 Affected Environment	4.15 Habitat and Wildlife	4.15.4 Threatened and Endangered Species; 4.15.4.1 Potential of Listed T&E Species to Occur in the Survey Corridor	4-66 to 4-72	In response to comments received from EPA, subsection 4.15.4 was revised to include more specific information about migratory birds with emphasis on Birds of Conservation Concern (BCC) and potential effects. These changes do not affect the environmental determinations or the selection of the Preferred Alternative. • 4.15.4 was revised to include discussion of BCC regulations and USFWS database results for BCC. • 4.15.4.1 was revised to add a statement about migratory BCC evaluations for the Project. (See Appendix G)
4.0 Affected Environment	4.18 Transportation	4.18.4.1 Multimodal Corridor Network – Planned and Future Projects	4-85	In response to comments received from the Southern Rail Commission, subsection 4.18.4.1 was revised as follows: • In the I-10/CSX - Short-Range and Long-Range Recommended Improvements bulleted section, the '*Double track CSX mainline to accommodate passenger rail*' recommendation was revised due to the findings in the Gulf Coast Working Group's (GCWG) Report to Congress, dated July 2017. The recommendation was revised to read: "Complete necessary capital improvements on CSX's mainline to accommodate passenger rail based on any agreements between CSX and Amtrak. NOTE: Double tracking the entire corridor is not anticipated as a requirement to support passenger rail operations as proposed in the GCWG Report." • In the I-59/NS - Short-Range and Long-Range Recommended Improvements bulleted section, the '*Double track NS mainline to accommodate passenger rail*' recommendation was revised after re-evaluating the Mississippi State Rail Plan Update (dated March 2016) and other related studies such as the Lake Charles to Meridian Corridor Transportation Plan (dated June 2007). Neither document included an overarching recommendation to double track the entire corridor. However, both documents acknowledged that double tracking and other capacity improvements would be needed in specific locations. As a result, the recommendation was revised to read: "Complete necessary capital improvements on NS' mainline to accommodate passenger rail based on any agreements between NS and Amtrak."

Chapter	Section	Subsection	Page	Action taken
5.0 Environmental Consequences	5.14 Habitat and Wildlife	5.14.2 Effects on Federally Listed Species	5-38	In response to comments received from DOI, multiple subsections of section 5.14 were revised to include assessment of one additional proposed threatened species, the Eastern black rail, which was proposed for listing as federally threatened after the DEIS was published. These changes do not affect the environmental determinations or the selection of the Preferred Alternative. • 5.14.2 was revised to update the number of federally listed or candidate species and include the Eastern black rail in the text list; the subsection was also revised to include new discussion/assessment paragraphs of the Eastern black rail habitats and characteristics (added to document after the Florida panther assessment). • Consultation with USFWS dated July 15, 2019, confirms that habitat for the eastern black rail does not occur in the project area; therefore, the proposed project will have "no effect" on the eastern black rail or its habitat. (See Appendix G)
5.0 Environmental Consequences	5.14 Habitat and Wildlife	5.14.2 Effects on Federally Listed Species	5-38 to 5-43	In response to comments received from DOI and GNR, subsection 5.14.2 was revised to include additional discussion about the Louisiana quillwort, specifically regarding the survey and site conditions during the surveys. A mitigation commitment was also added that additional surveys would be conducted prior to construction during the optimal survey window and site conditions to verify no species are identified in the construction limits. (See Appendix G)

Chapter	Section	Subsection	Page	Action taken
5.0 Environmental Consequences	5.14 Habitat and Wildlife	5.14.2 Effects on Federally Listed Species; 5.14.4 Threatened and Endangered Species Effects/Impacts Summary	5-38 to 5-43; 5-46	In response to comments received from EPA, multiple subsections of section 5.14 were revised to include more specific information about migratory birds with emphasis on Birds of Conservation Concern (BCC) and potential effects. These changes do not affect the environmental determinations or the selection of the Preferred Alternative (BCC subsection and table added after new Eastern black rail assessment paragraphs in 5.14.2). • 5.14.2 was revised to add a new subsection on Birds of Conservation Concern (5.14.2.1 Birds of Conservation Concern), including a new table (5.12 USFWS Migratory BCC at the Port Bienville Project Site Corridor) • Previous Table 5.12 from DEIS in 5.14.3 now becomes Table 5.13. • A new subsection (5.14.5 Migratory Birds of Conservation Concern Effects/Impacts Summary) was added after 5.14.4 with an effects discussion for Migratory Birds of Conservation Concern for the No-Build and Build Alternatives. (See Appendix G)
Minor text revisions to DEIS–revisions are noted in this table only, they are not included in Revised DEIS sections (Appendix G)				
Executive Summary	Summary of Impacts	Summary of Environmental Consequences - Threatened and Endangered Species	ES-7 to ES-8	In response to comments received from DOI, text was updated to include one additional species, the Eastern black rail, which was proposed for listing as federally threatened after the DEIS was published. **Minor text revision:** The Project may affect/impact, but is not likely to adversely affect/impact, the following five federally-listed **and one proposed threatened** species: Louisiana quillwort, eastern indigo snake, red-cockaded woodpecker, wood stork, ~~and the~~ Florida panther**, and the Eastern black rail.** Consultation with USFWS dated July 15, 2019, confirms that the proposed project "may affect, but is not likely to adversely affect" the following listed species: the endangered Louisiana quillwort (*Isoetes louisianensis*), threatened Eastern indigo snake (*Drymarchon couperi*), threatened black pine snake (*Pituophis melanoleucus lodingi*), endangered red-cockaded woodpecker (*Picoides borealis*), threatened wood stork (*Mycteria americana*), and endangered Florida panther (*Puma concolor coryi*). The eastern indigo snake and the Florida panther are considered extirpated from Mississippi. (Minor text change; revisions are **not** included in Appendix G).

Chapter	Section	Subsection	Page	Action taken
5.0 Environmental Consequences	5.11 Wetlands	5.11.1 Impacts to Wetlands, Streams, and Other Water Bodies	5-27	In response to comments received from EPA to clarify whether the 100-foot-wide right-of-way for the project includes areas likely to be used as borrow for the railroad bed and provide an explanation whether these areas add to the total amount of wetland affected by the project, subsection 5.11.1 was revised with a new paragraph right before Table 5.9. **Minor text revision:** Borrow material is a contractor responsibility. It is the responsibility of the contractor to get permits for borrow material because they identify their own material and sites. Borrow areas will be determined later in the project development process. During the design phase, construction limits would be defined; construction limits are estimated to be approximately 75 feet wide. It is assumed that the wetland impacts will not exceed those that are assumed in the EIS. Wetland impacts will be further defined during the permitting phase when all impact types are calculated. (Minor text change; revisions are **not** included in Appendix G).
Chapter 5.0	5.13 Water Resources	5.13.1.2 Water Quality	5-35	In response to comments received from EPA to clarify that the Storm Water Pollution Prevention Plan (SWPPP) would be designed to minimize (not mitigate) water quality impacts by minimizing the potential for erosion and sedimentation during construction. **Minor text revision:** Construction of the Build Alternative would result in short term impacts to hydrology within the limits of the right-of-way as a result of minor discharge of sediment from disturbance of ground cover, excavation, and grading of the railroad embankment. A comprehensive SWPPP with BMPs to protect water quality (e.g., silt fence, re-vegetation) would likely minimize these impacts. The contractor in the next phase of the project development will be responsible for the implementation of SWPPP with BMPs to protect water quality. (Minor text change; revisions are **not** included in Appendix G).

Chapter	Section	Subsection	Page	Action taken
Chapter 5.0	5.14 Habitat and Wildlife	5.14.3 State-Listed Species	ES-44	Table 5.12 Effects on Listed State Species with Potential Suitable Habitat in the Survey Corridor was changed to Table 5.13 due to addition of a new table in the previous subsection (5.14.2) that is now Table 5.12. No changes were made to the table content. (Minor text change; revisions are **not** included in Appendix G).

**Revised DEIS sections are included in Appendix G. Revisions have been incorporated throughout the sections as noted in the above table; text additions are indicated with blue text and deletions are indicated with strikethroughs. References/footnotes have been added in Appendix G to corresponding sections. Original footnotes (numbering) have not changed.*

PORT BIENVILLE RAILROAD

RECORD OF DECISION

Prepared for:

Federal Railroad Administration

Mississippi Department of Transportation

December 2019

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FEDERAL RAILROAD ADMINISTRATION

Port Bienville Railroad
Record of Decision

Prepared by:
U.S. Department of Transportation Federal Railroad Administration
and
Mississippi Department of Transportation

Pursuant to:
National Environmental Policy Act (42 U.S.C. § 4332, et seq.), Council on Environmental Quality's implementing regulations (40 CFR § 1500-1508), Federal Railroad Administration Procedures for Considering Environmental Impacts (64 FR 28545 (May 26, 1999)), 49 U.S.C. § 303 (formerly Department of Transportation Act of 1966, Section 4(f)); National Historic Preservation Act (16 U.S.C. § 470); Clean Air Act as amended (42 U.S.C. § 7401, et seq. and 40 CFR §§ 51 and 93); the Endangered Species Act of 1973 (16 U.S.C. § 1531-1544); the Clean Water Act (33 U.S.C. § 1251-1387); and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. § 3601).

Paul Nissenbaum, Associate Administrator
Office of Railroad Policy and Development
Federal Railroad Administration

2/3/2020
Date

The following persons may be contacted for additional information concerning this document:

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The Federal Railroad Administration (FRA) is issuing this Record of Decision (ROD) concurrently with the Final Environmental Impact Statement (FEIS) pursuant to Section 1311 of the Fixing America's Surface Transportation Act (Pub. L. 114-94). Through this ROD, FRA selects Alternative C (Build Alternative), which would provide a direct connection between the Port Bienville Railroad (PBRR) and the Norfolk Southern (NS) rail line near I-59, north of NASA's John C. Stennis Space Center (SSC).

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PART 2: RECORD OF DECISION

2.1. Introduction

This is the Federal Railroad Administration's (FRA) Record of Decision (ROD) for the proposed construction of the Port Bienville Railroad (PBRR), a new freight railroad line proposed by the Mississippi Department of Transportation (MDOT) in coordination with FRA, and the Hancock County Ports and Harbor Commission (HCPHC). FRA is an operating administration of the U.S. Department of Transportation (USDOT) and the federal Lead Agency for the environmental impact statement (EIS) conducted under the National Environmental Policy Act (NEPA). The federal cooperating agencies are the U.S. Fish and Wildlife Service, National Marine Fisheries Service, U.S. Environmental Protection Agency (EPA), and the Surface Transportation Board.

Based on the analysis presented in the Draft EIS (DEIS) and Final EIS (FEIS), FRA selects the Build Alternative (Alternative C). This alternative includes the construction of a new single-track freight rail line, approximately 24 miles in length. The proposed rail line would provide a direct connection between the PBRR and the NS rail line near I-59, north of SSC. The Build Alternative would begin in the northern section of the Study Area in Nicholson, Mississippi and would continue southwest along the existing NS rail line. It would leave the existing rail south of Texas Flat Road and continue in an easterly direction. It would turn to the southeast and would turn and travel south. The alignment continues in a southerly direction along the southern Alternative C and ties into the existing Port Bienville Rail Road. **Figure FEIS-1** shows the proposed alignment of the Build Alternative. This ROD describes the Selected Alternative and documents FRA's decision-making process.

2.1.1 FRA Monitoring and Enforcement

FRA will only monitor and enforce the mitigation commitments in this ROD if the Project requires an FRA approval or funding. Planning Development Process

CSX Transportation (CSX) and Norfolk Southern Railroad (NS) both provide Class I rail service to markets east of the Mississippi River. PBRR provides shippers at the Port Bienville Industrial Park with an existing connection to CSX on the shortline railroad east of the Port Bienville Industrial Park; however, there is no existing connection to the NS line, which is in the northwest section of the Study Area. In 2005, the Project received an earmark in the amount of $2.16 million in the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).[5]

In 2013, the *Port Bienville Rail Feasibility Study*, completed during the first phase of the Project study, was prepared by MDOT in coordination with FRA and HCPCH to determine the potential economic benefits of the proposed railroad and to evaluate initial corridors for that railroad. The first phase concluded that the construction of the rail line would bring economic benefits to Hancock County; in addition, initial alternatives were developed and feasible alignments were recommended for further consideration in the *Port Bienville Rail Feasibility Study*. The first phase study reports included the *Port Bienville Rail Feasibility Study*, *Port Bienville Economic Development Benefits and Opportunities Analysis*, and the *Port Bienville Rail Alternatives Development Technical Methodology*. These documents can be

[5] PL 109-59, Page 119 STAT. 1392

found in Appendix A of the DEIS or on MDOT's website at: http://sp.mdot.ms.gov/Environmental/Environmental%20Projects/Port%20of%20Bienville%20(Hancock%20County)/Port%20Bienville%20Feasibility%20%20Report.pdf.

At the initiation of the second phase, FRA issued a Notice of Intent (NOI) to prepare an EIS which was published in the Federal Register on June 2, 2015.[6] This marked the beginning of the NEPA environmental review process. The first agency scoping meeting was held in 2012, which was the first opportunity for agencies to review the methodology proposed to develop the alternatives. The Notice of Availability (NOA) for the DEIS was published on September 21, 2018, which opened the formal 45-day public review and comment period. **Table ROD-1** lists the milestones of the NEPA environmental process.

Table ROD-1: NEPA Environmental Process Milestones and Dates

Milestones	*Date*
Agency scoping meeting 01	August 23, 2012
Public information meeting	October 16, 2012
Agency scoping meeting 02	December 18, 2012
Port Bienville Rail Alternatives Development Technical Methodology Report	September 19, 2013
EIS kick-off meeting	June 24, 2014
NOI published	June 2, 2015
Agency scoping meeting	August 19, 2015
Public scoping meeting	August 20, 2015
Agency coordination meeting	September 7, 2016
Public information meeting	September 8, 2016
DEIS issued	September 11, 2018
NOA for DEIS published	September 21, 2018
DEIS public comment period	September 21, 2018 to November 5, 2018
Public hearing	October 23, 2018

2.1.2 Purpose and Need

The purpose of the Project is to provide dual Class I access to the Port Bienville Industrial Park to support the needs of its tenants and other industries in the area.

Providing dual Class I access to the Port Bienville Industrial Park would address the following needs:

- Improve rail transport time, reliability, and cost
- Foster greater economic opportunities and attract new industries to Hancock and Pearl River Counties
- Create flexibility and resilience in rail transportation options during storms and other emergencies

[6] 80 FR 31453 (June 2, 2015)

2.2. Alternatives Considered in the DEIS

The following sections describe the alternatives considered in the DEIS and the basis for the decision that ultimately led to the selection of the Preferred Alternative (FEIS Section 1.3 - Selection of Preferred Alternative) for the Project. The DEIS evaluated the following alternatives:

- No-Build Alternative
- Alternative A, B, C, and D; and
- Build Alternative (Alternative C), which was recommended as the Preferred Alternative

2.2.1 No-Build Alternative

The No-Build Alternative served as the baseline for comparison of the alternatives for the extent of environmental and community effects.

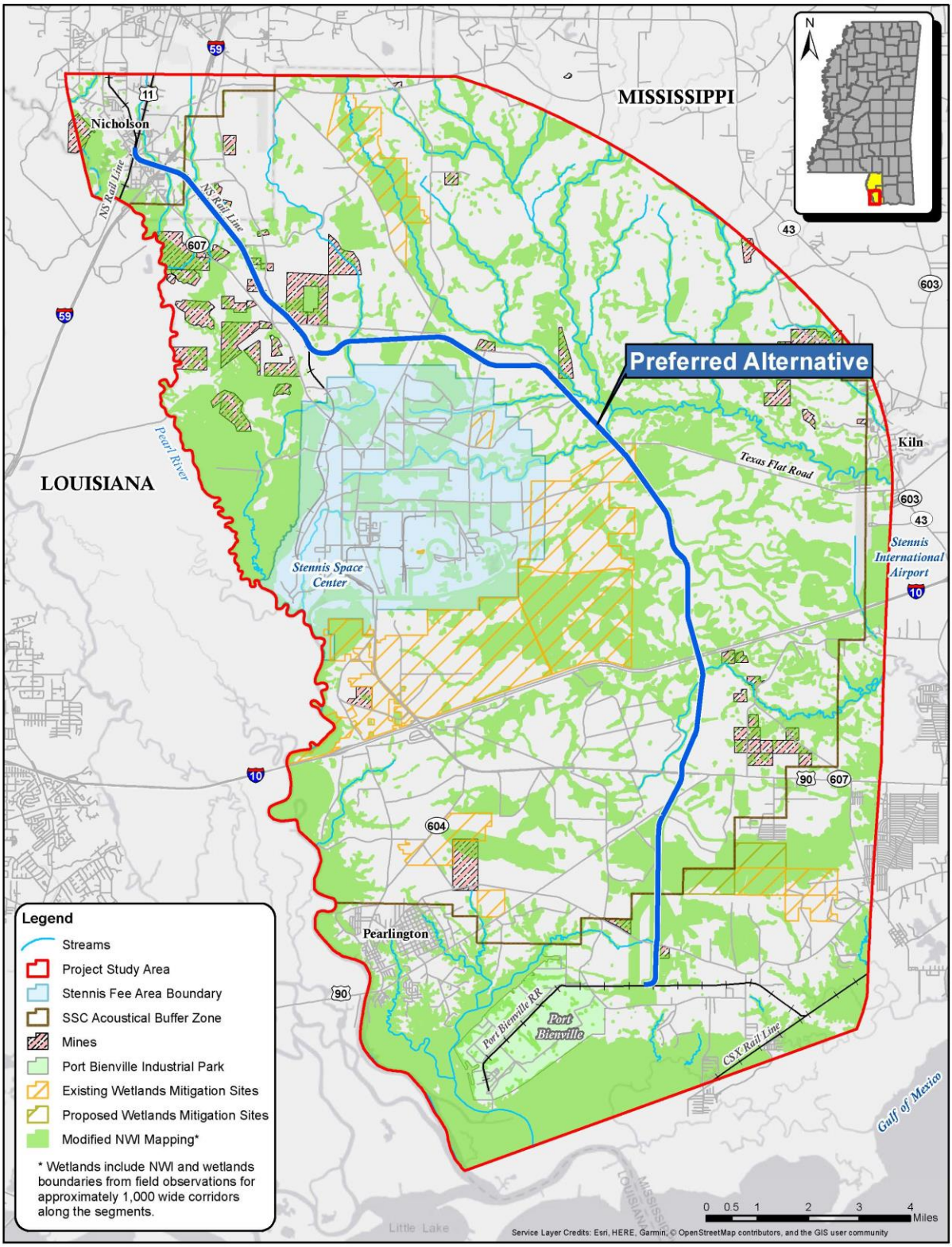
The No-Build Alternative would allow existing conditions to be maintained. The proposed new rail line would not be constructed and there would be no impacts to wetlands, streams, floodplains, and water quality. Noise and vibration impacts, impacts to cultural resources, farmlands, and oil and gas pipelines would also not occur. However, the No-Build Alternative would not meet the Purpose and Need of the Project with the goals of providing improved rail transport time, reliability, and costs, fostering greater economic opportunities, and creating flexibility and resiliency in transportation options.

2.2.2 Alternatives Analysis

For this Project, a two-phase process was used to achieve the identification and evaluation of preliminary alternatives, selection of reasonable alternatives, and the recommendation of a build alternative. The first phase of the Project was the development of a feasibility study, which was completed on September 19, 2013. This feasibility study included establishment of a Study Area (**Figure ROD-1**), development of engineering criteria, creation of an initial range of alternatives, and development of preliminary cost estimates to determine the feasibility of the Project.

The alternatives screening and selection process during the first phase incorporated geographic information systems (GIS) using an automated corridor analysis tool (AART), limited field reconnaissance and data validation, and engineering design criteria. All reviews and evaluations were conducted by the Project team which consisted of scientists, planners, and engineers. The process also incorporated state and federal agency input, public and other stakeholder comments and concerns, with an initial agency coordination meeting on August 23, 2012 and a public information meeting on October 16, 2012, as well as consideration of previous studies. In developing the initial range of feasible alternatives, the AART was used to create approximately 90 computer generated alignments through the Study Area. Impacts were summarized based on 1,000-foot wide corridors. The impacts within these 1,000-foot wide corridors and the initial cost estimates were used for comparing one alternative to another at a high level for further refinement. Once the initial AART-developed alternative corridors were identified, the refinement process began. Early on, quite a few corridors were eliminated from further study for various reasons that are documented in the *Port Bienville Rail Alternatives Development Technical Methodology Report, September 19, 2013* (see Appendix A of DEIS). After the initial elimination of infeasible alternatives, 12 alternatives remained for further refinement. The Project team made slight adjustments

Figure ROD-1: Preferred Alternative



to the alignments to meet the engineering design criteria for the proposed rail line and identified 14 alignments for consideration as "next best" corridors. These manually engineered alignments were developed with the intent to minimize impacts to the environment while meeting the design criteria. They were then used to generate new 1,000-foot-wide corridors. A corridor matrix was completed for each corridor to summarize environmental impacts.

Once the corridor matrix of potential environmental impacts was completed and alternatives were compared, one primary corridor centrally located within the Study Area emerged as the least costly and least impactful. However, two distinct corridors on the north end of the Project were identified and four corridors on the southern end were identified. These 7 total corridors had common segments that made up much of the alignments and four areas identified as having competing segments. A second agency coordination meeting was held on December 18, 2012, with resource and regulatory agencies. At the conclusion of this meeting, a recommendation was made to divide the alternatives into segments for future analysis and for the completion of the feasibility study. Then, the Project team divided the seven advanced corridors into seventeen segments for future analysis in the second phase of the alternatives analysis. These 17 segments represent a possible combination of 40 potential corridors. Following the development of the segments, the Project team re-quantified impacts and cost by segment.

On August 19, 2015, a scoping meeting with resource and regulatory agencies was held at MDOT in Jackson, Mississippi. The meeting discussed the scope and schedule for the second phase of the Project which includes NEPA and preliminary design. An overview of the agency coordination and public involvement plan was also provided. Additionally, on August 20, 2015, a public scoping meeting was held at the Port Bienville Training Facility located in Pearlington, Mississippi. A handout was provided outlining the purpose of the Project, Project history, Project facts, feasibility study findings, and a map of the proposed rail alignment segments.

At the end of the first phase, a range of reasonable alternative segments were defined and progressed into the second phase of Project development, which were further analyzed in the DEIS. The goal for Phase 2 was the completion of an Environmental Impact Statement (EIS) for the Project. A Notice of Intent (NOI) for this Project was advertised on June 22, 2015. At the initiation of the second phase of the alternatives analysis, 40 potential corridors were carried forward from the first phase. To determine which alternatives would be further evaluated in the DEIS, the alignments from these alternatives were further refined. The second phase screenings began with field investigations and an update of all GIS databases for the Study Area. The segment corridor widths were refined to a 200-foot-wide buffer around the proposed rail segment centerline. Impacts for each segment were recalculated using refined GIS data. Engineering, operations, cost, and other associated factors were considered for each alternative.

Several corridors centrally located within the Study Area emerged as the least costly and least impacting. Every one of these corridors shared four common segments. These common segments included Segment 5, Segment 7, Segment 9, and Segment 11. The remaining segments were considered as competing segments. Evaluation measures were identified and used to compare similar (competing) segments. These measures were divided into four sections: Engineering Criteria, Natural Features, Man-made Features and Infrastructure. Upon completion of the segment comparisons and the elimination of segments from further study, 11 segments remained (1a, 1b, 3, 2b, 5, 6a, 7, 8a, 9, 10b, and 11), which were combined to create two continuous alternatives: Alternatives A and B. Alternative A consists of

segments 2b, 5, 6a, 7, 8a, 9, 10b, and 11. Alternative B incorporated segments 1a, 1b, 3, 5, 6a, 7, 8a, 9, 10b, and 11. At the completion of the segment analysis, detailed analysis began on the two alternatives, including environmental, social, cultural, and physical investigations. Evaluation and refinement of Alternatives A and B resulted in the creation of Alternatives C and D, which had shared segments with Alternatives A and B, respectively, and then deviated from the main alignment in the southern portion of the Project area. (**Table ROD-2**)

Table ROD-2: Southern Options Comparison Matrix

Description	Unit of Measure	Alt A (Option) (2b+5+6a)	Alt B (Option) (1a+1b+3+5+6a)	Alt C (Option) (Preferred)	Alt D (Option)
ENGINEERING CRITERIA					
Total Length	Miles	3.50	3.56	3.45	3.66
Length to PBRR switch	Miles	0.07	0.97	0.40	1.20
Length Utilizing Former Rail bed	Miles	0.00	0.66	0.00	0.95
Length Paralleling Existing Utility Corridor	Miles	0.61	0.61	3.04	1.23
New At-Grade Rail Crossings (Paved Roads)	# of Crossings	0	1	0	1
Total Estimated Implementation Cost[1]	$ Millions	$22.04	$21.61	$21.79	$21.64
NATURAL FEATURES					
Wetland Impacts[2]	Acreage	80.80	66.85	79.27	63.46
Cost of Impacts to Wetlands[3]	$ Millions	$2.42	$2.01	$2.38	$1.90
Stream Crossings	# of Crossings	1	0	1	0
Total Stream Impacts	Feet	250	0	40	0
Cost of Impacts to Streams[3]	$200 per linear feet @ 50%	$25,000	$0	$4,000	$0
MAN-MADE FEATURES					
MDEQ CERCLA/Haz Mat sites	Acreage	0.00	0.00	0.00	0.00
ARCHAEOLOGICAL SITES					
High Probability	Acreage	13.85	28.11	14.09	20.07
Medium Probability	Acreage	20.45	17.89	28.08	28.77
Residential Homes within 200-400 ft of centerline	# of homes	0.00	4.00	0.00	1.00
Residential Homes within 1,000 ft of centerline[4]	# of homes	0.00	6.00	0.00	2.00
16th Sections Land	Acreage	0.00	0.00	0.00	11.00
Farmland (Prime)	Acreage	0.00	1.32	2.46	1.98
Farmland (Prime if Drained)	Acreage	31.47	30.90	32.51	31.08
Mines	Acreage	0.00	0.00	0.00	0.00

1) *Cost Estimates updated in May 2016*
2) *Wetland Impacts are based on NWI Mapping and field observation performed in the Spring 2016*
3) *Cost assumes a 100-foot right-of-way (50 percent of the 200-foot corridor)*
4) *The number of homes includes homes within 200–400ft of center line.*

The four alternatives were further evaluated, and Alternative C was identified as the Preferred Alternative and carried forward for further study in the DEIS. Compared to the other three options, this alignment would be the most direct route, with the shortest distance between Segment 7 and the PBRR. This alignment would be located west of the residential development and the existing paved roadway of Old Lower Bay Road and would not impact any residential areas. This option fell in the median range for wetland impacts and cost and would have lower stream impacts. From a rail operational standpoint, this

alignment would tie into the PBRR at an optimal distance from the switch point of 0.4 mile. This alignment would also parallel the Colonial Pipeline corridor for the entire length of the segment. Existing school bus routes for South Hancock Elementary School do not appear to extend out to the new at-grade crossing for the proposed Project, meaning school bus delays and safety issues associated with rail operations would be minimal. Noise and vibration impacts on existing residences in the area would be avoided. The following is a summary of the advantages and disadvantages of Alternative C as compared to A, B, and D.

- ▪ The advantages of Alternative C are as follows:
  - Utilizes shortest Route
  - Follows an existing utility corridor (3.04 miles)
  - Lower cost for implementation then Alternative A ($0.25 m less)
  - Optimal distance to the PBRR switch.
  - No impacts to residences (both alternative B and D impact residences)

- ▪ The disadvantages of Alternative C are as follows:
  - Higher wetland impacts (Alternative A has the highest)
  - Higher probability of "High Probability" cultural resources impacts (Alternative B has the highest)
  - Higher "Farmland" impacts, (Prime – 2.46 acres more, Prime if Drained – 32.51 acres more)

Based on the above analysis, Alternatives A, B, and D are eliminated from further study.

Based on these alternative comparisons and the elimination of competing segments from further study, there are six segments that were combined to create the Build Alternative that was further studied in the DEIS. This alternative was compared to a No-Build Alternative.

2.2.3 Preferred Alternative from the DEIS

Based on the alternatives analysis, Alternative C was carried forward as the Build Alternative for further study in the DEIS and was ultimately recommended as the Preferred Alternative within the DEIS when compared to the No Build Alternative. **Figure ROD-1** shows the proposed alignment of the Preferred (Build) Alternative.

The Preferred (Build) Alternative would begin in the northern section of the Study Area in Nicholson, Mississippi and would continue southwest along the existing NS rail line. It would leave the existing rail south of Texas Flat Road and continue in easterly direction. It would turn to the southeast and would turn and travel south.

The alignment continues in a southerly direction along the southern option "C" and ties into the existing PBRR. Refer to Figure 3.3 of the DEIS for a map of the corridor segments.

The Preferred Alternative was reviewed and approved by FRA and MDOT during distribution of the DEIS and during the public comment period.

2.3. Public Outreach and Opportunities to Comment

Federal and state law requires agencies, nongovernmental groups, and the public be engaged throughout preparation of the EIS for the Project. NEPA mandates agency and public participation in defining and evaluating the effects of the Project alternatives. The Project has also followed USDOT guidelines for public participation, including Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000 (d)) and *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, 59 Federal Register 7629 (February 16, 1994).

NEPA requires that a DEIS provide full disclosure of the environmental impacts associated with a proposed action. The agencies and the public must be given a reasonable opportunity to comment on that action.

The public has been engaged through public meetings, public hearings, the Project websites provided by FRA and MDOT, and email distribution lists. Informational materials at all public meetings, including handouts, and displays of the Project Study Area and project alternatives have been available at the public meetings and hearing. All DEIS public outreach materials are included in Appendix C.

The public review and comment period for the DEIS began when the NOA was published in the Federal Register on September 21, 2018 and ended on November 5, 2018. One public hearing on the DEIS was held on October 23, 2018 at the Stennis International Airport. Forty-six individuals attended the public hearing. During the 45-day comment period, MDOT received 29 comment letters or comment cards from various citizens, stakeholders, and agencies. No comments warranted analysis of additional alternatives or a change in the selection of the Preferred Alternative.

Comments on the DEIS and exhibits and sign-in forms provided at the public hearing can be found in Appendix E and Appendix C, respectively.

2.4. Description of the Selected Alternative, Environmental Effects, and Mitigation

In this ROD, FRA selects the Preferred Alternative. This section presents the basis for the decision, a description of the alternative, and a summary of the environmental effects and mitigation.

2.4.1 Basis for the Record of Decision

The documents considered in making the decision include:

- *Port Bienville Rail Feasibility Study (2013)*
- *Port Bienville Rail Alternatives Development Technical Methodology Report (2013)*
- Responses to comments received on the DEIS
- This combined FEIS and ROD (Fixing America's Surface Transportation Act [FAST Act] Section 1311 (a)(b))
- Technical studies and memorandum (Appendices to DEIS)

2.4.2 Selected Alternative Description

FRA has selected the Build Alternative (Alternative C). The Selected Alternative would begin in the northern section of the Study Area in Nicholson, Mississippi and would continue southwest along the existing NS rail line. It would leave the existing rail south of Texas Flat Road and continue in easterly direction. It would turn to the southeast and would turn and travel south. The alignment continues in a southerly direction along the southern option "C" and ties into the existing PBRR. **Figure ROD-1** shows the proposed alignment of the Selected Alternative.

The Selected Alternative includes the construction of a new proposed rail line, approximately 24 miles long. The proposed rail line would provide a direct connection between the PBRR and the NS rail line near I-59, north of SSC.

2.4.3 Effects of the Selected Alternative

The Selected Alternative would impact both the natural and human environment. As summarized in **Table ROD-3** below, the primary impacts would include impacts to streams, wetlands, farmlands, floodplains, noise, vibration, and safety of at-grade crossings. The Selected Alternative would be located west of existing residential development and the existing paved roadway of Old Lower Bay Road and would not impact any residential areas. This alternative fell in the median range for wetland impacts and cost; and it has lower stream impacts. From a rail operational standpoint, this alignment would tie into the PBRR at an optimal distance from the switch point of 0.4 mile. This alignment would also parallel the Colonial Pipeline corridor for the entire length of the segment. Existing school bus routes for South Hancock Elementary School do not extend out to the new at-grade crossing for the proposed Project, meaning school bus delays and safety issues associated with rail operations would be minimal. Noise and vibration impacts on existing residences in the area would be minimal.

Impacts to natural resources, including wetlands and streams, within this area is a major concern. Resource agencies, including the U.S. Army Corps of Engineers (USACE), Mississippi Department of Environmental Quality (MDEQ), and EPA have expressed that maintaining the hydrology and sheet flow within this area is of high importance. Although the design elements of the Project are conceptual at this point, efforts to minimize impacts to both the human and natural environments will continue during Project development.

The Selected Alternative would provide beneficial effects, including additional freight transportation options and potential economic development and opportunities resulting from the new railroad connector. Access to two Class 1 railroads would position Hancock County and the

Port Bienville Industrial Park in this group of "crown jewel" industrial parks. According to the Port Bienville Economic Development and Opportunities Analysis, completed in September 2013 by the Project Team, it would increase competitiveness for recruitment of industrial tenants. Also, the rail car usage on the Port Bienville Short Line Railroad could increase significantly with access to two Class 1 railroads. The economic benefits of non-captive industrial facilities (those facilities with access to more than one railroad provider) have been known to realize between 30 to 45 percent lower rail rates than those paid by captive production facilities. The most significant long-term economic development benefits and opportunities from this rail connector will be generated from new employment and

additional investment in plant and equipment by existing businesses and the location of new companies that require or would benefit from access to dual Class 1 rail services.

Table ROD-3: Summary of Impacts and Costs for the Build and No-Build Alternatives

Impact Category (Units)	No-Build Alternative	Build Alternative
HUMAN ENVIRONMENT		
Cultural Resources (Sites)	N/A	0
Farmland (Acres)	N/A	222
Noise (No.)	N/A	2 Severe/12 Moderate
Vibration (No.)	N/A	3
Residential Relocations (No.)	N/A	0
Hazardous Materials (Sites)	N/A	1
Business Relocations (No.)	N/A	0
Environmental Justice Impacted Census Blocks (No.)	N/A	4
NATURAL ENVIRONMENT		
Streams (LF)[a]	N/A	2,482
Wetlands (Acres)[a]	N/A	171.58
Other Waters (Acres)[a]	N/A	2.01
Floodplains (Acres)	N/A	96.74
Threatened and Endangered Species (affect/impact)	N/A	7[b]
ENGINEERING		
Gas Pipelines (Crossings No.)	N/A	8
Railroad Bridges Over Roadways (No.)	N/A	4
Railroad Bridges Over Streams (No.)	N/A	2
SAFETY AND MOBILITY		
At-Grade Crossings (No.)	N/A	22
Construction Costs (2019)[c]	N/A	$111,722,668.30

a) Based on detailed field work.
b) Two of the species are State Listed Species
c) Construction costs have been updated since the DEIS based on 3 percent annual inflation and a more refined preliminary design for the FEIS that eliminates retaining walls and bridge approaches. The 2016 costs in the DEIS ($118,151,058) included extensive retaining walls at bridge approaches to keep the project footprint within a 100-foot-wide corridor.

2.5. Measures to Minimize Harm

The DEIS included best management practices (BMPs), design features, and mitigation strategies that address effects to the Project. Each resource evaluation in Chapter 5 of the DEIS included mitigation measures or strategies for further development and consideration during project design. Strategies included avoidance and minimization measures for the next phase of design. **Table ROD-4** includes a list of commitments and mitigation measures that would be implemented if MDOT advances the Project for construction.

Currently, there is no funding or Project Sponsor identified for construction of the Project. If FRA funding or approval is required to construct the Project, FRA would require the future Project Sponsor to comply with the commitments and mitigation measures outlined in this document.

Table ROD-4: Avoidance, Minimization, and Mitigation Measures

Discipline and DEIS Page	Potential Effects	Avoidance, minimization, and mitigation measures for consideration
Cultural Resources (4.7 and 5.6)	The Project would have no adverse effect on archaeological sites.	If unanticipated cultural materials (e.g., large, intact artifacts or animal bones; large soils stains or patterns of soil stains; buried brick or stone structures; clusters of brick or stone) or human skeletal remains are discovered during construction activities, then the appropriate construction engineer shall be immediately notified and all work in the vicinity of the discovered materials shall cease until an evaluation can be made by the MDOT archaeologist in consultation with MDAH/SHPO.
Air Quality (4.9 and 5.8)	Temporary, short-term impacts are possible during construction	Emissions from construction vehicles and equipment can be minimized by employment of several BMPs: (1) properly maintaining and tuning equipment (2) reducing equipment idling time (3) planning efficient routes from construction material loading sites to the construction site (4) using alternative fuels for construction equipment, when feasible. Emissions from local vehicles resulting from detours and other traffic delays during construction can also be minimized by implementing BMPs during construction, including properly planning traffic control in work zones and signage. Dust generated by construction activities can be minimized by providing water suppression controls and soil stabilizers. The future Project Sponsor identified for construction of the Project will be responsible for implementing BMPs for air quality.
Noise and Vibration (4.10 and 5.9)	Noise and vibration associated with the proposed Project has the potential to affect residential and commercial properties adjacent to the rail line near Nicholson	Noise mitigation for severe impacts may include: eliminating locomotive horn use at the U.S. 11 at-grade crossing, retrofitting buildings with air conditioning and improved storm doors and windows, or settlements. These would only be considered near receptors 1 and 2 in the northern end of the Study Area where severe noise impacts are projected to occur. The future Project Sponsor would be responsible for implementation of noise mitigation measures prior to construction to reduce severe noise and vibration impacts as per requirements.

Discipline and DEIS Page	Potential Effects	Avoidance, minimization, and mitigation measures for consideration
Waters of the U.S. (4.12 and 5.11)	Short-term and long-term impacts to waters of the U.S. would be localized and minor.	The future Project Sponsor would be responsible for implementation of mitigation measures for wetlands/waters of the U.S. BMPs would be implemented by the contractor to avoid and minimize impacts to wetlands and streams, where practicable: • Surface matting is an option that would reduce soil disturbance, and silt fencing where activities are occurring adjacent to streams would be implemented. • Post-construction, temporary impact areas would be restored to preconstruction elevation, and native vegetation would be planted to re-establish native vegetation quickly. Construction of the proposed Project would require a permit under Section 404 of the Clean Water Act (CWA) to authorize impacts to waters of the U.S., including wetlands. The compensatory mitigation requirements under Section 404 would provide for the replacement of the functions of wetlands and water affected by the proposed Project. Further mitigation may be required as a condition of the Section 404 permit.
Floodplains (4.13 and 5.12)	No permanent impacts to floodplains	Coordination regarding floodplain impacts will be conducted with FEMA and Hancock and Pearl River Counties during the final design phase. During the permitting process, FEMA and Hancock and Pearl River Counties would be contacted for permit and review requirements for the Project.
Water Resources (4.14 and 5.13)	No permanent impacts to water quality; localized water quality could be temporarily affected during construction	BMPs will be installed to minimize potential water quality impacts during construction. Section 401 permit (water quality certification) would be required from MDEQ prior to construction.
Vegetation and Wildlife (4.15 and 5.14)	Vegetation clearing for construction	The future Project Sponsor would be responsible for implementation of minimization and mitigation measures for vegetation and wildlife. BMPs would be used to the extent practicable to further reduce the impact to wildlife and habitat: • Vegetation clearing for construction activities would be planned outside of migratory bird breeding season for the area. • Areas disturbed for stockpiling materials or equipment staging yards would be placed in uplands where possible and restored to preconstruction elevations and reseeded with native species to re-establish the vegetation community. • During construction, sediment run-off would be controlled near streams using silt fencing and other methods to reduce turbidity and any potential effects on aquatic species.

Discipline and DEIS Page	Potential Effects	Avoidance, minimization, and mitigation measures for consideration
Threatened and Endangered Species (4.15.4 and 5.14.2)	For all species, construction could cause temporary displacement or stress	Additional surveys will be conducted prior to construction during the optimal survey window and site conditions to verify no Louisiana Quillwort are identified in the construction limits. Mitigation measures and restoration of disturbed areas would reduce effects to wildlife, including BCC species. BMPs would be used to the extent practicable to further reduce the impact to wildlife and habitat.: • Vegetation clearing for construction activities would be planned outside of the migratory bird breeding season. • Areas disturbed for stockpiling materials or equipment staging yards would be placed in uplands, where possible, and restored to preconstruction elevations and reseeded with native species to re-establish the vegetation community. • During construction, sediment run-off would be controlled near streams using silt fencing and other methods to reduce turbidity and any potential effects to aquatic species. All these measures would help limit potential impacts to BCC species.
Hazardous Waste (4.16 and 5.15)	Unexploded ordinance (UXO) may pose risk of detonation during construction.	To reduce the risk of encountering UXO, a thorough search using metal detectors of all areas within the proposed right-of-way that fall within the Hancock County Bombing and Gunnery Range, and where the soil would be disturbed or heavy equipment utilized, will be conducted prior to construction. If a UXO is discovered, all activity will immediately cease; the area will be evacuated, and local authorities will be contacted to dispatch a bomb disposal unit to the UXO location.
Transportation and Safety (4.18 and 5.17)	Temporary, minor delays during construction and at new railroad crossings	Before any new highway-rail grade crossing traffic control system is installed, or before modifications are made to an existing system, approval will be obtained from the highway agency with the jurisdictional and/or statutory authority, and from the railroad company with ownership of the rail line. Highway-rail grade crossing traffic control measures would be implemented in accordance with the MUTCD standards as part of the Project. Recommended traffic control for highway-rail at-grade crossings would include, at a minimum, one grade crossing (crossbuck) sign on each highway approach to every highway-rail grade crossing, alone or in combination with other traffic control devices. Also, a Grade Crossing Advance Warning sign will be used on each highway in advance of every public highway-rail grade crossing.

2.6. Monitoring and Enforcement

Transportation projects must comply with federal, state, and local environmental laws and regulations, permits, reviews, notifications, consultation, and other approvals. The future Project Sponsor will be responsible for obtaining all necessary permits. A USACE Section 404 permit will be required for construction of the Build Alternative. Section 404 of the Clean Water Act, requires that the proposed Project be permitted before any construction activities, including dredging or fill, occur within waters of MDEQ. Permitting would be coordinated with requirements of the Clean Water Act to ensure that water quality is maintained. Coordination with USFWS was conducted for potential impacts to threatened and/or endangered species. Also, coordination will be required with the Federal Emergency Management Agency (FEMA) during Project design to ensure that there are no encroachments to the floodplain. Coordination with the State Historic Preservation Office (SHPO) and the Mississippi Department of Archives and History (MDAH) for any impacts to cultural resources is complete. A concurrence letter was provided by MDAH on December 21, 2017. MDAH/SHPO does agree that the construction of the Project would not have an adverse impact on any of the identified cultural resource sites. Coordination with utility companies, pipelines, and other infrastructure facilities will be ongoing through Project development.

Table ROD-5 lists the permits, notifications, or concurrences that may be required for construction of the Project.

Table ROD-5: Anticipated Permits and Approvals

Impact or Action	Applicable Laws/ Regulations	Agency	Sites or Actions Requiring Permits and/or Approvals
Wetlands/ Waters of the U.S.	Section 404 of the Clean Water Act (CWA), 33 USC § 1251 et seq.	USACE	Section 404 regulates the discharge of dredged or fill material into waters of the U.S. Impacts that require a Section 404 permit include, but are not limited to, placement of fill into wetlands for rail beds, placement of culverts and pipes within the ordinary high water mark of a stream and alteration of channel morphology. Bridge construction over creeks that does not involve dredging or filling does not require a permit as no improvements take place in waters of the U.S. Some rail bridge piers may need to be placed in stream beds. Potential wetland impacts have been identified within the Project right-of-way.
Water Quality	Section 401 of the CWA, 33 USC § 1251 et seq.	MDEQ	Section 401 requires a state certification that a discharge to waters of the U.S. complies with other provisions of the CWA. The USACE 404 permit application prepared also serves as an application for water quality certification. MDEQ will receive notice from USACE that an application has been made. The proposed track alignment crosses one Section 303(d) impaired stream.

Impact or Action	Applicable Laws/ Regulations	Agency	Sites or Actions Requiring Permits and/or Approvals
Stormwater	Section 402 of the CWA, 33 USC § 1251 et seq.	MDEQ	Section 402 requires a National Pollutant Discharge Elimination System (NPDES) permit for discharges into waters of the U.S. Prior to construction, an application for a general permit for construction activities under the NPDES would be prepared. As part of the permit application, a detailed Stormwater Pollution Prevention Plan (SWPPP) would be prepared to control stormwater runoff and erosion at construction sites. The State is in the process of reissuing Mississippi's Large Construction Storm Water General Permit (MSR10), which pertains to land-disturbing activities of 5 acres or more.
Farmland	Farmland Protection Policy Act (FPPA) – Subtitle I of Title XV, Section 1539-1549	USDA/NRCS	Impacts to farmland (prime), farmland (prime if drained), and farmland (statewide importance) have been identified. NRCS completes a Farmland Conversion Form (CPA-106) for all federal funding projects to assess potential irreversible impacts to farmland.
Threatened/ Endangered Species	Endangered Species Act (ESA) of 1973, 16 USC §1531 et seq., 50 CFR § 17	USFWS	The Project is not expected to impact any critical habitat. If any impacts were to be identified, mitigation measures would be determined in consultation with USFWS prior to construction.
Coastal Zone	Coastal Zone Management Act of 1972, 16 USC §1451	MDMR Office of Coastal Resources	The MDMR will review the proposed rail Project based upon the provisions of the MCP and Section 307 of the CZMA of 1972, as amended, to determine if the activities are consistent to the maximum extent practicable with the MCP. If so, MDMR will grant consistency certification.
Cultural Resources	Section 106 of the National Historic Preservation Act of 1966, as amended, 16 USC § 470 et seq.	MDAH SHPO	Involvement with historic sites and districts is being coordinated with the State Historic Preservation Office (SHPO) and the Mississippi Department of Archives and History (MDAH). Three historic structures were identified within the architectural APE. None of these resources were determined to be eligible for the NRHP via MDAH concurrence letter issued December 21, 2017.
Floodplain	NFIP; Executive Orders 11988 and 11990 (response dated May 12, 2015).	FEMA/Local floodplain administrators	Encroachment into floodways would be coordinated with the Federal Emergency Management Agency (FEMA). Bridges, pipes, and box culverts must be designed in accordance with appropriate floodplain impact requirements per FRA, MDOT, FHWA, and local agencies. Prior to construction, community floodplain administrators will be contacted for the review and possible permit requirements.

MDMR = Mississippi Department of Marine Resources; USDA = U.S. Department of Agriculture; NRCS = Natural Resources Conservation Service; NFIP = National Flood Insurance Program

2.7. Determinations and Findings Regarding Other Laws

2.7.1 Section 4(f) and Section 6(f)

Certain classes of properties have special federal protection and must be considered when assessing the potential effects of a proposed USDOT project. Properties that are designated as being historic sites, public parks/recreation areas, as well as wildlife/waterfowl refuges are protected under Section 4(f) of the Transportation Act of 1966 (49 U.S.C. § 303(c)). FRA cannot approve the use of these properties for transportation projects. There are three standard categories under which changes to land use occur.

- Permanent Incorporation–land acquisition
- Temporary Occupancy–such as construction staging or closing of a portion of the property
- Constructive Use–usually access or noise related

Transportation projects may not encroach or in any way infringe upon Section 4(f) properties unless there is:

- No feasible and prudent alternative to avoid the protected property
- The proposed Project includes all possible planning to minimize harm to the protected property.

No NRHP eligible sites were found within the area of potential effects for the Project and no wildlife/waterfowl refuges are within the Study Area. Four parks were identified as Section 4(f) properties that area located within the Study Area, including McLeod Park, Whites Road Park, Pearlington Boat Launch and Curtis Johnson Boat Launch; all are in Hancock County.

Section 6(f) of the Land and Water Conservation Fund Act (LWCFA)[7] provides another class of federally protected properties. The properties within this group received LWCFA funding to purchase or develop lands for recreation use. The purpose of Section 6(f) is to preserve lands having received these funds for continual public recreational use.

In addition to being protected as Section 4(f) properties, two of the parks (McLeod Park and Whites Road Park) received Section 6(f) funds.

As described in Chapter 5 of the DEIS, the Selected Alternative would have no impacts on Section 4(f) or Section 6(f) properties. McLeod Park would be located approximately 3.3 miles from the Selected Alternative. The second property is Whites Road Park which is located approximately 5.3 miles from the Selected Alternative. The third property is the Pearlington Boat Launch, located approximately 5.7 miles from the Selected Alternative. The fourth property is Curtis Johnson Boat Launch located approximately 7.4 miles from the Selected Alternative. Because of the distance of the Project from the Section 4(f)/Section 6(f) resources, the Project would have no impact on these parks.

The Selected Alternative would not affect the any Section 4(f)/6(f) protected properties.

2.7.2 Section 106 of the National Historic Preservation Act

The Project is subject to compliance with the National Historic Preservation Act (NHPA) of 1966, as amended (16 U.S.C. § 470, et seq.) and its implementing regulations (36 CFR § 800). Specifically, Section 106 of the NHPA requires that the responsible federal agency consider the effects of its actions on historic properties, which are properties listed in or determined eligible for listing in the National Register of Historic Places (NRHP), and provide the federal Advisory Council on Historic Preservation (ACHP) an opportunity to comment on the undertaking.

As mentioned in Chapter 4 of the DEIS, each cultural resource encountered as part of the Project investigation is documented in the Draft Cultural Resource Report (Appendix B of DEIS) and was

[7] Pub. L. 88–578. Land and Water Conservation Fund is codified at 54 U.S.C. Chapter 2003.

assessed for potential eligibility for listing on the NRHP based on the significance criteria set forth in 36 CFR Part 60.4.[8]

2.7.2.1 Archaeological Resources

A total of 24 linear archaeological sites were identified within the archaeological area of potential effects (APE). Thirteen of the linear sites have been determined as not eligible for listing on the NRHP. Eleven sites are considered as "unknown" for their eligibility determination; however, MDAH determined that the Project would not have an adverse impact on these sites. A concurrence letter from MDAH Historic Preservation Division was issued on December 21, 2017 and can be found in the appendices of this document.

2.7.2.2 Architectural Resources

Three newly recorded historic resources were identified during the architectural survey and are associated with NASA Turn (Site 22Ha767, see Section 5.6 of DEIS). All three resources are railroad bridges constructed for transporting construction materials. The structures are not historically or architecturally significant and are recommended not eligible for the NRHP by MDAH. Therefore, the Project would not affect any NRHP eligible architectural sites.

2.7.3 Environmental Justice

Executive Order (EO) 12898, issued in 1994, requires federal agencies, to the greatest extent practicable and permitted by law, to identify and address the potential disproportionately high and adverse human health and environmental impacts of their programs, policies and activities on minority and low-income populations. Federal agency responsibilities under this EO also apply to Native American programs.

The U.S. Department of Transportation (DOT) Order 5610.2 was issued in 1997 to comply with EO 12898. The policy of the DOT Order is to promote the principles of environmental justice in all DOT programs, which includes FRA.

Chapter 5 of the DEIS describes the evaluation areas, counties, and percentages of minority and low-income populations in the Study Area. The U.S. Census Bureau block group was used to determine minority and low-income populations. Of the 11 block groups within the Study Area, seven have higher percentages of low-income populations than the respective counties and five block groups have higher percentages of minority populations than their respective counties. Details of the block group data are in Table 4.7 of the DEIS.

Although the Selected Alternative would cross through block groups where low-income and minority populations were identified, the Selected Alternative would not cause any relocations and would not result in disproportionately high and adverse impacts within minority and/or low-income areas. In these areas, the Selected Alternative will utilize existing rail lines; therefore, no impacts are anticipated. The Selected Alternative is expected to bring development and employment opportunities to the area, which would be felt by all communities with the Study Area. Since the impacts (both adverse and

[8] The Draft Cultural Resources Report published with the DEIS reflects input from MDAH. FRA has finalized the Cultural Resources Report, unchanged from the DEIS.

beneficial) to minority and low-income households would not be disproportionate, there are no environmental justice concerns associated with the Selected Alternative.

2.7.4 Wetlands

The construction of the Build Alternative would impact wetlands, streams, and other waters types located within the construction limits of the proposed project. The proposed right-of-way for the project has been determined to be 100 feet wide. During the design phase, construction limits would be defined; construction limits are estimated to be approximately 75 feet wide, which would further reduce wetland impacts. Impacts discussed in this section are based off a 100 feet wide corridor. Both temporary and permanent impacts would occur in order to construct the proposed Project.

Chapter 5.11 of the DEIS describes potential wetlands impacts, both temporary and permanent, within the Selected Alternative's corridor. Approximately 173.59 acres of wetlands and other waters, and approximately 2,482 linear feet of streams would be impacted by the new railroad and associated infrastructure.

Construction of the proposed Project would require a permit under Section 404 of the Clean Water Act (CWA) to authorize impacts to waters of the U.S., including wetlands. The compensatory mitigation requirements under Section 404 would provide for the replacement of the functions of wetlands and water impacted by the proposed Project and would be provided by the future Project sponsor. Because the proposed Project would not appreciably diminish the availability of functional wetlands and other waters within the proposed right-of-way, there would be no fragmentation of wetland vegetative communities and; therefore, short-term and long-term impacts would be localized and minor.

2.8. FRA Decision

Based on the consideration of the data presented in the DEIS, this combined FEIS and ROD, FRA selects the Preferred Alternative as presented in the DEIS and FEIS, and as described in the above sections of this ROD. Currently, there is no FRA funding or approval associated with final design and construction of the Project.

Having carefully considered the environmental record noted above, the mitigation measure strategies described here, the written and oral comments offered by agencies and the public on this record and the written responses to the comments, FRA has determined that the Selected Alternative represents the best option for the Project and includes all practicable measures to minimize harm to the environment.