

PORT BIENVILLE RAILROAD

COMBINED FINAL ENVIRONMENTAL IMPACT STATEMENT AND RECORD OF DECISION

APPENDIX E: COMMENTS RECEIVED DURING DEIS COMMENT PERIOD

Prepared for:



Federal Rail Administration



Mississippi Department of Transportation

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United States Department of the Interior
OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Richard B. Russell Federal Building
75 Ted Turner Drive, S.W., Suite 1144
Atlanta, Georgia 30303

ER 18/0435
9043.1

November 2, 2018

Mr. Kevin Wright
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Comments and Recommendations on the Draft Environmental Impact Statement (DEIS)
for Port Bienville Railroad in Mississippi

Dear Mr. Wright:

The U.S. Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for Port Bienville Railroad in Mississippi. On October 9, 2018, the Department of the Interior announced the proposed listing of the eastern black rail (*Laterallus jamaicensis jamaicensis*) as threatened under the Endangered Species Act. The eastern black rail is a bird that may be found in a variety of salt, brackish, and freshwater marsh habitats that can be tidally or non-tidally influenced. Its range includes the eastern United States, Mexico, Central America, and the Caribbean with potential habitat and range throughout Mississippi. The draft EIS did not address the eastern black rail since the document was completed prior to the Department announcing the proposed listing. We recommend the Federal Railroad Administration (FRA) or its designated non-federal representative include in the EIS an assessment of the impacts of the proposed project on the eastern black rail.

We recommend the FRA, or its designated non-federal representative include in the EIS an assessment of the impacts of the proposed project on migratory birds protected under the Migratory Bird Treaty Act.

The applicant made a determination that the proposed project “may affect but is not likely to adversely affect” the federally endangered Louisiana quillwort (*Isoetes louisianensis*). According to the information in the draft EIS, impacts to stream habitat that could potentially contain Louisiana quillwort are not anticipated because several of the crossings will be modifications of

Port Bienville Railroad in Mississippi - ER 18-0435

existing stream crossings. However, Louisiana quillwort can occur adjacent to existent road crossings; therefore, we recommend the EIS include details of the survey methodology used including habitat conditions during the surveys and timing of the surveys. Louisiana quillwort is typically visible from November until May but is dependent upon rainfall, as plants completely dieback and are not visible when the intermittent streams, which are habitat for this species, have dried-up. If conditions or timing of the surveys previously conducted are found not to be appropriate for detecting Louisiana quillwort, we recommend surveying suitable habitat in the proposed project impact area prior to the start of construction, and early enough for formal consultation to occur if Louisiana quillwort are discovered.

If you have questions, please contact Amy Carson on (601) 321-1130 or via email amy_commens-carson@fws.gov. I can be reached on (404) 331-4524 or via email joyce_stanley@ios.doi.gov.

Sincerely,



Joyce Stanley, MPA
Regional Environmental Officer

cc: Christine Willis - FWS
Michael Norris - USGS
Steven Wright - NPS
OEPC - WASH

Mulholland, Renee C.

From: Wright, Kevin (FRA) <kevin.wright@dot.gov>
Sent: Wednesday, October 31, 2018 7:19 AM
To: Healy, Stuart F.; Belvin, Michael L.; Thurman, Kim; kevin.keller@hdrinc.com; Bill Cork; McGuire, Michael T; Dixon, Marc (FRA)
Subject: RE: Comments on the Draft Environmental Impact Statement (DEIS) for Port Bienville Railroad in Mississippi - ER 18-0435

Apologies, this letter came from DOI EPC. Sorry to get everyone excited!

Kevin
202-493-0845

From: Wright, Kevin (FRA)
Sent: Wednesday, October 31, 2018 7:03 AM
To: Healy, Stuart F. <healysf@cdmsmith.com>; Belvin, Michael L. <belvinml@cdmsmith.com>; Thurman, Kim <kthurman@mdot.ms.gov>; kevin.keller@hdrinc.com <kevin.keller@hdrinc.com>; Wright, Kevin (FRA) <kevin.wright@dot.gov>; Bill Cork <bcork@hcphc.ms>; McGuire, Michael T <mcguiremt@cdmsmith.com>; Dixon, Marc (FRA) <marc.dixon@dot.gov>
Subject: FW: Comments on the Draft Environmental Impact Statement (DEIS) for Port Bienville Railroad in Mississippi - ER 18-0435

No comments from EPA. See attached.

Kevin
202-493-0845

From: Stanley, Joyce [mailto:joyce_stanley@ios.doi.gov]
Sent: Tuesday, October 30, 2018 11:26 AM
To: Wright, Kevin (FRA) <kevin.wright@dot.gov>
Subject: Comments on the Draft Environmental Impact Statement (DEIS) for Port Bienville Railroad in Mississippi - ER 18-0435

Please see attached comments.

Joyce A. Stanley, MPA
Regional Environmental Officer
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United States Department of the Interior

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ER 18/0435
9043.1

October 30, 2018

Mr. Kevin Wright
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Comments on the Draft Environmental Impact Statement (DEIS) for Port Bienville
Railroad in Mississippi

Dear Mr. Wright:

The U.S. Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for Port Bienville Railroad in Mississippi. We have no comments at this time.

If you have questions, please contact Steven Wright at steve_m_wright@nps.gov. I can be reached on (404) 331-4524 or via email at joyce_stanley@ios.doi.gov.

Sincerely,

Joyce Stanley, MPA
Regional Environmental Officer

cc: Christine Willis - FWS
Michael Norris - USGS
Steven Wright - NPS
OEPC - WASH



November 5, 2018

Kevin Wright
Environmental Protection Specialist
Federal Railroad Administration
1200 New Jersey Ave. SE
Washington D.C., 20590
Kevin.wright@dot.gov

Kim Thurman
Environmental Division Administrator
Mississippi Department of Transportation
401 N. West Street
Jackson, MS 39201
kthurman@mdot.ms.gov

Re: Comments on Port Bienville Short Line Railroad, Hancock County, Miss. Draft Environmental Impact Statement

Dear Mr. Wright and Ms. Thurman:

Gulf Restoration Network is submitting this comment letter on the DEIS for the Port Bienville Railroad on behalf of its members in Mississippi concerned with the integrity of wetlands, water quality and habitats.

The project selects a route described by Alternative "C" to connect a railroad spur near Nicholson, Mississippi with the rail line serving Port Bienville in the southwest corner of Hancock County. This Route described in Alternative C is one of the screened routes that stays farthest from the Pearl River and avoids disturbing several wetland mitigation banks around the Stennis Space Center and its buffer zone.

Three of the streams that must be crossed with railroad bridges or culverts are Turtle Skin Creek, Dead Tiger Creek and Catahoula Creek, all of which are listed for biological impairments, and appear on the Mississippi Department of Environmental Quality's 2016 303 (d) list of impaired waters. None of the three has a Total Maximum Daily Load TMDL Documents prepared for it that might help characterize what the biological

impairments are. Turtleskin Creek is a tributary to the Pearl River, while the other two streams drain to Bay St. Louis in MDEQ's Coastal Streams Basin.

With respect to Turtleskin Creek, we suggest that special care be used both in crossing it with bridges and in managing the sheet flow in its drainage area. Since it is a tributary to the Pearl River's Eastern branch (East Pearl), and since water **quantity** upstream is a problem for this reach of the river due to channel filling, logjams, and the presence of the Walkiah Bluff Diversion that doesn't seem to distribute water equitably between the West Pearl and the Pearl, special care needs to be given to projects that might impede sheet flow along this Creek. Water quantity can be affected, and the Pearl doesn't need any new sources of disruption or stress. MDEQ is also concerned about sheet flow here, as noted in the DEIS introduction.

It was noted in section 5.31 of the main body of the DEIS that:

"A detailed hydrologic study has not been completed for this Project. However it appears that the majority of the hydrologic conditions of this area are attributed to sheet flow. During coordination with resource agencies it was suggested that optimally this type of hydrology should be maintained, which could be accomplished by using stabilizer pipes and leveler (level) spreader as shown in figure 10.

Sheet flow is important in the boggy areas that feed creeks like Turtle Skin Creek or Dead Tiger Creek in this low-relief, extremely flat section of Hancock County. Likewise the bogs found in the vicinity of these slow moving coastal streams are underlain by saturated lenses of sand or peat very close to the surface. Sheet flow and shallow groundwater feed the creeks which in turn flow to the Pearl or Jourdan Rivers.

Streams, like the three listed above on the 303(d) list, already experiencing biological impairment, won't become less impaired if water quantity changes because sheet flow is disrupted by a filled and elevated track bed. Track bed design should avoid, to the greatest extent possible, alterations in the pattern of movement in surface water flows or shallow groundwater that can cause water deficits during dry periods in both bogs bisected by the project and the small drains and streams in this section of the Pearl River basin.

Railroad track beds on fill will change sheet flow, creating low dams that interfere with surface water movement. The weight of the track beds and their compaction serve also to alter the shallow flows that let these bog soils transfer water. Some form of piping system may help keep water moving under the track beds, and longer elevated approaches on creeks – building elevated track bridges slightly longer than required by cost conscious engineers – would also facilitate better stream flow. Because the Pearl River's flow needs are more stressed than those of the Jordan River, special attention should be paid to the engineering of the track bed in the vicinity of Turtle Skin Creek. More stabilizer pipe and level spreaders need to be installed in the sections of track along this stream than in other sections in order to better protect the Pearl River.

Making the bridge over Turtle Skin Creek longer in Wetland sections K, L, and M would give Turtle Skin Creek and the Pearl River better protection.

Surveys for the protected quillwort and iron-color shiners in all three of these low gradient streams should be performed if they haven't yet been undertaken.

GRN members near Picayune, living near Alligator Branch close to the frac sand processing plant in the local industrial park have cited existing safety concerns along U.S. Hwy 11 with respect to trains and road traffic. They cite long trains that block multiple grade level approaches simultaneously for 45 minutes to 1 hour as trains stop at the Picayune Industrial Park between Picayune and Nicholson to have sand or gravel loaded into them. Our members cite car wrecks and fatalities on U.S. 11 and are concerned about more trains. In the current conditions, trains block several crossings and cars pull off onto the shoulder to wait for trains to pass so they can enter roads going west from U.S. Hwy 11. Special attention should be paid to the safety concerns of adding more train traffic along US Hwy. 11 which is known as a treacherous and busy road.

This DEIS states in Section 5.5.3.1 that "safety on U.S. Hwy 11 at existing grade crossings could also be affected and that U.S. Hwy 11 crossings would have additional train traffic." This is in the Schools/Safety section of the DEIS in 5.5.3.1, lines 5-13. The two agencies, FRA and MDOT should pay special attention to the ongoing train/traffic situation in the Nicholson to Picayune area. People living there now recognize that there are already traffic congestion problems due to trains at the existing grade crossings along U.S. Hwy 11. These issues should be taken into account before more train traffic is injected into the Nicholson vicinity.

We appreciate the chance to comment on the DEIS document.

Sincerely,

Andrew Whitehurst
Water Program Director
Gulf Restoration Network



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

OCT 29 2018

Mr. Kevin Wright
Environmental Protection Specialist
U.S. Department of Transportation
Federal Railroad Administration
1200 New Jersey Ave., S.E., RPD-13, MS-20
Washington, DC 20590

Re: Port Bienville Railroad Draft Environmental Impact Statement (DEIS), Mississippi; CEQ
No.: 20180214

Dear Mr. Wright:

The U.S. Environmental Protection Agency reviewed the above referenced document in accordance with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The Federal Railroad Administration (FRA), in cooperation with the Mississippi Department of Transportation (MDOT) and the Hancock County Port and Harbor Commission (HCPHC), proposes to construct a 24-mile freight rail line that provides a direct connection between the Port Bienville Railroad (PBRR), located south of Interstate 10 in Hancock County, Mississippi, and the Norfolk Southern (NS) rail line located near Interstate 59 in Nicholson, Pearl River County, Mississippi.

The purpose of the project is to provide dual Class I access to the Port Bienville Industrial Park to support the needs of the park's tenants and other industries in the area. The PBRR currently has a single Class I connection with the CSX railroad, an east-west rail line. The connection to the NS railroad, a north-south rail line, would provide the PBRR with dual Class 1 rail access. Providing dual Class I access to the Port Bienville Industrial Park addresses the following needs: (a) improve rail transport time, reliability and cost; (b) foster greater economic opportunities and attract new industries to Hancock and Pearl River Counties; and (c) create flexibility and resilience in rail transportation options during storms and other emergencies.

The EPA appreciates the collaborative approach the FRA and the MDOT implemented during scoping and project development. The EPA provided preliminary comments to MDOT by email on September 18, 2015, and September 28, 2015. We provided scoping comments to the FRA and the MDOT by email on September 27, 2016. Additionally, the EPA attended public and resource agency meetings regarding the proposed project. As a result, many of our initial comments were addressed during the development of the DEIS.

The DEIS examines two alternatives, a No Build Alternative and a Build Alternative. The Build Alternative resulted from an alternatives development process that included screening and comparing 17 segments representing 40 potential alternatives. The proposed project includes the construction of about 18.4 miles of new rail track with a 100-foot right-of-way and the repair and upgrade of about 5.3 miles of an inactive NS rail line. The project corridor begins in Nicholson, Mississippi (about 1.2 miles north of the SSC acoustical buffer zone), continues 20.8 miles through the acoustical buffer zone, and ends at

the PBRR (about 1.7 miles south of the SSC acoustical buffer zone and 2.04 miles east of the entrance to the Port Bienville Industrial Park).

According to the DEIS, the proposed Build Alternative impacts 2,482 linear feet of streams, 171.58 acres of wetlands, 2.1 acres of "other waters", 96.74 acres of floodplains, 222 acres of farmland, four environmental justice census blocks, 14 noise receptors (two severe impacts and 12 moderate impacts), three vibration receptors, and seven threatened and endangered species (2 state-listed species). The project includes eight gas pipeline crossings and 22 at-grade crossings. Based on our review of the DEIS, the EPA identified environmental concerns regarding potential impacts associated with the Build Alternative and requests that additional information be provided in the final Environmental Impact Statement (FEIS). These concerns relate to the elimination of Alternative D, bridges and culverts, construction impacts, compensatory mitigation, and migratory birds. We have enclosed technical comments and recommendations for your consideration that can strengthen the FEIS (See enclosure). We request that the technical recommendations provided in this letter be addressed in the FEIS.

Effective October 22, 2018, the EPA will no longer include ratings in our comment letters. Information about this change and the EPA's continued roles and responsibilities in the review of federal actions can be found on our website at: <https://www.epa.gov/nepa/environmental-impact-statement-rating-system-criteria>.

The EPA appreciates the opportunity to review and provide comments on the DEIS. We look forward to working with you to address our remaining concerns. If you have any questions, or wish to discuss our comments and recommendations, please contact Mr. William Kenneth Dean, of the NEPA Program Office at (404) 562-9378 or dean.william-kenneth@epa.gov.

Sincerely,



Christopher A. Militscher
Chief, NEPA Program Office
Resource Conservation and Restoration Division

Enclosure: Technical Comments

cc: Kim Thurman, MDOT (via email)

ENCLOSURE
Technical Comments on Port Bienville Railroad Draft Environmental Impact Statement
CEQ No.: 20180214

The EPA recognizes the importance of infrastructure development while assuring environmental and public health protection. As noted above, the EPA acknowledges the collaborative efforts of the FRA and the MDOT during the development of the DEIS. The EPA's comments are designed to support and provide the FRA and the MDOT with information that may have been considered but not adequately discussed in the DEIS.

ISSUE #1: Segment/Alternative D. Prior to the DEIS, Segment C and Segment D (renamed Alternative C and Alternative D in the DEIS) were competing alternative segments for the southern portion of the study area (south of U.S. Highway 90). Segment D, which has 15.81 acres fewer wetland impacts and 40 feet fewer stream impacts than Segment C, was eliminated from further study. The Segment Comparisons Report (Appendix A of the DEIS), dated August 8, 2016, stated that the MDOT, the HCPHC, and the FRA agreed to eliminate Segment D from further study due to potential residential impacts to one to two residences (one within 200-400 feet of the centerline, and the other one less than 1,000 feet of the centerline). By email, dated September 27, 2016, the EPA recommended that Segment D be reconsidered for further study in the DEIS due to its lesser impacts to wetlands, streams and farmlands. In response to the EPA's comments, the FRA and the MDOT referenced existing documentation of the process and screening analysis that was followed during the refinement of the segments and their documentation of the reasons for eliminating segments. The FRA and the MDOT further stated that clarification of the potential impacts to the residences will be provided in the DEIS.

The main text of the DEIS provides additional information about the reasons for eliminating Alternative D (formerly Segment D). The DEIS states that Alternative D was eliminated due to: (1) noise and vibration impacts to the one to two residences; (2) additional safety concerns associated with a new at-grade rail crossing; and (3) the additional travel time and distance associated with the longer alternative. However, no noise and vibration data are presented for these two potential receptors, nor is there any information about the magnitude of the noise and vibration impacts to the two residences.

Recommendation: Based on the available information, Alternative D appears to be a less environmentally-damaging alternative than Alternative C. The EPA realizes that the FRA is not required to make its decision solely based on environmental impacts and factors. However, for public disclosure, and to minimize potential issues regarding the chosen alternative and its suitability as the "least environmentally damaging, practicable alternative" when the project is publicly noticed for a Clean Water Act Section 404 permit, the EPA suggests that additional information be included in the DEIS to better support the decision to eliminate Alternative D. Specifically, we request the following information be added to the DEIS: (a) the exact distances of the two residences from the Segment D centerline; (b) the distances from the Segment D centerline where noise and vibration impacts would be moderate and severe; and (c) the magnitude or level of noise and vibration (both qualitative and quantitative) that the two residences would experience under Alternative D.

ISSUE #2: Bridges and Culverts. The alignment for the proposed Build Alternative crosses several streams, including Turtleskin Creek, a Section 303(d)-listed waterbody. The DEIS states, "*The proposed rail alignment would be designed to avoid or minimize impacts to Turtleskin Creek as well as other water bodies and would not hinder any Mississippi Department of Environmental Quality (MDEQ) restoration plans for Turtleskin Creek.*" The EPA acknowledges that the rail profile and the

locations, sizes and lengths of bridges and culverts will be determined during the final design. Efforts will be made during the final design to continue to minimize impacts prior to construction.

Recommendation: The EPA recommends that bridges and/or culverts that span stream crossings should be built as wide as possible to accommodate flood flows. This entails calculating the extent of the 25-, 50-, and 100-year floodplain at each crossing and designing the bridge/culvert structures to accommodate/pass those flows. Failure to adequately pass flood flows will not only disrupt water and sediment flows downstream, but could put stress on the railroad bed and bridge structure as well. This is also important from the standpoint of wetland impacts, because an under-designed culvert or bridge crossing may back up water upstream of the bridge and cause ponding. Such ponding, which increases the duration of flooding on a site, can cause a vegetative shift and may be considered an impact (changing wetland types) because of the railroad. To avoid this potential impact, the FRA and the MDOT need to design the bridges and culverts to adequately pass appropriate flood flows.

ISSUE #3a: Construction Impacts. According to the DEIS, “*Localized water quality could be temporarily affected during construction, but use of Best Management Practices (BMPs) would minimize potential water quality impacts. The MDOT would consult with the appropriate federal and state resource and regulatory agencies to identify measures to minimize these impacts.*”

Recommendation: During construction of the project, all BMPs to alleviate sedimentation and to minimize construction impacts must be undertaken. Water quality BMPs will be important to ensure that current water quality problems are not exacerbated by sediment and perturbations caused by construction. Given the wet nature of many of the soils along the preferred route, special care will need to be exercised to ensure sediment does not leave construction sites during heavy rain events. The appropriate BMPs must be used both during and after construction in accordance with the State of Mississippi requirements for transportation projects and/or enhanced BMPs, as required, so as not to cause or contribute to a violation of water quality standards or cause further degradation to Turtleskin Creek.

ISSUE #3b: Construction Impacts. It is not clear whether the proposed 100-foot wide right-of-way includes areas likely to be used as borrow for the railroad bed.

Recommendation: Please clarify whether the 100-foot wide right-of-way for the proposed project includes areas likely to be used as borrow for the railroad bed. If the right-of-way does not include areas likely to be used as borrow for the railroad bed, then provide an explanation whether these areas add to the total amount of wetlands impacted by the proposed project.

ISSUE #4: Compensatory Mitigation. Seventy-six (76) percent of the project study area is within the Stennis Space Center acoustical buffer zone, which is largely (if not entirely) undeveloped and contains seven mitigation commercial banks and several additional established mitigation areas. This project has the rare aspect of having seven commercial mitigation banks, comprised of similar wetland types as those being impacted, in relatively close proximity to the project impacts. The EPA is signatory to the mitigation banking instruments and understands they continue to provide credits to offset wetland impacts in southern Mississippi for other projects.

Recommendation: Any unavoidable impacts resulting from the constructions of the project should be able to be offset using the nearby mitigation banks. The FRA and the MDOT will need to work with the U.S. Army Corps of Engineers to appropriately evaluate the quality of the existing wetlands being

impacted (as well as their jurisdictional status) and how much compensatory mitigation will be required to be either purchased or generated.

ISSUE #5: Migratory Birds. Executive Order 13186, Section 3(e)(6) directs Federal agencies to “ensure that environmental analyses of Federal actions required by the NEPA or other established environmental review processes evaluate the effects of actions and agency plans on migratory birds, with emphasis on species of concern.” The DEIS does not specifically address the effects of the project on migratory bird species of concern, with exception to the Wood stork (*Mycteria americana*), a Federally-listed threatened and endangered species (discussed in Section 4.15.4 and 5.14.2). Other migratory birds that are not listed as threatened and endangered species may also migrate through the study area. In the DEIS, only general references are made to migratory birds and to birds in general, with concurrent reference to other fauna or wildlife (Sections 4.15.3 and 5.14.1), and the effects addressed in the DEIS appear to be limited to reduction of habitat.

Recommendation: The EPA recommends that the FRA and the MDOT consult or coordinate with the U.S. Fish and Wildlife Service, Migratory Bird Field Office, if further assistance is needed. The EPA further recommends that the FEIS include more specific information about migratory birds, with emphasis on species of concern for the study area and the potential effects of the project on the species of concern. We recommend that the discussion address habitat reduction, fragmentation, and seasonality. Useful information can be found at the following websites:

- Birds of Conservation Concern
 - <https://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Birds of Management Concern
 - <https://www.fws.gov/birds/management/managed-species/birds-of-management-concern.php>
- Mississippi Wildlife Conservation Plan
 - <https://www.mdwfp.com/museum/seek-study/state-wildlife-action-plan/>

Mulholland, Renee C.

From: Johnson, Adam <ajohnson@mdot.ms.gov>
Sent: Monday, October 15, 2018 2:50 PM
To: McGuire, Michael T; Belvin, Michael L.; Healy, Stuart F.; kevin.wright@dot.gov
Subject: FW: FW: Port Bienville Railroad - Draft Environmental Impact Statement (DEIS) and Public Hearing

NMFS at NOAA has no comments.

Adam Johnson

From: Brandon Howard - NOAA Federal [mailto:brandon.howard@noaa.gov]
Sent: Monday, October 15, 2018 12:33 PM
To: Johnson, Adam <ajohnson@mdot.ms.gov>
Subject: Re: FW: Port Bienville Railroad - Draft Environmental Impact Statement (DEIS) and Public Hearing

Hi Adam.

Sorry for the delay. I'm still getting through emails after being on vacation. Yes, I'm covering MS after Rick's retirement.

NMFS Habitat Conservation Division (HCD) has reviewed the draft EIS listed below and has no comment to provide at this time since NMFS trust resources are not present. NMFS HCD does not object to the project. Feel free to contact me if further information is needed.

Brandon

On Thu, Sep 27, 2018 at 2:54 PM Johnson, Adam <ajohnson@mdot.ms.gov> wrote:

Mr. Howard,

I tried to pass the following on to Richard Hartman as he was our contact with the NMFS-NOAA for the subject project. I contacted some of your peers at NMFS and they said Mr. Hartman had retired and you had taken over his responsibilities. As such, I'm passing it on to you for review and comment. Feel free to contact me with any questions.

Thanks

Adam Johnson, P.E.

Location Engineer

Environmental Division

Mississippi Department of Transportation

The Mississippi Department of Transportation (MDOT), in coordination with Federal Railroad Administration (FRA) and the Hancock County Ports and Harbor Commission, has prepared a Draft Environmental Impact Statement (DEIS) for the proposed construction of a new railroad line that would connect the Port of Bienville Short Line Railroad at the Port Bienville Industrial Park (Port) in Hancock County with the existing Norfolk Southern Railroad near Nicholson in Pearl River County. The proposed rail line would begin near the industrial park and travel around the eastern boundary of Stennis Space Center Fee Area through the Acoustical Buffer Zone. The proposed corridor turns northwest, parallel to Texas Flat Road, and would then follow the existing, inactive Norfolk Southern line into Nicholson, tying into the active rail line near U.S. Route 11.

DEIS AVAILABILITY

The DEIS defines the proposed project; illustrates current and previously considered alternatives; identifies natural, social and economic environments in the project area; and describes potential impacts the proposed project could cause. The DEIS can be viewed at <http://sp.mdot.ms.gov/Environmental/Pages/Projects.aspx> or at <https://www.fra.dot.gov/Page/P0798>. Hard copies are available from MDOT by request and can be reviewed at the following locations:

Pearlington Public Library
Project Office

6096 First Avenue
49

Pearlington, MS 39572

Pearl River County Library

900 Goodyear Boulevard

Picayune, MS 39466

MDOT Lyman

16499 US Highway

Saucier, MS 39574

Hancock County

Pearl River County

Office of County Administrator

Office of County Administrator

854 Highway 90

200 South Main Street

Bay St. Louis, MS 39520

Poplarville, MS 39470

PUBLIC HEARING

A public hearing will provide an opportunity for the public to learn about the project, the environmental issues that were identified and the plans to avoid, minimize or mitigate impacts to environmental resources. Attendees will be able to share opinions and ask questions.

Where: Stennis International Airport
Multipurpose Room No. 202
7250 Stennis Airport Drive
Kiln, MS 39556

Date: October 23, 2018

Time: 4 – 7 p.m.

The public hearing will be presented in an open house format, without a formal presentation. Maps showing the project study area, the DEIS and other project materials will be available for review and comment. Members of MDOT, FRA and consultants will be available to answer questions regarding the proposed project.

Public Officials/Resource Agencies Meeting

Before the public hearing, MDOT will host a meeting for public officials and resource agencies, giving them an additional opportunity to review the information and speak with the study team members. That meeting is scheduled for 1:00 p.m. October 23, 2018, at the same location as the public hearing.

Feel free to contact Location Engineer Adam Johnson with questions.

Thank you,

Adam Johnson, P.E.

Location Engineer

Environmental Division

Mississippi Department of Transportation

601-359-7875

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tradewindenergy.com

November 5, 2018

Kevin Wright
Environmental Protection Specialist
Federal Railroad Administration
1200 New Jersey Avenue SE., MS-20
Washington, DC 20590
Kevin.wright@dot.gov

Re: Comment on Draft EIS for the Port Bienville Railroad Project

Dear Mr. Wright,

I am providing this comment on behalf of Hancock County Solar Project, LLC (the "Project Company"), a wholly owned subsidiary of Tradewind Energy, Inc. ("Tradewind") with respect to the draft EIS for the Preferred Alternative route for the Port Bienville Railroad Project. The Project Company has acquired certain rights through private agreements with landowners whose property lies within the route described in the draft EIS. Those rights are for the purpose of constructing a utility-scale solar energy system in Hancock County, Mississippi (the "Project"). The development of this solar energy system has been ongoing for more than two years and multiple applications are currently pending with various governmental entities to allow completion of the Project. The Project is proposed to generate up to 80 MW of solar energy that would connect to the 115 kilovolt NASA North Switch Station substation adjacent to the Project.

The proposed route runs directly through the Project land, a fact not mentioned in the draft EIS. As a result, we oppose the use of segment 10b of the Preferred Alternative, which splits much of the Project property in half, effectively rendering it useless for the Project.

The draft EIS fails to consider the dramatic impact on this Project and similarly fails to consider the increased cost of acquiring the necessary right-of-way, cost that will be based on the value of the land for use as a solar energy facility. In addition, the draft EIS does not consider the lost revenue to the Picayune School District. The District owns land which is subject to a Solar Site Evaluation Easement which could generate meaningful revenues only if the Project moves forward. We ask that the added cost of land acquisition and the lost revenues to the District be part of the evaluation of any proposed route.



HANCOCK COUNTY SOLAR PROJECT, LLC

16105 West 113th Street, Suite 105

Lenexa, Kansas 66219

P: 913.888.9463

tradewindenergy.com

We request coordination on a minor deviation in proposed segment 10b to the south of the Project site, resulting in a more reasonably planned route that avoids splitting Project lots in half. A deviation is possible that will allow the Project to move forward and allow acquisition of the necessary right-of-way.

The Project Company has been actively developing its solar energy system and investing significant assets into that effort. A non-exclusive list of the Project Company's activities and investments in the Project to date is instructive:

- In July 2016, submitted application for interconnection permission to Southern Company Services, Inc.;
- In September 2018, submitted Special Exception Application and Site Plan to Hancock County for approval;
- In October 2018, signed interconnection agreement with Southern Company Services, Inc., requiring a substantial financial commitment;
- Conducted multiple environmental surveys in the Project area that are ongoing;
- Submitted Buffer Zone Consent Application to US Army Corps of Engineers (NASA coordinating agency) for location in the NASA Stennis Space Center buffer zone;
- Invested hundreds of thousands of dollars to date in additional land acquisition, design and development costs;
- Secured legal interests in approximately 2,535 acres of real property (see recorded documents attached).

This Project would create approximately 300 temporary jobs during construction, increase the County's tax base, improve the utility grid through private investment and provide clean, renewable energy that will have a net positive benefit on the environment and air quality. These benefits could still be realized with only minor changes to the Preferred Alternative.



HANCOCK COUNTY SOLAR PROJECT, LLC

16105 West 113th Street, Suite 105

Lenexa, Kansas 66219

P: 913.888.9463

tradewindenergy.com

We ask that the Mississippi Department of Transportation and the Federal Railroad Administration reconsider segment 10b due to the Draft EIS failure to consider the increased cost and impact due to the proposed Project. We also request that we be kept up to date of future developments on the Port Bienville Railroad Project as it has a very direct impact on the viability of this Project.

Sincerely,

A handwritten signature in blue ink that reads "Drew Gibbons". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Drew Gibbons
Development Director

Enclosure

2018 927
Recorded in the Above
Deed Book & Page
01-23-2018 11:34:01 AM
Timothy A Kellar
Hancock County

MEMORANDUM OF SOLAR ENERGY LEASE

THIS MEMORANDUM OF SOLAR ENERGY LEASE (this "**Memorandum**") is dated as of January 3, 2018 (the "**Effective Date**") by and between Soterra, LLC, a Delaware limited liability company ("**Lessor**"), whose address is P.O. Box 18 Jackson, Mississippi 39205, and Hancock County Solar Project, LLC, a Delaware limited liability company ("**Lessee**"), whose address is 16105 W. 113th Street, Suite 105, Lenexa, KS 66219, with reference to the following recitals:

A. Lessor owns that certain real property (including all air space thereof) described on Exhibit "A" attached hereto and incorporated herein, as generally depicted on the map attached hereto as Exhibit "A-1" (the "**Property**"), which Property is located in the County of Hancock, in the State of Mississippi.

B. Lessor and Lessee (together, the "**Parties**" and each a "**Party**") have entered into that certain unrecorded Solar Energy Lease dated of even date herewith (the "**Lease**"), which affects the Property.

C. The Parties have executed and acknowledged this Memorandum and are recording the same for the purpose of providing constructive notice of the Lease and Lessee's rights thereunder. Capitalized terms used and not defined herein have the meaning given the same in the Lease.

NOW, THEREFORE, for and in consideration the promises, covenants and agreements of the Parties contained in the Lease and herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. **Purpose of Lease.** Lessee shall have possession of the Property for the exclusive right for solar energy conversion, for the collection and transmission of electric power, and for related and incidental purposes and activities (collectively, "**Solar Operations**"), to be conducted in such locations on the Property as Lessee may determine, and whether accomplished by Lessee or a third party authorized by Lessee, including, without limitation:

1.1 Determining the feasibility of solar energy conversion on the Property or on neighboring lands, including conducting studies of solar radiation, soils, and other meteorological and geotechnical data;

1.2 Developing, constructing, reconstructing, erecting, enlarging, installing, improving, replacing, relocating and removing from time to time, and maintaining, using, monitoring and operating, existing, additional or new (i) individual units or arrays of solar energy collection cells/panels and related facilities necessary to harness sunlight for photovoltaic energy generation, including without limitation, existing and/or future technologies used or useful in connection with the generation of electricity from sunlight, and associated support structure, braces, wiring, plumbing, and related equipment ("Solar Energy Facilities"), (ii) facilities for the storage, collection, distribution, step-up, step-down, wheeling, transmission and sale of electricity and for communications in connection with the Solar Energy Facilities, including, without limitation, the following, at such locations as Lessee shall determine that are developed, constructed and/or operated on the Property and/or on property to be acquired by leasehold or by fee purchase, by or on behalf of Lessee: underground and/or overhead distribution, collection and transmission lines; underground and/or overhead control, communications and radio relay systems and telecommunications equipment; energy storage facilities; interconnection and/or switching facilities, circuit breakers, transformers; cables, wires, fiber, conduit, footings, foundations, towers, poles, crossarms, guy lines and anchors, and any related or associated improvements, fixtures, facilities, appliances, machinery and equipment (collectively, the "Transmission Facilities"), (iii) meteorological masts and solar energy measurement equipment, (iv) control buildings, control boxes and computer monitoring hardware, (v) utility lines and installations, (vi) safety protection facilities, (vii) laydown areas and maintenance yards, (viii) roads, bridges, culverts, and erosion control facilities, (ix) signs, fences, and gates, (x) maintenance, operations and administration buildings, and (xi) other improvements, fixtures, facilities, machinery and equipment associated or connected with the generation, conversion, storage, switching, metering, step-up, step-down, transmission, distribution, conducting, wheeling, sale or other use or conveyance of electricity (all of the foregoing, including the Solar Energy Facilities and Transmission Facilities, collectively a "Solar Energy System");

1.3 Using any existing water well or drilling, digging and excavating one or more wells on the Property for the purposes of servicing, operating and maintaining the Solar Energy System that is located on the Property, including the right to tap into (at Lessee's sole cost and expense under a separate meter) any municipal, township, county, or other public water service;

1.4 During the Extended Term, removing, trimming, pruning, topping, clearing, or otherwise controlling the growth of any tree, shrub, plant or other vegetation; dismantling, demolishing, and removing any improvement, structure, embankment, impediment, berm, wall, fence, engineering works, or other object, on or that intrudes (or upon maturity could intrude) into the Property that could obstruct, interfere with or impair the Solar Energy System or the use of the Property intended by Lessee hereunder, provided, however, that the overall drainage of the property remain materially unaffected if any portion of the Property is utilized for agricultural purposes, and provided further that, Lessee's removal of any such improvements or structures having salvage value (as reasonably determined by

Lessee) shall be coordinated with Lessor, and if so elected by Lessor within ten (10) days after notice from Lessee that any such improvement or structure must be removed, Lessor shall have a fifteen (15) day period to remove any such improvement at Lessor's expense. In the event Lessor fails to respond in writing to Lessee in such ten (10) day period, or Lessor elects not to remove or fails to remove any such improvements or structures within such fifteen (15) day period, Lessee may remove and dispose of such improvements or structures at Lessee's expense, and Lessee shall have no liability to Lessor relating to the removal and disposal thereof;

1.5 A non-exclusive easement for vehicular and pedestrian access, ingress and egress to, from and over the Property, at such locations as Lessee shall determine, for purposes related to or associated with the Solar Energy System installed or to be installed on the Property or adjacent property, which, without limiting the generality of the foregoing, shall entitle Lessee to use, improve and widen any existing and future roads and access routes or construct such roads as Lessee may determine necessary from time to time located on or providing access to the Property, across any other adjacent property owned by Lessor and across any access routes over which Lessor has the right to travel;

1.6 Undertaking any other lawful activities, whether accomplished by Lessee or a third party authorized by Lessee, that Lessee determines are necessary, helpful, appropriate, convenient or cost-effective in connection with, incidental to or to accomplish any of the foregoing purposes, including conducting surveys and soils, environmental, biological, cultural and other tests and studies.

2. Among other things, this Lease includes the exclusive right and easement on, over and across the Property for the free and unobstructed flow of sunlight resources, together with the exclusive right to (i) develop, use, convert, maintain and capture such sunlight, (ii) convert solar energy into electrical energy and (iii) derive and keep all credits and income therefrom (subject to the payment of Rent to Lessor, as set forth below).

3. The Lease shall initially be for a term of five (5) years commencing on the Effective Date and ending on January 3, 2023. Lessee shall have the right and option to extend the term of the Lease for one additional period of thirty (30) years, upon the terms set forth in the Lease. Additionally, Lessee shall have the right to renew the Extended Term for two (2) additional five (5) year periods.

4. Any Solar Energy System constructed on the Property shall at all times remain the property of Lessee and shall not be deemed to be fixtures and (ii) Lessor shall have no ownership, lien, security or other interest (including any lien that might otherwise be implied by law) in any Solar Energy System installed on the Property, or in any profits or income derived therefrom.

5. Neither Lessor nor any of its tenants, licensees, contractors, invitees, agents, assigns or anyone else obtaining rights from Lessor shall, currently or prospectively, interfere with, impair, delay or materially increase the cost of any of Lessee's Solar Operations (whether conducted on the Property or elsewhere), or the undertaking of any other activities or the free enjoyment or exercise of any other rights or benefits given to or permitted Lessee hereunder. Without limiting the generality of the foregoing, neither Lessor nor anyone obtaining rights from or acting with the permission

of Lessor shall (a) interfere with or impair the free, unobstructed and natural availability of sunlight over or across the Property (whether by planting trees, constructing structures, or otherwise), or the lateral or subjacent support for the Solar Energy System or (b) engage in any other activity on the Property or elsewhere that might cause a decrease in the output, efficiency or longevity of the Solar Energy System.

6. The Lease is for the additional purposes, is of the nature, and is subject to the requirements and limitations, set forth therein. The Lease also contains various other covenants, obligations and rights of the Parties, including, without limitation, provisions relating to Rent, termination of the Lease, quiet enjoyment, restoration of the Property, assignment and lender protections.

7. The terms, conditions and covenants of the Lease are incorporated herein by reference as though fully set forth herein. This Memorandum does not supersede, modify, amend or otherwise change the terms, conditions or covenants of the Lease, and this Memorandum shall not be used in interpreting the terms, conditions or covenants of the Lease. In the event of any conflict between this Memorandum and the Lease, the Lease shall control.

8. The Property shall be held, conveyed, hypothecated, encumbered, leased, used and occupied subject to the covenants, terms and provisions set forth in the Lease and herein, which shall run with the Property and each portion thereof and interest therein as equitable servitudes, and shall be binding upon and inure to the benefit of the Parties and each sublessee and any other person and entity having any interest therein during their ownership thereof, and their respective sublessees, grantees, heirs, executors, administrators, successors and assigns, and all persons claiming under them.

9. This Memorandum may be executed with counterpart signature pages and in duplicate originals, each of which shall be deemed an original, and all of which shall collectively constitute a single instrument.

[REST OF PAGE LEFT BLANK; SIGNATURES ON SEPARATE SHEETS]

LESSOR:

SOTERRA, LLC

By [Signature]

Name: Timothy L. Bergwall

Title: Division President

STATE OF Ohio)
COUNTY OF Delaware) ss.

Be it remembered that on this 12 day of January, 2018, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Timothy L. Bergwall, to me personally known, who being by me duly sworn did say that he is Division President of Soterra, LLC, a Delaware limited liability company, and that the within instrument was signed and delivered on behalf of said Soterra, LLC by authority thereof, and acknowledged said instrument to be the free act and deed of said limited liability company for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal in the date herein last above written.

My Commission Expires:

12-30-2020
[SEAL]

Marlene K. Lancaster
Notary Public in and for said County and State

Print Name: Marlene K. Lancaster



MARLENE K LANCASTER
Notary Public - Ohio
My Commission Expires
12-30-2020
Marlene K. Lancaster

EXHIBIT "A"

DESCRIPTION OF THE PROPERTY

THE FOLLOWING REAL PROPERTY LOCATED IN THE COUNTY OF HANCOCK, STATE OF MISSISSIPPI:

THREE THOUSAND THIRTY-EIGHT (3038) ACRES, MORE OR LESS, CONTAINED WITHIN THE PROJECT BOUNDARY AS DEPICTED ON EXHIBIT A-1 AND LYING WITHIN THE FOLLOWING DESCRIBED REAL PROPERTY:

TRACT 1

Section 3, Township 7 South, Range 16 West

The Northeast Quarter of the Southwest Quarter (NE 1/4 of SW 1/4);

The Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4), EXCEPT part of 20 acres described in Deed Book E-8, Page 183 of the land records of Hancock County, Mississippi;

The Southeast Quarter of the Southwest Quarter (SE 1/4 of SW 1/4);

The Southeast Quarter (SE 1/4).

AND

Section 10, Township 7 South, Range 16 West

The Northeast Quarter (NE 1/4);

The Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4);

The Northwest Quarter of the Northwest Quarter (NW 1/4 of NW 1/4) EXCEPT that part of tract described in Deed Book E-8, Page 66;

The Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4), EXCEPT one acre described in Deed Book E-0, Page 233 of the land records of Hancock County, Mississippi;

The Southeast Quarter of the Northwest Quarter (SE 1/4 of NW 1/4);

The East One-Half of the Northeast Quarter of the Southwest Quarter (E 1/2 of NE 1/4 of SW 1/4);

The East One-Half of the Southeast Quarter of the Southwest Quarter (E 1/2 of SE 1/4 of SW 1/4);

The Southeast Quarter (SE1/4).

AND

Section 11, Township 7 South, Range 16 West

The Southwest Quarter of the Northeast Quarter (SW 1/4 of NE 1/4);

The South One-Half of the Northwest Quarter (S 1/2 of NW 1/4);

The South One Half (S 1/2).

TRACT 2

Section 20, Township 7 South, Range 16 West

The Northeast Quarter (NE 1/4).

The North 30 acres of the Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4).

The West One Half of the Northwest Quarter (W 1/2 of NW 1/4).

The South 30 acres of the Southeast Quarter of the Northwest Quarter (SE 1/4 of NW 1/4);

The South One-Half (S 1/2), EXCEPT the S 1/2 of the SE 1/4.

AND

Section 21, Township 7 South, Range 16 West

The Entire Section, EXCEPT the S 1/2 of the S 1/2 and EXCEPT 8 acres described in Deed Book J-9, Page 539 and also 10.35 acres described in Deed Book J-2, Page 192 of the land records of Hancock County, Mississippi.

TRACT 3

Section 22, Township 7 South, Range 16 West

The Northwest Quarter of the Northwest Quarter (NW 1/4 of NW 1/4) South of Texas Flat Road;

The Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4);

The Southeast Quarter of the Northwest Quarter (SE 1/4 of NW 1/4), EXCEPT part of property described in Deed Book F-4, Page 342 of the land records of Hancock County, Mississippi;

All that part of the South One-Half of the Northeast Quarter (S 1/2 of NE 1/4) South of Texas Flat Road;

The South One-Half (S 1/2), EXCEPT the S 1/2 of SW 1/4, and LESS that part in the NASA Access Road.

AND

Section 23, Township 7 South, Range 16 West

The Northeast Quarter (NE 1/4);

The East One-Half of the Northwest Quarter (E 1/2 of NW 1/4).

The South One-Half (S 1/2);

The Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4) South of Texas Flat Road and LESS that part in the NASA Access Road.

AND

Section 25, Township 7 South, Range 16 West

The Entire Section.

AND

Section 26, Township 7 South, Range 16 West

The Northeast Quarter (NE 1/4);

The East One-Half of the Northwest Quarter (E 1/2 of NW 1/4);

The North One-Half of the Southeast Quarter (N 1/2 of SE 1/4);

The Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4).

EXHIBIT "A-1"

MAP GENERALLY DEPICTING THE PROPERTY

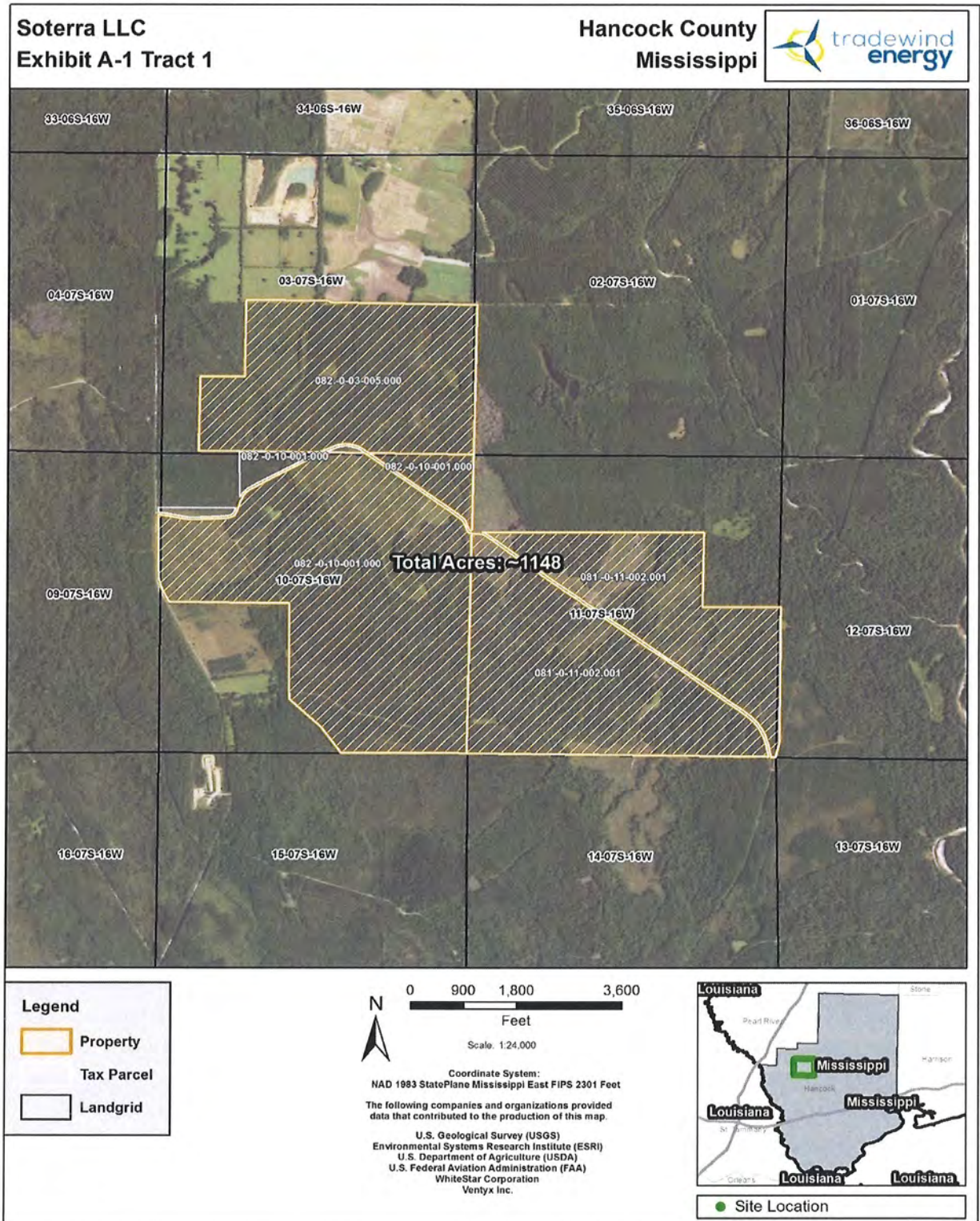


EXHIBIT "A-1"

MAP GENERALLY DEPICTING THE PROPERTY

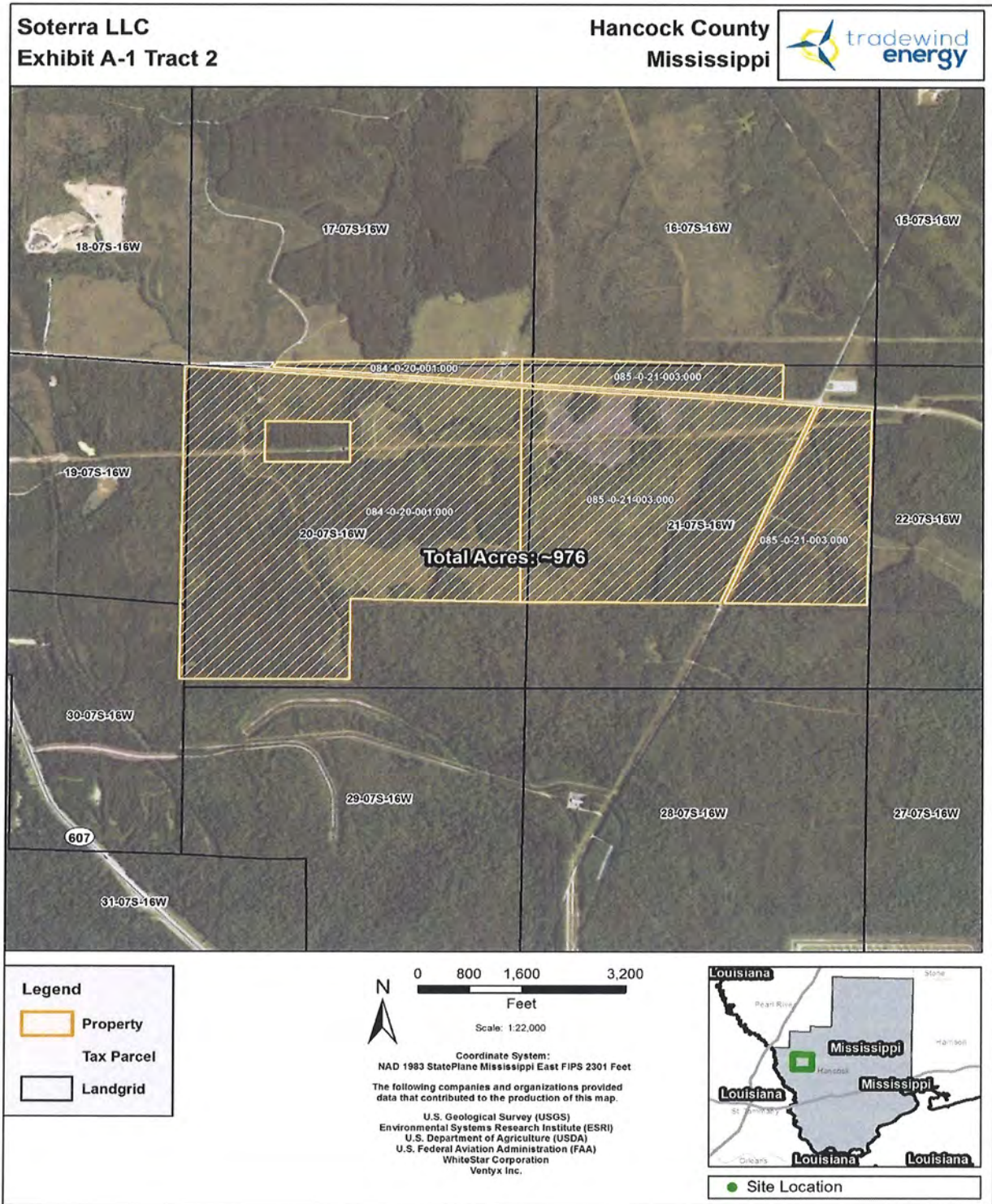
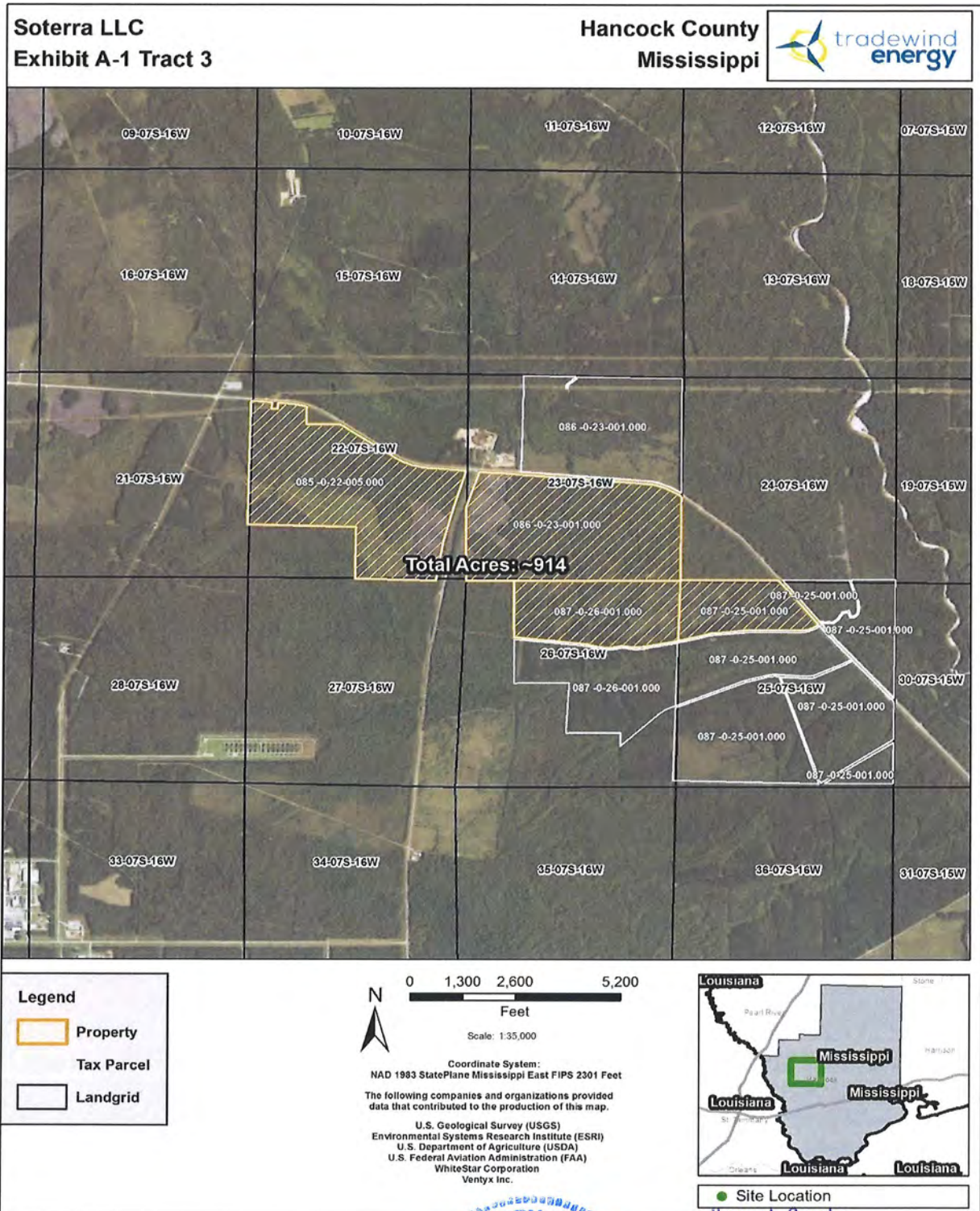


EXHIBIT "A-1"

MAP GENERALLY DEPICTING THE PROPERTY



3690900



Hancock County
I certify this instrument was filed on
01-23-2018 11:34:01 AM
and recorded in Deed Book
2018 at pages 927 - 938

Timothy A Kellar
Shelia Daniels

2017 12940
Recorded in the Above
Deed Book & Page
10-25-2017 09:41:46 AM
Timothy A Kellar
Hancock County

2017 11271
Recorded in the Above
Deed Book & Page
09-18-2017 12:42:40 PM
Timothy A Kellar
Hancock County

Prepared by:
PICAYUNE SCHOOL DISTRICT
706 GOODYEAR BLVD.
PICAYUNE, MS 39466
(601) 798-3230

Return to:
PICAYUNE SCHOOL DISTRICT
706 GOODYEAR BLVD.
PICAYUNE, MS 39466
(601) 798-3230

STATE OF MISSISSIPPI
COUNTY OF PEARL RIVER

SOLAR SITE EVALUATION EASEMENT
16TH SECTION PUBLIC SCHOOL TRUST LAND

THIS 16TH SECTION PUBLIC SCHOOL TRUST LANDS SOLAR SITE EVALUATION EASEMENT (hereinafter "Agreement"), is made and entered into this the 11th day of JULY, 2017 by and between the GRANTOR,

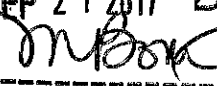
PICAYUNE SCHOOL DISTRICT
706 GOODYEAR BLVD.
PICAYUNE, MS 39466
(601) 798-3230

And GRANTEE,

HANCOCK COUNTY SOLAR PROJECT, LLC.
16105 W. 113TH STREET, SUITE 105
LENEXA, KS 66219
(913) 888-9463

INDEXING INSTRUCTIONS:

ALL OF SECTION 16, TOWNSHIP 07 SOUTH, RANGE 16 WEST, HANCOCK COUNTY, MS 640.5 ACRES MORE OR LESS

RECEIVED
SEP 21 2017
BY: 

WITNESSETH:

That, for the term and in consideration of the payment hereinafter set forth, and the covenants, conditions, and obligations to be observed and performed by GRANTEE, and by the authority and under the direction of the GRANTOR, as recorded in Minute Book 25 Page 3664, GRANTOR does hereby grant unto GRANTEE and easement for the purposes set forth on Exhibit "B" attached hereto relating to the following described land (hereinafter the "PREMISES") to-wit:

SECTION 16 TOWNSHIP 07 SOUTH RANGE 16 WEST

MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERTO AND INCORPORATED BY REFERENCE AS IF COPIED FULLY HEREIN.

1. **TERM.** Subject to the other provisions herein contained, the term of this Agreement shall be for no more than eighteen (18) months, beginning the 11th day of JULY, 2017, and ending on the 10th day of JANUARY, 2019, (hereinafter the "TERM").
2. **RENT.** GRANTEE covenants and agrees to pay as to GRANTOR the one-time lump sum of [REDACTED] for the entire Term. The obligation of GRANTEE to pay under this Agreement is unconditional, and the payment shall not be subject to set off for any reason or cause. GRANTOR and GRANTEE agree that in the event of termination or cancellation, any payment made during the term of this Agreement is not refundable, and GRANTEE waives any right or claim it may have to refund.
3. **TAXES.** GRANTEE covenants and agrees to pay any and all general and special taxes and assessments, if ever any there be, applicable to GRANTEE'S interest in the Premises. All such payments for general and special taxes and assessments, including drainage taxes, shall be made directly to the governmental authority responsible for collecting such taxes and assessments. In the event it becomes necessary for the County Tax Collector or any other authority responsible for collecting general and special taxes or assessments to retain the services of attorneys to collect any taxes or assessments due from GRANTEE under this Agreement, then GRANTEE agrees to pay all costs and expenses of such actions or collections, including a reasonable attorneys' fee for the County Tax Collector or such other authority responsible for collecting said taxes or assessments.
4. **DEFAULT.** The parties herein expressly agree that if DEFAULT shall be made in the payment of any general or special tax or assessment or payment due, made pursuant to this Agreement, then and in any event of DEFAULT it shall be lawful for GRANTOR to enter upon the Premises, or any part thereof, after GRANTOR has provided thirty (30) days prior written notice to GRANTEE and upon GRANTEE'S failure to cure such DEFAULT within said thirty (30) days, either with or without the process of law, to re-enter and repossess the same, and to distrain from any rent or assessment that may be due thereon, at the election of GRANTOR, but nothing here is to be construed to mean that GRANTOR is not permitted to hold GRANTEE liable for any unpaid amount or assessment to that time. As to all other conditions, covenants, and obligations imposed of GRANTEE herein, enforcement shall be by proceeding at law or in equity against any person violating or attempting to violate said conditions, covenants, and obligations to restrain violation and recover damages, if any, including reasonable expenses of litigation including but

not limited to fees charged by attorneys, expert witnesses, surveyors, appraisers, which GRANTEE expressly agrees to pay. Such enforcement by proceedings at law or in equity may be instituted at any time after thirty (30) days written notice. Enforcement proceedings shall include the right of the tax collector to recover any tax, assessment, fees, and costs.

5. **REMEDIES.** In the event of any FORFEITURE, DEFAULT, OR CANCELLATION of this Agreement or TERMINATION of the Term therefore aforesaid, GRANTEE shall quit, deliver up and surrender possession of the Premises, and all GRANTOR-owned structures and improvements thereon to GRANTOR, and thereupon this Agreement and all agreements and covenants on GRANTOR'S behalf to be performed and kept, shall cease, terminate, and be utterly void, the same as if this Agreement had not been made. At GRANTOR'S option, GRANTEE shall be required to remove all GRANTEE-owned improvements. In addition thereto GRANTOR shall be entitled to whatever remedies it may have at law or equity for the collection of any unpaid rental hereunder, or for any other sums, for damages, or otherwise, that it may have sustained on account of GRANTEE'S non-fulfillment or nonperformance on the terms and conditions of this Agreement including costs for removing GRANTEE-owned improvements.

Immediately upon the termination of this Agreement, whether by FORFEITURE, DEFAULT, or CANCELLATION, GRANTOR shall be entitled to take possession of Premises and all GRANTOR-owned improvements thereon absolutely, notwithstanding custom, usage, or law to the contrary. Any removal of property from the Premises shall be accomplished so as to leave Premises in a condition satisfactory to GRANTOR. At GRANTOR'S option, GRANTEE shall remove all of GRANTEE'S property within thirty (30) days of GRANTOR'S repossession.

6. **ASSIGNMENT.** This Agreement SHALL NOT BE ASSIGNED OR SUBLEASED. Assignment or sublease of this Agreement or any rights hereunder shall automatically terminate this Agreement without any further notice or action by GRANTOR. In the event GRANTEE owns improvements of the Premises, any purchases of said improvements or any person or entity holding a contract to purchase said improvements shall have the right of first refusal to negotiate a new agreement with GRANTOR.
7. **REGULATORY COMPLIANCE.** GRANTEE shall comply with all applicable laws, rules, and regulations concerning GRANTEE'S use of the Premises and/or obligations under this Agreement. This obligation shall include, but not be limited to, compliance with federal, state, and local environmental regulations concerning the air, water, and soil, endangered species, wetlands, and other laws, rules and regulations that may presently exist or hereafter be adopted. In the event of contamination of the air, water or soils arising out of any GRANTEE use, GRANTEE shall be responsible for all mandated remediation and monitoring with this obligation to survive termination of this Agreement. Notwithstanding the requirements of this paragraph, GRANTEE:
- a. Will not use, generate, manufacture, produce, store, release, discharge, or dispose of on, under or about the Premises or transport to or from the Premises any hazardous substance or pollutant (as either may be defined by any present or future laws or regulations of any governmental authority or by any administrative or judicial decisions) or any solid wastes and will not allow any other person to do so.
 - b. Shall keep and maintain the Premises in compliance with and shall not cause or permit the Premises to be in violation of any environment laws or regulations nor any laws or

- regulations pertaining to the disposal of solid, liquid, or gaseous wastes, both hazardous and non-hazardous.
- c. Shall give prompt written notice to GRANTOR and the Secretary of State of Mississippi:
- (1) Any proceeding or inquiry by any governmental authority with respect to the presence of any solid wastes or hazardous substance on the Premises or the migration thereof from or to other property.
 - (2) All claims made or threatened by any governmental authority with respect to the presence of any solid wastes or hazardous substance on the Premises or the migration thereof from or to other property.
 - (3) GRANTEE'S discovery of any occurrence or condition that would cause the Premises to be subject to any restrictions on the ownership, occupancy, transferability, or use of the Premises under any environmental or solid waste disposal law, regulation, ordinance, or ruling.
8. **ENVIRONMENTAL ACCIDENTS.** GRANTEE shall immediately furnish written notice of all spills, leaks, accidents, or similar matters on the Premises to GRANTOR and the Secretary of State at the addresses provided in this Agreement. GRANTEE shall also furnish GRANTOR a copy of all filings, including, but not limited to, environmental issues, required bylaws, rules, or regulations arising out of any spills, leaks, accidents, or other matters related to the use and occupation of the Premises by GRANTEE. Nothing in this paragraph shall place any duty of cleanup or remediation of the Premises upon GRANTOR with those duties belonging exclusively to GRANTEE.
9. **BREACH OF AGREEMENT.** If GRANTEE breaches any of the provisions of this instrument and fails to cure the same after thirty (30) days written notice from the GRANTOR, then GRANTEE, in addition to any other damages for which it may be responsible, shall pay GRANTOR, or the Secretary of State, as supervisory trustee, (in the event the Secretary of State institutes legal action) its reasonable costs and expenses in enforcing this Agreement, including but not limited to fees charged by attorneys, expert witnesses, surveyors, and appraisers.
10. **NOTICES.** All notices specified by this Agreement shall be in writing and sent by registered or certified mail, postage, prepaid to the following addresses or hand-delivered in person, delivered by facsimile or otherwise to the following persons. By written notice, either party may change the persons or addresses to who notice may be given.

16th Section Manager
Lisa Persick
706 Goodyear Blvd.
Picayune, Mississippi 39466
(601) 798-3230

To Secretary of State:
Mississippi Secretary of State's Office
Public Lands Division
Attn: 16th Section Lands
Post Office Box 136
Jackson, Mississippi 39205-0136

(601) 359-1350

To GRANTEE:
Hancock County Solar Project, LLC
Attn: Rob Freeman
16105 W. 113th Street, Suite 105
Lenexa, Kansas 66219
(913) 888-9463

11. **INSURANCE.** GRANTEE shall maintain contractual and comprehensive general liability insurance with a company acceptable to GRANTOR and the Secretary of State with a minimum combined single limit of liability of one million dollars (\$1,000,000.00) and GRANTEE shall maintain a similar policy for an excess limit of liability of one million dollars (\$1,000,000.00) for personal injuries or death of persons or destruction of property arising out of its operation, use or occupancy of the Premises. GRANTEE shall furnish proof of insurance to GRANTOR, shall keep this insurance in full force and effect, and shall furnish GRANTOR notice if the coverage is placed with another insurance company.
12. **INDEMNIFICATION.** GRANTEE shall protect, indemnify, defend, save, and hold harmless GRANTOR, the State of Mississippi, and the Secretary of State, their officers, board members, employees and agents from and against all claims, demands, liabilities, suits, injuries, and any and all losses or damages and cost of every kind and nature whatsoever ("loss"), including but not limited to all court costs and attorney's fees and all personal injury or death and/or damage to any person or entity including, but not limited to, GRANTOR and its property or other loss arising out of any alleged noncompliance with laws or caused by GRANTEE'S exercise of its rights under this Agreement and/or resulting from the actions or omission of GRANTEE in connection with its presence on or any use of Premises by it, its officers, agents, subcontractors, employees, or invitees. Provided, however, it is understood that the indemnity provided by GRANTEE as described in this paragraph, shall not extend to intentional or negligent acts of GRANTOR, its officers or agents. In the event the intentional or negligent acts of GRANTOR, its officers or agents, are not the direct and sole proximate cause for one hundred percent (100%) of the loss of claim, GRANTEE shall be responsible to fulfill its obligations under this paragraph for the percentage of liability not attributable to GRANTOR, its officers or agents.
13. **WASTE.** GRANTEE shall be responsible for any damage that may be caused to GRANTOR'S property by the activities of GRANTEE, its employees, agents, contractors, and invitees under this Agreement, and shall exercise reasonable care in the protection of all improvements, timber, and other property of GRANTOR which may be located on the Premises of in the vicinity whereon, against fire or damage from any and all other causes. GRANTEE, its employees, agents, contractors, and invitees shall exercise reasonable care in conducting the activities permitted under this Agreement, and shall to, in any event, commit waste or allow waste to be committed.
14. **QUIET POSSESSION.** GRANTEE shall have quiet and peaceful possession of the Premises as long as compliance is made with the terms of this Agreement.

15. **USE.** GRANTEE may use Premises for the purposes of inspecting, surveying soil testing, site planning, and related purposes as set forth more particularly in Exhibit "B" attached hereto.
16. **GENERAL DUTIES OF GRANTEE.** GRANTEE agrees:
 - a. To comply with all laws and ordinances applicable to the use of the Premises including without limitation, laws, and regulations pertaining to accessibility by handicapped persons;
 - b. To allow inspection of the Premises during normal business hours by any persons responsible for management or supervision of the Premises of this Agreement acting in their official capacity; and
 - c. To perform all obligations herein expressed in a prompt fashion, without notice or demand.
17. **RESERVATIONS.** GRANTOR reserves title to all oil or gas, coal, lignite or other minerals in, on, or under the Premises, together with the right to enter and remove the same, but not in a manner which interferes with GRANTEE'S operations of the Premises.
18. **TIMBER.** GRANTOR reserves and excepts from this Agreement all timber now or during the Term, being situated on the Premises with right of ingress and egress to remove same, and with the right to sell all or any part of said timber without breach of any right of GRANTEE hereunder.
19. **RIGHTS-OF-WAY.** GRANTOR reserves the right to grant or sell rights-of-way across the Premises for roads, highways, railroads, fiber optic cables, or any public utility line, provided that any such roads, highways, railroads, fiber optic cables, or public utility lines be constructed in a manner so as not to interfere with GRANTEE'S operations; provided, however, GRANTOR shall negotiate exclusively with GRANTEE relating to solar energy generation activities on the Premises (and no other solar energy developer) during the Term.
20. **RECORDING.** GRANTOR will deliver this Agreement to the Chancer Clerk of Hancock County for recording, and GRANTEE has herewith delivered to GRANTOR a check in the sum of **twelve dollars (\$12.00) payable to: HANCOCK COUNTY CHANCERY CLERK** as recording fees.
21. **IMMUNITY.** No provision of this Agreement, whether requiring GRANTEE to maintain insurance or to indemnify GRANTOR or otherwise, shall be construed as a waiver by GRANTOR of any provision of law related to governmental immunity.
22. **INTERPRETATION.** The parties to this Agreement acknowledge that they have freely entered into this Agreement and any ambiguities shall not be construed against a single party.
23. **GOVERNING LAW.** This Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Mississippi. Jurisdiction and venue for any actions arising from this Agreement and any amendments hereto shall rest exclusively in the Chancery Court of Hancock County, Mississippi.
24. **SECRETARY OF STATE.** By virtue of the signature below, the Secretary of State of the State of Mississippi has approved this Agreement in accordance with the Secretary's authority for general supervision of 16th Section Public School Trust Land. Approval of this Agreement by the Secretary of State indicates that the GRANTOR has exercised the care and skill of an ordinary prudent person to protect the beneficiaries of the 16th Section Public School Trust Land.

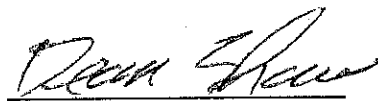
25. **SUPERVISORY RIGHT.** The Secretary of State, as supervisory trustee, shall have the right to institute any action to enforce the terms of this Agreement in the event GRANTOR fails to do so in a timely manner. In the event the Secretary institutes legal action to enforce the terms of this Agreement, he shall have all rights as are conferred to GRANTOR.
26. **ADDITIONAL PROVISIONS.** This Agreement contains an Exhibit "B". Any additional or special provisions to this Agreement are set forth in Exhibit "B" and incorporated by reference as if copied fully herein.
27. **ENTIRE AGREEMENT.** This Agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon either party except to the extent incorporated herein. This Agreement contains Exhibits "A" and "B". If Exhibits "A" and "B" are not attached to this Agreement, then this Agreement shall be null and void.


IN WITNESS WHEREOF, this Agreement is executed by GRANTOR and pursuant to order entered upon its minutes, is executed by GRANTEE, this, the 11th day of JULY, 2017.

Signed, Sealed and Delivered in the Presence of:

GRANTOR:


PICAYUNE SCHOOL DISTRICT
School District


Superintendent: Dean Shaw

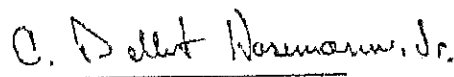

Board President: Frank Ford

APPROVED:

HANCOCK COUNTY
Board of Supervisors


President

SECRETARY OF STATE:


C. Delbert Hosemann, Jr.

GRANTEE:

HANCOCK COUNTY SOLAR PROJECT, LLC

By: 

Name: Aaron Weigel

Title: Vice President

ACKNOWLEDGMENTS

SCHOOL DISTRICT

2017 11278
Deed Book & Page

STATE OF MISSISSIPPI
COUNTY OF PEARL RIVER

Personally appeared before me, the undersigned authority in and for said county and state, on this the 11th day of JULY, 2017, within my jurisdiction, the within named: DEAN SHAW, Superintendent of Picayune School District and FRANK FORD, School Board President of the Picayune School District, Board of Education, who acknowledged that in said representative capacity as Superintendent of Schools and President of the Board of Education of the Picayune School District, they executed the above and foregoing instrument for and on behalf of said Board of Education, after first having been duly authorized so to do.

Lori P. Cooper
Notary Public: Lori Cooper



My Commission Expires: 5-8-18

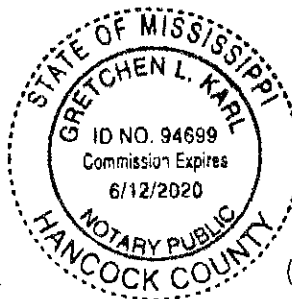
(Affix official seal, if applicable)

BOARD OF SUPERVISORS

STATE OF MISSISSIPPI
COUNTY OF HANCOCK

Personally appeared before me the undersigned authority in and for the said county and state, on this, the 16th day of Oct., 2017, within my jurisdiction, the within named Blaine Lafontaine, who acknowledged to me that he/she is the President of the Board of Supervisors of Hancock County, Mississippi, and that in said representative capacity he/she executed the above and foregoing instrument for and on behalf of said Board of Supervisors, after first having been duly authorized to do so.

Gretchen L. Karl
Notary Public: Gretchen L. Karl



My Commission Expires: 6/12/2020

(Affix official seal, if applicable)

GRANTEE

STATE OF: Kansas
COUNTY OF: Johnson

BE IT REMEMBERED, that on this 16th day of August, 2017, before me, the undersigned, a Notary Public, in and for said County and State aforesaid, came Aaron Weigel, to me personally known, who being by me duly sworn, did say that he is the Vice President of Hancock County Solar Project, LLC, a Delaware limited liability company, that said instrument was signed on behalf of said limited liability company, and said Aaron Weigel acknowledged said instrument to be the free act and deed of said limited liability company.

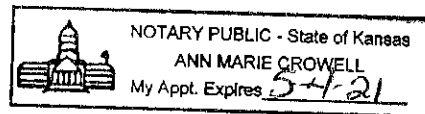
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Ann Marie Crowell

Notary Public in and for Said County and State

Ann Marie Crowell

(Type, print, or stamp Notary name below his or her signature.)



2017 12949
Deed Book & Page

2017 11280
Deed Book & Page

EXHIBIT "A"

DESCRIPTION OF THE PREMISES

ALL OF SECTION 16, TOWNSHIP 07 SOUTH RANGE 16 WEST, HANCOCK COUNTY, MISSISSIPPI, 640.50
ACRES MORE OR LESS.



Shelia Jordan

EXHIBIT "B"

ADDITIONAL PROVISIONS

1. GRANTEE intends to undertake due diligence investigations of the suitability of the Premises for the development, construction and operation of a solar energy generating facility (Solar Facility) which will consist of ground mounted photovoltaic solar panels, cabling, inverters, transformers, equipment necessary for interconnecting the Solar Facility to the electrical distribution or transmission system and all other facilities and improvements necessary for operation and maintenance of the Solar Facility.
2. GRANTEE'S due diligence purposes include, but are not limited to, surveying, soil borings, environment assessments and other related activates necessary for the development of the Solar Facility.
3. GRANTOR agrees to cooperate with GRANTEE in its development activities as follows:
 - a. GRANTEE may include the Premises in any response to a Request for Proposal.
 - b. GRANTEE may include the Premises in applications, drawings, or exhibits that may be used related to the development of a Solar Facility on, among other land, the Premises.
 - c. GRANTOR shall negotiate exclusively with GRANTEE relating to solar energy generation activities on the Premises (and no other solar energy develop) during the Term.
4. GRANTOR OR GRANTOR'S agent shall have the right to accompany GRANTEE and each of its representatives during any entry.
5. Upon completion of the inspection and tests, GRANTEE, at GRANTEE'S sole cost and expense, shall fill all test holes and excavations, remedy all damage to the Premises caused by GRANTEE.
6. In the event the Premises is not suitable for GRANTEE'S use, GRANTEE shall provide a copy of report explaining the Premises' deficiency for use.
7. In the event the Premises is suitable for GRANTEE'S use:
 - a. The GRANTOR shall work in good faith with GRANTEE to reclassify the Premises to the Commercial classification.
 - b. The GRANTOR shall work in good faith with GRANTEE to execute a long-term Commercial lease in compliance with terms of §29-3-1 et seq Miss. Code Ann (1972), as amended.
 - c. The GRANTEE shall ensure that any lease entered into shall provide adequate assurances of performance under the Agreement for decommissioning of the Solar Facility.
The GRANTEE shall work in good faith with MSGOLA Conservation Club, as GRANTEE, under that certain Hunting and Fishing 16th Section Publix School Trust Land lease dated October 25, 2016, to accommodate the GRANTEE'S use on the land adjacent to the Premises and to terminate said hunting and fishing lease with respect to the Premises.
The GRANTOR shall work in good faith with GRANTEE to remove timber pursuant to of §29-3-45 Miss. Code Ann (1972), as amended and GRANTEE shall pay for and replant timber on the Premises once the Solar Facility is decommissioned.

Hancock County
 I certify this instrument was filed on
 10-25-2017 09:41:46 AM
 and recorded in Deed Book
 2017 at pages 12940 - 12950
 Timothy A Keilar
Shelia Daniels



Hancock County
 I certify this instrument was filed on
 09-18-2017 12:42:40 PM
 and recorded in Deed Book
 2017 at pages 11276 - 11281
 Timothy A Keilar



**IN SUPPORT OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR
THE PORT BIENVILLE RAILROAD'S NORTH-SOUTH RAILROAD CONNECTOR BETWEEN
PORT BIENVILLE AND NICHOLSON, MISSISSIPPI**

WHEREAS, the Hancock County Port and Harbor Commission sponsored, in conjunction with the Mississippi Department of Transportation and the Federal Railroad Commission, a Feasibility Study for the development of an approximately 26-mile-long railroad connection between Port Bienville Short Line Railroad in South Hancock County and the Norfolk Southern Railroad near Nicholson, Mississippi; and,

WHEREAS, such a railroad connector would create economic opportunity for the growth of Hancock County and parts of Pearl River County by creating dual Class 1 rail access to both the CSX and the Norfolk Southern Railroads; and,

WHEREAS, such a connector would further serve to provide additional rail service options to existing industry in South Mississippi where only one option currently exists; and,

WHEREAS, this north-south connector also has the ability to provide evacuation and storage response outside of coastal flood zones during an emergency; and,

WHEREAS, the next step in the process is to address potential environmental impacts through the completion of an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act; and,

WHEREAS, such a Draft EIS has been prepared and announced in the Federal Register on September 21, 2018 with public comments due on November 5, 2018.

NOW THEREFORE, BE IT RESOLVED, the Hancock County Chamber of Commerce on behalf of our 1,200 member representatives and their 20,000 employees, hereby acknowledges the value of the project for the benefit of the region and for Mississippi and offers its support for the project as described in the Draft EIS; and

BE IT FURTHER RESOLVED, that the parties are encouraged to expedite the approval of the final Environmental Impact Statement and Record of Decision so that this valuable project may begin in earnest.

PASSED and APPROVED the 12th day of October 2018 by the Executive Committee of the Hancock County Chamber of Commerce.

A handwritten signature in blue ink, appearing to read "Tish H. Williams", is written over a horizontal line.

Tish H. Williams, Executive Director



December 14th 2018

ATTN: Kevin Wright
Environmental Protection Specialist
Federal Railroad Administration
1200 New Jersey Ave. SE, MS-20
Washington, D.C. 20590

Re: Draft Environmental Impact Statement for the Port Bienville Railroad Project

Dear Mr. Wright,

The Southern Rail Commission (SRC) appreciates the opportunity to comment on the Draft Environmental Impact Statement (EIS) for the Port Bienville Railroad Project (the Project). We urge the Federal Railroad Administration to update the EIS to incorporate the findings of the Congressionally established Gulf Coast Working Group, co-led by the Federal Railroad Administration (FRA) and the Southern Rail Commission and other recent developments around the restoration of passenger rail along the Gulf Coast. The draft EIS unfortunately omits these developments and therefore gives an incomplete and inaccurate picture about the current and future transportation network in the discussion about the no-build and alternative analysis scenarios. The SRC encourages FRA to update the draft EIS to reflect the the Gulf Coast Working Group’s excellent work and these recent developments around the restoration of passenger rail along the Gulf Coast.

Background

The Southern Rail Commission is the only multi-state rail compact created by the U.S. Congress. The 97th Congress passed and President Ronald Reagan signed Public Law 97-213 in 1982, which provided consent to the Mississippi-Louisiana Rapid Rail Transit Compact and the formation of the Mississippi-Louisiana Rapid Rail Transit Commission. The legislation allows contiguous states to become a party to the interstate compact and commission. The Mississippi-Louisiana Rapid Rail Transit Commission was expanded in 1983 to include the State of Alabama and renamed the Southern High-Speed Rail Commission. In 2011, the organization was renamed again to the Southern Rail Commission.

Since its creation in 1982, the SRC has worked to expand passenger rail service across the South, and for the past five years this has included restoring rail service along the Gulf Coast. Membership consists of the Governor of each member-state, a representative from each State’s Department of Transportation, and five citizen members appointed by the respective Governors. The signees of this letter represent the SRC’s executive committee, which lead the day to day activities of the SRC and is made up of one member from each state.

Recent Developments

The Passenger Rail Reform and Investment Act (PRRIA) of 2015 directed the FRA to convene a working group to evaluate the feasibility of intercity operations between New Orleans, Louisiana and Orlando, Florida, and to submit a report to Congress identifying plans, costs, funding options, and potential benefits for the restoration of passenger rail service. In response to this mandate, the Gulf Coast Working Group was convened in 2015 and included representatives of FRA, Amtrak, CSX, the Southern Rail Commission, State departments of transportation, local elected officials, metropolitan planning organizations, businesses, and tribes representing the interests of communities in Louisiana, Mississippi, Alabama, and Florida.

OFFICERS

John Spain
Chairman

Knox Ross
Vice-Chairman

Wiley Blankenship
Secretary-Treasurer

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Gov. Kay Ivey

Anita Archie
Toby Bennington
Wiley Blankenship
David Clark
Stephen McNair
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LOUISIANA
Gov. John Bel Edwards

Dr. Shawn Wilson
Governor’s Designee

Rep. Stephen Carter
Tommy Clark
Phil Jones
Rep. Walter Leger, III
John Spain
D. Jerome Wall, III
Roy Woodruff

MISSISSIPPI
Gov. Phil Bryant

Ashley Edwards
Kay Kell
Melinda McGrath
Jack Norris
Alice Perry
Knox Ross
Patrick Sullivan

In July 2017, the Gulf Coast Working Group submitted its final report to Congress. The report identified two daily state-supported trains between New Orleans and Mobile as the preferred option among the studied alternatives, with high ridership demand and low operating funding needs. The route would run mostly on CSX's main line between New Orleans and Mobile. In the final GCWG report, FRA recommended a list of infrastructure improvements for the CSX-owned line between New Orleans and Mobile that if implemented, would help restore a well functioning passenger rail service. That work, valued at approximately \$96 million, includes: additional yard bypass tracks; improvements to passing sidings; addition of higher speed turnouts to existing siding tracks; upgrades to miter rails on moveable bridges, which would allow for higher speeds; and other projects. It's important to note that FRA and the SRC found that train service could basically be run today, with only station ADA improvements and an upgrade turnaround track at Mobile required to begin service. This assessment was confirmed via the inspection train trip on February 18th 2016, mentioned in section 4.18.3.4 of the draft EIS, which ran from New Orleans to Mobile without any problems.

Additionally, in 2015, the Southern Rail Commission contracted with Amtrak to evaluate service options along the Gulf Coast. Amtrak analyzed ridership levels, projected revenues, and associated costs, releasing a report in December 2015. Five alternatives and sub-alternatives were developed in Amtrak's *Potential Gulf Coast Service Restoration Options* study, including daily state-supported service between New Orleans and Mobile and long-distance train service between New Orleans and Orlando. The two round trips a day recommended by the Gulf Coast Working Group was one of the options analyzed by Amtrak and found to be financially and logistically feasible.

Furthermore, Amtrak has indicated its continued commitment to moving forward with the restoration of passenger service along the Gulf Coast by submitting a letter in the Spring of 2018 to CSX notifying CSX of Amtrak's intent to restore passenger rail service in 12-18 months between New Orleans and Mobile on CSX's main line.

Finally, the Southern Rail Commission has applied for 1) operating support to restart passenger rail service through FY17 funding for FRA's Restoration and Enhancement (R&E) grant program and 2) capital funds to help implement some of the Gulf Coast Working Group's recommendations through FY18 funding for the Consolidated Rail Infrastructure and Safety Improvements (CRISI) program. One of the improvements the SRC applied for is lengthening a siding at Ansley, just east of the Port of Bienville, along CSX's main line. The Southern Rail Commission is currently waiting to hear back from FRA on its decision on those grant applications.

Draft Environmental Impact Statement Omissions

As mentioned in the introduction, the current draft EIS unfortunately omits the developments in the previous section and therefore gives an incomplete and inaccurate picture about the current and future transportation network in the discussion about the no-build and alternative analysis scenarios.

Specifically:

1. Section 4.18.3.4 of the draft EIS entitled "Passenger Rail" does not mention any of the work the FRA co-lead Gulf Coast Working Group (GCWG) has done to fulfill Congress's mandate that the GCWG examine how best to restore passenger rail along the Gulf Coast.

Recommendation: The EIS should be updated to add background about the GCWG, including Congress's mandate, the rigorous process the GCWG went through in studying how best to restore passenger rail across the Gulf Coast, and the GCWG final recommendations.

- 2) Section 4.18.3.4 states at the bottom of the third paragraph that "indications are that passenger rail may be viable if CSX's mainline route is double tracked in the future." This statement is factually inaccurate and should be removed. As part of the GCWG final report, FRA did its own infrastructure analysis to determine what's needed for a viable passenger rail service. It did not find any double track was needed to implement a viable service.

Recommendation: The draft EIS should be updated to remove the factually inaccurate statement and instead explain the infrastructure analysis that FRA's staff conducted as part of the GCWG final report and what that analysis found.

- 3) The last paragraph in section 4.18.3.4 discusses the Gulf Coast High Speed Rail Corridor. While it's true that the Gulf Coast Rail Corridor was designated a high speed rail corridor and CSX's main line is part of that corridor, the discussions around passenger service have not been around high speed rail (defined as 110 mph

or higher) as those speeds would be very unrealistic operationally and cost prohibitive. Instead, the conversations in the Gulf Coast Working Group and between Amtrak and the SRC have been around lower, more realistic speeds like 79 mph. The mention of operating at 110 mph and therefore needing to double track CSX's main line to operate at those speeds is misleading because it implies 110 mph is under consideration, which is not true. Furthermore, the GCWG did not examine what would be needed from an infrastructure standpoint to operate at 110 mph.

Recommendation: The draft EIS should be updated to remove the statement about operating at 110 mph and the need to double CSX's mainline in order to operate at 110 mph to eliminate any potential misconceptions. Instead the EIS should mention the GCWG's and FRA's infrastructure analysis that FRA's staff conducted as part of the GCWG final report and what that analysis found. If there is a continued desire to add details about the operation of future passenger rail service, Amtrak and the SRC should be consulted for those details as they would be the co-operators of the service Amtrak has notified CSX it intends to run.

4) Section 4.18.3.5 states that "based on the Mississippi State Rail Plan, there are no known rail project planned within the study area." The SRC strongly believes this section does not come close to adequately representing the [latest Mississippi State Rail Plan](#), last updated in 2016. The Mississippi state rail plan goes into a detailed discussion about the efforts to improve passenger rail within the state of Mississippi, including efforts to restore passenger rail service along the Gulf Coast.

The rail plan specifically states on page 2-63 that:

Mississippi intends to build upon the current plans and priorities of the SRC. The majority of destinations for Mississippi rail passengers are outside the state. Thus it is critical for Mississippi that the SRC remains a highly coordinated, supportive, consistent partnership in order for Mississippi to achieve expanded passenger rail service. The SRC priorities and phasing plan need to be supported even if that means that a particular state's projects are not the first to be undertaken. The strength of this partnership is a very important part of the federal application process.

It's clear from the above passage in the 2016 rail plan that the State of Mississippi support the SRC's efforts to restore passenger rail service along the Gulf Coast and intends to build on them.

The Southern Rail Commission has now applied for federal funding to implement specific projects along CSX's main line to add capacity to effectuate a well run passenger rail service. One of these projects is lengthening a siding at Ansley, just east of the Port of Bienville, along CSX's main line. The lengthened siding at Ansley would be well within the project area.

Recommendation: The draft EIS should be updated to add a discussion about the State of Mississippi's 2016 rail plan update and the State's rail goals, including its desire to implement a Gulf Coast passenger rail service. Furthermore, the draft EIS should mention the SRC's federal application, especially the SRC's application for funds to build a siding east of Ansley on the CSX main line, which is in close proximity to the Port of Bienville. Overall, section 4.18.3.5 does not represent the current State of Mississippi's rail plan and needs to be updated to bring it in sync with the 2016 state rail plan.

5) Section 4.18.4, as part of the discussion of short-range and long-range improvements to the I-10/CSX corridor, mentions double tracking CSX's mainline to accommodate passenger rail. As the Gulf Coast Working Group found, double tracking CSX's mainline is not necessary to accommodate passenger rail service and FRA's own infrastructure analysis that was conducted as part of this study confirms this point. The projects the SRC has applied for through FY18 CRISI funding to advance the restoration of passenger rail service are based on FRA's own recommendations and are focused on adding capacity to CSX's main line through new or lengthened sidings, higher speed turnouts and upgraded grade crossings. None of these projects would double-track CSX's main-line.

Recommendation: The draft EIS should be updated to remove the reference to double tracking CSX's main line since no party is planning to pursue double tracking CSX's main line to accommodate passenger rail service (CSX's freight capacity plans is outside the purview of the SRC). Instead, the EIS should explain the infrastructure analysis that FRA's staff conducted as part of the GCWG final report and what that analysis found. This section may also want to add the projects SRC has applied for federal CRISI funding. However, none of those projects would double track CSX's main line.

6) Section 4.18.4, as part of the discussion of short-range and long-range improvements to the I-59/NS corridor, mentions double tracking NS's mainline to accommodate passenger rail. Similar to the discussion above about the CSX recommendation, the SRC is not aware of any plans to double track NS's main line to accommodate passenger rail. While there may not be a study of NS's main line along I-59, if the conclusions the GCWG reached about CSX's main line are applicable to NS's main line, which the SRC suspects is the case, it is a huge assumption that NS's main line would have to be double tracked to accommodate passenger rail service.

Recommendation: The draft EIS should be updated to remove the reference to double tracking NS's main line since the SRC is not aware of any party planning to pursue double tracking NS's main line to accommodate passenger rail service. In addition, the SRC strongly believes it's a huge assumption to assume that NS's main line would have to be double tracked to accommodate passenger rail service. Because the GCWG found that passenger trains could run on CSX's line without having to double track the line, the mention of double tracking NS's main line to accommodate passenger rail service should be removed out of prudence.

7) There is no discussion of 1) Amtrak's notification to CSX in the Spring 2018 notifying CSX of Amtrak's intent to restore passenger rail service in 12-18 months between New Orleans and Mobile on CSX's tracks or 2) the SRC's applications for FY17 R&E funding and FY18 CRISI funding to help implement two round trips a day passenger rail service between New Orleans and Mobile.

Recommendation: Both of these developments are directly relevant to the Port of Bienville project as the passenger rail service would use the same CSX tracks the Port of Bienville currently connects to. Therefore, the SRC believes these developments need to be included in this EIS as part of any no-build or alternative analysis. Otherwise, the study would be incomplete and therefore inaccurate.

8) One thing the SRC urges FRA to keep in mind when it comes to include a discussion about necessary capital improvements along the CSX's main line for restoring passenger service and the costs associated with these capital improvements is that Congress rejected the CSX infrastructure estimate as overstated in the [report language](#) accompanying the FY18 Omnibus Appropriations bill ([Public Law 115-141](#)) and directed the Gulf Coast Working Group to continue with FRA/Amtrak's capital estimates:

These cost estimates are dwarfed by the \$2,300,000,000 estimate previously determined by industry, which also raised concerns with on-time performance [OTP] requirements and delays at drawbridges. The Committee believes the GCWG report more accurately reflects these concerns and is a more realistic cost estimate, but directs Amtrak and DOT to continue working with the host railroad and the Coast Guard to refine cost estimates.

Recommendation: The draft EIS, when it comes to identifying necessary capital improvements along the CSX's main line for restoring passenger service and the costs associated with these capital improvements, should follow the GCWG's and FRA's own estimates, as mandated by Congress in the FY2018 appropriations bill.

Conclusion

In closing, we want to thank you again for the opportunity to comment on the Draft Environmental Impact Statement (EIS) for the Port Bienville Railroad Project (the Project). The Southern Rail Commission urges the EIS be updated to reflect our recommendations above. Otherwise, the EIS will remain incomplete and inaccurate with respect to the development of passenger rail along the Mississippi Gulf Coast in the no-build and alternatives analysis.

Sincerely,
John Spain-State of Louisiana
Chairman, Southern Rail Commission

Knox Ross-State of Mississippi
Vice-Chairman, Southern Rail Commission

Wiley Blankenship-State of Alabama
Secretary/Treasurer, Southern Rail Commission



October, 24, 2018

Ms. Kim D. Thurman, Administrator
Environmental Division, Mississippi Department of Transportation
401 North West Street
Jackson, MS 39201

RE: Letter of support for Port Bienville Railroad extension

Dear Ms. Thurman:

Hancock County has a great deal to offer its industrial and commercial businesses, and several valuable incentives to firms seeking to establish locations with unencumbered access to reliable transportation options.

DAK Americas Mississippi Inc. sees great economic value in a proposal to increase the region's freight-handling capacity by **building a rail-line extension from Port Bienville Industrial Park into Pearl River County**. The link to the Norfolk Southern Railroad would make Hancock County even more appealing to present and future industrial and commercial, by complimenting the existing direct connection to the CSX Railroad along the coast. Each of the other two coastal counties in MS has access to both east-west and north-south rail connections; growth in industry and certain capacity constraints on the existing system necessitate this additional infrastructure.

A feasibility study by the Mississippi Department of Transportation identified a significant number of other benefits of an extended rail line, including the ability to:

- meet the demands of existing and emerging businesses
- provide future benefits to Stennis Space Center
- increase the desirability of existing industrial properties
- evacuate rail and rail supported assets during tropical storms
- leverage the workforce and transportation assets supporting this region.

We applaud the forward-looking nature of the rail-service extension proposal set forth by MDOT, the Hancock County Port and Harbor Commission, and the Federal Railroad Administration.

DAK Americas Mississippi Inc. strongly supports the rail-service extension, which is clearly in the best interests of the economic success of Hancock County, and urges an expedited approval of the final Environmental Impact Statement and Record of Decision.

Sincerely,

John Oladele, Director, Pearl River Site

October 26, 2018

Ms. Kim D. Thurman, Administrator
Environmental Division, Mississippi Department of Transportation
401 North West Street
Jackson, MS 39201

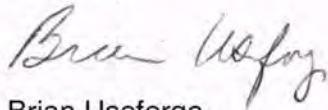
RE: Letter of support for Port Bienville Railroad extension

Dear Ms. Thurman:

Hancock County has a number of assets to offer its industrial and commercial businesses seeking to establish locations with access to reliable transportation. Mississippi Power sees great economic value in a proposal to increase the region's freight-handling capacity by building a rail-line extension from Port Bienville Industrial Park. The north-south rail connection would make Hancock County even more appealing to present and future industrial and commercial businesses, by complimenting the existing direct connection to the CSX Railroad along the coast. Each of the other two coastal counties in MS has access to both east-west and north-south rail connections, and the growth in industry and certain capacity constraints on the existing system necessitate this additional investment in infrastructure.

As such, Mississippi Power strongly supports the rail-service extension, which is clearly in the best interests of the economic success of Hancock County, and urges an expedited approval of the final Environmental Impact Statement and Record of Decision.

Sincerely,



Brian Useforge
Economic Development Director

BU/vll

RESOLUTION IN SUPPORT OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PORT BIENVILLE RAILROAD'S NORTH SOUTH RAILROAD CONNECTOR BETWEEN PORT BIENVILLE AND NICHOLSON, MISSISSIPPI

WHEREAS, the Hancock County Port and Harbor Commission sponsored, in conjunction with the Mississippi Department of Transportation and the Federal Railroad Commission, a Feasibility Study for the development of an approximately 26-mile-long railroad connection between Port Bienville Short Line Railroad in South Hancock County and the Norfolk Southern Railroad near Nicholson, Mississippi; and

WHEREAS, such a railroad connector would create economic opportunity for the growth of Hancock County and parts of Pearl River County by creating dual Class 1 rail access to both the CSX and the Norfolk Southern Railroads; and

WHEREAS, such a connector would further serve to provide additional rail service options to existing industry in South Mississippi where only one option currently exists; and

WHEREAS, this north-south connector also has the ability to provide evacuation and storage response outside of coastal flood zones during an emergency; and

WHEREAS, the next step in the process is to address potential environmental impacts through the completion of an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act; and

WHEREAS, such a Draft EIS has been prepared and announced in the Federal Register on September 21, 2018 with public comments due on November 5, 2018.

NOW THEREFORE, BE IT RESOLVED, the City of Diamondhead, Mississippi hereby acknowledges the value of the project for the benefit of the region and for Mississippi and offers its support for the project as described in the Draft EIS; and

BE IT FURTHER RESOLVED, that the parties are encouraged to expedite the approval of the final Environmental Impact Statement and Record of Decision so that this valuable project may begin in earnest.

On motion of Councilmember L'Ecuyer, seconded by Councilmember Depreo, this motion was **PASSED and APPROVED** this 16th day of October, 2018.

	AYES	NAYS	ABSTAIN
Mayor Schafer	✓	___	___
Councilmember L'Ecuyer	✓	___	___
Councilmember Depreo	✓	___	___
Councilmember Moran	✓	___	___
Councilmember Morgan	✓	___	___
Councilmember Koenenn	✓	___	___



ATTEST: Jeannie Klein
 JEANNIE KLEIN, CITY CLERK

APPROVED: Thomas Schafer, IV
 THOMAS SCHAFER, IV MAYOR

**IN SUPPORT OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR
THE PORT BIENVILLE RAILROAD'S NORTH-SOUTH RAILROAD CONNECTOR BETWEEN
PORT BIENVILLE AND NICHOLSON, MISSISSIPPI**

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WHEREAS, such a connector would further serve to provide additional rail service options to existing industry in South Mississippi where only one option currently exists; and

WHEREAS, this north-south connector also as the ability to provide evacuation and storage response outside of coastal flood zones during an emergency; and


WHEREAS, the next step in the process is to address potential environmental impacts through the completion of an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act; and

WHEREAS, such a Draft EIS has been prepared and announced in the Federal Register on September 21, 2018 with public comments due on November 5, 2018.

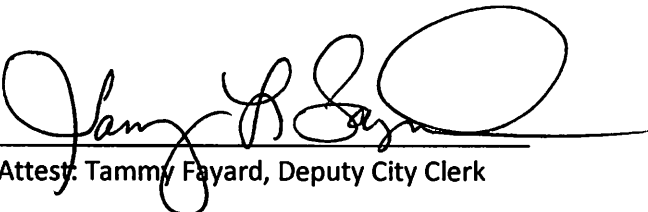
NOW THEREFORE, BE IT RESOLVED, the city of Waveland hereby acknowledges the value of the project for the benefit of the region and for Mississippi and offers its support for the project as described in the Draft EIS; and

BE IT FURTHER RESOLVED, that the parties are encouraged to expedite the approval of the final Environmental Impact Statement and Record of Decision so that this valuable project may begin in earnest.

PASSED and APPROVED on this the 6th day of November, 2018.



Mayor Mike Smith



Attest: Tammy Fayard, Deputy City Clerk

From: January.Murray@noaa.gov
To: [Dixon, Marc \(FRA\)](#)
CC: [_NMFS_ser_HCDconsultations](#); [Brandon Howard](#)
Subject: Re: Action: Draft Final EIS/ROD for Port Bienville rail project for cooperating agency review
Date: Friday, June 14, 2019 12:53:47 PM

Hello Marc,

The NMFS Habitat Conservation Division (HCD) has reviewed the combined Final EIS and Record of Decision for the Port Bienville project and has no comments at this time since NMFS trust resources are not present. NMFS HCD does not object to the project. Feel free to contact me if further information is needed.

Thank you for your coordination,
January Murray

On Fri, Jun 14, 2019 at 10:05 AM <marc.dixon@dot.gov> wrote:

You have received 1 secure file from marc.dixon@dot.gov.

Use the secure link below to download.

Hi January -

Per our conversation from a few minutes ago, I'm resending the email, with draft Final EIS attached, that I sent on Tuesday, June 11 because it didn't go through due to the large file size. Read the June 11 below for more details/instruction.

Please confirm that you received this email, and let me know if you have any questions.

Thanks,

Marc Dixon

South Central Regional Manager

Federal Railroad Administration

Office of Railroad Policy and Development

Work phone: 202-493-0614

Cell phone: 202-380-6981

From: Dixon, Marc (FRA)

Sent: Tuesday, June 11, 2019 11:28 AM

To: 'January.Murray@noaa.gov' <January.Murray@noaa.gov>

CC: 'Brandon.Howard@noaa.gov' <Brandon.Howard@noaa.gov>; Wright, Kevin (FRA) <kevin.wright@dot.gov>;

Johnsen, Michael (FRA) <michael.johnsen@dot.gov>

Subject: Action: Review Draft Final EIS/ROD for Port Bienville rail project for cooperating agency review

Hello, January -

My name is Marc Dixon and I'm the South Central Regional Manager at the Federal Railroad Administration (USDOT). Per our phone call from earlier this morning, Brandon Howard gave me your name as the new POC for this project. I'm assisting my colleague Kevin Wright (copied), Environmental Protection Specialist, with sending the draft Port Bienville Railroad Final EIS/ROD (file attached) for the Port Bienville rail project (read synopsis below for

background) to cooperating agencies for their review. (Kevin will be out of the office for several weeks.)

NOAA -National Marine Fisheries Service is a cooperating agency for the project. Richard Hartman was our point of contact (POC) at NOAA but I recently learned that he retired when we received an 'undeliverable' message from his email address. I called NOAA's Southeast Regional Office and the receptionist gave me your name as a POC. If you are the correct POC, FRA requests that you **please review the attached draft Final EIS/ROD and provide comments to me by the end of the month (June 2019) if possible to meet our deadline.** Technically, you have 30-days to complete your review but, if possible, please review by June 30/July 1. Please advise if you are not the correct POC for this particular request.

Synopsis of Project form the draft FEIS/ROD – Section 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 construction of a new freight railroad line. The proposed new freight rail line, approximately 24 miles in length, 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.

Let me know if you have any questions.

Thanks,

Marc Dixon

South Central Regional Manager

Federal Railroad Administration

Office of Railroad Policy and Development

1200 New Jersey Ave. SE, Mail Stop 20

Washington, D.C. 20590

Work phone: 202-493-0614

Cell phone: 202-380-6981

Marc.Dixon@dot.gov

Rail – Moving America Forward

The Federal Railroad Administration's mission is to enable the safe, reliable, and efficient movement of people and goods for a strong America, now and in the future.

Secure File Downloads:

Available until: **14 July 2019**

Click link to download:

[2019-06-07_REVISED DRAFT Port Bienville FEIS-ROD Document - FRA Comments addressed.pdf](#)

46.27 MB, Fingerprint: afb3882a6d2c003957d0fe71e805b8bf ([What is this?](#))

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*January Murray
Fishery Biologist
Habitat Conservation Division
NOAA Fisheries Service
5757 Corporate Blvd, Suite 375
Baton Rouge, LA 70808*

Office: 225-380-0089



Web www.nmfs.noaa.gov
Facebook <https://www.facebook.com/NOAAFisheries/>
Twitter www.twitter.com/noaafisheries
YouTube www.youtube.com/usnoaafisheriesgov

From: [Johnsen, Michael \(FRA\)](#)
To: [Dixon, Marc \(FRA\)](#)
Subject: FW: Action: Draft FES/ROD for Port Bienville rail project for cooperating agency review
Date: Monday, July 1, 2019 10:35:35 AM

FYI

Michael Johnsen
Supervisory Environmental Protection Specialist
FRA

Rail – Moving America Forward

The Federal Railroad Administration's mission is to enable the safe, reliable, and efficient movement of people and goods for a strong America, now and in the future.

From: Dean, Kenneth [mailto:Dean.William-Kenneth@epa.gov]
Sent: Thursday, June 27, 2019 2:59 PM
To: Johnsen, Michael (FRA) <michael.johnsen@dot.gov>
Cc: Kim Thurman (kthurman@mdot.ms.gov) <kthurman@mdot.ms.gov>; Kajumba, Ntale <Kajumba.Ntale@epa.gov>; Militscher, Chris <Militscher.Chris@epa.gov>; Wright, Kevin (FRA) <kevin.wright@dot.gov>
Subject: RE: Action: Draft FES/ROD for Port Bienville rail project for cooperating agency review

Dear Mr. Johnsen,

In accordance with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency has reviewed the draft Combined Final Environmental Impact Statement and Record of Decision (FEIS/ROD) for the Port Bienville Railroad Project, along with the Federal Railroad Administration's (FRA) response (letter dated June 11, 2019) to the EPA's comments (letter dated October 29, 2018). The Build Alternative (Alternative C) presented in the Draft Environmental Impact Statement (DEIS) is identified as the Preferred Alternative in the FEIS/ROD. The Preferred Alternative includes the construction of a 24-mile freight rail line that provides a direct connection between the Port Bienville Railroad, located south of Interstate 10 in Hancock County, Mississippi (MS), and the Norfolk Southern rail line located near Interstate 59 in Nicholson, Pearl River County, MS.

The draft FEIS/ROD utilizes errata sheets to reflect project changes following the submittal of the DEIS and responses to public and Agency comments. The EPA acknowledges the revisions to the DEIS in response to EPA's comments. Per EPA's request, the Alternative D discussion paragraph in Subsection 3.2.3.2. was revised to include additional information regarding potential noise and vibration impacts to residences in the southern portion of the study area. This information better supports the decision to eliminate Alternative D from further study. Also, Subsection 4.15.4 was revised to include more specific information about migratory birds, with emphasis on Birds of Conservation Concern and potential effects, pursuant to Executive Order 13186, Section 3(c)(6). Furthermore, a new table (Table 5.12) and a new subsection (Subsection 5.14.5) have been added to summarize and/or discuss the effects of the No-Build and Build Alternatives on the Migratory Birds

of Conservation Concern.

Some of the EPA's comments are addressed through minor text changes described in the errata sheets. Minor text revisions have been made to the wetlands discussion in Section 5.11.1, "Impacts to Wetlands, Streams, and Other Water Bodies," in response to EPA's request for clarification regarding whether the 100-foot-wide right-of-way for the project includes areas likely to be used as borrow for the railroad bed. Based on the FRA's response, the EPA understands that construction limits are estimated to be approximately 75 feet wide, and while borrow areas will be determined later in the project development process, the FRA assumes the wetland impacts will not exceed those estimated in the DEIS. The EPA understands that actual construction limits will be defined during the design phase and wetland impacts will be further defined during the permitting process phase.

While no revisions or changes were made to the DEIS in response to EPA's comment regarding the width of bridges and culverts, the FRA response letter provides an acceptable response to the EPA's comment. According to the FRA's letter, the 25-, 50- and 100-year floods will be evaluated during the detailed analysis of bridge crossings and culverts to determine the best solution for maintaining stream flow.

Based on the FRA's response to the EPA's comment regarding construction impacts, the EPA has determined that clarification is needed in the FEIS/errata sheet. The FEIS and errata sheet should clarify that the Storm Water Pollution Prevention Plan (SWPPP) would be designed to minimize (not mitigate, as indicated in Section 5.13.1.2 of the DEIS and in the FRA response to comments) water quality impacts by minimizing the potential for erosion and sedimentation during construction. Furthermore, we recommend that the FEIS/ROD identify the agency or organization that would be responsible for completing the SWPPP and the phase in which the SWPPP would be completed.

According to the DEIS, the proposed Build Alternative impacts 2,482 linear feet of streams and 171.58 acres of wetlands. In the EPA's comment letter, the EPA stated, "Any unavoidable impacts resulting from the constructions of the project should be able to be offset using the nearby mitigation banks. The FRA and the MDOT will need to work with the U.S. Army Corps of Engineers to ...". In response to the comment, the FRA stated that wetland mitigation will be completed in the next project phase and that required mitigation, mitigation bank availability, and pricing will be evaluated and coordinated with the U.S. Army Corps of Engineers. The EPA notes that there are seven commercial mitigation banks, comprised of similar wetland types as those in the project area, in relatively close proximity to the proposed project. The EPA is signatory to the mitigation banking instruments and understands those mitigation banks continue to provide credits to offset wetland impacts in southern Mississippi. Any unavoidable impacts resulting from the construction of the proposed project should be able to be offset using mitigation bank credits within the impacted watershed(s).

The EPA appreciates the opportunity to provide comments on the draft FEIS/ROD. If you have any questions regarding the EPA's review, please contact me at 404-562-9378 or via email at dean.william-kenneth@epa.gov.

William Kenneth Dean
EPA-MDOT Liaison
U.S. Environmental Protection Agency, Region 4
Office of the Regional Administrator
National Environmental Policy Act Section
601-321-1135 (Jackson, MS Office)
404-562-9378 (Atlanta, GA Office)
678-628-2079 (iPhone)
dean.william-kenneth@epa.gov

From: Johnsen, Michael (FRA) <michael.johnsen@dot.gov>
Sent: Friday, June 7, 2019 3:22 PM
To: Richard.hartman@noaa.gov; Dean, Kenneth <Dean.William-Kenneth@epa.gov>;
Jeff.irwin@stb.gov; Amy_commens-carson@fws.gov
Cc: Dixon, Marc (FRA) <marc.dixon@dot.gov>; Wright, Kevin (FRA) <kevin.wright@dot.gov>;
Orlaskey, Daniel (FRA) <daniel.orlaskey@dot.gov>
Subject: Action: Draft FES/ROD for Port Bienville rail project for cooperating agency review

Hello all-

Attached is the draft Port Bienville FEIS/ROD for the Port Bienville rail project. Thanks for your attention as a cooperating agency. Technically you have 30-days to complete your review but, if possible, we would ask that you please review and provide comments by the end of the month (June 2019) if possible to meet our deadline.

As you may know, Kevin Wright, your trusted project manager, is out of the office. I can handle any questions or comments you may have while he is away. Feel free to get in touch with me at the contact information below.

Thanks in advance for your expedited review and attention to this document.

Amy- We should have the ESA letter to you shortly (if it has not already been sent by one of our team members).

Michael Johnsen
Supervisory Environmental Protection Specialist
Federal Railroad Administration, Office of Program Delivery
Office: 202-493-1310
Mobile: 202-450-8540

Rail – Moving America Forward

The Federal Railroad Administration's mission is to enable the safe, reliable, and efficient movement of people and goods for a strong America, now and in the future.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Mississippi Ecological Services Field Office
6578 Dogwood View Parkway, Suite A
Jackson, Mississippi 39213
Phone: (601)965-4900 Fax: (601)965-4340

July 15, 2019

IN REPLY REFER TO:
2013-I-210-E2

Mr. Kevin Wright
Environmental Protection Specialist
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Mr. Wright:

The Fish and Wildlife Service (Service) has reviewed the information in the Draft Environmental Impact Statement (DEIS) and follow-up correspondence dated June 11, 2019, regarding the proposed Port Bienville Railroad project, in Hancock County, Mississippi. Our comments are submitted in accordance with the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The federally proposed threatened black rail (*Laterallus jamaicensis jamaicensis*) was not yet proposed for listing when the DEIS was completed. According to follow-up information you submitted, habitat for the eastern black rail does not occur in the proposed project area; therefore, the proposed project will have “no effect” on the eastern black rail or its habitat. Please add this information to the final Environmental Impact Statement (EIS) for the Port Bienville Railroad project.

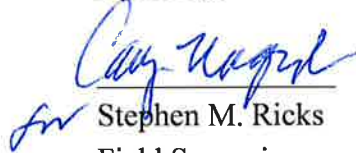
According to the information in the DEIS, the proposed project “may affect, but is not likely to adversely affect” the following federally listed species: endangered red-cockaded woodpecker (*Picoides borealis*), threatened wood stork (*Mycteria americana*), endangered Louisiana quillwort (*Isoetes louisianensis*), threatened eastern indigo snake (*Drymarchon couperi*), and the endangered Florida panther (*Concolor coryi*). The eastern indigo snake and the Florida panther are considered extirpated from Mississippi. The Service concurs with your “may affect, not likely to adversely affect” for each of these species. However, the surveys you conducted for

Louisiana quillwort may have been inconclusive due to high water levels. Therefore, you are making a commitment in the final EIS to complete additional Louisiana quillwort surveys prior to construction during the optimal survey window and typical site conditions to verify the species does not occur within the proposed project impact area. If Louisiana quillwort plants are discovered during surveys, please contact our office to reinitiate informal consultation.

No further consultation under section 7 of the ESA is required with our office unless there are changes in the scope or location of the proposed project or if federally listed species are discovered prior to construction.

If you have any questions, please contact Amy Carson in our office, telephone: (601) 321-1130, or visit our website at <http://www.fws.gov/mississippiES/>.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen M. Ricks", is written over a horizontal line. To the left of the signature, the letters "SMR" are written in a cursive, handwritten style.

Stephen M. Ricks

Field Supervisor

Mississippi Field Office



Public Hearing COMMENT SHEET

October 23, 2018, Kiln, MS

PROJECT BEING CONSIDERED
Port Bienville, Hancock County
Environmental Division FAX Number: 601-359-7355
E-mail: environmentalcomments@mdot.ms.gov
www.goMDOT.com



Which best describes your primary interest?

Affected	Resident
Concerned	Business
<u>Other</u>	Landowner
	<u>Other</u>

What are the major issues?

Relocations	Noise
Wetlands	Safety
Wildlife	Social
Traffic Volume	<u>Economics</u>
Other	

MDOT is interested in your comments about the proposed project. Please indicate:

The alternative you like best and why: C
It is the best due to the few areas
it impacts.

Issues and/or concerns about the project: None

Recommendations for the project: This is an excellent project.
It is much needed for the economic develop-
ment of the county and surrounding areas

PLEASE SUBMIT AT THE HEARING OR MAIL TO ADDRESS ON REVERSE SIDE WITHIN 10 DAYS OF THE PUBLIC HEARING

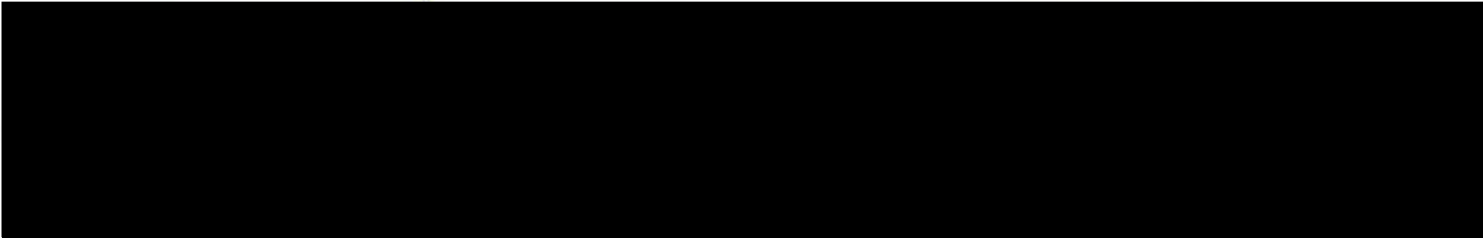
Visit us on the web at www.goMDOT.com, or e-mail environmentalcomments@mdot.ms.gov



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October 23, 2018, Kiln, MS

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Port Bienville, Hancock County
Environmental Division FAX Number: 601-359-7355
E-mail: environmentalcomments@mdot.ms.gov
www.goMDOT.com



Which best describes your primary interest?

Affected	Resident
Concerned	Business
Other _____	Landowner
	Other _____

What are the major issues?

Relocations	Noise
Wetlands	Safety
Wildlife	Social
Traffic Volume	Economics
Other _____	

MDOT is interested in your comments about the proposed project. Please indicate:

The alternative you like best and why: BLUE (LINE) STAY
AWAY FROM INFINITY *

Issues and/or concerns about the project: _____

Recommendations for the project: _____

PLEASE SUBMIT AT THE HEARING OR MAIL TO ADDRESS ON REVERSE SIDE WITHIN 10 DAYS OF THE PUBLIC HEARING

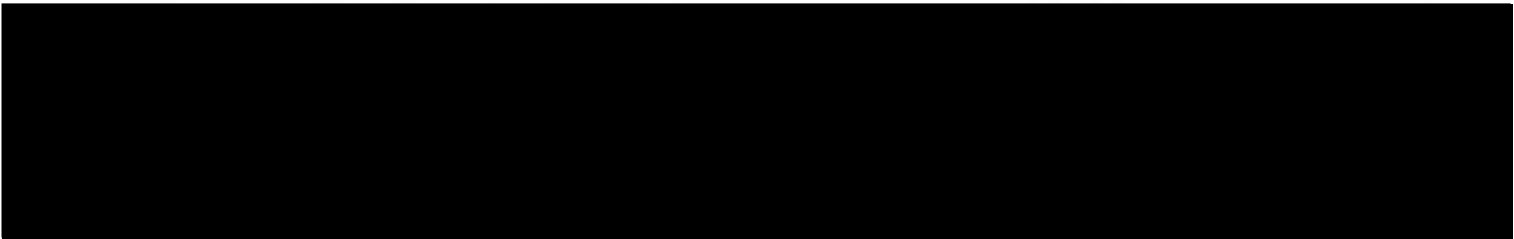
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Which best describes your primary interest?

Affected	Resident
Concerned	<u>Business</u>
Other _____	Landowner
	Other _____

What are the major issues?

Relocations	Noise
Wetlands	Safety
Wildlife	Social
Traffic Volume	Economics
Other _____	

MDOT is interested in your comments about the proposed project. Please indicate:

The alternative you like best and why: Alternative C. Minimizes environmental & community impacts.

Issues and/or concerns about the project: _____

Recommendations for the project: _____

PLEASE SUBMIT AT THE HEARING OR MAIL TO ADDRESS ON REVERSE SIDE WITHIN 10 DAYS OF THE PUBLIC HEARING

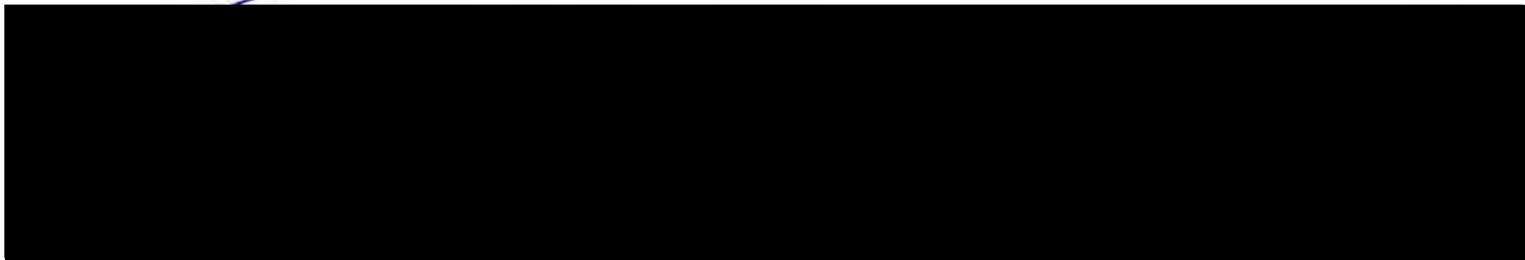
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Port Bienville, Hancock County
Environmental Division FAX Number: 601-359-7355
E-mail: environmentalcomments@mdot.ms.gov
www.goMDOT.com



Which best describes your primary interest?

Affected	Resident
Concerned	<u>Business</u>
Other _____	Landowner
	Other _____

What are the major issues?

Relocations	Noise
Wetlands	Safety
Wildlife	Social
Traffic Volume	Economics
Other _____	<u>NONE</u>

MDOT is interested in your comments about the proposed project. Please indicate:

The alternative you like best and why: Preferred Route

Issues and/or concerns about the project: NONE

Recommendations for the project: Build it !!

PLEASE SUBMIT AT THE HEARING OR MAIL TO ADDRESS ON REVERSE SIDE WITHIN 10 DAYS OF THE PUBLIC HEARING

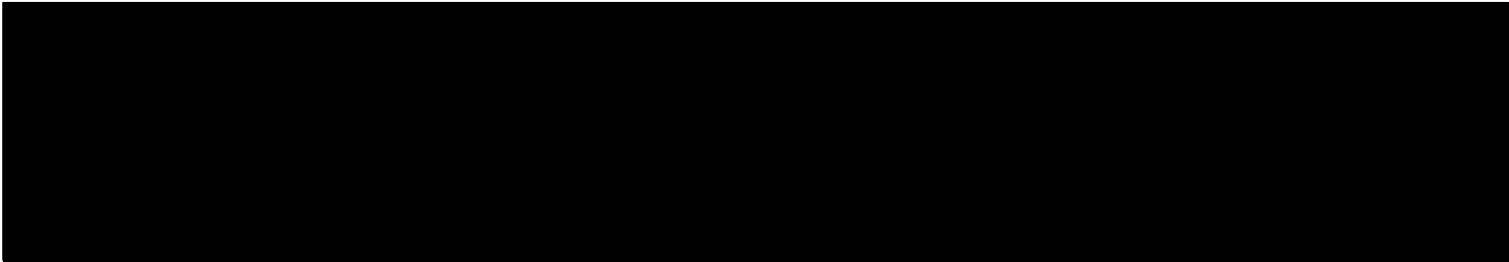
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E-mail: environmentalcomments@mdot.ms.gov
www.goMDOT.com



Which best describes your primary interest?

Affected	Resident
Concerned ✓	Business
Other _____	Landowner
	Other _____

What are the major issues?

Relocations	Noise
Wetlands	Safety
Wildlife	Social
Traffic Volume	Economics ✓
Other _____	

MDOT is interested in your comments about the proposed project. Please indicate:

The alternative you like best and why: _____

Issues and/or concerns about the project: _____

Recommendations for the project: *I highly recommend this project for the potential economic benefits for Hancock County. I don't find any adverse problems in this study.*

PLEASE SUBMIT AT THE HEARING OR MAIL TO ADDRESS ON REVERSE SIDE WITHIN 10 DAYS OF THE PUBLIC HEARING

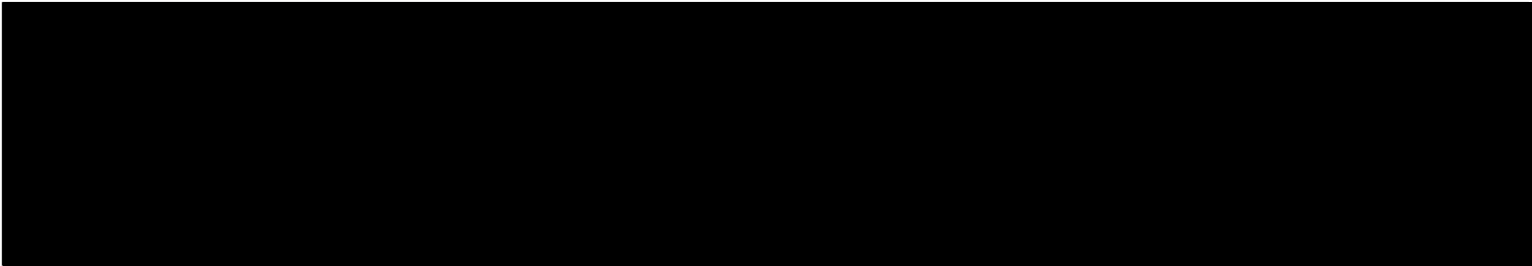
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Which best describes your primary interest?

Affected	<u>Resident</u>
Concerned	Business
Other _____	Landowner
	Other _____

What are the major issues?

Relocations	Noise
Wetlands	Safety
Wildlife	Social
Traffic Volume	Economics
Other _____	_____

MDOT is interested in your comments about the proposed project. Please indicate:

The alternative you like best and why: _____

Issues and/or concerns about the project: None

Recommendations for the project: yes!

PLEASE SUBMIT AT THE HEARING OR MAIL TO ADDRESS ON REVERSE SIDE WITHIN 10 DAYS OF THE PUBLIC HEARING

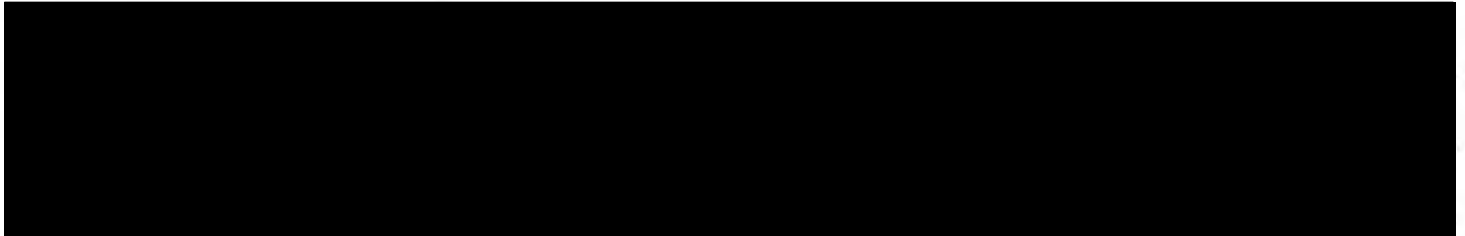
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What are the major issues?

Relocations	Noise
Wetlands	Safety
Wildlife	Social
Traffic Volume	Economics
Other <u>None</u>	_____

MDOT is interested in your comments about the proposed project. Please indicate:

The alternative you like best and why: _____

Issues and/or concerns about the project: None

Recommendations for the project: Continue to move forward

PLEASE SUBMIT AT THE HEARING OR MAIL TO ADDRESS ON REVERSE SIDE WITHIN 10 DAYS OF THE PUBLIC HEARING

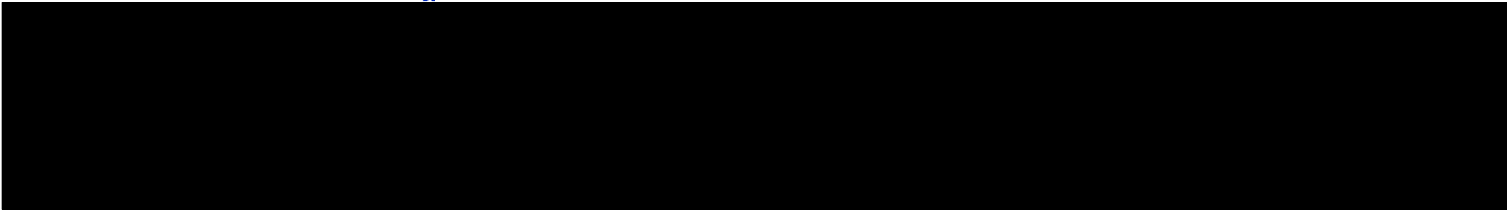
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Public Hearing COMMENT SHEET

October 23, 2018, Kiln, MS

PROJECT BEING CONSIDERED
Port Bienville, Hancock County
Environmental Division FAX Number: 601-359-7355
E-mail: environmentalcomments@mdot.ms.gov
www.goMDOT.com



Which best describes your primary interest?

Affected	<u>Resident</u>
<u>Concerned</u>	Business
Other _____	Landowner
	Other _____

What are the major issues?

Relocations	Noise
Wetlands	Safety
Wildlife	Social
Traffic Volume	<u>Economics</u>
Other _____	

MDOT is interested in your comments about the proposed project. Please indicate:

The alternative you like best and why: THE PROPOSED BY AS SHOWN AT 10/23/18 PUBLIC HEARING.

Issues and/or concerns about the project: GOOD PROJECT NEEDED FOR TRANSPORTATION HEALTH OF SOUTHWEST MISSISSIPPI

Recommendations for the project: CONTINUE ON.

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Affected	Resident
Concerned	<u>Business</u>
Other _____	Landowner
	Other _____

What are the major issues?

Relocations	Noise
Wetlands	Safety
Wildlife	Social
Traffic Volume	<u>Economics</u>
Other _____	

MDOT is interested in your comments about the proposed project. Please indicate:

The alternative you like best and why: Only Alternative was fine

Issues and/or concerns about the project: No concerns

Recommendations for the project: Recommended project moves ahead

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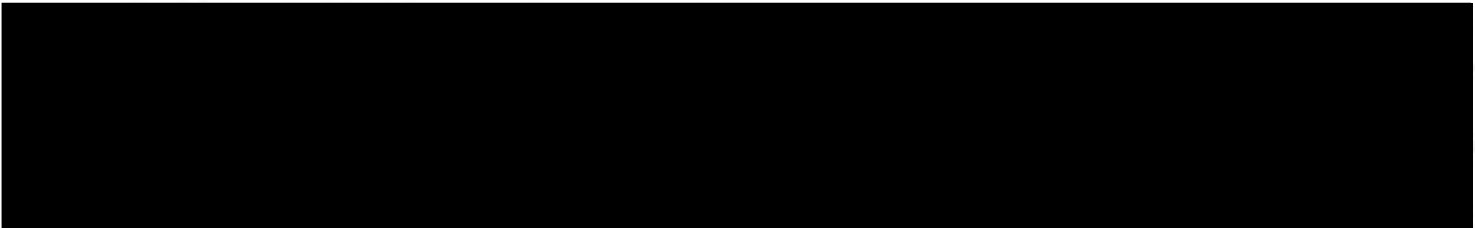
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Other _____	Landowner
	Other _____

What are the major issues?

Relocations	Noise
Wetlands	Safety
Wildlife	Social
Traffic Volume	<u>Economics</u>
Other _____	

MDOT is interested in your comments about the proposed project. Please indicate:

The alternative you like best and why: N/A

Issues and/or concerns about the project: none! This would bring industry & jobs to the region!

Recommendations for the project: Get the project as developed as quickly as possible

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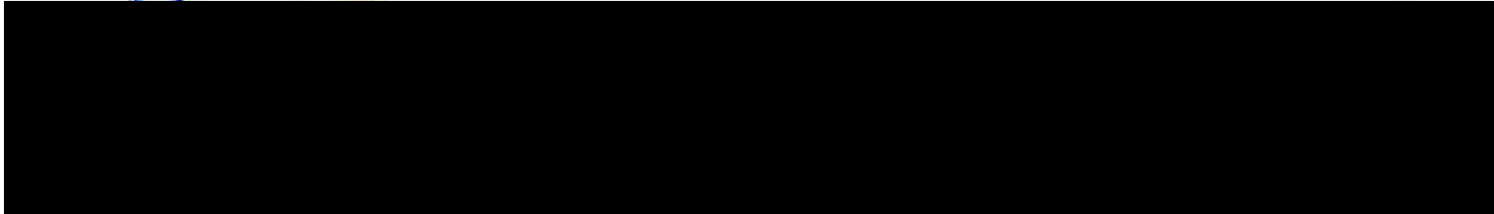
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Which best describes your primary interest?

Affected	<u>Resident OF COAST</u>
Concerned	<u>Business</u>
Other _____	Landowner
	Other _____

What are the major issues?

Relocations	<u>Noise</u> 2
<u>Wetlands</u> 4	<u>Safety</u> 1
<u>Wildlife</u> 5	Social
Traffic Volume	<u>Economics</u> 3
Other _____	

MDOT is interested in your comments about the proposed project. Please indicate:

The alternative you like best and why: ALT. 'C' - PREFERRED OPTION!

Issues and/or concerns about the project: HYDRAULIC ~~STREAM~~ BRIDGE CROSSINGS, WETLAND IMPACT(S); ALIGNMENT (HORIZONTAL);

Recommendations for the project: LET'S GET THIS FUNDED

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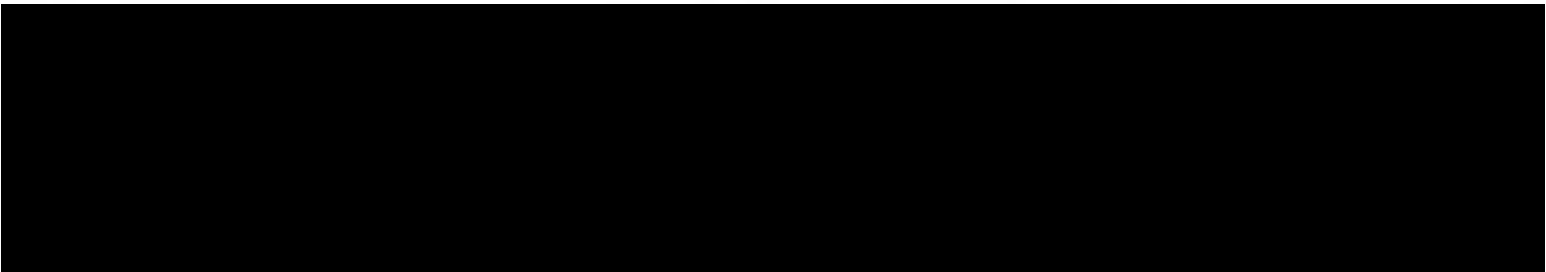
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Concerned	Business
Other _____	Landowner
	Other _____

What are the major issues?

Relocations	Noise
Wetlands	Safety
Wildlife	Social
Traffic Volume	Economics
Other _____	<u>NONE</u>

MDOT is interested in your comments about the proposed project. Please indicate:

The alternative you like best and why: Preferred

Issues and/or concerns about the project: NONE

Recommendations for the project: ~~add~~ more forward with the project

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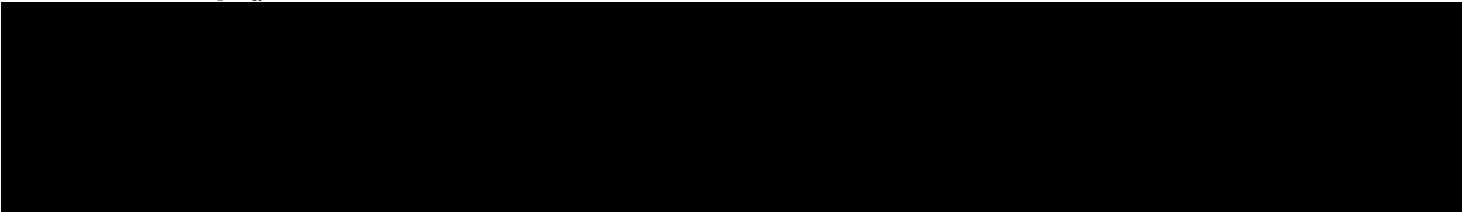
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What are the major issues?

Relocations	Noise
Wetlands	Safety
Wildlife	Social
Traffic Volume	<u>Economics</u>
Other _____	

MDOT is interested in your comments about the proposed project. Please indicate:

The alternative you like best and why: _____

Issues and/or concerns about the project: No real Issues

Recommendations for the project: Getting it up & running.

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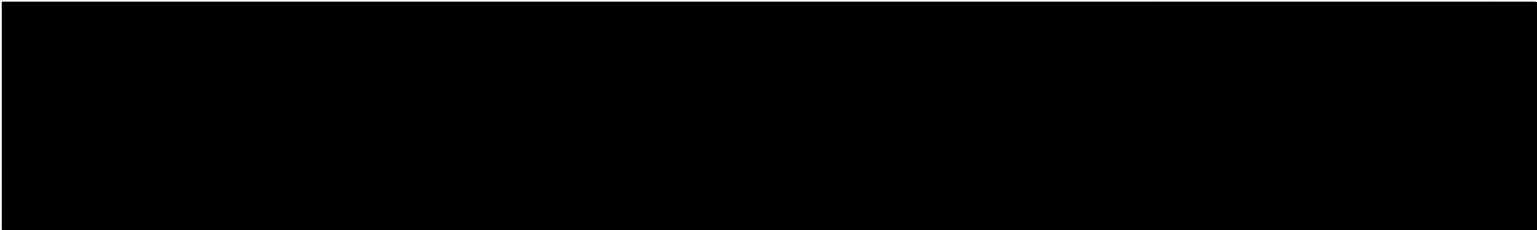
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What are the major issues?

Relocations	Noise
Wetlands	Safety
Wildlife	Social
Traffic Volume	<u>Economics</u>
Other _____	

MDOT is interested in your comments about the proposed project. Please indicate:

The alternative you like best and why: _____

Issues and/or concerns about the project: NO REAL ISSUES

Recommendations for the project: GETTING THE PROJECT AS FAST
POSSIBLE

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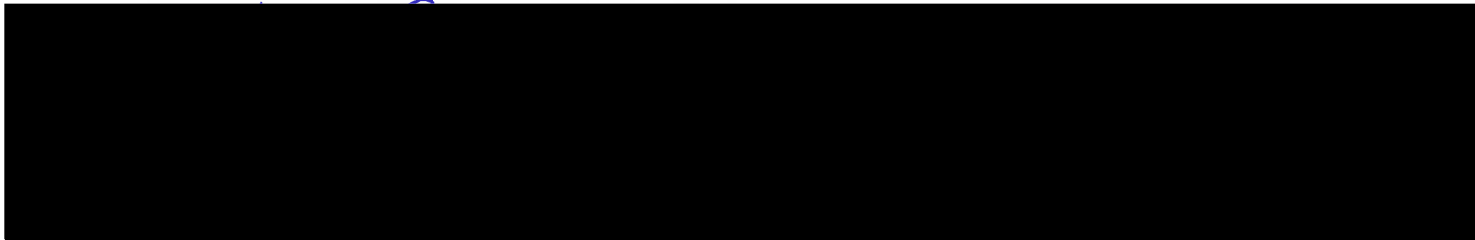
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What are the major issues?

Relocations	Noise
Wetlands	Safety
<u>Wildlife</u>	Social
Traffic Volume	Economics
Other _____	

MDOT is interested in your comments about the proposed project. Please indicate:

The alternative you like best and why: I like the recommended route.

Issues and/or concerns about the project: NO CONCERNS

Recommendations for the project: I feel this will benefit Hancock County Industry by opening up dual Class I Access to Rail.

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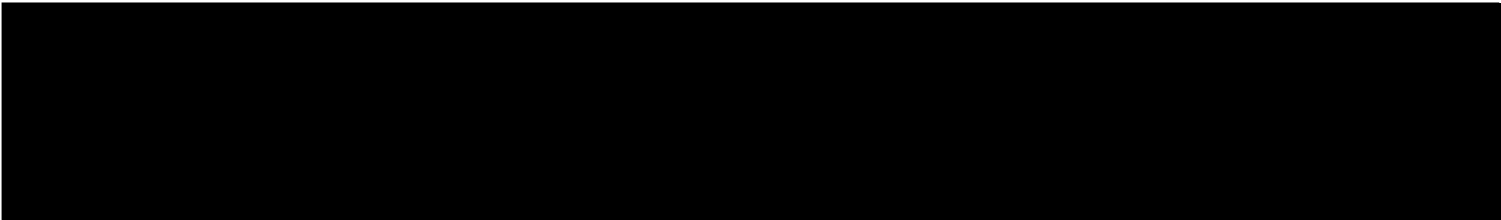
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Affected	Resident <input checked="" type="checkbox"/>
Concerned	Business
Other _____	Landowner
	Other _____

What are the major issues?

Relocations	Noise
Wetlands	Safety
Wildlife	Social
Traffic Volume	Economics
Other <u>NONE</u>	

MDOT is interested in your comments about the proposed project. Please indicate:

The alternative you like best and why: _____

Issues and/or concerns about the project: _____

Recommendations for the project: _____

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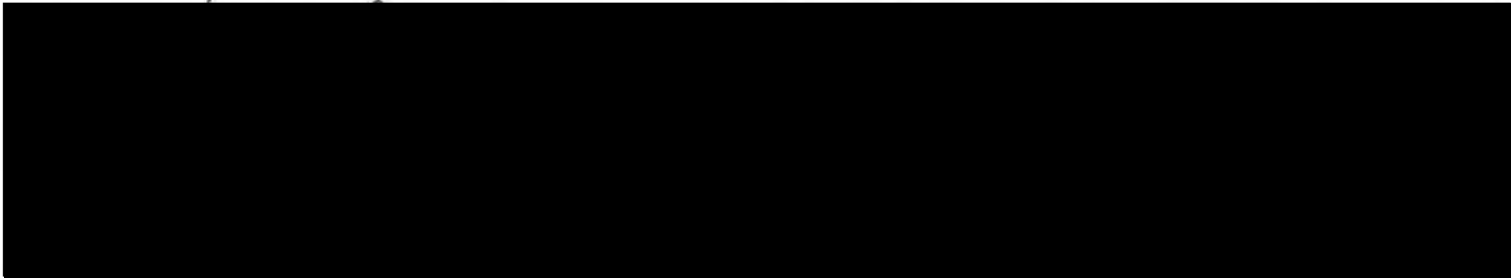
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Traffic Volume	<u>Economics</u>
Other _____	

MDOT is interested in your comments about the proposed project. Please indicate:

The alternative you like best and why: _____

Issues and/or concerns about the project: _____

Recommendations for the project: _____

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