

U.S. Department of Transportation

Federal Railroad Administration

FINDING OF NO SIGNIFICANT IMPACT

International Rail Port Logistics Park
City of West Memphis, Arkansas

September 2014

Introduction:

The City of West Memphis, Arkansas (City) requested funds for the International Rail Port Logistics Park (IRPLP) Project (Project) through the FY 2012 TIGER Discretionary Grant program administered by the United States Department of Transportation (US DOT) through the Federal Railroad Administration (FRA). FRA concluded that lending federal funds to implement the Project is a major federal action within the meaning of Section 4(b) of FRA's Procedures for Considering Environmental Impacts (FRA Environmental Procedures).¹ This Environmental Assessment (EA) was prepared for FRA consistent with Section 10 of the FRA Environmental Procedures.

The improvements in this Project include the upgrade of existing track in the IRPLP in West Memphis, Arkansas, to support the handling of heavier rail carloads of manifest and unit trains within the IRPLP and the construction of approximately 13,500 ft of a new rail leading to the base of the St. Francis levee. These improvements will facilitate the connection to and construction of a new transload facility on private lands adjacent to the IRPLP through an agreement with the City and a private developer. This will add the capability for handling bulk commodities from truck and rail to the Mississippi navigational transportation system.

FRA must comply with the National Environmental Policy Act (NEPA) of 1969² as the Federal agency providing grant funding for the Project. This Finding of No Significant Impact (FONSI) is made

¹ 64 FR 28545 (May 26, 1999)

² 42 USC § 4321





by FRA based on the information in the EA prepared by the City to comply with NEPA, FRA Environmental Procedures, and other related laws.

Statement of Purpose and Need:

The identification of the purpose and need is significant in determining the reasonable range of alternatives to consider for the Project. The need defines the key problems to be addressed and explains their underlying causes. The purpose states clearly why the Project is being proposed and identifies potential anticipated outcomes.

Purpose: Expand IRPLP rail capacity and operations within the existing IRPP facility, specifically unit train capacity, to enhance the rail network for future growth and development while minimizing disruption to existing IRPLP tenants and businesses; and relieve congestion, improve operational efficiencies, and ensure continued safe rail operations as rail traffic grows in and around the IRPLP, and along the existing Burlington Northern San Francisco (BNSF) north-south and east-west main lines.

Need: The need for the Project is based on the IRPLP's existing rail infrastructure's insufficient capacity to meet the current and future industrial needs of the City of West Memphis and eastern Arkansas. Three elements contribute to this problem of inadequate capacity and are likely to cause the situation to worsen in the future: (1) the IRPLP's existing rail infrastructure does not allow for efficient construction of unit trains; (2) projected economic growth will increase demands on existing and future tenants for more efficient rail operations; and (3) projected increases in traffic along the BNSF and Union Pacific (UP) main line corridors will increase rail congestion within the general vicinity, further reducing service capabilities.

Study Area:

The Project study area covers a 4.924 mile rail corridor in Crittendon County, Arkansas along the UP mainline located on the south side of the City at the north terminus and extends via a rail loop to the proposed location of the Louis Dreyfus (LD) transload facility and port at the south terminus. The Project is located west of the St. Francis Levee with the northern portion on property owned by the City and the south portion of the Project on property owned by American Energy Partners (AEP).

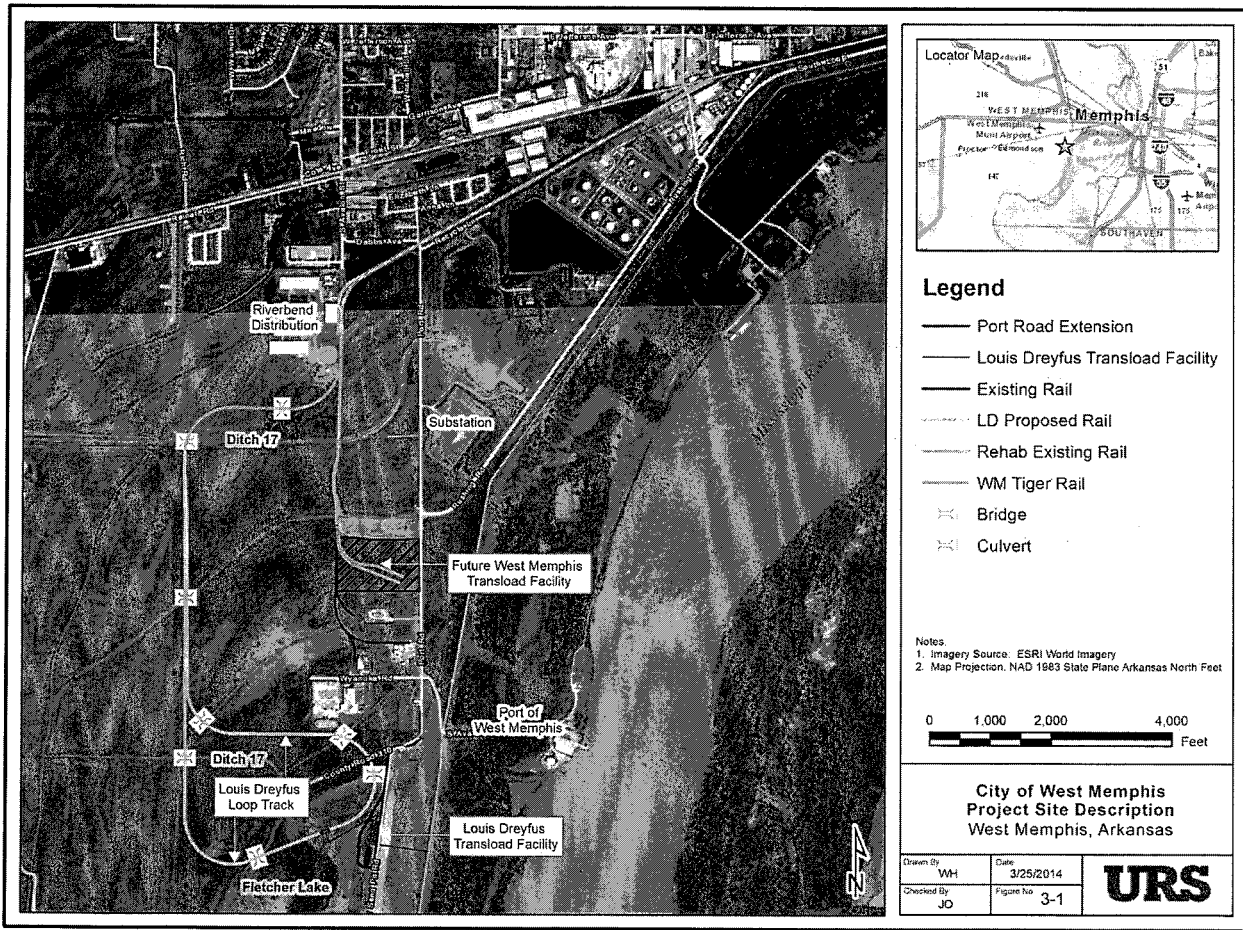
Alternatives:

FRA evaluated the following alternatives in the EA: (1) the No-Build Alternative; and (2) the Build Alternative.

The Build Alternative provides for nine main components:



- Rehabilitation and upgrade of approximately 13,500 feet of existing track on the Friday-Graham spur to 136 lb rail (new or recycled) to support the handling of manifest and unit trains of 286,000 lb rail cars within the IRPLP;
- Construction of 1,500 feet of new track to extend Track #859 into the IRPLP;
- Proposed construction of approximately 1,000 feet of new track on a 20 acre site on Port Road for access to a future industrial facility;
- Construction of approximately 21,000 feet of new track to connect the existing rail facilities within the IRPLP with the new transload facility adjacent to the St. Francis Levee along the Mississippi River;
- Construction of a bridge over Ditch 17 and culverts over other drainages;
- Construction of a transload facility connecting to the rail lead track at the St. Francis Levee constructed in the Federal Subproject in a cooperative agreement;
- The transload facility will include a six acre tract of land with silos, elevators, hoppers, conveyors and continuous batch weigher.
- Construction of a connector road from Port Road to the transload facility; and
- Construction of stormwater retention ponds in current wetlands.





The land in the Project study area is dominated by “rural” land consisting of crop land, pastureland, grasslands, limited forested land, and open fields. In addition, a number of small industrial facilities are located in the Project study area. The Project study area is located in the central portion of Crittendon County. The Project will cross two irrigation ditches – Ditch 17 and Ditch 19 as well as wetlands on the north end of Fletcher Lake. The Project requires approximately 37.2 acres of additional ROW and construction easements to accommodate construction of new siding track, reconstruction of the existing UPRR mainline track, and reconfiguration and realignment of at-grade roadway crossings.

Selected Alternative:

FRA has selected the Build Alternative for the Project. The major components of the Build Alternative are the rehabilitation of 13,500 feet of existing line and construction of approximately 21,000 feet of new track and the development of a grain transload facility.

The No-Build Alternative was not selected because it would not meet the purpose and need of the Project. The No-Build Alternative would not enhance capacity to meet the current and future industrial needs of the City and eastern Arkansas. The No-Build Alternative would also not provide the transload facility needed to transport grain from the rail line to the port.

Benefits of the Selected Alternative:

Implementation of the Build Alternative would be of immediate benefit to the rail freight shippers using this line today, as well as the future use of this line by industrial users. The Build Alternative would improve stability of the current line by increasing the load capacity for current and future rail users at the IRPLP. The new siding track and 20 acre parcel would provide a site for new growth anticipated within the IRPLP. The siding track would also improve the efficiency of the railroad by allowing for train meets and sorting of cars for freight trains as well as an area for storing trains during maintenance incidents. The new rail loop, siding tracks and transload facility would provide capacity needed for the shipping of commodities in the eastern Arkansas area. The new facility would provide a diversion option for a significant portion of continental eastbound dry bulk material that currently crosses the Mississippi River via rail and road to river vessels; provide sufficient off-loading and barge-loading capacity to meet commodities shipping demands; and be a benefit to the environment, quality of life, and regional economy in an economically distressed area.

Environmental Consequences:



Based upon the EA, included by reference with its appendices in this FONSI in its entirety, FRA has concluded that the Selected Alternative, including the mitigation measures for unavoidable impacts, would have no foreseeable significant impact on the quality of the natural and human environments.

FRA finds the Selected Alternative is best able to achieve the Project purpose and need without significant environmental impacts and by minimizing Project costs.

This FONSI focuses only on those resources that have a reasonable likelihood to be affected by the Project. The following potential impact areas are not located within the Project study area or would otherwise not be affected by the Project, and are not addressed in this FONSI: noise and vibration; geology and soils; ecological resources; threatened and endangered species; cultural and historical resources; socioeconomic resources; environmental justice; land use, zoning and recreational areas; visual resources; Section 4(f) properties; and hazardous materials and solid waste. These resource areas are referenced in the EA.

The potential of the Project to result in an environmental impact is summarized in the following sections.

Air Quality:

The Project may result in impacts to air quality during demolition of any building and construction of new facilities. Locomotive emissions and ambient diesel particulate matter concentration increases are anticipated, but would be below recognized thresholds for significance and emissions related to transportation of commodities over time would decrease as more efficient locomotives replace trucks. During demolition of any building, the City would retain certified inspectors to identify all material in the buildings, and remove asbestos-containing material before building demolition begins. All construction equipment would satisfy EPA emission standards for non-road engines.

Transportation:

The Project would result in minor train, vehicle, pedestrian, and bicycle transportation disruptions during construction and would increase the number of daily train trips through a non-congested area. Following construction a decrease in train delays and rail traffic congestion on BNSF/UP main line would occur. Realignment of several internal IRPLP roads would be required during construction, but no long-



term road closures would be experienced. No impact to pedestrians/bicycles would be expected following construction as the IRPLP is located away from any residential populations.

Water Quality and Water Resources:

The Project would result in temporary construction impacts to waterways and water quality resulting from the installation of culverts and the disturbance of more than one acre of land. Based on this amount of land disturbance, a stormwater pollution prevention plan (SWPPP) will be required. These impacts would occur from in-stream bank work and construction activity. A small amount of stream substrate may be permanently removed to accommodate the culvert replacements at four intermittent stream locations in the Project study area. Impact minimization would be provided through the use and enforcement of Arkansas Department of Transportation (ADOT) Erosion and Sediment Control Policy, and National Pollutant Discharge Elimination System (NPDES) permits that employs Best Management Practices (BMPs) (e.g., silt fences, check dams, and appropriately sized sediment basins).

Permanent BMPs installed following construction (e.g., stormwater pond at the transload facility and permanent seeding and use of native vegetation) would further reduce Project impacts. The Project would not have any impact on groundwater resources, such as existing wells or borings. The BNSF or UP trains would not transport any freight that may be a potential contaminant of groundwater resources with the exception of the on-board fuel and other petroleum based products. Both BNSF and UP have a spill prevention, control, and countermeasure plan to address any potential spill from a locomotive.

FRA finds the construction and operation of the Project would not adversely impact water quality or water resources based on the use of BMPs, as well as permitting by Arkansas state agencies.

Agriculture:

The Project would convert 44 acres of agricultural land to a developed land use. Proposed right-of-way (ROW) to be acquired would be narrow strips of land that are parallel to the mainline tracks and would not create severed, landlocked, or uneconomical remnant farms.

Based on coordination with the NRCS and in accordance with the Farmland Protection Act, the Project's total score was 163 and, less than the defined threshold used to determine significant impacts to prime farmland. Therefore the FRA finds the conversion of agricultural land to transportation and developed use along the corridor does not represent a significant impact.



Wetlands and Waters of the U.S.:

The assessment of potential wetland impacts from the Project is based upon direct and indirect impacts related to the placement of fill for new bridge abutments or piers and embankment for new track during construction within the proposed ROW and environmental survey limits. Wetland impacts related to construction would include vegetation removal, placement of clean fill, and changes to the wetland hydrologic regime. Permanent wetland loss (6.48 acres) will be mitigated on AEP property south of the wetland location, while 0.2 acre of permanent wetland loss will be mitigated on City property (6.68 acres total).

Construction effects to wetland and upland buffers (14.19 acres) would be temporary and result in a short-term loss of wetland functions. BMPs will be used to eliminate or minimize effects of erosion, sedimentation, and accidental fuel or oil tank leaks. Stormwater treatment will be provided at the transload facility location by construction of a stormwater retention pond. Temporarily impacted wetlands will be restored to pre-existing conditions following construction.

The wetland sites and “Waters of the United States” (WOUS), as defined by the CWA, come under jurisdiction of the Memphis District of the U.S. Army Corps of Engineers (USACE). This includes, but is not limited to, the approval of a Section 404 permit from the USACE, Section 401 Water Quality Certification from the Arkansas Department of Environmental Quality (ADEQ), or other permits that may be required. Two separate 404 permits were approved for this Project; a nationwide permit (Nationwide Permit 14) for the 0.2 acres of wetland impacts on City property and an individual permit for the 6.48 acres of permanently impacted wetlands on AEP property. Mitigation for both permits was designed on adjoining wetlands. Mitigation will be monitored in accordance with the conditions of each permit.

FRA finds that no significant impacts to wetlands and waterways would occur based on implementation of the SWPPP and the mitigation of wetlands in coordination with the USACE and state agencies.

Floodplains:

The Project would require five culvert and two bridge crossings to allow existing surface drainage swales to drain on either side of or below the new rail line. All seven crossings are located in rural areas, dominated by agricultural uses. The intermittent streams that are crossed by the Project are not within the



FEMA mapped 100-year floodplain, while the bridge crossings over Ditch 17 and Ditch 19 (See Section 4.5 of the EA) are within the FEMA mapped 100-year floodplain. None of the intermittent stream crossings require bridges in the Project study area. The Project would not impact any 100-year floodplains. All proposed improvements would be outside of or over the 100-year floodplain limits and would not interfere with water flow during a 100-year flood event.

FRA finds that the construction and operation of the Project would not impact floodplains based on the lack of resource impacts and use of BMPs as well as permitting by USACE and Arkansas state agencies for water quality and water resources.

Public Health and Safety:

The Project would not impact public health and safety because there would be no permanent change in the existing traffic flow patterns due to the proposed improvements. The Project would have a potential temporary impact on emergency response times from delays at crossings and temporary closures due to construction at grade crossings. All measures would be taken during the construction phase to coordinate with emergency service providers in order to mitigate any potential impacts due to construction activity conflicts. There would also be a minor short-term risk to public safety during demolition and construction activities.

The design improvements at the at-grade crossings would have a positive safety impact by reducing public safety concerns for vehicular traffic, pedestrians and bicyclists at crossings. FRA finds that the Project would not result in significant impacts to public health and safety.

Construction Impacts:

Impacts associated with construction of the improvements would be local and temporary and include noise, vibration, dust, and traffic disruptions. There is also the potential for impacts to intermittent streams and wetlands.

These temporary impacts would occur from operation of equipment for the construction of an additional siding track, construction of the existing mainline track, installation of new crossing gates and signal devices and equipment, reconfiguration and realignment of at-grade roadway crossings and construction of the transload facility. Normal traffic may be flagged at various times to allow entry and exit of construction equipment to the Project sites using adjacent or nearby rail/highway grade crossings.



Such occurrences may be viewed by motorists as an inconvenience. However, these impacts would be temporary, and existing vehicular travel would be restored after construction has been completed.

The Project may require periodic reduction in the operating speed of trains that pass through construction zones, even though the current speed limit is 10 mph. Also, there may be a need to adjust the schedule of rail operations if activities require temporary shutdown of selected track sections. Such schedule and/or operations adjustments would be necessary when there is a potential safety risk due to the proximity of moving trains and construction activities that are incompatible with ongoing train traffic. Such delays or disruptions may be similar to normal maintenance activities under existing conditions.

Construction could cause temporary impacts to wetlands, streams, and surrounding stream banks as the track improvements are made. In the section where the new track is being constructed, culverts or bridge structures would be constructed. These culverts and bridges will be designed and constructed to allow for the passage of 100-year flood events.

ADOT will minimize potential impacts by requiring contractors to: 1) avoid wetlands during the establishment of construction staging areas and other construction activities; and 2) employ erosion control, sediment control and bank stabilization practices at or near waterways or water crossings. Construction of the proposed Project will comply with BMPs for dust and noise suppression. Debris and spoil disposal, if generated, would be removed according to state and local regulations.

FRA finds that based on the evaluation, the construction impacts and construction traffic would cease following completion of the Project, and the construction or operation of the Project would not adversely impact overall rail or motor vehicle transportation.

Indirect and Cumulative Impacts:

Indirect impacts can be associated with the consequences of land use change and development that would be indirectly supported by changes in local access or mobility. Indirect impacts differ from those directly associated with the construction and operation of a project itself and are often caused by what is commonly referred to as “induced development.” Induced development includes a variety of alterations such as changes in land use, economic vitality, property values and/or population density. The potential for secondary impacts to occur is determined in part by local land-use and development-planning objectives and the physical location of the Project.



The expansion of the IRPLP will provide a direct impact through the addition of jobs to the area. As new permanent jobs are established additional jobs are created to support the people employed at the transload facility and by the railroad. This induced development is a positive indirect impact resulting from the project. These new permanent jobs require construction of new homes, increase in supply of goods and services and growth in the community. As with any new construction, there would be additional energy expended as a result of the Project that would contribute to the cumulative impact.

The Project would provide some beneficial contributions to cumulative impacts. The proposed improved operability of freight rail service by the construction of enhanced and new rail is expected to provide an overall benefit to the region. The improvements to the grade crossing would benefit the safety of motorists crossing the railroad. Benefits of the Project include long-term economic growth and an increase in jobs for the community. There is a slight chance for negative indirect impacts to wetlands from vegetation removal, introduction of invasive species, and accidental spills.

FRA finds that the Project would not result in any significant adverse indirect or cumulative impacts.

Public Comments on the Environmental Assessment:

Coordination efforts began in the early stages of the Project and were designed to maintain consistent communication with residents, public officials, businesses, property owners, stakeholders, and regulatory agencies during the environmental process. On July 21, 2014 the EA was released for a 30-day public review and comment period. The document was on display on the City and FRA websites and at the public library in the City. The availability of the EA was advertised at the public library and in the West Memphis Times in the Public Notices section on July 22, 2014. The public comment period ended August 19, 2014. No comments were received from the public.

Commitments and Mitigation Measures:

The Project sponsors will be required to comply with all applicable federal, state, and local permitting requirements during the implementation of the Project, which will include:

- Public Law 95-217, Clean Water Act of 1977, 33 USC § 1251-1376
- Section 106 of the National Historic Preservation Act of 1966, as amended, 16 USC § 470
- Section 404 of the Federal Water Pollution Control Act (CWA), 33 USC § 1344



- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 USC § 4601 et. seq
- Executive Order 11990, Protection of Wetlands, 42 FR 26961, signed May 24, 1977
- Americans with Disabilities Act of 1990, 42 USC Chapter 126, and 47 USC Chapter 5

The following commitments and mitigation measures have been identified to further reduce impacts of the Project. Additional measures may also be implemented as necessary and as identified.

- **Water Quality and Water Resources:** Section 401 of the Clean Water Act, Water Quality Certification from the ADEQ is required. Since the Project has the potential to disturb more than one acre, it may be subject to the requirement for a NPDES permit for stormwater discharges from the construction site. Permit coverage would be obtained, should it be necessary, under the ADEQ General Permit for Stormwater Discharges from Construction Site Activities (33 U.S.C. § 1344) under Section 402 of the CWA.
 - A Stormwater Pollution Prevention Plan will be prepared and implemented, in accordance with requirements under the NPDES permit. BMPs such as silt fences, check dams, and appropriately sized sediment basins would be utilized during construction. Following construction, to further reduce impacts permanent BMPs would be installed such as permanent seeding and the use of native vegetation incorporated into the final landscape design.
- **Wetlands:** Further efforts would be made in future phases of work to avoid and minimize additional wetland impacts. Avoidance and minimization may be accomplished by narrowing the railroad cross-section with the use of retaining walls, steeper embankments, and bridging critical wetland resources. Avoiding and minimizing impacts to wetland resources may be constrained by other critical resources and local issues. Additionally, the proposal requires action in regard to Executive Order 11990, which covers wetland coordination, including any mitigation and permit requirements for Federal agencies. ADEQ and USACE have established agreements for the corresponding replacement ratios for wetlands. Any permits required by the USACE or ADEQ would be secured prior to the start of construction.
- **Threatened and Endangered Species:** Appropriate state or federal permits would be sought if previously unidentified endangered species are identified during construction of the Project. In



addition, all activity in the immediate area would cease if previously unidentified endangered species are identified during construction.

- **Noise:** To minimize or eliminate the effect of construction noise on these receptors, time restrictions would be used to limit the period of exposure to construction noise, with construction activity only occurring from 7 a.m. to 10 p.m. Adequate mufflers for all engines and engine driven construction equipment would also be required.
- **Vibration:** Measures would be taken to mitigate vibration impacts by restricting the procedures and time permitted for vibration-intensive activities, such as pile-driving, and by requiring vibration monitoring to certify compliance with vibration limits.
- **Public Health and Safety:** Measures would be taken during the construction phase to coordinate with emergency service providers in order to mitigate any potential impacts due to construction activity conflicts.
- **Hazardous Materials:** Accidental spills of hazardous materials and wastes during construction or operation of the transportation system require special response measures. Such occurrences would be handled in accordance with local and state government response procedures. Refueling, storage of fuels, or maintenance of construction equipment would not be allowed within 100 feet of wetlands or water bodies to avoid accidental spills impacting these resources.
 - Further environmental studies would be conducted if the Project requires excavation, including subsurface utility relocation and a Preliminary Site Investigation (PSI) would be conducted prior to acquisition of any contaminated parcel, and/or required temporary or permanent easements if required.
 - Special waste issues encountered during construction would be managed in accordance with local and state regulations, BNSF and UPRR standard specifications and special provisions or the “ADOT Standard Specifications for Road and Bridge Construction and Supplemental Specifications and Recurring Special Provisions.” In the case of an emergency involving hazardous material, BNSF or UPRR would enact a hazardous materials emergency response plan and contact the appropriate state and local agencies.
- **Construction Impacts:** Prior to construction, erosion control fencing would be placed at the limits of construction. Zones of fill, grading, compaction, or equipment movement would be restricted to areas outside the protective fencing. Impacts from silt and sedimentation would be minimized through adherence to erosion control measures outlined in ADOT’s Standard Specification’s for Highway Construction, 2003 and in accordance with the NPDES permit. BMPs for dust and noise suppression



would be followed. Debris and spoil disposal, if generated, would be removed according to state and local regulations. BNSF and UPRR would ensure that all equipment will be in good working order and maintained, including the exhaust systems.



Conclusion: FRA finds that the IRPLP Project, as presented and assessed in the attached Environmental Assessment (EA), satisfies the requirements of FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 26, 1999) and NEPA (42 USC § 4321 *et seq.*), and the Project would have no foreseeable significant impact on the quality of the human or natural environment provided it is implemented in accordance with the commitments identified in this Finding of No Significant Impact (FONSI). As the Project sponsor, the City of West Memphis is responsible for ensuring all environmental commitments identified in this FONSI are fully implemented. The EA provides sufficient evidence and analysis for FRA to determine that an environmental impact statement is not required for the Project as presented.

Joseph C. Szabo
Administrator
Federal Railroad Administration

Date

This document has been prepared in accordance with FRA's Procedures for Considering Environmental Impacts and NEPA by the FRA's Office of Program Delivery, with assistance from FRA's Office of Chief Counsel. This document was prepared in August 2014. For further information regarding this document contact:

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