

Section of Environmental Analysis Issues Final Environmental Impact Statement in Texas "Bayport Loop" Railroad Construction Case

The Surface Transportation Board (Board) announced today that its Section of Environmental Analysis (SEA) issued the Final Environmental Impact Statement (Final EIS) in which it finds no significant impacts regarding the proposed construction by San Jacinto Rail Limited, and operation by The Burlington Northern and Santa Fe Railway, of approximately 12.8 miles of new rail line near Houston, Harris County, Texas to serve petrochemical industries in the Houston-area Bayport Industrial District (Bayport Loop). As discussed in the Final EIS, SEA found that the proposal would have moderate impacts on surface water, wetlands, and plant communities and negligible-to-no impacts on all other environmental-resource categories. However, as a result of the 600 comments received during the public hearing process, SEA recommended 80 mitigation measures to address the moderate and negligible impacts of the project and the community's concerns.

SEA anticipates that the U.S. Environmental Protection Agency (USEPA) will publish a notice of the availability of the Final EIS in the **May 9, 2003** edition of the *Federal Register*. The Board's vote on whether to grant final approval of this proposal will be taken at the Board's voting conference scheduled for **May 9, 2003**. The deadline for filing administrative appeals will be **June 9, 2003** (30 days from the publication of USEPA's notice of the Final EIS), and the Board's decision will not become effective before that date.

For further information or to request a copy of the Final EIS, telephone SEA's toll-free Environmental Hotline at **1-888-229-7857** (FIRS for the hearing impaired **1-800-877-8339**). The entire document also is available for viewing and downloading free of charge via the Board's website at <http://www.stb.dot.gov> (click the "Environmental Issues" link on the home page, then "Key Cases," then "Bayport Loop.") A fact sheet is attached.

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ATTACHMENT

FACT SHEET

Although the law permitted a less stringent environmental review because the project was not expected to result in potentially significant environmental impacts, the Surface Transportation Board's Section of Environmental Analysis (SEA) opted to prepare an environmental impact statement (EIS) to evaluate fully any possible environmental impacts. SEA prepared the EIS in cooperation with the U.S. Coast Guard, the Federal Aviation Administration (FAA), and the National Aeronautics and Space Administration. The Final EIS issued today was based upon SEA's independent analysis; consultation with agencies, elected officials, organizations, and members of the public; and careful consideration of more than 600 public comments concerning the Draft Environmental Impact Statement (Draft EIS)[FOOTNOTE 1: Issued December 6, 2002 in STB Finance Docket No. 34079, *San Jacinto Rail Limited Construction Exemption and The Burlington Northern and Santa Fe Railway Company Operation Exemption--Build-Out to the Bayport Loop Near Houston, Harris County, TX*] that SEA received via mail, e-mail, telephone, and public meetings in the Houston area.

The Final Environmental Impact Statement (Final EIS) reports that all of the alternative routes for the proposed line (the so-called "build alternatives") are fully acceptable from an environmental standpoint and recommends that if the Board approves the project, it should approve all of them. The Final EIS determines that no single alternative route has emerged as markedly preferable for two main reasons. First, most of the impacts associated with each of the "build alternatives" are similar. Second, the potential impacts of each alternative route are moderate or negligible.

Nevertheless, in light of concerns raised by FAA, the Final EIS identifies Alternative 1C as the preferred route because it

avoids potential impacts on aviation that FAA identified. The designation of a preferred alternative in the Final EIS is required by the regulations of the President's Council on Environmental Quality (CEQ) that implement the National Environmental Policy Act.

SEA recommends 80 mitigation measures to address the moderate and negligible environmental impacts it found and the concerns raised by comments from the local community. SEA adopted as recommendations all 76 mitigation measures suggested by the applicants. Additionally, SEA added four new mitigation measures requiring applicants to: enter into an arrangement between them and the Port of Houston Authority to address a rail crossing at Port Road, and provide a community liaison fluent in both Spanish and English; retain a third-party contractor to assist SEA, as needed, with certain environmental information regarding the project; and offset adverse impacts to Essential Fish Habitat in Taylor Bayou.

In addition to responding to the public comments on the Draft EIS, the Final EIS corrects some "environmental justice" demographic data, makes minor changes to other information presented in the Draft EIS, discusses SEA's conclusions about its environmental analysis, and includes SEA's final environmental-mitigation recommendations. The Final EIS also reflects additional work conducted by SEA since publication of the Draft EIS to confirm that document's conclusions concerning vibration and wetlands impacts; to complete consultation on the pertinent Essential Fish Habitat; to evaluate the applicants' voluntary conservation sites to assess the sites' potential to attract wildlife and especially birds that could become a hazard to aviation at Ellington Field, TX; and to develop appropriate mitigation measures.

Although the Final EIS corrects and amends the Draft EIS, the two documents should be read in conjunction. The Draft EIS provides greater detail on the proposed action and alternatives to it. In particular, the Draft EIS describes the applicants' stated purpose and need, the existing environment, and the potential environmental impacts associated with the various alternatives that SEA considered, including the no-action alternative.

The Board will consider the entire environmental record, including all public comments, the Draft EIS, the Final EIS, and SEA's final recommended environmental mitigation in making its final decision on the applicants' proposal.

The entire Final EIS has been mailed to elected officials; Federal, state, and local agencies; interested organizations; commenters who submitted substantive comments; members of the public who had requested a copy; and all parties of record (official participants), and is available on the Board's website. A letter announcing (in both English and Spanish) the availability of the Final EIS has been distributed to approximately 1,800 interested parties. SEA has also distributed a copy of the Final EIS to the repositories listed below.

San Jacinto College, Central Campus Library
8060 Spencer Highway
Pasadena, TX 77505
(281) 476-1850

San Jacinto College, North Campus Library
5800 Uvalde Street
Houston, TX 77015
(281) 459-7116

San Jacinto College, South Campus
13735 Beamer Road
Houston, TX 77089
(281) 922-3416

University of Houston, Clear Lake Campus, Alfred Neumann Library
2700 Bay Area Boulevard
Houston, TX 77058
(281) 283-3930

Freeman Memorial Branch Library
16602 Diana Lane
Houston, TX 77062
(281) 488-1906

Harris County Public Library, Evelyn Meador Branch
2400 N. Meyer Road
Seabrook, TX 77586
(281) 474-9142

Harris County Public Library, South Houston Branch
607 Avenue A
South Houston, TX 77587
(713) 941-2385

Pasadena Public Library, Fairmont Branch
4330 Fairmont Parkway
Pasadena, TX 77504
(713) 998-1095

Pasadena Public Library, Main Branch
1201 Jeff Ginn Memorial
Pasadena, TX 77506
(713) 477-0276

Deer Park Public Library
3009 Center Street
Deer Park, TX 77536-7099
(281) 478-7208

Houston Public Library
500 McKinney Avenue
Houston, TX 77002
(713) 247-2222

Park Place Regional Library
8145 Park Place Boulevard
Houston, TX 77017
(832) 393-1970

Patricio Flores Library
110 North Milby Street
Houston, TX 77003
(832) 393-1780

Melcher Branch Library
7200 Keller
Houston, Texas 77012
(832) 393-2480

Bracewell Branch Library
10115 Kleckley
Houston, Texas 77075
(832) 393-2580

Tuttle Branch Library
702 Kress
Houston, Texas 77020
(832) 393-2100

Stanaker Branch Library
611 S/Sgt. Macario Garcia
Houston, Texas 77011
(832) 393-2080

Liberty Municipal Library
Geraldine D. Humphreys Cultural Center
1710 Sam Houston Avenue
Liberty, TX 77575
(936) 336-8091

**Sam Houston Regional Library
Archives & Information Services
FM 1011
Liberty, TX 77575
(936) 336-9921**

**Dayton Library
307 West Houston
Dayton, TX 77535
(936) 258-7060**

**Crosby Branch Library
135 Hare Road
Crosby, TX 77532-8895
(281) 328-3535**

**Austin Memorial Library
220 South Bonham
Cleveland, TX 77327
(281) 592-3920**

**Kingwood Branch Library
4102 Rustic Woods Drive
Kingwood, TX 77345
(281) 360-6804**

**Kingwood College Library
20000 Kingwood Drive
Kingwood, TX 77339
(281) 312-1693**

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