



TAYLOR
COUNTY
DEVELOPMENT
AUTHORITY

E1-17865
CD

Victoria Rutson
Chief, Section of Environmental Analysis
Room 504
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20006

RE: Perry Rail Extension-Construction and Operation Exemption- Rail Line Extension and Upgrade to Existing Line- Perry Florida-Greenville Florida

Dear Section Chief Rutson:

As discussed in our pre-Application meeting August 18, 2009, the Taylor County Development Authority (TCDA) is requesting a waiver from the requirements of 49 CFR 1105.6(a). That section provides that "Environmental Impact Statements ("EIS") will normally be prepared for rail construction proposals." TCDA hereby submits that an Environmental Assessment ("EA") is adequate to assess the impact of the proposed line construction on the environment. In support of this request, TCDA submits the following:

As you are aware; I met with you at your offices on August 18, 2009, during which time you outlined the environmental review that would be necessary for this project, including the need to coordinate with other agencies. Meetings were conducted with the U. S. Army Corp of Engineers, Suwannee River Water Management District, U.S. Fish and Wildlife Service and the Florida Department of Environmental Protection and the agencies have responded in writing and you have been provided a copy of all responses which do not indicate any significant environmental issues with the proposed action.

TCDA has also asked the Section of Environmental Analysis ("SEA") to approve the retention of Golder as a third party consultant for the Perry Rail Extension Project ("PREP"); a 24-mile extension route to be constructed running generally east from the Taylor county mining area to the Georgia Florida Railroad (GFR) owned by OmniTRAX. From this intersection, approximately 16 miles of existing GFR railroad would need to be upgraded to interchange with the CSX in Greenville, Florida.

The PREP will work with the Corps of Engineers to file and obtain a section 404 permit pursuant to the Clean Water Act. In connection with the review for a section 404 application, PREP has undertaken and will continue to undertake all steps to minimize any potential impact on wetlands, floodplains, and associated natural resources. PREP will coordinate with and abide by conditions determined by the Corps to be necessary.

The route extension will connect with the Georgia and Florida Railway (GFR), originating at the present intersection of the GFR with the CSX Main Track at Greenville, Florida. The route lies on agricultural land which is densely populated with pulp wood and saw timber. It is adjacent to an existing road used to haul timber and therefore will utilize a route that has already been significantly impacted, thus avoiding and minimizing wetland/water impacts. Thus, PREP believes that an EA, rather than an EIS is the appropriate classification based on the existing haul road merely being expanded to accommodate the

additional right of way and the minimal amount of wetlands impacted which will be permitted through the federal agencies. An EA is sufficient in this proceeding under the standards of 1105.6(d) because the proposed construction and operation of the new rail line is unlikely to have significant environmental impacts. Specifically, project information developed to date indicates that there are not likely to be any significant impacts to transportation systems, land use, energy, air quality, noise, safety, biological resources, surface or ground water resources or cultural resources. Nor is it anticipated that there will be high or disproportionate impacts on minority or low-income populations based upon the review of existing demographic data for the region and site reconnaissance. In fact; it is anticipated that there will be a high positive impact on a low-income population providing needed jobs and stimulating a distraught economy in an economically disadvantaged community. An EA in this instance would be consistent with SEA's review of other construction cases such as the Northern Columbia Basin Railroad Project. Furthermore, PREP acknowledges that the SEA can later require that an EIS be prepared if the EA does not result in a finding that the project will not have significant environmental impacts.

PREP will agree to mitigation activities proposed by Federal agencies.

Based upon the foregoing, PREP respectfully submits that there is adequate justification for a waiver of the Board's requirement of an EIS. In lieu thereof, PREP requests authorization to proceed with the preparation of an EA for the proposed rail project.

If you have questions regarding the above information and our request for a waiver of the 6-month notice, please do not hesitate to call me at (850) 584-5627

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Breer".

Rick Breer; Director
Taylor County Development Authority