



E0-1869

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

March 9, 2012

Karen A. Kochenbach
Chief, Southern Section
Regulatory Branch
Department of the Army
Pittsburgh District, Corps of Engineers
William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Re: Finance Docket No. 35131, Vaughan Railroad Company – Construction and Operation – Monongalia County, West Virginia, Scoping Comments (Mason Dixon Mining Complex)

Dear Ms. Kochenbach:

On behalf of the Surface Transportation Board, the Office of Environmental Analysis (OEA) thanks the U.S. Army Corps of Engineers for granting the Board cooperating agency status for the Environmental Impact Statement (EIS) of the Proposed Wolfpen Knob Coal Mine. We look forward to working with you on the EIS.

We are writing to respond to your January 31, 2012 scoping letter requesting our comments regarding the proposed Wolfpen Knob coal mine and the proposed Mason-Dixon rail line that would be built by Vaughan Railroad Company. The new rail line would be approximately six miles long and would operate four unit coal trains per day (two loaded and two empty trains). The trains would consist of 150-cars operating 300 days per year and would transport approximately 8.5 million tons of coal per year from the new mine to an existing Norfolk Southern Railroad rail line. In Vaughan Railroad's Petition for Exemption (filed on June 3, 2008) seeking the Surface Transportation Board's approval for the new rail line, Vaughan indicates that the new mine would be capable of tripling its production should the market demand for coal increase. Should the mine production increase to these levels, there would also be an increase in rail operations to 12 movements per day (6 loaded and 6 empty trains). Vaughan Railroad indicates that it has not yet determined who would operate the Mason-Dixon rail line, but that Norfolk Southern Railroad would likely play a role in the proposed railroad's operations.

Please find enclosed the Board's scoping comments. These comments are general in nature – not all the issues we have listed below may be relevant to the assessment of the Vaughan Railroad construction and operation. We respectfully request that you consider these comments in preparing the Final Scope of Study for the EIS. We are happy to assist in any way that we are able in the preparation of the EIS. As a cooperating agency working under the Corps' lead, our interest is to ensure that the EIS addresses the potential environmental impacts associated with the construction and operation of the proposed rail line that would be built to serve the coal mine.

General Considerations

The EIS must clearly set forth the purpose and need for the proposed rail line, then based on that purpose and need, a full range of reasonable and feasible routing alternatives must be developed and assessed, including the no-action alternative. The potential adverse environmental impacts and benefits of the proposed rail line and alternatives (including the no-action alternative) must be analyzed comparatively. We have several EISs from past rail line construction proposals that we would be happy to share with you. They may provide some helpful information, useful methodologies, and examples of how we assess the potential environmental consequences of new rail line construction and operation.

Environmental Impact Categories

The EIS should analyze the potential impacts associated with the proposed project on both the human and natural environment, or in the case of the no-action alternative, the lack of these impacts. Impact areas to be addressed should include the following: transportation and safety; land use; energy resources; air quality; noise; biological resources, including threatened and endangered species; water resources, including wetlands and other jurisdictional waters of the U.S.; socioeconomics as it relates to physical changes in the environment; recreation; environmental justice; geology and soils; and cultural/historic resources. The EIS should include a discussion of each of these categories as they currently exist in the project area and should address the potential impacts of each alternative on each category, as outlined below. Some of these impact areas may not be applicable to this proposal, but as more information comes to light, we will have a better idea what areas the EIS should focus on.

1. Transportation and Safety

The EIS should:

- a. Evaluate potential pedestrian and motor vehicle safety concerns at each public and private at-grade road crossing, if any.
- b. Include a "level of service" (LOS)¹ analysis, if appropriate, focusing on average vehicle delay time for all road/rail grade crossings. Evaluate impact of delay on emergency response vehicle times.

¹ Level of Service or "LOS" is a measure of operational efficiency of a roadway vehicle traffic stream that factors in

- c. Include an assessment of any appropriate safety measures that should be erected at each crossing, if any.
- d. Assess the project's operational safety (including the potential for derailments), taking into account the proposed line's proximity to residential structures.
- e. Evaluate the project's consistency with local and regional transportation planning goals.
- f. Assess the potential for increased wildfires as a result of daily rail operations.
- g. Propose mitigation measures to minimize or eliminate potential project-related adverse impacts to transportation and safety, as appropriate.

2. Land Use

The EIS should:

- a. Identify existing land uses that would be potentially impacted by the proposed rail line.
- b. Evaluate potential changes to property values of adjacent property owners that could result from the proposed rail line.
- c. Evaluate the rail line's consistency with local and regional land use planning goals.
- d. Propose mitigation measures to minimize or eliminate potential adverse impacts to land use, as appropriate.

3. Energy Resources

The EIS should:

- a. Describe the potential effects of the proposed rail line on energy resources, recyclable commodities, and overall changes in energy efficiency.
- b. Propose mitigation measures to minimize or eliminate potential adverse impacts to energy resources, as appropriate.

4. Air Quality

The EIS should:

- a. Quantitatively evaluate rail operation air emissions, if the rail line operation would affect a Class I or non-attainment or maintenance area as designated under the Clean Air Act.
- b. Qualitatively evaluate the potential temporary air quality impacts that would result from the proposed rail line construction activities.
- c. Propose mitigation measures to minimize or eliminate potential project-related adverse impacts to air quality, as appropriate.

5. Noise/Vibration

The EIS should:

- a. Quantitatively evaluate potential noise impacts, including the use of any auditory warning devices at public road crossings that would result from the proposed rail operations.
- b. Qualitatively evaluate the temporary noise impact that would result from the proposed rail line construction activities.
- c. Qualitatively evaluate potential vibration impacts to residences and businesses immediately adjacent to the proposed rail line.
- d. Propose mitigation measures to minimize or eliminate potential project-related adverse impacts to sensitive noise receptors, (locations where people may be adversely affected by rail line-related noise), as appropriate.

6. Biological Resources

The EIS should:

- a. Evaluate the existing biological resources within the proposed rail line project area, including vegetative communities, terrestrial and aquatic habitats, and known wildlife species.
- b. Evaluate potential impacts of the proposed rail line on any federal or state threatened and endangered plant or animal species.

- c. Describe the proposed rail line's impact on any wildlife sanctuaries, refuges, national and state parks/forests, or state game lands.
- d. Document all coordination and consultation that has been conducted with federal and state agencies having jurisdiction over biological resources.
- e. Propose mitigation measures to avoid, minimize or compensate for potential adverse impacts to biological resources, as appropriate.

7. Water Resources

The EIS should:

- a. Describe the existing surface water resources that have been identified within the proposed rail line project area, including all jurisdictional wetlands and waterways and their regulatory floodplains.
- b. Evaluate rail line-related impacts to all jurisdictional surface water resources.
- c. Evaluate rail line-related impacts to all groundwater resources and public water supplies.
- d. Document the necessary federal and state water resource/encroachment permitting requirements that would apply to the proposed rail line construction and operation.
- e. Propose mitigation measures to avoid, minimize or compensate for potential adverse impacts to water resources, as appropriate.

8. Socioeconomics

The EIS should:

- a. Summarize the existing local and regional socioeconomic conditions in the proposed rail line project area, including long-term population, housing and employment metrics.
- b. Document the locations of existing community facilities and services that have been identified within the rail line project area.
- c. Evaluate the proposed rail line's potential impact to socioeconomic conditions/community facilities and services within the rail line project area, including a discussion of any issues, such as employment gains and losses that would result from the proposed project.

- d. Propose mitigation measures to avoid, minimize or compensate for potential adverse impacts to regional socioeconomic factors, as appropriate.

9. Recreation

The EIS should:

- a. Identify existing public and private recreational facilities within the rail line project area and evaluate the proposed rail line's impact to these recreational facilities.
- b. Propose mitigation measures to avoid, minimize, or compensate for potential project-related adverse impacts to recreational facilities, as appropriate.

10. Environmental Justice

The EIS should:

- a. Evaluate the potential rail line impacts on local and regional minority and low-income populations.
- b. Propose mitigation measures to minimize or eliminate potential project-related adverse impacts on environmental justice populations, as appropriate.

11. Geology and Soils

The EIS should:

- a. Describe the geologic and soil conditions within the proposed rail line project area, including the status of past and present coal mining operations.
- b. Propose mitigation measures to minimize or eliminate potential project-related adverse impacts to geology and soils, as appropriate.

12. Cultural/Historic Resources

The EIS should:

- a. Document all historic resource eligibility and effect studies that have been conducted pursuant to Section 106 of the National Historic Preservation Act.
- b. Document all coordination and consultation related to this project that has taken place with the state historic preservation officers (WV and PA).

- c. Propose mitigation measures to minimize or eliminate potential project-related adverse impacts to cultural/historic resources, as appropriate.

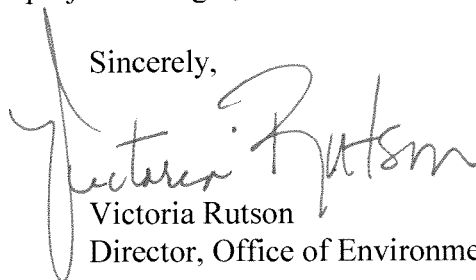
13. Cumulative and Indirect Impacts

The EIS should:

- a. Address any identified potential cumulative impacts of the proposed rail line construction and operation, as appropriate. Cumulative impacts are the impacts on the environment which result from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such actions.
- b. Address any identified potential indirect impacts of the proposed rail line construction and operation, as appropriate. Indirect impacts are impacts that are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.

If you have any questions regarding the attached scoping comments, please do not hesitate to contact me or Kenneth Blodgett, the project manager, at 202-245-0305.

Sincerely,



Victoria Rutson

Director, Office of Environmental Analysis

cc: Martha DoByns, Michael Baker Corporation
Mr. Rob Coit, Vaughan Railroad/Consol Energy