

Northwest Tennessee Regional Port Authority @ Cates Landing (NWTRPA/CL)
Lake County, Tennessee
Tiger Grant Application

Engineering Report - Project Description

Environmental Clearance

The environmental impacts for the dredging of the 9,000 foot harbor and the environmental impacts for the development of the port terminal, port lay down, site access road to the port and the rail access within the Industrial Park and to the port site were studied by the US Army Corps of Engineers in a detailed environmental report. On July 16, 2004 the State of Tennessee issued an ARAP Water Quality Permit for the project followed on August 10th 2004 by TDEC, TWRA and USFWS agreement that there were no environmental impacts that would prevent the project from moving forward to construction. US Fish and Wildlife Coordination Act (FWCA) was signed for the project and the **USACE issued a FONSI** (Finding of No Significant Impacts) and approved the project for construction. The Beefed-Up EA (Environmental Assessment) was completed by the USACE on August 13, 2004 and the project was approved for construction by Mississippi Valley Division Headquarters in Vicksburg, Mississippi. The final approval was given by the USACE Assistant Secretary of Army (ASA) in Washington, D.C. and the project contracts were signed between NW TN Regional Port Authority and USACE. This project has obtained all the environmental approvals necessary to move immediately into construction with the exception of a section of the lead track connecting the short line railroad to the Industrial Park (approximately 2.0 miles) which will need environmental approval. A preliminary review was conducted by EnSafe of Memphis, Tennessee for this rail segment and based upon their knowledge of the area and review of the proposed rail layout, they do not anticipate that ARAP permitting or wetlands will significantly impact rail spur routing, construction or operation. A copy of the preliminary opinion from EnSafe Inc. regarding the environmental impacts on this Rail Spur Connector link is attached under Tab 2C dated July 15, 2009. With the exception named, this project is already environmentally approved and permitted, and is **more than "Shovel Ready"**.



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July 15, 2009

Jimmy Williamson, Chairman
Northwest Tennessee Regional Port Authority
P.O. Box 664
Dyersburg, TN 38024

Subject: Northwest Tennessee Regional Port Authority – Rail Spur Construction
Preliminary Opinion Regarding Environmental/Permitting Issues

Mr. Williamson:

Per our discussions with The Lannom Firm and Forcum Lannom Contractors, LLC, on June 11, 2009, EnSafe Inc. is pleased to provide this preliminary opinion regarding environmental/permitting issues for the Northwest Tennessee Regional Port Authority (Authority) – Rail Spur Construction Project. To prepare this opinion, we have reviewed sections of the *Northwest Tennessee Regional Harbor, Finding of No Significant Impact and Environmental Assessment*, US Army Corps of Engineers (USACOE), Memphis District, 2004, and preliminary maps provided by Forcum Lannom Contractors.

Environmental Assessment

The proposed rail spur extends south through agricultural properties approximately 2.7 miles from New Markham County Road and the Authority's Port of Cates Landing to the TennKen railway that parallels Tennessee Highway 78 (TN 78). The rail-spur right-of-way will require acquisition of approximately 70 acres. The proposed routing follows the west side of a ditch which provides drainage for the surrounding agricultural fields prior to discharge to Old Graveyard Slough. Approximately 2.2 miles south of the harbor site, the rail spur crosses the ditch and turns east toward the TennKen railway. The rail spur will join the TennKen approximately 3000 feet west of Reelfoot Lake.

EnSafe's preliminary review of the proposed rail spur indicates that the impacted properties are agricultural and likely have limited habitat value. Bald eagles and interior least terns are both endangered species within Lake County; however, their preferred habitat includes riparian areas and sandbars, respectively. The Biological Assessment did not identify bald eagle nests within the immediate vicinity of the proposed harbor. As construction will be limited to agricultural areas, the proposed rail spur will not impact bald eagle or interior least tern habitat. The proposed rail-spur will not impact pallid sturgeon habitat.

The Habitat Impact analysis performed during the EA indicates the first two miles of the proposed rail spur traverses cropland. Farm wetlands were identified east and west of the proposed rail spur, but none appear to be impacted by the proposed routing.

The Environmental Assessment for the Cates Landing site indicated that database searches and inquiries to the Tennessee Department of Environment and Conservation (TDEC) did not identify any active or inactive hazardous waste sites within search radii. Two illegal landfills were identified on properties north of the harbor site and the proposed rail spur; the landfills were reported to TDEC. Any potential hazardous constituents along the proposed rail spur routing are anticipated to be limited to agricultural chemicals used in routine crop applications.

EnSafe does not anticipate that any environmental findings will significantly impact the proposed rail spur routing, construction, or operation.

Historical Report

An archeological/cultural resources assessment was performed by the USACE as part of the port/industrial area EA. The assessment identified resources within 5 kilometers (km) of the port/industrial area, including the town of Cronanville. Prehistoric sites are not anticipated, given the site's location within the Mississippi River meander belt. The Historical Report will comprise a "table-top" review of potential cultural resources southeast of the port/industrial area in the immediate vicinity of the rail spur routing.

EnSafe does not anticipate that archeological/cultural resources will significantly impact the rail spur routing, construction, or operation.

Aquatic Resource Alteration Permit

The proposed rail spur appears to cross multiple intermittent blue-line streams and parallels a major drainage channel for the surrounding agricultural properties; both bodies flow to the west, to Old Graveyard Slough. Proposed construction activities will likely require:

- Construction of one large culvert (5 feet high by 16 feet wide) across the primary drainage channel.
- Installation of three segments of drain pipe to allow TDEC-regulated water-bodies to connect to the drainage channel.
- Installation of five segments of drain pipe to connect wet-weather conveyances along property lines and roadways to the primary drainage channel.

EnSafe assumes all of these crossings can be managed under a single general Aquatic Resource Alteration Permit (ARAP).

A site visit with both TDEC and the USACE will be required to verify jurisdiction and the presence/absence of any wetlands; a preliminary review suggests no impacts to wetlands will occur and no mitigation will be required.

EnSafe does not anticipate that ARAP permitting or wetlands will significantly impact rail spur routing, construction, or operation.

Assumptions

EnSafe has assumed that, given the proposed route of the rail spur and the agricultural use of acquisition targets, the environmental assessment will be limited in scope and not require a National Environmental Policy Act-compliant Environmental Impact Statement (EIS).

If you have any questions regarding this proposal, or the work required to complete the Surface Transportation Board EA process, please do not hesitate to contact me at (901) 372-7962.

Respectfully Submitted,

EnSafe Inc.



By: Phillip G. Coop
President

Copies: Randall Rhodes, Forcum Lannom Contractors
Hal J. Boyd, The Lannom Firm