EO - 401

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

August 18, 2005

Mr. Tim Hall
U.S. Fish and Wildlife Service
176 Croghan Spur Road
Suite 200
Charleston, South Carolina 29407

Re: STB Finance Docket No. 34421, HolRail LLC -- Construction and Operation Exemption -- in Orangeburg and Dorchester Counties, South Carolina -- Request for FWS Review and Concurrence of Biological Assessment

Dear Mr. Hall:

On November 13, 2003, HolRail LLC (HolRail) filed a petition with the Surface Transportation Board (the Board or STB) pursuant to 49 USC 10502 for authority to construct and operate a rail line in Orangeburg and Dorchester counties, South Carolina. The proposed project would involve the construction and operation of approximately two miles of new rail line from an existing cement production factory owned by HolRail's parent company, Holcim (US) Inc., located near Holly Hill in Orangeburg County, to the terminus of an existing rail line of the Norfolk Southern Railway Company, located to the south near Giant in Dorchester County.

Scoping Background

In April 2005 we submitted a request to your office, and other Federal, state and local agencies, for information on the resources under each agency's jurisdiction that could be affected by the proposed project, as well as the identification of any permits and approvals that may be required. Based on agency responses to this request and ongoing data collection and preliminary analysis efforts, the Board's Section of Environmental Analysis (SEA) has determined that the preparation of an Environmental Impact Statement (EIS) is appropriate to evaluate HolRail's proposal. In a July 29, 2005 letter, we provided you with copies of SEA's Notice of Intent and draft Scope of Study for the EIS that were published in the *Federal Register* that same day. SEA had requested that comments on the draft Scope of Study be postmarked by August 31, 2005. If SEA expands the assessment of threatened and endangered species in the Scope of Study in response to comments, we will contact you and ensure that you are formally involved in any consultation, identification, assessment, and mitigation effort regarding the expanded scope.

Biological Assessment

Parsons Transportation Group (PTG) is serving as SEA's independent third-party consultant in this proceeding, and will assist SEA in the preparation of the EIS. To facilitate compliance with Section 7(c) of the Endangered Species Act, PTG has recently completed a Biological Assessment that addresses the potential impacts of Holrail's proposed project to Federally listed threatened and endangered species. The assessment was based on a list of species provided by personnel of the U.S. Fish and Wildlife Service - Southeast Region Ecological Services office in Charleston, as well as appropriate database reviews, literature searches, and field surveys. SEA is requesting your concurrence with the findings of this assessment.

If you have any questions on the contents of the Biological Assessment, please contact William Kerr of PTG at 202-775-3394. Also, please feel free to contact Dave Navecky, SEA Project Manager, at 202-565-1593. Please submit your written comments or concurrence to:

Surface Transportation Board
Case Control Unit
ATTN: Dave Navecky
1925 K Street, NW
Washington, DC 20423-0001

Thank you for your time and cooperation in this matter.

Sincerely,

Victoria Rutson
Chief
Section of Environmental Analysis

Enclosure
Biological Assessment (2 copies)

Biological Assessment
August 2005

HolRail LLC - Construction and Operation Exemption

Rail Line in Orangeburg and Dorchester Counties, South Carolina

STB Finance Docket No. 34421

Information Contact:

Victoria Rutson, Chief
Section of Environmental Analysis

David Navecky
Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
1925 K Street NW, Suite 500
Washington, DC 20423
(202) 565-1593

1.0 Introduction

HolRail LLC (HolRail) has filed a petition with the Surface Transportation Board for authority to construct and operate a rail line in Orangeburg and Dorchester counties, South Carolina (SC). The proposed project would involve the construction and operation of approximately two miles of new rail line from the existing cement production factory owned by HolRail's parent company, Holcim (US) Inc. (Holcim), located near Holly Hill in Orangeburg County, to the terminus of an existing rail line of the Norfolk Southern Railway Company (NSR), located to the south near Giant in Dorchester County. The proposed project would provide alternative rail access to the Holcim facility, which is currently only served by CSX. The existing CSX line begins at the terminus of the NSR rail line at Giant, SC (also referred to as the CSX Giant Station). See Figure 1 for the project location.

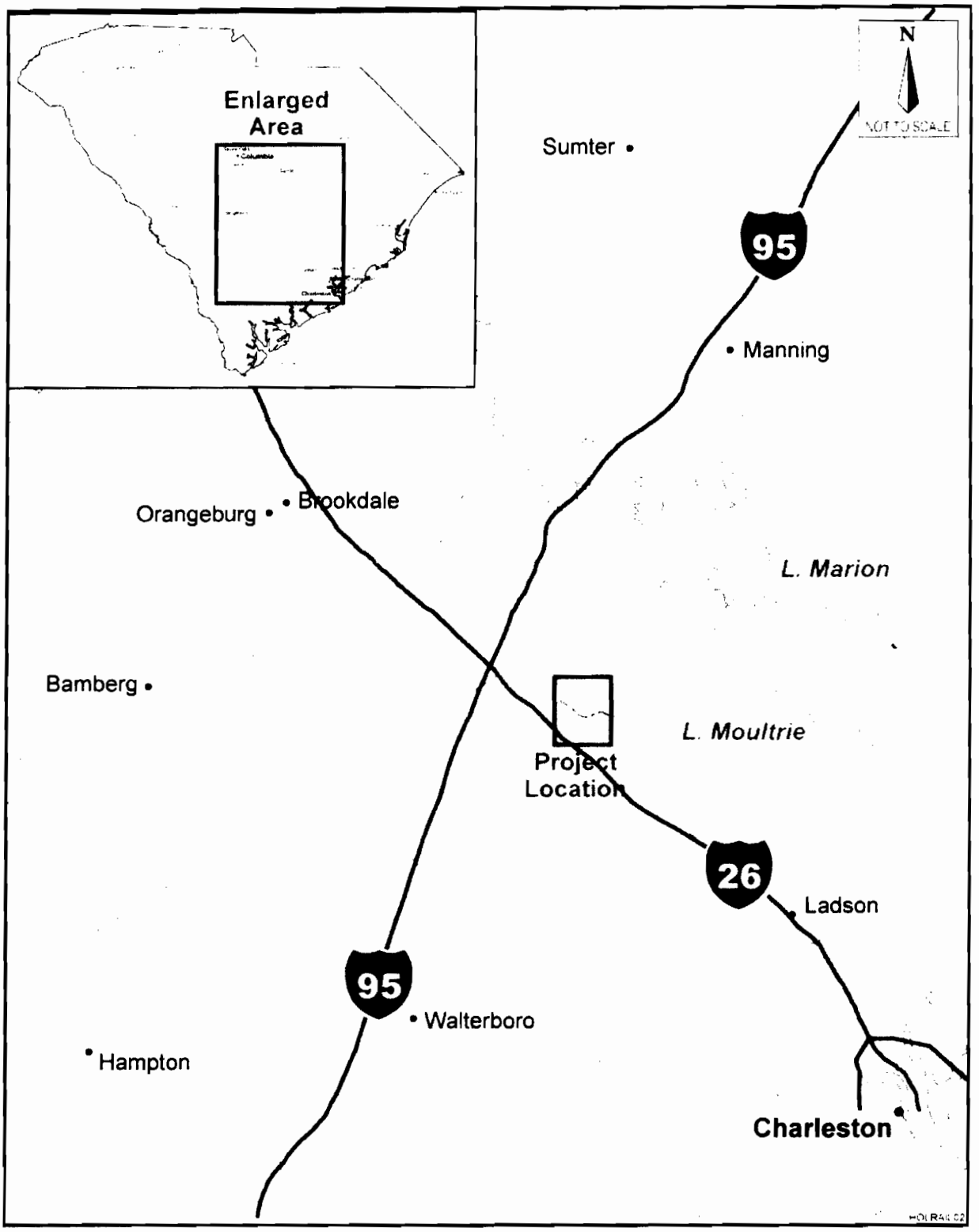
The HolRail study corridor is located approximately 0.85 mile north of I-26 exit 177. The study corridor is 200-foot-wide extending from the CSX Giant Station, which is located adjacent to the west side of the Giant Cement plant between Four Hole Swamp and I-95, to the Holcim plant (see Figure 2). The study corridor is located immediately east of the existing CSX rail line on the east side of SR 453.

As per requirements detailed in Section 7(c) of the Endangered Species Act of 1973, as amended, current documentation of the Federally listed endangered, threatened, and candidate species, and information concerning designated critical habitats that could potentially occur within Dorchester and Orangeburg counties was obtained from the U.S. Fish and Wildlife Service (USFWS). Personnel in the USFWS Southeast Region Ecological Services' office in Charleston, South Carolina provided the list of species, which is dated November 9, 2004. The Federally listed species known to occur in Dorchester and Orangeburg counties are presented in Table 1.

Table 1
FEDERALLY LISTED THREATENED, ENDANGERED, AND CANDIDATE SPECIES
Dorchester and Orangeburg Counties, South Carolina

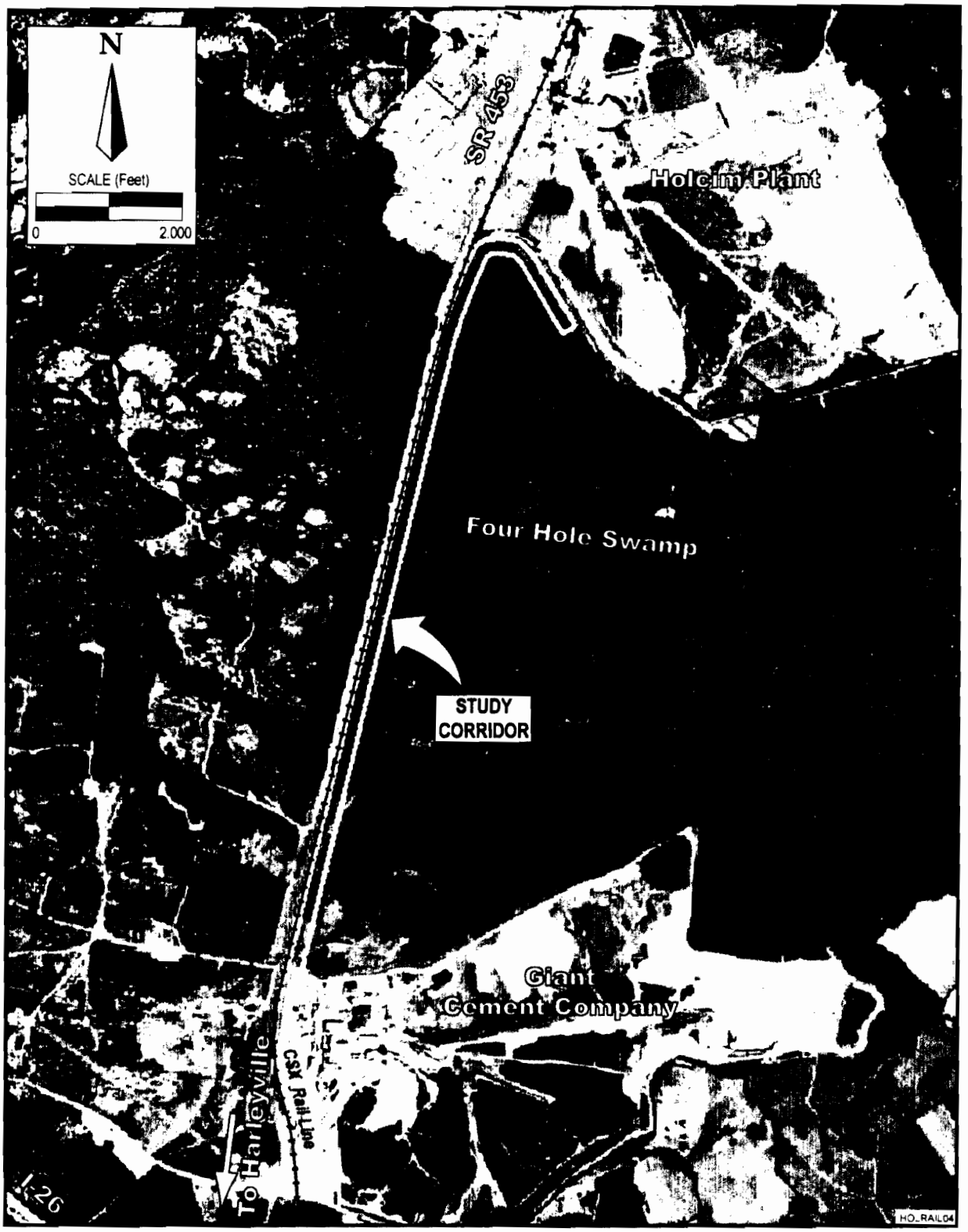
Common Name	Scientific Name	Status
Bald eagle	*Haliaeetus leucocephalus*	Threatened
Red-cockaded woodpecker	*Picoides borealis*	Endangered
Wood stork	*Mycteria americana*	Endangered
Flatwoods salamander	*Ambystoma cingulatum*	Threatened
Shortnose sturgeon	*Acipenser brevirostrum*	Endangered
Canby's dropwort	*Oxypolis canbyi*	Endangered
Bog asphodel	*Narthecium americanum*	Candidate
Pondberry	*Lindera melissifolia*	Endangered

Source: USFWS November 9, 2004



HolRail LLC - Construction and Operation
STB Finance Docket No. 34421

PROJECT AREA
Figure 1



HolRail LLC -
Construction and Operation
STB Finance Docket No. 34421

STUDY AREA
Figure 2

2.0 Methods

The South Carolina Department of Natural Resources (SCDNR), Heritage Trust Program's online Rare, Threatened, & Endangered Species Inventory database was accessed in order to obtain pertinent species occurrence information. The database maintains mapping that documents known occurrences of rare, threatened, and endangered species for the entire state. According to the database, there are no known occurrences of Federally protected species or state-listed threatened or endangered species within or adjacent to the study corridor.

A literature search was performed for the Federally listed species to determine habitat requirements and to find descriptions of the species that would facilitate identification during the field survey. Important sources of reference information included natural resource agency data and published reports, the *Federal Register*, and available USFWS Recovery Plans.

A field survey for threatened and endangered species was conducted within the project study corridor on February 25, 2005. Photographs taken in the study area during the field survey are attached at the end of this report.

Vegetative communities that were identified within the study corridor included disturbed upland secondary successional communities, bottomland hardwood forest, wooded swamp, deciduous scrub-shrub wetlands, and upland mixed pine/hardwood forest (refer to Photos 1 through 4).

Disturbed upland secondary successional communities were found at both the north and south ends of the study corridor and, to a lesser extent, along the upland portion of the shoulder adjacent to the existing railway. At the north end of the study corridor and along the existing railway, species present within these secondary successional areas included dog fennel (*Eupatorium capillifolium*), goldenrod (*Solidago* spp.), blackberry (*Rubus* spp.), broomsedge (*Andropogon virginicus*), plume grass (*Erianthus giganteus*), giant cane (*Arundinaria gigantea*), seedling red maple (*Acer rubrum*), loblolly pine (*Pinus taeda*), and sweetgum (*Liquidambar styraciflua*).

Grasses and forbs with occasional immature trees and shrubs dominated the upland secondary successional community found at the southern end of the corridor. Species found in this area consisted of broomsedge, Chickasaw plum (*Prunus angustifolia*), goldenrod, *Panicum* sp., and plume grass. Scattered immature loblolly pines, sweetgums, black gums (*Nyssa sylvatica*), and groundsel trees (*Baccharis halimifolia*) were also present.

Areas of bottomland hardwood forest are interspersed with areas of wooded swamp along the length of the corridor as it crosses the Four Hole Swamp wetland system. Species present within the bottomland hardwood community include loblolly pine, sweetgum, swamp cottonwood (*Populous heterophylla*), supplejack (*Berchemia scandens*), willow oak (*Quercus phellos*), muscadine grape (*Vitis rotundifolia*), American elm (*Ulmus americana*), red bay (*Persea borbonia*), muscle tree (*Carpinus caroliniana*), dwarf palmetto (*Sabal minor*), red maple, water oak (*Quercus nigra*), lance leaf greenbrier (*Smilax smallii*), giant cane, buckeye (*Aesculus pavia*), and laurel oak (*Quercus laurifolia*).

Photo 1 – Looking east toward an inundated slough located near the middle portion of the project corridor.

Photo 2 – Looking east toward an area of bottomland hardwood wetland located in the northern half of the project corridor.

Photo 3 – Looking south along the existing railway and adjacent cleared uplands at the northern end of the project corridor.

Photo 4 – Looking east toward an area of bottomland hardwood wetlands in the southern half of the project corridor.

Wooded swamp communities within the study corridor occupy areas that are subject to prolonged periods of inundation; therefore, this vegetative community tends to contain more water-tolerant species. Species that were found within the wooded swamp communities in the study area included bald cypress (*Taxodium distichum*), swamp black gum (*Nyssa sylvatica* var. *biflora*), red bay, Virginia chain fern (*Woodwardia virginica*), laurel leaf greenbrier (*Smilax laurifolia*), red maple, marsh fleabane (*Pluchea* sp.), duckweed (family Lemnaceae), and water tupelo (*Nyssa aquatica*).

Deciduous shrub-scrub communities were chiefly found at the southern end of the study corridor within areas that appeared to be previously disturbed naturalized borrow areas located immediately adjacent to the existing rail line. Species present in these areas included wax myrtle (*Myrica cerifera*), groundsel tree, buttonbush (*Cephalanthus occidentalis*), red bay, plume grass, supplejack, and immature red maple, black willow (*Salix nigra*), sweetgum, and tulip poplar (*Liriodendron tulipifera*).

An upland mixed pine/hardwood forest community was found at the southern end of the study corridor, on the east side of an existing dirt road that passes through this portion of the study corridor. This community contains species such as loblolly pine, sweetgum, water oak, dwarf palmetto, black cherry (*Prunus serotina*), greenbrier (*Smilax* sp.), muscadine grape, and sycamore (*Platanus occidentalis*).

3.0 Species Descriptions and Results

Following are descriptions of each of the Federally listed species for Dorchester and Orangeburg counties and the findings of the field survey performed on February 25, 2005.

Bald Eagle *(Haliaeetus leucocephalus)*

The bald eagle is a large bird of prey with a dark brown body and conspicuous white coloration on the head, neck, and tail. Its wingspan may reach up to seven feet, and it can weigh as much seven pounds as an adult.

The bald eagle is typically associated with coasts, rivers, and lakes. Usually, bald eagles nest in dominant or codominant trees near the bodies of water where they feed.[1] The range of the bald eagle includes all of North America except extreme northern Alaska and Canada, and central and southern Mexico.

There are no bald eagles documented to occur in the vicinity of the study corridor according to the SCDNR database. The nearest documented occurrences of this species are approximately 5.8 miles south of the study corridor. Marginally suitable open foraging habitat for the bald eagle does occur along the west side of SR 453, west of the study corridor. Therefore, due to the proximity of this marginally suitable foraging habitat, the forested area within the study corridor may be suitable nesting habitat for the bald eagle. However, no bald eagle nests or bald eagles were observed during the field survey of the study corridor. Based on the results of the survey and the fact that there are no documented occurrences of this species in the study corridor, it is anticipated that there would be no effect to the bald eagle as a result of the proposed project.

Red-cockaded Woodpecker *(Picoides borealis)*

[1] USFWS, *The Red Book*. 1996.

The red-cockaded woodpecker is a small woodpecker with a wingspan that reaches 15 inches. The plumage of the red-cockaded includes black and white horizontal stripes on its back, white cheeks and breast, black-streaked flanks, and a black cap and throat. Males have small red spots or "cockades" on each side of the cap.[2]

Preferred nesting habitat of the red-cockaded woodpecker is old-growth pine forests (stems ≥ 60 years old) that are relatively free of hardwood undergrowth. Suitable foraging habitat includes pine and pine hardwood stands with pine stems ≥ 30 years of age. The range of the red-cockaded woodpecker mirrors that of southern pine forests that it inhabits. Historically, it was found from eastern Texas to Florida and north to New Jersey. Threats to this species include loss of old-growth longleaf pine habitat, fire suppression that allows the growth of a dense hardwood and vine understory in areas that would otherwise be suitable for nesting habitat, and timber management practices that result in harvesting of pines before they reach a size that is suitable for establishment of red-cockaded woodpecker nest colonies.[3]

Based on the SCDNR database records, the red-cockaded woodpecker is not documented to occur in the vicinity of the study corridor. The nearest documented occurrences of this species are approximately 4.8 miles south of the study corridor. None of the forested areas within the study corridor contain suitable habitat for this species. The pines in the mixed pine-hardwood forest at the southern end of the study corridor are too young to be suitable as nest cavity trees, and the dense undergrowth and the tight spacing of the trees also make it unsuitable as either foraging or nesting habitat. No red-cockaded woodpeckers or red-cockaded woodpecker nest cavity trees were observed during the field survey. It is anticipated that there would be no effect to the red-cockaded woodpecker as a result of the proposed project.

Wood Stork *(Mycteria americana)*

The wood stork is a large wading bird that reaches 50 inches in height and has a wingspan of up to 65 inches. The wood stork's plumage is white except for the black feathers on its tail, primary feathers, and the trailing edge of its wings. Its head and neck are featherless, and its long bill is black in color.[4]

Wood storks feed in fresh and brackish water wetland areas such as marshes and tidal creeks and pools that typically range from six to ten inches deep. Nesting occurs in cypress swamps, mangrove swamps, and other forested swamps. The range of the wood stork includes the southeastern United States and extends southward to Argentina. Breeding colonies in the United States are limited to Florida, Georgia, and South Carolina.

Based on the SCDNR database records, this species is not documented to occur in the vicinity of the study corridor. The nearest documented occurrence of the wood stork, according to the database, is over 34 miles south of the study corridor in Colleton County.
Suitable wood stork nesting habitat does exist in Four Hole Swamp, and the open freshwater marsh area immediately west of SR 453 may provide marginally suitable foraging habitat for this species. However, the area has not been previously documented as a wood stork nesting or foraging area, and the area would not be impacted as a result of the proposed project.

---

[2] USFWS, *The Red Book*. 1993.
[3] Henry, Gary V., *Guidelines for Preparation of Biological Assessments and Evaluations for the Red-Cockaded Woodpecker*. USFWS Southeast Region. 1989.
[4] USFWS, *The Red Book*. 1996.

The website for the Audubon Society's Beidler Forest, which includes holdings located approximately 3 miles east of the study corridor and immediately west of SR 453, reports that wood storks have been sighted within the area of the forest. Based on personal communication with Beidler Forest personnel (May 10, 2005), there are areas within Four Hole Swamp that are "pretty heavily foraged" by wood storks, but there are no known nesting colonies within Four Hole Swamp. This species was not observed during the field survey. Based on the results of the survey, the fact that the suitable foraging habitat west of SR 453 would not be impacted by the proposed project, and the fact that there are no documented occurrences of this species in the study corridor, it is anticipated that there would be no effect to the wood stork as a result of the proposed project.

Flatwoods Salamander *(Ambystoma cingulatum)*

The flatwoods salamander is a slender small-headed mole salamander that reaches approximately five inches in length as an adult. The coloration on the upper (dorsal) portion of its body ranges from black to chocolate black with a netlike pattern of gray lines. The underside (ventrum) is typically gray to black with pearly gray spots.[5]

Preferred habitat for the flatwoods salamander consists of open, fire-maintained longleaf (*Pinus palustris*) and slash pine (*Pinus elliottii*) flatwoods with moist soils and abundant herbaceous vegetation with wiregrasses (*Aristida* sp.) often being a major component. The habitat must also have nearby (within one mile) breeding sites, which typically are isolated pond cypress (*Taxodium ascendens*), swamp blackgum, or slash pine dominated depressions with an open canopy to allow growth of herbaceous vegetation. Breeding sites also usually lack areas of open water that are of sufficient size to support populations of larger predatory fishes.[6]

The flatwoods salamander is not documented to occur in the vicinity of the study corridor according to the SCDNR database. No suitable habitat for this species occurs in the study corridor. The nearest documented occurrence of this species in the SCDNR database is over 38 miles southeast of the study corridor in Berkeley County. The flatwoods salamander was not observed during the field survey. It is anticipated that there would be no effect to the flatwoods salamander as a result of the proposed project.

Shortnose Sturgeon *(Acipenser brevirostrum)*

The shortnose sturgeon is a fish species that reaches a maximum length of approximately four feet and may weigh as much as 14 pounds. It has a lifespan that reaches up to 60 years or more. The forked tail of the shortnose sturgeon is larger on the upper lobe than the lower lobe. It has five rows of boney plates called scutes that run the length of its body. One row of scutes is located on each side and along its back, and two rows of scutes are located along its belly. The shortnose sturgeon varies in color from olive gray to yellowish brown on its sides. Darker coloration is found along the midline of its dorsum and the top of the head, and the underside is typically pale in color. The shortnose sturgeon possesses a short, blunt snout. Its mouth protrudes from the underside of the snout enabling it to forage along the substrate for prey items such as mussels and crustaceans.

---

[5] "Endangered and Threatened Wildlife and Plants, Final Rule to List the Flatwoods Salamander as a Threatened Species." Federal Register Vol. 64 (1 April 1999).

[6] Ibid.

The shortnose sturgeon is found in riverine, estuarine, and occasionally nearshore marine environments of eastern North America and the Atlantic Ocean. This species is anadromous, which means that it spends portions of its life cycle in freshwater environments, but also is known to utilize saline environments. For the shortnose sturgeon, spawning and larval stages of the life cycle typically occur within freshwater areas that are above the zone of tidal influence.[7] Juvenile and adult shortnose sturgeon in areas of the southeastern United States spend the majority of the time foraging near the freshwater/saltwater interface in riverine and estuarine environments.[8] Threats include pollution, incidental take by commercial fisheries, impingement at hydroelectric and nuclear power intakes, poaching, and alteration of habitat due to damming of rivers.[9]

Based on the Heritage Trust database, the shortnose sturgeon has not been documented to occur within the study corridor. Because the portion of Four Hole Swamp that is located within the study area does not have a continuous, flowing channel, there is no suitable habitat for this species within the study corridor. The nearest documented occurrence of this species is over 20 miles east-southeast of the study corridor in Berkeley County. It is anticipated that there would be no effect to the shortnose sturgeon as a result of the proposed project.

Canby's Dropwort *(Oxypolis canbyi)*

Canby's dropwort is a perennial herbaceous plant that grows up to 3.9 feet tall. Canby's dropwort has a slender stem that is purplish at the base and green above the base. The stem may branch above the mid-stem. Its leaves are long, slender, and quill-like. Flowers of Canby's dropwort are small (~0.1 inches across), with white petals and inflorescences that are arranged as compound umbels.[10]

This species favors the high water table, open canopy, and medium- to highly-organic soils found in cypress-pine ponds, sloughs, drainage ditches, wet meadows, and wet pine savannahs. Based on information in the Recovery Plan, Canby's dropwort typically does not occur in areas with water levels that fluctuate over a broad range and it flourishes most in areas with an open canopy.

Canby's dropwort is not documented to occur in the vicinity of the study corridor based on the SCDNR database records. The nearest documented occurrence of Canby's dropwort is located over 15 miles east of the study corridor in Berkeley County. Because a closed canopy characterizes the majority of the study area and because the area does experience fluctuating water levels, it is not well-suited habitat for this species. No suitable habitat for Canby's dropwort was observed in the study corridor. It is anticipated that there would be no effect to this species as a result of the proposed project.

Bog Asphodel

Bog asphodel is a perennial herbaceous plant with a simple erect stem that reaches approximately 20 inches in height and with linear basal leaves that are up to 10 inches long.

---

[7] National Marine Fisheries Service. 1998. *Recovery Plan for the Shortnose Sturgeon (Acipenser brevirostrum)*. Prepared by the Shortnose Sturgeon Recovery Team for the National Marine Fisheries Service.

[8] National Marine Fisheries Service. 1998.

[9] National Marine Fisheries Service. 1998.

[10] Murdock, Nora and Rayner, Douglas. *Recovery Plan for Canby's Dropwort*. Asheville Field Office, USFWS, 1990.

Bog asphodel's yellow flowers appear in June and July and are arranged as a raceme on short stalks (pedicels) along the upper three inches of the stem.

This species is found in wet savannahs, on quaking bog mats in spring seeps, and in broad sandy bogs along streams. This species requires a saturated substrate with moving water in the subsurface. Bog asphodel is not tolerant of flooding or drying out of the substrate. Populations are often found along edges or within clearings in Atlantic white cedar (*Chamaecyparis thyoides*) swamps.[11]

Although the USFWS list reports this species as being known to occur in Dorchester County, the current USFWS Species Assessment and Listing Priority Assignment Form for this species asserts that the only state where this species currently exists is New Jersey. The USFWS list does not specify whether the known occurrences are extant or historic occurrences. However, numerous sources report that this species is thought to be extirpated from South Carolina.[12] None of the wetlands within the study area match the preferred habitat types for bog asphodel as described in the literature and this species was not found during the field survey of the study corridor. It is anticipated that there would be no effect to bog asphodel as a result of the proposed project.

Pondberry *(Lindera melissifolia)*

Pondberry is a deciduous shrub with an alternate, drooping leaf arrangement that reaches up to six feet in height. Pondberry is aromatic: its leaves have a fragrance very similar to sassafras when crushed. In March, before leaf out, it bears small yellow flowers that are arranged in clusters along the branches. Fruits mature in late summer to early fall and are bright red in color.

Pondberry is known to occur in bottomland hardwood wetlands and along the edges of sinks, ponds, and wetland depressions. Pondberry prefers shaded areas but is sometimes found in areas of full sun.

The USFWS lists this species as known to occur in Dorchester County, but according to the Heritage Trust database, the nearest documented occurrences within South Carolina are located over 40 miles from the study corridor in Berkeley County. The USFWS list does not specify whether the known occurrences are extant or historic occurrences. Potentially suitable pondberry habitat was identified in the forested wetland areas within the study corridor (refer to Photo 2), but no pondberry was observed during the field survey. Based on the results of the survey and the fact that there are no documented occurrences of this species in the study corridor, it is anticipated that there would be no effect to pondberry as a result of the proposed project.

4.0 Conclusions

None of the listed species was found within the study area during the field survey. Based on the results of the biological assessment described above, it appears that the proposed action would not effect the bald eagle, red-cockaded woodpecker, wood stork, flatwoods salamander, shortnose sturgeon, Canby's dropwort, bog asphodel, or pondberry. If at any time during the

[11] Schuyler, Alfred E. *Element Stewardship Abstract for Narthecium Americanum.* New Jersey Department of Environmental Protection and Energy, Division of Parks and Forestry, Office of Natural Lands Management, 1990.

[12] USFWS. Candidate and Listing Priority Assignment Form for *Narthecium americanum.* 2001.

development of this project, additional information were discovered that would require a modification of this assessment, Section 7 Consultation would be initiated. The concurrence of the USFWS with the findings of this assessment is requested.