



Regulatory Fact Sheet South Coast Rail Proposal

U.S. ARMY CORPS OF ENGINEERS

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Frequently Asked Questions (FAQs)

What is the South Coast Rail proposal?

The Massachusetts Department of Transportation (Mass DOT) is proposing a new commuter service between Boston and the cities of New Bedford and Fall River to connect these communities to the Greater Boston economic region.

What is an EIS?

EIS stands for Environmental Impact Statement. It is an in-depth environmental review and must address all aspects of direct, indirect and cumulative impacts on any major action that impacts waters of the United States. Factors relevant to the proposal will be considered prior to the Corps making a permit decision. Those factors include, but are not limited to: conservation, economics, aesthetics, the environment, fish and wildlife values, navigation, recreation, water supply, food production, and in general, the needs and welfare of the American people. The Corps held scoping meetings in late 2008 and those issues raised by the public, groups and agencies are being addressed in the EIS. Those issues include such things as transportation, land use, socioeconomic, environmental justice, visual, noise, vibration, cultural, air quality, open space, farmland, geology, biodiversity, threatened and endangered species, wetlands, water resources, coastal zone, and other issues.

Why does this proposal require an Environmental Impact Statement (EIS)?

The National Environmental Policy Act (NEPA) establishes the requirement that all federal agencies' permitting decisions be made with full consideration of the impact to the natural and human environment. NEPA requires agencies to disclose these impacts to interested parties and the general public. The central element in the environmental review process is a rigorous evaluation of alternatives including the "no action" alternative. This can be accomplished through an Environmental Assessment or a more rigorous Environmental Impact Statement (EIS). Because the South Coast Rail proposal may have a significant impact, a Federal EIS was required.

What is an EIR?

EIR Stands for Environmental Impact Report. It is similar to an EIS, but is a Commonwealth of Massachusetts requirement. It includes most of the information that would be contained in an EIS, plus some additional requirements pursuant to the Massachusetts Environmental Policy Act. Federal Regulations encourage the use of joint processes in the preparation of these very similar documents. In order to comply with MEPA, applicants may prepare their own EIR or they may adopt the Federal EIS as the EIR. The Commonwealth of Massachusetts and the Corps in this instance have agreed to work cooperatively to prepare a single joint EIS/EIR.

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Why is the Corps of Engineers involved with a state rail project?

The Corps is conducting an environmental review as part of its jurisdiction under Section 404 of the Clean Water Act and the requirements of the National Environmental Policy Act. As the project is not funded by a federal agency, the Corps is the Lead Federal Agency for purposes of the NEPA review. The Corps is reviewing an application by Mass DOT for a permit for work and/or the proposed placement of fill material into wetlands and waterways in accordance with Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

How many acres of wetlands will be impacted?

The proposed build alternatives range in wetland/waterway impacts from approximately 11.5 acres to 21.5 acres.

What other agencies are involved with the review?

The Corps of Engineers is coordinating its environmental review with its cooperating agency partners, including the U.S. Environmental Protection Agency, the Federal Transit Administration, the Federal Railroad Administration, the Federal Highway Administration and others. In addition the Corps periodically coordinates with MEPA to ensure that the joint EIS/EIR will meet their requirements.

Is the Corps going to meet the March 2013 deadline set by the state?

The Corps of Engineers is working with the Commonwealth of Massachusetts and other agencies involved to complete the Final Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR) in a timely manner. The March date was a mark on the wall – a goal put forth by some officials – to aim for. It was an optimistic goal from the start. The Corps of Engineers has accelerated its processes, but is still dependent on other agencies completing their work in a timely manner before it can complete the Final EIS/EIR. It's an ongoing and inherently unpredictable process and despite an expedited process, numerous criteria have to be met in order to fully complete the requirements of the Final EIS. MassDOT has been working diligently to complete the necessary technical reports in a timely manner; however, since some reports took slightly longer than expected to complete the March goal is not realistic. The Corps will continue to expedite the process as best it can.

What is the current status of the Corps environmental review?

The Corps of Engineers is continuing to receive data from MassDOT and is working to complete the Final Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR).

Didn't the Corps of Engineers agree to a March 2013 deadline?

Various officials have indicated that March 2013 was a goal. The Corps of Engineers agreed to accelerate its processes in an attempt to complete the Final EIS/EIR in a more expedited manner. The Corps of Engineers progress in completing the Final EIS/EIR is based on receiving all the required information, complete technical reports and studies in a timely manner from the Commonwealth and coordinating that information with the cooperating agencies. Once the Corps has all the technical reports, studies and other required information from the Commonwealth, then the Corps can finish completing the Final EIS/EIR. The Corps will continue to expedite the process as best it can.



Why is the EIS/EIR taking so long to complete?

The Corps of Engineers is working with the Commonwealth of Massachusetts and the other Federal, state and local agencies, and the public and concerned community groups, to complete a thorough and robust environmental review of the South Coast Rail proposal. There is a lot of information – technical reports, studies, response to public and agency comments – to accumulate and evaluate in this thorough environmental review. Additionally, the Corps is coordinating the review of this information with the cooperating federal agencies so that we may consider their views as we complete the Final EIS/EIR. For example, if these views raise certain questions that we believe need to be more thoroughly addressed, the Corps of Engineers may have to go back to Mass DOT for additional information or analysis.

When will the EIS/EIR be completed?

The Corps can't speculate on when the EIS/EIR will be completed, since progress is dependent on the review and comment by other federal and state agencies. Mass DOT is asking for the Final EIS/EIR to be completed in the spring of 2013, assuming all data and/or comments are provided to the Corps within a timeframe to make this possible. The Corps is working to complete the EIS/EIR in a timely manner and has expedited its review processes. However, the March goal for a complete Final EIS/EIR is unrealistic at this point. The Corps will continue to expedite the process as best it can.

Will you hold public hearings when the Final EIS/EIR is released?

The Corps held several public scoping meetings at the start of the process and several public hearings after the Draft EIS/EIR was published. At this point, we believe all the issues and concerns have been identified. Once the Final EIS/EIR is available for review there is a minimum 30-day period before the Corps can release its Record of Decision. The Corps' EIS process does not provide for further public hearings after the FEIS is released, as it is a final document. However, it is our understanding that the MEPA process does require additional hearings to be held on the FEIR. We therefore expect that the MEPA office will be holding hearings as part of that process on the joint document even though we will not.

When did this environmental review process start?

Various ideas for expanded rail service in the Commonwealth go back many years. The Commonwealth first applied to the Corps of Engineers for a permit in late 2008 for the current South Coast Rail proposal. Corps scoping meetings, the start of the Corps EIS/EIR process, were held in December 2008. The Draft Environmental Impact Statement/Environmental Impact Report for the Mass DOT South Coast Rail Project was published in the Federal Register on March 25, 2011. Since that time the Corps has been working with Mass DOT to ensure they provide all the necessary technical reports, studies and information needed to the Corps so that the Corps can work toward completing the Final EIS/EIR.

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When will a permit decision on the South Coast Rail proposal be made by the Corps of Engineers?

The Corps of Engineers must first complete the Final EIS/EIR. By regulation, the permit decision cannot be made in less than 30 days after the Final EIS/EIR is available to the public. However, state approvals need to be issued before the Corps can issue a permit.

Is there a preferred alternative for the South Coast Rail proposal?

The Draft EIS/EIR examined 3 rail alternatives, as well as a rapid bus (highway) alternative, and a “no build” option. The permit applicant may have a preferred alternative, but the Corps of Engineers can only issue a permit for the Least Environmentally Damaging Practicable Alternative (LEDPA). In determining practicability, the Corps considers such factors as cost, existing technology, and logistics in light of overall project purposes. The Corps is solely responsible for determining the LEDPA and this determination will be published in the Final EIS/EIR.

Will the Final EIS/EIR be made available for review by the public?

Yes, when the Final EIS/EIR is completed, the Corps will post the information on its website at <http://www.nae.usace.army.mil>. The Draft EIS is currently available.

