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To whom it may concern CC: Parties of Record,

I'm writing on behalf of the proposed permission of rail activity in close proximity to Browns Canyon National Monument. This is an area I have been enjoying before it was declared a National Monument and once with significant cultural and ecological significance.

I object to this Notice of Exemption and urge the STB to reject the Notice. Allowing this exemption to move forward would negatively affect the user experience of those enjoying the National Monument and the proposed service at issue is not of limited scope. CMP and its parent company, Rio Grande Pacific Corp. (RGP), aim to restart rail traffic on a rail line that has been dormant for almost 25 years, posing new and significant impacts to the region's communities, economies, environment, health, and quality of life. Exemptions are not appropriate in this case, given the broad scope of activities that would be authorized and the potential impacts to the National Monument.

The CMP Notice of Exemption claims that the actions will not significantly affect the quality of the human environment. This is not true. The aim of the Notice is to secure STB authorization to resume rail traffic on a line that has been abandoned for 25 years. The resumption of rail traffic will introduce significant environmental, health, and socioeconomic impacts:

- New sources of air and water pollution negatively affecting the area's ecological integrity as well as recreational experiences.
- New impacts to communities in the region from increased air pollution
- New impacts to outdoor recreation, could devastate the local economy which is largely dependent upon the quality of the natural environment.

The Notice asserts that CMP's "lease and operation of the rail line will not result in significant changes in carrier operations." Since the line currently experiences zero rail traffic, this statement cannot be true.

The Notice "certifies" that CMP's projected annual revenues "will not exceed \$5 million. Consequently, the requirements of 49 C.F.R. §1150.32(e) do not apply to this transaction." Yet CMP estimates even minimal traffic on this line will incur operating costs in excess of \$5 million. This does not consider the significant costs of rehabilitating the rail line, thereby demonstrating that either this proposed operation is not financially sound, or that CMP's certification is misleading.

Contrary to the assertions of RGP and CMP, an environmental review must be prepared pursuant to the National Environmental Policy Act (NEPA). At a minimum, an

environmental assessment must be prepared. Given the scope and context of the impacts, an environmental impact statement would be appropriate.

Any NEPA-mandated environmental review must examine wetlands and water quality (especially in the 102-mile Gold Medal fishery of the Arkansas River), fish and wildlife, impacts to public lands (including Browns Canyon National Monument), socioeconomic impacts, and climate impacts. Therefore I request the STB to provide more time for interested parties to submit additional, more detailed information to guide the STB review. I Urge the STB to request additional information from CMP and RGP to better ascertain their future plans for operations and the scope of potential impacts associated with these operations. Lastly, I request that the STB require an environmental review consistent with the National Environmental Policy Act to ascertain the potentially significant impacts of resuming traffic on this rail line, including rehabilitation of this rail line.

For all of these reasons, I urge the STB to object to this Notice of Exemption.

Sincerely,
Josh Kuhn
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