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CYNTHIA BROWN
CHIEF, SECTION OF ADMINISTRATION
SURFACE TRANSPORTATION BOARD OFFICE OF PROCEEDINGS
395 E STREET, SW
WASHINGTON, DC 20423

ENTERED
Office of Proceedings
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Part of
Public Record

RE: DOCKET NO. FD 36471

Dear Ms. Brown,

We are writing to you today to express our concerns about an exemption from environmental reviews requested by Colorado Midland and Pacific Railway (CMP).

As full-time, year-round homeowners who live on a property adjacent to the BLM public lands that connect to the proposed rail line, we object to this Notice of Exemption and urge the STB to reject the Notice. 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 – longer than we have owned our home here - posing new and significant impacts to the region's communities, economies, environment, wildlife, 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. The impact of this rail line and its potential cargo would have on the wildlife corridor alone should be reason enough to negate an exemption, not to mention the potential devastating impact to people living in our valley and the outdoor-recreation industry which is the lifeblood of our community.

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.
- New impacts to communities in the region.
- New impacts to protected landscapes and wildlife sustainability and migration
- New impacts to outdoor recreation, which is a cornerstone of local economies and depends 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.

At the very least, we respectfully urge you to consider providing more time for interested parties to submit additional, more detailed information to guide the review and ask that you 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.

We also ask that you consider requiring 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, and many more, we ask you to please consider objecting to this Notice of Exemption.

SINCERELY,

CORTINEY AND BRIAN BRADLEY
33733 COUNTY ROAD 373A
BUENA VISTA, CO 81211
CORTINEYBRADLEY@GMAIL.COM

CC: Parties of Record