

December 14, 2014
FD-35952

Ms. Rutson, Mr. Blodgett,

Your letter dated December 13, 2016 granting Great Lakes Basin Transportation, Inc a temporary suspension of the OEA's on-going environmental review is of great concern to us for the following reasons;

1. In your letter you refer to Great Lakes Basin Transportation, Inc as Great Lakes Basin Railroad ("...to allow Great lakes Basin Railroad time to complete..."). Is this a slip of the pen or does it reflect a mind made up? GLBT is not a railroad and should not be addressed as such.
2. The STB did not find it necessary to validate the reasons for Mr. Patton's request to pause the EIS process. The fact that an application needed to be filed could not have been a surprise to Mr. Patton. It would appear that a company asking to undertake the largest rail construction project in a 100 years at a price of eight billion dollars would have been prepared to do this without pausing the EIS process.
3. From your letter it is unclear how long the STB is willing to pause the NEPA review process. The public has no idea what is meant with "To ensure that the suspension does not become unduly lengthy". The February 28, 2017 date for GLBT to "submit a status update" appears to be arbitrary. How much more time are you willing to pause the EIS for?
4. You acknowledge in your letter that this temporary suspension in the EIS process "increases the burden on all stakeholders". We, land and property owners, are stakeholders, even though we have never been acknowledged as such by being properly notified about the proposed project. And yes, you are correct, this increases our burden. Our burden being the threat of being forced to sell our land against our will. People are tremendously stressed by this and understandably so. Lengthening the already long process for an undetermined time increases that burden unnecessarily. It does not appear that it caused the STB much pause, no inquiries were made with GLBT if their pause was indeed really needed or just for convenience. GLBT has had ample time to plan for and prepare their application. It would seem that much of the information required for the application is the same as what would be required to put a solid business plan together.

In your letter of December 13, 2016 you state; " We will prepare a brief alternatives document for public review and comment and may have additional scoping meetings, if warranted. Following public comment on the alternatives document we will issue the Final scope of Study for the EIS..."

1. This indicates that the public will only be allowed to comment on your (the STB's) "brief alternatives document". When can the public comment on the "new preferred route" published on September 20, 2016 (as well as other information that was supplied by GLBT in response to Request for Information #1). Will you be denying people that

opportunity or is that no longer a route that will be considered in the Final EIS? The public deserves clarity on this and thus far the water has been murky.

2. The public should also be allowed to comment on the Requests for Information #2 and #3.
3. What is meant with "if warranted" in regards to the Scoping Meetings?
4. Spring is the busiest time of the year for the farming community. Will this next Public Comment Period and possibly Public Scoping meetings be scheduled during planting time? This puts the farmers, those most severely affected by this proposed rail, again, at a great disadvantage to meaningfully comment.
5. We, the stakeholders and many of our legislators have asked the STB since September 22, 2016 for a new Public Comment period on the September 2016 version of the proposed GLBT route. We have to this date not had an official response from your office. It appears now that a Public Comment period on the proposed "new preferred" GLBT rail will not be available in a timely manner, if it will even be available at all.

If I am correct, the filing of the application by GLBT will trigger a 35 day time frame in which written comments by the public may be filed in regards to the application (49 U.S.C. 10901 § 1150.10 (g)). It is likely that the Draft Scope of Study is not even completed by that time, making it difficult to make a comprehensive and meaningful comment on the application. How will this be handled?

Ms. Rutson, the process has been muddled, the public is confused and feels (justifiably so) ignored and toyed with. If approved the GLBT project will negatively alter the lives and environment of thousands of people in a way that cannot be adequately mitigated. The public deserves written responses to their immediate concerns regarding the NEPA review process.

In conclusion, in my well worn copy of 'A Citizens Guide to the NEPA' it states the following on page 25, under '*Other Processes that Require Public Involvement*';
"Note that the permitting, and NEPA process should be integrated or run concurrently in order to have an effective decision making process."

Why are the two being separated in FD-35952? We request that you rescind your letter to Frank Patton in regards to GLBT's request to suspend the NEPA review until satisfactory answers have been provided to our concerns.

Looking forward to your response to our letter.

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