

Dave Navecky
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001
15 July 2016

Regarding Docket No. FD 35952

Dear Mr. Navecky,

I am writing with comments related to the Draft Scope of Study for the proposed Great Lakes Basin Rail Line.

These comments are in three sections: specific comments related to the Draft Scope of Study, general comments regarding the environmental process currently underway and comments regarding the project in general.

Specific Comments

There have been thousands of comments already sent to the STP regarding this proposed line. I have had the opportunity to view some of them and have found them to be very thorough with significant detail. I will not attempt to duplicate these comments and urge the Board to review them in detail.

The Scope has a significant limitation in that it seems to cover only the rail line itself and not any of the ancillary components mentioned in correspondence to and from the Board, as well as comments made regarding project at the public information meetings. While the proposed Scope does cover the rail line, there are significant omissions that must be included.

Specifically, the proposal calls for significant right-of-way for utilities. There is no mention of this in the proposed Scope. As will be discussed below, if the use of the word "utility" limits installation to equipment, piping and wiring just to what is required to operate the railroad in a safe and efficient manner the environmental impact will be small. If, however, the intent is to use the right-of-way as a general utility corridor, in whole or in part, without limitations as to what those utilities are, the environmental impact is potentially enormous.

The Scope of Study must include the impact on "utilities" located within the proposed right-of-way and additional lands called for.

Additionally, the proposal calls for an enormous amount of land for terminal operations, both along the right-of-way and in a huge block of land designated for terminal operations. While comments from the Great Lakes Basin group would suggest that this

is for interchange with other railroads and for repair to locomotives, the proposed acreage exceeds by several magnitudes what even the most expansive switching and repair facility would require.

The only possible use for such a huge amount of land would be for terminal operations that would include both transshipment of and also storage of extremely large amounts of commodities. Comments made by GLB principals and others suggests that one goal for the proposed route is to transport significant amounts of crude oil.

The environmental impact of a small locomotive repair shop, fuel storage only for the operation of the locomotives associated with the railroad and switching for interchange is minimal compared to the potential impact of thousands of trucks entering and leaving the facility everyday and the operation of pipelines carrying material from the proposed terminal.

The Scope of Study must include the impact of terminal operations and storage at the maximum limits allowed by the requested acreage. This includes not just the storage and handling of potentially very hazardous materials in huge quantity but also the impact of non-rail transportation (i.e. trucks as well and pipelines) into and out of the facility at maximum utilization.

General Scoping Comments

At the public meeting I attended, I made an on-the-record comment that the information provided regarding the proposed railroad was so incomplete and nebulous and with so many cryptic phrases thrown in that it would seem impossible to generate a valid EIS. STP personnel present agreed. Since that time nothing I have heard or read has done anything to change that assessment. Rather, conflicting statements by GLB principals and others have further obscured rather than clarified what the project actually entails, both in physical layout as well as operation.

Given this, I don't see how it is possible to generate a Scope of Study, much less a completed EIS, without much more detail than is currently known.

The fact that the STB is continuing the process without additional clarification and without an actual, formal proposal in hand is extremely troubling and calls into question the impartiality of the STB in this matter.

In the letter dated 16 September 2014 Great Lakes Basin, LLC stated, through their counsel, "...as you are aware, Great Lakes Basin is continuing to prepare substantial engineering and environmental data, and plans to submit further information to OEA in the future." While there has been limited additional engineering data provided, nearly two years later no significant environmental information has been made public. This

would suggest that Great Lakes Basin, LLC was not acting in good faith when it requested the waiver of the six (6) month consultation period and that the STB gave that waiver without sufficient justification.

The STB has requested additional, alternate routes from GLB in a letter dated 5 July 2016. To date these alternative routes have not been made public or at least disseminated in a manner that allows easy public access. To close the comment period without having these alternate routes available for study is improper and again insinuates a Board that is not impartial and seeking the public good.

Continuing the EIS process now will result in an EIS that is incomplete. It will open the STB to litigation regarding the validity of that EIS. The current EIS process must be stopped.

General Comments

As mentioned above, everything about this proposed railroad is troubling. This includes a waiver for consultation granted, apparently, without valid justification.

The project process should not be continuing without a formal proposal by Great Lakes Basin, LLC. The fact that GLB has failed to provide substantive information to the STB, has made false and contradictory statements to the public and continues to dissemble regarding the real scope and intent of the proposed rail line and ancillary facilities demonstrates that they are not acting in good faith. Allowing the process to continue makes the STB complicit in that act. Should public speculation prove true that it is the STB's intent to allow GLB to review all of the Draft Scope comments and then tailor a proposal that would guarantee approval, that would be an egregious violation of the public trust.

Ending the comment period before all relevant information, requested by the STB from GLB is available calls into question the statutory fulfillment of the required public comment period.

Continuing the EIS process without a formal proposal, without required alternatives and without sufficient information to construct a valid EIS makes the current proceeding a sham.

In its Notice dated 15 March 2016 the STB included the following paragraph:

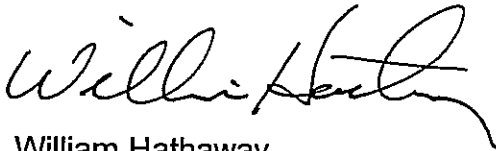
The proposed project is not a federal government-proposed or sponsored project. Thus, the Board has determined that the project's purpose and need should be informed by both the applicant's goals and the agency's enabling statute, here, 49 U.S.C. § 10901. Section 10901 provides that the Board must approve a

construction request unless it finds that the construction is "inconsistent with the public convenience and necessity."

While the "public convenience" portion of that statement may be, in part, reviewed in an EIS, the "necessity" of the project has not been demonstrated. Rather, the STB has chosen to take the unproven benefits put forth by GLB as proof of necessity without any apparent independent verification. This despite the denials of the necessity and the underlying facts claimed by GLB that have been put forward by others.

For a valid construction permit, there must first be a valid and compelling need that is met by the proposed project. To date there is no evidence that that compelling need exists and that this project will meet that need other than statements from GLB.

Given the above, the STB must do the following: 1) stop the EIS process; 2) rescind the six (6) month waiver; 3) independently verify that a compelling public need exists and that this project ameliorates that need; 4) if that compelling need is verified, require that Great Lakes Basin, LLC submit a detailed, formal proposal; 5) restart the public comment period for the Scope of Study.

A handwritten signature in black ink, appearing to read "William Hathaway". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

William Hathaway
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