

Mr. Navecky,

The Summary of the NOI includes the statement below.

“The purpose of this NOI is to inform stakeholders - **including members of the public**; Tribes;, federal, state, and local agencies; environmental groups; potential shippers **and other parties-interested in or potentially affected by the proposed project.**”

The list of parties notified of the proposed GLB project includes 1900 institutions, government agencies, libraries, schools, parks etc. It **does not include any of the land owners** directly in the path of the 278 mile long rail that is being proposed. Nor does it include those land owners that live within 30 miles on either side of the current proposed rail.

The fact that the the EIS would look at a 60 mile wide swath of land from Indiana to Wisconsin is nowhere mentioned in the STB's literature. It was accidentally discovered in the correspondence between the STB and the Schaumburg Community Consolidated School District.

Many land owners in Rock County and elsewhere in the path of this proposed rail line learned about the proposed project from neighbors, friends, in local stores or businesses. Even though the NOI was mailed March 18, 2016, many elected officials in our area were still unaware of this project weeks later. Even more people are still unaware that the route is likely to change and that the proposed rail line may change its route, possibly up to 30 miles on either side of the currently proposed track.

It is my belief that the STB did not follow NEPA rules and guidance by not identifying and therefore not notifying, land owners as “potentially affected by this project”.

This lack of notification has put landowners at a severe disadvantage and taken away our legally allowed opportunity for well reasoned and meaningful participation in the scoping process. This proposed rail is a project so big that it has not been done in over 100 years. It will require over 6700 acres for the 278 mile long and 200 foot wide easement that is being requested. Twenty-four square miles are requested for the proposed rail terminal in Kankakee County, IL. alone. It requires ample time for the public to understand the ramifications and impacts of such a project.

The proposed rail travels mainly thru the rich farm land of Indiana, Illinois, and Wisconsin. It is obvious that the impact on the environment, including the human environment is tremendous and difficult to comprehend in such a short time. The Scoping process that we are in at this time is the only time that we as property and land owners are given to voice our concerns and request that the EIS takes those under consideration as they prepare their EIS.

The STB's EIS is invalidated by this lack of property and land owner notification. The documents referenced below call for transparency, notification, and early public involvement from those most affected. We have been denied that.

My request and questions to the STB: Please examine your procedures for starting the application procedures for the proposed GLB project. Was the 6-month waiver a good decision? Should affected, or potentially affected land and property owners have been notified? Why is there no mention of the 30 mile on either side of the proposed track scoping, on the STB website?

My request to the team preparing the EIS: Please examine if a valid EIS is possible when stakeholders have not been given opportunity to comment as the NEPA intended.

We have concluded that a valid EIS is not possible without notification of all stakeholders and therefor assert that these proceedings had a false start and should be stopped immediately.

Sincerely,

Mark and Mirjam Melin
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§ 1500.2 Policy.

Federal agencies shall to the fullest extent possible:

(a) Interpret and administer the policies, regulations, and public laws of the United States in accordance with the policies set forth in the Act and in these regulations.

(b) Implement procedures to make the NEPA process more useful to decisionmakers and the public;

(d) Encourage and facilitate public involvement in decisions which affect the quality of the human environment.

§ 1500.5 Reducing delay

(d) Using the scoping process for an early identification of what are and what are not the real issues (§ [1501.7](#)).

§ 1501.2 Apply NEPA early in the process.

(d) Provide for cases where actions are planned by private applicants or other non-Federal entities before Federal involvement so that:

(1) Policies or designated staff

(2) The Federal agency consults early with appropriate State and local agencies and Indian tribes and with interested private persons and organizations when its own involvement is reasonably foreseeable.

§ 1501.7 Scoping.

There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action.

This process shall be termed scoping. As soon as practicable after its decision to prepare an environmental impact statement and before the scoping process the lead agency shall publish a notice of intent (§ [1508.22](#)) in the *Federal Register* except as provided in § [1507.3\(e\)](#).

(a) As part of the scoping process the lead agency shall:

- (1) Invite the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action on environmental grounds), unless there is a limited exception under § [1507.3\(c\)](#).

§ 1506.6 Public involvement.

Agencies shall:

(a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.

(b) Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.

(1) In all cases the agency shall mail notice to those who have requested it on an individual action.

(2) In the case of an action with effects of national concern notice shall include publication in the *Federal Register* and notice by mail to national organizations reasonably expected to be interested in the matter and may include listing in the *102 Monitor*. An agency engaged in rulemaking may provide notice by mail to national organizations who have requested that notice regularly be provided. Agencies shall maintain a list of such organizations.

(3) In the case of an action with effects primarily of local concern the notice may include:

(i) Notice to State and areawide clearinghouses pursuant to OMB Circular A-95 (Revised).

(ii) Notice to Indian tribes when effects may occur on reservations.

(iii) Following the affected State's public notice procedures for comparable actions.

(iv) Publication in local newspapers (in papers of general circulation rather than legal papers).

(v) Notice through other local media.

(vi) Notice to potentially interested community organizations including small business associations.

(vii) Publication in newsletters that may be expected to reach potentially interested persons.

(viii) Direct mailing to owners and occupants of nearby or affected property.

(d) Solicit appropriate information from the public.

COLLABORATION in NEPA

One of the primary goals of the National Environmental Policy Act (NEPA)¹ is to encourage meaningful public input and involvement in the process of evaluating the environmental impacts of proposed federal actions. This once innovative feature of the 1970 landmark legislation has become routine practice for some NEPA review processes. However, the full potential for more actively identifying and engaging other Federal, Tribal, State and local agencies, affected and interested parties, and the public at large in collaborative environmental analysis and federal decision-making is rarely realized.

The purpose of this handbook is to assist those within Federal agencies who are responsible for conducting environmental reviews in expanding the effective use of collaboration as part of the National Environmental Policy Act (NEPA) process.

Among its many conclusions, the NEPA Task Force found that collaborative approaches to engaging the public and assessing the impacts of federal actions under NEPA can improve the quality of decision-making and increase public trust and confidence in agency decisions.

2 Agencies responsible for preparing an Environmental Impact Statement (EIS) or an Environmental Assessment (EA) will find this handbook helpful in identifying and realizing opportunities to collaborate throughout the NEPA process.

A Citizen's Guide to the NEPA

The scoping process is the best time to identify issues, determine points of contact, establish project schedules, and provide recommendations to the agency. The overall goal is to define the scope of issues to be addressed in depth in the analyses that will be included in the EIS. Specifically, the scoping process will:

- v Identify people or organizations who are interested in the proposed action;
- v Identify the significant issues to be analyzed in the EIS;

As part of the process, agencies are required to identify and invite the participation of interested persons. The agency should choose whatever communications methods are best for effective involvement of communities, whether local, regional, or national,

that are interested in the proposed action. Video conferencing, public meetings, conference calls, formal hearings, or informal workshops are among the legitimate ways to conduct scoping. It is in your interest to become involved as soon as the EIS process begins and to use the scoping opportunity to make thoughtful, rational presentations on impacts and alternatives. Some of the most constructive and beneficial interaction between the public and an agency occurs when citizens identify or develop reasonable alternatives that the agency can evaluate in the EIS.

In summary, there are several opportunities to get involved in the NEPA process:
v when the agency prepares its NEPA procedures,
v prior to and during preparation of a NEPA analysis,

Public Comment Periods

Agencies are required to make efforts to provide meaningful public involvement in their NEPA processes.⁵⁴

54 CEQ NEPA Regulations, 40 C.F.R. §§ 1501.4(b), 1506.6(b).

How to Comment

Comments may be the most important contribution from citizens. Accordingly, comments should be clear, concise, and relevant to the analysis of the proposed action. Take the time to organize thoughts and edit the document submitted.⁵⁶ As a general rule, the tone of the comments should be polite and respectful. Those reviewing comments are public servants tasked with a job, and they deserve the same respect and professional treatment that you and other citizens expect in return. Comments that are solution oriented and provide specific examples will be more effective than those that simply oppose the proposed project. Comments that contribute to developing alternatives that address the purpose and need for the action are also effective. They are particularly helpful early in the NEPA process and should be made, if at all possible, during scoping, to ensure that reasonable alternatives can be analyzed and considered early in the process.

Don't Wait Too Long

First, don't wait too long to raise your concerns; raise them as soon as practicable. If you just sit back and hope that things will get "better" or that your comments will have greater effect later, you may hear that "you should have raised this sooner." At times, waiting can be detrimental to you as well as to the rest of the public and the agency involved. For example, if you feel strongly that a particular alternative should be addressed and do not raise it during the scoping process, then it will not get the benefit of comparative analysis with the other alternatives. In addition, it could result in a more expensive and lengthy process (costing taxpayers, including yourself, more) if your delayed suggestion results in the agency deciding to issue a

supplemental EIS analyzing that alternative. Or if you, or your organization, later go to court to argue that a certain alternative should have been analyzed in the NEPA document, the judge may find that the court won't consider that information because **you should have raised your concern earlier during the NEPA process.**