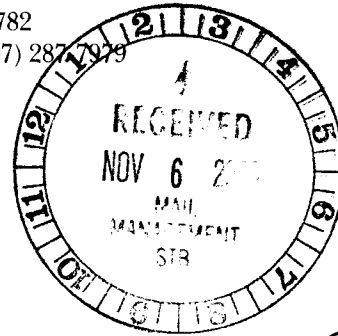




000194
Mayor Chuck Canfield
201 4th Street SE - Room 281
Rochester, MN 55904-3782
Phone: (507) 285-8080 Fax: (507) 287-7929



October 30, 2000



200319

Elaine Kaiser
Surface Transportation Board
1925 K Street NW, Room 506
Washington, DC 20423

RE: Request for a Time Extension for Surface Transportation Board and Corps of Engineers Review of the DM&E Railroad Project

Dear Ms. Kaiser:

The DM&E Railroad's proposal to extend its rail lines into the Powder River Basin for the purpose of hauling coal across Wyoming, South Dakota, and Minnesota is the largest railroad project in over 100 years. The Surface Transportation Board (STB), its staff, and its consultants have needed additional time to consider a multitude of environmental issues raised by this project. The Draft Environmental Impact Statement and appendices for this project total over 5,000 pages in length. The STB has established a 90-day period in which affected local communities can respond to this massive detailed document, ending January 5, 2001. The Corps of Engineers has established a 60-day comment period on the 404 permit that is required for this same project, ending November 28, 2000. The documents that the local communities need to review and respond to in the 404 permit process are similarly massive.

Many of the basic assumptions regarding needed environmental mitigation measures rely on detailed studies completed by the STB and its consultants on traffic impacts, air quality impacts, noise and vibration impacts, and environmental justice impacts. Our community will need time to both review all that information, retain consultant services of our own, and prepare an equally detailed response. Without a very thorough local response it is unlikely that the Final Environmental Impact Statement (FEIS) that is approved by the Federal Surface Transportation Board will be anything but a rubber stamp of the Draft Environmental Impact Statement that has been submitted for public review and comment.

An extension would also permit local communities to obtain and incorporate 2000 census data comparative information in their comments. Since some communities, such as ours, have changed greatly in overall population and population groups since 1990, it would be inappropriate and misleading to use 10 year old data when new information is soon to be available. It is our understanding, based on discussions with Congressional offices, that 2000 census information should be available at the Federal level approximately by January 1, available to States on approximately February 1, and available to Cities on approximately April 1. Alternatively, we would ask to have the opportunity to file comments relating to the new census data on specific population sensitive issues at a later date in the DEIS review process.

The City of Rochester is requesting that an extension be granted to have a total time of 180 days for the local communities and other interested parties to respond to the STB and the Corps on the DEIS and 404 permit for this project. We truly believe that this additional time is needed and warranted given the size and potential environmental impact of the largest railroad project in over 100 years.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles J. Canfield".

Charles J. Canfield, Mayor
City of Rochester

c: City Council

RESOLUTION

WHEREAS, the Surface Transportation Board (STB) released their long awaited Draft Environmental Impact Statement (DEIS) for the Powder River Basin Expansion Project to the public officially on October 6, 2000; and

WHEREAS, the DEIS document is bound in 8 volumes weighing 32 pounds and containing over 5000 pages; and

WHEREAS, the STB invited comments from interested parties on this document as well as related materials including: the Programmatic Agreement and Identification Plan, the Biological Assessment, the Forest Plan Amendments, and the Section 404 permit application, some of which must be obtained from and comments filed with other offices and agencies; and

WHEREAS, the STB notes that it has used the expert services of 76 "preparers" of their DEIS who have worked on this project for over 2 years; and

WHEREAS, the STB has concluded that additional information is needed to assess the alternatives for the Rochester area, and specifically has requested more information from interested parties on the three alternatives studied: no-build, southern by-pass, and mitigation along the existing right-of-way; and

WHEREAS, affected citizens, interests, and governments in the Rochester area need time to read and digest the document as well as gather specific and professional information to respond to the DEIS and the STB's specific request for more information; and

WHEREAS, the STB has granted only 90 days for interested parties to receive, review and respond to the DEIS and all the related documents; and

WHEREAS, those 90 days include a national election and three major holiday periods; the markets involved in the new construction and upgrade are currently adequately served by the applicant; the U.S. Army Corp of Engineers has also noticed a comment period for the Surface Water Discharge Permit for the project of 60 days from 29 September 2000, rural interests are involved in harvesting during this period and portions of the DEIS call for negotiations between the applicant and State and Local authorities to resolve issues raised in the DEIS.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Rochester hereby urges the Surface Transportation Board to grant an extension of at least 90 days to the current public response period.

BE IT FURTHER RESOLVED that the Common Council urges the U.S. Army Corps of Engineers to grant an extension of at least 90 days to the comment period for the Surface Water Discharge Permit.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 16TH DAY OF OCTOBER, 2000.

John Hunziker
(PRESIDENT OF SAID COMMON COUNCIL

ATTEST: Judy Kay Chera
CITY CLERK

APPROVED THIS 17th DAY OF OCTOBER, 2000.

Ed Benfield
MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)