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Victoria Rutson, Environmental Project Director
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Office of the Secretary
Case Control Unit
Finance Docket No. 33407
Surface Transportation Board
1925 K Street NW
Washington, DC 20423-0001

ENVIRONMENTAL
DOCUMENT

re: DM&E coal train expansion, draft environmental impact statement

STB Members: November 25, 2000

I am writing you to urge you to deny DM&E's application to expand their operations into unity coal train operations.

I believe the Draft Environmental Impact Statement you have delivered to the public for comment on is a draft Draft Environmental Impact Statement. All too often you do not suggest or require specific mitigation measures for DM&E to meet, and for the public to comment on. Rather, you use vague words and suggestions like "DME and communities will negotiate or work out mitigation agreements." To quote the DEIS further, you use statements like: " encourage DME to communicate with concerned residents and affected communities and use community imput to develop voluntary mitigation and agreements." ...encouraged DME to negotiate mutually acceptable agreements with affected communities and other government entities...including *ways to share the costs* associated with project-related environmental mitigation measures. Negotiated agreements *could* be with neighborhoods, communities, counties, cities, regional coalitions, states and other entities." Furthermore, in numerous locations in your section on mitigation you use phrases like "...take reasonable steps to...", "...implement adequate measures to *minimize* the potential for these to occur.", "...minimize damage to paleontological resources...", ..consult with affected communities...". These are not acceptable. What if DME does not develop mitigation plans acceptable to affected communities? What id DME does not negotiate in good faith (like they have refused to do in Rochester)? Where is the teeth in your mitigation to force DME to come up with acceptable mitigation? Where found in the mitigation measures the word *minimize* should and must be replaced by the word *prevent.* And most importantly, it is not for "affected communities" to *share the costs* with DME - it is not the affected communities that will profit from this project. It is my understanding of the EIS process that you are to assess the environmental impacts, spell out required mitigation (if mitigation is possible), and weigh the entirety or cumulative negative environmental impacts.

Such mitigation measures must be paid for entirely by the business who stands to profit from the project (DM&E) and not the public through tax dollars. Such mitigation costs must be factored into the viability of the project and left for DM&E to include in the cost of doing their business.

If the costs are too high, well then it's simple, DM&E will then decide not to expand into this market. All the externalities of this project and operating this proposed unit coal train must be paid by DM&E. I do not want one dime of my tax money going to buy the real-estate, build the over/under passes, and do the crossing improvements. If it is argued that I use the electricity generated by this product (coal), then the answer there too is simple - factor all the associated costs into my electricity bill and I will then determine my use of that product. If the price is too high when under, over and by-passes are factored in, I'll either increase my conservation measures or find alternative ways to meet my energy needs (wind, solar, fuel cell, etc.). But I do not want my tax dollars subsidizing DM&E's business, nor providing "cheaper" coal to utilities who use 20th century fossil fuel technology in this new 21st century.

If the negative impacts of the project are too great, or the required mitigation measures too costly, then the project should not go forward. It is not for you to leave it to some future "agreements" between DM&E and Rochester to come up with. As an interested and impacted member of the public, I demand to see your proposed and required mitigation measures so I can comment on their appropriateness (and adequacy) or to the out-standing questions left unanswered by such mitigation. You are abrogating your responsibilities by not addressing and spelling out mitigation requirements in this document. [Another prime example of this short coming is the complete absence of proposed mitigation, or even mention, for negative environmental impacts to the Quarry Hill Nature Center.]

Lastly, throughout this draft Draft EIS I see a general lack of specific criteria that DM&E will be required to meet in mitigation measures. <u>There is an alarming lack of accountability</u>. What happens if you allow this project to go forward and then at a latter time the suggested standards or negotiated agreements are not met? How will they then be resolved? Who will pay for the efforts to get DM&E to meet the suggested standards? Who will pay to get this all resolved in the future (especially if the rail line changes owners)?

I urge you to adopt the no action option until such time as you complete a Draft Environmental Impact Statement which is complete enough for the public to read and comment on.*

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* Another aspect of this draft Draft Environmental Impact Statement that is unacceptable is the lack of an index so people can find their way around the document. Furthermore, the CD version of the draft Draft Environmental Impact Statement is completely worthless because of the lack of an index. I am amazed that you would even consider distributing such an inadequate document for the public to try wade through and try comment on.