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Ms. Victoria J. Rutson
Environmental Project Director
Section of Environmental Analysis
Office of the Secretary
Case Control Unit
STB Finance Docket No. 33407
Surface Transportation Board
1925 K Street N.W.
Washington, D.C. 20423-0001

Re: Comments on the Power River Basin Expansion Project Draft EIS

Dear Ms. Rutson:

Greetings from Minneapolis! Enclosed are my two cents worth of comments on your massive DEIS. Overall, I found it to be a very interesting document; I hope the Board will find my comments are interesting too.

Good luck with the rest of this amazing project.

Best regards,

A handwritten signature in cursive script, appearing to read "Kelly P. Coleman".

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Enclosures: Eleven copies of DEIS comments

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March 1, 2001

The Honorable Linda J. Morgan, Chairman
Office of the Secretary
Case Control Unit
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Re: Comments on the Powder River Basin Expansion Project DEIS (STB Finance Docket No. 33407) regarding the M-2 Alternative for the Mankato area.

Dear Chairman Morgan:

Greetings from Minnesota! I have been following the Dakota, Minnesota & Eastern (DM&E) Powder River Basin Expansion Project with interest and decided to write to you with my observations.

Background

To begin with, I was born in Mankato and grew up there. During that time I spent many years living in West Mankato and Skyline, so I know the Southern Bypass area extremely well. In the summers, when I visit Mankato, I still enjoy riding my mountain bike on the Red Jacket Trail out to the Rapidan Dam on the Blue Earth River. Also, my parents are now retired residents of Skyline, as are many of their good friends, accordingly, I am concerned about the proposed Southern Bypass route's affect on the City of Skyline.

Incorporated in the 1950s, the City of Skyline is a small residential community atop a 300-foot bluff overlooking the Blue Earth River west of Mankato. With 124 homes and approximately 350 residents, it is a charming, friendly, and peaceful place that is home to several parks, a playground, a tennis court, an old-fashion water tower, and a fire station. It is the kind of place that attracts both young families and retired people because of its proximity to Mankato and its tranquility.

That peace and tranquility will come to an end if the Southern Bypass is adopted. Consequently, I urge the Board to reject the M-2 Alternative, and instead adopt the M-1 No-Action Alternative for the Mankato area. Specific comments on your Draft EIS (DEIS) are as follows:

Southern Bypass Comments

NEPA Issues

Adoption of the Southern Bypass alternative would simply shift the burden of the DM&E rail line from Mankato's existing 131-year old rail corridor (M-3 Alternative) to different

communities and populations in rural Blue Earth County where it would cause significantly greater environmental degradation, resource loss, economic loss, and loss of safety.

As the Board is well aware, the National Environmental Policy Act of 1969 (NEPA) is concerned with major federal actions that have the potential to significantly affect the quality of the "physical" or "natural" environment. EIS alternatives required by NEPA need to be both reasonable and feasible. Furthermore, alternatives that result in similar or greater environmental harm need not be considered at all (*Sierra Club v. Morton*, 1975).

Of the three alternatives being considered for the Mankato area, it is clear that the Southern Bypass will have the most adverse environmental impact. Blue Earth County's February 13, 2001 filing with the Board raises detailed questions and concerns about the M-2 Alternative which will not be repeated here. Nevertheless, a summary of this route's detrimental consequences includes the following: (1) loss of 265 acres of prime farmland, (2) loss of 68 acres of woodlands, (3) loss of 24 acres of wetlands, (4) loss of 24 acres of residential land, (5) damage to 42 farms, (6) loss of safety on 18 county roadways, (7) loss of 12 homes, (8) loss of the Mount Kato Ski area, (9) disruption of the Hillcrest Nursing Home, (10) damage to LeHillier, an economic justice community, (11) loss of the scenic beauty of the Blue Earth River valley, and (12) loss of rural peace and tranquility for 918 residents living in the proposed M-2 corridor.

These environmental losses far outweigh the impacts of the M-3 Alternative. Hence, adoption of the Southern Bypass alternative would seem inconsistent with a great deal of NEPA case law established in the federal courts since 1975.

Alignment Discrepancies

Information provided in the DEIS on the M-2 Alternative does not satisfy the requirements set forth by the Board in its April 20, 1999 order on bypasses. To wit, the alignment described in Volumes I and II is wrong. The impacts and considerations discussed appear to be for an alignment that is about a half mile from the actual proposed location. Volumes I and II detail an alignment west of the Blue Earth River paralleling County Highway 33. While Volume V's maps detail a significantly different Skyline and LeHillier alignment running east of the Blue Earth River. Such serious flaws make much of the DEIS's discussion of the M-2 Alternative's western end impacts irrelevant and pointless.

Gross errors like these indicate a lack of attention to detail, and have no place in an EIS of this magnitude. Consequently, the DEIS should be revised so it accurately reflects environmental impacts of the true alignment on Skyline, LeHillier, and Mankato Township.

Reissued DEIS

Due to the confusing and inaccurate nature of the DEIS's Southern Bypass analysis, the Board should require the Section of Environmental Analysis (SEA) to revise and reissue a DEIS for the M-2 Alternative. A 30-day comment period should be allowed for this second DEIS so that the public record for the correct alignment is clear.

Skyline Comments

Lack of Notice

The most disturbing aspect of this EIS process has been the complete lack of notice given to the City of Skyline. On pages ES-14 and ES-72 of the DEIS's Executive Summary, it states that the SEA "consulted with" and "worked with affected communities" during the public scoping process. With respect to the City of Skyline, these statements are false.

Consequently, it was not until mid-November, 2000 that the Mayor and City Council of Skyline became aware that the South Bypass route included their city. Moreover, the first public notice of this situation actually appeared in the *Mankato Free Press* on November 21, 2000.

Both the DM&E and the SEA were negligent in their duty to inform affected municipalities during the public scoping process in 1998. As a result of that negligence, the City of Skyline has been given only three months in the dead of winter to respond, while the City of Mankato has had three years to prepare its response.

Geology & Hydrology

The City of Skyline sits upon a 300-foot bluff between the Blue Earth River and Trunk Highway 66. Much of the soil comprising this bluff is clay loam fill. In addition, the high water table in the area has produced a phenomenon known as "perched aquifers" that come to the surface as free-flowing springs along the sides of Skyline Hill.

These perched aquifers are a part of the local Surficial Aquifer System that communicates with the deeper Cambrian-Ordovician Aquifer System. Skyline's city water is supplied by wells that penetrate this deeper aquifer. The cut and fill operations envisioned by DM&E for the western slopes of Skyline may affect this complicated aquifer system and have an impact on the city's water supply.

Furthermore, Mankato Township's independent expert review of this route suggests that the M-2 rail bed will cut into the Jordan Sandstone at a number of locations. Since the Jordan Sandstone is the geologic matrix for the area's deep aquifers, surface spills at these locations would provide the potential for groundwater contamination. Such hydrology issues need to be carefully evaluated in a revised EIS.

Soil Stability

The clay loam soil of Skyline Hill is unstable, prone to slides, and lacks the geologic strength necessary to support a railroad. The potential instability of an altered Skyline Hill could be exacerbated by a half-century of septic tank use that has saturated the hill's upper soil layers. Furthermore, the extensive cut and fill operations proposed for Skyline's western slopes, combined with the constant vibration from the resulting rail line, may precipitate soil subsidence and landslides putting additional homes at risk.

The ties, tracks, and trestles envisioned for the Skyline area may be subject to settling due to this soil instability. Depending upon severity, such settling could cause rail misalignment and lead to derailments. Derailments of trains transporting hazardous materials (e.g., acids, solvents, or gases) could be catastrophic for area residents, groundwater, and the Blue Earth River. Consequently, a revised EIS needs to critically evaluate the geotechnical feasibility and potential consequences of the proposed excavation and construction.

Carney Cave

Skyline Hill contains a large limestone cavern known as Carney Cave, named after local businessman George H. Carney and his West Mankato cement plant. In the 1920s, Carney's son, Harry E. Carney, developed a new type of bricklayer's cement comprised of lime that was mined from the Carney Cave.

The entrance to this cave was sealed with concrete years ago to prevent children from getting lost. Nevertheless, living eyewitnesses report that it was "twenty feet high, as big as a city block, and filled with stalactites and stalagmites." Furthermore, founding members of the Skyline Cooperative report that a number of the original homes did not have basements excavated for fear of rupturing the roof of this cave.

Long-time Skyline residents are understandably apprehensive about the impact of constant coal train vibration on Carney Cave. Due to the lack of notice, and the winter snows, the City of Skyline has not been able to locate this cavern. Because the M-2 alignment could potentially affect this unusual subterranean feature, a revised EIS needs to determine its location, and ascertain the geotechnical impact of the proposed excavation, construction, and subsequent rail traffic.

Noise Impacts

Appendix D of the DEIS states that the area of "significant project impacts" extends 2,230 feet on either side of the rail line (page D-5). With the most recent proposed alignment, the entire City of Skyline will fall within this zone. Therefore, a revised EIS needs to consider noise impacts on the whole city.

In particular, changes in ambient noise levels need to be evaluated since background noise in rural areas is considerably lower than in urban areas. Consequently, sensitive receptors in rural areas, like Skyline, will be affected to a proportionately greater degree than will sensitive receptors in urban areas that are already exposed to rail corridor noises.

Air Quality Impacts

As the Board knows, on December 20, 2000 the U.S. Environmental Protection Agency (EPA) issued its final rule on Mobile Source Air Toxics (MSATs). In that ruling, EPA found that diesel exhaust--comprised of diesel particulate matter and diesel exhaust organic gases (DPM + DEOG)--is a likely human carcinogen. Furthermore, EPA concluded that exposure of the

general public to typical environmental levels of diesel exhaust will likely pose a human lung cancer hazard.

Such findings are of concern to Skyline's residents since the entire City falls within the zone of significant impact. This is particularly relevant for Skyline because trains in its vicinity will be moving uphill, under heavy load, and, as a result, their diesel engines will produce more exhaust than when traveling on level grades. Thus, health affects of diesel exhaust, and fugitive coal dust, on Skyline's 350 residents need to be addressed in a revised EIS.

Children's Safety

Woodland Avenue provides the only road access to the City of Skyline, and therefore, the proposed track alignment would not cross any of Skyline's streets. Nevertheless, as Chapter 1 of the DEIS notes; the DM&E has a poor safety record. And, as Federal Railroad Administration (FRA) long-term statistics show, the DM&E's safety record since its 1986 founding has been among the railroad industry's worst.

Because the DM&E is such an accident-prone carrier, the people of Skyline are understandably concerned about safety. This issue is particularly important due to the number of Skyline children who enjoy playing in the woods. (I speak from personal experience on this topic; when I was young, we used to spend a great deal of time in the woods along Skyline's slopes!) Therefore, a revised EIS needs to address the safety of Skyline's youngest residents.

Aesthetic Impacts

The residents of the western side of Skyline who do not lose their homes will experience a loss of their scenic views of the Blue Earth River valley. Such impacts should be considered in a revised EIS.

Economic Impacts

Coal trains thundering through Skyline every 39 minutes in perpetuity will have detrimental socioeconomic impacts. Besides losing a substantial portion of its tax base, Skyline will become an undesirable place to live, its quality-of-life will decline, and its real estate values will drop. Many Skyline residents are retired, on fixed incomes, and, therefore, their ability to relocate is limited. A revised EIS needs to consider such significant economic impacts.

Skyline Summary

The evidence presented in the DEIS for the Southern Bypass route is flawed, superficial, and does not support the M-2 Alternative. It does not address any impacts on the City of Skyline. Indeed, the City of Skyline is never even mentioned in the DEIS.

A revised EIS needs to take a serious look at the adverse affects of the Southern Bypass route on this little community. If done properly, I believe that the Final EIS (FEIS) will show that the M-2 Alternative will have a devastating impact on the City of Skyline.

Project Comments

Railroads helped build this country, and they remain an efficient component of a multi-modal transportation system. Nevertheless, a primary rationale for the proposed project seems weak. As the Board found in its December 10th, 1998 decision, it may be true that DM&E will be able to provide cheaper coal to some Midwestern utilities. However, DM&E's argument about clean air benefits seems equivocal. Also, the question of simply upgrading DM&E's existing line was not addressed by the DEIS. My thoughts on these two issues are as follows:

Clean Air Benefits

As the Board knows, Phase II of Title IV of the Clean Air Act Amendments of 1990 (CAAA) capped annual sulfur dioxide (SO₂) emissions at 8.9 million tons on January 1, 2000. Today this cap is being met without the DM&E's help through the CAAA's pioneering emissions trading program, fuel switching, and the addition of flue gas scrubbers.

For the DM&E to assert that its Powder River Basin (PRB) project will improve air quality by reducing SO₂ emissions is not credible because utilities are required to meet the CAAA SO₂ cap regardless of fuel type used. A tightening of the cap by Congress is the only way this country will see further reductions in SO₂ emissions.

Furthermore, PRB coal has a much lower heat value than do eastern coals. According to the U.S. Department of Energy's Energy Information Administration (EIA), PRB coals typically have heat values of 8,500 BTUs per pound, while Central Appalachia's low sulfur coals average 12,500 BTUs per pound. And, higher sulfur coals from the Illinois Basin, and Northern and Southern Appalachia have heat values in the range of 11,000 to 13,000 BTUs per pound.

Utilities switching from higher BTU eastern coal to lower BTU PRB coal will, therefore, need to burn fifty percent more coal to generate the same amount of electricity. As a result, such power plants will emit proportionately more nitrous oxides (NO_x), particulate matter (PM), and mercury (Hg) into the atmosphere. These pollutants are not capped the way SO₂ emissions are, so air quality will suffer in the Midwest if more PRB coal is burned.

As the Board understands, such pollutants have their own problems. Nitrous oxides are precursors to tropospheric ozone and acid rain. Particulate matter is a respiratory irritant estimated to cause 60,000 premature deaths annually. While gaseous mercury emitted from coal-fired power plants accounts for approximately one third of all toxic mercury deposited in forests and aquatic habitats. Here in Minnesota, ninety-five percent of our lakes have fish consumption advisories that limit the recommended consumption levels of fish due to the risk of mercury poisoning.

By substituting lower cost, lower emissions coal, Midwestern utilities could avoid buying scrubbers or emission allowances. However, by doing so they would simply be transferring their Clean Air Act compliance costs to communities along the Southern Minnesota rail corridor by forcing them to endure new environmental degradation.

Consequently, for the DM&E to state that compliance with the Clean Air Act is a primary justification for their project is misleading. A revised EIS needs to address this issue if it is to help the Board ascertain whether or not this project provides any real air quality benefit at all.

Project Alternatives

Many other states with agricultural economies enjoy efficient regional rail service that does not require coal trains to foot the bill. Why should Minnesota be any different?

Since the Civil War days of the Winona & St. Peter Railroad, there have been regional railroads serving Southern Minnesota. Today, more than 130 years later, the DM&E is providing much the same service as its predecessors. Therefore, the need for regional rail service is not in question. What is in question is whether the best way to improve that service is by building a coal pipeline.

DEIS Chapter 2 on Alternatives does not address the alternative of simply upgrading DM&E's current system. Upgrading DM&E's rails and crossings within existing rights-of-way would serve to accomplish many of the goals addressed in DEIS Chapter 1 on Purpose and Needs. Upgraded tracks and crossings in the most heavily used corridor segments would provide Southern Minnesota with a safer, more reliable, and more efficient rail service without most of the adverse consequences resulting from the Wyoming expansion.

The federal Railroad Rehabilitation and Improvement Financing (RRIF) fund provides support for such undertakings. Was this ever considered? A revised EIS should examine the costs and benefits of such an upgrade, and seek to establish whether it would be reasonable and feasible.

Conclusions

Stakeholder Opinions

A review of the public record available on the Board's website provides excellent insight into the opinions of stakeholders. Those public meeting transcripts and thousands of letters indicate that the DM&E and its customers support this project, while the vast majority of affected residents in the towns, cities, and counties of Southern Minnesota oppose it. Thus, the situation is clear; the DM&E and its customers are trying to ram this railroad down the throats of the people of Southern Minnesota, and the people are gagging on it!

Costs and Benefits

In my opinion, the M-2 Southern Bypass Alternative should not be adopted because it will:

- Merely shift the rail burden from an urban corridor to a rural area
- Violate the Board's long-standing preference for existing corridors
- Destroy the peace and tranquility of the Blue Earth River valley
- Prevent the City of Mankato from continuing to expand southward
- Have a disastrous affect on the City of Skyline

If the Powder River Basin Expansion Project is approved, I believe that:

- Its environmental costs will outweigh its benefits to society
- Its primary beneficiaries will be DM&E's investors and private customers
- Acid rain will not decrease due to the federal SO₂ emissions cap
- Air pollution will increase due to more NO_x, PM, and Hg emissions
- The safety of the residents along the route will be put in jeopardy
- The quality-of-life of the residents in the corridor will suffer greatly

Summary

In light of the fact that the PRB coal mines are already being adequately served by two capable Class I carriers, that the purported benefits of this project are marginal, and that the environmental consequences are significant, I honestly believe that the most prudent choice for Blue Earth County is the M-1 No-Action Alternative. Any other decision would serve to permanently punish the people of the Mankato area who reap no benefit from this project.

To reiterate, upon completion of the FEIS, I hope the Board will concur and find that the Powder River Basin Expansion Project is environmentally unsound; that it would harm, rather than serve the public interest, and that it therefore does not warrant approval.

In closing I wish to thank you, SEA Chief Elaine Kaiser, Environmental Project Director Victoria Rutson, Vice Chairman William Clyburn, Jr., and Commissioner Wayne Burkes for your hard work and dedication to this complex project, it is genuinely appreciated.

Good luck with the remainder of this challenging endeavor.

Sincerely,



Kelly P. Coleman
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pc:	Honorable Mark Dayton, Washington, D.C.	Dr. Brendan G. Coleman, Skyline, MN
	Honorable Gil Gutknecht, Washington, D.C.	Dr. Joseph F. Eckert, Skyline, MN
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