

201690

February 24, 2001

Ms. Victoria Rutson
Surface Transportation Board
1925 K Street NW
Washington, DC 20423-0001



ENTERED
Office of the Secretary

MAR - 8 2001

**Part of
Public Record**

Leah Whelan
404 16th St. NW
Rochester, MN 55901

Dear Ms. Rutson,

Regarding the Environmental Impact Statement for the Dakota, Minnesota & Eastern (DM&E) Railroad Project, STB Docket #33407, I wish to bring to your attention some areas have been overlooked, omitted, or not adequately studied. I have attempted to organize my concerns by topics.

I. Cultural Issues

a) Omissions of Citizen Values

One of the roles of the Surface Transportation Board (STB), as a political institution, is to make decisions based on citizen values. However, research indicates that, more often than not, politicians, rather than having represented the needs of those who elected them, represented the needs of business people (Hanner, F. 1953). One way this occurs is that oftentimes important political decisions are completely left out of political decisions. In the case of the DM&E project, for example, the STB has eliminated all discussion of national energy policy, national air and water pollution relative to emissions from coal fired power plants, and the Fort Laramie Treaty, to name a few. Excluding these important political factors from discussion is in itself a decision.

The Federal Government often declares itself "pro-family", "pro-community", often talks about "family values". However, the action on the part of the STB if it approves the DM&E project will be in direct opposition to these American values. For instance, many people in communities along the proposed rail line have spent much of their free time for the last two years working to protect their family and communities from what they believe will be a destructive project, the DM&E project. In those two years valuable time has been spent away from their families. Indeed, our members have children who need their parent's attention, elderly parents who need care, neighborhoods, and so on that have suffered huge amounts of time and energy being given to fighting a project (DM&E) that will only have destructive impacts to them.

b) Omission of Cumulative Effects/Effects on Quality of Life/Mental Health

In Rochester, Minnesota, and other communities along the project route, train tracks run nearest to vulnerable populations, and will be burdensome to the lives of the elderly, poor, ethnic minority populations. Some of the poor populations can be found in rural Minnesota, Dakota, and Wyoming. Furthermore, Also, nothing has been addressed in the DEIS regarding the cumulative effects of this project on mental health of the populations residing near the proposed route. For instance, what will be the impact of 37 coal trains per day running two blocks from the senior housing complex in which resides Jane Doe, age 73, who has health conditions such as heart problems and asthma? Just three blocks away from her home is the senior citizen center, which includes a senior dining site where Jane Doe eats one meal per day, and receives free health screenings, fellowship, leisure activities and social outlets. At present, Jane Doe is able to walk the three blocks, crossing the tracks on foot, with little problem because for many years the train traffic has run only one train per day (during the daytime hours). With the addition of the DM&E upgrade and expansion project, Jane Doe will now have to negotiate one train every 40 minutes, at higher speeds, and now will have the added stress of near constant noise produced from the 37 trains every day. A person such as Jane Doe might lose her opportunity to have one balanced meal per day, and have to stop attending the senior center because she won't be able to physically get herself there. She may have a decreased ability to cope with stress, breathing increased CO2 from idling traffic at the tracks may increase her asthma and decrease her pulmonary functioning. It's possible that an older adult with these health problems may experience a dramatic decrease in functioning leading to increased feelings of depression. There are hundreds of senior citizens residing very near to the DM&E tracks in senior highrises, who have nowhere else to go for these services. The DM&E project will negatively affect the lives of vulnerable populations in Rochester, Minnesota, and other communities. This is an omission from the DEIS.

c) Omission of Hazardous Materials Being Transported.

Another area of omission in the DEIS occurs in looking at the types of materials DM&E plans to haul, for instance, on return trips. No effort has been made to limit materials hauled or prevent the hauling of toxic waste such as nuclear waste in the future.

d) Omission of Use of Corporate Welfare to Fund the DM&E Project

The Federal Government will utilize corporate welfare to support DM&E business, while allowing vulnerable citizens to suffer. Has the federal government systematically dismantled the welfare system only to enable businesses, like DM&E, to eat up the same taxpayer money? The funding of the DM&E project by the public, a project that will have immediate and long lasting negative impacts on vulnerable populations while funding the DM&E corporation.

e) Spiritual Connection to the Land/Cultural Issues

A critical omission has occurred in the DEIS document which can be conceptualized as enveloping all other issues raised in the document. It is the issue of our reciprocal relationship with land, and a "sense of place"(Video communication, 1994), which may include land and/or people. This "sense of place" involves a "knowing" of one's relationship to environment. Not only the meaning involved in one's living environment, home, family,

friends, etc., but looking at the very connection to the creation which supports you, the environment that sustains our lives to the realization of complete dependence on the earth, air, water, and those people you share your life with "(Video communication, 1994).

The video production "A Sense of Place" regarding the reciprocal nature of humankind's relationship with the natural environment might be of assistance to the members of the STB to more accurately conceptualize the environmental impact from the proposed DM&E project in a more sensitive way. Although a "sense of place" or "connection to the land" is not a recognized category under analysis in the DEIS, it is a part of everyone's spiritual life, of being deeply connected to the place we live. This realization is easy when you engage others in communications regarding ways that they experience God or their Higher Power. A majority of people will refer to "being in nature" as a way they experience God.

We have lost our ability to live within the limits of what the land can provide to us. We must conceptualize our communities as existing within a "bio-region" consisting of air, water, earth, etc., and learn again to live within the limits provided by the environment. We must design our human processes around nature's instruction. We must create a more sustainable community, which involves a deep and abiding union with the creation. We need to develop a reciprocal relationship between indigenous and the technical (Video communication, 1994). The following are quotes from the video "A Sense of Place":

"You cannot know who you are until you know where you are." (Wendell Berry).

"Modern man will never find peace until he comes into harmony with place where he lives" (Carl Jung).

"All the way to behave in the world begins with a sense of place. It is probably that the sense of place, the identification with place is inherent in us as is the need for community and the need for family." (Kirkpatrick Sale).

"We should be living within the limits and gifts provided by a place, creating a way of life that can be passed on to future generations." (Judith Plant).

(Video Communication, 1994)

Furthermore, Minnesota State Governor Jessie Ventura, in his year 2000 endorsement of the Minnesota Pollution Control Agency's Minnesota Environmental 2000, challenged Minnesota residents to become "active stewards of the land, water and air". The DM&E proposed expansion and upgrade project prohibits the state of Minnesota from carrying out this vision. These are the values I urge the STB to consider when ruling on the DM&E application.

I urge you to take a look at, not only at the scientific findings mapped out in other parts of the document, but also the subjective experience or meaning the "environment" has to many who live in proximity to the DM&E proposed project. You may order the video production "a sense of place" from the Foundation for Global Community, 222 High Street, Palo Alto, CA 94301.

f) Fort Laramie Treaty

There have been 100 proposals to dump toxic wastes on native peoples in the recent past. Native communities are very much in the center of America's industrial and nuclear policy (Mazza, 2000). Activists like LaDuke see the essential struggle today as "a struggle between an indigenous world view and industrial world view.

LaDuke made the following points regarding environmental justice: "the industrial view values are laden with racism because they justify appropriation of other people's land and resources. The world around us that is animate is viewed only in it's utilitarian value to man.

She continued "The essence of the problem is about consumption, recognizing that a society that consumes one third of the world's resources is unsustainable. This level of consumption requires constant intervention into other people's lands" (Mazza, 2000).

g) Native American Religious Freedom Act

The DM&E proposal would have 37 trains per day cutting across the northwest corner of the Pine Ridge Reservation in South Dakota, disruptive to native plants used in native medicine (Native American medicine being a combination of the physical and the spiritual). This place holds sacred meaning and should not be decimated by industry. In fact the Badlands National Park is a class 1 air shed under the Clean Air Act, and should be protected from the DM&E project, including air pollution generated in other parts of the country by the production of coal (NOX), which are now found in the Black Hills.

h) Omissions of National Air Pollution

The DEIS omits discussion of mercury emissions from coal powered plants. This is a huge omission because the burning of coal literally anywhere in the world contributes to air and water pollution, and the poisoning of food sources. For instance, United States scientists have documented that industrial pollution and dust from Asia travels thousands of miles across the Pacific and degrades air quality over the United States. Scientists have spotted signs of dust and industrial pollution that moved across the Pacific toward the United States, and pollution clouds were confirmed by ground-based stations in the western U.S. In 1997, researchers in Washington state Cheeka Peak Observatory measured, among other things, fine particulate levels 50% higher than average. The station is located in the remote Olympic Peninsula and the pollution levels could not have come from a local source. Particulates lodge deeply in the lungs, and are believed to be linked to cardiovascular and respiratory disease (Post Bulletin, Rochester, MN, article by Verrengia, J.B., 1998).

Coal-burning power plants emit thousands of tons of particulate pollution. Particulate pollution is responsible for causing:

- Premature death,
- Respiratory related hospital admissions to emergency room visits,
- Aggravated asthma,
- Acute respiratory symptoms, including aggravated coughing and difficult or painful breathing,
- Chronic bronchitis,
- Decreased lung function,
- Work and school absences.

(Izaak Walton League of American & Clean Water Fund, 1997)

Burning coal is the single largest source of acid rain (SO₂ & NOX) which kills forests and lakes. Rochester exceeded health guidelines for several air pollutants, e.g., acrolein, 1,3-butadiene, carbon tetrachloride, benzene, and formaldehyde, and that the city's air quality is being affected by vehicle emissions (Rochester Post Bulletin).

i) Omission of Subsistence Diets/Mercury Poisoning

Another omission in the DEIS has been the impacts to food sources for persons dependent upon subsistence due to mercury pollution. Chapter 3 of Minnesota Water Resources 3.1.5 3.1 – 25 Lakes. Minnesota lakes are polluted with mercury, which is, in large part, caused by coal burning (Minnesota Fish Consumption Advisory, 2000). Minnesotans are advised to limit consumption of fish from many Minnesota lakes. Mercury is bound to the meat of fish, and precautions, i.e., special cleaning or trimming of fat off of fish, will not reduce the amount of mercury in a meal of fish. Fish advisories are issued especially to pregnant women, nursing mothers, women who may become pregnant in the next several years, and children under the age of six (Minnesota Fish Consumption Advisory, 2000). Mercury poisoning causes:

- Neurological damage to children and fetus',
- Decreases in reproductive function,
- Afflictions of eye, ear, kidney, and muscles,
- Contributes to respiratory ailments, and
- Causes 15,000 premature deaths each year.

i) Omission from Mitigation

Biological Resources 7.8.7 omits that there is no way to mitigate pollution such as mercury emissions which effects the entire atmosphere. Secondly, # 76 stated mitigation would include requiring mower maintenance vs chemical, but fails to list how this will be enforced. How will DM&E workers be monitored to adhere to these guidelines? Thirdly, # 81. Omits ways in which DM&E workers recognize impacts to threatened or endangered species?

j) Other

DEIS 3.2-1 incorrectly states that noise and air emissions would remain the same in Minnesota for the rebuild section. This is an error. DME lines now run only 3 trains per day. 37 proposed trains a day constitutes a significant increase in traffic which will increase deasel emmissions along the route, especially at the staging yards.

2. Innacuracy stating DME can't improve their rail line conditions without this project. DME can do so by finding other funding sources.

27. Wetlands – habitat for fish spawning ommission of pollution and possibility for increased mercury.

3. Aquatics and Fisheries pg 3.1-72 stated Fish species, e.g., walleye, Northern Pike, Large mouth bass, white crappie, bluegill, yellow perch have declined as a result of pollution, but ommitts what types of pollution has caused the decline (could it be mercury?).

2. states the DME project will help implement the Clean Air Act Amendment. The source for this statement is the applicant, DME. This is not acceptable data.

Mitigation – ES-59 asks the public to decide which option to select for route. This places agency burden on the public.

And finally, I'd like to say that the STB's question to the public regarding possible or future environmental impacts has omitted impacts having already been experienced by the public. For the average citizen, to study this project enough to be able to formulate an educated opinion has

Whelan, 6

taken many, many hours of valuable time away from other daily activities. This project has already impacted families, who have experienced stress due to time spent studying this project. I'll speak from personal experience myself now. I began going to informational meetings and citizen groups over two years ago because of my being very concerned about the impacts the DM&E would have to my neighborhood, and the negative impacts to the environment from continued and increased burning of coal for energy. I have made a point in my life, since early adulthood, to involve myself in community issues, so it was not a new experience for me. What was new was the enormous amount of time and energy needed to simply become familiar with the project. This was due not only to the complex nature of the issues, but many other factors, including a lack of concrete information regarding the proposal, and the divisive methods the DM&E utilized to split our community, and foster in-fighting. I am not a rich person. Quite the opposite, in fact, after devoting several years to furthering my education, battling health problems, and caring for a family member who was terminally ill. I've been extremely busy for several years, without the luxury of many resources to ease the burdens. I am not unique. I think there's a misconception about Rochester, Minnesota, that we are all wealthy, perhaps because it was voted the number one place to live a few years ago. And that we haven't lost anything yet due to this DM&E project. This is inaccurate. In contrast, the DM&E corporation is a multi-million dollar corporation, and the people working for DM&E to push this project forward are doing so while on a payroll. I, and others like me, do not get paid for opposing this project. In fact it takes our personal resources just to try. I'm sharing all of this with you to highlight the stark contrast in what the public has had to go through just to gain a working knowledge of the issues at hand. Thank you for listening.

Please deny the DM&E railroad project so the nation can seriously invest in utilizing less polluting and impacting fuels. Thank you.

Sincerely,



Leah Whelan

References

Izaak Walton League of America & Clean Water Fund (1997). License to pollute: Minnesota coal plants and the dirty power loophole.

Mazza, P. (2000). Native activists call on environmentalists to surrender legacy of conquest. Web communication. www.tnews.com/text/laduke.html.

Foundation for a Global Community (1994). A sense of place. A Badlands Production. Video Production.