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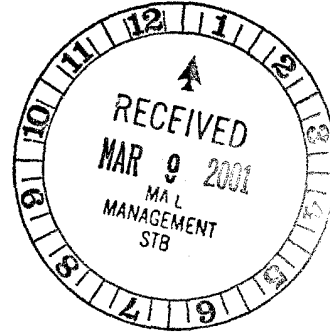
SOUTHEASTERN MINNESOTA COAL TRAIN COALITION
1508 28TH ST. SW
ROCHESTER MN 55902

Office of the Secretary
Case Control Unit
Finance Docket No. 33407
Surface Transportation Board
1925 K Street NW
Washington DC 20423-000

Encl: DEIS comments on Finance Docket 33407

Enclosed for filing are ten copies of the comments.

Gael Enright
Gael Enright
Coordinator
SE Minnesota Coal Train Coalition



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Office of the Secretary

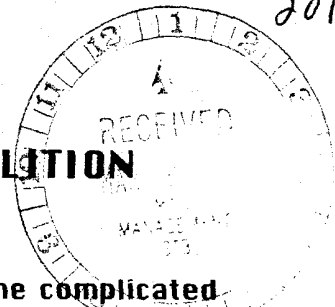
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SOUTHEAST MINNESOTA COAL TRAIN COALITION



Section One

Our local citizens group, after learning what we could about the complicated NEPA process, assumed that this document would provide us with details about impacts and mitigation on the required subjects. Instead, we have found numerous gaps in information, biased and unsubstantiated information, barriers to accessing what information is in the document, and practically no specifics regarding needed mitigation. Indeed, when the Dec 13, 2000 extension order by the STB announced the need for communities to further work out mitigation with DM&E... we wondered how that was that feasible when there are no good studies of such areas as local air and water impacts, etc. If we must compare the advantages of a project with its cost to the environment, we must have accurate descriptions of both.

Because of the huge, and far more complete, task undertaken by Olmsted County in response to gaps and errors in our locality we have selected only specific areas to substantiate the points we make above.

I. This draft is inaccessible:

Those of us who ordered the hard copy were immediately aware, upon seeing the set of volumes, that we would never be able to read the entire DEIS, what we were surprised about was that we could not even be sure we had covered topics we were committed to researching, due to the lack of indexing in a document that commented on various topics a multitude of times. Generally we found each mention either added a slightly different slant, or information, meaning hours of searching without knowing if one had found every applicable site. The frustration among members who ordered the CD-ROM version is summarized by an IBM data processing professional, with extensive experience with ADOBE:

I ordered the CD-ROM in the belief that it would be less expensive to produce and distribute, and that it would be faster/easier to review the document, due in part to search/find capability.

A review of this document is very difficult using the CD-ROM. Partly because: The many data tables are usually rotated 90 degrees on the screen so they are hard to read; the image quality is not very good (on a 19" hi-res color monitor); the Table of Contents lists Section numbers while the Acrobat Reader shows page numbers when the slider is operated; the search function on Adobe Acrobat Reader does not operate. Further, printing selected pages is very slow, even on a 128 MB 550 KHz processor.

I loaded all of the DEIS volumes onto my hard drive with the same result. I also tried using several software products extract the text from the PDF files so that a set of searchable text could be created. To no avail.

The packaging of the DEIS on CD-ROM appears to be purposely obstructive rather than helpful to reviewers. A great disappointment.

II. This draft is premature and incomplete:

A. Still Scoping - Scoping, the task of the previous portion of the NEPA

Process is still being done, Instead of stating preferences the STB continues to seek input on city bypass alternatives in Minnesota. It is our understanding that preferences are to be stated in a DEIS.

B. Omissions,gaps in data

In order to identify local problems, local government and citizens are apparently expected to assume the task and expense of completing the DEIS.

In our area, the incompleteness of the geological and air quality studies are a case in point. (See Olmsted County Comments pp.34-55) Tremendous staff and volunteer time went into identifying errors and omissions.

Further, we understand a complete archeological survey should have been done as part of the DEIS

Despite available psychological studies, we failed to find a discussion of the psychological effects of noise on people; i.e. stress, helping behavior, sleep, health, rage, etc.

In 1.3 Need for proposed action. p1.9 Is DM&E only source for projected revenue base? What guaranties are there, in a time when PRB mines threaten to curtail coal production, they could produce the income they project?

C. Absence of real mitigation

No approaches to real problems that were raised in scoping. The mitigation section is peppered with words like "shall consult," "properly maintain" "to the extent possible" concealing a lack of any hard data on minimal mitigation. "...be guided by ... Land Owners Advisory Board". How many owners that abut the proposed rail alternatives on this board? Where does this board get its authority?

7.8.6 (7-23) It may be an indexing problem, but we don't know who the air quality working group is, nor how they will reach "recommendations" about very real air quality concerns in Olmsted County.
point 69 - what determines "to the extent practicable," profits, air quality or mere convince.

D. Information available to SEA not appropriately used

While the existence of Karst Geology in Southeast Minnesota is acknowledged in the document, there is no discussion of the impact of heavy trains or rail yards will have on it. Lewiston, where the proposed east end yard would be, lost about 7 million gallons of semi treated sewage when a treatment lagoon disappeared into a sink hole in February 1991. Where are the studies that indicate whether local karst can tolerate the expected loads/ How will ground water be protected from train carried toxins in this area.

There seems to be some confusion about the number of trains per day. The neighborhood groups represented know that to be three, which you agree with in the following: Vol. II, p3.1-87 the DM&E operates three trains per day.

Vol. II, p3.3-62 & 63, the number of trains per day is listed as 3

Vol. II 3.3-44 all existing traffic (three trains a day)"

The energy policy discussion (1.3.2) constitutes a very short synopsis of a very complicated issue, based on information from the DM&E and Edison Electric Institute (9 quotes of 18), a pro-utility lobby. The statements are selected to lead to a specific conclusion without consideration of other options or viewpoints. Why have only the opinions of existing utilities being considered in a discussion of national energy policies? It is true they see best the business position that effects their profits, but other expertise on energy policy is available. This cannot be considered an unbiased report on national energy policy, which we would have expected in an properly executed DEIS. We are aware that Minnesotans for an Energy Efficient Economy submitted comments as part of the scoping process, yet we found nothing based on their report.

A major educational/recreational resource, Quarry Hill has been left out of the DEIS, despite a response to the scoping process by the director. This 290-acre park includes among its assets a two-acre fishing pond, fossil beds in a limestone quarry, historic sandstone caves, and a restored 20 acre Oak Savanna area. Recreational facilities include a baseball diamond, tennis courts, playground and picnic shelter, and a bike trail. Over 35,000 students visit their nature center annually. There are special winter/spring vacation nature classes for elementary students. There are a number of summer programs offered for different age groups. A number of programs, workshops and classes provided for county residents. (see Broader Responses)

Traffic figures for Olmsted County are out of date despite local governments submissions of current data in the scoping process. Nor were any figures based on our growing population projected.

E. Issuance was premature: How can the public comment knowledgeably about a document that is lacking certain expected critical information? One example: **Siding/Bypass locations**

The exact location of bypass sidings is critical to the impact the train operations will have on citizens. How many of the bypasses will occur within the boundaries of communities? According to the DEIS, loaded trains will travel west to east at 45 miles per hour. Empty trains will concurrently travel from east to west at about 49 miles per hour.

A westbound empty train will slow to 40 mph or less and be routed onto three to seven mile long bypass sidings where it will continue at speed while being passed by the oncoming loaded train. After the loaded train has passed, the empty train would move back onto the main line and accelerate back up to 40 mph and continue west toward the next oncoming train. The process would repeat at the next bypass approximately 12 to twenty-five miles down the line.

The DEIS does not indicate whether the 12 to 25 mile spacing is from bypass entrance to entrance, or from exit to entrance, nor is there any rationale given for the difference in length or spacing of the bypasses, given the fuel efficiency benefits of keeping both east and west bound traffic moving at relatively constant speeds.

It is important to document where the bypasses will be three or seven miles long and where they will be twelve or twenty-five miles apart. Trains will regularly meet at the bypasses. Where the bypasses are located, road crossings will have double tracks with safety concerns that two passing trains create. There are no comments about air quality, noise or other additional, possible problems.

In other places there are statements that the final design is not complete. .. (The DEIS also states that because of the lack of determined routes over which the DM&E would be transporting coal, the SEA cannot determine the rail lines that would exceed the Board's thresholds for pollution.) we need a complete business plan, route, and applicable proposed mitigation to assume our task of responding appropriately

F. Indirect and contingent Impacts

The DEIS must identify and deal with the many consequences of this project. One major area that has been addressed only in the affirmative is the pollutant problem associated with the use of coal as a source of energy. Comments make note of the need for increased usage of coal, and PRB coal. If it is appropriate to make those comments then contrary arguments must be given and the balance weighed. (See section on coal in section two.) Additionally this coal goes somewhere when it leaves the DM&E line. Those impacts are not explored, but in this area we are most concerned about the Mississippi and barging. The final plan must be complete enough to establish whether a barging facility is necessary to the project, and assure it will not be, or do the appropriate DEIS. Energy policy is another affected area where no comments have been made..

III. This Draft contains erroneous assumptions

3.2-2 Stating DME can't improve their rail line conditions without this project is unsubstantiated. What studies identify whether DME could do so by finding other funding sources. Southeastern Minnesota Coal Train Coalition agrees with the needs DM&E expresses for the upgrade to the existing track. But nothing we have found indicates any exploration of a less environmentally expensive way to provide safer track, and service improvements for existing shippers, two goals we certainly support. A variety of private-public options exist as well as Railroad Rehabilitation and Improvement Fund and perhaps others. Where have these been explored? When DM&E discusses the "possibility" of connecting to the west to provide greater markets for shippers, why has that option not already been discussed in terms of the proximity to BSFN at Wolsey, S

IV. This Draft and the subsequent order extending the deadline for response read as an attempt to eliminate choice of "no build" option:

In extending the deadline to respond to the DEIS, the STB made the

following statement: We note that, at the recent public meetings conducted to hear comments on the Draft EIS, a number of participants contended that additional mitigation measures are needed to adequately protect residents of the communities potentially impacted by DM&E's proposal. The extended comment period will provide an opportunity for DM&E and the affected communities to explore mutually acceptable ways to reduce potential impacts on communities, and to submit any agreements that are reached to the Board. The Board encourages railroads and communities to negotiate private solutions addressing specific local environmental concerns because these agreements are generally more effective, and in some cases, more far-reaching than environmental mitigation options we could impose unilaterally. In the absence of negotiated agreements submitted to the Board, The SEA, in preparing the Final EIS, will give careful consideration to what measures it should recommend for mitigating adverse impacts to community residents if, following the completion of environmental review, we give final approval to this project.

December 13, 2000

If there is, in fact, a "no build" alternative, how could one choose it without losing their right to protect the broader environment? "Mitigation" with DM&E does not occur without one agreeing to support the proposal, offering communities limited amounts of traffic mitigation, etc, for support. Who is mitigating the open range? . . . the rural interests? What "mitigation" is available regarding air quality to citizens regardless of whether their community "mitigated" or not. Several of us have had residents of other communities tell us they didn't have enough money to fight, and felt they had to take "what they could get," but they hoped Rochester would stop the train. IS THERE TRULY A "NO BUILD" OPTION?

Section Two

Environmental justice issues, treaty rights, religious and cultural issues along the proposed DM&E coal train project route. . . A matter of particular concern

While the DEIS acknowledges the need to look at air and water quality, traffic safety, etc as they relate to human need, it steadfastly refuses to look at the broader needs of humankind related to nature. The issues are most clearly focused in relation to Native American populations.

We fail to understand the events surrounding attempts to consult with a vast array of tribes and negotiate Programmatic Agreements, and a Memorandum with Native Americans as cited in Volume III-A, Appendices I-K, pages 2-8. This section glosses over the fact that the STB, DME et al. were really not able to establish agreements or garner support for the project from the holders of the Treaty of 1851 and 1868. These treaties are with the Sioux Nation.

In Volume VIII-A, Appendices I-K, Tribal Consultation Summary Powder River Basin Expansion Project Attachment I, it is stated " While none of the proposed Powder River Basin Expansion Project route alternatives cross any existing American Indian Reservations, etc. " and stated further in paragraph 3, " Out of respect for cultural differences, the wisdom of elders and the historically unresolved issue of treaties, several tribal groups/organizations were invited to participate in consultation meetings."

Again, this gives the impression the matter of treaty rights is being dealt with. We have the impression the STB is trying to will the tribes into participating in a process that they have very little trust in.

While acknowledging the proximity of proposed routes to reservations and areas of Sioux ownership in much of western South Dakota arising from the Treaties of 1851 and 1868 (Volume III-A 4.1.4.7 Reservation and Treaty Lands it is stated that DM&E's existing corridor passes several Indian Reservations, the Lower Brule Sioux Reservation (under 3 miles), the Crow Creek Sioux Reservation (less than 10 miles) and the Oglala Sioux Pine ridge Reservation (within 1 mile). Extension Alternatives range from one mile west (Alternative B) to 12 miles west (Alternative D) of the Pine Ridge Reservation.) the STB ignores the issue and continues to play advocate for the DM&E coal train project. In fact the Black Hills Sioux Nation Treaty Council and the Oglala Sioux Tribal Council have passed resolutions opposing the construction of DM&E's proposed coal pipeline, these have been ignored.

The SEA goes on to state in, Volume III-B, Chapter 4 South Dakota/Wyoming, 4.4.6.6, Reservations and Treaty Lands, that " No Native American Reservation would be crossed by any of the project alternatives. However Alternative B would be between a few hundred feet and 0.5 miles from the Pine Ridge Reservation for approximately 13.6 miles." The STB concedes for this alternative that rail line construction and the possibility of a contaminant spillage near the Cheyenne River, an important resource for reservation inhabitants for food, water and recreation, could reduce their water quality. The STB says that during rail line operation, in Alternative B, water quality concerns would again become a concern in case of an accidental spill of coal or hazardous materials into the Cheyenne River.

Despite the close location of the Pine Ridge Reservation to all of the alternative routes and their ensuing hazards, the STB tells the residents to look for job opportunities with the railroad. Where are the studies of jobs and economic benefits available in this area? This is little consolation given the illusory economic benefits inherent in the recent announcements of PRB mine cutbacks in coal production.

Environmental Justice issues are again acknowledged by the STB as they are along the entire DM&E corridor but then seem to be rationalized away in favor of the coal train expansion project. For example in Volume III-A, Chapter 4, South Dakota/Wyoming, 4.3.17 Environmental Justice it is stated at the outset of the discussion that "nine census block groups in South Dakota along the existing DM&E rail line were determined by SEA to meet the criteria for classification as environmental justice." Various environmental justice communities were studied and it was determined that some were disproportionately affected by a few impact categories. Yet by the end of this section it is stated that SEA's analysis had determined that " no disproportionate impacts would be borne by environmental justice communities due to being adversely affected by multiple impact categories."

As cited above in Volume III-B, Chapter 4 South Dakota/ Wyoming, 4.4.6.6, Reservations and Treaty Lands, SEA acknowledges the fact that reservation inhabitants will likely be subjected to noise and dust from construction and operation of the line as well as the possibility of diminished quality of

water due to spillage and contamination. No mention is made concerning the impacts to health from the particulate matter and the contaminated water.

Instead the SEA suggests their universal piece meal offering used for environmental justice areas along the line, that reservation inhabitants might profit from the DM&E coal train project with more jobs and housing.

Where is the data concerning important historic, archaeological, and cultural sites in the project area ? The DEIS is not complete without it.

Statements made in Volume III-A, Chapter 4, 4.1.13, 4.4.15 and 4.5.11 Cultural Resources concerning cultural resources in Wyoming and South Dakota the Draft Environmental Impact Statement lead one to believe that the STB is extrapolating information about cultural resources from only a small portion of archaeological or historic sites or structures that have been surveyed or documented. Of the sites that are known the impression is given that it is an uphill battle to gain NRHP designation. It seems that there are no known TCP's within the project area, despite its religious and historical significance to Native Americans. It is then stated that it is expected that some archaeological sites shall be eligible for the National Register as Tops. Mitigation for any impacts, to known or discovered cultural resources, on the new construction would be done in accordance to the "safely written" legalese of the unendorsed Programmatic Agreement mentioned earlier in this document. One would hope that a cultural sites proximity to a favored project route would not diminish its likelihood of being saved.

Many cultural sites are Native American sacred sites. The STB states that " important components of these sites may include the isolated nature of the area, natural uniqueness of the area and/or the vantage and views the site provides." The DM&E project has the very real possibility of violating Native American religious freedom through the destruction of sacred locations and their associated rites. This project will rob Native Americans, as it would many others along the DM&E corridor, of a " sense of place" in their environment.

Implicit in many of the sacred teachings and beliefs of the Native Americans is a deep respect for nature/the environment and the need to act as her stewards.

Several of these same beliefs can be found in the teachings of many other faiths belonging to those of us along the proposed DM&E coal train project. For example the Catholic church holds that " care for the earth and for the environment is a moral challenge" Catholic doctrine supports policies that protect the land, water, and the air we share, and encourages environmental protection, sustainable development and greater justice in sharing the burdens of environmental neglect and recovery."

A critical omission thus occurs 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" (Foundation for a Global Community (1994). A sense of place. A Badlands Production. Video Production.)

Foundation for a Global Community, 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.

SEMCTC recently reviewed the video production "A Sense of Place" regarding the reciprocal nature of humankind's relationship with the natural environment. We believe the following points from the video 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, we find it to be a part of our cultural heritage, and spiritual life, of individuals and families deeply connected to the earth, whether farmers, ranchers, environmentalists, or outdoors persons. We 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," or nature, has to many who live in proximity to the DM&E proposed project. It would help understand more fully the nature of the impacts which we find detrimental to our living environment. (Foundation for a Global Community (1994). A sense of place. A Badlands Production. Video Production.).

A sense of place involves a place, or a people, you know with your heart. Often, in North America, communities are built around a watershed, around rivers, where a give and take occurs between people and the earth. However, we have lost our ability to live within the limits of what the land can provide to us. For instance, a city is built around a watershed. Uses water from up stream somewhere, and sends used water to be chemically treated by the engineering community. This treatment changes the water. Rather than living within the natural world, we have become so separated from it; we no longer trust the natural world to provide the answers.

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 want to 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.

Furthermore, we ask the STB to realize the importance of pristine lands, related to the spiritual needs of people from all cultures. This realization is easy when you engage others in communications regarding ways that they experience the sacred. A majority of people will refer to "being in nature" as a way they commune with God.

Coal economics work with large centralized generation plants. The future mixture will be much more decentralized. Photovoltaics will be built into the shingles of roofs. They are on the market right now. Fuel cells will generate electricity and hot water within the walls homes and businesses. Wind farms will continue to proliferate, and the remarkable progress in energy storage technologies in recent years will continue to advance, making renewable energy even more attractive.

The coal people will make every effort to keep the utilities focused on coal as the most viable energy source for power generation, in spite of the many externalities that would make coal non-competitive were they priced into the cost of power.

On December 14 the US EPA announced its intent to begin rulemaking for Mercury emissions for coal plants. Rules will be in place by 2004. It is another of the converging forces that will make the utility industry interested in moving away from coal as an energy source. It is also reflected in the alternative energy company investments of energy companies like British Petroleum and Mobil. Contrary to the opinions of the fossil fuel people, it is clear that the redirection toward renewables and energy efficiency is beginning to accelerate.

2. Considerations of increased use of coal:

The DEIS omits discussion of mercury or other pollutant 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 the 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 America & Clean Water Fund (1997). License to pollute: Minnesota coal plants and the

dirty power loophole.)

Minnesota state Governor Jesse 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 inhibits the state of Minnesota from carrying out this vision.

Burning coal is the single largest source of acid rain (SO₂ & NO_x) which kills forests and lakes.

Rochester exceeds 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).

Another omission in the DEIS has been the impacts of mercury pollution on persons dependent upon subsistence diets.

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.

3. Recreation Omissions

Quarry Hill opened in 1972 and continues to grow. There was a new addition in 1990 and a classroom, multi-purpose room, and bird observation room were added in 1999.

Quarry Hill would be adversely affected by the proposed upgrade. The Bike trail intersects the rail corridor and the trail is as close as fourteen feet in some areas. The large number of trains would affect the arrival and departure of school buses if the upgrade were approved. The educational part of Quarry Hill often runs on a very tight schedule with one group leaving as another is arriving. When buses are delayed because of train traffic, it is disruptive to class schedules. Quarry Hill Park's proximity to the DM&E track and corresponding problems to the park need to be addressed by the DEIS.

Other Recreational:

(Vol. II, p. 3.1 - 124) Mayo Field is approximately 600 feet south of the existing DM&E rail line. The Rochester Honkers play here. Each season, there are on average 32 home games with an average attendance of 745 fans. There are two grade crossings within 0.25 miles of Mayo Field. "Increased dust and noise could cause impacts during reconstruction activities. During operation, horn noise and safety concerns from passing trains could have an impact on home games." Safety concerns and horn noise issues need to be addressed.

Cooke Park, Silver Lake Park and East Park which include 320 acres of park land are not included in the DEIS. Cooke Park includes a picnic area, playground and tennis courts. East Park, park near the Federal Medical Center, is used for soccer fields and on a soccer day, there not only team members attending, but also their siblings and parents. The Zumbro River and Quarry Hill Bike Trails both intersect the rail corridor. Some places the Quarry Hill Bike Trail is 14 feet from the railroad. There are serious safety issues that need to be addressed along with horn noise.

In Byron, there are seven acres of park land which are very close to the railroad track. These include Klingual Park and Old Town Park. There are two areas of park land within 225 feet of the railroad in Eyota and the city park in the town of Dover. None of these parks are even mentioned in the DEIS let alone mitigation efforts to deal with potential problems. Increased noise, air pollution, and safety issues from an upgrade of the DM&E would affect these parks.

Chester Woods Park is a 1300-acre park located just south of Chester and is within 500 feet of the tracks.

4. Noise

The unit coal trains will be powered by larger engines than are in use by the DM&E today. Three or four engines with a total hp approximating 18,000 will power each of these trains. Part of the motive power (two or three engines) will be at the head of the train and the other engine will be two-thirds of the way back or at the end of the train. Diesel engines are noisier when they are accelerating under load. It is important to know where bypasses will be in populated areas as intensity of the noise, vibration and emission events will be much greater where two trains are operating concurrently. Also, wheel flats are much noisier under empty cars because the damping action of the coal on the radiating car surfaces will be absent. . Engines moving up grade will be noisier than engines moving a train down a grade. The railway grade will be zero plus or minus one percent but there is no information in the DEIS that indicates whether the grade is plus, minus or neutral along the line. Switched sidings should also be clearly identifies because wheel noise and vibration on open joints is much greater on the continuous welded rail.

Another consideration is the effect of waterways on the transmission of sound away from the rail right of way. Sound travels much farther across water. The Silver Lake/Zumbro River crossing next to North Broadway in Rochester will

transfer diesel, wheel and horn noise north and south through the city, increasing the number of receptors affected. There probably are other river/lake crossings in populated areas along the line that should also get discussed.

Another bit of information apparently absent from the DEIS is the maintenance hours schedule details (Section 1.4.3, p 1-30). Will the 8 hour windows for track inspection and maintenance be performed during daylight hours and tend to cause clustering of unit train traffic during hours of darkness (and sleeping), or will the maintenance be performed at night with clustering of train traffic during peak commercial hours?

Nor is there anything related to particulate emissions from 18,000 hp idling, accelerating or cruising.

There should be charts showing the noise falloff from a pair of 6,000 hp pulling a fully loaded train up a 1% grade. How does that compare with the averages used in assessing the effect of railway train noise on people?

Vol. II, p. 3.1 - 34, 35, 48, 49

Noise receptors along a rail line respond to both wayside noise (noise generated by a passing train) and horn soundings (required from 0.25 mile prior to a crossing until the locomotive passes through the crossing). The SEA determined the distance (contour) from the rail line where the current average daily noise level is 65 dBA. Noise receptors located at distances less than the contour experience noise greater than 65 dBA. p.3.1 -34&35

Olmsted County has a total of 1,920 noise receptors in all communities:

* Dover	80
* Eyota	238
* Chester	99
* Rochester	996
* Byron	469
* Rural	38

The totals are based on the number of trains per day. The DEIS bases their count on 12 trains a day. Vol. II, P. 3.1 -39 On p. 3.3-44 the DEIS lists existing traffic as three trains a day. On p. 3.3 -66, a chart starts with the existing conditions listed as three trains per day. There is a serious question about the current number of trains per day. On page 3.3 - 66 the chart starts with 11 trains per day. Where did this number come from?

On the chart on Vol. II, p.3.3-66 the noise for R-2 goes down from R-1 when discussing three to eleven trains per day. Know that this has to be a misprint but.....

- * 982/409 for three trains per day to
- * 982/375 for 11 trains per day.
- * 1,407/703 for 21 trains per day
- * 2,344/1,076 for 37 trains per day

In Rochester there is the Town Hall Estates Nursing Home complex with capacity for 60 residents. This facility abuts the railroad. Charter House, a twelve story transitional housing complex with up to 380 elderly and disabled residents is located just beyond the 650 foot boundary, as is Rochester Methodist Hospital, a 794 bed facility. It is one thing to tolerate the noise from three slow moving trains a day. However, the noise created by an increase of 34 trains is quite another matter.

Wm.H.O.Kroll & Associates did a study that concluded:

- * Approval of the DM&E applications would result in 2,251 Rochester households, with an estimated population of 6003, being subjected to noise greater than 65 dBA. And, of these 2,251 households, fully 1,898 members are of Rochester's disadvantaged population.

- * That the STB would, at the least, mandate massive noise-related mitigation as part of any order approving the DM&E application. Approximately 418 households would be subjected to noise greater than 70 dBA.

- * In Byron there are estimated to be 570 households that would lie within the noise zone of 65 dBA or higher with the proposed 37 trains per day.

- * In developed areas adjacent to Chester, there are 247 households that would lie with the above noise zone.

A study done by TDKA found that the "parcels" in Rochester that would experience noise of 65 dBA or greater have a total assessed value of over \$199 million and pay almost \$14.5 million a year in taxes. The assessed value of all parcels in Rochester, Byron and other areas that would experience noise of 65dBA or greater if the STB mandates the alternative route (R-3&4) is over \$287 million.

Noise is a concern in all communities the rail line passes through in Olmsted County. The information regarding Dover states that there are high schools, middle schools, elementary schools, churches and parks. The 2000 phone book lists the Dover-Eyota elementary and high school with an Eyota address. There is a Dover Learning Center located about three blocks from the track which has children from birth to five year olds enrolled. Dover deserves to have the correct information about their towns in the DEIS. Again, the DEIS lists twelve trains a day going and the existing noise receptors are listed at 80 based on the twelve train figure. The towns of Eyota, Chester and Byron noise receptors are also based on twelve trains a day.

Chester is described as a "a very small populated community and population information was not available. " Adequate information should be included regarding all affected communities. There cannot be adequate mitigation for all communities if insufficient data is used.

In Vol. IV, Table 5.1-10, the summary of environmental impacts states that

residential areas in R-2 will have increased noise, dust and safety concerns. More frequent traffic delays.

In volume IV, 7.27 under mitigation it states that the applicant shall comply with Federal Railroad Administration regulations (49 CFR Part 210) establishing decibel limits for train operations. What does this mean? Will the DM&E take measures to help those with noise receptors over the established 65 dBA limit to accomplish a safe noise level?

Mitigation efforts (above site) also state that the applicant shall consult with interested communities along its new and existing rail line to identify measures to eliminate the need to sound train horns consistent with Federal Railroad Administration standards.

Vol. II, 3.2-61 - A study by the Federal Railroad Administration (FRA) evaluating the impacts of whistle-free crossings in Florida on rail safety found that vehicle/train accidents increased between 195 and 500 percent at crossings where whistle soundings were banned. The difference in the percentage of accident increase was dependent on considerations such as how many accidents would have occurred even if whistles had been used and what constituted an accident. In a joint study between FRA and Assoc. of American RRs, it was determined that crossings with whistle bans averaged 84 percent more collisions than comparable crossings where whistles were sounded.

If there was approval for whistle free intersections, approval would require the community to implement supplemental safety measures, such as four-quadrant gates, directional horns, median barriers, temporary road closures, or other measures determined by FRA to be effective at enhancing grade crossing safety.

The noise/safety issues are significant and have not been given the consideration they should have received.

Nowhere in the report is consideration given to the homeowners and businesses that will receive a double whammy from excessive noise and vibration. Mitigation should be addressing those owners of structures along R-2.

5. Air Quality Concerns

Section 1.3.2 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.

3.2-1 incorrectly states that noise and air emissions would remain the same in MN 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 diesel emissions along the route, especially at the staging yards.

Reconstruction and operation of new DM&E would result in increased air emissions over the current emissions by the RR. Fugitive dust would increase during construction due to allied activities. Fugitive dust would be increased due to coal dust but there has been no study to estimate the increase in this measurement. There would also be elevated emissions from reconstruction vehicles and equipment. The DEIS states that these emissions would be quickly dispersed by wind thus preventing them from becoming concentrated. The DEIS has not taken into account that Rochester is located in a bowl and has inversion problems at times.

There were questions about adverse health affects because of increased coal dust along the line. (Vol. II, 3.2-28) The response was that different states had been contacted about problems on this issue and they had anecdotal evidence that led SEA to believe that fugitive coal dust is not an environmental concern. Anecdotal evidence should not be substituted for scientific study.

The DEIS also states that because of the lack of determined routes over which the DM&E would be transporting coal, the SEA cannot determine the rail lines that would exceed the Board's thresholds for pollution.

There is no discussion about Rochester's past difficulty in obtaining acceptable air quality standards. Olmsted County is still partially non-attainment for sulfur dioxide levels as set by the EPA. Rochester is still in a bowl and the inversion problem at certain times of the year will continue to exist. A study should be done that would focus on predictions about future increased air emission and whether these increased emissions would put Rochester/Olmsted County at risk for meeting air quality standards. There has been no study on how increased air pollution would affect public health, and quality of life issues.

According to the DEIS, (Vol. II, p.3.2 - 24 & 25) emission increases in Olmsted County would exceed the acceptable threshold of 100 with nitrogen oxides if 20 million tons/year of coal were shipped through the county. The threshold for carbon monoxide would be exceeded if 100 million tons/year were shipped. Vol. IV, Table 5.1-10 contends that during construction, there would be a temporary localized decrease in air quality due to emissions and dust from construction equipment. During operation, emissions levels thresholds for R-2 would be exceeded for NOx, at 20, 50, and 100MNT. For R-3 and R4, during construction, there would be a temporary localized decrease in air quality due to emissions and dust from construction equipment. During operation, emissions level thresholds would be exceeded for NOx, at 20 and 50 MNT for CO and NOx at 100 MNT. No where does the DEIS discuss mitigation efforts to deal with this problem.

There is no mention of mercury pollution in the DEIS.

If there is significant traffic congestion at intersections,..."it is possible that concentrations of carbon monoxide could be elevated in the vicinity of the crossing." (Vol. II, 3.2-28) The report states that vehicles will be stopped a shorter length of time so that increased concentrations of CO in the vicinity of the rail crossings will be minimal. (Vol. II, 3.2-29)

With all the concern about traffic projection errors could this be a wrong assumption also?

7.8.6 (7-23) It may be an indexing problem, but we don't know who the air quality working group is, nor how they will reach "recommendations" about very real air quality concerns in Olmsted County.

point 69 - what determines "to the extent practicable," profits, air quality or mere convince.

6. Cultural Resources

Rochester has two structures listed in the National Register of Historic Places near the rail corridor. The Avalon Hotel is located at 301 North Broadway and the Rochester Armory (currently the Senior Citizens Center) located at 121 North Broadway.

In Vol. IV, Table 5.10 (no page number) the impact on cultural resources are shown. On the R-2 option, 48 historic structures, such as bridges, culverts, and two archeological sites within the right-of-way could be damaged or lost. In the R-3 and R-4 option, there are three structures referred to but not identified in the project area that could be of interest.

None of the cultural or historical places are identified in the DEIS. . What impacts will occur if the R-2 or R-3 or R-4 alternatives are chosen? There is no mention of mitigation regarding these sites.

7. Environmental Justice Issues

Vol. II, p. 3.1 - 122, 123

There is an Executive Order No. 12898, which ensures that projects such as the DM&E expansion project identify and address disproportionately high and adverse impacts to minority and low-income populations, potentially occurring due to agency actions. These criteria are:

- * at least one-half of the census group is of minority status
- * at least one-half of the census block group is of low-income status
- * the percent age of minority status is at least 10 percentage points higher than for the entire county in which the population is located
- * the percentage of low-income status is at least 10 percentage points higher than for the entire county in which the population is based.

There are ten block groups located in Olmsted County that meet the criteria stated in that Executive Order. Six blocks meet the criteria because of the percentage of low-income populations and six block groups meet the criteria because of the percentage of minority populations living in the block group. Two census block groups exceed the county percentage by 10 percentage points or for both low income and minority populations. On page 3.3-86 the DEIS lists Olmsted County as having four census block groups meeting the criteria for being higher than the percentage of minority in the county. On Table D-1 in Volume VII-A, Olmsted County is shown as having six block groups under the minority 10 percent rule.

Block groups are not defined in the DEIS. In talking to the Rochester/Olmsted Planning Department, it was explained that the block groups are established by the census. These block groups can encompass twenty to thirty "traditional blocks" and there are block groups in Rochester that have a huge discrepancy regarding income and minority status. This would dilute the affect that the trains would have on a specific block group when such discrepancies exist.

In Vol. VII A, Appendix D p. D-3, In past cases before the STB, the SEA found that "when significant impacts to environmental justice communities were identified, including any disproportionate impacts, rail traffic could often be rerouted to avoid the segments where these impacts were determined. This would reduce the level of rail traffic, and thus the level of impact along those segments, often without significantly impacting the segments identified for rerouting."

"In order to identify potential environmental justice communities, SEA collected U.S. Census data for the counties within which the proposed project would occur." Vol. VII A, Appendix D .D-5 on page D-6 low income is defined "as one whose per capita income was \$6,418 or less whose median income was \$12,674 or less." The census data used for this report was from the 1990 census. There has been a huge growth in Olmsted County's minority and low-income population since that census was taken. A more accurate count should have been obtained from the county. The income figures also seem very low.

Action taken thus far include SEA tailoring outreach efforts to ensure that the affected community was informed of the proposed project and provided the environmental justice community with a meaningful opportunity to participated in the environmental review process of the DEIS. This additional outreach was intended to:

- * seek widespread notice and dissemination of SEA's environmental analysis for the project,
- * provide additional opportunities for environmental justice communities to provide input to the NEPA process,
- * solicit information about cumulative effects in minority and low-income communities, and
- * allow minority and low-income communities to comment on appropriate mitigation measures. D- 13 & 14

The outreach plan involved sending copies of the DEIS to libraries, submitting articles to the local media and notifying elected officials and area organizations about the availability of the DEIS. This presumes that minorities - many with low-level English skills will contact the above groups with their concerns. There was no solicitation of information about the cumulative effects in minority and low-income communities. The Chicano Latin Affairs Council, the Council on Asian-Pacific Minnesotans and the Minnesota Cultural Diversity Center all received notification that the DEIS was available to them but it is not known if they were in contact with local residents. The above groups are all located in the Twin Cities area. The Diversity Council of Rochester was contacted to see if they had ever been contacted about the DEIS by the above

groups to solicit information from the minority community. They were not aware of the process to solicit information from the minority communities. The Diversity Council has dealt with the Minnesota Cultural Diversity Center on other issues of concern. IMAA was also contacted to see if information regarding minority comments was sought. The STB or any other organization never contacted them.

The Rochester League of Women Voters is listed as receiving notification of the availability of the DEIS. There was no indication that they should be soliciting information from the minority or low-income communities on the DEIS or even making the document available to those communities. There needs to be mitigation standards for those neighborhoods designated as affected by Environmental Justice issues.

In an article titled Native Activists Call on Environmentalists to Surrender Legacy of Conquest, Mazza quoted Winona LaDuke who stated "it's an American presumption that white people with Ph.D's know better than native people, people of color, who live there...", and Dennis Martinez "the dominant culture must go beyond acclaiming the imagery of native peoples living in harmony to acknowledge the worth of their practical experience"(Martinez, 2000).

Most nuclear weapons have been detonated on native peoples. 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. An industrial world view is not sustainable. That is why we should look at an indigenous world view". She then went on to present the tenets of indigenous thinking:

Natural law is preeminent,

There are two sources of knowledge, continuous inhabitation of place, and spiritual knowledge,

Most things are animate,

Reciprocity, a balance between what you take and what you give

The opposing industrial view holds the following tenets:

What is around us only has value as it is valuable to man,

The idea of progress, the God-given right of man to "tame" the untamed wild, manifest destiny,

"Primitive" people of color versus "civilized" white people.

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. That is the commodification of the sacred. In our own practice, we need to discuss the recovery of the sacred". She continued "The essence of the problem is about consumption, recognizing that a society that consumes one third of the worlds resources is unsustainable. This level of consumption requires constant intervention into other people's lands"

(Mazza, 2000).

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

Native American Religious Freedom Act

The Native American Religious Freedom Act, Public Law 95-341, 92 Stat. 469, 95 Congress Joint Resolution stated that it is the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession sacred objects, and the freedom to worship through ceremonials and traditional rites (internet communication Erowid.org., 2000).

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). These plants/herbs are also used in Native American spiritual ceremonies. The place itself holds spiritual meaning. This place, like the Badlands, can be likened to Bethlehem, the birthplace of Christ, for Christians. Places holding sacred meaning should not be decimated by industry.

Additionally, Badlands National Park is a class 1 airshed 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 excessive burning of coal.

8. Federal Medical Center (FMC)

Vol. II, p. 3.1 - 18

The DEIS reports that a "state prison medical facility" is located in Rochester. This is a federal prison medical facility. On page 3.1 -18 the DEIS states that the medical facility is located approximately 600 feet from the rail line. On page 3.3-68 the report states that there is a security fence approximately 200 feet from the line. In the same paragraph it is stated that there is a security fence within 50 feet of the line. Many would content that the fence abuts the rail line. The FMC reported to the SEA that the proposed project would interfere with the operation of the security fence. The SEA, after reviewing the manufacture's specifications determined that there would be no impact to the security fence as a result of vibrations from passing trains. The FMC takes strong exception to this finding. There needs a determination of who is correct and if the FMC is what will the DM&E do to ensure the safe operation of the security fence. The costs of any mitigation should be included in the economic costs to the project.

There is no discussion about what would happen in case of a derailment in the vicinity of the FMC. Where would the prisoners and staff go if there

were hazardous chemicals in the derailed cars? There needs to be a plan in place for such an event.

9. Safety Issues

In 1.3 Need for proposed action. p1.9 : Because none of us have access the DM&E budgets, how can we be assured their safety problem is one of insufficient revenue? Actually findings in the initial portion of this approval project support the profitability of the DM&E, there is no good reason to deny access to accurate financial figures on the DM&E to public review.

Vol. II, p. 3.1 - 89

School crossings are a big concern for safety issues. In Rochester, school buses cross the tracks at least 373 times a day, Byron - 56 times a day - 47 times a day. These numbers do not include "activity bus" trips such as field trips, etc. Vol. II, p3.1-89-90 there is also a number of children that walk to school and cross the tracks. The parents who drive their children to school numbers should be in the traffic surveys. This number may increase when the new elementary school is opened and more children from the SE sector of Rochester will need to be bused. Train traffic is not only a traffic concern for the school district. How will school bus schedules be affected? The buses will not only have to contend with normal traffic but will undoubtedly be delayed at rail crossings.

In Vol. II, p.3.2-85, the DEIS states that "the most an emergency vehicle would be expected to be delayed would be 2.6 minutes" The Rochester, Fire Department has made it very clear that they do not agree with this figure. . Fire trucks cannot clear an intersection in the same amount of time that a car can. Also fire trucks cannot weave in and out of traffic when responding to an emergency. The Rochester Police Department also disagrees with the number. Even though the police are assigned to different coordinates of Rochester, in an emergency, officers respond from all quadrants of town. In fact, the Olmsted County Sheriff's Department and the City of Rochester Police often cooperate when responding to calls.

There is a chart in Vol. II p.3.1-17 dealing with Mayo statistics. In 1998 there were 4,203 emergency transports which was an increase over the transports in 1997. Can we assume that this number will continue to rise. There were no numbers dealing with the number of times an ambulance crosses the tracks. There is also no discussion of the time issues when someone is having a heart attack or stroke. Rochester currently has one of the highest respond times to a person experiencing a stroke or heart attack. Do we give up this benefit of living in Rochester so that electricity can be delivered cheaper elsewhere?

In Vol. IV, Table 5.1-10 under safety, under option R-2 it states that during construction there will be vehicle delays, traffic congestion at grade crossings, and increased construction traffic may increase accidents. During operation, a significant increase in accident frequency is expected at one crossing for the 50 MNT and 100 MNT levels of operation. Same summary essentially for R-3 and R-4 except that it states that "all

increases are below the criteria for significance. "

In Vol. IV, p.7-11 the mitigation recommendations for safety are listed. The only concrete recommendation is that the "applicant shall install reflective material on the back side of all passive crossing warning devices, such as crossbucks, on the new and existing rail line." The other recommendations are lax in determining what the DM&E needs to do to create a truly safe railroad.

10. Traffic

In Vol. VIIA, Table 3-MN-g33 in the traffic and transportation section- no page numbers- a chart shows that the preconstruction speed is 20mph with 12 trains a day. It seems that the average time delays are averaged over 24 hours a day. So if a train goes through a 2:00 am it is treated the same as a train going over the track at 5:00 PM.

There is a chart with traffic figures in Vol. II, p3.1 48,49,50
There are currently 4,500 at-grade crossings within the state of Minnesota. Of these crossings, 107 have high exposures of 100,000 cars or more. None of these high exposure crossings are located in Olmsted County. If 37 trains DM&E trains per day are assumed, Olmsted County would have 12 crossings appear on this list. Of these, seven would be located within the city of Rochester. North Broadway would have the second highest exposure within the state. (information from TKDA and Associates)

In TKDA Associates Inc.'s opinion, grade separations are appropriate where exposure exceeds 200,000 vehicles. They recommend eight crossings for grade separations - one in Byron and seven in Rochester.

There is no assumption that the number of cars will increase in the coming years.

11. Vibration

Vol. II, p. 3.2 62 through 64

Any proposed alternatives would likely result in increased vibration due to larger and heavier trains being used on the rebuild or new construction. Among those structures affected by the rebuild would be the Mayo Clinic, the Federal Medical Center, and Pemstar. There would also be a significant number of private residences affected by vibration. SEA has determined that except for the Charlton Building, there is significant distance from the tracks so that vibration will not be a problem. The DEIS recommends that if R-2 is approved a vibration study be done at the site to document existing ground vibration from unit grain trains. This data would be used to project future vibration. There are currently no unit grain trains. The actual amount of vibration should be determined as a part of the DEIS and factored in when considering the economic consequences of possible alternatives.

The Federal Medical Center concern for vibration was discussed in that

section.

Pemstar Precision Electromechanical Manufacturing is located about 150 feet from the DM&E line. If R-2 is approved, Pemstar states that it would not be able to continue operations in its facility because of vibrations from passing trains. The validity of this statement needs to be confirmed by the DEIS and if true, the economic loss to Pemstar and the community of that facility needs to be considered when determining the four alternatives.

In Vol. IV, Table 5.1-10, the chart on Summary of Environmental Impacts to Rochester states that with the R-2 option the upgrade will provide shippers access to modern rail service. One business using sensitive equipment may experience disturbance. Are they talking about Mayo or Pemstar? Pemstar will experience enough disturbances to leave that facility.

The DEIS (Vol. II, p.3.2-62 to 63) states that ground vibration is a concern for several reasons which include:

- * structural damage to buildings and residences
- * concern for structural damage
- * nuisance or inconvenience
- * affects on sensitive equipment

It goes on to state that

- * "SEA conservatively determined that ground vibration could be sufficient to cause structural damage to buildings located within 100 feet of the rail line."
- * "Beyond 100 feet, structures between 101 and 200 feet, ground vibration could be of sufficient magnitude to cause concern that structural damage would occur. These individuals may experience continual concern about potential damage. Their quality of life may be reduced as a result of frequent vibration events and potential disturbance and inconvenience associated with rattling of windows, walls, pictures, and items on shelves and minor damage that may occur from items breaking from rattling off tables, walls or shelves. "
- * "Structures between 201 and 400 feet from the rail line would perceive some level of ground vibration. (Table 3.2-21; p.3.2-64) This vibration would present an inconvenience or annoyance to individuals experiencing it. However, it would not be expected to cause any structural damage or significant reduction in individuals' quality of life."
- * "Ground vibration is not expected to be a concern beyond 400 feet."

There are 576 structures that would be affected in some way by the R-2. R-3 would have 581 structures affected and R-4 would have five structures affected. (p. 3.3-70) Nowhere does the DEIS discuss mitigation regarding these structures. Loss of property value, quality of life, and, environmental justice issues need to be addressed with mitigation proposed. Serious consideration should be given to the rights of those owning property within 400 feet of the rail.

In Vol. IV, Table 5.1-10, Vibration is summarized.

Vibration is discussed in several volumes - always as a negative. Where are the mitigation options? Vol. II, p. 3.2 - 7, 8

12. SOCIO-ECONOMICS

In Volume IV p.5-13 the SEA has determined that the "only environmental impact that Minnesota would experience significant long-term adverse impacts would be noise sensitive and vibration receptors. On the other hand, the socioeconomics of the Minnesota project area would experience significant long-term positive impacts based on an increase in employment, tax revenues, and economic growth. "

Vol. II p.3.3-53 If the project is approved, the DEIS states that "existing shippers (RPU, Seneca Foods Corp., Rochester Iron & Metal, Public Delivery Track and Argo Distribution in Byron) would receive improved service, making them more efficient competitive and profitable." The number of cars currently serving Rochester make up about three unit trains per year. Even if a few more cars were added to the mix, the above listed companies are not going to have a huge impact on the DM&E business.

Vol. II p.3.3-53 also states that "businesses and industries located near the existing DM&E rail line could experience periods of inconvenience during operation of the rail line." Pemstar has indicated that they would not be able to continue operation at their current facility if the project is approved. The Mayo Clinic has indicated that they are very concerned about the economic impact of the proposed project on their business. The hotel business has expressed grave concerns about the impact of 37 trains traveling at 39-45mph through the middle of town. Rochester has 40 hotel properties and over 3,500 rooms within nine blocks of the railroad tracks. There are other small businesses along the track that do not nor will they derive any benefit from and the proposed project. Many of them will suffer hardships.

The chart (Vol. II p.3.1-118) using 1996 (?) statistical information for Potentially affected counties in Minnesota shows Olmsted County with an minority population of 5.2 % This was based on 1990 data. The per capita and median incomes were based on 1989 data. The unemployment rate is based on 1994 data and is listed at 3.5% The November 27, Post Bulletin, states that the unemployment rate for Olmsted County was 2%. The use of data from 1989 and the early 90's is inexcusable. It does not reflect what is happening in the area in the year 2000.

The DEIS writes about employment increases and the benefit to the community during reconstruction. (Vol. II, p3.2-111-112) The unemployment rate is quoted at 3.9% (wrong) which makes approximately 14,000 unemployed people - well over the number of local workers anticipated to be required during project reconstruction. It then discusses that these potential workers are probably unskilled and there will be a need for unskilled workers. There are

currently a number of companies looking for employees. They also assume that these additional workers will create a demand for housing and hotel rooms. There is currently a need for additional housing in Olmsted County. Question the need for more hotel space.

Rochester Area Economic Development Inc. states in an August 21, 1998 letter to the STB that "given the lack of apparent direct benefit, we do not see this as an economic development project..."

The DEIS assumes (not substantiated) that the county and the state of Minnesota will have an increase of \$1,988,952 during reconstruction. (p.3.2-114) Nowhere is the loss of income experienced by reconstruction addressed. Two interesting statements (p3.2-116) state that:

* "These funds would enable the counties to continue to provide their current services, possibly enabling them to upgrade or increase what they are able to provide." and

* "Increased tax revenues should easily offset any additional financial burden the project may cause the counties while still providing additional revenues for county services. "

Again, there is no discussion of what costs there will be to the county/city during and after construction. There is also no guarantee of what the state of Minnesota will give to the county from its share of the revenues.

Vol. IV, Table 5.1-10 under socioeconomics talks about 32 construction jobs created, a small number of relocations due to employment opportunities, increased tax revenue, and increased use of public facilities for R-2, R-3, and R-4.

On page Vol. II, 3.2-118, when talking about recreational opportunities the DEIS states that some patrons utilizing recreation sites may elect to use other areas. Any revenues generated to the facilities and local communities could be reduced. Are these loses being factored into the overall financial picture?

The no-action alternative, as noted in Vol. II p.3.2-1, would deny authority for DM&E to construct a rail line extension into the Powder River Basin. For the existing rail line in Minnesota, the no-action alternative would result in no reconstruction activities related to system-wide rehabilitation of the existing rail line and no operational changes in train activity along the rail. There is an assumption here that there are only the alternatives mentioned in the DEIS. While the STB is considering those alternatives mentioned in the DEIS, they should not assume that if this application is denied that there are no other alternatives available.

13. Wildlife Management Areas/Other resources

Vol. II, p. 3.1 - 20

There are three Wildlife Management Areas and Game Refuges along DM&E's

Existing line in Minnesota. They are:

- * The 650 acre Gordon W. Yeager State WMA located just east of Rochester and the DM&E passes through approximately 1.3 miles of this area. It is used for hunting and hiking.
- * The 42,800-acre Rochester State Game Refuge surrounds the city of Rochester and the rail line passes through eight miles of this area. The area is used for hunting.
- * The 109 acre East Side State WMA which is located west of Chester and is adjacent to the rail line for approximately 0.1 miles. The area is used for hunting and hiking.

In Vol. II, 3.3-56. Under Public Lands, Gordon W. Yeager State Wildlife Management Area is discussed under the R-2 option. The DEIS states that "reconstruction of the existing rail line could create temporary impacts to this area in the form of dust, noise, and general disturbance" " Following construction, the operation of the railroad could create additional impacts to the project area such as increased noise from a greater number of operating trains, and safety hazards to users of the area who may use areas adjacent to the existing rail line."

Biological Resources 7.8.7

How does one mitigate pollution such as mercury emissions, which effect the entire atmosphere.

76 states 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?

81. How will DM&E workers recognize impacts to threatened or endangered species?

3.1-27 Wetlands - habitat for fish spawning omission of pollution and possibility for increased mercury.

3.1.8.3 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 omits what types of pollution has caused the decline (could it be any diesel or coal burning pollutant??).

We are grateful for the extensive work of Olmsted County Officials, staff and volunteers. This allowed our group to stop the endless, difficult tasks of locating individual errors and omissions and concentrate on articulating what we see as the biggest problems with the DEIS:

In light of massive impact on the environment and no acceptable mitigation, we have no choice but to support the no build alternative. This DEIS document falls far short of an appropriate study and needs to be redone. Material submitted in response to it needs to be used for revision and a proper document issued, preferably adequately indexed and cross indexed.