

**Re: FW: Enviro Matters - Doc No. 35852** **David Navecky** to: Mary Hillberg

09/11/2015 10:58 AM

From: David Navecky/STB
To: "Mary Hillberg" <hillberg@earthlink.net>

Mary -

Thank you for your email. Actually, I do remember speaking with you on a couple of occasions.

First, it might be helpful to note that the role of the Office of Environmental Analysis (OEA) at the Surface Transportation Board (Board) is to assist the Board in meeting its responsibilities under the National Environmental Policy Act (NEPA) and other environmental and historic preservation statutes.

NEPA requires the preparation of an EIS for major federal actions that could result in significant adverse impacts. In this case, the major federal action would be the Board's approval or licensing, if granted, of the proposed rail line construction. The purpose of an EIS is to assess a reasonable range of alternatives, provide a full and fair discussion of potential environmental impacts of those alternatives, provide the public an opportunity to participate in the environmental assessment process, and inform the Board of the potential environmental impacts.

As required under NEPA, the Port Canaveral rail extension EIS will consider a range of reasonable alternatives for the proposed rail line to Port Canaveral and will assess the potential impacts to the natural and human environment of each rail line alternative. The EIS will also address the no-action alternative (i.e., the alternative under which no rail line would be constructed). The EIS to be prepared by OEA will evaluate each rail line alternative equally and without bias towards any route that may be preferred by the Canaveral Port Authority (CPA). After a Draft EIS is issued by OEA and the public comment period concludes on the Draft EIS, OEA will prepare a Final EIS that addresses substantive comments received on the draft document including comments on potential impacts, mitigation and the environmentally preferable alternative. The Final EIS will specify OEA's environmentally preferable alternative and typically includes an OEA recommendation that, in any Board decision approving CPA's proposed rail line, the Board approve the environmentally preferable alternative.

Regarding purpose and need, the proposed Port Canaveral rail extension involves a forthcoming petition or request from CPA for a license or approval to construct a rail line to the port. It is not a federal government-proposed or sponsored project. In cases like this, federal courts have held that project goals are to be determined by applicants, not the regulatory agency preparing the EIS. However, in making its final decision on the proposed project, the Board will consider the entire environmental record (i.e., the Draft EIS, Final EIS, all public comments, and OEA's recommendations) as well as the transportation merits of the proposed rail line.

I hope this information is useful. Thank you for participating in OEA's environmental review process.

Dave

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"Mary Hillberg"

Hi Dave, You probably don't remember me, but...

09/09/2015 05:57:23 PM

From: "Mary Hillberg" <hillberg@earthlink.net>
To: <NaveckyD@stb.dot.gov>
Cc: <David.Navecky@stb.dot.gov>
Date: 09/09/2015 05:57 PM
Subject: FW: Enviro Matters - Doc No. 35852

Hi Dave,

You probably don't remember me, but we have talked a couple of times on the phone and you have always been kind and helpful. Now I am beginning to be concerned about the direction of the EIS and what information is helpful for an environmental statement.

I have also been reading a bit about shipping statistics and requirements. More and more, it is becoming evident the goals/purposes the applicant has proposed for this rail are not realistic or even possible.

Attached is the most current article I can find in a reputable shipping periodical that states what the public here have suspected all along; there is no need for this freight train at Port Canaveral at all. This is apparently a boondoggle pushed by the central Florida counties. There is no pressing need for any such thing.

On September 3, 2015, the Brevard County Commission unanimously voted to oppose the freight train through Merritt Island routes and requested it be put through the Air Force area where the citizens and environment maybe protected. Attached is that Resolution.

It has also been suggested we are mistaken about the role of the EIS of the STB in that it "facilitates" rail placement when the applicant want it in an environmentally inappropriate place, rather than evaluates the appropriateness of the routes or rail placement. Is this true?

Might you comment on the article, as well as the question about the purpose of the EIS by the STB? As an elected representative of the NMI community, I need to know. If you would rather talk on the phone than via email, I understand and my home number is 321-453-0220 and my cell is 321-427-2363.

Sincerely,

Mary Hillberg
Merritt Island, Florida

This email has been checked for viruses by Avast antivirus software.

www.avast.com

[attachment "Too many Florida combine production" deleted by David Newbery/STB] [attachment "NCCC Resolution Post Fall Extension 2015.doc" deleted by David Newbery/STB]