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September 28, 2020

VIA E-MAIL

Victoria Rutson
Director
Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

Re: STB Docket No. FD 36439, Flint Hill Resources Railroad, LLC – Construction and Operation Exemption – In Hardin County IA

Dear Ms. Rutson:

By this letter, the Flint Hill Resources Railroad, LLC ("FHRR") requests that the Office of Environmental Analysis ("OEA") grant a waiver pursuant to 49 C.F.R. 1105.10(c) of the requirement under 49 C.F.R. 1105.10(a) that an applicant meet and provide "written notice of its forthcoming proposal at least 6 months prior to filing its application." Here, waiver of the six month notice requirement is appropriate under the rules as FHRR has met and conferred two separate times with OEA staff as to the environmental and planning considerations for this project and no significant issues were identified; the planned construction is limited in scope as it includes approximately 2.3 miles of track (the "Line"); virtually all of the track to be constructed will be located on or next to existing railroad rights-of-way or on portions of land already owned by FHRR's affiliate; and the area is zoned for agricultural use and is lightly populated, except of the existing plant.

As FHRR has communicated to OEA staff, the purpose of the planned construction is to connect Flint Hill Resources Iowa Falls Ethanol Plant ("Plant") with the Canadian National Railway ("CN"). The Plant is currently exclusively served by the Union Pacific Railroad Company ("UP"). The project will provide the Plant with direct rail service to two railroads, allowing for competition and improvements in service and rates.¹ FHRR anticipates filing an individual Petition for Exemption

¹ FHRR intends to contract with a third party carrier to conduct the rail operations over the Line or to grant trackage rights to CN to operate over the Line in order to provide competitive rail service to the Plant.

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under 49 U.S.C. §10901 to permit it to construct and own the Line, and if necessary, absent an agreement with UP, file a corresponding petition to cross UP's line.

As OEA knows, FHRR has approved Burns & McDonnell as a third party to work under the supervision of OEA to prepare the environmental documentation. This arrangement has already been approved by OEA and currently the parties are working on a MOU.

Furthermore, based on the limited scope and potential benefits of the project, FHRR at this time believes that an Environmental Analysis ("EA") will be appropriate. Nonetheless, FHRR will wait to file a request that an EA, as opposed to an Environmental Impact Statement, be prepared until the third-party consultant has performed a preliminary site assessment as directed by OEA.

For the above stated reason, FHRR requests that you grant the waiver of the six month notice requirement under 49 C.F.R. 1105.10(c).

Please contact the undersigned if you have any questions or require additional information. We look forward to working with OEA to complete the environmental review process for this project.

Respectfully submitted,

/s/ William A. Mullins

William A. Mullins
Attorney for Flint Hill Resources Railroad, LLC

cc: Kenneth Blodgett
Kim Boatright