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Congress of the United States
Washington, DC 20515

December 15, 2008

The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

**RE: Canadian National Railway Company and Grand Trunk Corporation
Control—EJ&E West Company (STB Finance Docket No. 35087)**

Dear Secretary Quinlan:

We are writing to request that the Surface Transportation Board re-classify the final environmental impact statement prepared by the Section of Environmental Analysis for Canadian National Railway Company and Grand Trunk Corporation's (CN) proposed acquisition of the EJ&E West Company (EJ&E) as a revised-draft environmental impact statement. Upon re-classification, we request that the Board circulate the revised draft EIS for public comment pursuant to NEPA and CEQ regulations.

On December 5, 2008 the Surface Transportation Board released its latest environmental impact statement (EIS), a document consisting of several thousand pages, as a final EIS. According to NEPA the Surface Transportation Board can make a decision any time after the final EIS is published in the Federal Register since the Surface Transportation Board has an internal appeal process. However we believe that the latest EIS made substantially different findings and analysis from the draft EIS and for that reason should be re-circulated as a revised draft EIS, subject to additional public comment.

In the introductory paragraph of Chapter 3, *Comment Summaries and Responses*, of the EIS, the Section of Environmental Assessment notes that it is responding to 9,500 comment documents that raise more than 55,000 issues and concerns about the draft EIS. We submit that the sheer volume of comments, issues and concerns is a clear indication of the seriously flawed nature of the original draft EIS. Given that SEA required an additional 463 pages to respond to the filed concerns, and that a substantial level of new analysis is contained throughout the new document, one must question how the final EIS can be appropriately characterized as "final." At minimum, the new analysis should have been reissued as a revised DEIS for further public input and comments. Otherwise, when will the public be given a meaningful opportunity to review and comment on the huge amount of new analysis in this EIS?

We urge the Board to reclassify the final EIS as a revised draft EIS to ensure all interested parties and concerned citizens are able to review and comment on the substantially different findings and analysis contained in the recent document. Thank you in advance for your thoughtful review and consideration of this matter.

Sincerely.

Melissa L. Bean

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Sam H. Marmallo

Judy Bigset

J. P. ...

Bill Foster

cc: All Parties of Record