From: Owen de Long
To: Marx, Joshua A NWK;
Subject: The obvious need for doing an Environmental Impact Assessment and a Health Risk Assessment at the Gardner Intermodal BNSF Rail site:
Date: Saturday, August 08, 2009 1:36:01 AM
Attachments: OWEN NAFTA SUPERCORRIDOR OLATHE FORUM Health and Community Impacts of Intermodal Railyards and Distribution Centers An Evening Informational Workshop THURS AUG 6 2009.doc
NAFTA SUPERCORRIDOR Ten Year Overview BIBLIOGRAPHY Compiled March 2008.doc
Owen de Long CURRENT RESUME November 10 2008.doc

Dear Mr. Marx,

As an author (writing a book on the history of the NAFTA SuperCorridor), professor (teaching Environmental Studies, Political Science, and Constitutional Law at several universities and colleges in the area), and political and research consultant (advising former U.S. Rep. Nancy Boyda, who made the NAFTA SuperCorridor a centerpiece of her victorious campaign in 2006 over Olympic miler Jim Ryun), I must say at the outset that the case for requiring a full Environmental Impact Assessment, as well as a full Health Risk Assessment, for building the proposed Gardner, KS, Intermodal site for the BNSF railroad, is both obvious and imperative.

The Army Corps' recent cursory Environmental Assessment concerning this site is highly flawed, as well as suspicious, in both methodology and conclusions. For example, in comparing frequency of "lifts" in Appendix A and sub-Appendix B, there is a clear error in even stating that the major California facility comprising 500,000-plus lifts per year with an outcome of over 20 tons of emissions is to be seriously compared with a projected Gardner site in the range of 400,000-plus lifts per year and yet producing a very convenient estimate of just under 5 tons of emissions per year. No amount of state-of-the-art electrification of equipment, etc., at the Gardner site could account for such a gross disparity of relative emission totals, given the near-equivalent number of annual lifts estimated. Moreover, this clearly-rigged conclusion does not even take into account the intense truck traffic and its emissions, as well as the tire and dust particles stirred up in an essentially rural environment, by a virtual invasion of multi-wheeled vehicles on a newly-expanded road capacity.

Furthermore, with an American Lung Association 7th Annual Report grade of "dire" for the air in Los Angeles County in general and in the City of San Bernardino -- eastward along the prevailing winds from the Ports of Long Beach and Los Angeles -- in particular, where a majority of the "lifts" onto rail cars destined for Gardner, KS, on the BNSF railroad take place, there is just no way that the air quality around any future Gardner, KS, Intermodal site will have significantly less toxicity than the comparable air quality around the site of origin of all such off-lifted products. In the L. A. County case, the American Lung Association report estimates that at least 2,000-plus additional deaths per year are being caused by the emissions emanating from the two ports of record. Not to do a thorough E.I.A. and a thorough H.R.A. on the Gardner site before allowing BNSF railroad to proceed with construction will, in my opinion, expose the Army Corps to significant legal risks, as well as to the possibility of sustained citizen outrage and public protest against both the Corps and BNSF.

In conclusion, I would also advise you to extend all periods of public comment to the maximum allowable under law for each of your reports, including for the current Environmental Assessment otherwise closing shortly. I say this to help you absorb what may otherwise turn out to be a virtual avalanche of both expert and citizen criticisms of your actions in this case, as well as the many very time-consuming and expensive lawsuits that will inevitably ensue.

Yours very truly,

Owen de Long

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