



CITY OF RUTLAND
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OFFICE OF THE MAYOR
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Tom Macaulay, Executive Director
Rutland Redevelopment Authority
103 Wales Street
Rutland, VT 05701

Re: Rutland Railyard Improvement Project

January 25, 2010

Mr. Macaulay,

The relocation of the Rutland rail yard out of the City's commercial center is too critical an issue to Vermont's rail infrastructure to allow the project to languish due to the "preferred alternative" being unacceptable to Rutland's residents, businesses, environment and in conflict with State environmental policies and regulations.

The sponsors of the Environmental Assessment (EA) must reassess and further investigate previous alternatives and proposals because the current "preferred alternative" has failed to adequately address very significant obstacles which may ultimately make this site unviable.

**Re: 3.15.1 Surface Water; 3.15.2 Stormwater and;
Appx. I - Drainage and Stormwater Technical Memorandum**

Though the City of Rutland does, and will continue to, assert that the Moon Brook watershed has been erroneously included on the State of Vermont 2008 303(d) List of Impaired Waters due to stormwater, the reality remains that until that decision is reversed, any development within the watershed requires recognition that all impaired water rules and regulations must be adequately addressed. The EA fails to adequately address post-2003 regulatory developments that have taken place with respect to Moon Brook and the associated 303(d) criteria.

Appendix I was drafted in 2003 without consideration for the "preferred alternative" (which moves nearly the entire project into the impaired watershed). This technical memorandum must be updated before proper consideration can be given to the "preferred alternative." Also, in 2003 Stormwater Treatment Practices (STP) identified sedimentation mitigation as integral to Best Management Practices (BMP), this is no longer the case. The Total Maximum Daily Load (TMDL) to address Biologic Impairment in Moon Brook (VT03-06), July 2008, was not referenced and does not appear to have been considered in the EA. The current TMDL identifies flow levels as the mitigating factor, not sedimentation.

Additionally, the EA fails to consider the potential effects of the August 2008 decision by Judge Durkin (Docket 14-1-07 VTEC) regarding the Conservation Law Foundation appeal to a prior NPDES Petition concerning similar impaired watersheds in Chittenden County, which could have a definitive impact on development within the Moon Brook watershed. Also, a new Municipal Separate Storm Sewer System (MS4) is due to be issued by the State and there are firm indications that the State may attempt to designate Moon Brook as an MS4 waterway. These realities cannot be ignored by the EA sponsors and must be addressed at the outset, because to wait until final design would simply be irresponsible as Surface Water and Stormwater issues could very likely preclude the “preferred alternative” from being considered due to an unacceptable level of environmental impact.

Re: 3.17 Floodplains

In addition to the significant obstacles associated with 3.15, Water Resources and Water Quality, there exist some potentially problematic issues regarding floodway and floodplain management that must be considered before the site selection process continues. It would be both impractical and unwise to wait until final design, as the EA recommends, to consider the viability of flood mitigation. Before any more time, energy and resources are invested into the “preferred alternative,” this issue must be reconciled.

Re: 3.18 Fish

As stated above, the City argues that Moon Brook’s stormwater-impaired designation is suspect, but nonetheless must be addressed. To discount the necessity that fish habitat viability be considered a prerequisite runs counter to State regulatory requirements. To assert that “392 feet of Mussey Brook and 897 feet of Moon Brook will be routed through culverts beneath the new railyard, effectively eliminating potential fish habitat in these segments” is acceptable with “no mitigation required” simply because Moon Brook is already “listed as impaired with poor overall biological condition and degraded habitat” displays a lack of detailed knowledge and/or research of State environmental regulation.

Re: 3.4 Economic Development

The EA fails to adequately address impacts on current and future economic development initiatives and the effect the “preferred alternative” will have on the City’s tax base. While the EA does identify a potential 3.7 acre narrow strip of land that could be added to the grand list and be available for redevelopment, it fails to identify the 25.2 acres of commercial/industrial property that will be removed from the tax rolls and result in a net decrease to the grand list of conservatively over \$2.5 million.

Re: 3.11 Public Safety and Health

The EA fails to adequately investigate and assess the concerns of increased fire, police and emergency response times that will result from the elimination of Park Street as an access.

Neither the sponsors nor consultant contacted the Rutland City Chief of Police, the Rutland City Fire Chief and Emergency Management Director, the Local Emergency Planning Commission (LEPC) Chairman, or the Rutland County Fire Mutual Aid Association for input. A project of this magnitude requires consultation with the local emergency responders and the EA must address this most critical facet of potential project consequences.

Conclusion

The City of Rutland recognizes that the "No Build Option" is not an option. The current railyard fails to serve the needs of both the Rutland community and the State of Vermont, and the State's rail infrastructure requires a significant upgrade to the rail yard in order to increase capacity and operational efficiency. Unfortunately, the adverse impacts resulting from the choice of "preferred alternative" (Alternative 5) seem to have a greater impact than would other alternatives that have been considered. It is the recommendation that the EA re-address Alternative 2, with some modifications to the existing yard as explored in Alternative 5, or preferably, the previously considered Center Rutland or West Rutland sites. It is the City's opinion impacts associated with Alternative 5 will ultimately result in it being an unviable location, and that the sponsors waste no time in finding an alternative that will serve the future needs of the Vermont rail community.

A handwritten signature in black ink, appearing to read 'C. Louras', with a long horizontal stroke extending to the right.

Christopher C. Louras, Mayor
City of Rutland