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Oglala Sioux Tribe

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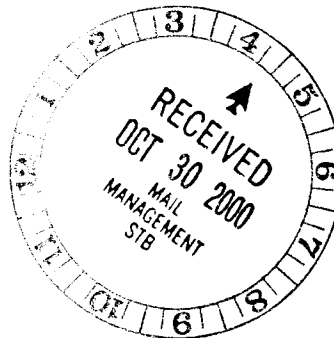


OFFICE OF THE FIFTH MEMBER
MICHAEL GRAHAM

THERESA TWOBULLS
Office Manager/Secretary

October 25, 2000

Office of the Secretary
Case Control Unit
STB Finance Docket No. 33407
Surface Transportation Board
1925 "K" Street, N.W.
Washington, D.C. 20423-0001



ATTN: Victoria Rutson
Environmental Project Manager
Environmental Filing

Dear Ms. Rutson:

I am submitting the following comments in response to the Executive Summary DEIS, Finance Docket No. 33407 -DM&E Railroad Corporation, ES.1411 Environmental Justice, page ES102.

First of all, I would like to know who will pay for the development of a "Hazardous Material Emergency Response Plan for the Native American persons on the Pine Ridge Reservation in South Dakota, particularly, those inhabiting Red Shirt, which is located less than 1.0 mile from the new rail line construction under Alternative B." The DEIS further states that the "plan shall include Applicant-sponsored training in hazardous materials response for appropriate tribal personnel."

I never knew that transporting coal via the railroad would be so hazardous that a Hazardous Material Emergency Response Plan was essential. Or am I missing some relevant information on exactly what DM&E Corporation intends to transport in the future.

If DM&E Corporation intends to haul hazardous material from or to eastern locations in the future, then I would have to vehemently oppose the construction of the railroad. It appears that there are already circuitous routes established and operated by other railroad companies to haul coal from the Powder River Basin.

I also believe that coal is not a renewable resource, such as timber and that to think DM&E Railroad Corporation will haul coal forever is far-fetched. The damages to the environment cannot be adequately justified.

Finally, all of our tribal lands will be polluted with the smoke emissions from the railroad operations. Why is it wrong to route railroad lines adjacent to the Black Elk Wilderness because of the smoke emissions and not wrong to route the railroad lines adjacent to an Indian

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Reservation, namely, the Pine Ridge Indian Reservation, which also include the Badlands National Park. Because of this inequity, I am strongly recommending that the Surface Transportation Board approve Option A – to do nothing.

Sincerely,

A handwritten signature in cursive script, reading "Michael Graham". The signature is written in dark ink and is positioned above the printed name.

MICHAEL GRAHAM
Fifth Member
Oglala Sioux Tribe