

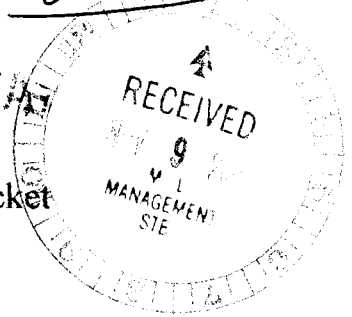
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**ENVIRONMENTAL
DOCUMENT**

Comments on the Draft Environmental Impact Statement, Finance Docket
#33407, DM&E Railroad Expansion into the Powder River Basin



My name is Clara Wilson. I live thirty miles south of Newcastle, Wyoming along the Cheyenne River on a ranch my grandparents bought in 1908.

The DEIS arrived about thirty days ago, at a very busy time for ranchers. I have had time to read only part of one volume and skim over a couple of others. I think it is very important that the comment period be extended at ~~least thirty~~¹⁸⁰ days to allow everyone to be affected by this railroad expansion the opportunity to read this document of over 5000 pages and comment accordingly. I intend to make further comments later, after I have had time to read more.

One concern is that the DM&E's proposed railroad would cut in half a part of our ranch that we have leased and controlled for about 35 years. This land is owned by my brother, a trucker who gets home infrequently. It would split pastures in two, potentially interfere with the water source, and ruin winter protection along a creek bottom, along with pollution and possibility of toxic waste spills.

Another concern is the route would go up Bob Cat Creek, a tributary of the Cheyenne River where we have an adjudicated water right. Flood water from the watershed area of this creek is used to flood irrigate about eighty acres of hayland on state land. Even though this was a drouth year in our area, there was enough run-off to irrigate this field earlier this year.

Without reading any of the DEIS, we know that it is incomplete. There was never any kind of survey done across our land. In reading the DEIS, this is demonstrated. Most references to the Cheyenne River are in South Dakota. There is very little, if any, comment on the route between the Wyoming state line to the Thunder Basin National Grasslands.

The DEIS is also out-dated. The Cheyenne River in both Niobrara and Weston counties has a severe weed problem, enough so to justify the forming of the Cheyenne River Cooperative Resource Management group in the fall of

1999. The biggest concern in Niobrara County is leafy spurge, and they have more knap weed in Weston County. The CRM is working very hard, in conjunction with various state and county officials, to stop the spread of these noxious weeds. A railroad so near the river will only intensify the problem.

Until about two years ago, the Cheyenne River was listed as an impaired stream. With the help of the Niobrara County Natural Resource people and cooperation of the landowners it was removed from this list. We are concerned about coal dust, diesel smoke, or spilled diesel or other toxic waste blowing or running into the river and again creating a problem.

An archeological survey was never done on our land, that we are aware of anyway. Both my brother and I had told representatives of the DM&E, including their archeological surveyors, both in writing and on the phone, that they were to contact me in regards to this property. In early July of 1999 I received a map and request for permission to do an archeology survey from Nancy Hodgson of the University of South Dakota. The map had two routes on it, and was very primitive. I told her the map was unsatisfactory. Because of our concern with the route invading the watershed of a creek where we had a water right, we wanted to see a map showing the width of the right of way, where the cuts would be made, and where the fill dirt would come from, how much it would impair this watershed area. We also asked that the surveyors identify themselves and show proof of insurance. In a few days, Ms. Hodgson's co-worker, Damita Hiemstra, sent the same map, but with one route highlighted. Again, I told Ms. Hodgson what I needed to see in a map. I received an enlargement of the first one! I did not receive any more maps. I received a phone call from another co-worker, Bill Ranney. He told me I could come to a room at the Fountain Inn in Newcastle and LOOK at a map, but I could not have one because it was "copyrighted". He later called back and told my husband that I should call Stephen Thornhill at 816-822-3851. When I did so, I was told that Mr. Thornhill was in Rapid City, South Dakota for a meeting. The "Rapid City Journal" stated that he and Ms. Rutson were there attempting to promote the DM&E project at a meeting with the Indians!

Ms. Hodson sent me a letter on July 7, threatening , "If you do not want your land surveyed, we'll skip it and it will not be included in the Environmental Impact Statement". This threat has been carried out. She also told me that she worked for Burns & McDonnell, a third-party, unbiased

enity with no financial or other interest in the outcome of the EIS, and that Burns & McDonnell are required to be independent of DM&E for the survey to be valid. If so, why were Mr. Thornhill and Ms. Rutson in Rapid City trying to promote the DM&E project to the Indians? Is the DEIS valid?

I also told her in a letter of July 25, 1999 that she and her co-workers had harassed us, threatened us, and denied us pertinent information, and representatives of the DM&E had admittedly trespassed. We heard no more and they did not do the archeological survey that we are aware. A dinosaur discovery was recently made just a few miles south of the proposed route. How is anyone to know there are not dinosaurs in the path of the proposed railroad if no one looks?

About the trespassing. Both my brother and I had told representatives of the DM&E repeatedly that they were to deal with me in anything concerning his land because we had it leased and he was seldom at home. Two days before Christmas 1998, before anything was said about doing an archeological survey, I told them they could not go on. We were not told why they wanted to go on at this time. In a letter from Lis Hollman dated February 8, 1999, she sent my brother a check for \$100 and apologized "for unauthorized use of your private road". This was the first we knew that they had trespassed, but later found their survey stake. She claimed that they had inadvertently mistook this road, two ruts behind a wire gate, for a public road. Their having maps and GPS equipment readily available, I find this highly unlikely.

I find in the DEIS that the railroad cannot have a grade of more than one percent, but I cannot find information in the DEIS showing what the grade is at specific locations on the maps. Going by map elevations only, the grade from the river, up Bob Cat Creek to the top of the Alkali divide could be more than that. Unless trains would only run from west to east from the mines to Edgemont.

In the last two years we have had a great increase in prairie chickens, sharp-tail grouse, and Hungarian partridges on the prairie. Wild turkeys have been absent for a few years but are coming back along the river. For many years bald eagles have wintered in some cottonwood trees along Bob Cat Creek. This has all been omitted from the DEIS.

Both the Burlington Northern-Santa Fe and Union Pacific railroads have double-tracked much of their railroads going into the Powder River Basin coal mines in the last year. This is another example of information left out of the DEIS.

Both the text and the maps in the DEIS show the route crossing State Highway 18 in Niobrara County. I don't think so. And the maps are so old that Highway 450 does not appear on them.

I believe, according to Wyoming law, each landowner is entitled to one underpass for livestock movement. Who pays for this, the DM&E or the landowner? Who pays for this on state land? Although the proposed route does not cross any of our own land, it does split a piece of state land that we lease, leaving no water on the other side. Who pays for the impacts on the private and county roads?

Many references are made to the "landowners advisory committee", who, in reality, were chosen by the DM&E, not the landowners. None of them have ever consulted with us. Aren't they glorified employees of the DM&E, being used to mislead the media?

Several instances in the DEIS state "according to the DM&E". Is this a valid resource? How sound is the information presented?

I am in favor of Alternate A. In what little I have had time to read of the DEIS, it appears quite inconclusive. I don't think the information provided is complete enough to base a sound decision upon. The route has not been selected, the archeology survey has not been completed, page 4-3 of Volume VIII-B uses the words "estimated" or "expected" over a dozen times. Besides giving the public very little time to read the DEIS, it appears additional studies are needed and a second DEIS be required. This DEIS was done long before the work was finished.

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