

NOV 16 2000

Part of
Public Record

November 1, 2000

000218

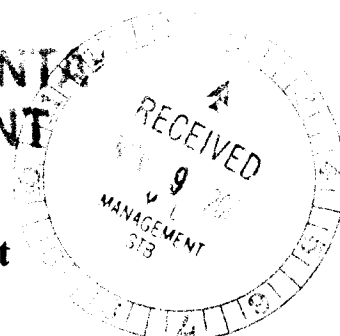
REC'D at 11/1/2000 mtg

200336

6-10

Rick Wehri
753 Morrissey Rd
Newcastle WY 82701

ENVIRONMENTAL
DOCUMENT



DM&E's Draft Environmental Impact Statement
Comments

The STB's analysis reads like an **editorial** in favor of the DM&E expansion into the Powder River Basin.

Section 1502.1 of the NEPA code paragraph 'f' states:

"Agencies shall not commit resources prejudicing selection of alternatives before making a final decision"

And Paragraph 'g' states:

"Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather the justifying decisions already made."

In reading parts of the DEIS it is obvious to me that the STB has biased the document in favor of the DM&E .

1. The phrasing of the document is biased towards approval of the project.
 - a. Table 5.1-1 contains phrases such as:
 - a) "Contamination from fuel and lubricants in **the unlikely event of an accidental** spill or derailment." (soil impacts of operation) (DME has the worst safety record in the nation so why would a spill of derailment be unlikely?)
 - b) "Reduced access and **inconvenience** to farmers and ranchers" (effects to agriculture of operation)
 - c) "potential damage to 1 house located 101-200 ft of the proposed line and e to 1 house within 201-400 ft of line" (effects of vibration from operation) Section 4.4.9.2 states: "These structures could experience **minor** damage such as cracking of foundations, breakage of items falling from tables, walls, or shelves". It also states: "this vibrations present an inconvenience of annoyance to individuals experiencing it.
 - d) "Fencing **may** impede seasonal migration and reduce access to water" (Impacts on big game under operation)
 - e) "Over 100 **high** paying railroad jobs. Local unemployment decrease" (Impacts of operation on employment and income)
 - f) "Over 900 construction jobs." Source ??? DME!!!
 - g) "Property values may increase in areas suitable for commercial development"

- h) "No business industries are located in close proximity to the proposed rail corridor. Speaking of Alt B. (Section 4.4.6.3) No reference for information cited. "Alternative D would be the only Alternative to require conversion of business land to rail right of way." (6.2.1.3) Are not the ranchs and farms the rail line would cross businesses??"
- i) "The **only** measurable impact to big game is the amount of habitat lost due to conversion of rail line right-of-way" (4.4.10.2.1)
- j) "**However, sometimes** sparks or cinders escape. Under the right conditions, if these sparks land in an area with a fuel source such as dry grass, they can ignite grass fires." (4.4.6.1.1) Talk about a qualified, run around, leading, statement!! How will fires be mitigated?? The "Applicant shall develop an **adequate** plan for fire prevention." (7.8.1.5) Define what the word adequate means!!!
- k) "The potential for these construction impacts would be limited to the **short** period required for crossing construction. Indicated by DM&E to be approximately 14 days for bridge construction."(4.4.7.1) Initially according to the DM&E they would be hauling coal out of the Powder River Basin by now. How reliable are they for a reference??"
- l) Referring to option B; "Most of this option would impact grazing on **private property**. **However**, a segment of this option would cross Wyoming state property, eliminating the use of this land for grazing. The loss of **this** grazing on state owned land **would be a significant impact**" (4.11.2.3.3) Why is the loss of state grazing land significant but not the loss of private grazing land???"
- m) The document also states in section 4.11.3.2.3 "the impact of losing this grazing would not be considered a significant impact, as grassland is abundant in the project area."
- n) "Prime farmland is abundant in South Dakota and any areas where it **might be impacted** by this project would be small and localized." (4.3.5.3) Define abundant and just because we have lots we should not care about it!?!.

2. The SEA quotes the DM&E on economic benefits of the project while doing little to research if these figures are correct.
3. The Document uses scare tactics and supposition in order to justify disregarding Alternative A.
 - a. Section 6.2.1.2 states "the No-Action alternative could also have substantial and significant adverse impacts to the human and natural environment." It then goes on to quote DM&E about how without the new line there would be more train accidents, decreased roadway safety, more products shipped by trucks, and significant economic hardship for the agricultural communities. These are all unsubstantiated threats. The STB just is preaching for the DM&E! They do not investigate to see if any of these statements are true or what the exact impacts might be.

Therefore I believe this Draft Environmental Impact Statement is completely bias toward allowing the DM&E to pursue their proposed expansion into the Powder River Basin by:

1. Prejudicing the selection of alternatives before making a final decision.
2. Justifying a predetermined decision through the use of an environmental impact statement.

In conclusion; this draft EIS should be discarded and a completely new and unbiased assessment should be completed before any other decisions are made.