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COUNTY OF WESTON

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As Weston County Commissioner I am concerned about several issues in this Draft Environmental Impact Statement:

1. The economic studies that have been used in this draft are very one-sided as they detail only the positive impacts from the construction and operation of the proposed rail line. Officials and decision makers, as well as citizens, deserve a full accounting of the negative financial impacts as well as the positive ones. Where these are mentioned, they are not quantified. They must be quantified before they have any meaning.
2. The tax payments by DM&E shown in Volume III-B, pages 4.4-142 to 4.4-144 are not verified by any studies, footnotes or authoritative sources. Compared to the taxes paid by the other coal line in Weston County, they appear to be overestimated by 3 times. As a commissioner I need facts not exaggerated propaganda.
3. I am concerned for the safety of the residents and visitors to Weston County. The draft states that there will be no grade separated crossings in our county. This is simply unacceptable. Highway 85 is a major north/south artery traveled by many tourists and interstate truckers who would not be expecting a heavy haul railroad. Highway 450 is also a major east/west route and would need to have grade separations. In the present railroad corridor operated by BNSF all major public roads have lighted gates. This is necessary for the safety of our citizens. All of these safety devices should be paid for by the railroad as the new line is constructed because they are crossing roads that are already there and the standard has historically been that the new construction pays for changes.
4. Another concern is for the impact on county roads that will lead to the construction area. These are lightly traveled roads presently. Construction traffic could impact them and the county's ability to maintain them before any increased taxes are received by the county. The Applicant should be required to reimburse the county for any extra maintenance that has to be done on roads leading to their construction area.
5. Noxious weeds are another area of concern. The mitigation is inadequate. Weed free ballast, weed free fill, weed free water and weed-free mulch should be required. The construction equipment must be washed before it comes into the county.
6. Fire is another big concern as one large fire can use all of the tax money contributed by the railroad. Fire suppression must be a major effort by the railroad using the newest spark arrestors, plowing fire guards and keeping them weed free, and continual cooperation with the county fire district. Compensation of fire fighters and for forage loss to landowners must be paid promptly.
7. The economic studies of landowner impacts are missing from this Draft. Where are they? Studies could have been done along the two rail lines that were built in Wyoming in the last 25 years.
8. Mitigation for the landowners is inadequate. The Landowner Advisory Committee did not have a single Weston County resident on it. This is very unrepresentative of the number of landowners. Each landowner has unique circumstances and must be dealt with on an individual basis. The heavy handed pronouncements and letters sent to the landowners in my county are totally unacceptable.
9. The mitigation measures suggested have no enforcement vehicle. Without enforcement such measures are meaningless.
10. The national implications of providing low priced coal to Eisenhower era power plants have not been addressed at all. The air quality of the entire country is likely to be affected.
11. The draft document is difficult to read because there is no index, the page numbering system is cumbersome and hard to understand. Many pages are not numbered. Subjects such as air quality are so fragmented that it is almost impossible to get an idea of the cumulative impacts.
12. The draft is incomplete--in fact there are a number of references to incomplete information. A second draft should be developed to document the unreferenced materials and to complete the studies that should have been done. Project design information is incomplete as evidenced by the written document at 4-1, Volume III-B, appendix L. "Finally, much design work for the new railroad remains to be completed. Many decisions made during final design of the new railroad will influence the significance of the impacts to the natural and human environment." How can you expect my constituents to comment on a project that is no more complete than this?
13. The maps in the DEIS are difficult to read, have no mile post markers, do not show the width of right of way, or the existing railroads. While the Corps maps are in color there are mistakes in naming the highways and county roads and again other railroads and some highways are completely missing.
14. I formally request a 180 day extension of time to respond to this DEIS. A document of this size takes considerable time to read and study. None of us has had time to adequately consider all of the aspects of the DEIS.
15. The Corps of Engineer 404 permit comment period should be extended to equal that of the DEIS. It is almost impossible for any of us to study that document. The abbreviated version found in the county library is lacking the maps which are one of the most important parts of the document. Our library is open less than 40 hours each week and most of the open hours are during business hours. In fact, the library is open only one evening each week. With only one copy of the document, very few people will have any opportunity to see it at all. We live 72 miles from the nearest full set of documents. (Gillette)

Martin Tysdal

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