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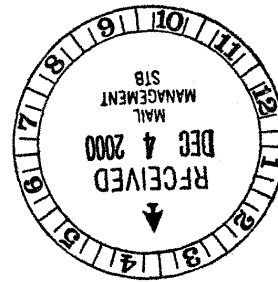
Victoria Rutson,
Environmental Project Director
Environmental Filing

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**ENVIRONMENTAL
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re: DM&E coal train expansion, draft environmental impact statement

STB Members:

December 1, 2000

On page 7-25 of the Draft EIS, number 84, I believe you should change the wording from "applicant shall attempt to reclaim disturbed areas..." to simply "applicant shall reclaim disturbed areas prior to cessation of project." You should also include the requirement that in re-seeding disturbed areas that native grass and forbe seed be used.

In number 86 on the same page, the words "applicant shall take reasonable steps to ensure that fill material...is free of contaminants." should be changed to "applicant shall ensure fill material ...is free of contaminants."

In number 87 on the same page, the direction that the applicant shall design and construct the new rail lint to minimize the potential for geologic slumping and landslides must be changed to requiring that the applicant design and operate the new line (if approved) in such a way as to prevent (not minimize) the potential for these to occur.

I would like to bring to the Board's attention an example of DM&E's actions that I believe represent their bad faith effort in dealing with natural habitat protection and rehabilitation.

A little over a month ago DM&E began earth-scraping and moving along their tracks several miles east of Rochester. The area along the tracks they scraped was prime native plant (grasses and forbes) remnant area. This area was well known for its value both as a native plant remnant area and as a prime seed collecting area for these varieties of native plants. DM&E has now totally destroyed the site and after extensive scraping and earth moving, they covered the area with enough soil that there is virtually no chance any of the native plant varieties will survive.

Given this example of reckless and irrevocable damage to native plant protection and its associated harm to natural habitat, I have no trust that DM&E will in good faith pursue or

follow mitigation measures to prevent such happenings in the future. If they have already shown such disregard for protecting natural habitat (at least giving local people notice and the chance to dig up and move many of the native plants in this remnant stand), what makes the STB think that DME will respect such considerations in the future? Nowhere in your mitigation section do I see criteria that DM&E needs to meet, nor do I see how they will be held accountable.

I am urging the STB members to reject DM&E's proposed coal train expansion and choose the no action or no build option.



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