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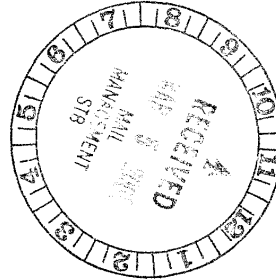
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Office of the Secretary
Case Control Unit
STB Finance Docket No. 33407
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attention: Victoria Rutson

Dear Ms. Rutson:



These comments are a continuation of oral and written comments that I submitted at the public hearings on the DM&E Powder River Basin Project. Alternative A-the no build option is the only option that I support.

All reasonable alternatives were not considered in the draft environmental impact statement. One of the alternatives that was not given any consideration, even though it was raised during the scoping process, is the granting of trackage rights. Trackage rights on the Union Pacific Powder River Basin to Crandall, WY line would give the DM&E access to the PRB without any new construction. The DM&E owns rail right-of-way from Crawford, NB to Crandall Junction, WY. Why did the DM&E tear up the rails and remove the ties during the summer of 1997? If they were truly interested in a UP connection to the West Coast for transporting grain (as they have asserted in numerous meetings with farm groups), why was this connection allowed to deteriorate? This would also have been a viable alternative route for hauling coal. There are only approximately 47 miles from Crandall Jct. to Shawnee Junction of UP track. At Shawnee Junction the joint line with BNSF begins. This joint line was mandated by an ICC decision (January 9, 1976) that stated, "Two railroads serving the same territory over separate lines would result in wasteful and improvident expenditures for construction which are not necessary to insure adequate service, especially in view of the environmental and financial considerations involved." So, a 47 mile trackage right on UP and a trackage right on the joint line would provide DM&E with access to the PRB with very little increased environmental damage and minimal damage to landowners. However, the damage sustained by increased traffic on the current DM&E would still occur.

Alternatively, the STB could grant trackage rights on the BNSF line from Crawford, NB, to the PRB as the DM&E has an interchange with BNSF in Crawford. This alternative is partially considered as Alternative D; however, Alternative D does not consider trackage rights, as it should.

Is there an agreement with BNSF to interchange in Edgemont or Dudley, SD? Is BNSF willing to accept such interchange? If the DM&E wants to provide better service to grain customers, why is there no proposal to create an interchange with BNSF at Wolsey, SD? Just one mile off the DM&E line there is a large, unit train grain loading facility on the BNSF line. This facility loads trains both for the Gulf Ports and the West Coast. Why would the interchange at Edgemont be better than one at Wolsey? Below I have listed the mileage from various locations:

Length of DM&E's proposed Routes

Begin	End	Carriers	Point of Interchange	Miles
Wall, SD	Portland, Oregon	DM&E, then BNSF	Powder River Basin	1,513
Wall, SD	Portland, Oregon	DM&E, then BNSF	Edgemont	1,516
			Interchange	
Wall, SD	Portland Oregon	DM&E, then UP	Powder River Basin	1,694
Winona, MN	Portland, Oregon	DM&E, then BNSF	Powder River Basin	2,103
Wolsey, SD	Portland, Oregon	DM&E, then BNSF	Powder River Basin	1,726

Length of Routes currently available for shipping grain

Begin	End	Carrier	Point of Interchange	Miles
Wall, SD	Portland, Oregon	DM&E/BNSF	Crawford, NB	1,595
Wall, SD	Portland, Oregon	DM&E/BNSF	Wolsey, SD	1,861
Winona, MN	Portland, OR	BNSF	Direct	1,940
Wolsey, SD	Portland, OR	BNSF	Direct	1,647

Virtually no grain is grown along the proposed route west of Wall. As you can see from the chart, the Wall area is the only area that would benefit from the distance factor so touted by DM&E officials. Shipping on the BNSF from Wolsey to the West Coast or from Winona to the West Coast is the shortest method for the majority of the grain producing areas. The Wall area would benefit by only an 82-mile distance advantage, which is only 5% of the distance---not a significant advantage.

This DEIS is extremely incomplete and should be withdrawn until a complete and accurate document can be prepared. A second draft is essential to answer the many questions left unanswered in this document. So many assertions have been made without factual substantiation that it is essential that we be allowed comment on a subsequent draft. A final draft with no comment period is totally unacceptable. Following are some of the items that have not been completed.

1. Complete archaeological and paleontological surveys have not been done along the proposed rail alternatives.
2. This draft is based on partial information. DM&E has withheld information and has changed the proposed route since the scoping period ended. Full information on siting of all facilities must be released before the NEPA process begins, not as it unfolds. We still have

several alternatives (Hay Canyon vs. Divide vs. Oral segments) and the Brookings and Rochester bypasses that do not state the preference of the SEA---NEPA law does not allow this.

3. Several places (page 4.4-29 is one) the statement is made that final design information is not available and therefore impacts are difficult to quantify. NEPA requires full disclosure of impacts before the decision.

4. The full implications of this project for national energy policy and for existing international agreements have not been considered.

5. The impacts of barge traffic on the Mississippi as a result of this project have not been considered. Alternatively, impacts of increased traffic on other railroads have not been considered. The coal must go somewhere or will it be piled in a big heap in Winona? Why have these impacts not been studied?

6. The DEIS talks about increased coal mining. Therefore, "reasonably foreseeable impacts" include increased global warming, air quality changes, and public health problems from increased burning of coal.

7. The DEIS attempts to transfer the agency burden to the public on the following points:

A. Whether to choose the Hay Canyon, Oral or WG Divide Alternatives. In fact the SEA has tried to pit segments of the public against one another by choosing alternatives.

B. What Rochester option to select.

C. What Brookings alternative to select

D. What yards to construct where. A confusing assignment as each yard depends on which alternative is under consideration.

E. All environmental mitigation, including bypasses.

This rejection of responsibility by the SEA has resulted in destructive debates in the cities and communities all along the line. The SEA has cooperated with the railroad in an effort to divide and conquer the citizenry of three states. It is an ignominy that a government agency would collude in such behavior.

This DEIS is difficult to read and understand. While there is much repetition, there are often important differences that are easy to miss because they are buried in repetitious statements. The tables of contents are only partially correct, there is no index. Many terms that may not be commonly known are not defined. Even common terms that we believe we know the definition of are used in such ways that they need definition. An example is that "there are no businesses in Wyoming along Alternative C." Ranchers and farmers consider that they operate businesses. Why are they not considered businesses?

The references to various chapters are difficult to follow because of the cumbersome numbering system. In Chapter 5, page 8 we are referred to the SEA's air quality visibility analysis in Chapter 4, Section 4.8. Section 4.8 has to do with North Antelope Mine Loop alternative. The air quality analysis is in 4.4.8---a confusing numbering system! Then we are further referred to another volume for more information.

The graphs are mostly illegible due to many of the bars being so close in color and pattern. Most charts and graphs are located a number of pages away from the reading that explains them. There is not reference to page number so it is difficult to find them and nearly impossible to relate them

to the written words. For example on page 4-110 the reading refers to fig 4-17 which is found on page 73 (37 pages away) and on page 4-110 the reading refers to fig 3-94 which is found 123 pages away on page 3-147 and the page numbers are not referenced. The reader must just search for the appropriate figure!

In attempting to comment on the DEIS, I asked questions about the Calpuff study regarding the number of CBM wells used as a reference. Ms. Rutson, you replied that no further information would be given. It is impossible to evaluate the accuracy of modeling unless I know the number of CBM wells that this study was based upon. No information in an environmental statement should be secret. The law requires a full disclosure.

The following comments reference particular pages in the DEIS. These are, by no means, the only errors with the DEIS. These are just a few examples of the problems with the DEIS.

Executive Summary ES-85, E.S.14.2 Transportation

The applicant is told to confine all project-related construction traffic to a temporary access road, to the extent possible. Who is to define the possibility? The applicant is told to make arrangements with private landowners for use of private roads. Can eminent domain be used for this purpose? Who decides when it is necessary or how many private roads can be used? Many of these private roads are just two track trails across the prairie. Have you considered the damage to the environment and to the private property of this use? Most heavy haul railroads have a permanent all weather road along the track so that train crews can be relieved, maintenance conducted, etc. Will the DM&E construct a permanent all weather road along the track? Where is the discussion of the impacts of these roads? Will they be public roads or private? Can these roads be used for fire or emergency vehicles? If so, how will they obtain access? If not, how will they be excluded? Will hunters or other members of the public be allowed access? If not, how will they be excluded? Will there be dust control? Will there be lights?

Executive Summary ES-87 Land Use Mitigation Policy

Are you aware that a very limited board of people hired by the DM&E approved this document? Were you aware that many landowners have never seen a copy of this document because DM&E restricted its distribution to those landowners who agreed to cooperate with them? Is this a "confidential" or "proprietary" document? If not, why is not included in the DEIS so all may see it? If it is "proprietary" NEPA requires that it not be used in an environmental statement. Why are the appropriate laws that define mitigation not considered or mentioned in this draft?

Executive Summary ES-95 Air Quality

Specifically, who is in the "Air Quality Working Group?" The DEIS says that the applicant shall comply with the final recommendations of this group. What are its recommendations? Why are they not included in the DEIS? How can we comment on recommendations that are unavailable?

Volume III-B, page 4.4-9. The DEIS says that scientifically significant specimens could be destroyed by any of the alternatives, "absent mitigation designed to protect these resources." What mitigation is proposed? Why is no mitigation except the applicant's Land Use Policy proposed? Private landowners expect mitigation at least equal to that afforded the paleontological resources on public lands.

Volume III-B, page 4.4-10 and 4.4-11 Land Use

The draft states, "On the overall landscape the loss would be relatively small." The author has completely missed the cumulative impact of crossing a relatively undeveloped region with a massive wall. The impact to agriculture and to wildlife is not in the relatively small amount of land directly consumed by the railroad but in the division of the two largest intact grasslands left in the US. Also, on page 4.4-11 "12 to 25 acres per linear mile of new railroad" would be impacted. There are no cut and fill maps provided but just by looking at the landscape an observer would note that because of the terrain, giant cuts and fills will be required. A 200 ft right-of-way takes 23 + acres per linear mile. Many cuts will require 500 or more ft of right-of-way--impacting more than double the amount mentioned on page 4.4-11. In addition, the impacts are not just on the right-of-way for any of the subjects from land use to noise and may extend for miles on either side of the track. The information presented in the different volumes of the draft is contradictory. In many places the statement is made that the major impact to grazing and to wildlife is the number of miles or acres converted to industrial use. In Volume VIII-B, appendix L, page 4-8, a writer says, "However, direct land use conversion associated with the new railroad may not represent the most severe land use impacts."

Volume III-B, page 4.4-11 Rangeland/Grazing

The draft merely restates the problems and concerns that were raised in the scoping process. Where are the studies that delineate these problems? It is the duty of the preparers to study and disclose all of the impacts. It is not the job of commenters to conduct the studies. Why have you neglected your responsibility to reveal all of the impacts of this project? Why are there no mitigation measures required for the impacts that you have delineated on pages 4.4-11 through 4.4-13?

Volume III-B pages 4.4-13 and 4.4-14

Much is made of the miles of each Alternative. Why are there no milepost markers on the maps in Volume V? Mileages are impossible for the reader to compute. Given the many mistakes that I am able to find in the materials, I cannot just take your mileage for granted. In fact, I believe that you have overestimated the miles for Alternative D. How was the mileage figured?

Volume III-B, page 4.4-15 Cropland

"Portions of or entire previously irrigated fields could no longer be irrigable, resulting in lost productivity and crop revenue." What mitigation do you propose for this irreparable damage to the owner of this cropland?

Volume III-B, page 4.4-18 Business and Industrial

"During rail line operation, the opportunity to obtain rail service may attract businesses to the area along these alternatives for future development." Where are the studies of the joint line that was permitted in 1976 showing all of the businesses that were attracted to that railroad? Where are the studies of any of the coal hauling lines that show increased business because of rail service? The proposed line crosses a remote rural area that has no industrial development. Let's have some proof that coal-hauling railroads promote new business not just a naive assertion.

Volume III-B, page 4.4-25 Alternative D

"SEA expects that additional right-of-way would be required along DM&E's existing rail line in order to optimize the alignment so that it would be suitable for unit coal trains." Why is this impact listed only on Alternative D? Wouldn't the entire existing rail line need this optimization? If not, why not? If so, where are the details, the plans, the impacts?

Volume III-B, page 4.4-28 Surface Water

In the conclusions SEA makes the statement that Alternative C is preferred because it avoids sensitive areas of the Cheyenne River. Yet, on this page "Alternative B would pass within 500 feet of the Cheyenne River and its perennial stream drainages for a total of 21.9 miles." In the next paragraph, "Approximately 20.8 miles of Alternative C would be within 500 feet of the Cheyenne River and its perennial tributaries." One mile of difference! Is there only one mile of sensitive area on the Cheyenne River?

Volume III-B, page 4.4-29 Wetlands

"These indirect impacts are difficult to quantify due to lack of final design information." How can citizens comment and officials make decisions based on "lack of final design information?" Another draft must be prepared that reveals all of the design information with its associated impacts. I also question the number of miles of wetlands listed in the DEIS on page 4.4-30. Comparing the wetlands listed in the Corps of Engineers document, it hardly seems possible that those thousands of wetlands could be only 1.2 miles.

Volume III-B, page 4.4-29 "unlikely event of a derailment"

There have been two major derailments on the BNSF line in Weston County, WY between October and December 2000. There have been other major derailments on the coal lines in the last several years. That seems that derailments are not unlikely. Do you have any hard figures to back up the silly assertion that derailments are unlikely? Also, NEPA requires that reasonably foreseeable events must be included. Any reasonable person would conclude that derailments do happen.

Volume III-B, page 4.4-31 to 4.4-50 Air Quality

My request for information on the base number of CBM wells used was denied. Without this information the value of the Calpuff study is in question. This entire section and the related appendix is full of confusing material but seems to be summed up by the inane statement from page 4.4-50, "However, if the visitor had not previously visited the area, they would be unfamiliar with the landscape and may not recognize that their view was impaired." By law the Park Service must protect the integrity of the air shed in National Parks. This seems like a lame dismissal of the problem of degradation of air quality in the entire region.

Volume III-B, pages 4.4-78 to 4.4-90 Noise

In the first part of this section the noise impacts are minimized---with no explanation of what various levels mean so that the reader gets the impression that there is no problem with noise or because there are no receptors listed in the charts that no one lives in these little towns. Later in the discussion of sage grouse populations we learn that 39 dBA is "farm in valley" noise and levels of 69 dBA are comparable to EPA's "noisy urban residential" category. This changes the impacts considerably. These small towns such as Smithwick are very rural and of course, the ranches and farms that will be impacted presently are very quiet. Only the sound of wind and coyote and cattle can be heard over the majority of the new build section. To transform this remote area into a "noisy urban residential" area for approximately 3 miles on each side of the track is to create a 6 mile wide swath of urbanization. The impacts to sage grouse, songbirds, antelope, deer, coyotes, and other wild creatures, as well as people and domestic animals, have simply not been studied for this EIS. Anywhere the rail line comes within three miles of a ranch or farm headquarters where livestock will be calved or weaned, there should be sound barriers required and paid for by the applicant. Where are the studies of the impacts of noise on calving cows or calves that have been recently weaned? Where are the studies on the stress on people who have lived their whole lives in a quiet, rural environment and suddenly are exposed to a total change in their surroundings? On page 4.4-88 the true impacts of the noise are revealed with distances of 4.4 miles for wayside noise and 7.4 miles for horn noise to diminish to background daytime noise levels. *The noise issue highlights the dramatic changes that this project would force upon an unwilling (the vast majority of the landowners in the area) and innocent (the birds and beasts of the prairies) populace.*

Volume III-B, page 4.4-83 and page 4.4-95

Here is an excellent example of the contradictory information and conclusions in this draft. On page 4.4-83, "Additionally, in areas maintained as a fire break along the right-of-way, plowing, mowing, or application of herbicides would prevent establishment of significant vegetative cover." On page 4.4-95, "Revegetation of the right-of-way would improve nesting and cover habitat for a variety of species, potentially of higher quality than adjacent areas, particularly those subject to grazing." Which way will it be, will there be firebreaks or will there be vegetative cover? In the

areas where there are no fireguards, fire danger will be greatly increased. If there is no vegetative cover, then the applicant cannot claim to have little effect on the habitat of songbirds.

Volume III-B, page 4.4-85 Big Game

"The only measurable impact to big game is the amount of habitat lost due to conversion to rail line right-of way." Once again, the biggest impacts are in the division of the large, undeveloped grassland. It is the building of a noisy wall across their habitat that is the biggest impact. Who wrote this section? What are the credentials of the person who prepared this section? NEPA suggest that authors of sections be available whenever possible. Further down on this same page there is another assertion that construction would be unlikely during winter months. Who says? Unless the STB specifies no construction during certain months, economics dictate that construction will continue whenever it is not impossible. Such assertions must be backed up with requirements or they have no weight.

Volume III-B, page 4.4-93 Non-game Species

"However, it is anticipated that amphibians and reptiles would return once construction is completed and right-of-way become revegetated." Again, another assertion with no study or expert to verify it. Once again, the right-of-way is "revegetated." What about where the fireguards are plowed?

Volume III-B, page 4.4-109 Black-tailed Prairie Dog

"It is difficult to determine the exact amount of prairie dog habitat crossed by the Extension Alternatives." The prairie dog is under consideration for protected status and yet the SEA and the applicant could not determine the amount of prairie dog habitat! The majority of the route in Wyoming and many miles in SD could be possible prairie dog habitat. Why was no survey completed? Were surveys done for the threatened and endangered ferret or burrowing owl or swift fox? Why not? In Volume VIII-A, Part 3 a literature search revealed no ferrets in close proximity to the proposal and this is deemed sufficient? On page 3-3 the Thunder Basin National Grasslands is mentioned as a high-priority reintroduction site for ferrets. With the introduction of a noisy, dirty railroad, this pristine habitat will be threatened.

The search for the Ute Ladies' Tresses Orchid was conducted during September when the plant blooms in late July through August. Had frost occurred in the project area before or during the search? Could the plant be positively identified without bloom? Could the plant be positively identified after the foliage was frosted?

Volume III-B page 4.4-121

Why is Interstate 90 not mentioned in the safety analysis for any of the proposed alternatives? What kind of crossing will be on I-90? Who will pay for it? The safety analysis is flawed because

it was based on incorrect information: Volume VII-B appendix H lists safety devices, number of trains per day, etc. The information listed in the section on Alternative D is incorrect---I have checked 27 of the crossings from the state line to Donkey Creek Junction and 24 of them are not as listed in the "existing device" column. That is an 89% error rate! How can the STB make decisions when the research is of this quality? I would also question the number of trains per day. In east Newcastle the number of trains is listed as 12, in midtown the number of trains per day are 51 and in west Newcastle there are 45 trains per day and in Osage, which is 15 miles west of Newcastle, the trains per day are 14. This makes no sense since the same rail line passes through each of these locations. Please explain! US Highway 85 is a major highway to the Black Hills with much tourist traffic unfamiliar with the area. Drivers would not be expecting 49 mph coal trains to be intersecting with the road. There must be a grade separated crossing. Taxpayers in Niobrara County and the state of Wyoming should not have to pay for these overpasses.

Volume III-B, page 4.4-138 Population and Demographics

"Most of these additional, permanent jobs would be associated with rail yards and are discussed in Section 4.9.1.1.9. Additional permanent employees would likely settle in communities, such as Hot Springs, Rapid City, Edgemont, Newcastle, and Gillette, due to their proximity to the rail line." Where is Section 4.9.1.1.9? This is just one of many examples of the horrendous numbering system that was used in this Draft. Was this numbering system used to deliberately obfuscate the issues addressed in the draft? Section 4.9.1 refers on page 4.9-3 to the climate of the Brookings area. Will the rail yards providing the permanent jobs for Newcastle and Gillette be located in the Brookings area? The section dealing with rail yards is actually labeled 4.11 and is eighty-four pages further on in this volume. Why did the writers of this DEIS make it so difficult to read? Is it a deliberate attempt to discourage citizens from reading the tommyrot that comprises this draft? (See my discussion of Section 4.11 further along in this letter.)

Volume III-B, pages 4.4-142 to 4.4-144

How were the sales and use tax tables generated? How were the property taxes figured? These figures appear to be highly inflated. For Weston County, Wyoming property taxes are estimated at 1.12 million dollars. BNSF has more miles of rail in Weston County than the rail miles projected by the DM&E yet they paid only \$400,000 in 1997. How can this be? Do you know how property taxes are assessed in Wyoming? I would seriously doubt the figures in Table 4.4-44 on Total Taxes Collected 1997. You have listed more taxes in Weston County than Campbell County. That is simply not true. Check the figures!

Volume III-B, page 4.4-147

Alternative C is touted by the SEA and the preparers of this document to be much less environmentally intrusive than Alternative B, yet on this page it is admitted that, "it would be within 500 feet of the Red Shirt and Cheyenne River RARE II areas and the Red Shirt Roadless Area. The noise, dust, light pollution and change in the character of the land from remote to industrial is not going to be mitigated by a distance of 500 feet. 500 feet is less than one tenth of a mile--it is virtually the same as passing through a RARE II area! In the noise topic section it

was noted that whistle noise is at a "noisy urban residential" level for 3 miles and yet the preferred Alternative is less than one tenth of a mile from the RARE II areas! This is simply unacceptable!

Volume III-B, 4.5.14 Recreation

The discussions in this section are very contradictory. On page 4.5-29, "impacts to recreation would generally occur to a small number of individuals." Two pages later, it is asserted that since there are roads and agricultural activities already there, a railroad would not be intrusive. So are you saying that in undeveloped areas the railroad is no problem because no one is there and in more developed areas it is no problem because people are already there? The true impacts to recreation are simply ignored in this discussion. Where are the studies that show that tourists, hunters, and hikers will be attracted to a coal-hauling rail line?

Volume III-B, 4.6.11 Cultural Resources

Here is another example of where the loss of cultural resources is just glossed over with no regard for possible mitigation. "However, during construction, cultural materials encountered could be recovered and preserved for future study and research." Who is going to identify these materials? Who is going to stop construction while the materials are examined in situ? Who is going to pay for the supervisors who would recognize an important artifact when they saw it? Further in the paragraph, you have written, "The lack of known sites along the alternatives is most probably due to the lack of archeological survey and study in the area due to its remoteness and undeveloped character." Why was an archeological study not completed? Some of the value of cultural sites is because they are in remote, undeveloped regions. This is in itself another reason to choose Alternative A.

Volume III-B, 4.7.4 Air Quality

"Since this information will not be determined until operation, the amounts of pollutants cannot be estimated for these track sections." NEPA requires full disclosure of the environmental impacts. If this information can be estimated, it should be done using various levels of tonnage, etc. Why was this not done? If it is not possible to estimate this number, then the permit should be denied.

Volume III-B, 4.11 Rail Line Extension Staging and Marshaling Yards

Why is there so much difference in the length of the BNSF interchange yard between Alternatives B & C? One is 3 miles long; one is 1.5 miles long? Why is there so much difference in the milepost markers between the two Alternatives? One is at milepost 720 and one is at 761? Is there a forty-mile difference between these two alternatives? These mentions of milepost markers are meaningless to readers of the draft because the maps provided in the map volume are not labeled with milepost markers. This is another fatal flaw in the presentation of the DEIS. Earlier in discussion of the Socioeconomics there was mention made of the probability of jobs for Edgemont yet here in the discussion for the B alternative, you say, "No employees or facilities are expected to be located at the Edgemont Yard, therefore this yard would have no impact on the socioeconomic climate of the Edgemont area." For C (a smaller size yard by your figures) you

project positions for several employees. Why would this yard require employees and B would not? Is it intended to add positive figures to justify the selection of Alternative C?

Volume III-B Page 4.11-12

In discussion of the west yard it is noted, "Construction and operation traffic could cause wear on local roads and increased traffic concerns. However, due to the rural nature of the area, no major impacts to traffic would result from the West Yard development." Later on this page, "At full operation, the facility would be expected to employ about 300 railroad employees." No studies were done on the amount of traffic on the rural routes in the area. How many vehicles per day now use these roads? Which roads would be used by the 300 employees coming to work? How would they reach the job site? Would each drive individually? Would they be transported by bus or van? How many vehicles would be used? The impacts of converting an area that now probably sees 300 vehicles in a year to an area where 300 employees report to work each day would be major! Where are the studies to show that you have even considered the impacts on the wildlife, on the cost to the county of maintaining roads, on the impacts on the livestock? The roads in this area are not fenced so that there would be much increased chance of vehicle livestock collisions. Where are the costs of fencing these roads? Who pays for the fencing? If they are not fenced, what are the costs in terms of dead livestock, damaged vehicles and possibly dead drivers? If fences are erected, what are the impacts on antelope, deer and elk populations in the area?

Volume III-B page 4.11-23 and 4.11-24

In the discussion of the west yard under Alternative C "significant impacts" are listed for Option A as it impacts federal lands, Option B impacts a segment of state owned land and this is listed as a "significant" impact. Yet, impacts on private lands are not considered "significant." Why is an impact significant for federal and state governments and not for the private landowner? The state and federal governments have much more land than any individual landowner so the impact in percentage for an individual would be much more significant. Furthermore, if this project is "in the public interest", public lands should be used for the project--not private lands.

The west yard would be six miles long and Option A would cross 21 intermittent streams and even Option B would cross six intermittent streams. Why chose an area of so many streams? Where is the west end connection with UP? Why is the applicant allowed to make public statements touting his west end connections with UP and BN when they are not even proposed? Why would there be so many direct railroad employees at this yard? What activities will these employees be engaged in? How many will be engineers and conductors? How many will be maintenance of way workers?

Page 4.11-29 "Mitigation techniques such as using local construction materials and painting the buildings to blend in with the natural surroundings could be required." Why is all mitigation in this draft "could or may"? Why is real, meaningful mitigation not required? Who would enforce the "mays and cans"?

In this section the applicant claims that it could not afford to rehabilitate existing track without this project. However, you have not studied the alternatives of federal loans for class III railroads. In fact, DM&E has applied for these loans. The claim is made that shippers would suffer if the DM&E were not there to serve them. Where are the studies of the amount of freight that DM&E presently hauls for these shippers? Do the shippers have alternatives? Did you know that the bentonite shippers presently haul their product to the BNSF line at Thornton, Wyoming? Did you know that the sawmills haul sawdust to Newcastle to put on the BNSF? Did you know that the cement plant in Rapid City hauls up Interstate 90 to Moorcroft, WY to ship cement on BNSF? How much of the grain in South Dakota is handled by the DM&E at the present time? Why did the SD grain growers build new unit train loading facilities on the BNSF lines? Where is the proof (beyond assertion by the applicant) that South Dakota would actually suffer if the DM&E were to disappear?

On page 6-8, "The No-action Alternative would not provide DM&E the financial resources needed to reconstruct its existing system..." None of the alternatives provides the financing necessary to reconstruct the system. None of the alternatives delineates actual contracts or even promises of contracts to haul coal. If the DM&E does not know where the trains will leave their system or how much coal will be hauled (as is stated on page 4.7-6, Volume III-B), how can any Alternative be assured of providing the necessary funding?

"However, under the No-Action Alternative the Board has no ability to impose mitigation because the Board would not grant DM&E's Application to construct a new rail line." This is hardly an argument against the no-action alternative. The Board is not a supreme being and has no ability to help me with my ranch finances either. The adoption of the No-Action Alternative avoids so much environmental damage that no mitigation is necessary. There will not be increased noise, there will be safer crossings if there are no trains, no ranches or farms will be damaged, no wildlife will be killed or displaced, no soil will be disturbed, no noxious weeds will be introduced, etc. There will be no effect on the ability of utilities to burn coal. All of them are presently being provided with all of the coal that they need by the present railroads. No new coal burning power plants are being planned for the DM&E target areas so there need not be an increase in the amount of coal hauled.

I support the decision of the USFS to prefer the No-action Alternative. I note that the letter of February 14, 2000 says that the project must be found in the national public interest. This is a different standard than the STB has indicated. The STB indicated in several decisions and letters that they only had to find that the project was not against the public interest, which is quite a different matter. How will these important differences be integrated into the decision?

On page 6-29, it says that the SEA will perform any additional analysis of the Oral, WG Divide and Hay Canyon alternatives. What are you going to analyze? The citizens and landowners must

have an opportunity to comment on these studies. Another draft is essential to answer the myriad of questions left unanswered in this draft.

The mitigation in Chapter 7 is so totally inadequate as to be laughable if this were not such a serious matter. . Safety devices are "reflective material on the backside of all passive crossing warning devices." Passive crossings are immensely dangerous for the people of the areas and to a lesser extent for the railroad employees. A little bit of reflective material is no substitute for arms, lights, and bells. The applicant has been an abysmal failure at negotiating agreements. The DM&E offers nothing above what is absolutely required by the state law. Arrogant disregard for landowner rights defines the "mitigation plan" of the DM&E. Under fire prevention: "Applicant shall develop an adequate plan for fire prevention and suppression and subsequent land restoration." Who defines "adequate"? All mitigation seems to be conditioned with the words "to the extent practicable." Who decides what is practicable? Me? Or the DM&E?

The Applicant's Community Liaison who works with farmers and ranchers is merely a paper position with no teeth. Who designed the mitigation chapters? Was this the work of the DM&E and hired flunkies? The only mitigation for recreation is to ensure that boating will not be disrupted when the Missouri River Bridge is built. What about the damage to canoeing on the Cheyenne, to back country hiking, bird watching, camping? Under geology and soils, why is Revegetation with native species not required? The incursion of introduced species is one of the biggest threats to native prairies? **The SEA and applicant have shown absolutely no respect or regard for the prairie land, the Native people, the wildlife or the landowners of the three state region.**

I request that a second draft be prepared to answer the many questions that have been raised during this comment period. The second draft should also make clear the SEA's preference for various alternatives. 1502.9 of NEPA states, "If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion." An appropriate comment period should follow the second draft's release. The second draft and final should be sent without fail to all persons who commented on this draft either at public hearing or by letter or postcard. Postcard notification requiring a response is not an appropriate circulation of the draft. Postcards are easily lost in the mails and many citizens did not receive the DEIS issued in September.

The Corps of Engineers document should be withdrawn as it was circulated to such a small group of people as to be meaningless. The Corps of Engineers should be preparing their own EIS on this project. To send out only a few documents and to limit public comment on such a major project touches on criminality.

The no-action Alternative should be selected. This project is not in the public interest.

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