

201627

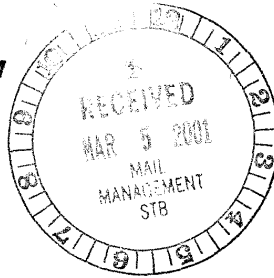
HC56 Box 43
Oral, SD 57766
February 15, 2001

Office of the Secretary
Case Control Unit
Finance Docket #33407
Surface Transportation Board
1925 K. Street NW
Washington, DC 20423-0001

ENTERED
Office of the Secretary

MAR 05 2001

Part of
Public Record



Dear Ms. Rutson:

Enclosed are the original and 10 copies of comments on Volume III-A of the DEIS for DM&E's proposal to construct into the Powder River Basin.

This DEIS contains much inaccurate information, outdated information, and repetitious information designed to overwhelm the reader with voluminous material and no substance. There are serious violations of NEPA law in the preparation of this DEIS. Section 1502.1 of NEPA code states that "Agencies shall not commit resources prejudicing selection of alternatives before making a final decision." The entire DEIS is biased in favor of the PRB expansion with every consideration given to what DM&E wants. The SEA has already decided the Alternative C is the preferred alternative and refuting information pointing to other alternatives is downplayed as unimportant. The conclusions in many cases do not follow the information presented. NEPA (Section 1502.1) states that "Environmental Impact Statements shall serve as a means of assessing the environmental impact of the proposed agency actions, rather than justifying decisions already made." This DEIS is one long litany of justifying Alternative C.

I urge you to withdraw this incomplete DEIS, do the proper, unbiased studies, and reissue the DEIS. My preference is the No-Build and I am sure with pertinent and correct information, this will also be your preference.

Sincerely,

Paulene Staben

Paula Stoker

COMMENTS ON VOLUME III-A

Page 4.1-9 Table 4.1-2 Pierre-Samsil Concern: Wind erosion

On page 4.1-11 you state that "Pierre Shale formations have high potential for slumps or landscapes, particularly along areas of steep slopes, such as the Cheyenne River." (Could you mean landslides instead of landscapes?) Why was this not listed as a concern in the Table? In the book Soil Survey of Fall River County, issued by the Dept of Agriculture in April, 1982, page 46, Pierre-Samsil concerns are described as "unsuited to most kinds of building site development. The very high shrink-swell potential is the main limitation on building sites." You have not listed this as a characteristic of Pierre-Samsil soil.

Page 4.1-11 Because prime farmland is limited, the USDA recognizes the importance of wisely using this resource. Prime farmland produces the highest yields with minimal inputs of energy and economic resources, and farming this land results in the least damage to the environment.

In Volume III-A page 4.1-12, you state that Fall River County has 12,000 of prime farmland. If it is so important, why would you approve a route that goes right through the middle of it. (WG Flat Segment, Alt C). In fact, all three segments will go through the only prime farmland in Fall River County. (WG Flat, Oral Segment, Hay Canyon Segment.) Alternative D is the only option through this area, to preserve this important resource.

Page 4.1-14 The portion of the project area that includes the existing DM&E rail line passes through approximately 170 miles of prime farmland, approximately 303.0 miles of cropland, and approximately 182.3 miles of pasture land in SD.

Does this include the Oral Segment from north of the Cheyenne River to Smithwick? If not, how much prime farmland and cropland does DM&E existing line pass through? What is the difference between prime farmland and cropland?

Page 4.1-16 The existing DM&E rail line passes adjacent to approximately 36.9 miles of business and industrial land from Brookings County to Pennington County.

That figure should be much higher. Farms and ranches are businesses, too, contrary to what you might believe. In all your references to the adverse impacts on "businesses" if existing line is not upgraded, you must include the adverse impacts to my businesses if you take the property I use to make MY living and divide it so I cannot use it effectively. I expect to see in the second release of this DEIS, the adverse effect to all businesses!

Page 4.1-18 Paragraph on Black Hills National Forest

This is wonderful information if I was reading this for a history of the United States but meaningless in a DEIS. This and a number of other sections (dissertation on Jewel Cave, Wind Cave, Mt. Rushmore page 4.1-20) are an example of "Verbose descriptions of affected environment that are by themselves no measure of the adequacy of an EIS" and are prohibited by NEPA regulations.

Page 4.1-19 The entire 15,970 acre Red Shirt area...has been recommended for wilderness classification under the USFS proposed Grassland Plan.

How is the proximity of this area to Alternative C addressed by the USFS? Because air quality, visual effects, noise, aesthetics would all be impacted in this area and Alternative D is several miles further away, this should be considered in this DEIS.

Page 4.1-22 The reservoir currently provides irrigation for 12,218 acres...but only when the reservoir surface water level is above 3,184.2 feet in elevation.

In Volume I, you propose mitigation for dust control during construction that water will be taken from the Cheyenne River, which is the major source for water to Angostura Dam. If the elevation is below 3,184.2 feet, what mitigation do you propose for dust control?

Page 4.1-22 Angostura Unit Water Service Contract Renewal, US Dept of Interior, July 1997.

The DEIS on this Contract Renewal has been complicated by the DM&E proposal. The Contract Renewal DEIS must address concerns depending on the Alternative approved by the STB. Since all alternatives except the No-Build will impact the Contract DEIS, please address how a Contract EIS can be issued until the DM&E EIS is resolved.

Taking any irrigated acres on the Angostura Irrigation Project by DM&E will have an impact on the ability of the District to repay the contract. Please address, providing dollar figures and all impacts associated with this untimely proposal by DM&E, taking into consideration all of the the cooperating agencies involved in the Contract DEIS.

Page 4.1-28 Surface water in the project area occurs as rivers, lakes, streams, and ponds. How many of these are classified as "impaired"? What are the restrictions for an impaired river, lake, stream, or pond, including all tributaries? Can something be done to an impaired water source that has the possibility to make it more impaired?

Page 4.1-31 Table 4.1-7 County Wetland Acreage

*This entire Volume so far is very confusing. Sometimes you include information just from Wall east, as in Table 4.1-8, next you include information from Wall east and Wall west, and then for Fall River, Custer and Pennington Counties with * "Wetlands along existing DM&E line considered as part of one of the Extension Alternatives to extend its rail line into the PRB". It is very difficult to tell just what you are talking about. Please identify the wetlands acreage impacted, not just the acres that are in the right-of way. With an upgrade and sidings, much more wetlands will be destroyed than what are in the ROW.*

Page 4.1-35 Secondary standards set limits to protect public welfare...damage to animals, crops, vegetation...

During construction and increased train traffic, coal dust etc. vegetation will accumulate particulate matter. The animals eating the vegetation can quickly develop dust pneumonia. This is something ranchers see frequently in dry years and seasons. Evaluate the impacts of more dust during construction and operation of trains, including vehicles using roads to repair track.

Page 4.1-35 Table 4.1-8 Existing Rail Line South Dakota-Train Traffic

What happened to Wall Segment west to Rapid City, Rapid City to Smithwick and south? If you are going to do existing line, please do all existing line. Is there truly just one train/per day to Midland? Maybe DM&E would just have to upgrade their existing line from Midland to Winona to serve existing shippers. It has already been shown in comments on Volume I and Executive Summary that there is no need to haul coal from the PRB. Please evaluate the financial capability of DM&E to upgrade 400 miles of line and fulfill their purpose of serving existing shippers. In this Volume VII-A, Table FA-1, the existing train traffic from Rapid City to Midland is given as 2/day, from Midland to Wolsey as 4/day, from Wolsey to Huron to Arlington as 6/day, from Arlington to Brookings as 8/day. Yet in this table, Wall to Midland is listed as one/day(both ways), Midland to Wolsey as 2/day, Wolsey to Huron to Arlington as 3/day, and Arlington to Brookings as 4/day. And yet in Volume VIII-A, Appendix K p1-1, it states "DM&E currently operates four to eight trains per day over various sections of its system." These contradictions are unacceptable in the same DEIS! Where did the various writers of the DEIS get their information? Obviously, not from the same source! Find out what the actual traffic is and print it correctly in the re-issue of the DEIS.

Page 4.1-45 The proposed rail line in Edgemont trends southeast to northwest along the northeast side of the city.

Noise sensitive receptor information is given for all other communities but not for Edgemont. (See 4.1-9) With a population of 908, considerably more than Oral and Smithwick, I would expect that information. Yet it is left out. I do notice the existing rail line is considered in the table, but why do you even mention Edgemont on Page 4.1-45 if you are not considering it here? Very confusing!

Page 4.1-35 Noise

Why are noise sensitive receptors just considered in communities? Since the STB considers residences as receptors and there are a number of residences within the contour 65 dB. Why are these not counted? On the new construction, DM&E proposes to go within a few feet of some residences. Are these counted by the STB if they are not in a community?

Page 4.1-56 Improved range management techniques have helped reverse the trend of degraded rangeland in South Dakota.

So lets ruin it again with poor management practices of the railroad. Railroads are not good stewards of the soil as far as controlling noxious weeds, (Contact Fall River County Weed Board, Hot Springs, SD), reseeding to native grass after a fire, derailments and spills. I urge the USFS and BLM to deny this permit that will destroy what we have worked so hard together to build.

Page 4.1-60 The mountain lion is a state threatened species that is found in sparsely populated areas of the Black Hills and western South Dakota.

The WG Flat, Hay Canyon, and Oral Segment along the Cheyenne provide excellent habitat because of its remoteness for the mountain lion. Several have been sighted in this

area this past summer. Contact the SD Game Fish and Parks for verification of the locations. Running 34 coal trains a day through its habitat would negatively impact this threatened species. Please address.

Page 4.1-64 A raptor survey on the existing DM&E Rail line was completed in April, 1999. The results of this survey are provided in Table 4.1-11

At the end of the table, you give raptor abbreviations RT, SW, BU. Where are the explanations for abbreviations GH, GE? If GE means Golden Eagle, you have missed a nest on the Oral Segment of existing DM&E rail line. How many more did you miss? The Table is titled "Raptor nests within 0.5 miles of the DM&E Rail line -South Dakota". Is this existing line? Proposed line? All Hay Canyon Alternatives? No Hay Canyon Alternatives? Please specify. You may have missed many, many raptor nests, depending on where you looked. I will assume that if this is just existing line, all the new build is given in another volume. If the raptor nests are not identified in another volume, you must resurvey.

Page 4.1-69 Table 4.1-12 State Rare, threatened, or Endangered Species in the Proposed and Existing DM&E Corridors across South Dakota

The mountain lion is listed as a state threatened species on page 4.1-60, yet it is not listed in the table. The whooping crane is a Federally and State endangered species, yet is not listed in the Table. The Bald eagle is a federally and state endangered species, yet is not listed in the table. Other mammals not listed in the Table are Black-footed ferret and the Black-Tailed Prairie Dog.

Page 4.1-76 Black Footed Ferrets ...live in arid prairies in prairie dog colonies.

In the Executive Summary Page ES-48, you state that Alternative C would have little, if any impact on black-footed ferrets. Since Black footed ferrets thrive in prairie dog towns and since numerous prairie dog towns along Alternative C have not been identified by you, you must identify all prairie dog towns along all alternatives and re-evaluate the harm to black-footed ferrets.

Page 4.1-80 Since the turn of the century, the black-tailed prairie dog population has decrail lined by 98%....This decrail line is a result of habitat fragmentation...

Is this a misprint or a Freudian slip. I am unfamiliar with the term " decrail line". This rail line would surely result in a further "decrail line" of the black-tailed prairie dog should anything but Alternative A be approved.

Page 4.1-80 At Wasta, the DM&E rail line extends southwest and I-90 continues west.

This is not true! The existing DM&E rail line continues west, parallel to I-90 on into Rapid City! There is now NO rail line that continues southwest. If you mean "proposed rail line", say so. Never forget that it is just that, a proposed rail line.

Page 4.1-82 BNSF also has a rail line extending north that passes through Chadron, NE, Edgemont SD....

BNSF does not pass through Chadron; you probably mean Crawford, NE. This entire section on Transportation is unnecessary rhetoric. Why do you fill up a DEIS with such trivia—and you can't even get the trivia right!

Page 4.1-82 There were 23 observed accidents at the DM&E rail line grade crossings in South Dakota between 1993 and 1997.

Were these accidents at unprotected crossings? Most crossings on the upgraded and new track will have no protection. With the increase in train numbers, the predicted accidents will increase. No matter how you justify it, an increase from one train per day to 37 trains per day on unprotected crossings will dramatically increase the number of accidents. All the repetitious rhetoric on improved safety does not obscure the fact that a huge increase in fast-moving train traffic will negatively impact safety.

Page 4.1-83 Table 4.1-14 South Dakota School District Bus Crossings of the Existing DM&E Rail Line.

The Hot Springs School District is missing from this table. The Hot Springs School bus crosses the existing DM&E line 4 times/day. A significant safety problem on the Oral Segment is the very steep hill east of the track. If a train is passing and a school bus tries to stop on that hill, it will be impossible. An over- or under-pass in the town of Oral is warranted for safety concerns. Since you failed to identify this as a school bus crossing, please do the necessary studies on that unsafe crossing in the re-issue of the DEIS.

Page 4.1-91 Utilization of Energy Resources

This entire paragraph has no place in a DEIS. It has NOTHING whatever to do with existing conditions in SD. If you want to editorialize, write to the newspaper. NEPA regulations state that you should concentrate effort and attention on important issues. Please do so.

Page 4.1-96 A review of site records held at the Archeological Research Center, Rapid City, SD, indicated 11 archaeological sites are within or immediately adjacent to the existing DM&E right-of-way.

No archaeological site visits were conducted on my land along the Oral Segment, yet I know there are tepee rings in this area. When I asked Steve Thornhill if I would be contacted for site visits, he indicated that there would be no disruption out of the right-of-way in that area and thus no need for site visits. Yet I read in Volume I that, not only may there be the taking of additional land for right-of-way, there most likely will be construction outside of the right-of-way! Yet this was never studied, even though I know of tepee ring locations that would be affected.

Page 4.1-98 There are 96 known sites within 1 mile of the Modified Proposed Action, Alternative C. Action concerning these sites will be in accordance with the PA.

There are a number of sites I know of that are within the 1 mile range. Where can I find if that site has been identified? What is "PA"? If it refers to Programmatic Agreement,

what if I am a private landowner who is not Native American? I have not been involved in consultations to develop the PA and was not invited to give input.

Page 4.1-100 Some cultural sites served specialized ceremonial functions. Examples include cemeteries....

On the WG Flat Route is a cemetery whose exact location is unknown. Burns & McDonnell was informed of its existence but, according to landowners on the route, no effort was made or site visits conducted to determine its location. In fact, no archaeological visits or inquiries were every made on that route or the Oral Segment Route.

Page 4.1-104 Employment and Income Section. In Kingsbury, Beadle, Hand, Hyde, Stanley, Haakon, Jackson, Custer, and Fall River counties...

Custer and Fall River counties are included in this section but not in the section directly above (on the same page) in Table 4.1-21, Potentially Affected Communities and Populations-South Dakota. Be consistent! Both these sections are under the heading Socioeconomics.

Page 4.1-108 Table 4.1-22 1996 Statistical information for Potentially Affected Counties-South Dakota

The number of farms and the acreages in Fall River County has decreased in the 10-year period studied. DM&E proposes to cut right through the middle of farms on the Angostura Irrigation Project (WG Flat). Please consider the impact of even fewer farms, the socioeconomic impact to Fall River County and the State if more farms are taken out of production, and the number of farm businesses that will close if DM&E bisects their business.

Page 4.1-114 Only approximately 10 percent of the potential project area would have a high SIL rating.

Your use of the word "only" is inappropriate. 10% is a very high percentage. Use of such language indicates your bias. Please just give the facts, not your opinion!

Page 4.2-7 Because prime farmland is limited, USDA recognizes the importance of wisely using this resource.

This is not reflected in your choice of the Alternatives that cross the Angostura Irrigation District, which contains the only prime farmland in Fall River County. The only conceivable route through here to minimize impacts to prime farmland is Alternative D.

Page 4.2-10 Coal from this region tends to have low quantities of sulfur and ash which makes it one of the cleanest coals mined in the United States. The economical mining of PRB coal and its clean burning characteristics make this coal highly desirable as a fuel source.

PRB coal is a dirty fuel. Please identify the recent crack-downs by the EPA on mercury, particulate matter, NOX as it relates to PRB coal. How many new coal-fired power plants in DM&E's target market have opened in the past 5 years? Identify quantitatively how much more PRB coal must be burned to generate the same BTU's as eastern coal.

Please give a side-by-side comparison of this information. Include a comparison of PRB coal with natural gas, solar power, wind energy, fuel cells for clean energy generation. If you are going to present the argument that PRB is "clean burning", you must compare it with other sources available. If it is truly highly desirable as a fuel source, there would be more demand. Refer to comments on Volume I submitted by me. Also I enclose the latest mine cutbacks at Belle Ayr and Eagle Butte mines below. This was reported in the Casper Tribune, 11-7-2000.

RAG plans to lay off 48 workers

GILLETTE, Wyo. (AP) -RAG Coal West has announced plans to lay off 48 workers by the end of the year in response to lower prices. The company also said Friday it will cut production by 6 million tons next year. Combined with other cuts in the Powder River Basin, overall production could be down considerably from last year's record, according to company officials. Arch Coal, Kennecott Energy and Peabody Coal Co. announced reductions earlier this year. RAG spokesman Mike Rounds said the layoff will affect employees across the board at the Eagle Butte Mine, which has 197 employees, and the Belle Ayr Mine, which employs 233. Jobs ranging from office help to pit workers will be affected.

This workforce reduction is consistent with the position of RAG American Coal Co. to maintain positive earnings from their Powder River Basin operations," Lien said. "The decision to reduce our operations was made after several months of study of various operating options. RAG Coal West will be positioned to expand our operations when the coal market improves in the future." Coal production is expected to be reduced to 28 million tons next year. Rounds said most of the reduction will be at the Belle Ayr Mine.

"It's poor market conditions, particularly for coal coming out of the Powder," he said. "It's supply and demand. It's big coal mines and a lot of coal being produced. "It's been declining prices for some time," he said. "What happens when you're dealing with price declines is you have to keep getting your costs in line. Eventually you wind up reducing production. "The last resort anyone ever wants to do is reduce the workforce. That's why they do that last." Company officials said those who are laid off will receive a week's pay for each year of service, with a minimum of eight weeks, and insurance benefits for six months.

The last layoff at the mines was in November 1998, when Cyprus-Amax cut its workforce by about 50 and expected to reduce production. Linthicum Heights, Md. -based RAG bought the mines in June 1999, after Cyprus-Amax announced it wanted to sell its coal industry holdings and focus on copper.

Page 4.2-11 Wyoming's natural gas production in 1993 amounted to 1,054,699,787 thousand cubic feet...The PRB region is currently experiencing a rapidly expanding coal bed methane industry...

1993!! A little outdated, isn't it? What is the 1999 figure and what is the expected production for the next 10 years. You accept as fact DM&E's figures on future coal production. Please consider the future natural gas production as a competitor for coal and give us those figures.

Page 4.2-21 Table 4.2-6 Noise Sensitive Receptors exceeding 65 dBA Ldn Along Existing BNSF Rail Line in Wyoming

I am unable to find just how wide the 65 dBA Ldn contour extends from the Railroad track. I do find the 60dBA given as 3.0 miles from the centerline of the track with whistle and 1.08 miles from the centerline without whistle. (Volume VIII-B p 2-29) If the 60 dBA contour is 3 miles, I believe all these figures in this tables are too low. Consider the population of Newcastle to be 3,240. Since residences are considered to be noise receptors, the figure would be much higher than 83. Also Table 4.2-7 Noise sensitive receptors should be higher.

Page 4.2-25 The USFS and BLM manage grazing allotments on their properties along the proposed alternatives.

How many grazing allotments will be affected by each Alternative if the BLM and USFS land is bisected by DM&E? What will be the economic effects to those ranchers and also the BLM and USFS?

Page 4.2-40 Utilization of Energy Resources

Again, this is based on outdated information. PRB coal is dirty coal when mercury, NOX, soot etc are considered. More coal must be burned to produce the same amount of electricity when compared to eastern US coal, thus resulting in even more pollution from PRB coal. As a result of lack of demand, coal mines are closing. (see previous article on RAG coal and my comments on Volume 1). The transportation problems have been solved in part because of upgrading of lines by BNSF and UP and in part by lack of demand for this dirty source of electric power. Also competition from other clean energy sources (coal bed methane, natural gas, wind energy, fuel cells) has decreased demand for PRB coal and will continue to do so as these technologies are further developed. Recent findings by the EPA concerning pollutants other than sulphur will further depress the coal market.

Page 4.2-44 There are 312 known sites within 1.0 mile of proposed Alternative C....and 129 have not been evaluated.

Why were these not evaluated?

I also note in the next paragraph that Alternative D contains far fewer sites. Why was Alternative C chosen as preferred?

Page 4.2-47 Between 1986 and 1994, the unemployment rate decreased in the State of Wyoming. In each of the four affected counties, employment decreased from 44.7 percent to 68.4 percent. (Table 4.2-29)

This is very confusing. The above statement is incorrect. It is not a decrease to go from 44.7 to 68.4%. If unemployment in Wyoming is indeed that high, I doubt that even the greatly over-inflated figures for potential employment be DM&E could save Wyoming! You refer to Table 4.2-29. There is no such table.

Page 4.3-1 (If No-Build was approved)...None of the following impacts associated with reconstruction of the existing rail line would occur.

You left out the increase in costs to the counties and communities due to increase in police forces, increase in crime from construction workers, increase in impact to the schools to educate temporary students of temporary construction workers, increase in road repair due to movement of construction equipment to job sites and construction workers to job sites.

Page 4.3-1 Footnote 1 However, while DM&E has indicated that that such system-wide renovations are necessary, it stated in its application to the Board, reconstruction of the existing rail line would not be possible without the revenues generated by the PRB expansion project.

DM&E is not a credible source for information. The Board indicated that it had analyzed the ability of DM&E to upgrade its 1000 miles of existing line and determined it did not have the financial resources to do this. Please restudy the feasibility of the upgrade for 400- 500 miles of existing line. DM&E would only need to upgrade from Rapid City to Winona to serve existing shippers. Part of this line has already been upgraded and the line that needs the most work is from Pierre to Rapid City (160 miles). This 500 miles would not have to be upgraded to serve present shippers to the extent that would be needed to haul coal, requiring less money. Since coal production is declining in the PRB, the first purpose of transporting coal is unnecessary. The second purpose could be fulfilled if the upgrade is looked at from a common sense approach that truly has the welfare of South Dakota shippers in mind.

Page 4.3-2 Operational impacts associated with the anticipated increase in rail traffic would occur such as:

Notably missing are the loss of jobs associated with agriculture due to the destruction of the businesses that will be bisected by this railroad, the loss of tax revenues from a decrease in property values, the loss of people(and thus their positive economic impact) moving away from an area that is constantly bombarded by noise and "inconvenience". Also, the jobs and tax revenues information was provided to you by DM&E and is greatly over inflated. This study must be redone by a non-biased source.

Page 4.3-3 (If No-Build was approved)..Numerous jobs ...would be lost as well as jobs provided by shippers forced to relocate or close.

The bypass of Rapid City, if Alternative C is approved, would result in the closure of business in Rapid and the northern Hills. You must consider the negative effect on them if the proposal is approved.

Page 4.3-3 Loss of rail service could result in economic hardship to those whose livelihood depends upon the railroad, such as DM&E employees, shipper, and farmers. *What about the farmers whose property will be taken by the railroad and whose businesses will be bisected? What about the business located a few yards or blocks from the tracks in communities such as Pierre and Brookings? That's true economic hardship!*

Page 4.3-3 Topography

This entire paragraph explains why constructing on existing rail line will cause only minimal change to the topography of the land. This is an excellent argument for approving Alternative D-3 which uses entirely existing rail line to PRB. It seems strange to me that, when you veer off existing rail line at Wasta, suddenly all your arguments shift to new construction being preferable over using existing line. It seems that whatever DM&E wants, DM&E gets and this entire DEIS is just justification for the route DM&E wants.

Page 4.3-4 Approximately 7684.8 acres of soil could be disturbed within the existing right-of-way during reconstruction. Increases in soil erosion due to wind and water runoff could occur during reconstruction.

The Bad River and tributaries and the Cheyenne River are listed as impaired rivers. How does the Clean Water Act address an increase in solids to these rivers?

Page 4.3-5 Prime farmland is abundant in SD...No operational impacts to prime farmland are expected.

This statement contradicts Page 4.2-7. the statement by the USDA the "prime farmland is limited." There will definitely be impacts to prime farmland on the existing line Oral Segment and in many other areas in South Dakota. Please provide acres of prime farmland affected and the economic impacts of this.

Page 4.3-6 ..where reconstruction activities may be required outside of the existing rail right-of-way.

Please explain how the eminent domain law in SD applies to reconstruction outside of the existing right-of-way.

Page 4.3-7 Adequate site security in these areas should be provided to minimize any safety hazards.

"should" must be changed to "will". Please identify who is responsible both physically and financially to provide site security.

Page 4.3-7 However, some of the impact would be offset by the potential increases in population resulting from the influx of construction workers requiring lodging and the long term increase in the number of railroad related jobs.

These railroad related jobs will be concentrated in a few areas (Huron & Wall). The influx of workers and families for construction will be short term and result in extra financial burden to the schools, etc. When construction is over, those workers will be

gone and real estate values will decrease. Consider Edgemont, which has the largest Railroad in the US, BNSF, running through it. Look what has happened to the school and the real estate values there. Then, rewrite this entire section.

Page 4.3-8 However, while the impact is expected to be negative, it is unknown to SEA if it would be significant.

The information on real estate values is readily from each County auditor. Also, consider the communities through which UP and BNSF go and determine change in real estate value next to the track. Study the impact on Edgemont. You have an obligation to do the studies, but apparently not the inclination. You heard testimony at the hearing in Rapid City from a rancher whose is unable to sell his ranch with the threat of DM&E bisecting it. His property value went down \$500,000 after DM&E announced its intention to take his property. Contact the homeowners in Brookings along the track. I believe you would find this impact to be significant.

Page 4.3-9 Businesses in close proximity to the rail line...such as Best Western Ramkota in Pierre, movie theaters, or restaurants would be most at risk of being inconvenienced. *There's that word again. "Inconvenienced" is what happens when Victoria Rutson is speaking at the King's Inn Convention Center in Pierre and she must stop speaking because she cannot be heard above the noise of the passing train. Destroyed is what happens when you own King's Inn and no one books the meeting room because of 37 trains/day going by. Destroyed is what happens when you have to close your business because no one wants to sleep, eat, or watch movies there because of the noise. Destroyed is also what happens if a dirty, noisy train bisects your business.*

Page 4.3-10 For the businesses and industries that are currently served by DM&E, improved rail service would improve their ability to compete in the marketplace. *You forgot about the businesses in Rapid City and the northern Hills that are currently served by DM&E but will no longer be if you approve the Rapid City bypass (Alternative C).*

Page 4.3-13 However, these areas are exposed to rail activities associated with current rail line operation and maintenance....impacts from increased operations are not expected to be significant.

Current rail operations range from one train/week to 2 trains/day. To go to 37 trains/day will have significant impact to wildlife and habitat. Currently, there is very little maintenance activity because DM&E has allowed it to deteriorate so badly, possibly to justify this proposal. I believe your conclusion of "not significant impact" to be faulty.

Page 4.3-14 Surface Water

Construction impacts are listed as "increased TSS, potential for erosion, disturb bottom sediment and stream banks, change stream hydrology, alter water flow velocities and sediment loading and deposition patterns, increase water temperature, spills of hazardous materials". Please detail how these impacts correlate with the classification of the Cheyenne, River, Bad River, and their tributaries as impaired?

Operation impacts are listed as "diesel fuel or lubricants reduce water quality, severe spills of fuel, coal being spilled into water, disturbance to bottom sediments associated with bridge and culvert maintenance." Please detail how these impacts correlate with the classification of rivers and streams to be crossed as impaired?

Page 4.3-17 Wetlands adjacent to rail bed are generally undesirable to rail operators as they may contribute to saturated soil conditions that they may destabilize the rail bed. These areas would likely be filled or drained.

Identify these wetlands locations and acreages. How does this correlate with the concerns and rules of the USFWS?

Page 4.3-17 These indirect impacts are difficult to quantify due to lack of final design information.

Please withdraw this incomplete DEIS, and reissue when you have the final design information so you can make an informed decision based on facts and not speculation.

Page 4.3-17 Possible contamination of surface aquifers in SD could result from a fuel or contaminant spill during reconstruction or operation of the rail line.

In South Dakota and in the nation, water is our most important resource. If this occurs, who is responsible for hauling water to residences and animals affected by this contamination? Please address this in mitigation. I don't mean just monetary damages, but the actual physical work that would result from such a contamination.

Page 4.3-19 ..some fugitive coal dust may be noticed along the rail line, potentially causing inconvenience to adjacent residences and businesses by requiring periodic washing of buildings, vehicles...

If asthmatics and COPD(Chronic Obstructive Pulmonary Disease) patients cannot breathe, would that also be an "inconvenience"? I work in a nursing home and, during tuck pointing the building, even with windows sealed, COPD patients had to be evacuated. This dust was an inconvenience to the rest of us, but created serious medical problems for those at risk.

Page 4.3-20 Because contracts for coal transportation have not yet been obtained by DM&E, SEA cannot determine the exact route over which DM&E coal would be transported. Therefore, SEA cannot determine the rail lines which would exceed the Board's thresholds.

There are not that many choices for DM&E, a single-tracked railroad going to a specific location (Winona) to a limited target market. I ask that you examine all the possible choices and identify the possible routes DM&E has for their coal to see if your thresholds are exceeded.

Page 4.3-27 Although more trains would pass through the intersections on a daily basis, each train would spend a shorter time crossing each intersection due to increased speed..It is therefore concluded that that the potential for increased CO in the vicinity of the rail crossings once construction is complete would be minimal.

Please give quantitative information of delay time for queued vehicles considering that 37 trains per day will be traveling rather than the current 2 trains/day. Common sense dictates that the delay time will be greatly increased. Also consider that a coal train will be much longer than a freight train. Also consider that you are figuring delay time on paper, not in a real world. First go to Edgemont and wait for a Class I Railroad coal train to pass and see if the average delay time per vehicle in the real world is 1.5 seconds. I guarantee that it is not!

Page 4.3-29 These agencies as well as the Board agree that noise levels at or above 65 dBA Ldn are adverse...SEA considers noise levels at or above 70dBA Ldn to be significantly adverse.

I do not find the distance from the center of the track for 65dBA or for 70dBA. I do find a chart in Volume V-III-B page 2-29 which state that 60dBA is the noise level 3 miles either side of centerline with Whistle (a six mile corridor). It seems that, considering that information, all the numbers of noise sensitive receptors in the Tables on page 4.3-31 through 4.3-56 are far too low. You identified noise sensitive receptors as residences, churches, schools, nursing homes and the population of some of these communities is much greater than the number of receptors listed, I question the accuracy of this data.

Page 4.3-61 ...FRA approval to establish quiet zones. Approval would require the community to implement supplemental safety measures, such as four-quadrant gates, directional horns, median barriers,...SEA encourages communities along the existing DM&E rail line to participate in FRA's process.

Who will pay for these gates, horns, barriers, etc. that the FRA will require? DM&E or the community? If you don't know or if it is the community, please include those costs in the negative economic impact column of the socioeconomic impacts. Also, please give an approximation of costs of each device so the communities can evaluate the cost vs. benefits of this proposal.

Page 4.3-62 SEA conservatively determined that that ground vibrations would be sufficient to cause structural damage to buildings located within 100 ft of the rail line...Beyond 100 feet....SEA determined that between 101 and 200 feet, ground vibration could be of sufficient magnitude to cause structural damage. Structures between 201 and 400 feet would perceive some level of ground vibration.

Will DM&E compensate home and business owners in this 800ft corridor for structural damage? If so, how much? Who determines compensation? Please include this in mitigation requirements. There was testimony in Rapid City and in Pierre at the oral hearings of people whose houses were damaged by vibration caused by trains. Also consider the vibration effects on unstable soil along the Bad River and the Cheyenne River and elsewhere along the rail line. The vibration study in Volume Volume VII-A Appendix F indicate that vibration is worse with continuous welded rail, that vibration depends on soil characteristics, and that Wilson, Ihrig, and Associates were not provided with sufficient information to make a prediction concerning the vibration impact. If mitigation within 5000 ft of the track is not provided in the Final EIS, is the STB then libel for damages that result from vibration within that distance since you requested the study, or is DM&E libel?

Page 4.3-66 Over time, individuals in habitats along the existing line would adapt to more frequent trains and increased speeds and mortality and disturbance would be reduced. *Increasing from one or two trains per day to 37 trains per day would make adaptation much more difficult, if not impossible.*

Page 4.3-67 Loss of waterfowl would be insignificant due to the limited amount of habitat in the right-of-way.

One page 4.3-65, you state that existing line passes through 132.9 acres of wetlands. This does not even count the wetlands that will be impacted in the new construction portion. I would not call that limited nor the impact insignificant. You seem to direct every conclusion as to being insignificant, having no impact, or minimal (Ex. Mortality to raptors page 4.3-69) concerning all aspects of this DEIS, even when all data points to the opposite conclusion. Remember that the No-build is the only one that will truly have "no impact" on wildlife, humans etc when it comes to habitat, noise vibration, etc.

Page 4.3-70 Increases in TSS could cause fish to migrate out of sections of the river temporarily.

What about the impaired rivers that DM&E will cross? Would increases in TSS in those sections cause a permanent migration of fish?

Page 4.3-71 The primary commodity carried by DM&E trains would be coal which is relatively inert or non-toxic.

Page 4.3-101 Hazardous Materials

What guarantee do South Dakotans have that hazardous material will not be hauled on DM&E line as a commodity? Since coal is decreasing in importance as a fuel source, DM&E will have to make money somewhere if this proposal is approved. South Dakota has been through a lawsuit brought by Lonetree to haul hazardous waste from the eastern United States to the Igloo site near Edgemont. This area is located 2 miles from the DM&E proposal, giving great cause for concern. The voters of SD in a referendum said it was unacceptable to haul out-of-state waste to South Dakota. But Lonetree sued the State for damages and won that lawsuit. How can we be protected against hazardous waste being hauled by DM&E? Please address this in the EIS. Does DM&E have a license to carry hazardous material?

Relating to hazardous material, Volume 3.1-96 states that Sites within 1.0 mile of the existing rail line and new construction alternatives were considered to be in the project area. Near Edgemont within 1.0 miles of the proposed alternatives is a site where uranium mine tailings were buried. This site was not identified in Volume III-A nor anywhere I can find so far. Please identify and evaluate.

Page 4.3-71 The impacts from the use of herbicides to maintain the right-of-way would be dependent on the type and quantity of the herbicide used.

Not to worry! DM&E does not spray noxious weeds in the right-of-way. See my comments in Volume 1, page 1-31.

Page 4.3-71 During rail operations, use of the track could result in a spill coal releasing or petroleum products that could damage fish or aquatic life. The likelihood of this occurring is minimal, as the new rail line would be safer than the existing conditions of the track.

Again, a conclusion that does not follow. With 37 trains per day, traveling at 49 miles per hours, on single track with trains coming from both directions and everything dependent on timing going like clock-work, this will not be a safe situation. A train that derailed standing still or traveling 5 miles per hour is much less destructive than a loaded, 135- car coal train traveling 49 miles per hour.

Page 4.3-74 No bald eagles are known along the existing rail line in South Dakota. *I live along the Oral Segment of existing rail line. There are Bald Eagles there.*

Page 4.3-76 Transportation of materials in heavy trucks and movement of construction equipment could accelerate wear and tear on local highways. *Who pays the bill for repair of these highways? If it is the taxpayers, please include the dollar amounts? DM&E should pay for it. Please include the plan for assessment and payment in mitigation to the state and counties.*

Page 4.3-76 Routes for emergency vehicle response would have to be redesigned to avoid closed roadways. *In western South Dakota this is impossible. Consider the one road between Oelrichs and Edgemont that will be crossed 8 times by DM&E. It is the only road an emergency vehicle could take. In two instances, the county road will have a main track plus a siding across the road, making emergency access more difficult.*

Page 4.3-76 To analyze the effects of increased rail traffic on vehicle delays at existing highway/rail crossings, SEA identified crossings along the DM&E system at which average daily traffic would exceed 5000 vehicles. *In western SD, this is a unrealistic number. The Heartland Express is one highway that will be a link between I-90 and I-80. It is currently under construction. By the time this project is finished, the Heartland will have been completed. The ADT will no doubt go up. Again, when you are talking about going from one train/day to 37 trains/day, not only does delay time become a factor but also safety. You talk of blocking crossings for 2.1 minutes for 115-car trains and 2.4 minutes for 135-car trains. This looks good when you are trying to sell this project, but it does not happen in the real world. It is very unusual in Edgemont if the wait at a BNSF coal train crossing is less than 20 minutes, and they are double tracked. Please re-evaluate your data based on actual experiences, not some calculation of the way things should go in fantasyland. Your statement on page 4.3-80 "SEA determined that the proposed increase in rail line traffic would have no significant effect on vehicle traffic in SD" shows that you can justify anything. It appears you have decided that this project is a go and all conclusions are pointed to that end*

Page 4.3-86 SEA considers the relatively small accident frequency rate increase of one additional accident every 100 years to be significant.

Page 4.3-97 Haakon County 20MNT. This translates into a range of increase from one accident every 619 years to 1 accident every 68 years, respectively. SEA found these predicted increases to be below the criteria for significance.
These two statements are contradictory.

Page 4.3-99 Pennington County

For 20MNT the analysis was for three public highway/rail grade crossings along existing DM&E line east of Wall. For 50MNT and for 100 MNT, the analysis was for three public highway/rail grade crossings west of Wall. Why? Also, I do not find Alternative D addressed in Pennington County, yet it is addressed in the safety analysis for Beadle County, Page 4.3-90, for 100MNT. Why? Alternative D would have major impact in Pennington County. Alternative B, C, and D are also mentioned in Hand County for 20MNT. Why?

Page 4.3-100 Changes in the behavior of these individuals would be necessary to reduce the risks of potentially significant impacts.
How do you propose to mitigate someone's behavior?

Page 4.3-101 Reconstruction of the existing DM&E rail line has the potential to have a dramatic impact on rail safety.

Over 500 miles of DM&E track will not be reconstructed in this proposal so safety will continue to be compromised on that portion. I also take issue with the assertion that going from 2 trains per day on much of the track to 37 trains per day will dramatically increase rail safety. At increased speed and with much longer and heavier trains, a derailment will have much more disastrous consequences than a derailment of a freight train traveling 5 miles/hr.

Page 4.3-103 Use of PRB coal is expected to increase in the future...shorter route could result in savings of hundreds of thousands of gallons of diesel fuel annually.....many of the mines do not meet production capacity due to inadequate rail service.

In reality, use of PRB coal has decreased with production dropping and mines closing...please give dollar figures proving that this "shorter route" would save money and consider that it could possibly save enough money so DM&E could afford to use their less environmentally damaging route of D-3 through NE instead of taking private property for their coal pipeline.....Rail service by UP and BNSF to the PRB has improved dramatically (see my Comments on Volume I) since this assertion was provided to you by DM&E.

Page 4.3-104 During operation, these materials would be replaced as new materials became available.

Why would DM&E want to use discarded material from other rail lines only to replace them when new materials became available? Seems like a waste of resources and labor to me.

Page 4.3-104 However, should unknown grave sites be encountered....the artifacts and remains they contain could be damaged or destroyed.

On the WG Flat Segment of Alternative C, a grave site was reported to Burns & McDonnell shortly after that route was identified as a possibility. No effort was made to locate that grave site. Disturbances to graves are not just significant impacts to Native Americans, but to all people!

Page 4.3-109 Approximately 1,246 direct construction-related jobs are anticipated in SD, with a two year duration (Table 4.3-24)

The total of direct construction-related jobs in the Table is 722. One of these is incorrect or perhaps both.

Page 4.3-109 In addition to direct reconstruction jobs, approximately 591 indirect jobs are anticipated to be generated by the project (Table 4.3-24)

The total of indirect reconstruction jobs from the Table is 321. One of these is incorrect or perhaps both.

Page 4.3-109 They would continue to spend following completion of reconstruction, thus resulting in two to three year post-reconstruction requirement for jobs.

How's that again? The construction workers will continue to stay in the area and spend money for 2 to 3 years after they no longer have jobs? I don't think so!

Page 4.3-110 Table 4.3-25 SD Railroad Construction Earnings by County.

There figures are taken directly from a booklet entitled "Economic Impacts in Minnesota, South Dakota and Wyoming" that was prepared for DM&E in order to sell their proposal to communities and gain their support. Figures are greatly over inflated. DM&E is not a credible source and these figures should have been verified by you. I refer you to Volume VIII-C Page 16 of DM&E analysis, reprinted word for word by you in Volume III-A Page 4.3-110.

On Page 4.3-85 you state, "Based on DM&E's estimate of reconstructing approximately 1.0 mile of rail line per day, any reconstructing activities at grade crossings would be temporary.." Based on 1 mile per day and if a county has 30 miles of track to be reconstructed, this would take 30 days. The reality is that construction in one county will last only a few months and the workers will move to a new section. The jobs, estimated earnings and sales and use tax generated are not just over-inflated, the entire assumption on which these are based is wrong. It seems when you wish to give the impression of minimal negative impacts, you use one figure and when you wish to give the impression of economic benefits, you use another figure. Please refigure these impacts based on reality.

There are inconsistencies between the figures in Volume VIII-C and in Volume III-A pp 4.3-108. VIII-C lists direct construction jobs for Brookings county to be 124 and Indirect jobs to be 152. Table 4.3-24 lists 62 direct and 30 indirect jobs (a difference of 184 jobs between your figures for one county alone) Then, for estimated earnings, both VIII-C and III-A give exactly the same figure, \$9,246,300. How is this possible? From

your figures in III-A, each worker(direct and indirect) would earn \$100,503.26. Wow! You must redo all these economic impact figures! They are not even in the ball park. This continues for each county with the job numbers being different in each county but the total earnings being identical.

Page 4.3-111 However the demand for labor could result in competition for workers and thus higher wages and better benefits to attract qualified employees.

Consider the effects on local business if the workers are attracted away from them for these so-called high paying jobs the railroad will allegedly provide. Those businesses will not be able to compete for workers and will close. The payroll costs are the highest costs of any business. Consider the negative economic impact on existing business.

Page 4.3-111 During operation, high paying permanent jobs near Huron and Wall would likely be close to several reservations...this project would then provide needed employment opportunities to these areas and allow DM&E to utilize a larger percentage of local labor.

It is evident that you are not only unfamiliar with the area but unfamiliar with the work force and habits of people in this area. Provide the percentages of people currently living on the reservation that are currently employed off the reservation. Provide the distance from Huron and Wall, not just to the reservations but to the population centers of those reservations.

Page 4.3-111 Table 4.3-26 Unemployment Statistics for Counties containing Reservations near the Project Area

*In the box it says percent Unemployed (1997) but the * at the bottom of the table says *Based on 1994 Data. Surely you can do better than use data 7 years old! 1999 data is available from the SD Dept of Labor.*

Page 4.3-112 DM&E would likely acquire a variety of construction materials and supplies within the adjacent project area.

They are a railroad, folks! They could buy wherever they could get the best price and transport it by rail directly to the site. Doesn't that make more sense?

Page 4.3-112 Additional high-paying railroad jobs would continue to benefit the labor market by providing high-paying jobs within the area.

These would be only in a few areas (Wall and Huron). Analyze BNSF and UP employment statistics and provide data as to distribution of jobs associated with staging yards and headquarters vs areas where trains are passing through.

Page 4.3-113 Table 4.3-27 Sales and Use Tax Generated by County.

Most figures were taken directly from "Economic Impacts in Minnesota, South Dakota, and Wyoming" provided to you by DM&E. These figures are greatly over inflated. How were they calculated? Were they verified by you? In Volume VIII-C, Appendix M, Page 16, , the Tax figure for Beadle County is listed as \$1,205,400. In this Table, the tax figure is listed as \$2,142,700. Why the difference (For all other counties, the figures are

exactly the same in both Volumes.) Please explain. Again, redo the entire economic analysis. It is incorrect!

Page 4.3-114 Table 4.3-28 Comparison of Property Taxes Paid and Anticipated for the Proposed Project

What is your source? These figures are taken directly from DM&E Economic Analysis and yet you do not identify your source. These figures are reprinted in the DEIS as fact in Volume VIII-C. The report was prepared in October, 1998. In Feb of 1999, the SD legislature passed a law that changed the formula for calculating railroad tax. The old law on which these figures were based (and even that is greatly over inflated) calculated tax based on 75% on miles of track in county and 25% on tonnage hauled. The new law changed that formula to based on 33 1/3% on miles of track in county and 66 2/3% on tonnage hauled. These figures should have been calculated using the new formula. All your conclusions based on favorable economic impacts must be reevaluated. Since these figures for SD are so over inflated even when using the old formula, I would suggest that all the economic information provided to you by DM&E is flawed and a new analysis must be done by an unbiased source. This is true not only for SD but for MN and WY as well. It is inconceivable that you would print such inaccurate and biased information. Why are 40MT considered here and 50MNT considered in all other areas of the DEIS? Be consistent! Where are the 20MNT figures? Could it be that DM&E did not provide you with those figures so, rather than find the information out, you just put in a footnote that "the 20MNT level of operation was not presented in the economic report..." This DEIS is incomplete and flawed and should be recalled!

Page 4.3-117 Noise from snowmobiles would shield the user from train noise. Therefore, train noise would have no impact on the recreational experience of snowmobilers. *Would not that noise be additive, resulting in an intolerable level of noise? If one of my children is screaming and the other one joins in, the level of noise is increased by 100%. Your reasoning is faulty. Provide decibels of noise by snowmobiles plus decibels of noise for train as additive impact in the 32 dBA Ldn contour and identify the areas where snowmobilers might be affected.*

Page 4.3-117 DM&E has indicated ...it intends to develop a tourism passenger excursion train....considering such things as dinner trips, wildlife viewing trips, and transport to the Black Hills Region.

Since the proposal does not include a reconstruction of existing line from Wasta to the Black Hills, please assess the safety impacts and liability of running a passenger train on dilapidated rail line.

Page 4.3-118 However, to a small number of individuals, the impacts (to recreation) could be significant.

Quantify "small number" and give locations of significant impacts.

Page 4.3-119 Therefore, no major impacts to visibility are anticipated due to operation of the reconstructed rail line.

Increasing rail traffic from 2 trains per day, primarily at night, to 37 trains/per day will have a significant impact on visibility. Your conclusion is faulty.

Page 4.3-120 During rail line operation, the lights from passing trains during dark hours may have minor impacts on the people living near the rail line.

Minor to you maybe because you won't be living near the rail line. Major impact to those living near the rail line... It will significantly alter the night environment of the project area.

Paula Elder
2/27/01