

201641
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



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Public Record

Dear Ms. Rutson:

Enclosed are the original and 10 copies of comments on Volume VIII-B, Appendix L 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This DEIS contains much inaccurate information, outdated information, and repetitious information designed to overwhelm the reader with voluminous material and no substance.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,

A handwritten signature in cursive script, appearing to read 'Paulene Staben'.

Paulene Staben

COMMENTS ON VIII-B APPENDIX L

Paula Steh

Chapters 2 and 3 of this Volume are needless repetition of what is presented elsewhere. There are very subtle differences that should have been included in other sections where these same things are discussed. Why are Project Alternatives not discussed in just one volume rather than in three or four Volumes? Why is Affected Environment again discussed? This is needless repetition designed to make the DEIS impossible to cover in the short time allowed and also designed to make the DEIS seem complete when it is not.

In this entire Volume, only the WG Flat Route variation is included in discussion. Since the STB has thrown up their hands and has said they there is not an acceptable route from Smithwick to north of the Cheyenne, we must be provided with information on ALL the Hay Canyon Alternatives in ALL sections so we can comment as asked by the STB. Why are the other Alternatives (Hay Canyon and Oral Segment) left out? Has a route already been decided, namely WG Flat? In the reissue of this DEIS, please include all Hay Canyon Alternatives in this discussion.

Page 1-1 The BOR will be required to issue approvals to cross irrigation ditch easements in the Angostura Unit in western South Dakota.

I have been informed by the BOR that they do not have the authority to deny a permit to DM&E. What are the legalities relating to BOR's rights to deny a permit, as you so state?

Page 1-1 Each agency is expected to issue a separate decision relative to the project. The Forest Service has already indicated that their preference is NO-Build. (Volume 4 Page 6-23) It appears they were pressed for a different decision by the STB. What are the rights of the Cooperating Agencies if they should all prefer No-Build?

Page 1-1 However, the SPRB coal mines are capable of producing more coal than the current transportation providers can ship.

What is your source for this information? In fact, coal mines are decreasing production due to low coal prices, not transportation problems. (See news articles verifying this in my comments on Volume 1). BNSF and UP are transporting coal at 70% capacity because of lack of demand for coal.

Page 1-1 In addition, several of the SPRB coal producers are seeking regulatory approval to expand production levels or develop new lease areas.

Why then would the mines you site (Belle Ayr, Jacobs Ranch, Black Thunder, and North Antelope/Rochelle) be cutting back production? (See Attachment A-News Articles)

Page 1-2 Alternative B Additionally, service to existing shippers would continue and improve.

Where in this entire DEIS is there a guarantee that DM&E will serve existing shippers in the northern Black Hills and Rapid City? You and we cannot rely on empty promises by DM&E to upgrade the Colony line when it is not part of their application to do so. You must require this as part of mitigation. Absent that, service to existing shippers will neither continue nor improve.

Page 1-4 Table 1-1 Miles of New Railroad by Landowner

Alternative D is listed as length of new railroad of 360.0 miles as compared with 273.8 miles for Alternative C. This is not possible. Alternative D utilizes existing line from south of Smithwick to Wasta. What are the correct figures for miles of new railroad for each alternative?

Page 1-4 Footnote 5 DM&E's position regarding Alternative D was summarized in a June 9, 1999 letter to the STB.

That letter contains false statements by Kevin Schieffer regarding the line between Smithwick and Rapid City. Just a few examples are:

1. On Page 11 and 12 of that Filing, Mr. Schieffer states that existing DM&E line south and east of Rapid City cannot be used to haul coal because "the Black Hills are in the way" and that "mountain grades will not support modern rail operations." As was pointed out to you in oral testimony at the November 2, 2000 hearing in Rapid City, this is false. DM&E in fact lies to the east of the Black Hills on similar terrain that DM&E seeks to acquire through condemnation.
2. On Page 12 of that Filing, Mr. Schieffer states that "the northern end of existing DM&E line is roughly 700 ft higher above sea level at Rapid City than the southern end of the line segment." This is also a false statement! The elevation on DM&E line in Rapid City is 3148 ft; the elevation on DM&E line at Smithwick is 3225 ft. Rapid City is lower by 77 feet!
3. In this filing, Mr. Schieffer and his employees compare existing line with Alternative C using no cut and fill on existing line but extensive cut and fill on Alternative C.

Mr. Schieffer, instead of being taken to task by the STB for providing false statements in a verified statement under penalty of perjury, is rewarded! Explain why you have chosen to do that! Where are your studies of Alternative D? Why do you take the word of the Applicant, who will profit financially by traveling the shortest distance (and not fulfilling their purpose of upgrading existing line). Again, DM&E is not a credible source. Why do you take up space in the DEIS to draw incorrect conclusions from inaccurate information?

Page 1 1-6 Table 1-3 lists whether each railroad alternative would be consistent with the existing and proposed requirements and standards and guidelines.

I am amazed to see that Alternative C is "Not Consistent" with nine of the Forest Plan Management Area Prescriptions. I certainly understand now why the Forest Service has chosen the No-Build Alternative. How can a proposal so inconsistent with what has already been carefully thought out and developed be allowed by an

amendment? What is the process for ratifying the amendment to allow Alternative C? Can the public appeal this Amendment? The direction of the Dept of Agriculture is now to allow the public more input into Forest Service decisions. What effect will this mandate have on the Amendment that will allow something that so violates the Forest Plans? I question the finding of "Consistent" of Prescription 6G-Emphasis on Livestock Grazing. Would not a loss of 433.8 AMU's lost on Alternative C be inconsistent with livestock grazing? Please explain.

Page 2-1 The Forest Service, BLM, BOR, USCG, and COE could also independently invoke the No-Action Alternative.

The Forest has already chosen this as their preferred Alternative. Why do they need to propose the Forest Plan Amendment?

Page 2.4 At its closest, Alternative B would be constructed approximately 1.8 miles south of Angostura Reservoir.

(Since Alternative C and Alternative B are the same in this area, this would also be true for Alternative C—Page 2-12) Yet you claim on Page 4-10 that only Badlands National Park will be affected by the Alternatives. What about the noise that will be heard 1.8 miles from the railroad? Noise within 3.0 miles is classed as "noisy, urban, residential." (Volume III-B, Pg 4.4-88) Do people go to parks and other recreation areas to hear that level of noise? The train can also be seen from Angostura Reservoir, adversely affecting visual quality. Socioeconomics will be adversely affected because the proximity of Alternatives B and C will prevent development of summer and permanent homes. What will be the adverse impact on possible development both to the county in tax revenue, the construction industry in lost jobs, the landowner in loss of development potential, the loss due to lower population growth of this important economic resource? Please quantify and study this adverse impact. Assess this impact not only for Angostura but also for all State lands and recreation sites along the entire line.

Page 2-18 It is generally agreed by the agencies that it would not be prudent to construct a heavy-haul railroad through Rapid City. However, because a viable option around the city has not been identified,...

A viable option has been identified. The Southeast Connector connecting Interstate 90 and the Heartland Express (Hwy 79) has not only been identified but has received Federal funding to build. I'm not surprised you did not mention it because you also failed to mention the Heartland Express, which is already partially constructed. Please reconsider Alternative D including an analysis of a parallel of the Southeast Connector as a very viable option around Rapid City. Not only would this be a sensible route but also DM&E could actually fulfill one of their stated purposes of serving existing shippers. Of course, they are still left with the reality that their other purpose, to haul coal, is unnecessary.

Page 2-23 State of South Dakota

Why did you leave out the State land that is located one-half mile south of Oral? It is stated in other Volumes concerning the Oral Segment (which would require use of Alternative D) that land outside the right-of-way will have to be used. Therefore, you must assess the impact to state land. Even if construction could stay in the right-of-way for state lands, they would all be adversely affected by noise, vibration, recreational use, wildlife present, etc. Why is the impact on State land dismissed as unimportant?

Page 2-23 Angostura Unit --Only private lands would be affected by the alternatives in the unit.

You state in all alternatives (B, C, and D) that only private land would be affected. Have you forgotten that the Bureau of Reclamation holds easements and therefore control over all laterals, canals, siphons on the Irrigation District? They should be mentioned and consulted here as well.

Page 2-24 The areas disturbed during construction would range from 200 to 1000 ft in width, depending on the need to cut and fill to obtain the desired grade. An area exceeding 600ft in width would be rare.

Where have you identified cut and fill widths? Please provide this information on the entire new and existing line construction. This information has been withheld from me even on my own property. Is that a violation of the NEPA process? How wide will the area of cut-and-fill crossing the Cheyenne River be? This is on unstable Pierre Shale with a high landslide potential. The bridge proposes to be built 70feet above the water. To reach that height, the fill on that type of soil will have to be 4900 ft wide (a 7:1 ratio) Please provide the engineering design information and then reassess the assumptions regarding construction. Your assumptions are faulty.

Page 2-24 Work is anticipated to begin setting up the yard and pre-cast plant in early 2001 as soon as regulatory approvals for the project and financing are secured.

Here it is, early 2001, and the yard and pre-cast plant are not being set up. Who came up with assumption the regulatory approval and financing would be secured in "early 2001"? Was it the same person who promised the landowners a "bonus" if they would sign an agreement to deal with him, which they would get if DM&E was constructing in August, 1999? (See Landowner Compensation and Mitigation Agreement, January 1999, developed by DM&E employees). Sounds like the same ridiculous statement to me. Did Mr. Schieffer write this section? Please identify where your information came from.

Page 2-27 Lights would be used at construction sites throughout the night.

How can you conclude that there would be no impact to American Burrowing Beetle, who are attracted by lights at night? (Volume VIII-A, Appendix K-"Impacts due to artificial lights, which are known to attract and disorient many species of nocturnal insects, could occur if construction takes place at night")

Page 2-27 The goal of designing the right of way is to have the cut-and- fill balance, as near as practicable. DM&E has refined the alignments to reduce the need to haul borrow or waste material, making for more cost-effective construction. The locations of borrow and disposal sites are currently unknown.

These sites must be identified to determine the actual impacts before the Final EIS can be issued. Please recall this incomplete DEIS, collect the correct information, and re-issue the DEIS. Burns and McDonnell did not do their job! Where will this “borrow” material come from? If borrow material is needed that is not available locally (due to high plasticity of the soil in the area), what are the impacts on roads to haul borrow material, where will this borrow material be acquired, what are the financial impacts to DM&E to haul in this material? What are the rights under eminent domain laws for the landowner who does not want to provide “borrow” material to DM&E? What is the mitigation provided in the DEIS for this borrow” material? What are the implications regarding safety, effects on wildlife, dust, etc concerning this “borrow” material? Those of us that live here know the rugged terrain on Alternative C and we know that extensive cut and fill will be required on all new construction. Where are the engineering studies that specify the width of cut and fill and the quantity of “borrow” material for each segment that will be required?

Page 2-27 No estimate is currently available on water need.

It is unacceptable not to have an estimate. Water in western South Dakota and Wyoming is infinitely more precious than coal! To treat this problem so lightly without proper determination of how water levels in the aquifers will be affected is unacceptable. It appears that a great deal of water will be needed to control dust, to compact the extensive cut and fill areas, to reseed the vegetation destroyed in the extensive construction area, man camps etc. Water may not be available from Angostura if the level is below what is needed for irrigation. Water may not be available from wells or stock dams because, in a dry year, none these options will be available. You must provide an estimate of water need and other possible sources. Otherwise, mitigation measures to control dust, compact fill material, and reseed vegetation to prevent erosion, will not be possible.

Page 3-1 Where information is readily available in other documents prepared to address the environmental impacts from DM&E’s proposed project, it is not typically repeated here. Rather, a reference to the information source is provided.

Unfortunately, this was not done, resulting in needless bulk and endless repetition—something that is prohibited by NEPA law. Examples follow:

- 1. Section 3.2-Climate This is all a repeat of Volume III-A , Section 4.1.1. and 4.2.1.**
- 2. Section 3.3 Socioeconomic impacts—Most of this a repeat of Volume III-A, Section 4.1.14 and 4.2-14—This Section includes a few extra unnecessary tables, such as employment by sector in each county. Since no conclusions are drawn from this information, it is unnecessary.**

3. **Section 3.4-Transportation—All roads crossed are listed in Volume VII-B Appendix H**
4. **Sections 4.1 through 4.14-This entire 29 page section is covered in various Volumes of the DEIS. It is unnecessary to repeat.**

Page 3-38 Map of Angostura Reservoir State Recreation Area **need not be included since the Alternatives are indistinguishable because the black-and-white map causes all alternatives to appear gray. If you include this in the reissue of the DEIS, please use color. In fact, this applies to all maps in all Volumes of this DEIS.**

Page 3-53 Visual Resources—Generally, the impact analysis area for visual resources includes areas from which the operating railroad would be visible.

On my property, the railroad would be visible for 3.2 miles. I have established a visual management objective. All alternatives except A are inconsistent with my visual management objective. At a Board of Directors meeting held July 23, 2000, a unanimous decision made not to write an Amendment to allow the railroad to cross my property because of this inconsistency. Therefore, on my property, Alternative A is the preferred alternative. In fact, Alternative C as presented is not an option.

Page 3-57 Cultural and Historic Resources. The EIS for this project will contain a complete analysis of potential impacts to cultural resources. The reader is referred to that document for information regarding this resource.

There is no analysis of potential impacts to cultural resources. The section that should cover this is devoted entirely to railroad structures in the present right-of-way. (Volume VIII-C, Appendix N) Even analysis of these structures is incomplete with no mitigation measures suggested. Since we know that structural damage can occur to historic structures within 800 ft or more depending on soil type, this “analysis” is incomplete.

Page 3-59 Geology and Paleontological Resources For purposes of assessing impacts to geology and paleontological resources, an area including 500 ft on both sides of the centerline was evaluated.

This was not done. Pierre Shale is rich in paleontological resources and covers a large area of all Alternatives: yet only government-owned land was studied. Where are the studies for all formations that have a Probable Fossil Yield Classification of 3 or 5, which according to you have a high probability of yielding paleontological resources that are of concern? During construction with large equipment and high traffic, the resources on private land will be destroyed and there is no mitigation included to protect these resources. On private land, this is left up to DM&E to report if they find something. This is not acceptable!

Page 3-62 About one mile southwest of Hot Springs, on the US Highway Bypass, is the Mammoth site...

This is incorrect. The Mammoth Site is located in the city limits of Hot Springs, not one mile southwest.

Page 3-67 Most wells in the project area are on privately-owned land and are used for irrigation.

This is incorrect. Most wells in the project area are used for domestic and livestock-watering needs. If you believe otherwise, provide the data to prove it.

As a result of excessive withdrawal, ground water levels and artesian pressures have declined significantly in some areas.

You have indicated water from wells, etc. will be used as a mitigation measure for dust control during construction, for compacting the extensive cut-and-fill that will be required, for reseeding disturbed vegetation. If water is in such short supply that state governments must restrict well drilling, using this precious water to construct a railroad is not acceptable mitigation. Another reason for concern is the high probability of water contamination due to fuel spills, derailments, hauling of hazardous waste by DM&E, etc. These issues must be addressed as significant adverse impacts.

Page 3-86 NRCS Soil Surveys were used to identify the soil types and characteristics along the alternative alignments.

If these were known, why were they not provided to Wilson, Ihrig, & Associates, Inc, who did the vibration studies? On Page 1 of Appendix F, they state "This report is limited to a general evaluation of the potential impacts that may occur, rather than a site specific analysis because of a lack of detailed information concerning soils, propagation characteristic, and structure types. No sites were visited as part of this vibration study."

Page 3-89 Soil Limitations

This section goes on to summarize in Table 3-56 the hazards associated with each soil type. Table 3-59 lists the miles of soils with hazardous characteristics for Alternative C. The total, which you did not provide, on the 280 miles of new construction is 550.9 miles. I realize that some soils may have more than one limiting property and therefore may be in more than one soil group. Still, this should raise a red flag that the soil types on Alternative C are inconsistent with building a railroad. This is not mentioned at all as a problem until nearly the last Volume. Why was it not given more study? Please do so and reissue this incomplete DEIS. Consider also that Alternative C crosses 138.5 miles of Pierre Shale and Fort Union Formations (Page 4-17). The potential for slumps and landslides would be high where this alternative crosses steep slopes... Very little attention is given to this problem. Where is the engineering design information on building on this type of soil? What mitigation measures will be required to prevent derailments, sedimentation in streams and rivers, destruction of wildlife habitat due to landslides, contamination of ground water from spills in the likely even of a derailment? Information concerning the landslide potential of 138.5 miles of susceptible soil was not provided to your expert doing the vibration study. Vibration will have a significant impact on the landslide potential. Many more studies must be done and much more information must be provided on this subject.

I question the accuracy of prime farmland in South Dakota given in Table 3-59-Alternative C(30.0 miles) and Table 3-62-Alternative D(37.7 miles). Since Alternative D utilizes existing line for the majority of the route, prime farmland may be crossed but will not be disturbed. Alternative C, which goes directly through the Angostura Irrigation District, removing 887 acres of prime farmland from production, would have a much greater impact on prime farmland than Alternative D. Where is the true impact shown in this DEIS? Please redo your figures and assess true and correct data.

Page 3-95 Noxious Weeds- Invasion of noxious weeds reduce or eliminate native plant species.

DM&E Railroad does not have a good history of controlling noxious weeds. Please contact the Fall River County Weed Board in Hot Springs, SD for details concerning the problems with DM&E. Who will be responsible for controlling weeds in the right of way and who will stand the cost for weeds spreading onto NFS land, BLM land, etc? If DM&E is not mandated by a specific set of rules and continually monitored, the taxpaying public and the private landowner will be left to pay for DM&E's neglect. I insist on mitigation measures to force DM&E to control noxious weeds. As a landowner who borders DM&E's existing line, I speak from personal experience that this will be a major problem.

Page 3-97 Alternative C in South Dakota would cross 13 Forest Service and 6 BLM allotments/pastures and in Wyoming would cross 46 Forest Service and 4 BLM allotments/pastures and Page 4-31 Table 4.6, a total of 433.8 AUM lost for Alternative C. **What are the socioeconomic impacts to the loss of these allotments both to the Forest Service and BLM and to the farm and ranch businesses? Please quantify with dollar figures.**

Page 3-97 Table 3-64 Vegetation Types that would be crossed by Alternative C **Your figures are incorrect concerning Riparian areas and wetlands. In this table is listed 6.1 miles and in Table 3-66 (using the WG Flat Variation) you list 3.3 miles. The wetlands with the WG Flat are much more than that. Please reassess your data and publish accurate figures.**

Page 4.1 Although a century has passed, grade remains one of the primary considerations in selecting an acceptable route for DM&E's new railroad.

If grade were the primary consideration, DM&E would use their existing line through Rapid City, south to Chadron, NE. and west to Crandall, WY. If that route was selected a century ago based on grade, the terrain does not change in 100 years. That is still the best route if, as you assert, grade is the primary consideration. Actually, other statements in this DEIS say that distance, not grade, is the primary consideration. In Volume I, Page 2-4, you state "DM&E then set out to develop a rail alignment that would allow for safe rail transport at the desired speeds while minimizing the total mileage between the coal mines and the Midwestern utilities." And Volume I, Page 2-5 "Identification of routes that would provide a reasonable direct path between the end of the existing system and the PRB to minimize travel

time between the coal mines and the market.” DM&E’s primary concern is to haul coal, not to upgrade the line to serve existing shippers. This is evident in their bypass of Rapid City and Crawford and Chadron, NE.

Page 4.1 Feasible alternative routes for the new railroad are, to a large degree, limited to a grade of not more than 1%. According to DM&E, this is why using their existing Subdivision Branch Line is not as feasible alternative. The grades are just too steep for a heavy haul railroad.

This assertion was made just on the line from Oral to Rapid City, a 50-mile distance. That is based on false information filed by Kevin Schieffer to the STB on June 9, 1999. That line does NOT go through the “mountainous Black Hills” as he asserts nor is Rapid City “700 ft higher” than Smithwick as he asserts. It is 77 feet lower, both ends on DM&E track using DM&E track charts. There is never any question that the terrain is much better from Smithwick south through Crawford, NE than it is on Alternative C. DM&E is an unreliable source and Mr. Schieffer should be held accountable by you for making knowingly false statements in a verified statement instead of being rewarded for it. DM&E obviously wants to take the shortest route, even if it requires much more extensive cut and fill than existing line. What are the tons of fill required for Alternative C vs. Alternative D-2? D-2 was rejected based solely on distance, not grade.

Page 4.1 Like nearly a century ago, the feasible alternatives are largely restricted to drainage ways where grade is the least steep. Construction outside of these drainage ways would necessitate moving so much dirt to achieve an operable grade, that construction of the new railroad would be cost prohibitive.

Since you have made such a strong case for using existing line, why did you choose Alternative C as preferred?

Page 4.1 Evaluation of these types of potential socioeconomic impacts must be delayed until further design is completed.

Why did you release the DEIS prematurely before this design information was known? It is impossible to comment on true socioeconomic impacts if you do not provide us with needed information.

Page 4-1 Information presented below was summarized from a report prepared by Economic Policy and Analysis, Planning Information Corporation, and Charles E. Lamberton.

You neglected to mention that DM&E hired this firm to present figures that would help them “sell” their proposal to communities and organizations in MN, SD, and WY. The figures are greatly over-inflated. I have pointed out specific examples before, but since you feel compelled to needlessly reiterate these inaccurate figures, I feel compelled to respond, although not in great detail here. Please refer to my previous comments.

- 1. The property tax estimates in SD were calculated using old tax formula. What are the actual taxes, using the new law that will be in effect if and when**

DM&E begins hauling coal? Please provide the correct tax revenue for each county in WY, SD and MN.

- 2. The jobs and earning are not even close. For instance, Jones County will have 15 miles of track on existing line to upgrade. At one mile/day it will take 15 days. (your estimate) There is no way 134 jobs will be needed for 2 years with earnings of \$4,321,300. What are the correct estimates for each county in WY, SD, and MN for length of time required per county, number of jobs per county, and actual earnings? I hope common sense prevails this time instead of DM&E's greatly over-inflated "projections."**

Page 4.5 Therefore, issues of environmental justice should not be a concern for the new railroad.

The railroad does not have to cross below-poverty block groups for them to be affected. Shannon County is an unorganized county whose residents must travel to Fall River County to do business. They cannot get from Shannon County to the Fall River County Courthouse without crossing the track. Where are your studies concerning traffic and safety for this below-poverty block group? Since horn noise can be heard for 9.3 miles and since vibration may be problem for 5000ft or more, how many Environmental Justice Focus Areas are within those distances? How is Red Shirt Village affected?

Page 4-6 Many problems are identified during construction--increased traffic, increased dust, road deterioration, and weight restrictions on roads—with no mitigation measures suggested. What would be the mitigation measures for road deterioration? What if there is a weight restriction on roads but DM&E must move heavy equipment along those roads?

Page 4.7 If Alternative D was implemented, most agree it would be necessary to find alternative routes around Rapid City and perhaps some of the other towns along DM&E's existing main line and Black Hills Subdivision Branch Line.

Why is this a concern to you? The alternative route around Rapid City could parallel the Southeast Connector (previously explained in my comments.) As for "other towns", DM&E will not even bypass the two largest cities in SD on existing line (Pierre and Brookings). If they would have to consider bypassing Hermosa, Fairburn, Oral, and Smithwick, why not Quinn, Philip, Midland, etc.?

Page 4-8 Landowners would be compensated for the loss of these areas and mitigation would be developed to insure economic remnants of land are not created.

What compensation would landowners receive? What types of mitigation would be developed? Will you mandate underpasses for cattle at intervals requested by the landowner? Will you mandate that water be delivered to the 887 acres that will be taken out of production on the Angostura Irrigation Project? Will you mandate compensation to ALL irrigators on the Angostura Irrigation Project because each water bill will increase when that land is removed from production? Will you mandate that, if it is necessary to cross the tracks while moving cattle, it will be done when the landowner says and the trains will be stopped to accommodate the

movement of cattle? Will you provide underpasses and overpasses for machinery to cross to farm both sides of the track in the same manner as before the land was condemned and taken by DM&E? If you are not prepared to require this type of mitigation, then land use WILL be significantly adversely affected.

Page 4-10 A significant impact to recreation would occur if construction or operation of the Alternatives resulted in: introduction of noise, visual, or night light pollution into national grasslands or state parks or monuments....only Badlands National Park would be adversely affected by the alternatives.

Why have you not considered Angostura State Park? It is located 1.8 miles from Alternatives B and C. Since noise can be heard for 9.3 miles and is considered "noisy, residential, urban" for 3.2 miles, would not this adversely affect Angostura? You state that "parks located 1.5 miles would not be significantly affected." From what expert or study did this 1.5 miles figure come?

Page 4-11 As was stated in Section 3.6.2.2, there are few if any recreation opportunities on public land in the project area.

There are a number of state lands near Oral along both Alternative C and Alternative B which are well-known for hunting (pheasants, deer, ducks, geese, grouse, turkeys), for snow-mobiling, for hiking, etc. There will be significant impacts to these areas, both to the wildlife and to the enjoyment of the outdoors. What public land would be affected, what are the numbers of annual visitors? Please reassess this section.

Page 4-13 the introduction of an operating railroad into these landscapes would result in a significant impact to the visual setting of the area and would likely result in the need to lower the SIL for the area impacted.

When these areas were proposed for high SIL in the grassland plans, was this not carefully studied and considered important? Why would you consider changing so many things about the grassland plan to accommodate this railroad? I urge you to stay with the original grassland plan and let the railroad choose a route to accommodate the Forest Service, namely Alternative A.

Page 4-29 Alternative D-- No wetlands, deciduous riparian vegetation or woody draws would be affected on state lands.

This is not correct. Alternative D would pass through and take more right-of-way and therefore more wetland and riparian areas on state land one mile south of Oral. This DEIS must be reissued with correct information.

Page 4-127 Angostura Irrigation District.

This is confusing. In other Volumes, we are asked to comment on the Hay Canyon Alternatives which include the Hay Canyon Segment, WG Flat Segment, and the Oral Segment. Here for some reason, the figures are given for Alternative B, Alternative C, and WG Flat Route Variation. It is difficult to know what you are talking about. Please redo this Section with consistent terminology so the reader is not left to guess what route is being discussed. The figures here are not consistent

with the figures given in Volume III-B Section 4.6.2.5.3. In that Section, the Oral Segment list 30.0 acres converted to rail right-of-way. In this section (4.19), the Oral Segment is called Alternative B which is listed as 229.3 acres (not even close to 30.0 acres) In Section 4.6 of Volume III-B, it states that "the Oral Segment, originally proposed for use with Alternative B." This is not to be confused with the WG Divide Route, which is sometimes called the Divide Route or WG Flat Alternative Alignment or the WG Flat Route Variation or the WG Divide Alternative or the WG Flat Segment. The authors of these different sections and volumes must communicate with each other to prevent this confusion and this endless repetition of misinformation.

Because of the reasons mentioned in comments on this Volume and in previous Volumes, I strongly oppose the Proposed Amendment 8 to the Nebraska National Forest and Buffalo Gap National Grassland Land and Resource Management Plan and Proposed Amendment 20 to the Medicine Bow National Forest and Thunder Basin National Grassland Land and Resource Management Plan

Paula Staher
9/27/01

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.