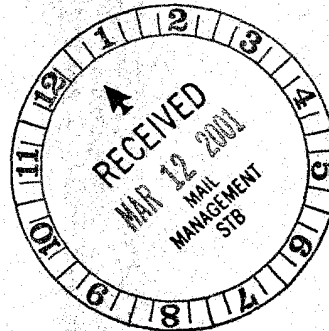


S O U T H D A K O T A C H A P T E R - S I E R R A C L U B
SAM N CLAUSON, CHAIR 1101 E PHILADELPHIA
RAPID CITY, SD 57701 PH605-348-1345

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March 6, 2001

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



ATTENTION: Ms Victoria J Rutson
Environmental Project Director
Environmental Filing

ENTERED
Office of the Secretary

Re: Comments on PRB Expansion DEIS

MAR 12 2001

Part of
Public Record

Dear Ms Rutson:

The Sierra Club is a nationally recognized environmental organization with members in all 50 states. The South Dakota Chapter (hereinafter SDC) of Sierra Club consists of nearly a thousand members who are residents from nearly every county in the state, and these comments represent some of our views of this project.

Over the last twenty years members of the SDC have studied and commented on literally hundreds of Draft EIS's prepared by several Federal Agencies. The DEIS for the DM&E Powder River Basin Expansion Project is so deficient in so many areas that it should be withdrawn and sent back to the preparers and involved Federal agencies for further in-depth study. The federal agencies need to conduct their own research rather than relying so much on the fiction put out by the applicant that occurs in many places throughout the DEIS. 40CFR Ch V 1500.1 (b) reads, in part: **"The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA. Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail."** This massive document is replete with needless detail, mostly from the applicant!

All alternatives, (we agree with Sioux Nation Treaty Council members), are in violation of the Ft Laramie Treaties of 1851 and 1868! However, if this project continues in spite of the violation, this DEIS must be withdrawn, re-studied, and re-issued. If not withdrawn, the SDC would endorse what is described as Alternative "A", the "No Action Alternative" as the best of those submitted!

Alternative "A" will also not involve the use of Federal Eminent Domain procedures, which we believe should no longer be used, especially in a case where a private company will benefit from a project at the expense of family ranchers and businesses where a real need has not been established.

There is a need for good rail service along the existing DM&E line,

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and we believe a "rehabilitation" plan to up-grade is far superior to any of the other alternatives. Despite protestations to the contrary by the applicant, a rehabilitation project is a far better way to keep and improve service to SD communities, rather than to start an unnecessary and unneeded coal-train project such as this. We are now aware that the applicant has now also applied to receive some of these funds.

Following is a summary (approximately from the easternmost points to western South Dakota) of major areas of contention which would occur under the "Action Alternatives." These undesirable affects have convinced us that the only alternative we could accept is Alternative "A", the No-action alternative. Here are some of the points that I am sure will be covered more by others, and enhanced in following pages:

1. WINONA- The congested conditions in and around the Winona, MN & Mississippi River valley would only be made worse by the increased traffic proposed by DM&E. Increased noise, visual, air quality & rail/auto crossing problems in small towns between Winona, MN & the Powder River Basin, Wyoming. Few people living in many of these small communities have any idea of the difference between the current 1-3 trains per day vs the 37 proposed by DM&E. Many of those kinds of complaints from affected citizens will actually materialize only after one of the "Action" alternatives is put in place.
2. ROCHESTER- The problems with the Mayo complex and other considerations in Rochester, MN...see comments by Olmstead County Board of Commissioners, et al...only an up-grade for existing commodity producers...i.e. Alternative "A" is really the answer. SEA's indecision would seem to confirm this. (DEIS @6-44)
3. OWATONNA- See #1, plus switching/duplication/major traffic increases of rail services in the Owatonna, MN region....only resolution is "A", especially in light of SEA's indecision! (DEIS @6-39)
4. MANKATO-See #1, Plus this has the center of town traffic problems.. also possible disturbance of archaeologic and historic areas..it would appear there are many factors including other rail-lines involved here (DEIS at 6-36 and 6-37) The "no-action" alternative should become the preferred to solve these problems.
5. SMALL MN COMMUNITIES- See #1, plus historic & pre-historic sites in many of the small communities of Western Mn, especially including Sleepy Eye, Walnut Grove, Lake Benton, etc. Major flyway for migratory birds; spills or derailments could pose danger. Many prairie wetland occur.
6. BROOKINGS- See #1, plus major concerns of having up to 37 trains per day coming through the center of Brookings...major change for residents who are used to some rail traffic, but this major change could involve property value losses, medical emergency delay problems, & grade crossing delays or accidents... Many Community leaders pose arguments of need for a by-pass. An up-graded alternative "A" eliminates these problems. SEA's preference for B-4 (@6-46) at least recognizes the absolute need for a bypass. Due to high ground water levels in this whole community, noise levels carry far across the City.
7. TO HURON- See #1, plus major change in products hauled (commodities

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vs coal) could pose major problems for this very low water table country. Problems with derailments or loss of cargo with any of the "action" alternatives would impact the many wetlands & possibly could create pollution hazards for the millions of waterfowl/ nesting birds and other wildlife so abundant throughout this major flyway. Flooding of the Sioux River to the east and James River through the eastern part of Huron would also pose further problems under one of the "action" alternatives.

8. SMALL CENTRAL SD COMMUNITIES- Virtually the entire line from Brookings to Pierre runs through some of what are now considered to be small communities, many of which now support DM&E; but most citizens do not understand the ramifications between present minor traffic problems and that generated by up to 37 trains per day. Any corrective measures for these communities will be forced upon residents after the problem is created, then solutions will be very expensive.

9. PIERRE- Under any of the "Action" alternatives, a Pierre/Ft Pierre, SD by-pass must occur; not by moving the Missouri River bridge up-stream a few feet, but one which goes generally eastward or southeasterly from the point where the existing line now comes in to Ft Pierre from the west. A new complete by-pass will be needed around Pierre. Long-term, to put off what will surely be an inevitable result, a new downstream "by-pass" bridge should be made a part of this project study. Any new Missouri crossings will require major study, and this study should be completed before a Final EIS is concluded. SEA, unfortunately has dropped such a by-pass from consideration, using the following statement. (DEIS @6-41) Curiously, SEA states when referring to new vs existing alternatives (DEIS @6-52) "This follows SEA's general assessment that using existing rail facilities is less environmentally impacting, and therefore preferable, to construction of new facilities". Somehow this seems to have gotten lost in the discussion later in your assessment of Alternative "D" from Wall to Smithwick!

10. BAD RIVER- Existing rail lines from Ft Pierre westward to the Philip area cross the Bad River at several points and many derailments have occurred over the years, some because of poor engineering...more due to lack of maintenance. To satisfy existing shippers, the "rehab" plan, along with "A" is the only answer.

11. WALL- WASTA- The proposed route under the "action" alternatives around the north and west sides of Wall and then crossing Interstate 90 west of Wall, thence southwesterly must be more thoroughly studied, and then made to include the existing right-of-way down the hill into the Bull Creek drainage to the Cheyenne River. DM&E would not consider using the existing trackage between Wall and Wasta because of the steepness of the last part of the grade above Bull Creek and into Wall. Why is there no data on straightening the curves and more gradually sloping the grade between the Wasta/ Cheyenne River bridge and Wall? With modern machinery that should be a minor problem for DM&E engineers. The proposed Jensen ranch grade/routes under all of the "action" alternatives make no sense at all since this area contains many historical, archaeological and paleontological sites, and the line would mostly be built on "Pierre" shale, and along the edge of several drainages, springs, and gullies, which could create several landslides as well as water pollution problems. In addition, this route would create many livestock handling problems & divide a historic ranch into

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non-usable parcels, and create massive cuts and fills along the proposal.

12. WASTA- The existing route across the Cheyenne River (which would need an upgraded bridge) could be utilized upstream to Wasta and then beyond under a rehabilitation loan/grant without the necessity of one of the "action" alternatives, and should probably be given a high priority. The existing trackage from Wasta to near Rapid City could be utilized under any of the alternatives. A thorough study of a Rapid City By-pass would have to be considered under any of the "action" alternatives, and sometime in the future, this may even be necessary in re-vitalizing even an enhanced "no action" alternative.

Most of the previous 12 points are about the changes needed along the existing line from Winona to Rapid City; the attached comments will mostly address the shortcomings, especially of the applicants preferred Alternative "C", which basically start a short distance above the town of Wasta, and our comments are mostly between Wasta and Smithwick, and of Alternative "D". Though we support only Alternative "A", (with the help of a separate rehabilitation plan), site specific discussion of the contents of this DEIS and the Application for a Corps of Engineers "Section 404" permit continue in the attachment.

Sincerely,



Sam N Clauson
Chair