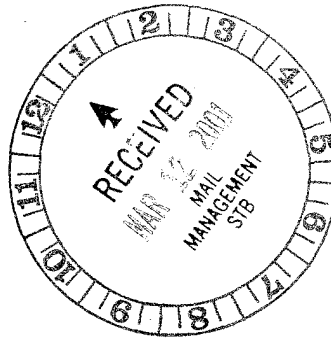


201765
HC56 Box 43
Oral, SD 57766
February 15, 2001

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 12 2001

**Part of
Public Record**

Dear Ms. Rutson:

Enclosed are the original and 10 copies of comments on Volume IV 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This DEIS contains much inaccurate information, outdated information, and repetitious information designed to overwhelm the reader with voluminous material and no substance.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 that reads 'Paulene Staben'.

Paulene Staben

Paula Stoker

COMMENTS ON VOLUME IV

Page 5-7 South Dakota-Reasonable Foreseeable Projects

Left out are the following:

1. *Heartland Express connecting I-90 and I-80*
2. *The Southeast Connector, a Rapid City link between the Heartland Express on Hwy 79 and I-90, which would be a perfect route for Alternative D to parallel and avoid downtown Rapid City but continue to serve existing shippers. Federal funding for this was secured in October, 2000.*
3. *Rural Water System in Fall River County*
4. *Contract EIS on Angostura Irrigation Project and consequences of any of the Alternatives in relationship to it.*
5. *Development of area south of Lake Angostura for residential and recreational property.*
6. *The Wall Airport improvement project. The bypass around Wall will interfere with the extension of the Wall Airport runway.*

Page 5.13 Badlands National Park would experience significant visibility impacts at the 100MNT operating level under Extension Alternative D.

Alternatives C and B are closer than Alternative D and prevailing winds all blow toward Badlands NP. If Alternative D would have significant impact, so would B and C.

Page 5.13 Both project areas would experience Significant Long-Term Positive socioeconomic impacts as a result of an increase in jobs, tax revenues, and economic growth created by the PRB expansion project.

This conclusion is based on false information as has been pointed out to you in my comments on previous volumes. Consider the following example. For Jones County in Vol III-A P 4.3-108, you list 46 workers (32 direct and 14 indirect) and presume 2 years to complete. DM&E line only covers 15 miles in Jones County. Also, according to you, reconstruction of existing line will proceed at one mile/day. This, then, figures out to 15 days for Jones County. For impacts to Jones County, you list estimated earnings at \$4,321,300. This seems unreasonably high for 15 days work! Another false assumption is that workers will stay in a county for 2 years and construct rail line in that county. Actually they will be there for a very short time (a few days to a few weeks at the most) and then move to the next area of construction. The Property Taxes Anticipated for Jones County are expected to be \$523,100 for 100MNT according to you. For 15 miles of track in the county and with the new formula for assessing Rail tax, this will be approximately \$139,500 (a huge difference from your figure). Based on this information, the socioeconomic impact should be changed to Minor Long-Term Positive, not Significant.

Page 5-14 No other project component (except Alternative B) is expected to have significant impacts to threatened or endangered species.

If proper identification had been made (as they should have been), there would be significant impacts to endangered species: swift fox, mountain lion, bald eagle, black-tailed prairie dog, on Alternatives C and D.

Page 5-14 Mitigation for impacts resulting from any past, present, and reasonably foreseeable future projects would be the responsibility of the agency or organization in charge of that project and are not presented in this DEIS.

Mitigation must be specified by the STB. Otherwise, given the incredible power of the railroad, no mitigation will take place.

Table 5.1-1 Summary of Environmental Impacts: South Dakota and Wyoming New Construction

Soil Impacts- *missing from Operation on all Alternatives are spills of hazardous material hauled by DM&E. Given the proximity DM&E will pass to the Igloo site and the previous history of this site, hauling of hazardous material from out-of-state is likely.*

Land Use-Agriculture—*Missing from operation on all alternatives is 1) High possibility for dust pneumonia in livestock eating grass covered with construction dust and coal dust 2) Isolation of water resources 3) disruption of operation due to bisection by track 4) Loss of ability to use land for other purposes, such as hunting.*

Business and industrial- *Farms and ranches are businesses. Alternatives B and C would have a significant negative impact on businesses.*

Bureau of Reclamation- *You have “No impacts for any Alternative”! Since ALL alternatives cross Reclamation land, there would be significant impacts!*

Water Resources-Surface Water- *Operation for all Alternatives should include the probability to further impair an impaired river (Cheyenne and Bad Rivers)*

Water Resources-Wetlands- *Wetland acres are incorrect and must be reassessed.*

Water Resources-Groundwater- *Construction impact if water is used for dust control would be draw down of groundwater. “Unlikely event” of an accidental spill is underestimating the likelihood and devastation of a spill. This is a significant impact.*

Noise and Vibration-Noise—*The numbers of noise receptors affected at 65 and 70dBA is incorrect. Actual count is much higher.*

Noise and Vibration-Vibration- *Operation damage is incorrect. You identify vibration damage within 400 feet from the track. You also say possible structural damage within 200ft. (Vol III-A p 4.3-62) . On Alternative B and C, there are more structures than listed within each of those distances. The Vibration Study in Volume VII-A, Appendix F states that on certain soil types, vibration damage may occur within 5000 ft. This is a significant impact.*

Waterfowl and Shorebirds- *Operating impacts would be the same as construction impacts. If, for example, 11,840.0 acres of potential nesting habitat and 62.1 acres of wetland habitat are lost on Alternative B during construction, those acres would remain lost during operation. This is a significant impact.*

Raptors- *Operating impacts would be the same as construction impacts. For example, if 130.9 acres of woodlands, 83 nests, and 85.0 miles of potential nesting*

habitat would be lost during construction, those acres, etc. would remain lost during operation. This is a significant impact.

Aquatic and Fisheries-*Operation impacts would include sedimentation and erosion because of the unstable nature of the ground on all alternatives.*

Sensitive, Threatened, and Endangered Species—Black Footed Ferret-*Alternatives C and D are listed as “no impacts expected”. Yet in discussion in earlier volumes, you say that prairie dog towns on all alternatives are impacted(53.3 acres on C and 14.5 acres on D converted to rail right-of-way). Since black-footed ferrets live in prairie dog towns, this would be a significant impact.*

—Mountain Lion-*In Volume III-A page 4.1-60, you state that the mountain lion is a state threatened species, yet you do not list it here. Mountain lions have been sighted and even killed near Oral, SD.*

—Sturgeon Chub-*Increased sedimentation is a concern also with operation of trains, not just construction. Vibration, derailments, etc could increase sedimentation.*

—Swift Fox-*Habitat loss of prairie dog colonies on all alternatives will impact the swift fox during operation, not just construction. This habitat loss will be permanent.*

—Black-Tailed Prairie Dog-*Habitat loss will be permanent and should be included in operation, not just construction. There will be a significant impact to the Black-Tailed prairie dog.*

Transportation-*Under operation on Alternative D, you state “no level of service over the level of B” This is false! Alternative D will serve Rapid City and the number of shippers from that city and the northern Hills (which you have declined to quantify.) Alternatives B and C will not provide service for those shippers and will not fulfill one of DM&E’s purposes, to upgrade existing line. Notably missing from Alternatives B and C is the fact that existing shippers will be left on a deteriorated line with no service.*

Hazardous Materials—No impacts expected-*There is no guarantee that hazardous material will not be hauled, given the recent attempt to build a hazardous waste dump, hauling waste from the eastern United States to Igloo (coincidentally only a few miles from Alternative C). DM&E currently holds a hazardous materials license. Since coal production is down and there is no need for a third carrier to haul coal, it is reasonable to assume that DM&E will have to haul something to make money. This is a significant impact.*

Hazardous waste sites-*Not all hazardous waste sites within one mile of the proposed alternative have been identified.*

Energy Resources- Transportation of energy resources-*As stated in Volume 1 and Executive Summary, DM&E lacks connections with necessary shippers, DM&E will be single-tracked so one small problem in 1000 miles will shut down the track, DM&E bases their operation on an unproven system which may not even be approved for use. It is certainly questionable whether DM&E will be reliable or efficient.*

—Utilization of energy resources-*Alternative D needs to be re-evaluated based on a short bypass of Rapid City and on realistic construction techniques. The extra fuel consumed over the other Alternatives is based on using the line as constructed 100 years ago. A cursory evaluation of Alternative D using DM&E data is not acceptable.*

Socioeconomics- *This entire section must be redone. The figures are based on false assumptions and false information. Property taxes were figured using an old formula no longer in effect and, even then, the figures are so over-inflated as to be ridiculous. The jobs and earnings are not in the realm of possibility. If you would evaluate the socioeconomic impacts based on correct data, you would find these impacts are not significant. In fact, when you consider the loss of income to ranchers, farmers, and businesses adversely impacted by the railroad, the lack of ability to use the land for a number of other uses (hunting, development, etc) you would find the impact to be adverse! Not mentioned is the adverse socioeconomic impact that will result from the 59 Forest Service and 10 BLM Allotments that will be crossed on Alternative C, resulting in the loss of 433.8 AUM.*

Recreation- *You say operation would increase noise and haze in scenic areas. It would adversely impact all areas.*

Table 5.1-2 Summary of Environmental Impacts—Spring Creek Alternatives

Land Use-Business and Industrial- *You say no impacts expected. How many farm and ranch businesses will be affected?*

Reservation and Treaty Lands- *You say no impacts expected. All the land in western SD is treaty land, including this land.*

Vibration- *You say structural damage within 100ft. Yet in Vol III-A, you say structural damage can occur within 200 ft.*

Sensitive, Threatened, and Endangered Species. *If habitat is destroyed during construction, then it will not be restored during operation. Impact is significant.*

Table 5.1-3 Summary of Environmental Impacts-Hay Canyon Alternatives

Soil Resources- *I very much question the acres of prime farmland lost per each Alternative. You say WG Divide route would lose the fewest number of acres, yet it would result in the most acres of cropland converted to rail right- of- way (Land Use –Agriculture). The main concern of the WG Divide route is that it would take so many acres of prime farmland and irrigated land out of production. Yet from this Table, that seems to be the preferable route concerning farmland. Please explain this contradiction!*

Land Use-agriculture- *Contrary to the acres under soil resources, this section lists WG Divide Route as having the most acres of cropland taken out of production. This entire section needs to be re-evaluated and correct information provided.*

Business and Industrial- *You say no impacts expected. How many farm and ranch businesses will be impacted?*

Federal Lands-Bureau of Reclamation- *Again the confusing and inaccurate acres affected by each Alternative. Under **Soil Resources**, Hay Canyon has the most acres of farmland and WG Divide the least; here, Oral has the most and Hay Canyon the least; under **Land Use-Agriculture**, WG Divide has the most and Hay Canyon the least. Which is correct? How can we be expected to comment on information so contradictory? To further complicate matters, the Bureau of Reclamation has provided information that 887 acres of irrigated land will be taken*

out of production on the WG Divide Route. I am unable to find this information anywhere.

Reservation and Treaty Lands- *You say no impacts expected. All of western SD is treaty land.*

Water Resources-Wetlands- *The wetlands, especially for WG Divide, are greatly underestimated. This must be re-surveyed (if it ever was) and redone.*

Vibration- *In previous Volumes, you say structural damage can occur at the 101-200ft distance. In this table, you just list it as an inconvenience. Because you will have to provide mitigation for structural damage, you must clarify this. The Vibration Studies in Appendix F says a much wider distance is possible, depending on soil type, straightness of rail, etc. In fact, your expert on vibration suggests that continuous welded rail, which DM&E expects to use, results in more vibration impacts.*

Transportation *For Oral Segment, you list 4 new grade crossings. In order to properly evaluate this route, we must know how many existing crossings are on this segment. Since traffic will increase from one train/week to 34 trains/day, information must be provided on all crossings on each alternative. Otherwise, it is impossible to compare alternatives.*

Safety- *Same as above comment. Only 4 crossings are listed. There are many more on the Oral Segment if existing crossings are considered.*

Table 5.1-7 Summary of Environmental Impacts. South Dakota Rebuild of Existing DM&E Rail Line

Land Use-Residential . *You say construction will be adjacent to 1.0 miles of residential land. Considering all the small towns and large towns DM&E existing line passes through, this cannot be accurate.*

Business and Industrial. *You say construction will be adjacent to 33.1 miles of business and industrial land. How many miles of farm and ranch businesses did you leave out?*

Vibration. *You say potential damage to 15 structures within 100 ft of the rail line and inconvenience to 135 structures between 101-200 ft. Yet in Volume III-A, you say structural damage occurs in the 101-200 ft distance. This is contradictory and may be significant since it involves so many more structures. Then in Appendix F, the vibration experts say significant damage can occur well beyond 200 feet depending on soil type. I would tend to believe the experts hired to evaluate vibration impacts for this DEIS. They also say vibration can be much greater on continuous welded rail, which DM&E touts as an improvement.*

Hazardous Materials- *You say no impacts are expected for transportation of hazardous materials. If DM&E starts to haul a large amount of hazardous material (and you can give us no guarantee that they will not) then the negative impacts could be significant and severe in the event of a derailment or spill.*

Energy Resources, Recyclable Commodities- *You say more efficient transport for commodities currently transported. In previous volumes, you say less than 100 cars of recyclables are transported per year. Given this almost non-existent amount, why would you even mention it here?*

Socioeconomics, Employment and Income-*You say approximately 1246 construction jobs and 591 indirect jobs. In Volume III-A, Table 4.3-24, your total of direct construction jobs is 722 and indirect construction jobs is 321. Explain the contradiction. You say the construction earnings would be \$91.4million dollars. Even using the over-inflated number, the construction earnings will not even be near this amount. Also, jobs per county will not last two years in each county. Considering the loss in property tax values and the exodus of people who do not want to be "inconvenienced" by 37 noisy, dirty trains per day, the socioeconomic impacts may turn out to be a significant, long-term, adverse impact.*

Socioeconomics, Public Service and Fiscal Condition-*You say property taxes could total \$10.3million. Not under current SD law for calculating Railroad tax. These figures were provided by DM&E in a booklet designed to "sell" their proposal to communities and counties in order to gain "Resolutions of Support". The information was false then and it is false now. The only difference now is that you are presenting it as factual where, when DM&E presented it, only those people whose judgment is clouded by any mention of money believed it. You must redo this entire Socioeconomic Section in all Volumes in the DEIS using correct information.*

Table 5.3-1 Summary of Environmental Impacts from Minnesota Projects

Under Cumulative Effect the totals are:

- 17 minor long-term adverse**
- 1 significant-long term adverse**
- 1 minor long-term positive**
- 1 significant long-term positive**
- 1 no impact expected**

I question the conclusions of several of these. Hazardous Materials should be changed from "no impact" to significant long-term adverse. Socioeconomic impact should be changed to minor long-term adverse. The totals would then be:

- 18 minor long-term adverse**
- 2 significant long-term adverse**
- 1 minor long-term positive**

The only reasonable conclusion is Alternative A, No-build.

Table 5.3-2 Summary of Environmental Impacts from Eastern South Dakota Projects.

Under Cumulative Effects, the totals are:

- 10 minor long-term adverse**
- 5 minor temporary adverse**
- 1 significant temporary adverse**
- 1 significant long term adverse**
- 2 minor long-term positive**
- 1 significant long term positive**
- 1 no impact**

Some of these are incorrect.

1. *Under Cultural Resources, the impact for DM&E rebuild and Missouri River Bridge are listed as "minor temporary positive". In Table 5.1-7, however, the impacts to cultural resources are described as "11 archeological sites in or adjacent to existing rail line right-of-way. Destruction and replacement of 239 bridges and culverts. One bridge and two buildings listed with the National Register and 191 bridges recommended eligible are to be replaced. Construction activities could expose and damage unknown cultural resources," and in Table 5.1-15, "Loss of historic DM&E bridge due to removal following new bridge construction. Removal of any historic structure would require preparation of Section 303 statements in accordance with DOT Act of 1966" and "Listing of DM&E bridge on NRHP could be affected in the event of extensive modifications to the nature and character of the bridge." Instead of minor temporary positive, this should be significant long-term adverse.*
2. *Under Surface water and Wetlands, the cumulative effect is "significant temporary adverse". However, the impacts to five sections are listed as long-term and only one is temporary. This should be changed to significant long-term adverse.*
3. *Hazardous materials should definitely be changed to significant long-term adverse impact. You must consider that a hazardous waste dump has been proposed in western SD to haul waste from the eastern United States. Although this proposal was defeated in a referendum by the voters, it is still a very real possibility.*
4. *The socioeconomic impact must be changed to minor long-term adverse impact because of the greatly over-inflated figures concerning tax revenues and employment on which you based your conclusions.*
5. *Noise and vibration would have a significant long-term adverse impact due to the many small and large communities through which existing line passes and the huge increase in the number of trains. In an article entitled, "Nebraska Community copes with train traffic, noise, danger" printed in the Pierre Capitol Journal on 12-26-00, Eric Guard, a conductor for Union Pacific Railroad which passes through Gering, NE. states **"The big problem is the noise". Guard lives about 100 yards from the crossings. According to Guard, DM&E currently uses older trains with an older horn system. He said the expansion will likely mean newer engines with louder horns. "They're going to have these brand new locomotives and they have electronic horns that are just mind-boggling," Guard said. "The new style...it will just pierce your ears." Greg Fullen, a police lieutenant in Scottsbluff, said "(Noise) is a significant problem. If you live along those tracks you simply cannot talk to anyone and make yourself heard. Take it from one who knows because he lives there. It will be a significant problem. (The entire article is enclosed as Attachment A, comments on Volume III-B.)***
6. *Aesthetics should be changed to significant long-term adverse. The character and quietness of the small towns and countryside will be forever changed if this proposal is allowed to proceed.*

The new totals for Cumulative effect should be:

6 significant long-term adverse

9 minor long-term adverse

5 minor temporary adverse

1 minor long-term positive

The only reasonable conclusion is Alternative A, No-Build.

Table 5.3-3 Summary of Environmental Impacts from Western South Dakota/Wyoming New Construction Projects

Under Cumulative Impacts, the totals are:

14 minor long-term adverse

4 significant long-term adverse

1 minor long-term positive

1 significant long-term positive

1 no impact

Some of these are incorrect:

1. **Geology and Soils**-the majority of new construction is listed as "significant long-term adverse"(Alternatives B, C, and D). Only the yards and mines are listed as minor long term adverse. The conclusion for cumulative effects must be significant long-term adverse
2. **Land Use-Business** is listed on Alternatives B and C as "no impact". This must be changed to significant long-term adverse considering the large number of farms and ranch businesses impacted adversely.
3. **Land Use-Public** is listed as "significant long-term adverse" for the majority of new construction. Only the rail yards and mines are listed as minor long-term adverse. The conclusion for cumulative effects must be significant long-term adverse.
4. **Air Quality**-The majority of new construction is listed as "significant long-term adverse"(Alternatives B, C, and D. Only the rail yards and mines are listed as minor. The conclusion for cumulative effects must be significant long-term adverse.
5. **Biological Resources-Vegetation**- is listed as "significant long-term adverse for Alternatives B and C, for Spring Creek/Hay Canyon, and for the Rail Yards. The conclusion for cumulative effects must be significant long-term adverse because of the land area involved.
6. **Wildlife**-Because the impacts to wildlife were not correctly identified as was pointed out in comments on previous volumes, the impacts should be changed to significant long-term adverse for Alternatives B, C, D, and Spring Creek. The conclusion for cumulative effects must be significant long-term adverse.
7. **Threatened and Endangered**-Many threatened and endangered species were not identified properly nor were impacts to their habitat considered.(See comments on previous Volumes). Alternatives B, C, D, and

Spring Creek/Hay Canyon would have significant long-term adverse impacts to endangered species.

8. **Safety**-Alternative B is listed as "significant impact" while Alternative C, which covers much the same route, is listed as "minor". Both should be listed as significant given the many unprotected road crossings in the new construction area, the unstable soils over which this rail line proposes to be built, and the lack of alternate routes for emergency vehicles. In addition, the rail yards and Alternative D are both listed as "significant impacts". Since the Alternatives cover most of the land area of new construction, the conclusion for cumulative effects must be significant long-term adverse.
9. **Hazardous Materials**-This must be listed as significant long-term adverse. You must review the past history of the Igloo site to realize the very real fear that DM&E will haul hazardous material for the east coast, as was proposed by Lonetree several years ago. A number of people in this area are convinced that hauling hazardous waste is the real purpose behind this proposed rail line. Considering that coal is declining as an energy source and BNSF and UP are only hauling at 70% capacity, there must be some reason why the project continues to be considered.
10. **Socioeconomic**-The entire socioeconomic section is incorrect. The figures were provided to you by DM&E and are from the same Economic Analysis that was used by them to gain support for this proposal. They are based on laws that are no longer in effect, and economic estimations that do not even make sense. Because the negative impact to farm and ranch businesses, loss of land for other uses, etc. was not considered, this should be a minor long-term adverse impact.
11. **Recreation**- Because you failed to take into account the significant adverse impacts to the area around Angostura Lake, the impacts to hunting, fishing, canoeing etc. that people enjoy along the Cheyenne River and tributaries, the settling of the area because of its peace and quiet, this should be a significant adverse impact for all Alternatives plus Spring Creek/Hay Canyon. Therefore, the conclusion for cumulative effects must be significant long-term adverse.
12. **Aesthetics**-This area of new construction is valuable because of its wild, unspoiled beauty. Any intrusion by building a rail line on any of the Alternatives would cause significant long-term adverse effects. There are fewer and fewer places left like this in the world and they must be preserved.

The new totals for Cumulative effects should be:

14 significant long-term adverse

6 minor long-term adverse

1 minor long-term positive

The only reasonable conclusion is Alternative A, No-Build

Page 6.3 Footnote 3 Tribes, affected landowners, and other interested parties have the opportunity to provide information to the agency(s) preparing the environmental impact statement identifying important resources, issues, or concerns that may be affected by the project.

The WG Flat Alternative was not identified until Nov, 1999 and never in a formal way by the STB until this DEIS was released. There are a number of concerns that were not considered in this DEIS because the people affected did not have the opportunity to be part of scoping. This is a violation of the NEPA process.

Page 6.7 Absent construction of a new rail line, which according to DM&E is necessary to give it the resources needed to rehabilitate its existing track, DM&E has indicated that it could not afford to upgrade the existing rail line. In that event, DM&E states that it would likely continue to have a poor accident record.... DM&E notes that, without construction of a new rail line and the related rebuild of the existing rail line.....

Again, DM&E is not a substantive source to draw conclusion about fulfilling this purpose of the project. The STB has not done its own research to determine if DM&E could upgrade 400 to 500 miles of existing line that would enable it to serve existing shippers. Since there are only two purposes for the project, you must concentrate more effort to determine if either purpose warrants the devastation to the environment that would occur if anything but Alternative A is approved.

Page 6.9 Only a small portion, approximately 102.1 miles of the total 353.4 miles of Alternative D would involve rail line construction on new right-of-way.

This is very important, yet this is the first mention I have read of this! Considering the importance of private property rights and the fewer environmental impacts involving construction on existing right-of-way, I would have expected a much more detailed study of Alternative D. Eminent domain is a very serious issue as reflected in the landowner polls that were sent to you but not acknowledged in the DEIS. This issue was also important enough that the South Dakota Legislature passed a law very restrictive of eminent domain because of this very proposal. That law was not mentioned in the DEIS either. In the re-issue of the DEIS, I expect to see much more weight given to the rights of landowners who presently do not have a rail line bisecting their businesses.

Page 6.11 Table 6.2 Resources ...Significantly Impacted By Action Alternatives

*Why is **Safety** listed twice? I also question why Alternative B, which follows much the same alignment as Alternative C, is "significant impact" and Alternative C is "no significant impact" for **Safety**. Please explain. The same question for **endangered species**.*

Page 6-13 Alternative D would be within 500 feet of over 900 residences, compared to 2 and 8 for Alternatives B and C, respectively.

This is incorrect. For one thing, it depends entirely on the route chosen on the Hay Canyon Alternatives. For another thing, those of us that live here know that figure is too low.

Page 6.14 Because Alternative D would be over 70 miles longer than the other Extension Alternatives,...

You have concluded in previous Volumes that Alternative D would have to be modified to avoid the sharp curve. Several proposals to avoid downtown Rapid City were presented to you but were ignored. What is the corrected distance if a short bypass of Rapid City, paralleling the Southeast Connector of I-90 to Hwy 79, were part of Alternative D? Please reevaluate this and present new data.

Page 6-15 Because Alternative D is longer than either B or C, it would generate greater emissions and cause greater visual impairment at Badlands National Park, Black Elk Wilderness Area, and Wind Cave National Park in South Dakota, all identified as Class I airsheds or areas of important visual quality.

Paralleling the Southeast Connector around Rapid City would cut the distance in half. Also, prevailing winds in South Dakota are from the north and west. This would blow emissions away from Wind Cave and Black Elk. Considering that Alternatives B and C are much closer to Badlands than Alternative D, Badlands would be much more affected by Alternatives B and C than by D.

Page 6-15 In addition, because of its substantially longer, more circuitous route, Alternative D may not meet one of the purposes of the proposed rail line expansion, which is to efficiently deliver low sulfur coal from Wyoming's Powder River Basin to utility markets located further east.

First, 70 miles (much less using the Southeast Connector) is not "substantially longer" in a 1000 mile project! Second, if Alternative D is not used, the purpose of upgrading existing line will definitely not be fulfilled.

Page 6-26 Table 6-4 provides a brief overview of the Spring Creek Alternatives. Table 6.4 is an overview of the Hay Canyon Alternatives, not the Spring Creek Alternatives.

Page 6-27 Table 6.4 Summary of Highlights of Environmental Impacts Hay Canyon Alternatives

Under Oral Segment, you list "avoid irrigated lands." Not only does it not avoid irrigated lands, but you say existing right-of-way will have to be widened, taking even more irrigated land. This Table is incorrect!

Page 6.-28 The WG Divide Alternative is not likely to pose a significant impact to water resources; this alternative crosses the Cheyenne River only once and is located over a mile from the Cheyenne River and Hay Canyon drainages.

So how many times do the other Hay Canyon Alternatives cross the Cheyenne River? Also, the WG Divide runs completely the length of a Cheyenne River drainage. It appears that the WG Divide alternative was developed without any study ever being done on it.

Page 6-29 WG Flat would have the most impacts...amounting to removal of 233.0 acres of land from irrigation. Hay Canyon would convert 87.3 acres of cropland, remove 135.0

acres of irrigated land. The Oral Segment would convert 218.2 acres of cropland, remove 30.0 acres of irrigated land.

These figures are entirely different from what are listed in 5.1-3 in this Volume. (Hay Canyon-373.3 acres, Oral 378.2 acres, WG Divide 218.2) Please correct.

You failed to discuss Safety in the Hay Canyon Alternatives. The Hot Springs School District bus crosses the Oral Segment and possible WG Divide several times per day. The area is quite populated due to irrigated farms. How are each of the Alternatives impacted by blocking of emergency vehicles by a train?

Page 6-37 At the same time, SEA recognizes that locating additional rail line construction on an existing rail corridor generally is preferable and less impacting to the environment than(sic) constructing a new rail line on previously undisturbed land.
I couldn't agree with you more! Why, then, did you choose Alternative C as preferable to Alternative D? (It appears it is preferable to you in Mankato but not in western South Dakota)

Page 6-44 One of the stated purposes of DM&E's proposal is to provide improved rail service to existing shippers. Construction and operation of either of the bypass alternatives would not improve service or access to existing shippers on the existing DM&E rail line in Rochester...
Neither will Alternative C improve access or service to existing shippers in Rapid City or the northern Black Hills.

Page 6-46 Additionally, construction and operation of the bypass alternatives would reduce access to an existing shipper and potentially require additional rail construction to provide reasonable access to the shippers facility, require the shipper to relocate, or require the shipper to convert from rail to truck for its transportation needs.
You seem overly concerned about one shipper when discussing a bypass of Brookings. Where is all your concern for the many, many shippers in Rapid City and the northern Black Hills that will be bypassed by Alternative C? You haven't even been concerned enough about them to identify or quantify who they are! Please do so!

Page 6-48 In assessing the two options, SEA determined that Option A yard location would have greater impacts to state lands than Option B...SEA determined Option B would be the environmentally preferred location for the Middle East Yard.

Page 6-49 However, SEA identified two areas where the yard options differed in potential environmental impacts. These impact areas include conversion of public land and water resources. Option A would require conversion of 71.0 acres of Thunder Basin National Grasslands and 78.0 acres of State of Wyoming land to railroad right-of-way...Option B would not affect any lands of TBNG and would require conversion of 45.0 acres of State of Wyoming land....Based on this information, SEA considers Option B for the West Yard to be environmentally preferable...

If this proposal is indeed "for the public good" as it must be to condemn private property, then this rail line should go through public land as much as possible. Why

should the private citizen who bought property where there was no railroad have his business destroyed. Let the public pay the price if it a "public necessity."

Page 7-4 Independent environmental analysis including...cultural resource reports and reviews for paleontological and archeological sites and historic resources.

These analyses were not done in many areas because Burns and McDonnell rejected trespass agreements submitted by the landowners. I did allow site visits but feel that NEPA law was violated in this process. Artifacts taken by the archeologists have never been returned to me and an oral agreement I made with the archeological team was violated. I expressed these concerns in a letter to you dated 5-23-2000. I have still not received any communication from the STB or from Burns-McDonnell concerning these artifacts, nor did I ever receive any information on the artifacts.

Page 7-19 Minerals and Mining.

Paragraphs #44, 45, and 46 do not have anything to do with minerals or mining. Is this an error?

Page 7-22 Recreation

Missing from this are mitigation measures that will be required for recreational activities at Angostura Lake, for hunting and hiking activities on the Angostura Irrigation Project and along the Cheyenne River, and monetary compensation for loss of income because of the intrusion of a railroad.

An 18 page mitigation section in a 5,127 page DEIS is completely inadequate. Specific mitigation measures must be enumerated by you in all areas; to leave mitigation up to DM&E does not provide the protection we need. DM&E, as has been shown, will do whatever is in their financial best interest, not what is best for the citizens of the United States. I refer you to my comments on this Volume and previous Volumes for the necessary specific mitigation measures.

Paula Staher