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March 28, 2002

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To all parties on
attached service list

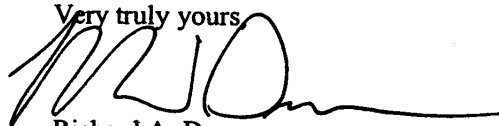
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**Re: Petition for Review of the Decision of the Surface Transportation
Board Docket No. 33407, Dakota, Minnesota & Eastern Railroad
Corporation - Construction Into The Powder River Basin**

Dear Sirs and Madams:

On behalf of Olmsted County, Minnesota, enclosed and served on you by Certified Mail please find a copy of the Petition for Review of the Decision of the Surface Transportation Board ("STB") Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation - Construction Into The Powder River Basin. Attachment A (a copy of the STB's Final Decision served January 30, 2002) has not been included in your service copy. It can be found on the STB web site (www.stb.dot.gov), or I would be happy to mail you a copy at your request.

Very truly yours



Richard A. Duncan

RAD:malmt: MI:861712.01

Enclosures

cc: Raymond F. Schmitz (w/encl.)

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Office of the Secretary

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**Part of
Public Record**

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**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

Olmsted County,)
)
 Petitioner,)
)
 v.)
)
Surface Transportation Board)
and United States of America,)
)
 Respondent.)

No. _____

PETITION FOR REVIEW

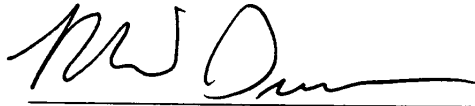
Olmsted County, Minnesota, pursuant to 28 U.S.C. § 2344, by and through its attorneys, petitions the Court for review of the decision of the Surface Transportation Board ("STB") in its Finance Docket No. 33407, Dakota Minnesota & Eastern Railroad Corporation - Construction Into The Powder River Basin, served January 30, 2002. See Attachment A.

By its decision, the STB approved an application filed by the Dakota, Minnesota & Eastern Railroad Corporation to construct and operate a 280-mile rail line into the coal reserves of the Powder River Basin of Wyoming, and running directly through Olmsted County. Olmsted County participated in the STB proceeding and disputes the adequacy of the STB's Environmental Impact Statement for the rail line, pursuant to the National

Environmental Policy Act, 42 U.S.C. § 4321, et seq. Olmsted County requests that the Court reverse the decision of the STB and remand the proceeding for preparation of an adequate Environmental Impact Statement.

Dated: March 28, 2002

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'RDuncan', is written over a horizontal line.

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