

Subject: [Fwd: FW: pre-registration for DM&E DEIS hearings]

Date: Sat, 28 Oct 2000 15:29:52 -0500

From: "Dorothy M. Butler" <doro65@brookings.net>

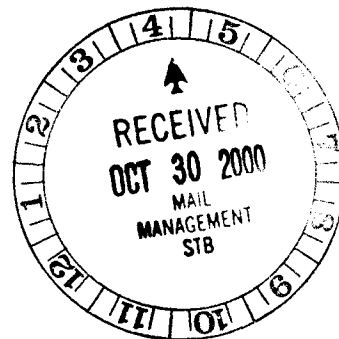
To: victoria.rutson@stb.dot.gov



FD 33407

000155

200846



Kevin Schieffer of the DM&E held a local political rally last night which attracted about 200 rural folks ostensibly opposed to a railroad bypass of Brookings. [It would be interesting to know how many of them live within half a mile of any proposed bypass routes.] At the meeting, a flyer was distributed by DM&E urging everyone to call 1-877-404-3044 in order to register for a speaking time at the Brookings hearing on November 14. The flyer is dated October 26.

I want to know if anyone applying to testify at a hearing after the October 20 deadline will still be scheduled to speak, thereby taking time away from those who made sure to pre-register by the deadline. If so, this is patently unfair. This appears like an attempt by Schieffer to subvert the system and tilt testimony in his favor, i.e., against a bypass.

Please let me know if the October 20 deadline is being adhered to or not.
Thanks.

Gary E. Larson

Subject: FW: pre-registration for DM&E DEIS hearings

Date: Fri, 27 Oct 2000 14:38:52 -0500

From: "Gary Larson" <Gary_Larson@sdstate.edu>

To: "ROBERT BURNS" <ROBERT_BURNS@sdstate.edu>, "EDWARD HOGAN" <EDWARD_HOGAN@sdstate.edu>, "Hammack, Leslie" <hammackl@brookings.net>, "Gary Larson" <glarson@brookings.net>, "walder, dave" <wiwald@brookings.net>, "Gael Entriiken" <gaelray@millcomm.com>, "damell, nancy" <mdamel@trib.com>, "butler, dorothy" <doro65@brookings.net>, <enviros@mnmc.net>, "PAUL JOHNSON" <PAUL_JOHNSON@sdstate.edu>

FYI

-----Original Message-----

From:
Sent: Friday, October 27, 2000 2:27 PM
To: 'Nancy Beiter'
Subject: pre-registration for DM&E DEIS hearings

Dear Nancy,

Kevin Schieffer of the DM&E held a local political rally last night which attracted about 200 rural folks ostensibly opposed to a railroad bypass of Brookings. [It would be interesting to know how many of them live within half a mile of any proposed bypass routes.] At the meeting, a flyer was distributed by DM&E urging everyone to call 1-877-404-3044 in order to register for a speaking time at the Brookings hearing on November 14. The flyer is dated October 26.

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Please let me know if the October 20 deadline is being adhered to or not.
Thanks.

Gary E. Larson

(See attached file: winmail.dat)

mailbox:/Mac.%20HD%207/System%20Folder/Preferences/Netscape%20Users/
Dorothy%20Butler-2/Mail/Sent?id=39FB3740.9873B788%40brookings.net&number=

We wish information on the SEA's DEIS Decision 31225 re STB Docket 33407. Which is the Section of Environmental Analysis' publication of 9/27/2000. We are generally interested in Chapter 4, Section 4.9 (Brookings Bypass.) We are specifically interested in the Executive Summary, Section ES.9.3.3.

On page ES-62, Decision 31225 states (with regard to Alternative 4) "...SEA specifically requests further comments on the Brookings alternatives and the extent to which the community should share the costs associated with a bypass."

We wish to know what the City needs to do to fulfill this "specific request" to the STB's satisfaction in support of the favored Alternative 4.

We also wish to know if the STB has an opinion on the size of these additional costs for the bypass -- what the Council should be prepared to fund and defend.

There are two filings before the STB on this subject.

1. The original State of SD Bypass Proposal assumed a \$7.3 M difference.
2. An STB filing (Seymour, 6/9/99) noted the actual difference is \$4.9 M. Alternative 4 requires a new interstate (I-29) overpass at \$2.6 M.

Such an overpass is not needed if the old line is retained (Alt. 2.)

The SD Congressional Delegation supports this bypass from fed highway funds. Therefore, a realistic final amount based on the above, is:

\$4.9 M less \$2.6 M, or \$2.3 M total cost increase for Alt. 4 (over Alt. 2.)

Which of these values does the STB tend to believe?

Finally, we also note the net effect of Section 4.9 and ES.9.3.3 assumes that on implementation of Alternative 4 a new entity takes over ownership/service on the replaced 13.3-mile section of the old DM&E line through Brookings.

Can any part of the City's financial support (or outright purchase) of this new line be credited as "community sharing of bypass costs?"

10/28/00

Dear Ms. Rutson,

Would it be possible that you could advise us how to proceed, so that we make the most effective effort to comply with the STB's requirements? I'd be grateful for whatever you can suggest.

I will leave a message on Tray Brady's voice mail so that he will have these articles (enclosed) for you to review. Thank you - Dorothy Bule

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Bypass imperils DM&E project

By SETH TUPPER
For the Argus Leader

published: 10/27/00

BROOKINGS -- If the Dakota, Minnesota & Eastern Railroad is forced to reroute its line around Brookings and Volga, the company might abandon its \$1.5 billion upgrade and construction plan, the railroad's president said Thursday night.

Kevin Schieffer, president and CEO of DM&E, made that statement during a public forum at the Brookings Area MultiPlex in front of more than 200 people. Along with a group of landowners called Citizens Against the Brookings Bypass, Schieffer used the forum as an opportunity to rally opposition against a proposed 16-mile bypass around the city.

"The 16-mile Brookings bypass would kill this project. That's an important thing for everyone to understand," Schieffer said. "This bypass is fatally flawed from an engineering standpoint, from an economical standpoint ... it's not a railroad, it's a line on a piece of paper."

The forum was the latest event in a controversy that has stirred since 1997, when DM&E first announced plans to upgrade its line. DM&E's proposal, which would allow the line to haul coal from Wyoming to Minnesota, could bring as many as 30 high-speed trains through Brookings every day.

The Brookings City Council and many residents are pushing for a northern bypass. Landowners affected by the bypass want to keep the trains in town.

Last month, the federal Surface Transportation Board issued a report favoring a bypass around Brookings. The railroad and the city also have discussed a compromise bypass that's several miles shorter. Schieffer didn't address that bypass proposal Thursday night.

But he told the audience that the bypass controversy must be resolved soon.

"The time has come to make a decision, and I made an important one today," he said. "We (DM&E) need to complete this project -- our very survival is at stake."

Schieffer said DM&E will tell the Surface Transportation Board to reject its project outright rather than approve it on the condition that the railroad build the 16-mile bypass.

An environmental impact study by the Surface Transportation Board has dubbed the bypass the most environmentally sound option, but Schieffer said the plan is "lethally flawed." He cited technical and economical factors that make the it impractical for DM&E.

"The bypass option was not thought up by the communities involved in this issue," he said. "It was thought up by some lawyers in Washington who wanted to stop this project.

"It was developed without input from either the railroad or the affected landowners. It was a flawed process that produced a flawed product, and we want no part of it."

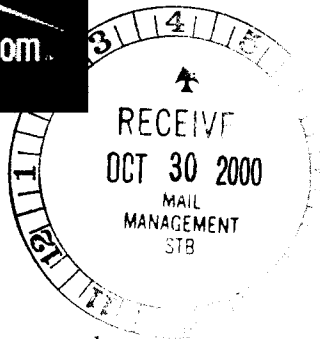
The affected landowners want no part of the bypass, either. Bob Foster, founder of the Citizens Against the Brookings Bypass, owns farmland that would be cut into by the railroad if the bypass goes through.

"If this thing is approved, it will put us out of business," Foster said.

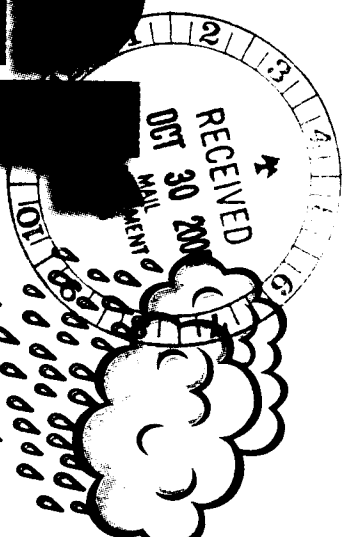
Brad Bonde, treasurer of the group, also feels wronged by the process. "It's been said that only a handful of landowners will be affected by the bypass, but that's not true," he said. "My land sits 50 feet from where the new line would be built, but I won't get any money or anything if it goes through."

The federal Surface Transportation Board will hold public hearings on the subject in Brookings Nov. 14. Schieffer encouraged opponents of the bypass to get organized.

"Numbers matter and noise matters," Schieffer said. "This is your opportunity to be heard."



The Brookings Register



Possible precip

Cloudy with scattered showers tonight, low 50 to 55. Mostly cloudy Thursday with a 40 percent chance of showers, high in the lower 60s. Page A2.

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Bypass foes to meet Thursday

■ Citizens Against the Brookings Bypass are holding what DM&E CEO Kevin Schieffer calls 'a significant meeting.'

By JOHN KUBAL
The Brookings Register

DM&E President and Chief Executive Officer Kevin Schieffer will be the key speaker at Thursday's public meeting hosted by Citizens Against the Brookings Bypass.

Tuesday afternoon, he said, "This is a significant meeting for two reasons.

"First, we'll provide a position on each of three options, showing the pros and

cons of each: the city's proposed 16-mile bypass; Railco's eight-mile bypass; and DM&E's six-mile route through the city. We'll show what our position is and why.

"Secondly, this is a significant organizational meeting to lay out for us with our allies a blueprint to stop the 16-mile bypass. We'll look at how to eliminate the issues.

"We're looking for a constructive meeting. We're committed to eliminating the large bypass. It's fatally flawed. The way it was developed is as bad or worse than what was developed.

"It was done in secret without any input from railroad experts or affected landowners. It was purposely pushed off on the perceived weakest political group. We'll work with the people affected to turn that around."

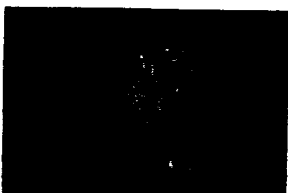
However, the proposed longer bypass,

recommended by the former Brookings City Commission, did receive a positive endorsement in the draft environmental impact statement released in late September by the federal Surface Transportation Board's Section of Environmental Analysis.

The DEIS addressed DM&E's proposed \$1.5 billion, 1,000-mile railroad construction and rehabilitation project that would enable the railroad to move coal from Wyoming's Powder River Basin across South Dakota and Minnesota to the Mississippi River. As proposed by DM&E, the project could bring more than 30 coal trains a day through some of Brookings' business and residential areas on state-of-the-art welded ribbon rail.

See FOES, page A2

"We're committed to eliminating the large bypass. It's fatally flawed. The way it was developed is as bad or worse than what was developed."



KEVIN SCHIEFFER
DM&E President

FOES: Schieffer open to looking at shorter bypass

continued from page A1

The SEA found the City Commission's proposal for a bypass for all rail traffic around the north side of Brookings to be "the environmentally preferred alternative; the SEA wants further comments, ... including the extent to which the community should share the costs associated with a bypass."

The SEA also said it "will address the comments received, and make a final recommendation to the Board, if appropriate, in the Final EIS." The deadline for comments is Jan. 5, 2001.

And the SEA "encouraged DM&E to communicate with concerned residents and affected communities and use community input to develop voluntary mitigation and negotiated agreements to address community concerns."

Schieffer said DM&E was willing to look at the shorter bypass "if it was developed properly with input from landowners. We're open to that."

Railco, a group of Brookings business, civic, and educational

leaders put together the shorter bypass proposal.

However, Schieffer said he remained committed to DM&E's original proposal that would use a rebuilt six-mile route through the city. And he said he remained willing to work with the Brookings City Council on ways to make that section of the route agreeable to both the city and DM&E.

But there are presently no negotiations underway between the City Council and DM&E. Brookings Mayor Virgil Herriott said he and City Manager Michael Williams would attend the Thursday public meeting, to be held at 8 p.m. at the Brookings Area Multiplex.

Richard Helsper, Railco's attorney, said he had been advised of the meeting and would advise Railco members and they could attend if they wished to.

Gary Larson, co-chairman of the Brookings-based Coal Train Issues Coalition, which opposes the through-town route and favors a bypass, said, "We wouldn't have any reason to attend."

Used-home sales dropped in September

WASHINGTON (AP) — Sales of existing homes dipped 2.7 percent in September after a big jump the month before, reflecting an easing in demand as the nation's robust economy slows to a more moderate pace.

The National Association of Realtors reported Wednesday that sales of previously occupied single-family homes slipped last month to a seasonally adjusted annual rate of 5.14 million, the lowest level since July.

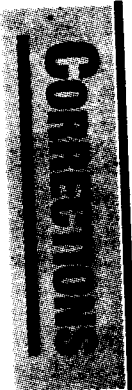
Even with the expected dip, existing-home sales are expected to do extremely well this year, association officials said.

"The present sales pace is on track with what we're expecting for the year, settling in to a

strong housing market that is just below the record volumes we saw in 1999," said Dennis Cronk, president of the association. "We don't expect to see any wide fluctuations in home sales in the near future."

On Wall Street, the Dow Jones industrial average was up 58 points in morning trading after having fallen on disappointing revenue figures from telecommunications equipment company Nortel Networks. The Nasdaq lost 45 points.

In August, existing-home sales soared 9.5 percent, according to revised figures, slightly stronger than the association reported one month ago.

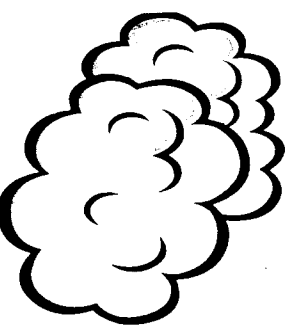


■ Cubby's Sports Bar and Grill, in downtown Brookings, cited in a Tuesday report on Sunday alcohol beverage sales, is a fixed restaurant capable of serving at least 50 people at a time, with seating and kitchen facilities.

■ The bridge diagram on today's comics page (B4) is incorrect. North's hand should be as follows:

- ♠ K Q 7
- ♥ A K 8 7
- ♦ Q 9 8
- ♣ 8 6 5

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Clouds a penny

Partly cloudy tonight, low in the lower 30s. Mostly cloudy Saturday, high in the lower 50s. Chance of rain Sunday. Page A2.

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FRIDAY, OCTOBER 27, 2000

Kill the bypass or kill the project

■ DM&E president Kevin Schieffer says he will recommend the STB deny the railroad's \$1.5 billion rebuild project if a 16-mile Brookings reroute must be part of the plan.

By JOHN KUBAL
The Brookings Register

"The time has come to make a decision. I made, I think, a fairly significant one today.

"DM&E will submit a formal filing to the STB recommending that the STB should deny our entire project application outright rather than approve it conditioned upon the 16-mile Brookings bypass, which was developed without

significant regard for or any input from the people most directly affected by it."

Those words came early on in a 1-hour, 45-minute presentation by DM&E President and Chief Executive Officer Kevin Schieffer to about 200 people at the Brookings Area MultiPlex Thursday evening.

Before Schieffer spoke, Bob Foster, a spokesman for Citizens Against the Brookings Bypass, which sponsored the public meeting, read from a prepared statement, saying, "We as a group are totally opposed to the long bypass and would like to see it dropped.

"We're not wild about Railco's proposal, either, but we are prepared to accept the process as a compromise. It would have to be decided locally and stand on its merits of whether it is acceptable or not."

Foster's words set the stage for Schieffer's presentation, which at times

took on the tone of a military battle plan to fight and kill the longer 16-mile reroute north of the city; but he did leave open the possibility of working the 8.5 mile Railco reroute-proposal as a compromise, fallback position.

■ **Long bypass "environmentally preferred," but "fatally flawed"**

In its Draft Environmental Impact Statement released last month, the federal Surface Transportation Board blessed the proposed long bypass proposal, which had been submitted by the former Brookings City Commission, as "environmentally preferred." But at the same time, the DEIS suggested the city might have to help pay the cost of the bypass.

However, Schieffer called the longer bypass "fatally flawed." And he attacked it several times over the course of the evening.

He said, "From a technical standpoint, from an engineering standpoint, from a design standpoint, it just doesn't work as a railroad.

"It is not a railroad. It's a line on a piece of paper."

He added that the reroute was cost prohibitive and "twice as long as it needs to be."

Schieffer said, "The 16-mile Brookings bypass would kill this project whether we proposed it or not. That's a very important thing for people to understand, for the city, for the county, for the state, for the STB to understand."

Later, following Schieffer's remarks, Brookings Mayor Virgil Herriott, saying, he was voicing his personal opinion, called the longer bypass "a bunch of crap. It should be thrown away."

See **PROJECT**, page A2

PROJECT: Schieffer says DM&E remains committed to plan

continued from page A1

Herriott added, "Personally, I prefer we use the Railco plan to route local coal train traffic."

■ An acceptable compromise

Railco, a group of Brookings business, civic, and educational leaders, has proposed a plan which calls for an 8.5-mile bypass. Schieffer called Railco "an honest broker" and his slide show called its plan a "COM-PROMISE (unnecessary, but OK if avoids fight)".

He said the Railco bypass proposal was based on a line developed by South Dakota state engineers with input from DM&E.

Schieffer said, "We were opposed to it when they put it on paper. But we did agree to sit down with them and say, 'Listen, we don't think any bypass in Brookings makes sense. But if you're going to do one we'll work with you to come up with one that makes the most sense.'"

Earlier Schieffer had said of the shorter bypass, "We'll go with it either way, whatever the com-

munity decides. We'll participate in building a bypass that makes sense. Or we'll mitigate the existing line.

"It's not a call we're going to make. We're happy to leave that to the local community to make. And if it makes sense to build one, it'll be built. If it doesn't, it won't. That's as simple as I can get."

But Schieffer and DM&E officials remain committed to their own plan, which calls for running the coal trains on the present route through Brookings on new state-of-the-art ribbon rail.

■ Action plan

Schieffer showed "Three Fronts," and explained the impact of each on DM&E's proposal.

The first called for a negotiated settlement with the city of Brookings, which could be done in a matter of days.

The second would let the STB run its course over several months and publish its Final Environmental Impact Statement. Finally, there could be a year-long battle in federal court, and

that would involve "lots of lawyers" and "lots of money."

Schieffer urged people to work toward eliminating the city's 16-mile "Alternative B-4" plan in the FELS. To do that they should testify at one of the two Nov. 14 hearings in Brookings on the DEIS, submit written comments on the DEIS, and contact their Congressional delegation.

■ Brookings mayor responds

Reading from written comments, Herriott reminded the audience that he and the present City Council had taken office in August 1999 and were not involved with the former City Commission in developing the 16-mile bypass plan that went to the STB.

Herriott said he had been told "the country people" had been invited to provide input to the city's bypass proposal but made a conscious decision not to participate.

To that, he was greeted with a loud, rumbling "No, not true" from the audience. "But so much about the past.

That's history, as far as I'm concerned. I wasn't a part of it, and I'm not carrying any water for what happened then," Herriott said.

A question and answer followed the comments of Schieffer and Herriott.

■ How many coal trains per day?

A key point Schieffer made was that at the very most, about 10 years after the rebuild was completed, a maximum of 34 coal trains a day, 17 loaded and 17 empty, would roll through Brookings—not the 70 projected by some opponents of the project.

However, Paul J. Johnson, co-chairman of the Brookings-based Coal Train Issues Coalition, which opposes running trains through the city, today said the arithmetic in DM&E's application showed the potential for 70 trains a day.

But Johnson added that he felt good about Thursday's meeting. "It's getting people involved. This is democracy in action."