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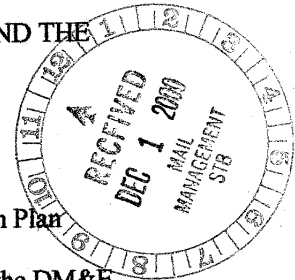
DEC 12 2000

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BOARD MEMBERS OF THE STB
PARTICIPATING AGENCIES – USFS, BLM, COE, US COAST GUARD AND THE
BUREAU OF RECLAMATION

November 1, 2000
Newcastle, WY

ENVIRONMENTAL DOCUMENT



Re: Public Hearing on the DEIS for the DM&E Railroad Proposed Expansion Plan

I comment today on the Draft Environmental Impact Statement prepared for the DM&E Railroad expansion project into the coalfields of the Powder River Basin in Wyoming.

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I have read some of this lengthy report, but find a historical romance novel more to my tastes! I began with the CD-ROM report and found it extremely difficult to read the tiny, blurry print. The CD-ROM would not allow scrolling so slowly clicked one page at a time, finally bringing each page into view. It was not user-friendly! So I went to the report books. I was unable to find an index to lead me through the repetitious subject matter with numbering and tables scattered throughout the material. It was not user-friendly either. Now I've not had time to review all the stacks of materials, so I respectfully request the STB for an extension of the comment period to a minimum of 180 days. Since NEPA laws require that the public be allowed full participation in any environmental process, the 90 day period will not be sufficient for full participation due to the tremendous amount of material in the DEIS.

The complete Corps of Engineer's 404 permit applications are only available in libraries situated 75 miles from where I live, so have not had an opportunity to review that massive amount of material either. I respectfully request the Corps of Engineers to also extend the comment period to coincide with the extension period of the STB.

From the beginning of this process when Mr. Schieffer, DM&E Railroad CEO, announced his plan to take our lands through the eminent domain process to promote and expand his private enterprise, it has been my belief that the project carries with it the element of injustice, represents a duplication of service, and it not needed. The foundation of this project is flawed, based on DM&E's desire to take and use private lands to enhance their private company. An unstable foundation never builds a strong structure!

The Powder River Basin coal fields are efficiently serviced by the UPSF and BNSF Railroad companies, who are "reluctant to discuss future coal market trends, but sources at both railroads say strategic planners and outside consultants have advised senior management of the slowing of the growth" in the hauling of coal from the basin. "The coal business has been laggard so far in 2000." So if both these large carriers are "forced to seek gains from other commodities" it appears the DM&E dream of carrying coal east may not be as lucrative as they project. (Quote Railway Age – Aug 2000) Can the taking of lands and the huge amount of capital needed for this project be justified in view of the coal trends?

The draft must include an understanding of how much right-of-way DM&E owns. In Vol. III-B, p 4.4-7 it indicates the right-of-way widths range from 200 to approximately 600 feet. There is no study to show the impact of this on the businesses along the route.

The draft must include good archaeological and paleontological surveys. This needs to be a part of the completed EIS to determine environmental impacts.

The draft must include a study of the joint line and trackage rights as was requested in letters to the STB.

The draft must include a study of coal line derailments. The US Railway Administration keeps a record of these problems and the impact on the environment, requiring rail companies to comply with safety standards or be placed on a period of probation until the problems are corrected.

The US Forest Service plan will have to be amended to accommodate the DM&E project. Does the USFS amend their plan for all private entities?

A license to cross the Grasslands will have to be granted to accommodate the DM&E project. Are licenses granted to all private entities?

Who bears the cost of this study? Who checks the methodology used in this study? Who determines if the study is consistent? Who determines if the data is complete? In our government system of checks and balances, all alternatives should be weighed in the balance and then, and only then, can a qualified decision be made. A rewrite of this Draft EIS must be considered.

Many major concerns must be taken into account. An extension to 180 days for review of both the EIS and the Corp of Engineer's 404 permit applications is a must, as is the rewriting of the draft to include the concerns voiced and written today and in the future.

Thank you for your consideration.

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In Vol. III-B, 4.4-50, the DEIS states that the air quality impacts would not be severe. But let's consider adding a third rail line into the basin and then refer to the worldwide statement made this last week by a United Nations-sponsored panel of hundreds of scientists, "new evidence shows man-made pollution has contributed substantially to global warming and the earth is likely to get a lot hotter than previously predicted." "What this report is clearly saying is that global warming is a real problem and it is with us and we are going to have to take this into account in our future planning," said Kevin Trenberth, head of climate analysis section at the national Center for Atmospheric Research. (Quote Associated Press release Casper Star Tribune, Oct 26, 2000) Can the taking of the lands and the huge amount of capital needed for this project be justified in view of the new scientific study on global warming? The Draft EIS has not considered the complete implications in light of the national energy policy and the existing international agreements. UP Senior Vice President-Marketing and Sales Art Peters says, "Environmental concerns are the biggest single impediment to coal growth. The global climate agreement will have a negative impact on coal." Utilities face new, more stringent rules dealing with discharges of nitrogen oxide (NOX), mercury, sulphur, and particulate matter. He says, "Everyone of them adds cost to burning coal." (Quote Railway Age - Aug 2000) It appears that air quality must be taken more seriously than indicated in the DEIS.

Eminent domain, the legal right of the private DM&E Corporation, is the source of fear and frustration for landowners along the route. The DEIS fails to adequately provide mitigation for landowners. In Vol. IV, Chap 7 p 17, the Applicant, DM&E, shall be guided by the Land Use Mitigation Policy and Plan negotiated with the Landowner Advisory Board, the very board that was selected by the applicant, not an unbiased board, yet stated in the draft as the mitigation board. Source is the applicant, DM&E, who has not obtained the land agreements before proceeding with the application, indiscriminately moving ahead with the project. The railroad company only has to, under their Advisory Board, mitigate the minimum required by WY law. The railroad cart driving the EIS. Who protects the landowners and other business people when a railroad decides to make tracks over them? The protection is not in eminent domain, the EIS, or the state/federal government regulations!

The draft must include studies on the loss of revenue to agricultural businesses when a railroad is built on their business. Some points to consider are: added time due to inconveniences with land on both sides of the track, loss of forage, loss of livestock, fire watches, and impacts to wildlife reducing income from the hunting industry.

The draft must include studies which show who bears the economic costs of maintaining county roads, highways, over passes, and the safety devices that would result from this construction? Will it be the county and state taxpayers burdened for a private corporation? There will be a negative impact socially and economically, and residents along the route should have a clear understanding of these impacts in the EIS.