

Ken Blodgett
Surface Transportation Board
395 E. Street SW
Washington, DC 20423-0001

December 3, 2012

Re: Environmental filing, Document No. FD 30186—Environmental
Impact Statement for the proposed Tongue River Railroad-Scope of
Analysis

Dear Mr. Blodgett:

Please include and give due consideration to the following comments as part of the “scoping” process to determine the concerns the new Environmental Impact Statement for the proposed Tongue River Railroad should address:

General: Numerous efforts have been made over decades to build the Tongue River Railroad. All have been successfully challenged and thwarted because of the clearly demonstrable inappropriate environmental, economic and physical impacts associated with the endeavor. The renewed effort mounted by the Railroad, in the face of ever growing evidence of the inordinate and unnecessary damage construction would bring, evidences that there is only one force that truly drives the quest of the applicant; namely, pursuit of the almighty dollar. But at what cost are we willing to accommodate this quest, when it is not in any way shape or form necessary in the legitimate pursuit of the hopes, aspirations, interests or welfare of almost every citizen of the United States?

Focus of the Environmental Impact Statement:

Primary: The threshold issue must be, “Whether this project actually accommodates public convenience and necessity, entitling the applicant to exercise the power of eminent domain?” By all appearances Arch Coal Company, a private company seeks construction of this rail line to accommodate the delivery of its coal to China and other Asian markets. There is no public interest of the United States to be served except for a few additional jobs and what will undoubtedly be a huge return to Arch Coal investors. Historically the power of eminent domain has properly been vested in the public to accommodate public use in cases where it is clearly demonstrated that it will serve the public’s need/interest. Exercise of that power has been jealously guarded and narrowly construed. And, there is a damn good reason why eminent domain has remained behind the jealously guarded public shield, namely, that private enterprise has demonstrated time and time again that it can’t be trusted to truly operate in the public’s best interest/need.

Additional and Supplemental Areas of Focus: In asking that it be afforded the power of eminent domain, Arch Coal Company should bear the total burden of demonstrating why its proposed project meets the test of "public convenience and necessity". It is legitimate and imperative that they demonstrate how a private rail line, operated solely for the benefit of private investors to fuel the furnaces of Asian utilities somehow meets that test. The evidence Arch Coal is required to present must to be clear, convincing and unequivocal. The factual case presented by Arch Coal also needs to be of a magnitude and unimpeachable quality to assure that it can be responsibly evaluated side by side with the evidence of the severe impacts which are already known to exist by virtue of past environmental assessments, EACH OF WHICH NEEDS TO BE RE-EXAMINED AND SUPPLEMENTED IN THIS ENVIRONMENTAL ASSESSMENT. Unlike in the past, however, this environmental assessment is really about whether we are going allow any harm to wildlife, crops, water rights, grazing cattle or unnecessary interference with normal ranch operations or local community activities and the safety and well being of our citizens in order to allow a few private citizens to handsomely profit, while delivering coal to China/Asia to be turned into green house gasses to be spewed into the World's atmosphere.

Respectfully submitted,



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