

SURFACE TRANSPORTATION BOARD EXTENDS COMMENT PERIOD ON DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR DAKOTA, MINNESOTA & EASTERN RAILROAD'S (DM&E) PROPOSED POWDER RIVER BASIN EXPANSION PROJECT

Surface Transportation Board (Board) Chairman Linda Morgan announced today that the Board has extended the public comment period on the Draft Environmental Impact Statement (Draft EIS) for the Dakota, Minnesota & Eastern Railroad's (DM&E) proposed Powder River Basin Expansion Project **for an additional 60 days, or until March 6, 2001.**

On September 27, 2000, the Board, together with five federal cooperating agencies, issued a Draft EIS in this proceeding, and provided a 90-day comment period (through **January 5, 2001**) for public review and comment. The Board's Section of Environmental Analysis (SEA) received numerous requests from a wide variety of individuals and groups, including the U.S. Environmental Protection Agency, to extend the comment due date. The majority of the requests sought a 90-day extension, generally citing the length of the Draft EIS and the scope and complexity of DM&E's proposal.

In its decision, the Board noted the importance of moving the environmental review process forward without undue delay. However, it concluded that those requesting an extension have made a strong case that more time is needed to provide an adequate opportunity for meaningful review and public comment, including comment from "environmental justice" communities (that is, those communities whose safety and healthful environments must not be adversely affected on the basis of the communities' demographic characteristics), on the Draft EIS and the other related documents in this particularly complex case.

The extension of time will apply to the Draft EIS itself, the documents appended to it (the Forest Plan Amendments, the Programmatic Agreement and Identification Plan, the Memorandum of Agreement, and the Biological Assessment), and the Section 404 permit applications pending before the U.S. Army Corps of Engineers. So that the Final EIS will be issued in a timely manner, the Board stated that no further extensions will be granted absent compelling, unforeseen circumstances.

The Board further noted that, at recent public meetings conducted to hear comments on the Draft EIS, a number of participants contended that additional mitigation measures are needed for the adequate protection of residents of communities potentially affected by DM&E's proposal. The Board pointed out that the extended comment period will allow DM&E and affected communities to explore mutually acceptable ways to reduce potential impacts on communities, and to submit any agreements that are reached to the Board, for consideration in developing SEA's final environmental mitigation recommendations in the Final EIS.

Comments on the Draft EIS must be postmarked by **March 6, 2001** and mailed to the address below. For comment letters over five pages in length, commenters must submit a signed original plus 10 copies. A signed original is sufficient for comment letters of five pages or fewer. Comments must be mailed to:

**Case Control Unit--STB Finance Docket No. 33407
Office of the Secretary
Surface Transportation Board
1925 K Street, NW**

Washington, DC 20423-0001

with the following designation written in the lower left-hand corner of the envelope:

**Attention: Victoria Rutson
Environmental Project Director
Environmental Filing**

Written comments on the Forest Plan Amendments must be submitted directly to the U.S. Forest Service (USFS) at the following address:

**Wendy Schmitzer, USFS Project Coordinator
Douglas Ranger District
2250 East Richards Street
Douglas, WY 82633**

or by e-mail at wschmitzer@fs.fed.us. The USFS may also be reached by telephoning **(307) 358-1634**.

Written comments on DM&E's Section 404 permit applications should be filed directly with the appropriate U.S. Army Corps of Engineers district office. Written comments on the Section 404 permit application relating to **Minnesota** must be submitted to:

**Mr. Timothy Fell
St. Paul District
U.S. Army Corps of Engineers
190 5th Street East
St. Paul, MN 55101-1638**

Written comments on the Section 404 permit application relating to **South Dakota** and **Wyoming** must be submitted to:

**Mr. Jerry Folkers
Omaha District
U.S. Army Corps of Engineers
215 North 17th Street
Omaha, NE 68102-4978**

The Board issued its decision today in *Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin*, STB Finance Docket No. 33407. Printed copies of the written decisions discussed in this news release are available for a fee by contacting: **D~To-D~ Office Solutions, Room 405, 1925 K Street, N.W., Washington, DC 20006, telephone(202) 466-5530**. The decisions also are available for viewing and downloading via the Board's Website at <http://www.stb.dot.gov>

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