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SEA

SERVICE DATE - JANUARY 12, 2000

SURFACE TRANSPORTATION BOARD

Finance Docket No. 33407

Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin

Decided January 12, 2000

Action: Amended Notice of Intent to Prepare an Environmental Impact Statement (EIS); Addition of U.S. Coast Guard and U.S. Department of Interior Bureau of Reclamation as Cooperating Agencies.

Summary: On February 20, 1998, the Dakota, Minnesota & Eastern Railroad Corporation (DM&E) filed an application with the Surface Transportation Board (Board) for authority to construct and operate new rail line facilities in east-central Wyoming, southwest South Dakota, and south-central Minnesota. The project involves approximately 280.9 miles of new rail line construction. Additionally, DM&E proposes to rebuild approximately 597.8 miles of existing rail line along its current system to standards acceptable for operation of unit coal trains. The project would require actions by a number of Federal agencies, including the Board, the U.S. Department of Agriculture Forest Service (USFS), the U.S. Department of Interior Bureau of Land Management (BLM), and the U.S. Army Corps of Engineers (COE), who previously agreed to be cooperating agencies for the EIS.

As part of its plans to rebuild its rail line through Pierre, South Dakota, DM&E proposes to rebuild its existing bridge or construct a new bridge over the Missouri River to permit the operation of unit coal trains. The U.S. Coast Guard (USCG) has responsibility and authority to issue bridge permits under the provisions of Section 9 of the Rivers and Harbors Act of 1899, and under the General Bridge Act of 1946. Therefore, in order for DM&E to rebuild or construct a new bridge over navigable waters, it must apply for a permit from the USCG, which in turn would require an environmental review of DM&E's action pursuant to NEPA.

The U.S.D.I. Bureau of Reclamation (USBR) is the agency responsible for operation and administration of the Angostura Reservoir and associated irrigation canals and ditches. The USBR works closely with the local irrigation district for repayment of project costs based on water delivered and acres of irrigated land. If this project crosses lands, irrigation ditches or canals under the jurisdiction of the USBR, a permit for such crossings will be required from the USBR prior to construction. Depending on the alternative approved for construction, the USBR may be required to issue a permit, which would normally require environmental review. Consequently, USCG and USBR have agreed to be cooperating agencies for the EIS. The purpose of this Amended Notice of Intent is to notify persons and agencies interested in or affected by the proposed project of additional USCG and USBR decisions triggered by the project.

SUPPLEMENTARY INFORMATION

Environmental Review Process: The Board has determined that an Environmental Impact Statement (EIS) must be prepared in accordance with the provisions of the National Environmental Policy Act (NEPA) prior to its decisions on the proposed project. The Board is the lead agency, pursuant to 40 CFR 1501.5(c), supervising the preparation of the EIS. The USFS, BLM, COE, USCG, and USBR are cooperating agencies, pursuant to 40 CFR 1501.6, and shall adopt the EIS and base their respective decisions on it. The NEPA process is intended to assist the Board, its cooperating agencies, and the public in identifying and assessing the potential environmental consequences of a proposed action before a decision on the proposed action is made. The Board's Section of Environmental Analysis (SEA) is responsible for ensuring that the Board complies with the NEPA, 42 U.S.C. 4321-4335, and related environmental statutes. The EIS should include all of the information necessary for decisions by the Board and the cooperating agencies.

SEA and the cooperating agencies are preparing a Draft EIS (DEIS) for the proposed project. The DEIS will address those environmental issues and concerns identified during the scoping process and detailed in the scope of study. It will also contain a reasonable range of alternatives to the proposed action and recommended environmental mitigation measures. The DEIS will be made available upon its completion for public review and comment. A Final EIS (FEIS) will then be prepared reflecting SEA's further analysis and the comments on the DEIS. In reaching each decision in this case, the agencies will take into account the DEIS, the FEIS, and all public and agency comments received.

For Further Information Contact: Victoria Rutson, Project Manager, Surface Transportation Board, Powder River Basin Expansion Project, 1-877-404-3044;
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U.S. Army Corps of Engineers, Jerry Folkers, (402) 221-4173;
U. S. Coast Guard, Roger Wiebusch, (314) 539-3900, ext. 378;
U.S.D.I. Bureau of Reclamation, Dennis Breitzman, (701) 250-4242, ext. 3101.

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary