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HC 56 Box 43  
Oral, SD 57766



Surface Transportation Board  
1925 K Street NW  
Washington, DC 20423-0001

I am writing to request information on FD 33407 (Dakota, Minnesota & Eastern RR Corporation construction into the Powder River Basin). On October 2, 2003, the Eighth Circuit Court of Appeals vacated the Board's Decision to DM&E to construct and operate a 280-mile rail line into the PRB. I assume this means DM&E cannot proceed with construction.

My confusion arises because of several local news stories since that decision. Kevin Schieffer, CEO of DM&E RR, has indicated that the only thing stopping construction at this point is a problem securing financing. There is no mention of the fact that DM&E no longer has the permit to build.

My questions for you are:

1. What steps is the STB taking to do the necessary environmental studies that the 8<sup>th</sup> circuit Court found to be lacking?
2. Who pays for these studies?
3. Who will be doing the studies?
4. Will the public have an opportunity to review and comment on the findings and is a comment period required by law?
5. If the studies are found to be deficient by the public, can any decision based on the findings be appealed?
6. Can you give a possible time frame as to when the studies will be completed and ready for public review?
7. How will the public be notified of the completion of the environmental review?

Thank you for answering the questions.

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cc: Senator Tom Daschle  
Senator Tim Johnson