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NATURAL RESOURCES DEFENSE COUNCIL

September 2, 2004

Victoria Rutson  
Section of Environmental Analysis  
Surface Transportation Board  
1925 K St., N.W., Suite 500  
Washington, DC 20423

**RE: *Mid States Coalition for Progress et al. v. Surface Transportation Bd. et al.  
Supplemental EIS for DM&E Expansion Proposal***

Dear Ms. Rutson:

NRDC understands that the Surface Transportation Board's Section of Environmental Analysis (SEA) is about to begin the court-ordered Supplemental Environmental Impact Statement (SEIS) for the Dakota, Minnesota & Eastern Corporation (DM&E) Powder River Basin expansion proposal. NRDC requests the SEA first conduct a scoping process for the SEIS to identify the scope of issues that will be analyzed, as well as the methodologies and assumptions that the SEA plans to use in its analysis.

As you may be aware, the Eighth Circuit Court of Appeals ordered SEA to examine the "effects that may occur as a result of the reasonably foreseeable increase in coal consumption" due to the DM&E project. In this SEIS process it is important to insure that the full range of such effects be addressed, including but not limited to the global warming impacts associated with the carbon dioxide.

A scoping process will allow interested persons including NRDC to review the SEA's plans for the SEIS and present the SEA with its suggestions on the proper scope for the EIS. This approach will increase the likelihood that an adequate SEIS will be prepared.

We look forward to hearing from you regarding this request.

Sincerely,

David G. Hawkins  
Director,  
NRDC Climate Center