

## **DM&E eminent domain hearing delayed**

Sioux Falls Argus Leader

By Peter Harriman

Published: July 11, 2007

A twice-delayed hearing that would have allowed the DM&E railroad, based in Sioux Falls, to make a formal request for eminent domain to extend its line into Wyoming's Powder River Basin was derailed again late Monday.

The South Dakota Transportation Commission originally was going to consider the issue in December 2006. The date was moved to January.

That date also was abandoned, and on March 22, former South Dakota Supreme Court Justice Robert Amundson of Sioux Falls was appointed to preside over the DM&E's eminent domain request.

The hearing was finally supposed to take place this week in Pierre. However, an injunction filed on behalf of West River landowners who would be affected by the rail project forced the hearing to be stalled again.

South Dakota agriculture groups joined in a chorus of dismay at the delay.

The South Dakota Corn Growers Association, South Dakota Farm Bureau, South Dakota Farmers Union, South Dakota Grain and Feed Association, South Dakota Soybean Association, South Dakota Wheat Inc. and the South Dakota Association of Co-ops all expressed disappointment at the latest effort to stall the DM&E's plan to expand to the coal fields of Wyoming.

The farm groups see a DM&E reconstructed to state-of-the-art standards to haul Wyoming coal to power plants in the Midwest and East as also providing them with vastly improved shipping options.

"Enough is enough. The DM&E upgrade has been 10 years in the making; it is critical with our projected record corn and wheat harvests that we have the infrastructure to get it to the marketplace," said Reid Jensen, president of the South Dakota Corn Growers Association.

If the railroad is granted eminent domain - a power bestowed by the state - farmers and ranchers would have little recourse to prevent DM&E from building tracks on their property. Many of the 133 South Dakota landowners who would be affected by the DM&E expansion are already working with the railroad on easements. The hearing delay places these in limbo.