

## **DM&E head: Judge's ruling being appealed to State Court**

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SIoux FALLS -- Dakota, Minnesota & Eastern Railroad president Kevin Schieffer says that what he calls a delaying tactic by opponents of a new rail line is being appealed to the state Supreme Court.

His Sioux Falls-based railroad wants to build new tracks in both Wyoming and South Dakota to get into Wyoming's Powder River Basin coal fields.

At the request of former Gov. and U.S. Rep. Bill Janklow, a lawyer who is representing landowners who don't want new DM&E tracks to cross their property, a judge in Pierre this past week ruled that an eminent domain hearing cannot be held until rules for the hearing have been adopted.

But Schieffer said that's just a "delay tactic."

"It is being appealed to the Supreme Court, and hopefully, they will bring some sanity to all this," he told the Argus Leader of Sioux Falls.

State law gives DM&E the right to acquire property by eminent domain, but the company cannot do that until the state Transportation Commission sets the rules.

First, however, the commission has to come up with rules for the hearing to set the rules for buying property from unwilling landowners.

Schieffer said Janklow's request for rules that will be used to conduct the hearing is just a ploy to drag the issue out. He said that at least people will start to see "the kind of delay tactics and gimmicks we've been dealing with for many years," Schieffer said.

Jim and Bev Varelman raise quarter horses and hay near of Hermosa and are suing the DM&E.

"They have been trying to say they negotiate in good faith," Bev Varelman said. "Many years go by without correspondence. The offers we get have no monetary value. Five days before the circuit court hearing, we finally got an offer that was not a good offer at all."

She said the route would separate 438 acres of the ranch from a water source and make the land unusable for raising livestock. The DM&E has been unwilling to listen to her idea of moving the track a quarter-mile south to avoid the problem, she added.

DM&E supporters have rallied to the railroad's cause.

"The legal maneuvers by opponents of the DM&E project crossed the foul line. While

attorneys sue, communities like Huron have to wait another day for the jobs and opportunity the DM&E project will bring,” said David McGirr, Huron’s mayor.

“The DM&E project would breathe new life into our communities. ... We hope our leaders in Pierre realize this and reject further attempts at delay,” Philip Mayor John Hart said.

Schieffer said most of the landowners have worked with the DM&E. There’s a relatively small group that has refused for years to even have a discussion, he said.