

Ken Blodgett
 Surface Transportation Board
 395 E Street SW
 Washington, D.C. 20423-0001

Attention: Environmental Filing, Docket No. FD 30186

November 30, 2012

Dear Mr. Blodgett:

I am submitting the following scoping comments to the Surface Transportation Board (STB) in response to its October 22, 2012, Notice of Intent (NOI) to prepare an environmental impact statement (EIS) on the application to build the Tongue River Railroad (TRR) in Montana. This application was submitted by the Tongue River Railroad Company on October 16, 2012. I have been a "party-of-record" to the Tongue River Railroad docket for nearly 20 years. Please ensure that my scoping comments are entered into the public record.

Under the National Environmental Policy Act (NEPA) and the Council of Environmental Quality (CEQ) regulations implementing NEPA, agencies must fully consider the "no-action" alternative. Project approval is not – and should not be – automatic. I believe there are many significant and irrevocable environmental, social, and economic consequences of this proposed action. I hope – I expect – that the no-action alternative will be fully considered, analyzed, and evaluated during this EIS process.

Specific issues that I personally believe need to be addressed in the EIS include, but are not limited to:

- How will the TRR impact the Tongue River Road (S-332); will the TRR compensate the county and the state for any impacts to the road (e.g., moving the road alignment, reconstruction/repair of the road following increased use by the railroad during construction, need for bridge and other infrastructure repair/improvement)?
- How will the TRR cross U.S. Highway 212? This is a major highway used by many truckers; without an overpass being built for the highway (or for the railroad), the conflicts between these two traffic corridors will be untenable, and, no doubt, accidents and deaths will occur.
- The history of how the TRR has dealt with landowners and not been honest, forth-right, or fair in the past does not bode well for expecting that corporation to work cooperatively with landowners along the rail route this time around. How can the EIS process and the decision-making authority of the STB be used to ensure that if this railroad is approved, landowners will be fairly and adequately consulted, listened to, dealt with, and compensated?
- Trains are notorious for causing fires; 2012 was a devastating fire year for southeastern Montana. How will the TRR prevent fires caused by its operation from starting? How will the TRR control fires that its equipment or operations start? Will the TRR have personnel strategically located to fight fires? Will the TRR participate in interagency fire planning? Will the TRR contribute financially to fire-fighting costs? Will the TRR be a good neighbor and assist with fire-fighting efforts if a fire breaks out in the area and was not caused by the railroad?
- Detailed vegetation maps must be prepared for the area of impact – this includes land a reasonable distance beyond the right-of-way – in order to ensure that baseline information about noxious and non-native vegetation (commonly referred to as "weeds") is fully understood. How will the TRR prevent and control the spread of weeds and what stipulations will the STB impose on the TRR to

ensure weed prevention and control for the life of the project? Will landowners whose property is crossed and impacted by weeds be consulted with regard to weed control? How will the TRR protect water resources during weed control?

- Wildlife, especially during their movement and migration, will be impacted by the TRR. What procedures will the TRR use to facilitate wildlife movement and minimize wildlife deaths on the tracks?
- Certain wildlife are more sensitive to disturbance than others and many wildlife are sensitive to disturbance at specific times during their life and/or annual cycle. What will the TRR do to avoid sensitive and/or traditional habitats (e.g., wetlands, wintering areas, security cover areas, nesting areas, roost trees).
- Research shows that sage grouse will abandon leks if disturbed, which includes noise disturbance. Will the railroad be required to move its route away from known leks or leks discovered through on-the-ground wildlife surveys done for the EIS?
- The TRR will bisect areas currently used by hunters. How will access be dealt with and who is responsible for accidents in a railroad right-of-way – the landowner or the TRR?
- Prairie stream ecosystems have been significantly impacted by human development and are, thus, no longer in abundance. The Tongue River Valley is one of this nation's remaining intact prairie stream ecosystems, thus, it is significant regionally, nationally, and (likely) globally. The EIS must scientifically evaluate the consequences of industrializing and significantly and negatively impacting this fast-disappearing habitat.
- The Miles City Fish Hatchery maintains a breeding stock of the endangered pallid sturgeon. As a critically imperiled species, the proper maintenance of this hatchery stock is essential to preventing the species' extinction. The EIS must ensure that new vibration studies are done. Studies done previously are known to be flawed. Why would the TRR be allowed to cross the Miles City Fish Hatchery when there are alternative routes available to the railroad? Please ensure that the EIS fully addresses this issue.
- The route of the railroad through the Miles City Fish Hatchery and into the community of Miles City will potentially and significantly impact flooding in this area. The EIS must fully analyze those impacts. A study by the U.S. Army Corps of Engineers of the dike system as well as a study conducted by the Federal Emergency Management Agency of the flood potential of the area must be required.
- Will the railroad cross any alluvial valley floors as defined by the State of Montana? How will the railroad adjust its route to avoid such areas?
- The amount of "cut-and-fill" necessary to build this railroad along the proposed route is mind-boggling and, frankly, horrifying. The impacts to the land will be significant, but the impacts to the river will be beyond comprehension. I cannot believe that this can be done without long-term and permanent damage to the river ecosystem. Please ensure that the EIS fully and completely analyses this – in more detail than just a statement of the tons of soil that will be moved. How will erosion be controlled in perpetuity to prevent future impacts to the river and all the lifeforms dependent on it?
- The EIS must fully analyze the impacts to air quality from both construction and operation of the railroad. Class I airsheds must not be impacted by this project.
- What will be the impact on the rural communities from the influx of construction workers? Where will they be housed? How will counties and communities be compensated for impacts to existing infrastructure (roads, sewer systems, water systems), law enforcement needs, schools, housing, and other things that are not adequately funded now?
- The entire Tongue River area is an important cultural area for Native Americans, in particular the Northern Cheyenne who live there, but many other tribes with ties to this area. There are many sacred sites and regions in the area that should not be industrialized. The EIS must fully and completely survey this area for archeological resources and also complete an ethnographic study

with Native American participation. Without complete information there will be no basis for a Programmatic Agreement as mandated under Section 106 of the National Historic Preservation Act.

- How will the TRR alignment and right-of-way be reclaimed and restored to natural conditions – if the project is approved and built – after the coal at the Otter Creek mine – if that mine is permitted and built – is gone?

Under NEPA and the CEQ regulations, connected and cumulative actions related to the proposed action must be fully considered in this TRR EIS. I live in Bozeman, and this railroad will impact me *where I live* through the connected and cumulative issue of coal export. The coal that the TRR plans to haul from the Otter Creek Mine (if it is permitted and built) is destined solely for the export market. Thus, the issue of coal export is a connected and cumulative impact of the TRR and must be considered in this EIS.

The TRR has no reason to exist without the Otter Creek coal mine. These two projects are integrally connected and linked. How will the TRR EIS integrate with the state EIS process that must occur for the Otter Creek project? The environmental consequences of the Otter Creek project must be considered in the TRR EIS. If the Otter Creek project is not approved, what happens with the TRR?

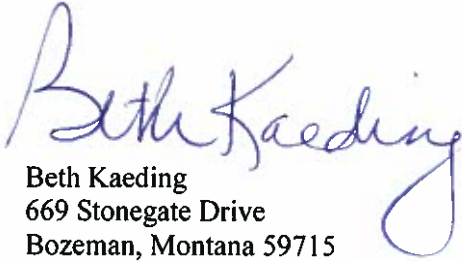
The effects of coal export extend far beyond the West Coast ports and will result in systemic impacts on the entire rail transportation system of the region extending back to southeast Montana and northeast Wyoming. The west-bound movement of coal will likely disrupt the frequency and reliability of inbound and outbound shipments of containerized traffic. Export grain railroad traffic could be adversely impacted by the reduction of rail capacity due to increase in coal export shipments. All non-coal commodities that are using the rail lines face the prospect of deterioration of rail service through higher transit and cycle times because of coal export traffic and higher costs in the form of higher freight rates and equipment costs. Many areas along the coal export routes would require major upgrading and expansion of existing tracks and related infrastructure, which could cost billions of dollars. Much of this cost could be shifted to the general public. These issues must be thoroughly examined in the EIS.

The increased number of trains will mean more noise, a greater potential that emergency responders will be delayed in reaching residents when there is a medical emergency (or a fire or the need for police), and a greater potential for vehicle collisions with trains and for pedestrian accidents. More trains will mean an increase in the amount of airborne pollutants (particulate matter) from diesel engines as well as from coal dust. Noise is a significant health impact and must be considered. The financial costs communities and citizens will incur from increased coal train traffic, from loss of property values to increased taxes necessary to solve railroad-imposed problems (from increased traffic), should be thoroughly examined in the EIS.

Additionally, this TRR EIS must consider the connected, cumulative impact of global climate change. The burning of coal has been scientifically shown to be the largest source of carbon in our atmosphere. Our climate in Montana is changing. Virtually every ecological community and natural system in Montana is already being impacted by global climate change. We are experiencing more drought, more fires, and more violent storms. These impacts will continue to become more and more severe unless the use of coal is dramatically curtailed. Wherever the Otter Creek coal is burned, the greenhouse gas emissions will eventually impact Montanans. The TRR EIS must address this issue.

This list of concerns addresses only some of the many issues that have already been raised during this scoping process; I fully support any and all of the issues raised by the residents along the proposed route who are directly impacted by this project. These landowners are the experts about this area as well as the individuals, families, and communities who will bear the brunt of this proposed project; the issues they raise must be addressed fully and completely.

I have been involved in the TRR issue for nearly 20 years. I have been to the area and explored the region that will be irreparably and negatively impacted by this project many times. The Tongue River Valley should not be destroyed for the profit of a few corporations. The "benefits" of this railroad are only accrued by a couple of corporations wanting to sell Montana's – and the nation's – energy resources to our country's competitors. This railroad does not deserve to be granted the status of "public convenience and necessity." I firmly believe that an unbiased, scientific, and honest analysis of the issues will show that the environmental consequences of this project are too great to allow the project to go forward. I believe that the "no-action" alternative must be chosen. Thank you for the opportunity to participate in this scoping process.



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