APPENDIX A

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT

AND SUPPLEMENT

LIST OF COMMENTORS ON TONGUE RIVER RAILROAD

DRAFT ENVIRONMENTAL IMPACT STATEMENT

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COMMENTS ON

TONGUE RIVER RAILROAD

DRAFT ENVIRONMENTAL IMPACT STATEMENT

BONES BROTHERS RANCH

BIRNEY, MONTANA 59012

Airports and Railroad Stations: Sheridan, Wyoming, and Forsyth, Montana

Telegraph and Express Address: Sheridan, Wyoming

Telephone Area 406- 984 2301

David M. Schwartz
Sullivan & Worcester
1025 Connecticut Ave. N.W
Washington D.C. 20036

My name is Irv Alderson. I own and operat a cow ranch near Birney Mt. in Rosebud Count I request to be parties of record in opposit to the granting of a permit to the proposed "Tong River R.R. Montana. Finance docket # 30186

In the face of a soft coal market I questio the need for this R.R, which would have severe impact on the whole Tongue River Valley. Will there be enough Coal to make the R.R. a viable concern? Is there adequate financial backing? These questions have not been answered.

Sincerly
Irv Alderson

Irv Alderson
Birney Mt. 59012

RESPONSE TO COMMENTS FROM IRV ALDERSON (no date)

Financial backing for the railroad is not considered in the DEIS.

Thank you for your comments.

RESPONSE TO COMMENTS FROM RICHARD J. ANDERSON (no date)

David M. Schwartz
Sullivan & Worcester
1025 Connecticut Ave. NW
Washington D.C. 20036

Attn: Finance docket #30186

Re: Request for inclusion as party of record in opposition to the proposed Tongue River Railroad, Montana. Finance docket #30186

My name is Richard J. Anderson, I own an average small ranch on the Tongue River and would like to have my name on record as opposing the granting of a permit for the Tongue River Railroad in southeastern Montana. Finance docket #30186 as it is now proposed to be built.

As it is now proposed, it is cutting through the edges of the irrigated land and through the middle of the flood bottoms and dry land fields producing the same affect as cutting the heart out of a man and putting it on a string around his neck with the blood piped back into his body. If it were moved another mile or so off the river or built on the proposed Moon Creek route, which cuts through my upper pasture, it would be like cutting a few fingers or your toes off, miserable and unhandy, but something we could live with. As now proposed it cuts through and would ruin the flood bottoms and dry land fields that produce enough cheap feed to keep us in the cattle business through the years.

It would cut the flood water off my 150 acres of irrigated meadows doubling the cost of irrigating them and making my two irrigating pumps an absolute necessity, instead of a back up system. It would cut all of the dependable water (flowing wells that do not freeze) off from my winter pasture and all the feed would have to be hauled to the cows instead of them coming after it, doubling the cost of feeding it. In general it would cut the buildings, meadows and water away from the five sections of pasture I have, raising the operating cost to where no small rancher could afford to own or to operate it, and decrease the value of the ranch so that if it were divided between the big ranches on either side it would not be worth what money I still owe on it.

Also it is obvious that this proposed railroad is being built by a bunch of speculators with very shaky financial backing. This started when everybody was hollering fuel shortage, and think they would lose less money by finishing it instead of backing out now.

The other large mines in this area were started up and rails put into them because they had larger quantities and a better grade of coal. They are all either totally or almost totally shut down, due to the poor quality, high sulfur content of the coal and the lack of a need for it. When these mines opened up a few years ago, they claimed to have enough excess coal where they are at to keep them opperating full scale for the next hundred years. They have already been shut down for two years and it is rather obvious that it will be a long time, if ever, that they will start up again. About 60 years ago there was a railroad grade put in on the opposite side of the river and completed bridges and everything but the tracks, from Miles City to Sheridan, Wyoming. The scars from this can still be seen all along the river with large cuts and stretches of grade in the middle of now irrigated fields. We do not need another mess like this. The proposed railroad cuts back and forth across the river from start to finish, staying on the opposite side as the road, cutting the meadows away from the pastures on every ranch that does not have a road through it. It looks as if it were intentionally designed to ruin the best of the bottoms and as many ranches as possible, so that if they were to propose an alternate route later, the ranchers would be glad to go for it.

It is my opinion that this railroad should be stopped for five or ten years, if not permanentaly, to see if there will ever be any real need in the future for that poor a quality of coal and to get a better idea of what the environmental impact of the mines and railroad will be. If in the future it should prove to be truly needed is should never be allowed to take the route now planned, but should be forced to take one of the several proposed alternate routes.

I have skipped over a lot of facts and exact figures and reasons in this letter in hopes that you would read this whole thing and get a better idea of what is exactly going of here.

Sincerely,

Richard J. Anderson

Richard J. Anderson

Paragraph 2 - The railroad alignment across this parcel is parallel to the county road and does not encroach on the flood bottom.

Paragraph 3 - Irrigation access to this area would be facilitated by culvert systems similar to those currently employed on the county road at this location.

Paragraph 5 - The proposed alignment crosses the Tongue River once. A major criteria in preliminary route selection was the avoidance of important agricultural areas. As far as engineering feasibility allows, the alignment stays within the uplands adjoining river bottom areas.

Thank you for your comments.

RESPONSE TO COMMENTS FROM BOYD C. BLUM, MARGARET BLUM (June 27, 1983)

Miles City, MT 59301
June 27, 1983

Office of the Secretary
Interstate Commerce Commission
12th & Constitution Ave.,
Washington, D.C. 20423

Attn: Finance docket #30186

Re: Request for inclusion as part of record in opposition to the proposed Tongue River Railroad, Montana. Finance docket #30186

Dear Sir:

Our names are Boyd and Margaret Blum, we live on a ranch 5 miles south of Miles City, Montana in Custer County. We request to be a party of record in opposition to the granting of a permit to the proposed Tongue River Railroad, Montana, Finance docket #30186.

Our reasons for opposing the building of the Tongue River Railroad are that by granting the permit to build this railroad, it will open the way for the Montco Mine to be opened up. This mine will contaminate the Tongue River and will make it unfit for irrigation, sub- irrigation and stock watering.

We live on an irrigated farm-ranch. We are within the Tongue and Yellowstone Irrigation District and depend on water from the Tongue River to irrigate our crops. This irrigation district has been in existence for nearly one hundred (100) years and has made the vallies of the Tongue and Yellowstone highly productive areas.

We feel that it is unnecessary to build this railroad and open this mine when the demand for coal is not evident. The Tongue River Railroad has asked the ICC for a waiver of financial application which would indicate to us that they do not, at this time, have sufficent backing to build this railroad. There would be a devastating effect on the environment and economics of this region if this railroad would be started and then end up bankrupt. We alread have an abandoned railroad bed to contend with — it went thru the middle of our irrigated acres and it was our financial responsibility to have it removed and the land leveled so it could be made usable for crop production.

The railroad also state that they will stay off the river bottoms. To date they have not changed their plans to show that this would be done.

Yours truly,
Margaret Blum
Boyd C. Blum

Boyd C. Blum
Margaret Blum
Broadus Stage
Miles City, MT 59301

Paragraph 2 - The purpose of the TRR would be to serve the Montco Mine and other potential mines in the area. Specific water quality problems associated with the Montco Mine are not addressed in this DEIS. In general, however, it is not anticipated that the mines would seriously degrade current water sources.

Thank you for your comments.

RESPONSE TO COMMENTS FROM MRS. E.M. DANIELS (27 June 1983)

MRS E M DANIELS
B A RANCH
BIRNEY, MONT. 59013

27 June 1983

Office of the Secretary
Interstate Commerce Committee
12th & Constitution Ave,
Washington, D. C. 20423

ATTN: Finance docket #30186

Dear Sir:

I am Mrs. E. M. Daniels, and my husband and I have ranched 34 years in Eastern Montana. Our ranch is 2 miles from the proposed Tongue River Railroad, therefore we request to be parties of record in opposition to the granting of a permit to the proposed railroad, Finance Docket #30186.

There are the obvious reasons for opposing this railroad, such as the disruption of hundreds of acres of prime agricultural land, there being no need for the coal, they have no markets or sound financial backing, according to their lack of information, therefore there should be so railroad built.

However, PROFIT seems to be the overriding theme in this whole application for permit, and we believe a permit should not be granted on "greed". When a company wants to build a railroad to their own coal mine (which does not yet exist), for their own profit, and this at the expense of many ranchers along Tongue River - THAT is greed, and the Interstate Commerce Commission should not be a party to such motives.

We respectfully request that you deny this appliecation.

Sincerely,

Mrs. E. M. Daniels

Paragraph 2 - It is true that alternative routes examined in the DEIS would disrupt some prime farmlands (according to the SCS designation). The proposed route would not affect prime farmlands. Further studies, conducted after completion of the DEIS, are described in the text of the final EIS.

Thank you for your comments.

RESPONSE TO COMMENTS FROM ROBERT GREEN, CAROL GREEN (June 29, 1983)

June 29, 1983

David M. Schwartz
Sullivan and Worcester
1025 Connecticut Avenue NW
Washington, D.C. 20036

Dear Mr. Schwartz;

Enclosed are two letters of which copies were sent to the Office of the Secretary of the ICC. These letters are in opposition to the proposed Tongue River Railroad, Montana (Finance Docket #30186). We would like to be included as parties of record in opposition in this venture.

Thank you for your comment.

Sincerely,

Robert Green
Tongue River Stage
Miles City, Montana 59301

Carol Green
Tongue River Stage
Miles City, Montana 59301

RESPONSE TO COMMENTS FROM CAROL GREEN (June 29, 1983)

June 29, 1983

Office of the Secretary
Interstate Commerce Commission
12th and Constitution Avenue
Washington, D.C. 20423

Attn.: Finance Docket #30186

RE: Request for inclusion as party of record in opposition to the Tongue River Railroad, Montana. Finance docket #30186

My name is Carol Green and I live on family property located on the Tongue River in Custer County. I request to be parties of record in opposition to the granting of a permit to the proposed Tongue River Railroad, Montana. Finance docket #30186

I am opposed to the construction of the Tongue River Railroad for several reasons. The large expenditures required to construct such a railroad do not correspond to the poor monetary returns promised by poor coal quality and absence of markets.

As a mother, I am also concerned about the effects of the railroad on the rural community in which I wish to raise my family. After reading and listening to reports it appears the adverse effects far outweigh any benefits the railroad could bring. Additional law enforcement would be required; the children would have a greatly heightened exposure to drugs, alcohol, and undesired behavior.

The added burdens on our schools' economies and structures are also an important consideration. Budgets are stretched to limits now. New construction and personnel costs would not be paid for by highly questionable tax benefits. Maintenance costs after the influx passes also have to be considered. The effects on other social services (hospitals/doctors, sanitation, fire, recreation et al) can only create similar problems.

On a personal level, the presence of a railroad can only be regarded as an utter inconvenience. The proposed routes would fence us in with the river on one side and the railroad on the other. Any movements - to get to cattle, pastures, schools, emergency medical care, trips to town for parts and supplies, plus any social ventures - would <u>all</u> require crossing of those tracks, a situation whose safety factor scares me even when practiced with utmost caution. The threat of fire from sparks is also enhanced not only because of the fields and grasslands passed through by the railroad, but several homes and out structures are located in such close proximity that they would be constantly in threat of any fires along the tracks.

As a citizen of this country, I am not adverse to sharing the resources present in Montana, <u>but</u> I feel that responsible planning and thought must be present at all times when using those resources. With this railroad, such is not the case. Need and proper evaluation of other priorities have been set aside in favor of monetary gain, questionable monetary gain at that. For that,I will not freely offer up my lifestyle, my economic security, or my principles.

Progress need not always be defined in terms of industrial growth.

Sincerely,
Carol Green
Carol Green
Tongue River Stage
Miles City, Montana 59301

Paragraph 3 - The DEIS discusses social and economic impacts in some detail.

Paragraph 4 - See above.

Paragraph 5 - The impacts related to delays at crossings and the possibility of railroad-caused fires are discussed in the text of the DEIS.

Thank you for your comments.

RESPONSE TO COMMENTS FROM ROBERT GREEN (June 29, 1983)

June 29,1983

Office of the Secretary
Interstate Commerce Commission
12th St. and Constitution Avenue
Washington, D.C. 20423

Attn.: Finance Docket #30186

RE: Request for inclusion as party of record in opposition to the Tongue River Railroad, Montana. Finance Docket #30186

My name is Robert Green. I live and work on an irrigated ranch in Custer County. I request to be a party of record in opposition to the granting of a permit to the proposed Tongue River Railroad, Montana. Finance Docket #30186

I am opposed to the permit because to be financially viable the railroad would have to serve 2 or 3 mines which would seriously degrade the quality of irrigation water in the Tongue River.

The railroad would cross considerable land which qualifies as prime or lands of state wide importance. These lands are protected under the Farmland Protection Policy Act as signed by President Reagan on December 22, 1981 (P.L. 97-98, Sec. 1539-1549).

The only mine the proposed railroad would serve which is even being considered is having serious problems devising any semblance of a workable mine plan and has been totally unable to find any market (Not surprising, since most mines in the nation and especially in Montana are cutting production and laying off workers. Montco coal is also of lower quality than other Montana coal.).

I would also like to take exception to your granting of a Petition of Waiver of Financial Disclosures. The Tongue River Railroad has serious financial difficulties. A permit should not be even considered until the railroad can prove some better financial backing. We in this area are well aware of what can happen when construction is begun on a venture such as this without sufficient captial. We see a constant reminder in the old north-south railroad bed which was partially completed and then abandoned causing severe problems to irrigating farmers in the area.

Sincerely,

Robt Green

Robert Green
Tongue River Stage
Miles City, MT 59301

Paragraph 2 - It has not been established that water quality would be seriously degraded. On the contrary, current projections indicate that Tongue River water will continue to be adequate for present uses.

Paragraph 3 - The proposed route does not cross any land designated as Prime Farmland.

Thank you for your comments.

RESPONSE TO COMMENTS FROM ROBERT GREEN (October 19, 1983)

Robert Green
Tongue River Stage
Miles City, MT 59301
October 19, 1983

Section of Energy and Environment, Room 4143
Interstate Commerce Commission
Washington, D.C. 20423

Dear Mr. Bausch:

I ranch along the Tongue River in Montana. My ranch would be crossed by the proposed Tongue River Railroad. I have taken the time to review the ICC's draft EIS, Finance Docket 30186, my comments on that document follow.

P. ii p. 1 What projections call for the kind of coal usage in these scenarios? Who developed these projections?

ii, ¶1 See footnote 2, Chapter 3, for details concerning coal production scenarios.

P. ii p 3 & 4 The ten billion ton estimate is over inflated, the quality of the coal is not good and with demand falling, why open another areas to mining which is highly damaging? Who would be harmed if the area is left alone? No one! But if the area is opened, there will be irreparable damage to numerous long established businesses along the Tongue River as well as to the river itself.

ii, ¶3,4 The 10-billion-ton figure was derived from Montana Bureau of Mines and Geology, Bulletin 91, Quality and Reserves of Strippable Coal, Selected Deposits, Southeastern Montana, by Robert Matson and John W. Blumer, December 1973.

P. iii p.1 The livestock industry along the Tongue River depends to a very great degree on the even smaller percentage of irrigated cropland along the River. There is approximately 26,000 acres of land irrigated out of Tongue River, this represents a huge capital investment ($1-2 billion.)

iii, ¶1 Thank you for your comment.

P.iii p.3 "Dryland farming and irrigated cropland tend to occur in the valley bottoms near the river. Human population concentrations also occur along river bottoms." This is exactly where TRRR plans to put its railroad causing massive problems and dangers to existing businesses and people along the river who see no need for more mines or a railroad now or in the future.

P. iv p.2 "Remaining about a mile from the river's nearest meanderings during the first few miles of the route. This portion would cross the USDA LASSS." This is an outright falsehood. On figure 2-7 following P. 2-10 the proposed route runs within 500 feet of the river in 5 places and is never more than 1 mile from the furthest meanderings of the river. Please change this statement or document this assertion.

iv, ¶2 Every attempt was made during the route selection process to keep the rail line away from the river and away from the more productive bottomlands. The statement in the text is misleading and will be stricken. In some locations the proposed right-of-way does encroach on the river; however, it generally does remain about a mile to the west.

P. iv p.3 Where are these sidings to be located? Someone must have a pretty good idea, since the number required has been decided.

iv, ¶3 Exact siding locations will be determined during third-phase engineering. The affected landowners were identified at the TRRC hearing.

P. iv p.4 There is considerable contradiction between the application and the DEIS concerning the cost of the proposed route. Which is accurate and why the difference? It appears the alternatives analysis is slanted in favor of the proposed route.

v, ¶2,3 The DEIS was prepared prior to preparation of the application and relies on 1981 figures not adjusted for inflation. Additionally, the costs reflected in the DEIS cover only ROW, construction and facilities. The figures in the application also include projections for the cost of rolling stock.

P. v p.2 & 3 Why would a bridge across the Yellowstone be necessary? The TRRR plans to connect with the Burlington Northern, why cross the BN to cross the Yellowstone for 4 or 5 miles and then cross back to connect with the BN? Why on the Tongue River road alternative should the railroad be between the river and the road if not to increase the chances of accidents and to remove more prime land from production in order to eliminate the chance of the ICC selecting that route over the preferred route?

P.v last paragraph Center of line 4 should read: "Most of which are rather than some may be ; similiarly on Line 6 will rather than may .

v, last ¶ The wording in the text accurately reflects the situation.

P. vi line 2 Additional problems would. We all know that these problems can't be avoided if this railroad is built so noone is being fooled by such word usage. The type of hyperbole appears throughout the DEIS and severely alters the factualness, usefullness and credibility of this document.

vi, line 2 See previous response.

P.vi last paragraph,Lend of line 3 & 4 The use of the word speculative is prejudicial; believe would have been sufficient. Even the project developers admit that some damage is unavoidable and the effect is cumulative and irreversible. Other mining areas in the state are experiencing this effect and the problem will be worse in the Birney area because of poorer soils, higher mineral content, etc.

vi, last ¶ See previous response.

P. vii p.3 What about severed parcels? This land is removed from production just as surely as if it were covered directly be the railroad grade.

vii, ¶3 Severed parcels lost to productive use are included in the calculations for lost agricultural productivity and should have been mentioned in this section.

P. vii p.3 last sentence. What is the significance of the percentage of land taken out of production on an area wide basis? If a ranch on the Tongue River lost the best 5 or 10% of its land that business would cease to exist regardless of what percentage it amounted to on an area wide basis.

vii, ¶3 Impacts to individual ranching operations were examined in the analysis.

P. vii p.4 last sentence If no data supporting this probability has been generated, it is because no reasonable attempt has been made to generate it. A short conversation with any experienced land appraiser in this area or anyone who has lived and worked on a ranch in close proximity to a railroad will confirm this.

vii, ¶4 The statement is correct. A parcel-by-parcel appraisal has not been conducted. This would be a logical concern during ROW negotiations.

P. vii & P. viii Socio / economic impacts. p.1 This is another example of the hype which appears throughout the document which has little or no basis in fact.

vii, viii, ¶1 Thank you for your comment.

P. viii p.5 Who is responsible for the cost of this upgrading? Federal, state and county road budgets are stretched to the limits already. Is TRRR willing to cover the costs of fixing all the problems caused by them?

viii, ¶5 Arrangements for such upgrading would be largely a state and local government concern. Tax revenues to local and state government, derived from the TRR, will likely go, in part, to offset these costs.

P. viii p.6 The BTU content of the coal mined has no bearing on the BTU content of the diesel fuel burned in hauling it. We can't burn coal in our tractors etc. There is no real practical basis for comparisom between the two.

viii, ¶6 This is a standard energy balance comparison.

P. ix p.3 & 4 There are several homes well withing the 70 DB noise corridor according to TRRR. This will not cause a health hazard? Had anyone known there may have been a railroad here, noone in their right mind would have built a home that close and subjected themselves to such noise levels.

ix, ¶3,4 Wherever possible, the alignments avoid human habitations. In cases where such proximity cannot be avoided, impacts will occur. This may be an item of discussion during ROW negotiations, and is dealt with in the Mitigation Plan (Appendix B).

P. ix p.6 If the projected rate of accidents is quite low when compared to national statistics, perhaps this projected rate should be reevaluated.

ix, ¶6 The projections for accidents were established using standard statistical methods.

P. ix p.7 Soils & geology—More hype-some soils in the area are definitely subject to slumping.
lines 4,5&6 There is no need for qualification here. There is a severe reclamation problem, so severe that MONTCO has not been able to solve the problems. MONTCO has just received a third deficiency letter from the Montana Department of State Lands. This part of the paragraph should read: salinity and sodic qualities of a large portion of the soils in the proposed mine area will render them unsuitable for reclamation of mined lands. There will also be problems with trace minerals which will require expensive and difficult reclamation techniques.

ix, ¶7 This document is not a site specific analysis of the projected mining operations. The statement describes the general situation accurately.

P. x p.2 Spoils ground water would, not could be degraded. Perhaps the effect at normal flow would not be great, but without the Tongue River Dam capacity increased the flow during the crucial low flow irrigating months of late July, August and September would render the water unusable. If the water impacted by the proposed

x, ¶2 The DEIS contained projections regarding ground water degradation. The water is expected to remain suitable for present uses.

mines isn't suitable for its present uses, a very important part of the area business community will be eliminated. What restitution will be made in this case? We need more assurance than a should.

P. x p.3 If some habitat would be lost this indicates degradation not could happe but would happen. Is proper mitigation to avoid impacts to such fish species contemplated or already agreed to by all the appropriate agencies? If so what is it and with whom? Fuel and chemical spills, if they occur would cause increased mortality among fish species. Are there fish who thrive on fuel and chemicals?

P. x p.6 Who rated the impacts to visual resources? What viewpoint criteria were used? From my home, as well as several other in the area, the visual impact would be quite severe.

P. xi p.2 The per mile construction cost has little bearing on total construction cost which is one of the factors determining the ultimate cost to the consumer. What would be the cost to the ultimate consumer if no railroad or mines are built? What would the cost to the consumer be if an unneeded railroad and mines are built? Won't the consuming public pay for excess capacity? Won't the consuming public pay for the huge capital investment to get this project started? This is probably the most important question to be answered by this study. I can see no indication that these questions have ever or will ever be considered!

P. xi p.3 Tongue River road alternative. The loss of 17 acres of prime land is due to the placement of the railroad route on the north side of the road. This was done to give the proposed route an advantage. p.4 The bridge over the Yellowstone river is included in the Moon Creek alternative for this very same purpose.

P. xii p.1 Even with the bias present in the analysis the authors had to qualify their projection. This route would likely result in higher consumer costs. Does it or doesn't it? If there is doubt, shouldn't more analysis be done, or doesn't the consumer really matter? How many mills per kilowatt hour does this mean to an electrical consumer? Again I must point out the need to determine the cost to the consumer of no action. If this project is to be justified on behalf of the consume why has there been so little analysis of his interests? How do we determine who the consumer is if there are no signed coal contracts? Does that mean no consumers want or need this coal?

P. 1-3 p.4 It is unlikely that any more federal coal will be leased anytime soon due to the lack of demand and Congressional scrutiny of the recent Powder River and Fort Union fiascos.

P. 1-5 Footnote 1. What about Diamond Shamrock, about a 42% partner?

P. 2-3 p.4 The statement that Tongue River valley flood plain soils are not prone to erosion is very disputable. This soil is light and blows or washes easily if proper measures aren't exercised.

Figure 2.6 (land use) Our operation has almost 350 acres of irrigated cropland on the west side of the Tongue River downstream from Garland which have been in production for 3-4 years; this irrigated land is not shown on the map.

P. 2-13 p.2 One of the prime factors in low demand for social welfare services is the extremely low population density. This would be true for Rosebud County also except for the problems attendant with energy development and "boom" type growth.

Figure 2-8 FAP 23 should be FAP 59; this highway (formerly US 312) is not mentioned in the text 2.2.1.9 P. 2-14 p.4. Why not? At least part of this road will be used

x, ¶3 Mitigation and enhancement are topics of current discussions with the Montana Dept. of Fish, Wildlife and Parks.

x, ¶6 The visual impact analysis was conducted by the firm ECKHOFF, WATSON AND PREATOR ENGINEERING, of Salt Lake City, Utah. See Appendix A-13 of the DEIS for details of this analysis.

xi, ¶2 The impacts of selection of the "no-action" alternative are discussed in Chapter 4. Further detail on the socio-economic analysis is provided in Appendix A-2.

xi, ¶3 The routes were designed to avoid prime agricultural lands to the extent possible. The bridge over the Yellowstone on the Moon Creek Alternative was believed to be the most viable option for tying into the abandoned Milwaukee ROW.

xii, ¶1 The projections represent the best available information at the time of the analysis. The scope of the analysis did not provide for detailed long-term cost-benefit calculations regarding the no-action alternative.

1-3, ¶4 Thank you for your comment.

1-5, Footnote 1. Diamond Shamrock Coal Company is a partner of Tongue River Resources, a partner in the Montco project.

2-3, ¶4 Thank you for your comment.

Fig. 2.6 Thank you for your comment. The omission will be corrected.

2-13, ¶2 Thank you for your comment.

Fig. 2-8. According to available information, the designation in the DEIS is correct. Only a small portion of this road would receive impacts, and those figures are incorporated into traffic anticipated along FAS 332.

extensively by MONTCO and TRRR especially during the construction phase.

P. 2-20 p.1 (3) What potential Tongue River recreation area?

P. 3-1 p.2 According to Figure 2-7 this sentence is absolutely false.

P. 3-2 p.3 & 4 According to Mr. Bob Garbesi (V.P. Diamond Shamrock coal unit) in a meeting on August 23, 1983 no repair facilities etc. are contemplated. He said repair of locomotives would be farmed out and other rolling stock would be the responsibility of the owning utility.

P. 3-3 What will the maximum grade be in cut areas? How about in fill areas? This needs to be determined before an environmental assessment can be considered complete. What measures does TRRR propose to take if cattle refuse to use the provided cattle passes? Will there be a special school? How about D9 cats to push them through? Or what about providing herders? Maybe would could give the cows some sort of financial incentive?

P. 3-4 p.2 The last sentence should read: Rail traffic over the proposed rail line might begin in 1987 and may grow in the ensuing years.

P. 3-4 p.3 What reclamation is being proposed by TRRR for these work camps?

P. 3-5 Table 3-1 These production scenarios are evidently based on outdated projections. Mr. Garbesi admitted production at MONTCO would not begin until 1990 or beyond. Even the low scenario projects TRRR to haul more coal annually than has been produced in the entire state of Montana. Given the present unused production capacity in the Powder River Basin exceeding 100 million tons. These figures begin to look more than optimistic.

P. 3-6 p.1 Section 3.1.3 (Maintenance) What recourse will be provided if the trackside weed control proves to be insufficient?

P. 3-13 Footnote 2 Given the problems MONTCO is having devising an acceptable mine plan and the market situation, even a production scenario of 10-12 million tons is highly speculative at best.

P. 4-1 Section 4-14 Some if not most severed parcels will not be suitable for agricultural use. No perhaps about it.

P. 4-2 First sentence. On this ranch alone there will be impacts to 6 landowners, 3 hired help, and all their families. This amounts to nearly half of the total agricultural producers according to the figures presented here.

P. 4-6 p.3 line 9 Would is a better word than could in this sentence.

P. 4-6 p.5 It would present a serious setback to the LARRS to have a railroad constructed through a pasture from which 50 years of data has been gathered not because of the altering of grazing patterns, but because of the possibility of the introduction of noxious weeds and other undesirable species. Fires are not uncommon along railroads right-of-ways and would be another unpredictable variable. Taken together these and other factors, some of which are as yet unseen, have the potential to render 50years of research useless and wasted. Considering the importance of this research to not only the area or the state, but the entire Northern Plains region, such needless waste and sacrifice would be unforgivable.

P. 4-8 p.5 Are the proposed cattle passes designed to work according to the research mentioned here? Who will pay for the holding pens on each side of the cattle passes if they prove necessary? This should be up to TRRR because no problem exists now.

2-20, ¶1 This was a project being contemplated at the time of the analysis. Current disposition of the project is unknown.

3-1, ¶2 The sentence will be revised.

3-2, ¶3,4 At the time of the analysis, the establishment of repair facilities was anticipated. The BN Option reflects changes in these plans.

3-3 The maximum grade in cut and/or fill areas will be .80%. The issue of cattle movement will be considered as part of ROW negotiations, as indicated in the Mitigation Plan (Appendix B).

3-4, ¶2 Thank you for your comment.

3-4, ¶3 Reclamation needs will be determined on a site-specific basis. General reclamation requirements are presented in the Mitigation Plan (Appendix B).

3-5, Table 3-1. See footnote 2 for source of production estimates. Setting back of dates, although altering the time frame of development, does not appreciably alter the results of the analysis.

3-6, ¶1 We assume that state of the art weed control procedures will be adequate. This concern is addressed in the Mitigation Plan (Appendix B).

3-13, Footnote 2. MONTCO received a mining permit from the Montana Department of State Lands in November 1984.

4-1, Sec. 4-14. The analysis has taken into consideration those severed parcels which will no longer be viable agricultural units.

4-2 The figures represent individual operations, not individual people.

4-6, ¶3 Thank you for your comment.

4-6, ¶5 Negotiations to avoid or mitigate impacts to LARRS have been underway for some time with the U.S. Dept. of Agriculture, including LARRS staff. Specific measures that have been agreed upon so far are described in the Mitigation Plan (Appendix B).

4-8, ¶5 Specifications for and locations for cattle passes will be subjects of negotiation between the Applicant and individual landowners. The Mitigation Plan (Appendix B) addresses this issue.

P. 4-9 p.1 I have not seen any such agreement, nor talked to anyone who has. Please send me a copy of the signed agreement.

P. 4-10 p.2 If the railroad is so close to the trailer court as to disrupt access and require construction of a new road there will be numerous impacts, which won't be mitigated by construction of a new road. Perhaps the sentences should read: would help mitigate the adverse impacts.

P. 4-10 Section 4.1.1.3 The fact that the railroad would disrupt 10 existing and planned systems is no indication that these are the only systems possible. There are many additional places, which would be disrupted by the railroad where an irrigation system can be installed, but aren't planned yet. Therefore 415 acres can't be considered "worst case" unless the statement is qualified considerably. What if the world or nation needs more food and is willing to pay a better price for production, it could be vital to produce more, but I can't prove that will happen, but I do know that this railroad forecloses many production options.

P. 4-11 p.2 What steps are planned by TRRR to cause impacts due to fire to be "minimal"? What is considered "minimal"? Conversation with people who live next to railroads, they don't find the fire impacts or danger to be minimal. Any railroad will increase fire damage to an area. Installation of snow fences upwind of the nursary would not prevent drifting caused by a 30 foot embankment, but may even compound the problem.

P. 4-12 Section 4.1.4.1 TRRR would serve 5 possible mines. The likelyhood of this ever happening is at least debatable. The dollar figure for reduction in agricultural productivity come out to $14 per acre/year. This assumption is to say the least ludicrous.

. 4-12 Section 4.1.4.2 How can an acre/year figure be placed upon the losss to agriculture due to housing requirements, etc.? Once this land is removed from production it is lost from production forever. Placing a dollar figure on this production loss is impossible. (an accurate

P. 4-12 Section 4.1.5 It is assumable from Table 4-1(4) that these totals are cumulative. How long they take to accumulate is not stated, but the loss of land should be assumed to be indefinite at any rate; furthermore, these figures are extremely low.

P.4-13 Section 4.2.1.2 How much this $124 million worth of materials will be purchased locally? If materials and labor will total $152 million, the construction cost will obviously exceed the $139.3 million as state in the executive summary.

Table 4-2 How were the fiscal balance figure derived? How will the area experience a revenue surplus of $8 million? From where will this money accrue?

P. 4-16 first sentence (continued from P. 4-15) There is no question about the attractiveness of a ranch with a railroad to a ranch without one. A railroad definitely detracts from the value of a ranch. Where is the unresolved question? Who in their right mind would want to work and live on a ranch with a railroad, if they were given the choice. The noise, dust, fire hazard, health hazard, operational problems make a railroad a pretty undesirable addition. We are not that starved for entertainment! This ought to be revised to avoid the evasiveness; if there is doubt, why not poll the people being crossed by this project.

P. 4-18 p.6 What about a high school? fire services? a police department? etc.?

P. 4-19 Section 4.2.4.3 Why will industrial revenues decline? What are these projections based on?

4-9, ¶1 The TRRC has agreed to address these issues in ROW negotiations, as indicated in the Mitigation Plan (Appendix B).

4-10, ¶2 Thank you for your comment.

4-10, Sec. 4.1.1.3. Planned systems were considered. As yet, unplanned systems are impossible to quantify.

4-11, ¶2 The TRR would follow all regulations regarding fire prevention and supression. Negotiations with the USDA to eliminate or mitigate impacts to LARRS operations are ongoing.

4-12, Sec. 4.1.4.1. The figures are based upon standard methods for such projections.

4-12, Sec. 4.1.4.2. The projections are accurate, to the greatest degree possible, for the analysis period.

4-13, Sec. 4.2.1.2. These figures represent updated estimates which were not included in the executive summary. The lower figure will be charged.

See p. 4-19, paragraph 4 and related material in Appendix A (pages A2-32 through A2-58) of the DEIS. Fiscal balance is the difference between estimated public service and facilities costs and estimated public revenues associated with implementation of the TRRC proposal and related actions. These estimates were made for each government jurisdiction. As noted, jurisdictions are prohibited from accruing either a surplus or deficit. Consequently, surplus and deficits will directly affect the taxpayer, through tax rate reductions or increases, respectively.

Table 4-2. The derivation of fiscal analysis is discussed in Appendix A-2 of the DEIS.

4-16 (first sentence). Studies to determine the effect of a railroad on land values have not been conducted. Thank you for your comment,

4-18, ¶6 A new high school is not projected for Ashland. Details on community service requirements are provided in Appendix A-2 of the DEIS.

4-19, Sec. 4.2.4.3. With the completion of Colstrip 3 and 4 and no further development, industrial revenues will decline as population levels out.

P. 4-22 p.3 This paragraph state in far too innocuous terms one of the prime reasons people oppose this project.

P. 4-27 Section 4.3.1 What steps does TRRR plan to take to reduce the dust problem on the service road? Will this road be graveled or dirt surfaced? What will become of this road when construction is complete? Will this become the access road? According to p.2 on P. 3-2 the access road would be 1 lane rather than 2 lanes. What will prevent access to this road by unauthorized individuals and vehicles? of the Milwaukee tracks,

P. 4-3?p.4 The Fire Department substation north is not currently and according to Mayor George Kurkowski will not be manned; therefore, the problems still remains to be solved. A four minute delay can very often mean the difference between life and death. If nearly 4% of medical vehicles are delayed how many lives will this cost per year? the life of the project?
over

P. 4-31 Section 4.4.1 Will this massive fuel consumption cause fuel shortages for agricultural users and other users of diesel in the area. Since some of the fill material will have to be moved a considerable distance these figures may be rather low.

P. 4-38 Why would down line routes be longer both to the east and west than the Colstrip route? Figure 3.5 appears to offer approximately 60 less miles from the mines to the western "proposed market area."

P. 4-44 Section 4.7.2 "Both of these concerns" May be relatively minor during the period."

P.4-44 Section 4.7.2.1 With the price of the a vehicle being what it is, I can see no basis for a statement to the effect that a cumulative total of 7.4-8.5 accidents, including 1 injury and 1 fatality, the property damage will amount to less than $10,250.?? One accident could easily exceed this sum by 2 or 3 times and 100s + when you include loss of life and liability.

P. 4-47 Section 4.8.1 "Construction of proposed rail line would impact soils..by..." Figure 4.1 there are some problem soil areas which are not shown on this map.

p. 4-60 4.10.2.2 2,4-D is not sufficient to control noxious weeds. Other measures will be required.

P. 4-62 How can the prime farmland acreages be determined since the soil surveys have not been completed for Custer or Rosebud counties?

P. 4-64 p.1 A 3 wire or 4 wire fence with barbless bottom wire may not pose a barrier to antelope movement, but will make the problem of keeping livestock off the tracks very difficult if not impossible.

I request that my comments be printed in there entirety in the final EIS. I further request that these comments become part of the official hearing record. I request that the ICC respond to my comments and not merely note that they were received. Thank you for your consideration.

Sincerely,

Robert Green

Robert Green

4-22, ¶3 Thank you for your comment.

4-27, Sec. 4.3.1. The road surface will be crushed rock. During construction, dust will be limited through frequent watering of the surface and strictly enforced speed limits, as discussed in the Mitigation Plan (Appendix B).

4-30, ¶4 This situation regarding the substation has recently developed, and is considered in the analysis.

4-31, Sec. 4.4.1. No fuel shortage will develop. As with most projects of this kind, advance arrangement for fuel availability will be made.

4-38 "Downline" refers to that portion of the route beginning at the terminus point of the TRR. The Colstrip route would be shorter, with longer downline corridors in both directions. Total mileage downline to the west would, however. be less.

4-44, Sec. 4.7.2. The statement reflects the statistical significance of such occurrences, compared to nationwide averages. The seriousness of such occurrence is not minimized, however, by the infrequency.

4-44, Sec. 4.7.2.1. The figures were based on accepted analysis procedures. It is true that a single catastrophic incident would exceed these projections, but analysis suggests that such incidents will not occur frequently.

4-47, Sec. 4.8.1. Information on the locations of additional problem soil areas would be welcome.

4-60, Sec. 4.10.2.2. Any necessary measures, acceptable from a regulatory and environmental standpoint, will be employed, as discussed in the Mitigation Plan (Appendix B).

4-62 Additional soils work has been conducted in cooperation with the SCS. The results are provided in Chapter 4.

4-64, ¶1 Fencing requirements of individual landowners will be considered in ROW negotiations. These issues are addressed in the Mitigation Plan (Appendix B).

RESPONSE TO COMMENTS FROM CHARLES GREEN, GARY L. GREEN AND JEANNE L. GREEN (October. 14, 1983)

10/24/83

Volborg, Montana

Oct. 17, 1983

Mr. Carl Bausch Re: Finance Docket No. 30186

Office of Transportation Analysis

Section of Energy and Environment

Washington, D. C. 20423

Dear Sirs:

We received our copy of the DEIS for the Tongue River Railroad, Montana on Oct. 4, 1983. Since the deadline to comment on it is Oct. 21, 1983, it should be answered by Oct. 14th. We feel that 10 days is insufficient time to study a document of this size and impact on our lives. We believe that a chance at rebuttal to the Final Environmental Impact Statement should be allowed. We also think that public hearings are vital and necessary before final decisions are made.

There will be considerable financial and environmental impacts on individual landowners as well as the entire area. The building of this railroad through 5 sections of our land would cause a very severe financial burden on us, and greatly reduce the value of the entire ranching operation. We believe in the brief time we have had to study the document that not enough emphasis has been placed upon the finacial problems it would cause. This is a very busy season for the landowners involved to study such a lengthly document. Was this done on purpose?

Why were most of the consulting firms used in the study acquired by the TRRC? We feel this is a rather biased document.

Paragraph 1 - If no market exists for the coal, the railroad will not be developed. Abandonment of the railroad would involve proceedings with the ICC. Reclamation plans would be generated during such proceedings.

Paragraph 2 - The issue of livestock movement and methods to facilitate such movement will be subjects of negotiations with individual landowners, as discussed in the Mitigation Plan (Appendix B).

RESPONSE TO COMMENTS FROM CHARLES GREEN, GARY L. GREEN AND JEANNE L. GREEN (continued)

An agricultural based economy is a much more stable one than a "boom and bust" one that has been the history of Montana through the years. The destruction of our environment and livelihood for the sake of a possible energy development, that the need for has not been established, is unnecessary. Fifty years ago, they decided to build a north-south railroad from Miles City, Montana to Sheridan, Wyoming. The project failed due to lack of funds, and the landowners to this day are having to contend with a railroad grade that runs through their place. The need and market for the coal and proof of the financial means to complete the project have not been proven. This should be part of the EIS, and we understand from page ii in the second paragraph from the bottom that this not to be considered as part of it. It definitely should be. When the railroad use has diminished, what will become of the grade that will still be there for years to come?

Not enough emphasis has been placed on the retriction of livestock movements on the severed pastures. Cattle that are moving to shelter along the river in a blinding blizzard will not be able to find the underpasses provided. Who can estimate the loss of many head of cattle in a situation like this? We have also talked to many people that have a railroad through their pastures and they assure us that even in good weather they are not that satisfactory.

Thank you for your comments.

One of the major concerns of the landowners and concerned citizens of the area is the destruction of water quality in the Tongue River by mining. This is very vital to the entire area. We understand they can not guarantee that the water quality will not be damaged by the coal mining. This is one of the few waterways left in the United States with good water. It should be of prime consideration.

It is not anticipated that water quality will be substantially affected by the proposed development.

We wish each member of the ICC could see this beautiful agricultural valley after studying this document, and evaluate if the greed of a few men is worth its destruction.

Yours truly,

Charles Green

Gary L. Green

Jeanne L. Green

Volborg, Montana

cc- US Senators & Representatives

RESPONSE TO COMMENTS FROM CLIFFORD GREEN (June 29, 1983)

Volborg, Montana
June 29, 1983

Office of the Secretary
Interstate Commerce Commission
12th & Constitution Ave.
Washington, D. C. 20423 Attn: Finance Docket # 30186

Dear Sirs:

We own a ranch on Tongue River about 35 miles south of Miles City, Montana in Custer County. The ranch contains about a township of land. I want to express my opposition to the granting of a permit to the proposed Tongue River Railroad.

We have been in the livestock business for three generations and this ranch was purchased for the potential of irrigation and the good winter protection for livestock that it offered. As they have the railroad staked, both would be ruined. It would cut the hay meadows into two segments, and the cattle trying to move back into the breaks for protection in a blizzard would be cut off by a fenced railroad. From the standpoint of a stock operator, I feel the railroad would completely ruin our operation.

I also definitely feel there are other routes that would be shorter and ruin less choice agricultural lands.

Sincerely,

Clifford Green

Clifford Green
Volborg, Montana 59351

Site-specific impacts to individual ranching operations would be dealt with in ROW negotiations with landowners, as indicated in the Mitigation Plan (Appendix B).

Thank you for your comments.

RESPONSE TO COMMENTS FROM JEANNE L. GREEN (June 29, 1983)

Volborg, Montana
June 25, 1983

Office of the Secretary
Interstate Commerce Commission
12th & Constitution Ave.
Washington, D.C. 20423 Attn: Finance Docket # 30186

Dear Sirs:

I would like to express my opposition to the building of the Tongue River Railroad, Montana. I feel it would completely ruin the ranch we own to have a railroad cut it into two segments. We use the bottom land for winter pasture and put hay up on it in the summer. As they have it staked it would divide it into two parts.

The railroad would also come between two sets of buildings on the ranch. One home is within 500 feet of the proposed railroad. I don't like the idea of a railroad within 500 feet of my small grandchildren's home, even if it is fenced.

If they condemn the land for a railroad right of way, I feel it would be disasterous to our operation.

Yours truly,

Jeanne L. Green
Volborg, Montana 59351

See response to letter from Clifford Green.

Thank you for your comments.

RESPONSE TO COMMENTS FROM HUBERT HARWOOD (June 2?, 1983)

June 2 1983
Tongue River Stage
Miles City, Montana 59301

David M. Schwartz
Sullivan & Worcester
1025 Conneticut Ave. NW
Washington, D.C. 20036

Attn: Finance docket #30186

RE: Request for inclusion as party of record in opposition to the proposed Tongue River RR, Montana. Finance docket #30186.

My name is Hubert Harwood, I live and own a ranch in Custer County. We request to be parties of record in opposition to the granting of a permit to the proposed Tongue River RR, Montana. Finance docket #30186.

I will follow with some of the reasons for opposition to the railroad.

I have on my place a natural flood system which flows out of creeks on to meadows. If this water was forced through culverts it will not spread even and will wash channels in the fields.

Cattle will have to cross railroad track to water in a few places.

There will be limited access to pastures and feed will have to be hauled across railroad tracks to the cows.

The pipes used for cattle crossing are no good. Cattle do not travel through pipes very well. You will need a lot of help to get cattle through the pipe when moving cattle from pastures.

Right aways through my place will cause the growth of noxious and undesirable weeds to spread throughout the counties if not properly controlled.

Fire caused by sparks from trains would be a hazard.

Sincerely;
Hubert Harwood
Hubert Harwood

See response to letter from Clifford Green.

Thank you for your comments.

ART HAYES. JR.
R BAR RANCH
BIRNEY. MONTANA 59012

June 28, 1983

Office of the Secretary
Interstate Commerce Commission
12th and Constitution Ave
Washington, D.C. 20423

Attn: Finance Docket # 30186

RE: Request for inclusion as party of record in opposition to the proposed Tongue River RR. Montana. Finance docket # 30186

My name is Art Hayes Jr. I live and ranch at Birney Mt. I request to be a party of record in opposition to the proposed Tongue River R.R. Finance docket # 30186.

The Tongue River R.R. has no known financial backing and will cause substantial socio-economic impact, and will place undo hardships on the local tax payers.

Thank you for your comments.

Yours truly,
Art Hayes Jr

RESPONSE TO COMMENTS FROM PATTY KLUVER (no date)

Patty Kluver
Rt 1, Box 24
Forsyth, Montana 59327
Phone 347 5590

Re: Finance Docket #30186

Office of the Secretary
Interestate Commerce Commission
12th & Constitution Ave.
Washington, D. C. 20423

Dear Sirs:

The Officers and Directors of the Genie Land Company, a family held corporation, request inclusion as parties of record in opposition to the Tongue River railroad, in Montana.

In behalf of Genie Land Company, I am writing to express opposition to the proposed Tongue River railroad for the following reasons:

1. Those who have examined the Environmental Impact Statement produced by the Dept. of Interior, must be aware that mining the strippable coal has grave adverse side affects, in that it destroys the quality of the groundwater which formerly flowed through the mined coal, rendering it unfit for domestic, livestock, or irrigation use, yet, it continues to flow, and to adversely impact the off site neighbors.

2. We, of Genie Land Co. have already found a part of our property ravaged by coal strip mining at Colstrip, to the west. Since one of the proposed mines to be serviced by the Tongue River railroad, lies directly south of us, we are in danger of losing the entire holding, should the Tongue River r.r. become a fact, since it has been conceived by that Special Interest group, the coal mining industry.

3. We, of Genie Land Co., are not alone in suffering this potential disaster as a result of the Tongue River railroad. Our neighbors would suffer a like disaster, and the entire region could very well suffer complete sacrifice as a result of this scurvy "get-rich-quick" scheme, contemplated by a special interest group, including Burlington Northern officials, who received the coal via land grant.

4. The I.C.C. is an agency of the public, the citizens of these United States. Should it yield to the pressures of a special interest group, it would no longer be serving the public, particulary when there is no Energy crisis, and no need for a National Sacrifice Area.

Sincerely,

Patty Kluver, Sec. Treas.
GENIE LAND COMPANY

1. See previous responses to Patty Kluver.

2, 3 and 4. Thank you for your comments.

RESPONSE TO COMMENTS FROM PATTY KLUVER (no date)

Rte 1 Box 24
Forsyth, Mt. 59327

Interstate Commerce Commission
Washington, D. C.

Re: F.D. No. 30186
Tongue River Railroad
Draft EIS

Dear Sirs:

The tone of the above named document is in no way objective, but is designed to promote construction of a railroad so that a "get rich quick" scheme can be consummated, that of stripmining the coal beds of the Tongue River region. Never does it mention that those coal beds are performing a vital service where they are, that of filtering the ground and surface water of the region, so that the water can be of multi-use, for domestic, irrigation, or livestock benefit.

The Tongue River railroad is contemplated for the sole purpose of hauling coal. It can not be regarded as a route of public service, but only as a means to private financial gain at an enormous cost to the region. While those who promote the Tongue River railroad to make "a bundle," we who make our living from the land would no longer have a viable operation. Destruction or degradation of the surface and groundwater flows, together with the destruction and degradation of the quality of ground and surface water which the coal beds filter, will ultimately destroy not only the water but the land adjacent.

This has already occurred on land owned by Genie Land Company, a property adjacent to the Western Energy Co. mine at Colstrip, Montana.

As early as in 1923, the U. S. Government recognized the role played by the shallow coal fields of the Powder River region. In addition to a geologist, the U.S.G.S. sent a Hydrologist, Colman Renick here to study the relationship between the coal beds and the groundwater. The government knew then, and knows now that the shallow coal fields filter the groundwater of this semi-arid region, so that it can be used for domestic, irrigation, or livestock purposes. Without that coal, the water is of no value, and, indeed, it's continued flow creates havoc down syncline from the mined coal beds, because of the salts contained in the soil and sub-soil of the region, salts that those coal beds filter from the water.

On page vi, of this document is reported. . . ."Some residents speculate that aquifers disturbed by mining will be permanently depleted or destroyed, and that increased erosion and accidental discharges of waste waters will diminish water quality to the point that it is unsuitable for use."

It is no speculation! We know that a railroad constructed with the sole purpose of hauling coal will ultimately lead to

Regarding the first few paragraphs of this comment, there was no attempt in the hydrologic impact analysis to "promote" any construction or mining. The hydrologic impact analysis is based on accepted technological approaches, and all methodologies and assumptions are clearly stated. The "filtration" of water by coal is, on the other hand, not a technical fact. Filtration is a method of treating water for suspended solids. It has no effect on dissolved solids. The coal does alter the chemical nature of water through various means, primarily sulfate reduction. However, it does not decrease TDS concentrations. The only known methods of doing this are distillation, ultrafiltration, reverse osmosis, and electrodialysis, none of which occurs in coal. Reported average TDS concentrations in the coal beds in this area are about 2,300 mg/l (Final Tongue River PED, p. II-11). This water does not meet recommended standards for drinking water nor for irrigation water. This latter item is a moot point since the coal does not yield water to wells in sufficient quantities for irrigation of agricultural crops.

The DEIR points out that the spoils ground water will have a higher TDS concentration than the coal, at least until equilibrium is reached. It is also explained that alluvial water down-gradient from the coal (towards the river) will decline in quality. The DEIR attempts to quantify this impact; no denial of this impact is contained in the report.

Comment regarding page vi. See previous response. The report does not deny impacts to affected aquifers, but rather attempts to quantify these impacts.

the opening of coal strip mines, and finally to the further degradation and destruction of the ground and surface water of this semi arid agricultural region.

Page 4-55: Related Actions, paragraph 4 (D-EIS) states "the total Diseolved Solids concentrations in the Tongue River alluvial groundwater would increase 38%," but the paragraph reports this would not signicantly reduce the utility of the water for current uses.

(38%) Thirty eight percent increase in water that was not devoid of TDS to start with would render it useless, and the Tongue River does not contain distilled water today.

During periods of low rainfall and low flow, the water from the mine drainages would be about the only flow in that river, so that at the time irrigation water would be most in demand, it would be unfit for use.

Bear in mind that the water behind Tongue River dam is already being impacted by the coal strip mines at Decker, so the TDS flowing down the stream is presently increasing.

IF there was a bonafide PUBLIC NEED for the Tongue River railroad. . . . .?
IF there was a real Energy crunch to which the railroad could offer relief. . . . . ?
IF the adverse impacts to Agriculture, (which has been the major supporter of Montana government) were less than the cost of construction of the railroad. . . . . ?
IF the Tongue River railroad were not a "get rich quick scheme" designed by opportunists at the expense of our Nation as a whole. . . .
We, of Genie Land Co., would offer no protest, but nowhere in this volume; nowhere is there indication that there is any substance to any of the above claims.

We, of Genie Land Co., are sure that the members of the I.C.C. have the wisdom to recognize that the construction of the Tongue River Railroad is nothing more than a "speculator's dream," and that the members of the I.C.C. will not sell out this Nation or it's people to a speculator's dream.

Most Sincerely,

Patty Kluver, Sec.-Treas.
Genie Land Co.

A 38 percent increase in TDS in water which already has a TDS concentration of 1,151 does not render it useless for stock or irrigation according to recognized water quality standards (see Draft Tongue River PED, Tables II-1 and II-2). The water already exceeds recommended drinking water standards, which is why the DEIR states that the use-suitability of the Tongue River alluvial water will not change.

During periods when streamflow is so low that "...water from the mine drainages would be about the only flow in that river...." there would be sufficient water to divert for irrigation, so water quantity, not quality, would be the limiting factor.

Thank you for your comments.

RESPONSE TO COMMENTS FROM ALFRED L. LEATHERBERRY (no date)

David M. Schwartz
Sullivan & Worcester
1025 Connecticut Ave. NW
Washington, D.C. 20036

Attn: Finance docket #30186
RE: Request for inclusion as party of record in opposition to the proposed Tongue River Railroad, Montana. Finance docket # 30186

My name is Alfred L. Leatherberry. I am a rancher living on the Tongue River in Custer County. I request to be a party of record in opposition to the granting of a permit to the proposed Tongue River R.R., Montana. Finance docket # 30186.

I am opposed for the following reasons: (1) Lack of demand for the coal the TRRR would haul (2) Lack of adequate financial backing for the TRRR (3) The TRRR right of way would split up my land (4) The TRRR would condemn my land for a right of way (5) The TRRR would lower the value of my entire ranch (6) The mines to get the coal to haul on the TRRR would ruin the water in the Tongue River.

Alfred L. Leatherberry
Alfred L. Leatherberry
Tongue River Stage
Miles City, Montana
59301

Impacts to individual ranching operations are generally discussed in the DEIS. Specific mitigation and financial arrangements with individual landowners will result from ROW negotiations, as discussed in the Mitigation Plan (Appendix B).

Thank you for your comments.

RESPONSE TO COMMENTS FROM SOPHIE A. OLSON (no date)

Refer to Finance Docket
No. 30186

Interstate Commerce Commission
Office of Transportation Analysis
Carl Bausch
Section of Energy and Environment
Washington D.C. 20423

Submitted by
Sophie A. Olson
Tongue River Route

As a concerned American citizen and landowner which I believe is a God given responsibilty & be a steward of the land I fell compelled to share some concerns with you.

I have read the impact statement in it entirety and am surprised to find all the contridictions and unanswered questions. It is full of could, might, possibly and unestablished, and assumed

I always was leded & believe that a statement was more definite.

The averages are something that is hard for me to put much faith in. They talk about the average time you might have to wait at a train crossing. Thats like the two hunters that went out duck hunting and spotted a flock overhead. The first hunter shoot 20 feet above them and the second hunter 20 feet below them. On the average they shot the flock but there were none on the fire that night.

They tell of the average time that you would

Thank you for your comments.

wait at a train crossing particularly in reference to emergency waiting at crossings. If the past 50 vehicles had gone over the tracks with no waiting period it could put that ambulances wait at 50 times the average wait which would indeed be significant.

My immediate reaction after reading the statement was that their proposed route and their alternate route should have been reversed. In most cases the alternate route (The Tongue River Road) appeared to be the ~~most economical~~, the route they actually preferred and showed as most feasable

It is a very old tatic to pretend to be interested in one thing in order to divert people attention away from your real interest.

There is no doubt in my mind that if they proposed the Tongue River Road Route as their proposed rather than as an alternate that they would meet with much stronger opposition and I feel they are trying to pull the wool over our eyes.

The statistics that they use are very outdated. In refrence to the irrigated land that would be affected they have underestimated to a very great extent.

Paragraph 1 - Averages are used to estimate traffic delay impacts, because they are the best indicators of expected experience over time. To provide a better understanding of the range in delay which could be experienced, given a delay occurs, data from actual situations in other locations are presented in the table below.

RANGE IN TRAFFIC DELAY AT CROSSINGS EXPERIENCED IN SELECTED COMMUNITIES (ASSOCIATED WITH COAL TRAINS ONLY)

Average Delay (Minutes)	Delay Range (Minutes)	Comments
1.9	0.0 - 6.9	90% of delays are less than 4 minutes
1.1	0.0 - 11.9	90% of delays are less than 3 minutes
1.9	0.0 - 12.9	85% of delays are less than 3 minutes
1.5	0.0 - 7.9	95% of delays are less than 3 minutes

Source: Ernst & Whinney, Alternative Solutions to Railroad Impacts on Communities, "Phase II-Technical Report: Case Studies," for the Minnesota Department of Transportation and the North Dakota State Highway Department, St. Paul, Minnesota, June 1980.

Last paragraph - The estimates include all current and planned irrigation systems as identified by landowners, appraiser's data, and site observations.

Assumptions used to estimate adverse effects on mechanically irrigated land may result in an overestimate of impact, rather than an underestimate (see pages A1-7 through A1-9 of the DEIS).

- is in recent years that irrigation has been started along the Tongue River and in our extensive travels over the entire United States we have found it to be one of if not the least developed areas in all of the country so far as development of irrigation is concerned.

We sold our ranch in North Dakota in Sept of 1980 and spent a full year after that looking for a ranch that had a lot of potential for development. We had spent 2 years prior to that looking at ranches from Virginia, Oklahoma, Texas, North & South Dakota, ~~Missouri~~ Minnesota, Texas Nebraska, Washington, Oregon, Utah, Kansas, Arizona, Montana and other states I've neglected to mention. It is hard if not impossible to buy a ranch unless you have already sold or so we found. We ended up 200 miles from where we sold and the only reason we were able to make the deal we did was because the land is pretty much in its virgin state. There is the potential here for at least 5 times as much irrigation as is presently being done.

If we destroy or ever curtail the available agriculture land we presently have people in the urban areas are going to find that when they go to the grocery store there will not be an adequate food supply.

Thank you for your comments.

the figures they use for loss of production of irrigated land for the entire proposed route would not even cover our own ranch and we are a very s part of the area that would be affected.

The statement says that the value of the real estate would not decrease substantially in fact the result of the railroad on the value of the land would be negligible They say land owners questioned that do have railroa on them have not decreased in value over the past years. I find no argument with this except that a other real estate in the past twenty and even ten years has greatly increased including farm + ranch land and therefore the fact that theirs hasn't decrease means that it also hasn't increased along with other like property.

Something else that disturbs me a great deal are the statements made that it is assumed that the Tongue River Railroad would do certain things. At this point I believe we should be assured that they will. It's easy to promise the moon but not that easy to deliver.

I refer specifically to the statement that where

Paragraph 2 - The statement made by ranchers owning property adjacent to a rail line was that they have experienced "little, if any, detrimental effect on their own property values." (p. 4-16, 6/27/83 DEIS) This does not mean that their property values have not decreased, but that they have kept pace with property values in general.

Paragraph 3 - All assumptions regarding TRRC actions are based on statements made by TRRC representatives. On the other hand, there are statements made concerning actions that could be taken by the railroad and others to mitigate adverse impacts. These actions are offered as ideas and do not affect the calculations of adverse impacts, i.e., the adverse impact calculations do not assume implementation of mitigation measures.

cattle are accustomed to going under railroad underpasses that it presents no real problem however if they are used infrequently holding pens might have to be built in order to get the cattle to cross. Even if it is assumed that the railroad would help build these and I found no assurance that they would what about maintenance? Any person with any livestock experience knows that any pens or corrals are never permanent and maintenance time and expense both run high.

Fire hazards are stated to be minimal even going so far as to state on the average how many acres would be burned per year as a result of the railroad. Here we come to that average again. If you visit with the BLM I am sure they will assure you that this has not been an average year for fires. Rather than state how many acres were involved in the fire they talk about sections. These have been lightning related but what happens when land that has been virtually isolated from any vehicle traffic is made accessible by means of roads opened up in the area. Also who is going to pay the cost

Paragraph 2 - This is a good example of why averages are the appropriate measure of impact. To estimate impact based on data for a year with a high incidence of fires, as this comment suggests, would distort the long-term effect of a proposed action. Also, our estimate of the potential for fires is based on actual experience along rail lines, not on experience with other causes of fire, e.g., lightning in the comment cited.

of fighting these fires. Not only equipment but also man power. Many ranchers have spent many hours fighting fires this summer and fall and any increase is to much.

This idea of these self contained work camps that are to be set up during the construction of the railroad intrigues me. Do they plan shopping areas and recreation activities to keep these men busy during their off hours. With our personal experience with the oil boom in the Little Knife Oil field in Dunn County, N.D. the businesses that did the greatest business were the bars, the girls that followed the single married men and the social service agencies. I don't mean to imply that this is the case of the majority of them but it doesn't take a very big minority to create serious problems. This area I believe is no better prepared to meet the radical changes that incure in the areas of increased narcotic traffic and use, alcoholism, family abuse, abandonment, rape, gamblin than were the cities of Killdeer, Grassy Butte, Dickinson, Williston, Dunn Center, Manning or the other area towns. Our niece has her masters degree in social work and she worked in the drug and alcohol rehabilitation program at the Dickinson Hospital. There is no question that they were in any way prepared for the changes that occurred.

Paragraph 2 - Sociological effects are discussed in the DEIS. See pages 4-22 through 4-25.

(4)

One main concern of ours is what happens to a water. Where do they plan to get their water to build their road and railroad? They say they'll keep it watered down to minimize the dust pollution but who do they get the water to keep the road and railroad watered down during construction? If this past summ is any indication the rainfall sure won't take car of it.

What happens when the railroad divides our pasture away from the river which is our main sourc of water supply for the cattle during the winter feed season? Who do the cattle get their water supply and who pays for additional wells + electricity lines to get water to the cattle?

Who is responsible for gates left open along the railroad and cattle get killed? We raise registered livestock and our sale average was over "2,000.00 per head this past May 7, 1983 This weeks figures from our banker show that every head of livestock sold off this ranch this past year averaged "1,364.00 that includes big cows, calves, and bull cattle. What happens when the

Paragraph 1 - The Certificate of Public Convenience and Necessity can stipulate certain actions by the railroad, which include implementation of specific mitigation measures. Maintenance of an adequate water supply is an issue to be negotiated with the railroad on a case-by-case basis, and should be discussed during individual ROW negotiations, as suggested in the Mitigation Plan (Appendix B).

bull we have just sold for $10,000.00 gets out on the tracts and is killed before the buyer comes to pick he up. The average value that is listed for the livestock in the area does not come close to that figure.

Who pays the legal costs in collecting rightfull damages?

We had an imported bull insured for $15,000.00 that had came direct from France and we know what is involved in collecting an insurance. The company was Lloyds of London. Where would we stand with the railroad?

The businessmen in Miles City have been led to believe that they would receive a great increase in business. They don't have the supplies that would be needed and company such as the Tongue River Railroad are used to dealing in large quantities and receiving discounts and therefore go to major suppliers which may or may not locate in the area. It's a relatively short term project and by the time the local merchants were ready with the supply the demand would be gone.

One small instance of this was that we went to Miles City to get fence posts. Miles City is diffinately a re...

Paragraph 4 - The economic impact analysis includes assumptions regarding the types of materials and supplies that may be purchased locally if the rail line were built. The assumptions are based on first-hand knowledge of local suppliers' capabilities.

. . . .

so therefore it would be assumed that the supply of fencing equipment would always be available. Such was not the case. There were none + town but these would be the following week. Needless to say we went elsewhere for our fence posts.

These statistics even go so far as to say how many fatalities would occur in a year because of the railroad. To me that makes about as much sense as the very comprehensive study that was supposed to have been done in Canada. No expense was spared because they thought that if they could find what the average Canadian was like they could better define and meet his needs. After years of exhaustive study they finally issued their report. Are you ready for this? The average Canadian has one breast and one testicle.

That about sums up about what I think of the studies done on both their proposed and alternate routes. Until they can come up with more complete and accurate and up to date information I can see no reason why a permit should be granted. Concernedly submitted

Thank you for your comments.

RESPONSE TO COMMENTS FROM NANCY POWELL (Sept. 19, 1983)

Tongue River Stage
Miles City, Mt. 59301
Sept. 19, 1983

Section of Energy and Environment
Room 4143
Interstate Commerce Commission
Washington, D.C. 20423

Re: DEIS Finance Docket No. 30186

Gentlemen:

Comments I would have you consider relative to Finance Docket No. 30186 follow:

From the Executive Summary:

Page ii. The No Action Alternative should be specifically ex amined.

Page ii, Detailed financial data must be submitted. Wavers or other legal maneuvers to avoid this must not be allowed as possible bankruptcy of this project is very imminent.

Page iv That the proposed routing would "remain about 1 mile from the Rivers nearest meanderings" is utterly false.

Page iv Which route to be used thru or by Ashland must be declared.

Page iv Cost of RR stated at 137.3 million is misleading when figures above 200 million may be more accurate.

Page v Does the document really wish to state that "ROW characteristics would not vary significantly by route?" Certainly valley routes or routes thru hilly country are not similar.

Page x "Impacts to visual resuorces are rated very low....." Certainly not by the people who live here.

I also feel that the excessive use of vague language renders the document ineffective. Many points that need to be firmly factual are weakened to the point of uselessness by the use of words like: "should mitigate impac ts, presumably, special techniques are suggested, possible disturbance, is not anticipated to, or not expected to, may increase, it can be assumed, in all likelihood, and not lkely to------ give me much confidence in what the DEIS says.

Yours truly,
Nancy Powell
Nancy Powell

Page

ii The "No Action" Alternative is specifically examined in Chapter 4, "COMPARISON OF PROPOSED ACTION AND ALTERNATIVES TO IT" and in Appendix B, "SCREENING OF ALTERNATIVES," in the DEIS.

ii Detailed financial data is included in the application now pending before the Interstate Commerce Commission and is not within the scope of analysis of this document.

iv The statement in question is a general description of the "first few miles of the route" and is accurate in context, but misleading, and will be revised.

iv The TRRC is applying for both routes through Ashland; therefore, both are analyzed in this document.

iv Cost figures have been revised for the application. Costs are now higher due to inflation and other factors.

v The statement regarding "ROW Characteristics" refers to engineering characteristics of the routes, width, fencing requirements, etc. The routes, though varying geographically, would be similar in construction and appearance.

x Standard procedures were employed to analyze visual impacts. Please see the discussion provided in the DEIS, Appendix A, Section 13, titled "Aesthetic Resources" for a discussion of the methods and results of analysis.

RESPONSE TO COMMENTS FROM KEITH POWELL (Sept. 19, 1983)

Tongue River Stage
Miles City, Mt. 59301
Sept. 19, 1983

Section of Energy and Environment
Room 4143
Interstate Commerce Commission
Washington, D.C. 20423

Re: DEIS Finance Docket No. 30186

Gentlemen:

I am a party of record who has not yet (Sept. 19) received the DEIS for the Tongue R iver Railroad. Therefore, my opportunities to study the document have been limited. However, comments I wish you to consider follow:

The No Action Alternative is not dealt with in an adequate way to arrive at a decision based on comparisons of impacts.

Examples:

The document does not show that utility bills to consumers in the Midwest would be increased by one iota because of lack of transportation for area coal.

Nor does the document show that even one additional coal miner will be at work as a result of transportation of area coal. I submit that for each miner that might be working in the proposed mining area that there will be an unemployed miner in another coal area.

By not addressing the No Action Alternative specifically, the document fails to ackowledge the total absence of negative impact to agriculture on the 89 mile length of the Tongue River Valley. Or the total lack of negative impacts to the settlements of Ashland, Birney, the Reservation, Broadus, and Powder River county.

The No Action Alternative must be considered specifically, and if it is found that our nation would suffer for lack of this coal and transportation thereof; then, and only then, should the proposed routings of the RR be considered.

Yours truly,

Keith Powell

Keith Powell

The "No Action" Alternative is specifically examined in Chapter 4, "Comparison of Proposed Action and Alternatives to It" and in Appendix B, "Screening of Alternatives," of the DEIS. The approach to the "No Action" Alternative was determined by the Interstate Commerce Commission. This approach actually gives more attention to the "No Action" Alternative than is afforded in many similar documents.

The question of need for the railroad is not within the scope of the environmental analysis conducted for this document. Such an issue is more appropriately dealt with by the Interstate Commerce Commission during consideration of the application.

RESPONSE TO COMMENTS FROM RONALD AND TWILA JO TALCOTT (Sept. 12, 1983)

Broadus, Montana
September 12, 1983

Mr. Carl Bausch
Office of Transportation Analysis
Section of Energy and Environment
Washington, D.C. 20423

RE: Finance Docket No. 30186

Dear Mr. Bausch,

This letter is in regard to the draft EIS Finance Docket #30186--- regarding the Tongue River Railroad. First, we question the arrangement of the EIS being written by the railroad's consultants.

Being ranchers ourselves, we do not believe that division of lands and hydrological impacts (on the quality as well as availability of water) were adequately addressed. These issues are of prime importance to the livelihood of those ranchers on the Tongue River. There is doubt that the costs attached to the alternate routes were arrived at accurately.

But, the social and financial impact on Powder River County are of prime concern to us. Basically, we feel the EIS fails to address the no-action-alternative. The tax-payers of Powder River County should not be forced to accept the influx of people and resulting tax burden for a project that this EIS fails to prove is needed or can succeed financially. Even former railroad proponents are now questioning whether the project can succeed in today's soft coal market. The draft states that Powder River County would suffer a deficit for over 20 years due to the impact of railroad construction and no tax income from coal mining. Reference is made to Powder River Countie's surplus oil and gas tax revenue. There is no surplus. And that would not make a deficit from this project acceptable anyway!.

We would like to recommend a supplemental EIS to cover the many issues not considered and we request an oral hearing to be held in Miles City, Montana to address these problems.

Very truly yours,

Ron & Twila Jo Talcott

Ronald and Twila Jo Talcott
Broadus, Montana 59317

cc/Sen. John Melcher
Baucus
Ron Marlenee
Powder River County Commissioners

The impact computations and basic conclusions regarding fiscal impacts to Powder River County are not altered by lack of surplus oil and gas revenues. The impact analysis did not consider the apparently non-existent "surplus" in the calculations. References to such a "surplus" will be deleted.

RESPONSE TO COMMENTS FROM MRS. ROBERT TALCOTT (Oct. 17, 1983)

Broadus, Montana 59317
October 17, 1983

Draft Environmental Impact Statement

FINANCE DOCKET NO. 30186

Mr. Carl Bausch
Office of Transportation Analysis
Section of Energy and Environment
Washington D.C. 20423

Dear Sir:

My letter is a comment on the Draft Environmental Impact Statement of the Tongue River Railroad--Finance Docket No. 30186.

As a taxpayer of Powder River County my first concern centers around the fact that the County Commissioners of Powder River County did not receive a copy of the draft. They have not had the time or availability of a copy in time to have read the massive document. This fact alone makes it almost impossible to give the statement a thorough reading and still observe the comment deadline.

Secondly, statements that can be found on pages 4-14; 4-20 and 4-27 clearly state that Powder River County will be heavily impacted with people and thereby will be forced to provide many services that will require raising our per capita tax during a period when we as a county would not be receiving any tax help from the construction of the railroad itself. The statement holds out that vague hope or "pie-in-the-sky" phrase that claims after the year 2000 the county may then begin realizing some tax benefits from the mining of coal. These specific pages state that between the years of 1984-2000 our county would be in a position of deficit budget problems and eludes to the fact that at the present time we have a "surplus" of oil and gas revenues. I believe this term is completely misleading as we are not experiencing any surpluses and our mill levies are already high.

The draft fails to answer the basic question as to the NEED for the railroad and whether it can SURVIVE financially given the fact of the soft coal market figures (Re: 1982 and 1983 Federal coal lease sale.)

I would suggest that your office prepare a Supplemental EIS addressing all comments and the outdated information concerning the alternate proposals.

Furthermore, I am asking that due to the fact that our county has had insufficient time to study the draft, that your office provide a time of oral comments to be addressed at a public hearing in Miles City.

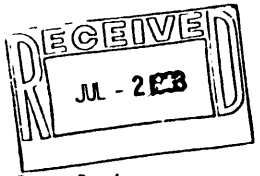
Sincerely,
Mrs. Robert Talcott

Mrs. Robert Talcott
Box 391
Broadus, Montana 59317

c/c Sen. John Melcher
Sen. Max Baucus
Rep. Ron Marlenee
Rep. Pat Williams

See response to letter from Ronald and Twila Jo Talcott.
Thank you for your comments.

RESPONSE TO COMMENTS FROM GREG WALDIE (June 26, 1983)



Tongue River Road
Miles City, MT 59301
June 26, 1983

David M. Schwartz
Sullivan & Worcester
1025 Connecticut Ave. NW
Washington, D.C. 20036

Attn: Finance docket #30186
RE: Request for inclusion as party of record in opposition to the proposed Tongue River Railroad, Montana, Finance docket #30186

As president of the Tongue River Agricultural Protective Association, I, Greg Waldie of Miles City, Montana, wish to point out some of the reasons this permit should not be granted:

1. There is no mine at the south end, so the railroad will be going nowhere.
2. The Tongue River Railroad will be at the mercy of the Burlington Northern at the north end.
3. There is no present market for the coal, and won't be until the demand doubles or triples.
4. What are we land owners in ag production to do if the project is started and goes bottom up as has already happened with the abandoned railroad (bed) we now contend with on the east side of the Tongue River?
5. The T.R.R. Co. has to borrow 80% of its money, and they don't know anything about running a railroad.
6. The T.R.R. Co. needs to serve 4 or 5 mines to be solvent, but at this time there is interest in only one mine.
7. According to the Dept. of State Lands in Helena, MT., 80% of the residents of this area are opposed to the opening of 4 or 5 mines.

Yours respectfully,

Greg Waldie

cc

1. MONTCO received a mining permit from the Montana Department of State Lands in November 1984.
2. The TRRC must negotiate with the Burlington Northern to arrange for the downline transport of coal.

RESPONSE TO COMMENTS FROM NATIONAL WILDLIFE FEDERATION
(Oct. 24, 1983)

NATIONAL WILDLIFE FEDERATION
1412 Sixteenth Street, N.W., Washington, D.C. 20036 202—797-6800

October 24, 1983

Mr. Carl Bausch
Energy & Environment Division
Interstate Commerce Commission
12th & Constitution Ave.
Washington, D.C. 20423

Dear Mr. Bausch:

Pursuant to our telephone conversation of Thursday, October 18, I'm writing to request that comments submitted by NWF to the ICC on F.D. No. 30186, Tongue River Railroad, Montana, be accepted beyond the October 21 deadline.

Please provide me with another copy of the DEIS as soon as they are available.

Thank you very much for your time and consideration.

Sincerely,

Dusty Zaunbrecher

Dusty Zaunbrecher
Resource Specialist
Public Lands/Energy Division

cc: Chuck Griffith

Thank you for your letter. (No further comments received.)

RESPONSE TO COMMENTS FROM NORTHERN PLAINS RESOURCE COUNCIL
(Sept. 21, 1983)

NORTHERN PLAINS RESOURCE COUNCIL

Field Office
Box 888
Helena, MT 59601
(406) 448-4965

Main Office
419 Stapleton Building
Billings, MT 59101
(406) 248-1154

Field Office
Box 886
Glendive, MT 59330
(406) 365-2525

September 21, 1983

Section of Energy and Environment, Room 4143
Interstate Commerce Commission
Washington, DC 20423
HAND-DELIVERED

Dear Mr. Bausch:

Attached are comments of the Northern Plains Resource Council on the Draft EIS, Tongue River Railroad Company, Montana, Finance Docket 30186. NPRC is a Montana organization of farmers, ranchers and other citizens, with members who live and do business in the Tongue River area.

The Section of Energy and Environment should be aware that NPRC has requested an extension of time for filing comments on the DEIS. Parties of Record have not received the document. We believe it is essential that they have time to review the EIS and submit comments. They are best able to analyze impacts to agriculture, a dominant environmental feature of the affected area. NPRC can identify these individuals if that would help expedite resolution of the problem.

We further request that an oral hearing be scheduled in the affected area. Significant issues are unaddressed/unresolved in the DEIS. Among them; 1)the unsafe, high-hazard status of the Tongue River Dam, 2)assumptions used in the cumulative hydrology modeling, 3)failure to specifically address in comparative form the "no-action" alternative, 4)conflicts between the proposed action and USDA Land Use Policy, 7 U.S.C. 4201-4209 and 5)numerous references to mitigation agreements by the applicant which, to our knowledge, do not exist. In terms of environmental impacts, the difference between mitigation proposed and mitigation agreed to is black and white.

We also wish to bring to your attention apparent committments by USDA for routing through the Livestock and Range Research Station at Miles City in violation of NEPA. We would be happy to provide documentation.

NPRC joins numerous others in requesting that the time for comment be extended and that oral hearings be scheduled in the affected area. We look forward to the opportunity to provide more detailed comments.

Sincerely,

Dennis J Unsworth
NPRC Staff, Glendive

cc Montana Congressional Delegation
Governor Ted Schwinden
CEQ, Wa., DC

Cover Letter

1. An analysis of potential impacts from the railroad in the event of a Tongue River Dam failure has been conducted and results are available in this document.

2. Assumptions used in cumulative hydrologic modeling are addressed in the DEIS and elsewhere in this response.

3. The "No Action" Alternative is addressed in the manner prescribed by the ICC.

4. No apparent unresolvable conflicts between the Proposed Action and USDA Land Use Policy, 7 USC 4201-4209, have been identified.

5. No mitigation agreements have been finalized, but the TRRC has agreed to some measures. Further, the TRRC is committed to developing workable mitigation plans with affected agencies and individual landowners during ROW negotiations and various permitting processes. The Mitigation Plan, included as Appendix B to this document, represents the work accomplished in this regard.

RESPONSE TO COMMENTS FROM NORTHERN PLAINS RESOURCE COUNCIL (Sept. 21, 1983)

Comments of the Northern Plains Resource Council

Draft EIS, Finance Docket 30186, Tongue River Railroad Co., Montana

September 21, 1983

Project Purpose and Need (Summary p.ii) "Estimated strippable coal reserves in excess of 10 billion tons. . ." grossly exagerates the available coal in the area. Much of the coal lies under the Custer National Forest, where Sec. 522(e)(2)(B), SMCRA, prohibits strip mining. The othe large portion underlies the Northern Cheyene Indian Reservation and is Tribal-o[illegible]l. Tribal policy is antithetical to coal mining within the reservat[illegible]undaries. A more reliable figure is the 1.6 billion tons estimated [illegible]SN as being encompassed by the NPRC Lands Unsuitability Petition (1981).

Summary (p.iv) (1st sentence in the 2nd full paragraph) "(r)emaining about a mile from the river's nearest meanders. . . " is incorrect and misleading. First, this initial few miles of the route in this reference appears to be about 1/2 mile from the river. The difference is very significant in terms of land use. Second, much of the proposed 89-mile route is very near river meanders, an important characteristic of the proposed route. Sec. 3.1.1 and others are also incorrect in this regard.

Moon Creek Alternative Route (p.v) Is it necessary to cross the Yellowstone twice and renovate the Milwaukee Road bridge? If not, is this a fair analysis?

Agricultural Operations (p.vi) Weed control and fire control are prominent issues of concern among the affected agriculture community. Access restrictions and railline barriers are significant to farm and ranch equipment movement as well as livestock movement. Horses and riders will also face access problems. Does this section adequately summarize impact on agricultural operations or should these issues also be included?

(cont.)

2. Summary (p. iv). The statement is misleading and will be changed.

3. Moon Creek Alternative (p. v). When this analysis was conducted it was assumed that the abandoned Milwaukee ROW west of Miles City would be used to connect the TRR to the BN mainline at Miles City. This route would require the construction of one bridge and the refurbishment of another.

4. Agricultural Operations (p. vi). It is correct that range fires were prominently mentioned by ranchers as a concern and should have been included. Weed control was not identified by area ranchers as a significant concern. During the comment period, however, more concern has been evident and the issue will be more thoroughly addressed. Concern over access restrictions applied to people and machinery as well as to livestock.

Soils and Geology (p.ix) What "special construction/mitigation techniqu were assumed in projecting impacts to land use, water quality, safety, e in relation to soils slumping? What special handling and reclamation te niques are proposed in problem soils areas?

Hydrology (p.x) What will be the cumulative hydrologic effect on water quality at below normal flows? What is the range of suitability assumed for assessing impacts to current water uses? How does projected water quality compare to these ranges? Was sensitivity of the water use to change a factor in projecting impacts?

Aquatic Ecology (p.x) What mitigation has been proposed to protect habitat? What level of impact to fish species is considered significant?

Cultural Resources and Aesthetics (p.x) What committment has been made to protect cultural sites? What impacts to visual resources are rated high? How does the applicant propose to mitigate these?

p.xiii Which state and federal regulatory agencies require management planning as part of permitting mining development? What are the specific requirements that "should lead to orderly management of growth and conflict resolution?" Does the applicant suggest that existing requirement will mitigate adverse impacts to Broadus, Ashland, Birney and Birney Village? What is the cost of the unmitigable impacts for comparison with project benefits? The mitigable impacts?

Footnote 1.3 fails to mention the Diamond Shamrock Corporation.

p. 2-20 The document states that 323 communities are located within the downline corridors in Figure 2-2. Section A3.1.3.1 suggests that one of the west-bound corridors has not been analyzed. Is the 1st sentence in section 2.2.2. correct?

p.3-1 What is the applicant's preferred route through Ashland? Where in the DEIS are the alternatives described in comparative form in order to sharply define the relevant issues?

p.3-2 What is the actual minimum and maximum right-of-way width? Where would these instances occur? Where would sidings be placed? (Please provide a map of these aspects of the proposed route.)

How will traffic be controlled on the maintenance road? Will it be available for use by anyone other than maintenance crews?

What areas are under consideration for the 60 acre facility yard at Miles City given that Milwaukee Road facilities are already being used? (Please provide a map so that impacts to land use, etc. can be analysed.)

What percentage of construction workers are expected to use PAS 332? What are the safety and air quality implications of this traffic level? Can construction workers commute on the proposed single-lane maintenance road? Why wasn't PAS 332 analyzed for table 2-4?

(cont.)

5. Soils and Geology (p. ix). Special construction/mitigation techniques will be dictated by the characteristics of those soils occurring along the ROW as it is finally delineated. Detailed soil testing will be necessary for engineering purposes as well as for the avoidance of unnecessary impacts. Site specific data will also be necessary in developing reclamation plans at mine sites.

6. Hydrology (p. x)

See responses to State of Montana Comment No. C.3 and Tongue River Water Users Association Comment No. d. for discussion of impacts at below normal flows. The general suitability criteria used in assessing impacts were as follows:

Use Suitability	Maximum TDS Concentration (mg/l)
Drinking Water	500 recommended
Drinking Water	1000 maximum
Irrigation	2000
Stock	5000

The projected water quality is compared to these ranges in sections A9.1.3.1 and A9.1.3.2 of the DEIR. These impacts are summarized below:

	TDS Concentration (mg/l)	
Water	Assumed Baseline	Calculated Postmining
Tongue River (low flow)	500	544
Otter Creek (low flow)		
at Home Creek	3050	3780
at Mouth	2140	3780
Otter Creek (average flow)		
at Home Creek	2670	2840
at Mouth	2670	2840
Tongue River Alluvium	1151	1574
Otter Creek Alluvium	2593	3780

The tabulation above shows that the Tongue River water is and is projected to remain suitable for drinking water. It should be noted that the Tongue River at the Birney Day School Bridge (USGS Station 06307616) currenty has a TDS concentration ranging from 250 mg/l at high flows to over 700 mg/l at lower flows (USGS Water Resource Data for Montana, Water Year 1980).

Otter Creek water under average and low flow conditions would have a salinity hazard generally considered too high for irrigation, both before and after mining. Tongue River alluvial water is and will remain generally suitable for irrigation. Otter Creek alluvial water is unsuitable for irrigation and will remain so.

All waters will remain suitable for livestock, although the National Academy of Science and National Academy of Engineering (1973, Water Quality Criteria, 1972: U.S. EPA, Ecological Research Series E.P.A. R3-73-033) state that TDS concentrations between 3,000 and 5,000 mg/l, while suitable for livestock, may cause temporary diarrhea or be refused at first by animals not accustomed to these waters and is poor for poultry. Water with a TDS concentration of 3,780 mg/l (postmining Otter Creek and Otter Creek alluvium) should cause no problems for livestock, although the calculations show it will be worse than premining water quality.

The above suitability limits are general. The upper limit on TDS for irrigation use depends on the dissolved constituents present and on the soil type and crop type being irrigated. TDS is generally compared to specific conductance, a measure of the ability of a solution to conduct an electrical current. This property is attributable to the ions in solution. The usefulness of a water for irrigation is determined by the relationship between the specific conductance and the sodium adsorption ratio (Hem, J.D., 1970, Study and Interpretation of the Chemical Characteristics of Natural Water. USGS Water-Supply Paper 1473). For water with a very low sodium adsorption ratio (SAR), a specific conductance of up to 5,000 micromhos per centimeter may be used (approximately 3,500 mg/l TDS) where soil conditions, crops and irrigation techniques are suitable. The Draft Tongue River Petition Evaluation Document (1981) indicates a high salinity risk for irrigation for a TDS range of 500 to 1,500 mg/l, and a very high risk for TDS over 1,500 mg/l. Only the Tongue River alluvium (see above tabulation) falls within these ranges, and this water may change from a high to a very high salinity risk in the valley area directly between a mine and the river.

7. Aquatic Ecology (p. x). Site specific sampling will determine mitigation needs at crossing and encroachment sites. Numerous mitigation techniques are available. Any action which would destroy critical habitat or serve to diminish fish populations is considered significant. Discussions are now underway between the TRRC and the Montana Department of Fish, Wildlife and Parks to develop mitigation plans for these sites.

8. Cultural Resources and Aesthetics (p. x). An intensive survey of the route would be required prior to construction to determine the occurrence of historic or prehistoric sites. Any sites identified would be evaluated and appropriate mitigation applied in accordance with existing regulations. For complete information on visual resource analysis, please read Appendix A.

9. p. xiii. The Montana Department of State Lands administers the state program for Surface and Underground Mining and Reclamation. This program requires the development of numerous environmental plans for the protection/enhancement of resources and environmental qualities. Adverse impacts to local communities are considered in the permitting process.

10. Footnote 1.3. Comment noted. Diamond Shamrock Coal Company is a partner of Tongue River Resources, a partner in the Montco project.

11. p. 2-20. The northern route of the westbound corridor is not now anticipated to be subject to TRR traffic and has not been analyzed. The text will be corrected to clearly state this. The numerical reference is to communities within the downline corridors analyzed.

12. p. 3-1. The TRRC is applying for both routes through Ashland. Table 4-14 summarized the potential impacts from both routes individually.

13. p. 3-2

1. Minimum ROW width will be 100' in areas of no cuts and fills. Maximum ROW width will be 400' at the largest cut. Siding locations are not known at this time.

2. Non-TRRC traffic will not be allowed to use the service road except in cases where arrangements have been made with individual ranchers for operational purposes.

3. Please see the supplement to the DEIS, issued by the ICC on January 19, 1984, for a discussion of the BN Option.

4. The % is not availabe at this time. Every effort would be made to confine construction worker traffic to the service road as much as possible. It is likely that the TRRC would shuttle workers from a central location to the work sites, by bus or crew vehicles. Air quality would not be appreciably altered by traffic on the TR road. FAS 332 was not included in Table 2-4 because the information was not available from the Montana Highway Department.

p.3-9 What is the relationship between the TRRC and MontCo? Will TRRC construct the railine to the boundary of the MontCo mine site only or does the mainline extend through the mine site? What is the ICC jurisdiction over a "spur and loop within the TRRC corridor"? Please identi on a map the construction responsibilities and which portions of raillin in the MontCo mine site area are under ICC jurisdiction.

Table 3-2 What assumptions were used in preparing coal production scenarios? What contribution are federal leases expected to make to the various production levels?

p.4-2 What methodology was used to identify prime farmland in the right-of-way, given that SCS soil classification mapping hasn't been completed in Rosebud and Custer counties? How many acres of protected farmland identified in 7 USC 4201-4209 were identified in the right-of-way? Wher do these tracts lie? What consideration will they be given by the ICC?

Is the Alluvial Valley Floor in the rail loop area at the MontCo sit in or out of the TRRC right-of-way?

p.4-8 Which severed parcels would be "lost"? Would they be purchased by TRRC? To what use would they be put? How will stock water be made available in instances where the railline severs pasture from water? Is the applicant committed to these measures? What is the extent of this impact? What assumptions about crossings, underpasses, provision for stock water and fencing were made in cost estimates stated for the various routes?

What agreements has the TRRC made to mitigate impacts due to severance of agriculture property? Appendix A (p.A1-6 and elsewhere) indicate agreements have been made, but landowners dispute this.

p.4-16 Please explain the statement that adverse impacts on property value "was not substantiated by their own experience." (Sec. 4.2.2.2., last graph)

p.4-23 Are social concerns (second graph) limited to established residen as this suggests? Is the applicant committed to working with social ager cies, help groups, etc., to alleviate these specific problems? What approach does the applicant wish to take?

p.4-27, Sec. 4.3.1 indicates a two-lane service road. Page 3-2 indicate a single-lane road. (Which is it?)

p.4-31 Does the applicant suggest that "low-cost actions" (last graph, sec. 4.3.2) would mitigate fire and medical emergency crossing problems in Miles City and Forsyth? Will the applicant propose grade-seperated crossings in these communities? How would they be paid for?

p.4-32 What impacts to communities downline along the Billings to Great Falls to Spokane corridor are expected in the context of section 4.3.3?

p.4-48 How will soil slumping be mitigated? Will the ICC set construct requirements for slumping-prone soils? Will revegetation requirements b set?

(cont.)

14. p. 3-9. The relationship between the TRRC and Montco is not the purview of this document. The information is contained in the application available from the ICC.

The rail loop within the Montco Permit area is not part of the TRRC application and is a matter under the jurisdiction of the Montana Department of State Lands.

15. Table 3.2. See chapter 3, footnote 2, p. 3-13, of the DEIS.

16. p. 4-2. Preliminary mapping of those areas not covered by existing SCS mapping was conducted by an independent consultant in coordination with SCS personnel. Standard SCS criteria were applied to identify areas of Prime Farmland. The results have been submitted to the SCS for review. No lands falling under 7 USC 4201-4209 were identified. Further studies recently conducted are described in this document.

Questions regarding the Montco Mine are under the jurisdiction of the Montana Department of State Lands and are not germane to this discussion. The rail loop is not part of the proposed Tongue River Railroad.

17. p. 4-8. See Appendix A-1 of the DEIS for discussion of methodology in sever[illegible]e determination. Disposition of "lost" parcels, as well as quest[illegible]s regarding stock water, fencing, access, etc., on severed parcels, will be resolved through negotiations with individual landholders, as suggested in the Mitigation Plan (Appendix B).

See above. TRRC has altered the originally proposed alignments and locations for relocated roads as a result of landowner input during the scoping process. Agreements will result from the ROW negotiation process, as suggested in the Mitigation Plan (Appendix B).

18. p. 4-16. No data is available to substantiate the contention that the railroad will adversely affect land values. Such "devaluation" will be considered on a parcel-by-parcel basis during ROW negotiations.

19. p. 4-23. Social concerns are not limited to established residents of the area. This statement expresses views reflected in a sample survey of local residents. The applicant is committed to all practicable means of alleviating adverse social impacts, as suggested in the Mitigation Plan (Appendix B).

20. p. 4-27, sec. 4.3.1. Plans call for a two-track, single-lane service road.

21. p. 4-31. Re-routing of fire and medical emergency traffic would alleviate any problems that might occur. Grade separated crossings will be provided as necessary. These matters are discussed in the Mitigation Plan (Appendix B).

22. p. 4-32. The Billings to Great Falls route is not anticipated to incur TRR traffic at this time.

23. p. 4-48. oil slumping is essentially an engineering problem, solutions for which will depend upon site specific criteria identified during detailed sampling of the chosen route. Revegetation is included in the Mitigation Plan (Appendix B).

p.4-51, Sec. 4.8.3 If an adequate reclamation plan for the MontCo mine is not submitted to Montana Department of State Lands and no permit is issued, will this factor in the ICC deliberation on the TRRC application

p.4-54, Sec. 4.9.1.4 What assumptions were made about the Tongue River Dam in regard to the analyses in this section? In section 4.10.1.3?

p.4-55, 5th graph What is the range of expected TDS concentrations and how does this range compare to water quality objectives for current uses? What assumptions were made in regard to the Tongue River Dam and streamflows?

p.4-77 "The proposed railroad would affect 39 agriculturists." Most of the farm/ranch operations are run by families. These family members are involved in agriculture and should be counted.

p.4-80, 4th graph How was the probability of significant fire-related impacts to agricultural operations determined to be "quite low"?
In it's Reply to Comments, (July 12, 1983, p.9), the applicant proposes to control fires and noxious weeds through "state-of-the-art techniques." What are these techniques?

p.4-81, 6th graph How was the $3.6 M figure derived?

p.5-2 How does a 70 dBA contour line compare with EPA noise standards? How will significant noise impacts be mitigated? Where were significant noise impacts projected?

p.6-1 If the proposed railline is built and abandoned, will the right-of-way be reclaimed? To what standard? Who will pay these costs?

(###)

24. p. 4-51. This is not an issue to be resolved in this document.

25. p. 4-54. The Tongue River Dam was assumed to continue to exist. It was not analyzed in the DEIS, but a study has been completed by TRRC consultants to delineate potential impacts of the railroad in the event of a dam failure. This study is discussed in this document.

26. p. 4-55. Expected ranges are described in Appendix A9.0 of the DEIS. No further assumptions in regard to the Tongue River Dam were included. Assumptions regarding streamflow levels are also described in A9.0 of the DEIS.

27. p. 4-77. Comment noted; "agriculturists" will be changed to "agricultural operations."

28. p. 4-80. Please see the DEIS, Appendix A1-56, footnote 16. A variety of techniques are available, depending upon site specific criteria.

29. p. 5-2. Please see the DEIS, Appendix A6.0 for a complete discussion of noise impact analysis methodology and results.

30. p. 6-1. Abandonment proceedings would be conducted by the ICC upon application from the TRRC. This could require the development of another environmental analysis, funded by the TRRC.

RESPONSE TO COMMENTS FROM NORTHERN PLAINS RESOURCE COUNCIL
(Oct. 20, 1983)

NORTHERN PLAINS RESOURCE COUNCIL

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October 20, 1983

Section of Energy and Environment, Room 4143
Interstate Commerce Commission
Washington, DC 20423
EXPRESS MAIL

Dear Mr. Bausch:

Attached are comments of the Northern Plains Resource Council on the Draft EIS, Tongue River Railroad Company, Montana, Finance Docket 30186. These comments supplement those that were submitted September 21st, 1983. I hereby request that both sets of comments become part of the official record of the proceding. I further request that these comments be attached to the Final EIS and that the ICC respond to each comment and/or question in writing.

The extension of time for filing comments granted by the ICC was beneficial. However, as I stated in my September 21st letter to you, Parties of Record have not received the document. This problem could have been quickly and easily remedied. It wasn't. To my knowledge, it still hasn't. We believe these parties have a valuable contribution to make to the EIS. Affected landowners and other interested and involved parties in the area are best able to analyze the impacts of the proposal. An opportunity to comment on the DEIS should be afforded to them.

We request that an oral hearing be scheduled in the affected area on the EIS as well as the TRRC application for a Certificate of Convenience and Necessity. Significant issues are unaddressed/unresolved. Among them; 1) the unsafe, high-hazard status of the Tongue River Dam, 2)assumptions used in the cumulative hydrology modeling, 3) time-frames and production scenarios which are very likely incorrect. Taken in conjunction with other assumptions, the result is significant. 4) Failure to specifically address in comparative form the "no-action" alternative, 5) conflicts between the proposed action and USDA Land Use Policy, 7 USC 4201-4209 and 6) numerous references to mitigation agreements which do not exist.

We further request that the information gathered in response to public and government agency comments and questions be published in a supplemental EIS so that this information can be reviewed prior to decisionmaking. The document is significantly incomplete. It needs to be finished so that important information can be commented on for the Final EIS.

Sincerely,

Dennis J Unsworth, Staff

Enclosures
cc Montana Congressional Delegation,
Governor Ted Schwinden, CEQ, Wa., DC,
Chairman Reese Taylor, ICC

Cover Letter

All points in cover letter are addressed in response to NRC comments of Sept. 21, 1983, with the exception of number 3.

3) Time frames and production scenarios are likely to differ from those discussed in the DEIS. It does not appear, however, that the basic conclusions and assessment of impacts that are provided in the DEIS would be changed significantly by adjustments in time frame and/or production scenarios. The impacts are generally described on a "worst case basis," which tends to overstate possible impacts. Should production levels be lower than anticipated, impacts, in general, would be less severe.

RESPONSE TO COMMENTS FROM NORTHERN PLAINS RESOURCE COUNCIL (Oct. 20, 1983)

October 19, 1983

COMMENTS OF THE NORTHERN PLAINS RESOURCE COUNCIL
Draft EIS, Finance Docket 30186, TRRC, Montana

General Comments A critical omission in the subject DEIS is the failure to specifically address in comparative form the no-action alternative. The central issue in this case is the need for more coal supply, based on reasonable, informed assumptions, weighed against reasonable, informed assumptions about adverse impacts to the project area from a rail road and up to five large strip mines.

For the past year, NPRC has contended that the issuance of a coal lease to Thermal Energy violated the letter and intent of Section 2(c) of the Federal Mineral Leasing Act.

The enclosed letter from the Justice Department to Senator Max Baucus, Montana, dated September 28, 1983, indicates that a violation of Section 2(c) cannot occur until the Interstate Commerce Commission issues a Certificate of Public Convenience and Necessity to the Tongue River Railroad Company.

We take exception to this interpretation of the law. Washington Energy Company controls both Thermrail, a partner in the proposed railroad, and Thermal Energy, the holder of the Cook Mountain federal lease tract. The ICC's deliberations concerning the TRRC are intended to grant a Certificate of Convenience and Necessity, thereby legitimizing their request to operate a common carrier railroad. Has the ICC stated a position on this issue? Will it? We request that the 2(c)/Thermal Energy issue be addressed and that the response be made available in a timely fashion for public review.

(more)

General Comments

Paragraph 1 - The DEIS was prepared under the assumption that the No-Action Alternative reflected, in simple terms, that the railroad would not be built. The larger question of need for the coal was not addressed in detail because it was not considered to be germane to the question of environmental impact on a local or regional basis. Rather, the question of need for a practical means of transporting coal, should the anticipated coal development take place, was central to the inquiry. Appendix B details the deliberations regarding alternative methods of transporting coal and the rationale for selection of the rail line alternative.

Paragraphs 2-5 - These comments are not applicable to the EIS.

October 20, 1983
NPRC--2--

We believe commitments made to the TRRC by USDA officials for routing the TRR across LARRS violate the letter and intent of NEPA. These actions cast a dark shadow over the impact assessment process and imply contempt for public involvement in agency decisionmaking.

Nowhere in the EIS is reference made to the high-hazard, unsafe Tongue River Dam. The probability of dam failure is high, possibly higher than the probability that the structure will be repaired. What is the proponent's assessment of risk from the dam? Why wasn't this assessment included in the EIS? Will the rail bed exacerbate hazards in a major flood event? What are the implications?

Finally, our analysis of the Draft EIS concludes that much of the information presented is flawed. Objective analysis appears to have been abandoned in favor of a one-sided, subjective, promotion-oriented "assessment". Alternatives to the proposed routing are cast in an unfavorable light based on questionable economic and engineering analysis. The scenarios for mine development are out-dated. The EIS has been roundly criticized and, we believe, deservedly.

In this context, a supplemental EIS and oral hearings in the affected area are a must.

Specific comments on the Draft EIS

Executive Summary The Council on Environmental Quality Rules implementing NEPA procedural provisions state in Section 1502.12 that each EIS shall "(s)tress the major conclusions, areas of controversy (including issues raised by agencies and the public), and the issues to be resolved (including the choice among alternatives.)"
What does the ICC require in the summary section? Does the ICC agree that the summary must be adequate and accurate in order to facilitate decisionmaking?

The summary states (p.1) that the proposed action is "subject to the reporting requirements of NEPA." What are these requirements? What aspects of NEPA does the ICC not feel bound by?

Purpose and Need (p.ii) How was the 10 billion ton figure derived? Is coal under the Custer Forest and Northern Cheyenne Reservation "strippable?" If market and economic information is considered seperate from the EIS, why is the first paragraph of the Social/Economic section (p.vii) and similar statements throughout the EIS included?

(more)

Paragraph 7 - The DEIS was prepared using the best available information. Alternatives were analyzed on a level consistent with that employed for the Proposed Action. Differences in impact among all alternatives are detailed in Chapter 4. The level of detail involved in analysis specifically dependent upon mine development scenarios does not lend itself to continuous updating. Two total revisions of socio-economic projections have been conducted during this process, based on changes in mine development scenarios which are not under the control of the ICC. These revisions resulted in miniscule differences in projected impact. For evaluation and planning purposes, such differences will have no effect; therefore, further revisions are not anticipated.

Specific Comments

Executive Summary. The ICC is subject to the reporting requirements of NEPA. Every attempt has been made, however, to provide all information suggested by CEQ and to follow a format that is consistent with CEQ guidelines.

Purpose and Need (p. ii). The ten-billion-ton figure was derived directly from Montana Bureau of Mines and Geology Bulletin 91, "Quality and Reserves of Strippable Coal, Selected Deposits, Southeastern Montana," by Robert E. Matson and John W. Blumer, December 1973, page 11.

The economic analysis contained in the DEIS is based upon the assumption that production and marketability figures provided are accurate. The economic analysis does not extend beyond the areas delineated in the text.

October 20, 1983
NPRC--3--

Agricultural Operations(p.vi) Impacts to agriculture are described as concerns of local residents. The authors are reminded that these "concerns" are quantifiable impacts to the environment. These impacts will quickly be felt in economic terms. They will create significant management hardships. The proponents have made no written commitments to mitigate these "concerns." Will they now? Which concerns are felt to be significant by the proponents? Will the proponents do whatever is possible to mitigate impacts or will they only take measures they feel are practicable?

Social/Economic This section states that changes may occur. Given the level of proposed development and the existing environment, changes will occur. This section broadly refers to lifestyle, political and social character. It provides no analysis of relevant issues, focusing instead on "recreational opportunities." Please provide a more objective summary analysis of the social and economic impacts. What can be expected in Ashland? Birney? Birney Village? Will social problems often associated with rapid growth be experienced here, problems such as domestic violence, community disruptions, violent crime, drug and alcohol abuse, housing inadequacies, racial tension, psychological stress to families, adolescents, etc? How will social problems be addressed, given that there is no formal government structure in the most heavily impacted area?

Does the proponent assume a high school will be built in Ashland?

Safety(p.ix) Should the Tongue River Dam be mentioned under this section?

Soils and Geology(p.ix) Who is suggesting special construction/mitigation techniques? Will any reclamation measures be required by the ICC? Who will monitor and enforce these requirements following rail construction?

Conclusions(p.xii-xiii) This section is confusing (2nd graph), highly speculative (3rd graph) and factually deficient (last graph). Decisionmakers who may rely on the Executive Summary for their information will be poorly informed. This document has an annoying tendancy to present information in a subjective manner, implying that adverse impacts don't occur. Does the ICC accept this section as an adequate summary of relevant issues?

p.1-2 Has the application for State of Montana easements been filed? If not, when? Has DSL indicated it will rely on the TRRC DEIS for those easements? Does the DEIS meet DSL's requirements under MEPA? Has the Corps of Engineers given any indication that the TRRC DEIS will or will not satisfy it's NEPA requirements?

(more)

Agricultural Operations (p. vi). Impacts to agricultural operations are examined to the extent possible given the scope of this analysis. Where such impacts are clearly quantifiable, appropriate analysis has been applied. In the case of individual landowners, mitigation commitments by the company will be a necessary part of easement negotiations, as suggested in the Mitigation Plan (Appendix B).

Social/Economic (p. viii). This section is a summary of impacts. More specific information regarding these impacts is contained in both Chapter 4 and Appendix A-2 of the document. The text on pages 4-22 through 4-25 and in Appendix A of the 6/27/83 DEIS is a good discussion of sociological issues. The text properly identifies and qualifies the types of changes that could occur. In addition to terms like "may" and "could," the discussion includes phrases such as "would be especially susceptible to the impacts," and "impacts associated with rapid growth are unavoidable under such circumstances . . . ." The language used is consistent with what is known through research about the sociological effects of rapid growth in rural areas. The text also discusses potential changes in the context of specific communities. The discussion does not focus on recreational issues, but mentions them as one of a number of other concerns.

Safety (p. ix). The Tongue River Dam situation has been evaluated and will be discussed in the final EIS.

Soils and Geology (p. ix). Special construction techniques may be required as an engineering necessity in some areas. In addition, such techniques, which would logically include intensive revegetation and stabilization efforts, would serve to mitigate related environmental consequences. Site specific needs will be identified during final centerline selection. Such measures may be required by permitting agencies or individual landowners pursuant to easement negotiations, as suggested in the Mitigation Plan (Appendix B).

Conclusions (pp. xii-xiii). This is an ICC analysis.

Page

1-2 All applications for permits and easements from agencies of the State of Montana and the federal government are being prepared or have been filed. In those cases where more detailed information is necessary for decision making, arrangements will be made to develop that information. The document has undergone review of all cooperating agencies. Comments from those agencies are included in this document.

October 20, 1983
NPRC--4--

p.1-3, 1-4 Where does the DEIS discuss the "feasibility of developing new surface coal mines in the project area?" The attached letters from potential coal developers in the project area cast doubt on the feasibility of new mine development to the extent suggested in the DEIS. Please include these letters as part of the record.

p.2-4, (3rd full graph This statement is incorrect. Tongue River provides domestic water supply. The Draft Tongue River PED, 9-81 (II-5,IV-2) characterizes Tongue River as "a source of good untreated drinking water." It is classified as a B-2 stream under Montana water quality regs. (Suitable for domestic supply.)

p.2-7 What is the source of the statement that "generally, the relativevalue of the fishery resource in the Tongue River increases as one descends the river"?

p.3-3 The preferredroute apparently passes between the river and steep banks in several instances. How will the right-of-way be constructed without blasting?

p.3-4 Are the tima-frames in the 2nd full graph correct? Will the MontCo mine be in production in 1987? Are the dates in Table 3-2 correct for the MontCo mine?

p.3-10 indicates traffic on the proposed railline in 1985. What is the nature of this traffic?

p.3-8 Would additional double-tracking be required if the Colstrip alternative was developed? What would be the cost?

How were the LMU's on figure 3.5 derived? Has surface owner consent been obtained on these tracts? Has BLM been notified of non-consent on any of the LMU's? Is the figure 3-5 information still correct, given that it is at least 2-1/2 years old and that there have been a number of developments related to coal tracts in the area? What changes have occured?

p.4-6 What is the acreage of irrigable lands potentially impacted along the various routes? Was the value of this land calculated in the economic impact analysis? Since the potential mine development is only speculative, isn't it fair to also speculate on what the potential irrigation benefits might be if irrigation development occurs at a rapid rate?

p.4-9 .With whom has the TRRC agreed to undertake the measures in the first full graph?

p.4-8 What is the source of the research mentioned on the bottom of the page? How was the study conducted? Is it statistically valid? Have the research results been verified by experience? How will holding pens mitigate management problems? What is the expected cost? Who will bear this cost?

(more)

1-3, 1-4. The "feasibility of developing new surface coal mines in the project area" is discussed in terms of hypothetical "logical mining units" and the anticipated impact such development would have on the area.

2-4 The referenced statement in the Draft Tongue River Petition Evaluation Document (PED) was in error and was corrected in the Final PED. In that final document a letter from Steven L. Pilcher, Chief, Montana Water Quality Bureau, to Ms. Sandi Johnson, Montana Dept. of State Lands, makes the correction and indicates that the Tongue River is classified B-2 from the Wyoming border to Prairie Dog Creek near Birney and is classified as B-3 from that location to the Yellowstone River.

2-7 The statement is based on information contained in the publications cited in the text as sources for the paragraph in question. See footnote 15, page 2-23.

3-3 As stated in the text, the need for blasting is not currently anticipated. Scrapers, front-end loaders, power shovels and possibly draglines should be adequate to complete the necessary excavations. Sandstone, the most dominant rock, is "rippable" with heavy equipment. It cannot, however, be categorically stated that there will be no blasting until a final route and centerline have been selected.

3-4 The time frames, in terms of duration and timing of construction efforts, are correct. Obviously, start-up and completion dates will be set back somewhat from those originally anticipated. The Montco dates were the current best projections at the time the analysis was conducted.

3-10 The year 1985 should have been 1986.

3-8 It is likely that double tracking would be required in the Colstrip terminal area as the need is a function of traffic loads, primarily dependent on the Colstrip production schedule. Estimated costs for the Colstrip route, in terms of construction, are considerably lower than those for the proposed line and the other alternatives. See DEIS, Appendix B, pages B-24 and B-25.
Figure 3.5. The Local Mining Units depicted in Figure 3.5 were developed from information provided by the financial and planning consultants identified in footnote 2, page 3-13. No changes in the scenarious that would alter the analysis have been provided to the ICC.

4-6 Only those lands currently under irrigation or planned for irrigation, as indicated by interviews with landowners, were included in the production loss and other related calculations.

4-9 As stated in the text, the TRRC has agreed to undertake certain measures discussed in preliminary consultation with the affected landowners and permitting agencies. Additional measures are suggested in the Mitigation Plan (Appendix B).

4-8 The source of this statement is conversations between TRRC land use consultants and Professors George Wise and Richard Meyers, North Carolina State University, Raleigh, North Carolina, August 20, 1981. Costs will be borne by the TRRC.

p.4-11 The DEIS claims minimal impacts from fire. Landowners experience and common sense indicate just the opposite is true. How can this statement be justified? How will fires be limited to no more than 5 acres? Was the cost of loss to fire calculated in the economic impact to agriculture?

p.4-11, sec. 4.1.3 (second graph) might or will?

p.4-13 What assumptions were made about the availability of the local workforce? If the time frames on the TRRC proposal slip by 1-3 years, how will this affect the availability of workforce?

Will the TRRC institute a training and hiring program on the Northern Cheyenne Reservation?

p.4-13 How will the TRRC "encourage workers to live in Miles City"?

p.4-21 Please cite current examples of the procedure suggested here for revenue sharing. What legal framework is required to institute such a procedure?

p.4-16 What are the facts about impacts to property value? Can the proponents document that there will be no impact to property values?

p.4-49 Will requirements be set to control soil loss to water erosion? Wind erosion? How will erosion be controlled on steep cuts? If revegetation fails, what measures will be taken to control soil erosion?

p.4-82 "Again, most of the impacts are mitigable." What are the assumptions made here? What is the mitigation plan? Who pays? Please explain specific impact expectations and mitigation assumptions.

The statement that railroad revenues would more than offset losses to agriculture assumes financial success by the railroad. TRRC presented no financial information in their application. Their proposal is highly speculative, much more so than continued agricultural productivity on Tongue River. Can the ICC make an objective analysis of this issue available for comment?

p.5-1 We object to repeated statements broadly asserting the economic windfall from strip mining. These statements are based on equally broad assumptions which are unstated in the text. These statements, as presented, have no place in an objective impact report. Please remove them from the EIS or present the relevant assumptions and qualifications.

p.5-2 How were noise contour lines determined? Are the reported levels averages? Over what time period? What are the expected peak noise levels? Which residences, schools, businesses, etc., are within "problem" areas as defined by EPA? (Please indicate on a map.)

(more)

4-11 The comments on page 4-11 are conclusions drawn from the more detailed analysis provided on page 15 of Appendix A-1 in the DEIS. The projections are the result of statistical analysis based on other existing railroads' experience and applied to the TRR. It is not possible to project specific events in terms of time, location, duration or acreage, but the projections should prove to be fairly consistent with the actual incidence of occurrence over the life of the railroad. Please see the DEIS, Appendix A-1, page 15, and Footnote 16, page 56.

4-11 Will is the correct word.

4-13 See the DEIS, Appendix A-2, pages 10-12, and page 76, footnote 2 for source of assumptions used in economic and demographic modeling. Page 9 of Appendix A-2 includes a discussion of the BREAM modeling employed in the analysis. The results of an initial analysis have already been adjusted to account for changes in time frame projections, and little change was apparent in local work force availability. The time frame for implementing the TRRC proposal would have a negligible effect on the projected impact population, because the impact population is comprised of all persons, local workforce and new workers and their families, who would live in the project area if the TRRC proposal were implemented. Unemployed local workers are assumed to emigrate from the project area.

The TRRC has not formally proposed or committed to a training and hiring program on the NCIR.

4-13 A formal plan for encouraging workers to live in Miles City has not been announced by the TRRC at this time. Methods which would provide such encouragement would include such things as providing daily transportation from points in that community to work sites.

4-21 An example of a procedure to share tax revenues among jurisdictions is in the Twin Cities (Minnesota) metropolitan area. Several jurisdictions there have established a cooperative arrangement whereby the jurisdictions' share is 40 percent of the revenues resulting from growth in property valuation. Each jurisdiction receives a share of the revenues equal to its share of total property value in all of the jurisdictions. State legislation was required to establish this arrangement. Another possibility is to create multi-jurisdictional regional authorities with taxing powers.

4-16 To our knowledge, no research has been conducted to establish the effects of actions similar to the TRRC proposal and related actions on property values. As noted in the text, we interviewed, for the purpose of this analysis, ranchers owning property adjacent to rail lines. They stated that their property values have not been adversely affected. On the other hand, as stated in the text, some other properties may experience increases or decreases in value, depending on their particular circumstances.

The facts available have been presented in the text. Despite a feeling that property values would decline due to the presence of a railroad, individuals interviewed who owned land adjacent to existing lines could not cite examples of related property devaluation.

p.A1-6 The proponents assert cattle will "get used to" underpasses. Where has this been demonstrated? How will ranchers move cattle through passes only used seasonally? Will cattle have to move through passes to get to a water source? How many underpasses will be used "frequently"? Seasonally? Will the proponents present a map showing the location and type of underpass so that this impact can be assessed and commented on? Who will pay the additional equipment and maintenance costs? Operational costs? Were these costs calculated in the economic analysis?

p.A3-6 How can the fire department substation north of the Milwaukee line provide no-delay, first response service when it is unmanned? Will the TRRC commit to mitigating emergency service delays?

pA9-8 The DEIS states that ground water quality changes will affect surface water quality, but that groundwater is a minor component of streamflow and the effect would be minor. The ground water component is not minor. It has a primary effect on surface water TDS in Otter and Hanging Woman Creeks. (Tongue River Draft PED, 9-81, p.II-5)

The DEIS states impacts to surface water assuming low flow conditions. Were these assumed flows historic or theoretical? What are the percentage TDS increases based on historic low flow in Otter Creek? Tongue River? What is the expected TDS level in Tongue River assuming no Tongue River Dam and seasonal low flows? Modeled low flows? What will be the TDS contribution of impacted groundwater under the above scenario?

Aquifer discharge rates to Tongue River (.04 to .85 cf/s per mile) are understated. (TR Draft PED, 9-81, Table IV-1) The total effect is likewise understated.

p.A9-9 The DEIS states that predicted degredation of surface water quality "would not reduce significantly the utility of this water for current uses". Do current uses include drinking water as is stated in the Tongue River Draft PED (p. II-5)? Is a 38% increase to 1,574 mg/l TDS significant for drinking water? For irrigation of crops grown with Tongue River water on Tongue River area soils?

What level of municipal/industrial withdrawal was assumed in low flow scenarios?

p.A9-11 The Tongue River Draft PED (p.IV-6) states that alluvial groundwater would be rendered unfit for irrigation and livestock water. How does the proponent dispute this?

Predicted change is not "worst case" as stated. The highest reported discharge rate was not used, contrary to what is stated. (See above.) Further, the "low flow rate" is a hypothetical stream reservation figure, not a modeled or historical low flow, which would be considerably less. The effect is to considerably understate likely water quality changes.

(more)

4-49 It will be necessary to control erosion in order to assure the integrity and stability of the rail bed and rail line. If revegetation fails, more drastic measures will be employed. On steep slopes (greater than 3:1) terraces, cover cups and sediment dams could be used. An intense monitoring program should assure success. Revegetation is discussed in the Mitigation Plan (Appendix B).

4-82 With adequate planning, the adverse effects of most of the impacts associated with construction and operation of the rail one can be mitigated to an acceptable level. It is expected that the TRRC will address site specific mitigation commitments in ROW negotiations with individual landowners. It is also assumed that stipulations regarding mitigation requirements will be attached to the various permits and authorizations of the TRRC by government agencies. See the Mitigation Plan (Appendix B) for more specific information.

In preparing this analysis, the economic information employed assumes that the TRRC is successful from a financial standpoint. An analysis of financial feasibility of the TRR from a corporate standpoint is not within the purview of this document.

5-1 A more complete description of the fiscal analysis conducted for this project is contained in Appendix A-2 of the DEIS. The statements made in Chapter 5 are supported by the analysis.

5-2 Noise contours were derived according to a methodology as stipulated by the Interstate Commerce Commission. The methodology provides for the calculation of the average sound level experienced at a location over a 24-hour period. This measurement is used by the Environmental Protection Agency to specify goals for the protection of public health and welfare from adverse effects of noise. Peak noise levels would occur when a train is in operation. Along rail lines, the noise range for unit coal trains has been measured to be 60 dBA to 95 dBA at a 100-foot distance from the line. The high end of the range occurs when train whistles are sounded. The average noise level during the period of unit coal train operation is 75 dBA at 100 feet from the rail line. The location of noise-affected properties is defined on pages A6-2 through A6-7 for the project area.

A1-6 Locations of cattle passes will be determined during ROW negotiations with individual landholders, as suggested in the Mitigation Plan (Appendix B). Allocations of cost for maintenance and operation of these underpasses and associated fencing, corrals and other facilities will also be determined during these negotiations. The TRRC will be responsible for identifiable costs of maintaining the structural integrity of the cattle passes. Where possible, no usable acreage will be severed from water sources. If necessary, the TRR will be responsible for the development of alternate water sources. See response to question from page 4-8 for more information.

A3-6 The analysis has been modified to account for the fact that the fire department substation is not currently manned. This fact was not made known to the consultants during the original analysis. A commitment to some form of mitigation will likely be a requirement for approval. Such mitigation could include financial assistance for the reopening of the substation.

...ober 20, 1983
NPRC--7--

Further, the DEIS analysis focuses solely on TDS. What ion species can be expected to increase in the post-mining hydrologic system? Other parameters? Does the proponent suggest that no parameter is likely to increase to toxic levels as a result of mining?

(###)

A9-8 It is true that groundwater discharges have a primary effect on the quality of water in Otter Creek. These effects were considered in the DEIR (see Appendix A9.0). However, as stated in the Draft Tongue River PED (p. II-5), "These high TDS levels are rapidly diluted by the Tongue River." The impacts to TDS levels in Otter Creek were based on a low flow of 1 cfs and a mean flow of 8.7 cfs (p. A9-11). The low flow of 200 cfs used in the impact study of the Tongue River was based on normal low flows during the irrigation season (see responses to State of Montana Comment No. C.3 and Tongue River Water Users Association Comment No. d).

Sources used to document the aquifer discharge rates are documented in the DEIR. These are in line with the findings of the 1975 seepage run referenced in Table IV-1 of the Draft Tongue River PED (based on 51 measurements) during dam closure and slightly lower than findings of the 1977 seepage run, done during normal low flow based on 17 measurements. The values used in the DEIR are considered reasonable.

A9-9 See previous response. The referenced statement in the Draft Tongue River PED has been corrected. A 38 percent increase to 1,574 mg/l TDS in the Tongue River alluvium is not significant to drinking water since the water does not meet drinking water standards prior to the 38 percent increase (see previous comments). The increase may make the alluvial water between the mine and the river change from a high to a very high salinity hazard (see previous comments) when used for irrigation.

There were no specific assumptions regarding municipal/industrial withdrawal. In view of the Montana water right system of prior appropriation, it is unlikely that any new water user could be diverting from the Tongue River when the flow is only 200 cfs, the low-flow value used in the DEIR impact studies. Spring flood flows, and not low flows during the irrigation season, will be the mostly likely source of water for new appropriators.

A9-11 The Tongue River Draft PED (p. IV-7) also states that, "A refined total minable acreage value will be used in the final (PED) and is expected to reduce projected Tongue River TDS levels." The Final Tongue River PED should thus be used for comparison with the Tongue River Railroad DEIR. In general, the Tongue River alluvial water currently has a high salinity hazard for irrigation. As stated in the DEIR, the alluvial water located directly between the mines and the river will have a high to very high salinity hazard for irrigation after mining. The Otter Creek alluvial water currently exceeds recommended TDS levels for irrigation, and, though it will be even higher in TDS after mining, no change in suitability of the alluvial water for irrigation is indicated. Tongue River alluvial water immediately down-gradient from the projected mines will be higher in TDS but will remain suitable for livestock (p. A9-9). Otter Creek alluvial water is currently suitable for livestock, and is projected to increase to 3,780 mg/l TDS (p. A9-10). This level is satisfactory for livestock and in the lower levels of the range considered poor in poultry (see Final Tongue River PED, Table II-1, p. II-6).

The rate of groundwater discharge to the river used in the DEIR is in line with other studies (see response to NPRC October 20 Comment re: p. A9-8). The low-flow rate of 200 cfs for the Tongue River used in the DEIR is in line with the monthly flow inputs from the Tongue River Reservoir used in the Final Tongue River PED (see Table II-4, p. II-11, which shows a minimum discharge of 8,920 acre-feet, or about 150 cfs, during the irrigation season at a TDS level of 604 mg/l). The DEIR used a low flow of 200 cfs with a TDS concentration of 500 mg/l.

The DEIR does not quantify increases in specific ionic species in post-mining spoils. Such a study is highly site-specific and is not justifiable given the speculative (at this time) locations of the projected mines and the lack of site-specific hydrogeochemical data on these mine areas. Some generalizations can be made, and were made in the Montco Mine permit application document (Montco, 1980, Vol. 5). It is projected that until the post-mining spoil water achieves equilibrium, there will be an increase in all major ion and cation concentrations. These include sodium, potassium, magnesium, calcium, carbonate, bicarbonate, chloride, and sulfate. Not all major ions will increase by the same percentages, and therefore there may be changes in related parameters such as sodium adsorption ratio (SAR) and water quality types (e.g., a change from sodium-bicarbonate to sodium-sulfate types). Because acid generated by sulfate oxidation will be neutralized by carbonate, and because mining operations generally require that organic materials be replaced in a reducing environment, heavy metals are not expected to be leached or mobilized in the spoils. Any mobilization that might occur could be chemically mitigated through precipitation of insoluble sulfides, or other measures determined by appropriate authorities. It should be remembered that detailed analysis of potential impacts are required in a mine permit application. If the permitting procedures work as planned, any unusual conditions at a particular mine site would be identified and dealt with prior to issuance of a mining permit for that area.

RESPONSE TO COMMENTS FROM MONTANA STATE RURAL AREAS DEVELOPMENT COMMITTEE (Sept. 14. 1983)

MONTANA STATE RURAL AREAS DEVELOPMENT COMMITTEE

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Alder, Montana 59710

Executive Committee

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Agatha Mergenovich, Secretary
Section of Energy and Environment
Room 4143
Interstate Commerce Commission
Washington, D.C. 20423

September 14, 1983

Dear Ms. Mergenovich:

The Montana State Rural Areas Development Committee (RAD) is a private citizens organization whose goal is to assist in the development of Montana's human and natural resources. Our committee has functioned continuously since 1961 to: 1. encourage awareness, understanding and establishment of priorities on critical issues with special interest groups, 2. work with those concerned with public policy and those responsible for public policy implementation, and 3. include research and education in the decision making process. Because members (and their constituency) living in southeastern Montana are deeply concerned about the 89 mile rail line that the Tongue River Railroad proposes to build, they have asked my RAD Range Subcommittee to comment on the Draft Environmental Impact Statement (Finance Document 30186).

Montana's Rural Area Development Committee is deeply concerned that the proposed rail line will significantly and detrimentally impact the quality of living in southeastern Montana. We feel that four major issues need to be addressed: 1. loss of range research, 2. loss of productive range and cropland, 3. deterioration of environmental quality, and 4. inadequacies within the EIS itself.

We are opposed to both, the proposed action and the Tongue River Road Alternative Route because of their adverse impact on the USDA Livestock and Range Research Station (LARRS). These alternatives would seriously disrupt research during the construction phase, destroy on-going research in the seven pastures that it crosses, and completely eliminate any potential finding---that could only be derived through long-term research. We fully concur with the resolutions adopted by the American Society of Animal Science and the Society for Range Management. For several decades, LARRS has answered questions and established practices which increased the productivity and enhanced the management of rangelands in Montana and in other parts of the Northern Great Plains. It's work has substanially improved the standard of living in Montana and has helped make our western livestock industry the envy of the world.

We take particular exception to the suggestion (2nd paragraph on page A1-18) that LARRS would be a perfect place for studying the effects of a railroad on livestock production. Research

1. Page 1, Paragraph 2. Impacts to the Livestock and Range Research Station have been analyzed and results of this analysis are presented in this document.

Loss of productive agricultural land is described and discussed in the DEIS. Appendix A-1 of the DEIS deals with this subject in detail. Further analysis to identify prime farmland has been conducted in conjuntion with the SCS and is included in the final EIS.

The entire document is an analysis of the environmental impacts of the proposed rail line.

2. Page 1, Paragraph 3. Negotiations are being conducted with the USDA and LARRS staff to develop plans to mitigate impacts to the station. Measures agreed upon thus far are included in the Mitigation Plan (Appendix B).

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priorities at LARRS are identified and ranked, and research projects are undertaken through close consultation with Montana's livestock industry, Montana State University, and the Cooperative Extension Service. We would hope that your staff is better qualified to analyze the environmental impact of a railroad---than it is to direct research that is vital to the health of Montana's livestock industry.

Montana's Rural Area Development Committee is also concerned about the loss of productive range and crop land. We feel that the removal of 1500-1700 acres, on a total of 39 agricultural operations, would be a significant loss to our economy. We will need to see more evidence before we are convinced that the proposed route---with an immediate loss of $3.4 million dollars in agricultural productivity, and a long-term loss to the livestock industry from the disruption of viable research (that is difficult to measure but is of far greater magnitude)---should be recommended. From an agricultural standpoint, the Moon Creek and Colstrip alternatives would be less detrimental.

Montana's Rural Area Development Committee is especially concerned about the loss of environmental quality that will adversely affect the quality of our member's lives. Several environmental concerns need clarification. On page 4-48, it is estimated that 93,104 tons of soil would be lost per year. Because Table 4-8 does not specify the amount of acreage that this sediment would be eroded from---are we to assume that it will erode from the 1762 acres that are affected (page 4-2)? This large loss of a non-renewable resource would be detrimental to downstream water users and to all species of wildlife that utilize the Tongue River drainage for habitat. Too us, the erosion problem along the Tongue River clearly suggests that the Colstrip alternative would be less harmful from an environmental standpoint.

As an interested party, we are unhappy that we had such a short time to review and comment on a document that will significantly affect a large proportion of our state's population. We are concerned because the review period was so short that we have not had enough time to analyze the document. Because we have found several discrepancies, we are concerned that your document may contain some larger errors (either analytical or by assumption) that could only be detected during a lengthier review process. However, we recommend that the following items be addressed:

1. What about Montana's noxious weed problem? Other than mere lip service (pages A1-18, A1-16, and 4-60) your analysis does not adequately address the weed problem. Weeds are growing along every transportation corridor in Montana. Although two of our most noxious weeds (spotted knapweed and leafy spurge) are not presently reported along the Tongue River, they no doubt will become a problem as soon as a rail line

3. Page 2, Paragraph 4. The loss of an estimated 93,104 tons of soil per year from the preferred route is that loss which will occur if no reclamation efforts are undertaken. As stated on page A-334, without reclamation, a small increase in Tongue River TSS (total suspended sediment) will occur. However, this increase (10-12 mg/l TSS) will not alter the suitability of water for existing uses (irrigation, stock and wildlife water, and fishing or other recreational uses).

It is important to remember when viewing these increases that they are worst case. As stated on page A-312 and A-314 of the DEIS, erosion can be controlled to a large degree by proper soil stabilization and vegetation re-establishment. These practices can reduce wind erosion by 85-95 percent and water erosion to less than two tons per acre per year.

Substantial reductions in soils erosion will mean corresponding reductions in Tongue River TSS. It is anticipated that that 10-12 mg/l TSS will be reduced considerably by proper reclamation procedures along the right-of-way. This will mean even less impact on water quality and recreation along the Tongue River. These concerns are addressed in the Mitigation Plan (Appendix B).

4. Page 2, Paragraph 5. Noxious weeds are definitely a problem along transportation corridors throughout the state. But the real problem occurs following establishment of weedy species since most are perennials. It is then necessary to use long-lasting herbicides to control these plants.

The key to control of noxious weeds along the proposed Tongue River Railroad right-of-way is to not let weedy plant species become established. Control prior to an infestation is possible through the use of a regular program of herbicide spraying with 2-4D (Mike Jackson, personal communication).

A program of twice yearly treatment (June 1 and September 15) for the life of the railroad will control establishment of all noxious weeds. Treatment near or in water systems must be done using either a special formulation of 2-4D or the chemical Roundup. Records of dates and quantities are required by law. Please see Appendix B, the Mitigation Plan, for more details.

and other access roads open up the country. These weeds have been spreading at an annual rate of 27%, compounded annually. It is inevitable that the proposed railroad will hasten their introduction into the area. Both weed species have the potential to significantly impair research on LARRS, agricultural and rangeland productivity, and wildlife habitat.

2. Page 2-1 (4th paragraph) contains an error in logic. Because of the importance of the LARRS, we feel that the affected area should read "the entire Northern Great Plains"---not just Custer, Rosebud and Powder River Counties.

3. Page 4-62 (3rd paragraph) contains a serious biological error. Becuase of the importance of riparian habitat in a semi-arid environment, the amount of habitat that would be removed by the proposed railroad or by its alternatives is far greater---not the same as the vegetation acreage.

4. Pages 3-8, xi, and appendix B all suggest that the largest coal demand exists in the east, and not in the west. Becuase this appears to be the primary argument for rail-roading the Tongue River, we feel that the document needs to include data that supports this premise.

5. Page 4-79 (1st paragraph) may contain an error. By earlier estimates, it seems that the projected loss should read $761,000.00.

6. Pages A2-65 through A2-75 is almost impossible to understand. For example, on some tables it is indicated that the values are expressed in 1981 dollars. We need to know if all of the data were treated similarly (if not, why)? The economic conclusions would contain a gross error if all costs and returns were not discounted back to present figures. This economic analysis must be made perfectly clear.

In conclusion, we feel that the environmental impact statement needs to be revised---and several important concerns properly addressed before the final EIS is prepared. We are concerned that the quality of life in southeastern Montana may be unnecessarily impaired by the proposed rail line. In order to minimize the detrimental impact on the range research, agricultural production, wildlife habitat, and soil resource--we would certainly recommend that the Colstrip alternative be given further consideration.

Thank you for allowing us to review the EIS. We will appreciate receiving confirmation of this letter, as well as being informed about the upcoming public hearings.

Sincerely,

P. T. Hacker
Chairman, RAD Range Subcommittee

jrl

5. Page 3, Paragraph 2. Direct environmental effects will occur within the described area.

6. Page 3, Paragraph 3. All areas constitute habitat types, some more valuable than others. In many cases, vegetation types and habitat types are quite similar. Regardless, the total acreage disturbed is equal to the total habitat disturbed.

7. Page 3, Paragraph 4. Market data generated to assess demand is based on a variety of information and assumptions. This information will be presented as part of the application process, but is not germane to the DEIS process.

8. Page 3, Paragraph 5. Correct figure is $761,000.00.

9. Page 3, Paragraph 6. An attempt was made to take individual ranch perspective of impact magnitude by calculating the percentage of each ranch's land removed from production. (See p. A1-33 of the 6/7/83 DEIS). As noted in the text, these calculations exclude leased land and thus do not present a complete picture.

To go beyond this type of calculation and estimate whether some ranchers would be forced out of business is not possible. To make such a determination would require knowledge of the financial history and status of each rancher. Ranchers would consider disclosure of this information a violation of their privacy. We also would need to know the specifics of the railroad's compensation to each rancher, which would be speculation at this time. There are other actions we cannot predict which could be taken by a rancher to mitigate the adverse effects of the rail line. Examples are land swaps to avoid loss of a severed parcel or investment in more productive ranching processes, e.g., irrigation, using the compensation paid by the railroad right-of-way, etc. Finally, the effect of an individual rancher and the effect on his ranch land and its continued productive use are viewed from two different perspectives for impacts analysis purposes. Our analysis focuses on the long-term productive use of the land, becuase, as explained above, it is not feasible to identify the effect on individual ranchers.

The monetary impacts are presented in constant 1981 dollars for each year of the study period. This approach shows the timing and level of the inflows and outflows throughout the period. This approach does not account for the time value of money, which provides useful additional information with which to analyze fiscal impacts. In other words, the opportunity cost associated with receiving inflows later and/or incurring outflows earlier in the project has not been incorporated into the analysis. In order to compare the relative fiscal impacts of the three scenarios, a net present value calculation is presented in the following tables.

PRODUCTION VALUE LOSS BY CAUSE
(Thousands of Dollars) 1/

Railroad		
Grazing Land	$ 723 2/	$2,169 3/
Other	2,718	2,718
Total	3,441	4,887
Mining	1,440	1,440
Community Growth	235	235
Total	$5,116	$6,562
% of Area Production	0.22%	0.28%

1/ Source: DEIS 6/27/83, pp. A1-1 through A1-27

2/ At 45 acres/cow-calf unit

3/ At 15 acres/cow-calf unit

PRESENT VALUE OF THE CUMULATIVE
LOSS OF AGRICULTURAL PRODUCTIVITY [a].

	PROPOSED ACTION	TONGUE RIVER ROAD ALTERNATIVE	MOON CREEK ALTERNATIVE	COLSTRIP ALTERNATIVE	ASHLAND NW ALIGNMENT
Production Value ($000s) Due to Railroad					
	$2,435	$1,240	$2,465	$540	($47)
Production Value ($000s) Due to Mining					
	910	910	910	910	--
Production Value ($000s) Due to Community Growth					
	155	155	155	155	--
TOTAL	$3,500	$2,305	$3,530	$1,605	($47)

a. Medium coal production scenario. Reference to Table 4-1, p. 4-4, DEIS. Base year for present value computation is 1981. Discount rate used is 2 percent which is an inflation free/risk free rate. A risk premium could be added to the discount rate used to calculate the present value of the losses associated with mining and community development because there is uncertainty associated with these related actions should this railroad be built. A premium of 3 percent would cause the present value of the mining and community development to decrease to $565

b. Add (subtract) these figures to include the Ashland NW Alignment in each alternative

PRESENT VALUE OF NET FISCAL BALANCE ESTIMATES
MEDIUM PRODUCTION SCENARIO [a,b]
($000s)

Jurisdiction	Net Fiscal Balance	
	Proposed Action	Colstrip Alternative
State	$698,200	$698,200
Custer County		
County	15,800	150
Miles City	1,000	23
High School	11,590	(250)
ESD #1	2,230	(1,230)
Powder River County		
County	39,865	39,865
Broadus	(440)	(440)
High School	40	40
ESD # 79J	(5,240)	(5,240)
Rosebud County		
County	45,270	45,970
Forsyth	(55)	47
HS #4	(1,270)	(1,710)
HS #19	2,870	1,655
ESD #3	13,600	13,610
ESD #4	(1,645)	(2,190)
ESD #19	(3,485)	(2,330)
ESD #32J	41,750	44,210
TOTAL	860,080	830,080

a. Reference Tables A2-36 through A2-40, p. A2-52 through A2-55, DEIS.

b. Discount rate is 2 percent which is an inflation free/risk free rate. Base year is 1981.

PRESENT VALUE OF NET FISCAL BALANCE ESTIMATES
MEDIUM PRODUCTION SCENARIO
($000s)

Jurisdition	Net Fiscal Balance	
	Proposed Action	Colstrip Alternative
State	$378,755	$378,755
Custer County		
County	9,960	75
Miles City	635	10
High School	7,360	(135)
ESD #1	1,495	(760)
Powder River County		
County	18,925	18,925
Broadus	(265)	(266)
High School	(415)	(415)
ESD #79J	(2,975)	(2,975)
Rosebud County		
County	26,460	27,235
Forsyth	(35)	10
HS #4	(730)	(960)
HS #19	1,735	1,120
ESD #3	7,575	7,850
ESD #4	(1,005)	(1,290)
ESD #19	(2,465)	(1,575)
ESD #32J	23,000	25,550
TOTAL	$468,010	$450,884

a. Reference Tables A2-36 through A2-40, p. A2-52 through A2-55, DEIS.

b. Discount rate is a 5 percent, which is an inflation free rate plus a 3 percent risk premium to account for uncertainties associated with the projections. Base year is 1981.

PRESENT VALUE OF SAFETY IMPACTS
MEDIUM COAL PRODUCTION SCENARIO [a]

	PROPOSED ACTION	TONGUE RIVER ROAD ALTERNATIVE	MOON CREEK ALTERNATIVE	COLSTRIP ALTERNATIVE
(1) CUMULATIVE TOTALS, GRADE-CROSSING ACCIDENTS, 1984-2011				
Property Damage	$6,800	$7,300	$6,800	$5,000
2) CUMULATIVE DERAILMENTS, 1984-2011				
Property Damage	$3,095,000	$3,095,000	$3,095,000	$3,655,000
(3) CUMULATIVE GRADE-CROSSING ACCIDENTS AND DERAILMENTS DOWNLINE, 1986/87-2011, MEDIUM SCENARIO				
Damage	$23,460,000	$23,460,000	$23,460,000	$23,460,000

a. Reference Table 4-7, P. 4-45, DEIS. Base year for present value calculation is 1981. Discount rate is 2 percent, which is an inflation free/risk free rate. A risk premium could be incorporated to account for uncertainty associated with future train volumes. A 3 percent premium would reduce the present value calculations shown above by about 37 percent.

RESPONSE TO COMMENTS FROM ROSEBUD PROTECTIVE ASSOCIATION
(Oct. 18, 1983)

Rosebud Protective Association

Forsyth, Montana 59327

Section of Energy and
Environment
Room 4143
Interstate Commerce Commission
Washington, D.C. 20423

October 18, 1983

Re: Comments on the Draft Environmental Impact Statement prepared on Finance Docket #30186 (Tongue River Railroad Company)

While we appreciate the opportunity to comment on this DEIS, we would like to point out that at the time of these comments, some of our members and neighbors have yet to receive copies of the document.

We would also like to note our concern with the procedure that was used in preparing this DEIS. Does the relationship between the TRRC, the consultants and the ICCC comply with the Council on Environmental Quality's(CEQ) regulations for implementing the procedural provisions of the National Environmental Policy Act(NEPA)? We submit that both the procedures followed in preparing this DEIS and the premature granting of an easement through Fort Keogh constitute a violation of NEPA.

It is obvious by the tone of the document that it was written by the railroad and for the railroad. The bias is so evident that any attempt to call this an objective decision making tool are a mockery of NEPA and CEQ guidelines.

Numerous other groups and individuals including the Northern Plains Resource Council, whose comment and concerns we fully support, have submitted extensive analyses of this DEIS. Therefore, instead of dissecting the document line by line, we felt we should just comment on a few specific areas of concern. We should note, that the Rosebud Protective Association has members who will be crossed by either the preferred alternative or the Colstrip route.

FIRE

The DEIS is totally inadequate in it's unrealistic analyses of the potential railroad related fire hazard. By what rational was the formula used to predict fire occurance and size selected? Was on site research over time conducted in Rosebud, Powder River and Custer Counties along the various alternate routes?

Were annual precipitation levels taken into account? Were below average rainfall years looked at closely? The document discusses mitigation proposed by the TRRC, what measures are these? Cloud seeding?

Paragraph 2. The DEIS was prepared under a "modified 3rd party" arrangement between the ICC, TRRC and HRA. No easement has been granted through the LARRS.

Fire. The fire projections were derived using standard procedures for such analyses. Footnote 16, page A1-56, of the DEIS provides an explanation. For further information, see response to comment from Sophie Olson on same topic.

Needless to say, we were appalled at the cursory analysis of railroad related fire hazard in this part of the country. Just as an example, the 1983 Nansel fire(by Colstrip) caused by a BN train burnt approximately 9,000 acres of grass and timber, a far cry from the 5 acres predicted in the DEIS.

Related Development

We would like to inquire as to the make-up of the five logical mining units(LMU) presented in the DEIS. Would you please explain both the surface ownership and status of coal rights in these 5 LMU's?

Isn't it true that several of these mining units(or leases) are presently being challenged in Federal court? Further, isn't the Cook Mountain tract being scrutinized for possible violation of the Federal Mineral Leasing Act? (Section 2(c) prohibits common carrier railroads from holding federal leases. The TRRC has applied for a permit as a common carrier, and one of its partners, Thermrail, has a sister corporation, Thermal Energy, that now holds the Cook Mountain lease tract). Also, the proposed Montco mine does not have a permit. In fact, has their application even been declared complete? Finally, doesn't the number 5 LMU cross the Rocker Six Cattle co. who has no intention of leasing?

These factors should be discussed in light of the DEIS's continual reference to the tremendous amount of revenue that will be generated by these proposals. Revenue that will replace "declining agricultural productivity" and insure that there will be no socio-economic fiscal crisis. In fact, this projected revenue is completely speculative.

Aesthetics

We would like to take exception to the DEIS's discussion of railroad related aesthetic impacts. Does the formula used to determine if a railroad would have low to moderate visual impacts, take into account the points of view of those who will be seeing it daily? We certainly feel that a railroad crossing our ranches would have an extremelly high long term visual impact.

Severence

The DEIS notes that holding pens on either side of possible culverts might be a way of encouraging recalcitrant livestock into crossing to the other side of the the railroad. Would this be due to a lack of forage on one side? Is possible weight loss considered? Do the preparers of this section consider how attractive a seldomly used access road and a compact holding pen might seem to rustlers? We further wonder about the familiarity of thosed discussing impacts to cattle operations when then use the term "herding cattle".

Tongue River Dam

Although we are sure that others have raised this point, we would like to repeat our concern that the analysis doesn't consider what might be one of the most crucial factors

Related Development. See footnote 2, page 3-13 for information on projected mines and production scenarios. This information was the basis for the analysis.

Aesthetics. The process for aesthetic analysis is discussed in Appendix A-13 of the DEIS.

Severance. This topic is discussed in the text. Arrangements for cattle movement facilities will be subject to negotiation with individual landowners, as suggested in the Mitigation Plan (Appendix B).

Tongue River Dam. The questions surrounding the impacts of a possible failure of the Tongue River Dam have been examined and the results of the analysis are included in this document.

in the whole project area, and that is the condition of the Tongue River Dam spillway. Why wasn't it considered in the first place? In terms of hazard to the TRR's operation, low flow water quality, and viability of the Montco project, this must be considered.

In conclusion, we feel that this DEIS does not adequately address any of the alternatives, particularly the no action alternative, enough to be in compliance with NEPA. Further, the assumption throughout the document are mostly without basis. Who has the applicant agreed to provide with all the proposed mitigating measures?

The issues raised in reviewing the DEIS are so significant, that not only should a public hearing be held, but a supplemental DEIS with full opportunity for public review and comment should be prepared.

Sincerely,

Genie-May Garfield
President, Rosebud
Protective Assoc.

Thank you for your comments.

RESPONSE TO COMMENTS FROM THE TONGUE RIVER WATER USERS ASSOCIATION (Sept. 16, 1983)

TONGUE RIVER WATER USERS ASSOCIATION
Ashland, Montana 59003

September 16, 1983

Interstate Commerce Commission
Section of Energy and Environment
Room 4143
12th & Constitution Avenue
Washington, D.C. 20423

Attn: Dinance Docket No. 30186 - Tongue River Railroad Company - Construction and Operation - of a line of railroad in Custer, Rosebud and Powder River Counties, Mt.

From: Herb Mobley - President, Tongue River Water Users Association

Our organization is an association of irrigators on Tongue River which contracts with the Montana Department of Natural Resources and Conservation for water out of Tongue River Dam. Our business is water. We operate, manage and maintain Tongue River Dam with the Department of Natural Resources.

This Environmental Impact Statement has no mention of Tongue River Dam. Tongue River Dam forms a lake which holds 68,000 Acre Feet of water when full. Tongue River Dam has been declared a high hazard dam according to the Recommended Guidelines for Safety Inspection of Dams by the U. S. Army Corps of Engineers.

Since 1975 there has been numerous studies accomplished by the Department of Natural Resources and Conservation in attempting to alleviate the State from the liability of this hazardous dam. Some of the facts discovered in these studies are:

1. That the probable maximum flood for Tongue River is 400,000 cubic feet per second.
2. That should Tongue River Dam fail when full it could expell 400,000 cfs. (equal to the PMF)
3. That the probability of failure is 13.8% in the next 10 years if operated at full capacity.
4. That Tongue River Dam must have a new spillway which will pass the PMF according to the guidelines for Safety Inspection of Dams.
5. That considering the probability of Dam failure is quite high and the expediency with which Tongue River Dam may be enlarged or a new spillway constructed is quite low we may lose the advantage of the high flow of water which our Tongue River Dam affords. Consequently Tongue River may run nearly dry a good percentage of years in the vicinity of Tongue River Railroad.

Now in studying this Finance Docket No. 30186 and finding absolutely no mention of

Page 2 - September 16, 1983

any dam on Tongue River, I therefore have the following questions:

a. Should not the Tongue River Railroad be required to use the same flood criteria as our Tongue River Dam, particularly when constructing river crossings? Example: Bridge on Sect 27, 1S, R44E and the Ashland NW Alignment on Otter Creek.

   On pages 3-3, 4-54 and A9-6, 100 year flood design is not sufficient in my opinion; the PMF flood criteria should apply without question, particularly on Tongue River bridges.

b. Should a PMF or dam failure occur it seems likely to me that the Tongue River Railroad bed as it is proposed in this document, and being on the river valley floor, would divert and channel water in many areas similar to an irrigation dyke. Would not this create additional flood damage resulting in liability damage for both the State of Montana and Tongue River Railroad? Or would Tongue River Railroad be responsible for all damage so incurred?

c. Would not the Ashland NW Alignment constitute a dam around the town of Ashland waiting for an Otter Creek flood?

d. Page A9-11 states: Tongue River water quality is viewed as a "worst case" situation. This cannot be true unless it considered Tongue River Dam washed out and inoperative which as I have demonstrated is quite probable. Therefore are not all water quality assumptions or calculations in this document regarding low flow rates false unless river flow rates were used which did not assume Tongue River Dam in operation? Many summers Tongue River would be nearly dry in many reaches were it not for Tongue River Dam. This summer of 1983 for example, Tongue River would have been dry after mid July through the irrigating season. Dry river bed conditions would make water quality very critical and difficult to document in an E.I.S., but this must be done in order to be environmentally responsible.

These questions constitute an outline of inadequacies not considered by Docket No. 30186. We as operators and irrigators of Tongue River water consider them pertinent to Tongue River where we live.

I have not taken time to prepare footnotes on my statements, so will offer to answer any questions regarding this statement. Thank you.

Sincerely,

TONGUE RIVER WATER USERS ASSOCIATION

Herb Mobley

Herb Mobley
President

a. Two decisions must be made when determining what design flood to use for river crossings and railroad fill on designated floodplains. First, from the standpoint of liability, the railroad should not increase damages to any structures or activities (see page A9-6 of the DEIR) on the floodplain in the event of the design flood. Normally, this designated floodplain is taken to be that inundated by the 100-year flood. This liability is somewhat clouded when the flood is caused by failure of a structure owned by others. However, as stated in the response to the State of Montana Comment No. D.1, relatively few modifications to the alignment and bridge design should ensure that the dam break floodway is not restricted by the railroad. The necessary modifications can only be determined through the flood routing study now being completed.

Second, there may be areas where the railroad could be inundated by the design flood but where this inundation would cause an insignificant effect on the floodway capacity and no danger to human life or property. In such a case it is basically an economic decision by railroad officials as to what design flood to use. This decision is a function of the probability of the occurrence of the flood within the life of the structure and the cost of designing the railroad to withstand such a flood versus the cost to the railroad, in terms of temporary cessation of operations and any necessary repairs, of incurring damge by the flood. The flood routing study will provide the information necessary to make such a decision.

b. See response to State of Montana Comment No. D.1. The proposed railroad alignment encroaches significantly on the dam break floodway in only two locations, near Ashland and at the proposed Tongue River crossing. The potential for the railroad to impact the floodway is discussed previously. If the TR Railroad determines that no impacts would occur other than to the railroad itself, or if design modifications are made to eliminate any impacts, the responsibility for damage in the event of a dam break would rest with the DNRC and the Tongue River Water Users Association.

c. As previously discussed, the flood routing study will determine whether the proposed railroad would significantly affect the flood HWL at this particular location.

d. Page A9-11 states: Tongue River water quality is viewed as a "worst case" situation. This cannot be true unless it considered Tongue River Dam washed out and inoperative, which, as I have demonstrated, is quite probable. Therefore, are not all water quality assumptions or calculations in this document regarding low flow rates false unless river flow rates were used which did not assume Tongue River Dam in operation? Many summers Tongue River would be nearly dry in many reaches were it not for Tongue River Dam. This summer of 1983, for example, Tongue River would have been dry after mid-July through the irrigating season. Dry river bed conditions would make water quality very critical and difficult to document in an E.I.S., but this must be done in order to be environmentally responsible.

See response to State of Montana Comment No. C.3. If the flows of the Tongue River were to decline to levels below those used in the DEIR analysis, ambient water quality in the stream would deteriorate due to the relative increase in the amount of flow supplied to the stream by groundwater. With such poor quality water in the stream, the percentage increase in TDS caused by discharge through the mine spoils would be less than shown in this report. This is because the salt loading caused by discharge from the mine spoils is a constant, and the receiving waters would be much higher in TDS than the 500 mg/l assumed for the DEIR.

For example, if, as the reviewer suggests, the flow in the Tongue River at the Tongue River Dam site is zero, then the water quality downstream from there would be similar to existing alluvial water quality (1,151 mg/l TDS, see p. A9-10 of the DEIR) since the alluvium would be the source of streamflow downstream. Assuming that these groundwater accretions resulted in a flow in the river of 50 cfs in the vicinity of the mines and that this water would have a TDS concentration of 1,151 mg/l, the mass balance equation used in the DEIR (see Section A9.1.3.2) shows an increase in the streamflow TDS of 5 percent (from 1,151 to 1,212 mg/l) in the reach below the mines. The water would be above recommended drinking water standards with or without the mines, and would remain within the recommended limit for irrigation (2,000 mg/l) in either case. For such extreme low flows, however, the suitability of water for irrigation would appear to be merely an academic point since water quantity, not quality, would preclude irrigation in such an event.

Tri-County Ranchers Association

Birney, Montana 59012

June 29, 1983

Office of the Secretary
Interstate Commerce Commission
12th & Constitution Avenue
Washington, D.C. 20423

Attn: Finance docket # 30186

RE: Request for inclusion as party of record in opposition to the proposed Tongue River RR, Montana. Finance docket # 30186.

Dear Sir;

I am writing in behalf of the Tri-County Ranchers Association of southeastern Montana. The Tri-County Ranchers Association has members living and ranching in Big Horn, Rosebud, and Powder River Counties. We request to be parties of record in opposition to the granting of a permit to the proposed Tongue River Rail Road, Montana. Finance docket # 30186.

We are opposed to granting a permit for this railroad since there is no market for its cargo and since the undisclosed financial backing sounds like no financial backing. It would be irresponsible of the ICC to grant a permit for the Tongue River Rail Road thereby precipitating condemnation proceedings and disruption of the present stable agricultural economy of the Tongue River Valley...all for a questionable railroad trying to rely on a very unstable coal market and with only proposed financial backing.

Thank you for your comments.

Sincerely yours,

Marilynn Hayes

Marilynn Hayes, Secretary
Tri-County Ranchers Association
Birney, Montana 59012

cc David M. Schwartz

RESPONSE TO COMMENTS FROM TRI-COUNTY RANCHERS ASSOCIATION
(Oct. 17, 1983)

Tri-County Ranchers Association

Birney, Montana 59012

Interstate Commerce Commission
Section of Energy and Environment
Room 4143
12th. & Constitution Avenue
Washington, D.C. 20423

October 17, 1983

RE: Draft Environmental Impact Statement
Finance Docket #30186 Tongue River Railroad Company

Comments of the Tri-County Ranchers Association:

On page 3-4, the DEIS says that the line to Terminal Point #1 will be completed in 1987, so how can the table on page 3-10 show that coal production from the Montco Mine will begin in 1986?

On page 2-10, the third paragraph states that "on the average, 45 to 50 acres are required to maintain a single cow/calf unit". This figure is too high; approximately 30 acres per cow/calf unit is closer. Furthermore, the DEIS should take into account that rangeland along the river is considered prime rangeland, and could support cow/calf units on even less acreage. The railroad would be going through irrigated land and good rangeland, not on "45 acre per cow/calf unit" areas.

The DEIS does not consider the Tongue River Dam which has been declared a high-hazard dam. The DEIS has not shown how the TRRC would cope with flooding (which would occur all the way to Miles City) should the Tongue River Dam fail. Also, in event of dam failure, the present controlled flow of water would be altered.

The No Action alternative seems to be glossed over. Impacts of the Tongue River Railroad on agriculture and communities are addressed, but little mention is made of impacts caused by a No Action alternative.

Since major issues, such as impacts of a Tongue River Dam failure, were not addressed in this first DEIS, we request a supplemental DEIS. Also, we think that public hearings should be held on the DEIS and the final application.

Sincerely,

Marilynn Hayes

Marilynn Hayes, Secretary
Tri-County Ranchers Association

Page 3-4. The projections were based on Montco production beginning at about the same time the TRR is completed. These dates will be clarified to read 1986 in all cases.

Page 2-10. See response to State of Montana Comment No. 1. The figure used is based on the Report of the State Department of Revenue for July 1, 1918 to June 10, 1980, which presents average values for grazing land by county. The figures are supported by land classification data in county appraiser records in the three-county area.

Paragraph 3. An analysis of the impacts of the TRR in the event of failure of the Tongue River Dam has been conducted. Results are presented in this document.

Paragraph 4. The "no-action" alternative has been addressed.

Thank you for your comments.

Town of Broadus
Box 647 Broadus, Montana 59317 ph 406-436-2409

RECEIVED
JAN 7 1984

December 20, 1983

Mr. Carl Bausch
Office of Transportation Analysis
Section of Energy and Environment
Washington, D.C. 20423

RE: Tongue River Railroad Company
Draft Environmental Impact Statement
Finance Docket No. 30186

Dear Mr. Bausch:

As a member of the Broadus Town Council, I am commenting on the proposed Tongue River Railroad on behalf of the Council and Town of Broadus, Montana.

As progressive-minded people, interested in responsible community growth, we are, of course, interested in the proposed railroad and its effect on our local community as well as Powder River County. There are a few negative aspects of possible development on which we feel compelled to comment.

The Environmental Impact Statement states that the Town of Broadus has an adequate water supply to serve any projected increase in population. That may be true; we haven't compiled definite figures; however, the last addition to the town required a waiver of water pressure because pressure in the new addition is at least ten pounds lower than state minimum. We would require assistance to alleviate this problem if any major increase in population is experienced.

While our present sewer system is adequate for present population and occasional increases in population, ie., oil and gas seismological crews who have been quite active in the last few years, there is some question as to whether the system and more importantly the sewage lagoon would be able to handle a large increase. This again is another problem the Town of Broadus would need help in correcting.

The Environmental Impact Statement states that the impact on Broadus taxpayers would be $265.00 per capita. This would certainly have an adverse affect on low and fixed income residents. For most residents this would add up to an unbearable tax burden. Most townspeople are small property owners or wage earners, therefore, any increased business for small businesses would not affect their income. This matter must also be anticipated and addressed so that action can be taken before an impact occurs.

Paragraph 3 - The analysis was based on information collected by Mountain West Research through interviews and examination of county planning departments in 1981. Any available new information will be incorporated in the Final EIS.

It is assumed that Broadus would apply for assistance with the Coal Board to alleviate this and other possible impacts.

Paragraph 4 - See comment above.

Paragraph 5 - Possible methods of alleviating such problems are described in response to comment 3 of the Northern Plains Resource Council.

The council is also concerned about law enforcement problems which will be encountered with the increase in population. At present the Town of Broadus has a stable law enforcement situation, in fact, according to the State Board of Crime Control Statistics, in 1982 Broadus actually experienced a decrease in crime. We feel that the rate will increase dramatically in a "boomtown" atmosphere.

The Town of Broadus will also surely experience a housing shortage with the anticipated population increase resulting in higher rent costs. This again will have an adverse affect on our low and fixed income residents. Their problems will have to be anticipated and directly addressed.

The Town of Broadus will need assistance in grant writing and planning for the impact. This assistance will be needed during what we see as a deficit tax period. Financial assistance is most vital between now and the time when our community qualifies for state coal severance monies from the State of Montana. Not only does our small community lack the finances, but also the expertise to address the forseeable problems, and to effectively plan for an impact.

We, the Broadus Town Council, would like to know how all this is to be accomplished, especially in light of the almost total indifference to which the Town of Broadus was referred to in the Environmental Impact Statement.

Another comment the Council would like to make is about our dismay at the way this Environmental Impact Statement was not made available to the very people who would be affect most. We are very disappointed at the total disregard shown by the people who were in charge of this project to the County of Powder River and the Town Broadus in not getting copies of the Environmental Impact Statement to the representatives of the community until two months after the initial comment period had ended. This, we feel is very unfair.

Respectfully,

Steven R. Graff

Steven R. Graff
BROADUS TOWN COUNCIL

SG/dab

Page 2 - It is acknowledged that the Town of Broadus will request assistance in planning for and dealing with anticipated impacts. The TRRC hearings and evidence to date indicate that there are several sources of financial and other assistance available, including the Montana Coal Impact Board.

RESPONSE TO COMMENTS FROM MILES CITY-CUSTER COUNTY, CITY-COUNTY PLANNING BOARD (June 21, 1983)

Miles City - Custer County

City-County Planning Board

1905 Main
Miles City, Montana 59301

President: Paul E. Mottram

Vice-President: Fred Hun

June 21, 1983

Louis E. Gitomer, Deputy Director
Office of Proceedings
Rail Section, Room 5417
Interstate Commerce Commission
12th & Constitution, N.W.
Washington, D.C. 20423

re: FINANCE DOCKET NO. 30186

Dear Sir:

As a cooperating agency, the Miles City-Custer County City/County Planning Board wishes to request that the Interstate Commerce Commission hold a public hearing in Miles City on the application of the Tongue River Railroad Company.

The Board Believes that the nature and potential impacts of the proposed action are sufficient to justify this opportunity for local persons to take part in the proceedings. The intensity and diversity of expressed public opinion on the project demonstrate this justification.

Thank you for your consideration.

Sincerely,

Paul Mottram
President

Enc: 5 copies

cc: Tongue River Railroad Company

ls

Board Members: Bruce Bergerson, Dr. Lloyd Bowman, George Kurkowski, Les Mahon, Dr. Arlo Nemitz, Otto Neuhardt, Tom Pettigrew, Pat Rogers, Ole Sherwood.

This letter is a request that public hearings on the proposal be held in Miles City. It does not comment on the Draft EIS.

RESPONSE TO COMMENTS FROM MILES CITY-CUSTER COUNTY, CITY-COUNTY PLANNING BOARD (Sept. 13, 1983)

Miles City - Custer County

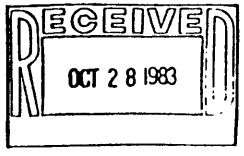
City-County Planning Board

1905 Main
Miles City, Montana 59301

President
Fred B. Hunnes

Vice President
Les Mahon

September 13, 1983



Office of the Secretary
Interstate Commerce Commission
Washington, D.C. 20423

Re: Finance Docket Number 30186

This City-County Planning Board met in special session Monday, September 12, 1983, to discuss comments on the Tongue River Railroad Company's Draft Environmental Impact Statement.

The Board notes that several members have still not received copies of the document. Further, members of the audience present at the meeting indicated that others on the service list have not yet received copies. For this reason, the City-County Planning Board now requests that the ICC extend the comment period until such time as we and all parties on said service list receive copies and have an adequate time to review them.

Our comments to date are as follows:

P. 2-6 paragraph 6
"...No wildlife inventories have been conducted on the east side of the Tongue River from the mouth of Beaver Creeak to the mouth of Pumpkin Creek..." This is approximately a sixty (60) mile segment. Discussions with MT Dept. of Fish, Wildlife, and Parks staff suggest that there may be some data available on this area. If this information is incomplete or unacceptable, will wildlife inventories be conducted, or are there justifiable explanations regarding wildlife populations here?

P. A2-11 paragraph 2
According to the 1980 Census of median family incomes in Custer and Rosebud counties, the incomes were above the state level. Powder River County median family income was below the state level. (Source: 1980 Census of Population and Housing, Summary Tape File 3A, Item 51.) All three counties were below the National level. (Source: Statistical Abstract of the United States; Bureau of the Census, U.S. Dept. of Commerce; Table 715.)

P.2-12 paragraph 4
Powder River County no longer employs any planning staff.

P.2-16 paragraph 1
Temperature range for Miles City should be low of -49° to 111°F.

P.2-20 paragraph 1(3)
What is "potential Tongue River Recreation Area?"

Board Members Bruce Bergerson, Dr. Lloyd Bowman, George Kurkowski, Les Mahon, Dr. Arlo Namsel, Otto Neuhardt, Tom Pettigrew, Pat Rogers, Ole Sherwood

Page

2-6, ¶6 - Any available new information is incorporated in this document. In addition, during 3rd phase engineering, on-the-ground observation will be conducted to determine if any critical habitats and threatened or endangered species occur along the ROW. In addition, negotiations are ongoing with the Montana Dept. of Fish, Wildlife and Parks to develop methods for mitigation and enhancement, as discussed in the Mitigation Plan (Appendix B).

2-11, ¶2 - Thank you for your comment. The appropriate correction will be made.

2-12, ¶4 - Thank you for your comment. The appropriate correction will be made.

2-16, ¶1 - Thank you for your comment. The appropriate correction will be made.

2-20, ¶1 - This refers to the site south and east of Miles City being considered as a potential recreation area. It should be designated the Tongue River Road Recreation Area.

P.3-1 paragraph 2
"For the first few miles..." Not according to Figure 2-7, which suggests approximately ½ mile.

P.3-2 paragraph 2
Is the single-lane road described here to be used during the operation period only? Page 4-27 paragraph 3 describes a two-lane service road to be used during the construction phase. What provisions are contemplated for stream, road, and cattle crossings for these roads? Will these roads be available for ranchers' use during any phase?

P.3-2 paragraph 4
Please indicate whether any public facilities or services would be required at the alternative interchange yard, including water, sewerage, fire protection.

P.3-3 paragraph 3
How would the potential new 5-acre borrow areas be selected and acquired?

P.3-4 paragraph 3
The Montana Department of Health and Environmental Sciences (DHES) has been ordered to adopt rules for the review of work camps, according to House Bill #420, 48th Legislature of the State of Montana. DHES reportedly will review these camps under standards for trailer courts.

P.3-10 paragraph 1
Train traffic on the TRRC rail line is slated to begin in 1985. On page 3-4, paragraph 2, the line to Terminal Point #1 is projected for completion in 1987. On page 3-10, Table 3-2, production from the Montco Mine is projected to begin in 1986. Please explain these apparent discrepancies.

P.4-5 paragraph 5
Would the Ashland NW location of the rail line adjacent to Ashland's lift station, sanitary sewer, and fire station (particularly the former two) necessitate any special provisions for community growth on the other side of the line?

P.4-8 paragraph 4
How large would a severed parcel have to be to warrant construction of a cattle pass? How much of the severed area would be served by such passes? In the event that a parcel was determined to be too small to warrant a pass, would the TRRC purchase it, since it would be virtually useless to the agriculturist?

P.4-10 paragraph 1
Would the loss of portions of the Miles City Livestock Sales Yard affect the continued viability of that operation?

P.4-20 paragraph 3
What are the property tax payments to the City of Miles City accruing from? None of the proposed or alternative routes involve construction with-

3-1, ¶2 - This statement is misleading and will be changed.

3-2, ¶2 - The road will be one lane and will be located on the railroad grade, utilizing all crossings on the grade. Availability of the road for use by landowners will be determined during ROW negotiations

3-2, ¶4 - It is not known at this time whether public facilities would be required or whether the TRRC would develop its own.

3-3, ¶3 - These areas would be selected on the basis of suitability of material, access considerations and negotiations with landowners.

3-4, ¶3 - The TRRC will comply with all permitting and review requirements for work camps.

3-10, ¶1 - The dates should all reflect 1986 start-up.

4-5, ¶5 - Analysis indicates that adequate access to both sides of the line would be maintained and no special measures would be required.

4-8, ¶4 - This will ultimately be determined on a case-by-case basis during ROW negotiations with individual landowners. If a parcel is lost to productive use, the TRRC would be obligated to compensate the landowner. Such parcels will be identified in ROW negotiations.

4-10, ¶1 - Not according to the information available.

4-20, ¶3 - Direct payments to Miles City would only accrue if the abandoned Milwaukee yards are utilized. Tax revenues from the alternate location are discussed in the supplement to the DEIS, issued on January 19, 1984.

in the City's corporate limits. The acquisition and use of the Milwaukee Road's interchange facility is speculative. If the alternative yard northeast or southwest of Miles City were used, the City would derive no direct revenues.

P.4-30 paragraph 4
The fire department substation located north of the abandoned Milwaukee road line in Miles City is not manned. (See comment for page A3-6, paragraph 1.)

P.4-33 paragraph 4
Last sentence refers to "... a grade separated crossing at the location in Miles City..." What location is this? How might this crossing be developed?

P.4-34 paragraph 2
Will the amount of diesel fuel used in construction of the TRRC line have any effect on the availability of diesel for other uses in the area?

P.4-46 paragraph 3
As a common carrier potentially serving five (5) coal mines in the project area, it seems plausible that the TRRC might transport materials used in construction and/or operation of those mines. Are there ICC rules which prevent the TRRC from transporting any toxic or hazardous substances used in those activities?

P.4-57 Hydrology and Water Quality section.
This section does not consider specific impacts to water quality in the Yellowstone River. What general effect will increased TDS and TSS have on Yellowstone water? Will it be significant?

Please give some consideration to the effects of a super-span bridge across the Yellowstone River (Moon Creek Alternative) on the operation of the Miles City Water Treatment Facility.

P.4-59 paragraph 5
What permits are required for this kind of construction in a flood-prone area?

P.4-78 paragraph 3
See comment on page 4-8, paragraph 8.

P.6-1 paragraph 1
"... if it were not reclaimed following the abandonment..." Are there no rules requiring reclamation of an abandoned rail line?

P.A1-7 paragraph 2,3
Gravity and mechanical irrigation systems appear to be treated differently with respect to mitigation. For gravity systems, paragraph 2 assumes TRRC will pursue mitigative measures, by altering ditches and installing culverts. Paragraph 3 states that the "rancher would incur costs to change the mechanical irrigation system." No mention is made

4-30, ¶4 - Our interviews with Miles City officials, such as the Fire Chief, indicated that the station north of the Milwaukee line was operational, i.e., that equipment was maintained there. Since this is no longer the case, the text is modified to reflect the possibility of re-establishing the substation as a mitigating measure.

4-33, ¶4 - In the 6/27/83 DEIS (p. A3-8), it is stated that "particularly at the higher level of delay probability [caused by TRRC and other trains] consideration should be given to building another grade separation to avoid traffic disruption and its potential repercussions . . . ." No specific location for a grade separation was identified in the DEIS. Construction of such a structure would be a local and state government decision, and would involve both the TRRC and the BN. Ms. Barbara Kennedy, the former Planning Board director, suggested that a grade separation be built at the 7th Street/BN crossing.

4-34, ¶2 - No.

4-46, ¶3 - It is not anticipated that the TRR will transport such substances. If it does, however, all applicable rules and regulations will be strictly observed.

4-55 - Because the groundwater impacts were determined to be limited to a short reach of the Tongue River and the surface water impacts to the Tongue River were determined to be minor even at low flows, it was taken for granted that the Yellowstone River would not be measurably affected by the proposed railroad and related actions. The mean annual flow of the Tongue River at Miles City is about 448 cubic feet per second (cfs), compared with 11,582 cfs for the Yellowstone River at Miles City (USGS, 1980). The Tongue River therefore comprises less than 4 percent of the flow of the Yellowstone River at this location.

Even at a low flow of 200 cfs, the TDS concentration in the Tongue River in the vicinity of the projected mines was projected to increase by only 44 mg/l (SEIR, Appendix A9.0). A 9 percent increase in TDS in a river that comprises less than 4 percent of the Yellowstone River indicates that there would be an increase of much less than 1 percent in the TDS concentration of the Yellowstone River.

Using information in the DEIR, a more realistic assessment of the impacts to the Yellowstone River can be made. The DEIR assumed that the alluvial discharge to the Tongue River averages 0.85 cfs per mile, or 8.5 cfs in the 10-mile reach where the mining is projected to occur. This alluvial water will increase in TDS concentration from 1,151 mg/l to 1,574 mg/l (DEIR, p. A9-9). The total increase in salt load to the Tongue River is therefore 423 mg/l x 8.5 cfs or, after converting units, about 9.78 tons per day.

The Yellowstone River at Miles City in 1980 had a mean discharge of about 10,400 cfs with a discharge-weighted TDS concentration of about 420 mg/l. This converts to a total salt load of 4,295,424 tons in 1980, or an average of 11,768 tons per day. The increase in daily salt load of the Yellowstone River at Miles City under this scenario would be about 8 hundredths of 1 percent, an insignificant increase.

It is concluded that the impacts to the Yellowstone River would be immeasurably small.

4-59 - Permit requirements include state 310 permits for all crossings and encroachments on perennial streams and U.S. Army Corps of Engineers 406 permits for similar activities on designated navigable waterways.

4-78, ¶3 - See response to page 4-8 comment.

of TRRC assistance. Does this imply that such impacts are to be considered and compensated for during right-of-way negotiations?

P.A1-39 paragraph 1
Second sentence: Shouldn't this read "A total of six existing systems..." since disrupted systems include displaced systems? See Table A1-26 and Footnote [a].

P.A2-15 Table 42-10 (Government-Rosebud County)
Why does an increase in BN employment bring about a 57% increase in government employment?

P.A2-35 Table A2-25
This table displays "Facilities Need" for several services not included in the list of "Facility Demand Factors" shown in Table A2-24. These include: Office/library space; Ambulances; County Shops; Parks & Recreation land, and; Highway upgrading. What demand factors were used for these facilities, and what source were they obtained from?

P.A2-53 paragraph 1
Do property tax revenues begin flowing to a County before construction is completed?

P.A2-80 footnote 22
"The State of Montana has established a population growth rate of ten (10) percent annually for any three (3) years..." This statement is erroneous in two ways. First, the word "annually" should be deleted. A jurisdiction experiencing a cumulative, three year growth rate of 10% or more for any period qualifies for Coal Board designation, not 10% for each of three years. Second, the Coal Board must grant at least ½ of its allocation among all such designated jurisdictions. Non-designated jurisdictions may compete for the remaining ½, so the statement that the 10% rate is an eligibility criterion is incorrect. The 10% level simply gives a jurisdiction access to the first 50% of the money.

P.A3-6 paragraph 1
The fire department "substation" north of the Milwaukee line in Miles City is not manned. It was originally established because some fire department personnel lived in the area, and could potentially provide quick response in the event the railroad crossing was blocked. The substation is currently used for equipment storage, and does not necessarily contain any emergency vehicles. It would require major renovation to be suitable as a manned substation. Further. the City cannot currently afford to pay personnel to man this station.

P.A9-6 paragraph 4
This paragraph contains the statement that "During the early years of operation, control of noxious weeds will be required along the railroad right-of-way." No mention is made in the main text (Section 4.9, Hydrology and Water Quality) of limiting weed control to the "early years." Will there or will there not be continuous control by TRRC of noxious weeds along the right-of-way?

6-1, ¶1 - Abandonment is an official proceeding regulated by the ICC. It is likely that another EIS would be required.

A1-7, ¶2-3 - Yes, such impacts will be considered during ROW negotiations, as suggested in the Mitigation Plan (Appendix B).

A1-39, ¶1 - Disrupted systems do not include displaced systems.

A2-15, Table A2-10 - BN employment growth was but one, albeit a large, contributor to a projected increase in government employment in Rosebud County. Growth in other sectors -- mining, construction, manufacturing, and other TCPU -- would also contribute to an increase in demand for government services. The basis of the growth assumptions is extensive interviews with government and industry officials in Rosebud County.

A2-35, Table A2-25 - The sources for these facility demand factors are the same as those used to develop the factors presented in Table A2-24, the exception being "highway upgrading." These sources are listed on page A2-82 of the 6/27/83 DEIS (see footnote 31). The factors used in calculating impacts are the following:

Office/library space	per 100 population 75 square feet
Ambulances	per 100 population .02
County shops	per 100 population 40 square feet
Parks and recreation land	per 100 population ½ acre developed playground ½ acre open field 2 basketball courts 1½ acre sports/picnic area per 2000 population tennis court per 3000 population softball field

Highway upgrading requirements were based on an analysis of each segment of the highway system, rather than on generic requirements as a function of population size. The procedure used to estimate highway requirements is explained on pages A3-33 through A3-39 of the 6/27/83 DEIS.

A2-53, ¶1 - Yes.

A2-80, footnote 22 - Review of the source of footnoe 22 shows that the comment is correct: Criterion is a 10 percent growth in population in a preceding 3-year period.

A3-6, ¶1 - See response to comment on page 4-30, ¶4.

A9-6, ¶4 - Noxious weeds are definitely a problem along transportation corridors throughout the state. The real problem occurs following establishment of weedy species, since most are perennials. It becomes necessary to employ long-lasting herbicides to control these plants.

The key to control of noxious weeds along the right-of-way is to prevent the initial establishment of weedy species. Control prior to infestation is possible through a regular program of herbicide spraying with 2-4D.

Such a treatment in spring and fall for the life of the railroad will control the establishment of all noxious weeds. Treatment near or in water systems must be done using either a special formulation of 2-4D or the chemical Roundup. Regulations regarding record keeping and method of application must be strictly adhered to.

RESPONSE TO COMMENTS FROM POWDER RIVER COUNTY SUPERINTENDENT (Oct. 17, 1983)

SUPERINTENDENT of SCHOOLS

POWDER RIVER COUNTY

Broadus, Montana

October 17, 1983

Mr. Carl Bausch
Office of Transportation Analysis
Section of Energy and Environment
Washington D. C. 20423

Finance Docket # 30186

Dear Mr. Bausch:

I have recently been informed of the Environmental Impact Statement Draft regarding construction and operation of a line of railroad in Custer, Rosebud, and Powder River Counties, Montana. In going through this document, I am confused on a number of points. These questions are listed as follows:

1. Deficits are predicted for Powder River County District # 79J. Where will the money come from? Will impact monies be available?

2. Have accurate estimates of number of students projected been made and distributed to the respective schools? If not prepared, I ask that this information be made available in an Educational Impact Statement with this very specific data.

3. Is the 1984 projection date really the target date? I need to know more data so that the schools in my area can be as prepared as possible for the impact.

I would appreciate your response to these items. I realize the response date is limited on the Environmental Impact Statement, but I need more specific Educational Impact data to be knowledgeable enough to predict specific needs.

Sincerely,

Don Bidwell

DB:pd
cc: Senator Melcher, Senator Baucus, Rep. Marlenee, Rep. Williams

1. To cover the projected deficits, tax rates for property owners will be higher than they currently are. The amount of deficit incurred could be reduced by grants from the coal board using revenues from the coal severance tax. Another possibility is prepayment of estimated property taxes by "new industrial properties," e.g., a mining facility, at the request of the Board of County Commissioners.

2. See p. A2-47, Table A2-31, of the DEIS for the closest approximation available at this time.

3. Construction is proposed to begin in 1985 and end in 1989.

RESPONSE TO COMMENTS FROM SUPERINTENDENT OF SCHOOL DISTRICT 795, BROADUS, MT (Oct. 27, 1983)

SAM SEARS
Superintendent
GLENN VIKER
High School Principal
GLORIA BALLARD
Elementary Principal
DOLORES CARTER
District Clerk
DARLENE HARRIS
Assistant Clerk

Powder River County High School
& Elementary Dist. 79J
Phone: (406) 436-2658, H. S.
Phone: (406) 436-2552, Elem.
BROADUS, MONTANA 59317

BETTY SMITH
Chairman, Board of Trustees
GORDON ARCHER
ALVA FORTNER
ROY IRION
JIM MERCHANT
CHARLES RUSSELL
BETTY SMITH
DAVID PERRY
J.L. WILSON
T. NOEL BIRKLAND

October 27, 1983

Mr. Carl Bausch
Office of Transportation Analysis
Section of Energy and Environment
Washington, DC 20423

RE: Finance Document #30186

Dear Mr. Bausch,

Today, I was informed of the contents of Finance Document #30186 that deals with construction and operation of the Tongue River Railroad and the impact that it, along with coal mining activities will have upon our communities.

As Superintendent of the Powder River County District High School and Broadus Elementary District 79J, I am very concerned about the impact this construction and mining will have on our schools and local taxpayers.

You make no mention of impact monies being made available to these school districts when the construction begins, but from what I read the already few taxpayers will have to pick up additional costs not only for education but everything else as well.

Our school districts are already in a financial crisis. Your document mentions that we have a surplus of oil and gas revenues in Powder River County which would eleminate any financial shortfall. This is certainly a falsehood as the oil monies in Powder River County are being depleted due to the abandonment of wells that are no longer active.

Broadus Elementary District 79J, which your document states would be hardest hit with the impact has no oil or gas revenue. The revenue from those sources offset only one elementary district in Powder River County, that being District #22.

Your document states that in the long term, Powder River County residents would benefit from a large fiscal surplus. I am interested in how this surplus is going to be distributed and how we are expected to carry the financial burden during the interim.

Paragraph 3 - It is true that additional per capita taxpayer burden is anticipated in Powder River County during the early years of the project. See response to comment no. 1 from the Powder River County Superintendent of Schools.

Paragraph 4 - The reference to oil and gas revenues was based on interviews conducted in 1981. If this information is no longer accurate, it will be removed. The charge would not, however, affect the impact computations or conclusions in regard to fiscal impacts in Powder River County.

Paragraph 5 - Disbursement of tax revenues is a function of local and state agencies, and will likely occur through normal means. "Surplus" is likely to be reflected in a decrease in per capita tax liability, and in all likelihood will not result in substantial amounts of discretionary revenue.

As the authorized representative for the two school districts previously mentioned, I request that you take no further action on implementing activities until you hold public hearings either in Miles City or Broadus, Montana.

I shall be expecting your response in the near future.

Sincerely,

Sam Sears

Sam Sears
Superintendent

CC: Senator Melcher
Senator Baucus
Rep. Marlenee
Rep. Williams
Mr. Howard Best

RESPONSE TO COMMENTS FROM BOARD OF COUNTY COMMISSIONERS, POWDER RIVER COUNTY (Oct. 17, 1983)

Board of County Commissioners
POWDER RIVER COUNTY
P.O. Box J
Broadus, Montana 59317

Phone (406) 436-2657

Alvin Raschkow, Olive
F. F. Huckins, Broadus
Ted Fletcher, Ashland

October 17, 1983

Mr. Carl Bausch
Office of Transportation Analysis
Section of Energy and Environment
Washington D.C. 20423

Re: Finance Docket #30186

Dear Mr. Bausch:

We have recently been informed of the release of the Environmental Impact Statement regarding construction of the Tongue River Railroad. We understand that October 21, 1983 is your deadline for receiving comments.

We are especially concerned because we have never received a copy of the document. We have also discovered that the Town of Broadus or the local School Superintendent or the County Superintendent of Schools or the County Library have also never received a copy of this E.I.S. In essence, there are no copies available for review by officials or residents of Powder River County. Because of this, we are requesting that copies be distributed to the above mentioned and are also requesting that the comment period be extended for at least two weeks after our receipt of the E.I.S. document here in Powder River County.

We also feel that a project of this magnatude warrants another public hearing. There seems to be many unanswered questions. We would like to see a public hearing scheduled in Miles City.

Several residents of our county have expressed concern about several points in the document. We are unable to express our ideas without having the E.I.S. available for review.

We would appreciate your favorable consideration of this request and will be waiting for your response.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
POWDER RIVER COUNTY

Alvin Raschkow, Chairman

F. F. Huckins

Thank you for your comments.

State of Montana
Office of the Governor
Helena, Montana 59620

TED SCHWINDEN
GOVERNOR

September 20, 1983

Section of Energy & Environment
ATTN: Agatha L. Mergenovich, Sec.
Room 4143
Interstate Commerce Commission
Washington, DC 20423

On behalf of the State of Montana I want to thank you for the opportunity to respond to the Draft Environmental Impact Statement on the Tongue River Railroad (DEIS). The State of Montana has several areas of concern. The States' detailed comments are attached for your review and consideration.

Sincerely,

TED SCHWINDEN
Governor

Attachment

STATE OF MONTANA
TONGUE RIVER RAILROAD DRAFT EIS
REVIEW AND COMMENTS

GENERAL COMMENTS

A. Agriculture and Livestock

1. The DEIS outlines impacts that will occur to agriculture, the most serious of which is the loss of land due to right-of-way construction and mining, and the resultant decrease in crop and livestock production. Another major impact to agriculture will result from construction of the right-of-way through the USDA Livestock and Range Research Station which may disrupt current and future scientific investigations. Private irrigation systems will also be disrupted. The proposed route will remove 3239 acres from agricultural production and other alternatives will remove from 1695 to 3322 acres. The total loss in agricultural receipts was estimated at $3,441,000 for the proposed action and from $761,000 to $3,479,000 for alternatives. (This loss is over project life, 1985 to 2011.)

   The DEIS quotes the value of 45 acres per cow/calf unit (p. AI-10, AI-28) as the production rate from which economic impacts were derived. This figure is far too high and results in the economic impacts being underestimated. Comments from the Custer County Extension Office and the USDA Livestock and Range Research Station indicate that an average value for the general area is about 30 acres per cow/calf unit. The proposed alignment bisects good rangeland along the Tongue River plain and adjacent terraces, most of which will support a cow/calf unit on 15 to 20 acres. Much of this rangeland has the potential for even higher productivity through interseeding with forage grasses. The State recommends these values be recalculated and corrected.

   If the DEIS were to account for potential agricultural development and correct values for agricultural production per unit area, the potential impacts resulting from lost agricultural lands would be more severe than estimated. The analysis in the FEIS should consider these differences.

2. The Tongue River area has also been identified as having a substantial amount of land suitable for irrigation development (U.S. Department of the Interior, 1973, Report on Resources of Eastern Montana Basins, Bureau of Reclamation, Billings, MT. 99 pp.). This would further improve the agricultural productivity and economy of the area and should be addressed.

3. The DEIS points out that crop and livestock production provides a stable, long term economic/social base as opposed to the boom and bust development of mining. However, the long term relationship between removal of a renewable resource such as agricultural lands, in favor of the temporary economic resources related to mining was not satisfactorily explored. The DEIS should adequately address this relationship through the life of the proposed railroad/mining and include a plan to reclaim the right of way to its original production capacity.

General Comments

A. Agriculture and Livestock

1. The source of our production rate for grazing land is the Report of the State Department of Revenue for the period July 1, 1978, to June 30, 1980. This document presents the average value for grazing land for each county from which a production rate can be derived using classes, grades, and assessed values for Montana agricultural land. (See The Taxation and Revenue Systems of State and Local Government in Montana, revised edition, 1980.) The production rate represents an average for the project area counties. However, data on land classes along the various railroad alignment alternatives, obtained from county appraiser records, support the use of this figure for calculating impacts associated with the railroad.

   The 45-acre rate was used to estimate losses associated with mining and community development as well as the railroad. The mining and community development land is located in areas less productive than those along the Tongue River, where the rail line may be located. Therefore, even if one assumes that these areas have a 45-acre productivity rate and rail-impacted land has a 15-acre rate per the comment, the effect on the impact analysis is not material, as shown in the following table.

PRODUCTION VALUE LOSS BY CAUSE
(Thousands of Dollars)[1]

Railroad		
Grazing Land	$ 723[2]	$2,169[3]
Other	2,718	2,718
Total	3,441	4,887
Mining	1,440	1,440
Community Growth	235	235
Total	$5,116	$6,562
% of Area Production	0.22%	0.28%

[1]Source: DEIS 6/27/83, pp. Al-1 through Al-27

[2]At 45 acres/cow-calf unit

[3]At 15 acres/cow-calf unit

Note: See also response to Montana Rural Areas Development Committee question no. 6.

2. The analysis used the existing situation as baseline information. Those irrigation projects that are currently planned were included in the analysis. This is consistent with the scope and purpose of the document.

3. The DEIS is basically part of an application now pending before the ICC. Trade-offs in agricultural productivity versus mining and industrial development are examined in the greatest detail possible given available information and time frames. Reclamation of the ROW is part of an abandonment action which would require separate application before the ICC, and could require another EIS.

B. Alternatives

1. The National Environmental Policy Act states that the No Action alternative is to be rigorously explored and objectively evaluated so that it can be evaluated in comparison with other alternatives. This DEIS does not seem to adequately address the negative or positive impacts of the No Action Alternative. In the case for the TRR, discussion of the impacts of No Action may well be an opportunity to define the need. That is, who will be impacted if the railroad is not constructed? What would be the impact of No Action on energy supplies or costs?

2. Besides the "No Action" Alternative, the EIS only investigates different railroad configurations for transporting the coal and does not address other technological options such as pneumatic (CO_2) and water slurry pipelines. These are feasible alternatives and should be addressed in the DEIS.

3. A super span bridge across the Yellowstone River to connect with the Milwaukee Railroad is considered feasible under the Moon Creek Alternative. Such an option for the Colstrip Route, if considered would provide an alternative with reduced land-use, wildlife and ecological impacts, as well as eliminate the undesirable impacts at Miles City from the added train traffic of the other alternatives and the proposal. What is the basis for not considering this option in the EIS? How would this alternative compare with the other alternatives? What impacts would be reduced or eliminated?

C. Fisheries

1. The consequences of the proposal to the Miles City Fish Hatchery should be addressed in greater detail. The impacts are described in a cursory manner only. The vibrations from the trains have a potential of cracking the concrete control structures causing the fish ponds to leak. Additionally, the alignment as proposed would reduce or hinder expansion potential at the Fish Hatchery. And, the noise levels would be a great nuisance to hatchery employees and visitors.

2. The DEIS should reference and discuss a fish and wildlife habitat protection program including a response from the applicant relative to its position or intent to implement the program.

3. Because of the concerns expressed over the possible increase in TDS in the Tongue River associated with industrial development and possible water marketing in the Tongue River basin, the following question should be addressed in the DEIS:

   TDS would increase by what amount in the Tongue River at flows of 50 cfs, 75 cfs, and 200 cfs, at the following locations, assuming the worst case scenario of coal mining is developed in the Ashland, Otter Creek, Birney area?

   a) Tongue River at Ashland

   b) Tongue River at Brandenberg Bridge

B. Alternatives

1. The No-Action alternative was dealt with in greater detail than is often the case in similar analysis. Quantitative comparison is presented in Chapter IV.

2. Alternative modes of transportation were considered and are discussed in Appendix B, "Screening of Alternatives."

3. The suggested "option" for the Colstrip Route is not clearly defined.

C. Fisheries

1. The question of impacts to the hatchery has been addressed in greater detail in the supplement to the DEIS (Jan. 19, 1984). In addition, discussions with personnel from the Montana Department of Fish, Wildlife and Parks are being conducted to develop plans for mitigation and impacts to the hatchery and other resources as well.

2. The aforementioned discussions are also focusing on mitigation of impacts to other fish, wildlife and recreational resources. Possibilities for habitat enhancement are also being explored, as suggested in the Mitigation Plan (Appendix B).

3. The use of a low flow of 200 cfs with a TDS concentration of 500 mg/l is believed to be a reasonably conservative case in studying potential impacts to the Tongue River. If Tongue River flows decrease to 50 or 75 cfs, as suggested by this reviewer, then it is likely that the TDS level in the river would remain at 500 mg/l because of the relative increase of the amount of streamflow supplied by groundwater discharges to the stream. For example, on February 11, 1980, the TDS concentration of the Tongue River at the Birney Day School Bridge (USGS Station 06307616) was 677 mg/l at a flow rate of 190 cfs. On March 17, 1980, the TDS concentration at this same location was 630 mg/l at a flow rate of 204 cfs.

However, in response to this review comment, the mass balance approach described on page A9-11 of the Draft Environmental Impact Report was used to predict impacts to Tongue River water quality for these lower flow rates. Again assuming the baseline TDS concentration of the river is 500 mg/l (which, as stated above, is not considered realistic at flow rates below 200 cfs), the predicted TDS concentrations in the river in the vicinity of the mines would be 610 mg/l and 656 mg/l at flow rates of 75 and 50 cfs, respectively. This represents an increase in TDS concentration of 22 to 31 percent. The TDS concentration would remain below the 1,000 mg/l drinking water standard, and therefore no use-suitability classification change would result.

Regarding the second part of this question, impacts to the river at specific locations downstream cannot be accurately predicted without a sophisticated digital computer model simulation. Since the mine locations are at this time only approximate, and since each mine will require a detailed hydrologic investigation to determine its site-specific impacts, such a detailed model simulation is not justified given the existing baseline data base. The projected impacts presented in the Draft Environmental Impact Report (DEIR) are felt to be reasonable and conservative.

C. Fisheries (continued)

c) Tongue River at water intake to Miles City State Fish Hatchery

4. The DEIS should address specifically the consequences of the railroad alignment on the stability of the Tongue River, the potential for future riprapping and channel alterations and their effects on aquatic habitats.

D. Tongue River Dam

1. Nowhere in the DEIS is it referenced that the 90-foot-high Tongue River Dam 80 miles upstream of Birney is a high-hazard, unsafe structure. Studies have shown that even if the reservoir is operated at one-half capacity--as it is now--a flood event which occurs on the average once every 120 years would cause failure of the spillway and a breach of the dam. If the dam failed, much of the Tongue River Valley between the dam and Miles City could be inundated. (See Tongue River Dam Emergency Warning and Evacuation Plan-Flood Inundation Maps, July, 1982).

The State has worked for some time on developing a technically sound and cost-efficient method of rehabilitating the spillway. However, due to the high cost of repairing the existing facility ($50-100 million), the rehabilitation may not be completed for many years. The sponsors of the Tongue River Railroad should be alerted to this documented risk before they decide whether to construct the rail line.

The FEIS should address the extent to which the Tongue River Railroad embankment is likely to exacerbate flood hazards, should a failure of the Tongue River dam occur. The severity of these effects will be primarily a function of two factors:

a) The height of the embankment at critical valley cross-sections.

b) The location of the embankment relative to the anticipated inundation area.

E. Crossings and Road Construction

1. The railroad would cross four county roads (1) FAS 332, (2) FAS 447, (3) FAS 484, and (4) FAS 566; across U.S. 212 twice near Ashland; across Interstate 94 just east of the west Miles City interchange, and across U.S. 12 within the urban limits of Miles City before connecting into the abandoned Milwaukee Railroad line.

None of the above crossings have been pinpointed as to township, section and range, therefore, a meaningful response regarding site specific conflicts or problems cannot be made. These areas should be specifically layed out before finalizing the EIS.

2. Representatives of the TRR Company prior to release of the DEIS have expressed that grade separations will be provided for all of the systems identified above. However, Table A3-6 of the DEIS indicates no grade separation for either the low, medium, or high scenarios. Attached is a copy of the Highway Department's policy regarding horizontal and vertical

4. Construction of the railroad with the proposed alignment will have no impact on the stability of the Tongue River. No channel alterations are proposed nor will any be required. As stated on page A9-6 of the DEIR, there are some locations where the proposed alignment will encroach slightly on designated flood-prone areas, but such encroachments are minor and will not affect the alignment or stability of the channel of the river. The only locations where the river channel will be affected at all are the constructed stream crossings. As stated on page A9-6 of the DEIR, proper design of such crossings will ensure that channel stability and floodway capacity are not adversely affected. In areas where the railroad is located in or adjacent to the floodplain, riprap may be placed on the railroad fill to protect the railroad embankment from erosion in the event of severe floods. Floodplains, as opposed to the channel itself, do not provide aquatic habitat, and therefore aquatic habitats will not be affected.

D. Tongue River Dam

1. In response to this comment, a detailed analysis of the DNRC's Tongue River Dam Emergency Warning and Evacuation Plan (DNRC, 1982) was conducted. Inundation maps contained in this report delineate areas that will be inundated along the Tongue River in the event of failure of the Tongue River Dam. These inundation maps were compared to maps showing the proposed railroad alignment. It was found that there are numerous areas where the proposed alignment encroaches on the dam break floodway. In most instances these encroachments are minor, and the railroad would not increase flood levels nor would the railroad itself sustain serious damage in the event of this major flood event. At two locations, however, the effects may be more serious. These areas are discussed below.

The proposed railroad crosses the Tongue River Valley between railroad stations 3440+00 (End of Phase I) and 3476+00, a distance of 3,600 feet. In this reach the proposed subgrade elevation is below the dam break high water line (HWL). The dam break flood would, at a minimum, cause a temporary cessation of railroad operations. Within this reach the railroad subgrade should be raised above the HWL, and the proposed railroad bridge should be designed to withstand the dam break flood (400,000 cubic feet per second, or cfs) without significantly affecting water levels.

The second location where the proposed railroad could affect the dam break floodway is Option A near Ashland. This section of the proposed alignment is inundated by the dam break HWL from station 1587+00 to station 1680+00, a distance of 9,300 feet.

Raising of the railroad subgrade elevation at these key locations, and placement of riprap on the exposed fill areas would protect the railroad from damage in the event of a dam break. However, potential effects of the railroad on the dam break floodway capacity can only be determined through a detailed flood routing study such as that used by the DNRC in its Tongue River Dam Emergency Warning and Evacuation Plan. This study is now being done using the same cross sections used in the DNRC report and modifying certain cross sections by superimposing the railroad alignment at locations where the railroad encroaches on the dam break floodway. A comparison of HWL elevations with and without the railroad would quickly delineate any area where the railroad would significantly affect water surface elevations.

E. Crossings and Road Construction (continued)

clearances for separation structures (Attachment A). The applicant should be advised that permits are required for highway crossings.

3. The State understands portions of FAS 566 are scheduled to be relocated due to the railroad line and not the Montco Mine proposal. The proposed relocation of this secondary route has not been identified in the DEIS and therefore a meaningful response cannot be made. The state also understands that relocation of Primary Route FAP 37 or U.S. 212 has also been contemplated, and has also not been identified. These planned relocations should be identified and the impacts discussed in the DEIS.

4. The draft EIS stated that improvements would need to be made to those road systems that would be impacted by the expansion of coal development. To facilitate proper planning, the Department has scheduled the following improvements for those roads that may be impacted.

I. Primary System

- F 23-1( )1, Reconstruction of 1.3 miles of U.S. 12 within the urban limits of Miles City from Main to Haynes. Projected letting date is June, 1984, with a projected cost of $3,600,000.00.
- F 23-1( )2, Minor widening and overlay project that begins just south of I-94 on FAP 23 or MT 59, and extends 6 miles south. Projected letting date is August, 1985, with a projected cost of $2,000,000.00.
- F 23-1( )8, Overlay project that begins 2 miles south of the above described project and extends southerly another 5 miles. Projected letting date is August, 1983, with a projected cost of $2,000,000.00.

II. Urban System

- M 8001( ), Reconstruction within the urban limits of Miles City on Leighton Boulevard, from Montana to Haynes, a distance of 1 mile. Projected letting date is February, 1984, with a projected cost of $1,065,000.00. This project will tie into the primary project from Main to Haynes.

III. Secondary System

- RS 332-2( )35, Regrading, graveling, and putting an oil treatment on top of the gravel. Project begins just north of the Custer County-Rosebud County line and continues south toward the junction with Secondary 447, for a distance of 10 miles. Project was let to contract May 26, 1983, at a cost of $718,268.00.
- RS 447-1(1)12, Reconstruction of 4 miles of secondary road beginning 12 miles south of Rosebud. Projected letting date is November 17, 1983, and the projected cost is $2,000,000.00.

E. Crossings and Road Construction

1. Crossing locations for the proposed route and various alternatives are readily available on the plan and profile sheets that have been provided to the state. The maps are available at the Department of State Lands EIS team offices. Further, all such crossings will be pinpointed and described in permit/easement applications with the Montana Department of Highways.

2. Table A3-6 depicts additional improvements that will be required in years after railroad operation has commenced. Several grade-separated crossings will be constructed at various locations during the initial phase.

All required criteria regarding specifications for these crossing structures will be adhered to.

3. The relocation of FAS 566 is currently under discussion with the TRRC, Rosebud County and the Montana Department of Highways. Final plans have not yet been agreed upon. U.S. 212 will not be relocated under any TRRC plans now in existence. Grade-separated crossings of this route are anticipated.

4. Comments are appreciated regarding scheduled improvements. This information will supplement information included in original analysis.

5. Comments regarding general impacts of construction worker and mine-related traffic are noted. Anticipated traffic increases based on likely distribution of workers have been analyzed to the extent possible. See Appendix A, Chapter 3. The TRRC intends to explore possibilities to limit construction traffic off-site, such as busing employees from a central location.

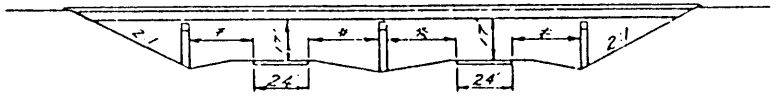
6. Calculations for projected traffic delays and emergency vehicle delays are presented in the document. See Appendix A, Chapter 3, and the supplement to the DEIS (Jan. 19, 1984). The TRRC is aware of concerns regarding traffic impacts in Miles City. An additional grade-separated crossing is anticipated in that community. Further discussion is provided in the Mitigation Plan (Appendix B).

STANDARD HORIZONTAL AND
VERTICAL CLEARANCES FOR
SEPARATION STRUCTURES

* 14' ABSOLUTE MINIMUM
30' DESIRABLE MINIMUM

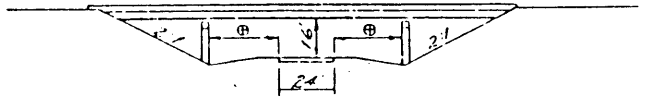
** 5'6" ABSOLUTE MINIMUM
30' DESIRABLE MINIMUM

*** @ IF 30' IS NOT AVAILABLE OR FEASIBLE USE GUARDRAIL IN ACCORDANCE WITH STANDARD DRAWING FOR HIGHWAY CONSTRUCTION NO 89



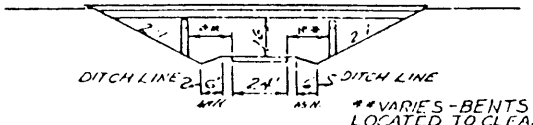
INTERSTATE HIGHWAY

@ 14' ABSOLUTE MINIMUM
30' DESIRABLE MINIMUM



(DESIGN SPEED = 50MPH OR GREATER CURRENT ADT-750 OR MORE)

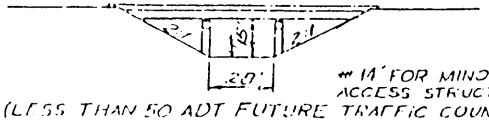
MAJOR PRIMARY OR SECONDARY HIGHWAY



** VARIES - BENTS SHALL BE LOCATED TO CLEAR DITCH LINES & OFFSET FROM SHOULDER AS FAR AS PRACTICABLE

(CURRENT ADT LESS THAN 750)

PRIMARY, SECONDARY & COUNTY ROADS & INTERCHANGES



*** 14' FOR MINOR ACCESS STRUCTURE

(LESS THAN 50 ADT FUTURE TRAFFIC COUNT)

LOW VOLUME - LOW SPEED ROADS

111. Secondary System (continued)

- RS 484-1(0), Reshaping, graveling, and putting on a plant mix base on an existing gravel road. Project will begin at the junction of FAP 37 or U.S. 212 and extend south for 10 miles. Projected letting date is October 27, 1983, and the projected cost is $1,200,000.00.

- FH 51-1(1), Forest Highway project on Secondary Route 484, reshaping, graveling, and putting on a plant mix base on an existing bituminous treated section of this route. Project ties into the above project and extends south 9.8 miles toward Fort Howe. Projected letting date is October 27, 1983. Forest Highway funds available are $1.3 million with a projected cost of $2,000,000.00. This project may be cut back in length depending on available funding.

5. Since construction of the proposed railroad would begin in Miles City and move southward, construction workers would probably commute back and forth from Miles City until the construction progressed 10 or 15 miles. At the time the construction went beyond this mileage, a majority of the workers would probably stay in the proposed construction camps. Assuming that the preferred route is adopted, the impacts to the transportation system would be focused within the urban limits of Miles City due to the fact that there are few bridges crossing the Tongue River, providing easy access to the west side of the river from Primary Route FAP 23 or Secondary Route 332. The State is assuming that the majority of the worker generated trips will utilize the work road that will be constructed on the west side of the Tongue River. Impacts within the urban system of Miles City would be confined to traffic conflicts at intersections during the beginning and ending of workers' shifts.

   As the project progresses southward getting closer to Ashland, some construction workers may choose to commute out of Ashland using portions of Secondary Route 447 and Secondary Route 332. Impacts would be confined to a possible increase in county maintenance and a chance for an increase in traffic accidents due to increased use. As mentioned previously, Secondary Route 332 will have an oiled, graveled surface once construction commences and therefore fugitive dust problems would not become a problem. Through fiscal year 1985, that portion of Secondary Route 447 used by commuting workers would remain as a graveled road. Dust created from workers traveling back and forth would not be a problem, but may be a nuisance to residents living along this route.

   At the present time, county budgets are strained and any increase in additional road maintenance costs would surely be felt by the taxpayers of that county.

   If the railroad is granted the Certificate of Public Convenience, there would probably be several coal companies interested in expanding in the Ashland-Birney area, if the coal market once again became strong. The impact to our transportation routes would then become very significant depending on where mine workers would live and commute. Primary Route U.S. 212, between Crow Agency and Broadus, would more than likely receive the greatest influx of traffic. Through fiscal year 1985, no improvements are scheduled for U.S. 212 between Lame Deer and Broadus.

E. Crossings and Road Construction (continued)

In summary, as long as the coal that is proposed to be mined in the Ashland-Birney-Fort Howe area is shipped by rail, impacts to our transportation system would be confined to trip generations of the commuting mine workers.

Present highway funding may not be available to readily assist those routes that become impacted and are in need of improvements.

6. Any connections made into the Burlington Northern Line west of Miles City would result in significant impacts within the urban limits of Miles City (i.e. the proposal Colstrip and Tongue River alternative). There are five "at grade" railroad crossings within the urban limits of Miles City on the existing Burlington Northern Route through Miles City. The "at grade" crossing on Leighton Boulevard would be the most severely impacted. (Two blocks west of this crossing is a school and two blocks east is a hospital.)

Present train traffic is averaging around 10 to 15 trains a day. Under the proposal, an additional 19 to 25 trains a day are expected to be added to this route. Traffic delays to emergency vehicles, delays to children walking to school and delays to urban traffic would be significant. These impacts are ignored in the DEIS. The DEIS needs to address in detail the consequences of the added train traffic on the urban environment of Miles City.

SPECIFIC COMMENTS

A. Agriculture

1. Page 3-3 contains a brief description of vegetation reclamation along the right of way. More attention could be given to the methods, i.e. where will topsoil be obtained, what species will be seeded, and what criteria will be used to determine where additional soil conservation measures are necessary?

2. Page 4-50, Sec. 4.8.2 states that the use of soil sterilants and indiscriminate control of vegetation along the right-of-way. Use of soil sterilants will negate vegetation reclamation measures and facilitate soil erosion. For this reason, their use should be limited to the immediate track area and selective control of noxious weeds using herbicides and other methods conducted in other areas within the right-of-way.

3. Page 4-77, Sec. 4-14.1. In several locations it is stated that the agricultural sector of the project area economy is likely to continue its historic pattern of decline. Unless the authors are referring to agricultural employment, there is little basis for this statement. Agricultural acreages in Montana represent a fairly stable figure, while the trend for agricultural receipts has been to increase. Traditional agricultural operations such as those along the Tongue may well be viewed as historically stable economic enterprises. The type of decline should be specified.

Specific Comments

A. Agriculture

1. Site-specific plans for revegetation and stabilization of the right-of-way will be developed after route selection and centerline determination. Reclamation needs will then be more easy to define and thus develop a suitable plan.

2. Comment noted. The TRRC shares these concerns.

3. The "decline" does refer to agricultural employment in the region, but it also reflects the growing importance of mining in a more general sense.

4. "Normal overspraying" refers to that amount of herbicide falling outside a specific target area. Proper application will not necessarily eliminate overspraying and wind drift, but it will be kept to an acceptable minimum. Likewise, human error or mechanical failure can contribute to an accidental situation. Emphasis on proper procedures and adequate training should minimize the possibility of such events.

A. Agriculture (continued)

4. Page A9-7 mentions "normal overspraying and wind drift" of herbicides. This statement plays down the consequences of careless application procedures. Properly applied, herbicides should not be introduced into water bodies in amounts that would be toxic to aquatic life.

B. Alternatives

1. Page 3-2 mentions that the abandoned Milwaukee Interchange yard at Miles City may not be obtainable. The DEIS also suggests in a general way that there are two possible alternatives should this happen. The location and description of the alternatives should be more clearly presented in the impact statement.

C. Transportation

Page 3-4 states that "as a common carrier, the TRRC may transport various commodities ..." Will there be an organized attempt to provide cars and loading facilities for transport of commodities other than coal? If so, what are those plans?

D. Wildlife/Fisheries

1. On page A11-10 it is stated that herbicide use might kill wildlife or result in long term chronic toxicity through an entire food chain. This is definitely an overstatement of impacts. Herbicides that will most likely be used are not highly toxic to most wildlife nor are they transferred through food chains.

E. Water Quality

1. Page x - Any temporary change in water quality that is anticipated from railroad construction will need review and approval pursuant to ARM 16.20.633(3)(a). An authorization, if issued, will contain conditions to mitigate potential damages. Concerning the increase in mining due to the availability of a railroad, any mine or mines that will potentially alter surface or ground water will have to comply with DHES surface and ground water regulations before state approval is given.

2. Page A9-2 - Total Suspended Solids (TSS) increases projected may cause violations of Montana turbidity standards. Best management practices will need to be utilized to minimize sediment erosion due to the railroad construction.

3. Page A9-4 - The installation of culverts and any dredging and filling which will increase turbidity during construction will require review and approval pursuant to ARM 16.20.633(3)(a), and the construction of bridges will possibly require Montana Pollution Discharge Elimination System (MPDES) permits.

4. Page A9-8 - If any impact scenario predicts impacts to ground water, the sources responsible for the alteration will need to comply with DHES ground water regulations.

B. Alternatives

1. The alternative sites for yard facilities at Miles city are currently being examined in detail. One alternative site is described and analyzed in the supplement to the DEIS (Jan. 19, 1984).

C. Transportation

1. The transport of various commodities will be considered as a genuine demand becomes evident for such services.

D. Wildlife

1. Comment noted. The statement does appear to overstate the potential impacts.

E. Water Quality

1. Comment noted.

2. Comment noted.

3. Comment noted.

4. Comment noted.

Note: We have been in contact with local soil conservation districts in affected counties, the Water Quality Bureau and the U.S. Army Corps of Engineers in preparation for the submission of all appropriate permit applications.

RESPONSE TO COMMENTS FROM STATE REPRESENTATIVE MARIAN W. HANSON, HOUSE DISTRICT 57 (Oct. 13, 1983)

The Big Sky Country

MONTANA STATE HOUSE OF REPRESENTATIVES

REPRESENTATIVE MARIAN W. HANSON
HOUSE DISTRICT 57
HELENA ADDRESS:
CAPITOL STATION
HELENA, MONTANA 59620
HOME ADDRESS:
P O BOX 237
ASHLAND, MONTANA 59003
PHONE (406) 784 2357

COMMITTEES:
AGRICULTURE
FISH, WILDLIFE & PARKS

Oct. 13, 1983

Mr Carl Bausch
Office of Transportation Analysis
Section of Energy & Environment
Washington, D. C. 20423

Finance Docket #30186

Dear Mr. Bausch;

I am writing to you to express my concerns about the siting of the Tongue River Railroad. I understand that the proposed and favored route is up the Tongue River Valley, to proposed mine sites south of Ashland, Montana.

I feel that this route is undesirable because of the irrigated land that it crosses. I feel the railroad should be built to tie into the Colstrip line. It would be a lot less miles of track to build and affect only half as many ranches. The value of the pasture land would be less than irrigated, or bottomland with irrigated potential. Agriculture is our #1 industry in the nation and should be considered first.

I feel a public heraing should be held in Miles City and given enough notice that people could attend and give testimony.

Also I feel a supplimental E. I. S. should be written, with time allowed to comment.

Perhaps looking into the future as you are doing, consider selling your coal to Japan and this route would serve your needs in the long run.

Thank you.

Sincerely,

Rep. Marian W. Hanson.

Thank you for your comments.

RESPONSE TO COMMENTS FROM COOPERATIVE EXTENSION SERVICE
(Sept. 16, 1983)

Cooperative Extension Service
MONTANA STATE UNIVERSITY U.S. DEPARTMENT OF AGRICULTURE AND MONTANA COUNTIES COOPERATING
MONTANA STATE UNIVERSITY
BOZEMAN, MONTANA 59717

Section of Energy and Environment
Room 4143
Interstate Commerce Commission
Washington, D.C. 20423

September 16, 1983

Dear Sir:

The purpose of this letter is to comment on the Draft Environmental Impact Statement (Finance Docket No. 30186) which assesses the environmental impacts of the construction and operation of an 89-mile rail line in southeastern Montana. My comments are intended to be constructive. Hopefully, they will receive full consideration.

As Montana's Extension Range Specialist, my primary objective is to disseminate range management information. Therefore, I am concerned that the Draft EIS has seriously under-rated the value of range research activities at the Livestock and Range Research Station (LARRS). Proper management of land in the Northern Great Plains is predicated upon the existence of a fund of knowledge which is adequate to define the characteristics of the resource. This information has been, and continues to be, supplied largely by LARRS. Without research there cannot be sound management. Insight is no substitute for facts. Through it's history, LARRS has prepared and executed a program that yields basic knowledge as well as knowledge of an applied type. Without doubt, LARRS is the largest single source of information that Montana's Extension Range Program can draw upon.

Although the Draft EIS recognizes that the right-of-way acreage is included in seven research pastures---it does not adequately address the fact that 18 ongoing programs (many of which were begun in the 1920's and 1930's) would be impacted. Not only have these studies established basic grazing management practices for the Northern Great Plains, but they also serve as benchmarks for additional evaluation on effects of drought, plant development, soil fertility, and livestock nutrition. Each study contributes to the well being of the general public, or to various consumer and producer groups in the Northern Great Plains. Until the present and future economic losses resulting from the irreparable damage to long-term genetics, reproductive physiology, nutrition, and research programs are calculated---a very significant environmental impact has not been properly addressed. From this standpoint, the Tongue River Draft EIS is inadequate.

I also feel that the Draft EIS does not adequately consider the affect of the proposed rail line on the local ranching industry. A ranch is a business enterprise or unit which depends mainly upon range forage for production of livestock and related products. Because of increasing production costs and static livestock prices, Montana's ranchers are currently in the worst economic situation that they have faced in the

The programs of the Montana Cooperative Extension Service are available to all people regardless of race, creed, col[illegible]

Page 1

Paragraphs 2 and 3 - Impacts to the LARRS were examined in detail and discussed in the DEIS. Three independent analyses were conducted by TRRC consultants, in addition to continual coordination with USDA personnel including LARRS staff.

Discussions are ongoing with agency personnel in an effort to develop a reasonable plan for the mitigation of impacts to the LARRS. We are aware of the contributions made by LARRS to the agricultural industry and intend to preserve the integrity of ongoing research at the station through appropriate mitigation measures. The Mitigation Plan (Appendix B) discusses measures that have been agreed upon so far.

Paragraph 4, Page 1, and Paragraph 1, Page 2 - An attempt was made to take an individual ranch perspective of impact magnitude by calculating the percentage of each ranch's land removed from production. (See p. A1-33 of the 6/27/83 DEIS.) As noted in the text, these calculations exclude leased land and thus do not present a complete picture. To go beyond this type of calculation and estimate whether some ranchers would be forced out of business is not possible. To go beyond this type of calculation and estimate whether some ranchers would be forced out of business is not possible. To make such a determination would require knowledge of the financial history and status of each rancher. Ranchers would consider disclosure of this information a violation of their privacy. We also would need to know the specifics of the railroad's compensation to each rancher, which would be speculation at this time. There are other actions we cannot predict which could be taken by a rancher to mitigate the adverse effects of the rail line. Examples are land swaps to avoid loss of a severed parcel or investment in more productive ranching processes, e.g., irrigation, using the compensation paid by the railroad right-of-way, etc. Finally, the effect of an individual rancher and the effect on his ranch land and its continued productive use are viewed from two different perspectives for impacts analysis purposes. Our analysis focuses on the long-term productive use of the land, because, as explained above, it is not feasible to identify the effect on individual ranchers.

last 50 years. To survive, ranchers have carefully allocated land, labor, and capital.

Because a ranch is an operating unit, the disruption of any one part (i.e., irrigation system, hay base, grazing base, labor requirement for handling livestock, expense of fighting noxious weeds, and etc..) may result in the collapse of the entire ranching operation. Therefore, the Draft EIS uses an incorrect procedure when it discusses separately the economic cost of the direct loss of agricultural land, displacement of ranching facilities, severance of agricultural parcels, loss of agricultural income, and the impact of human activity. Instead, the impact of these activities on a repective ranch should have been addressed collectively. It is conceivable that the rail line would force some of the ranchers out of business. However, the potential impact would be greatest if the rail line was constructed along the productive land along the Tongu River, and least if the line was constructed along the Colstrip Route.

The Draft EIS also fails to adequately consider the impact of noxious weeds. My experience in the state indicates that the weed problem in southeastern Montana would be greatly magnified by the proposed action. Weeds are a problem along every transportation corridor in Montana, and they would become a problem along the Tongue River. Several of the noxious weeds spread rapidly, and cost about $100/acre to control. These weeds have the potential to significantly impact ranching and research activities, and wildlife habitat.

The economic analyses in the Draft EIS need to be explained in much greater detail. The proposed action involves stocks or single sums of money paid out or received at single points in time, and flows or several sums of money received or paid out over an extended period. It is possible to compare stock and flows only by converting them to a single common point in time. If these calculations have not been made, the projected revenues and costs would be invalid. Unfortunately, by reading the Draft EIS, I am unable to determine if the economic analyses have been properly done.

As an Extension Range Specialist, I also feel obligated to comment on the environmental degradation that would result from a rail line being constructed along the Tongue River. The erosion (93,104 tons/year) would impair downstream water users. Both, agriculturalists and recreationists would be affected. Although these losses are difficult to quantify, they are factors that make the Colstrip and Moon Creek alternatives more attractive than the Tongue River routes.

In summary, I do not feel that the Draft EIS has adequately addressed: 1. the loss of valuable range-livestock research, 2. the loss of agricultural

Paragraph 2 - Noxious weeds are definitely a problem along transportation corridors throughout the state. But the real problem occurs following establishment of weedy species since most are perennials. It is then necessary to use long-lasting herbicides to control these plants.

The key to control of noxious weeds along the proposed Tongue River Railroad right-of-way is to not let weedy plant species become established. Control prior to an infestation is possible through the use of a regular program of herbicide spraying with 2-4D (Mike Jackson, personal communication).

A program of twice yearly treatment (June 1 and September 15) for the life of the railroad will control establishment of all noxious weeds. Treatment near or in water systems must be done using either a special formulation of 2-4D or the chemical Roundup. Records of dates and quantities are required by law.

Paragraph 3 - The monetary impacts are presented in constant 1981 dollars for each year of the study period. This approach shows the timing and level of the inflows and outflows throughout the period. This approach does not account for the time value of money, which provides useful additional information with which to analyze fiscal impacts. In other words, the opportunity cost associated with receiving inflows later and/or incurring outflows earlier in the project has not been incorporated into the analysis. In order to compare the relative fiscal impacts of the three scenarios, a net present value calculation is presented in response to questions posed by the Montana Rural Areas Development Committee and the State of Montana.

Paragraph 4 - The loss of an estimated 93,104 tons of soil per year from the preferred route is that loss which will occur if no reclamation efforts are undertaken. As stated on page A-334, without reclamation, a small increase in Tongue River TSS (total suspended sediment) will occur. However, this increase (10-12 mg/l TSS) will not alter the suitability of water for existing uses (irrigation, stock and wildlife water, and fishing or other recreational uses).

It is important to remember when viewing these increases that they are worst case. As stated on page A-312 and A-314, erosion can be controlled to a large degree by proper soil stabilization and vegetation re-establishment. These practices can reduce wind erosion by 85-95 percent and water erosion to less than two tons per acre per year.

Substantial reductions in soils erosion will mean corresponding reductions in Tongue River TSS. It is anticipated that that 10-12 mg/l TSS will be reduced considerably by proper reclamation procedures along the right-of-way. See the Mitigation Plan (Appendix B) for more detail on reclamation. This will mean even less impact on water quality and recreation along the Tongue River.

production, or 3. the environmental degradation that would result from constructing a rail line along the Tongue River. However, most of my concerns would be lessened if the Moon Creek or the Colstrip alternative was chosen. Regardless, the deficiencies that I have discussed, need to be addressed before the final EIS is written.

Thank you for allowing me to comment on the EIS.

Sincerely,

John R. Lacey

Dr. John R. Lacey
Extension Range Specialist

Thank you for your comments.

RESPONSE TO COMMENTS FROM DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS
(Sept. 1 and Sept. 12, 1983)

DEPARTMENT OF THE ARMY
OMAHA DISTRICT CORPS OF ENGINEERS
6014 U.S. Post Office and Courthouse
Omaha, Nebraska 68102

REPLY TO
ATTENTION OF:

September 12, 1983

Planning Division

Mr. Carl Bausch, Chief
Section of Energy and Environment
Office of Transportation Analysis
Room 4143
Interstate Commerce Commission
Washington, D.C. 20432

Dear Mr. Bausch:

This is an addendum to our September 1, 1983 letter to you which was in response to your Draft Environmental Statement for the Tongue River Railroad Company proposal to construct a railroad line in Montana.

Our comment b.(3). should read:

'The final EIS should include the statement "the filling of any wetland areas associated with the proposal rail line, the alternatives, and the coal mining activities will also require permits pursuant to Section 404" and "should the Moon Creek alternative be implemented, a permit from the U.S. Coast Guard, in accordance with the River and Harbor Act of 1899, will also be required for bridge construction across the Yellowstone River." '

We apologize for having to make this necessary revision and hope these comments reach you in time for consideration in the preparation of your final reports.

Sincerely,

Richard D. Gorton
Chief, Environmental Analysis Branch
Planning Division

DEPARTMENT OF THE ARMY
OMAHA DISTRICT CORPS OF ENGINEERS
6014 U.S. Post Office and Courthouse
Omaha, Nebraska 68102

REPLY TO
ATTENTION OF:

September 1, 1983

Planning Division

Mr. Carl Bausch, Chief
Section of Energy and Environment
Office of Transportation Analysis
Room 4143
Interstate Commerce Commission
Washington, D.C. 20432

Dear Mr. Bausch:

We have reviewed the Draft Environmental Impact Statement, Finance Docket No. 30186, Tongue River Railroad Company--Construction and Operation--of a line of railroad in Custer, Rosebud, and Powder River Counties, Montana, and offer the following comments.

a. Cultural Resources. The cultural resources aspects of the proposed project should comply fully with all pertinent cultural resources legislation.

b. Wetlands. In accordance with the Interim Final Rule for Regulatory Programs of the Corps of Engineers dated July 22, 1982, the following changes and/or additions are suggested:

(1) page 102, number (4), item 1.2.1. - delete "more than 500 feet" and substitute "The U.S. Army Corps of Engineers, Omaha District. The proposed rail line would cross the Tongue River and Otter Creek. The placement of fill material in conjunction with the crossings would require Section 404 permits from the U.S. Army Corps of Engineers, under the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) and the Clean Water Act of 1977 (Public Law 95-217). Section 404 permits will also be required for the placement of fill material in waterways in conjunction with the right-of-way construction."

(2) page A-9-4, Appendix A, item A-9.1.1.3, paragraph 3. - delete "in excess of 500 feet in length" and substitute "Likewise, the three areas requiring riprap for channel stabilization will require permits under Section 404."

(3) The final EIS should include the statement "the filling of any wetland areas associated with the proposed rail line, the alternatives, and the coal mining activities will also require permits pursuant to Section 404" and "should the Moon Creek alternative be implemented, ~~a Section 10 permit under~~ the River and Harbor Act of 1899 will also be required for bridge construction across the Yellowstone River." (see attached letter) → a permit from the U.S. Coast Guard, in accordance with

a. Cultural Resources. The cultural resource aspects of the proposed project will fully comply with all pertinent legislation and regulations, and will be accomplished under a Memorandum of Agreement (MOA) with the Montana State Historic Preservation Officer (MSHPO).

b. Wetlands

(1) Comment noted; appropriate change will be made.

(2) Comment noted; appropriate change will be made.

(3) Comment noted; appropriate change will be made.

c. Economic, social and environmental parameters as identified in Section 122 of Public Law 91-611 should be addressed.

d. Mitigation, if any, for the identified loss of wetlands and other habitat types should be identified. A Fish and Wildlife Coordination Act Report should also be included in the final report.

If you have any questions on these comments or any other related matter, please contact Doug McDonald at 402-221-4579.

Sincerely,

Richard D. Gorton
Chief, Environmental Analysis Branch
Planning Division

c. Economic and Social Considerations. Economic and social considerations have been fully evaluated in accordance with the appropriate regulations and legislation.

d. Comment noted; appropriate steps will be taken.

United States Department of the Interior
OFFICE OF THE SECRETARY
OFFICE OF ENVIRONMENTAL PROJECT REVIEW
Room 688, Building 67
Denver Federal Center
Denver CO 80225-0007

IN REPLY
REFER TO:
ER 83/909

SEP 2 1983

Mr. Carl Bausch
Office of Transportation Analysis
Section of Energy and Environment
Interstate Commerce Commission
Washington, D.C. 20423

Dear Mr. Bausch:

This is in response to your request for the Department of the Interior's review and comments and on the Draft Environmental Impact Statement (DEIS) for the Tongue River Railroad, Custer, Rosebud, and Powder River Counties, Montana.

Miles City Fish Hatchery

We have some specific comments with two of the proposed routes which cut through the Miles City Fish Hatchery on the proposed rail line and Tongue River Road routes. The document totally neglected the impact to the hatchery property and operation.

The DEIS does not contain maps that clearly show the routes. It is difficult to discern how the lines cross the hatchery property. It appears the line will cut through the north end of the Camel's Hump and then cross the area of the sewage lagoon.

After review of the DEIS, we believe that the proposed route could be moved 300 feet to the east to remove the two routes from the hatchery property and reduce some of the possible effects.

4.1. LAND USE
4.1.1.1. Land Acquisition

This section references the fact that the Proposed Rail Line and Tongue River Road routes will displace the Fish and Wildlife Service (FWS) sewage lagoon at the Miles City Fish Hatchery. This is the only reference to the FWS facility. In all other references the sewage lagoon is included in the Livestock and Range Research Station (LARRS). The Miles City Hatchery, owned by the FWS and presently operated by the State of Montana under a Memorandum of Agreement, produces largemouth bass, smallmouth bass, walleye, northern pike, crappie, and trout.

Miles City Fish Hatchery. The reviewer is correct in identifying the proposed route through the fish hatchery area. Approximately 15.2 acres of the hatchery site would be required for the route. The route would cross the intake line for the hatchery and would displace the sewage lagoon. The potential impacts to the facility have been more fully evaluated in the supplement to the DEIS (Jan. 19, 1984). In addition, talks are underway with the Montana Department of Fish, Wildlife and Parks to further deal with this issue.

4.1 LAND USE
4.1.1.1 Land Acquisition. Comment noted.

4.1.1.2. Severed Properties

Nowhere in this section is there a discussion of the severed property at the Miles City Hatchery. The Proposed Rail Line and the Tongue River Road route would separate the Tongue River pump station from the pond rearing area. Also, the route would cross the main water supply line to the hatchery.

4.1.2. Operation and Maintenance

Again, no consideration has been given to crossing delays from the hatchery to the pump station and river area.

Other operations and maintenance which could affect the hatchery and contaminate the fish but are not covered include use of herbicides in the right-of-ways, oil spills, leaching from ties, and coal dust.

Another possible issue is the number of trains per day that will be using the route which is estimated at 19 to 25 per day by 2011. The vibration from train traffic, coupled with a high water table, could cause serious problems with pipelines, pond walls, and water control structures. Trains using the present Burlington Northern line causes the two houses at the hatchery to shake. What would be the situation with these trains much closer?

4.1.5. Overall Impact

Again there is no comment about impacts to the hatchery.

4.9. HYDROLOGY AND WATER QUALITY
4.9.2. Operation and Maintenance

See previous comments concerning contaminants and vibration.

4.10. IMPACTS TO AQUATIC ECOLOGY
4.10.2.2. Use of Herbicides in Right-of-Way Maintenance

The use of 2,4-D in the right-of-way near the hatchery could be a serious problem if the wind drift would place the chemical into the hatchery ponds. Leaching of chemicals from the right-of-way also could be a problem.

A1.0. LAND USE
A1.1.2. Operation and Maintenance

This section also should discuss effects to the hatchery.

4.1.1.2 Severed Properties. Specific references to severance at the hatchery are not included here. It is assumed that adequate access will be maintained to the pump station. The water supply line will be crossed, but not displaced.

4.1.2 Operation and Maintenance. It is assumed that crossings provided will assure that delays in travel to and from pump station will not occur.

It is true that indiscriminant use of herbicides, accidental oil spills and related activities could have potential adverse effects upon the hatchery operation. Although these issues have not been examined in detail in regard to the hatchery, they have been covered more broadly in the discussion of aquatic ecology impacts presented in Chapter 4, and discussed in Appendix A, Section 10.

The possibility of impacts to the hatchery operations from vibration caused by train traffic is being examined. This was not identified as a concern during scoping sessions, and has only recently been suggested by this reviewer.

4.1.5 Overall Impact. See previous response.

4.9 HYDROLOGY AND WATER QUALITY
4.9.2 Operation and Maintenance. See previous responses.

4.10 IMPACTS TO AQUATIC ECOLOGY
4.10.2.2 Use of Herbicides in ROW Maintenance. The reviewer is correct that overspraying of herbicides near the hatchery could cause serious problems. Likewise, leaching of chemicals, should it occur, could also be a serious matter. Operations plans will be specific in describing mitigative and preventive measures that will be employed in this area. The Mitigation Plan (Appendix B) indicates that all herbicide use will judiciously comply with all regulations.

A1.0 LAND USE
A1.1.2 Operation and Maintenance. Initial analysis concluded that the major impact to the hatchery would be the displacement of the sewage lagoon. This is mentioned in the text. Further impacts that might occur were not identified during scoping sessions but have since been under close examination.

Appendix A

This section should contain a discussion of impacts to the hatchery.

Raptor Information

The FWS recently has completed a golden eagle and prairie falcon nest site survey covering a portion of the area impacted by railroad development alternatives contained in this DEIS. This survey data is available from the FWS, Billings, Montana.

Rights-of-Way Permits

Prior to construction, the applicant should contact the Assistant Regional Director, Fishery Resources, Fish and Wildlife Service, Denver, Colorado, and the Billings, Montana, offices of the Bureau of Indian Affairs and the Bureau of Land Management to determine if any rights-of-way approval procedures are necessary.

Recreational Resources

It is obvious from Section 4.2.4.4. (Sociological Impacts) that the project area can be expected to gain a significant number of new residents should the railroad and mines be developed. Expected adverse impacts on local and regional recreational facilities are discussed. However, it appears that some communities may not be prepared to deal with a rapid population influx.

Recent trends and events suggest that funding programs for local recreation facilities may not continue at their traditional levels. This situation makes it important that planning be initiated at the earliest possible time, and that funding sources be found in time to provide facilities prior to the influx of new residents. One such funding source could be the project sponsors. There is ample precedence for assistance by project sponsors in providing recreational facilities, the community of Colstrip being but one example.

We also would recommend contact with the Montana State Liaison Officer (SLO), who can provide technical assistance with regard to advanced planning, grant applications, and use of the Montana Statewide Comprehensive Outdoor Recreation Plan. The Montana SLO is the Administrator, Parks Division, Montana Department of Fish, Wildlife and Parks, 1420 East 6th Avenue, Helena, Montana 59601.

Appendix A. Comment noted.

Raptor Information. Raptor information pertinent to the proposed rail line will be examined and incorporated in the planning process during centerline selection and final engineering.

Rights-of-Way Permits. Comment noted; appropriate agencies have been contacted to begin the ROW easement acquisition process.

Recreational Resources. Comments noted.

In regard to visual impacts, the process employed including criteria for SUAs is described in Appendix A, Section 13.

We would like to see clarification in the final environmental statement as to the definition of a Sensitive Use Area (SUA), as discussed in Section 4.13. Pages 4-74 mention such areas as those where operation of the railroad will constitute a visual intrusion, but give no indication as to how such a conclusion was drawn or how those areas were delineated. A map showing the location of the SUA's also would be helpful.

Sincerely,

Robert F. Stewart

Robert F. Stewart
Regional Environmental Officer

RESPONSE TO COMMENTS FROM U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION (Aug. 24, 1983)

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
REGION EIGHT
Montana Division
Federal Office Building
301 S. Park, Drawer 10056
Helena, Montana 59626-0056

August 24, 1983

IN REPLY REFER TO

HPD-MT

Carl Bausch, Chief
Section of Energy and
Environment
Office of Transportation
Analysis
Interstate Commerce Commission Rm 4143
Washington, D. C. 20432

Dear Mr. Bausch:

We have reviewed the Draft Environmental Impact Statement for the Tongue River Railroad.

FHWA's major concern is in the area of highway safety. Safety becomes a major concern at railroad-highway crossings and the design of these crossings should be in accordance with "A Policy on Geometric Design of Rural Highways 1965", the "Manual on Uniform Traffic Control Devices for Streets and Highways", and the Montana Department of Highways' Road Design Manual.

Safety must also be considered during construction to protect the traveling public from construction related activities.

Sincerely yours,

W. S. Dunbar
Field Operations Engineer

Crossings will be constructed according to all applicable design standards and requirements.

Railroad highway crossing safety is a major concern and was included in this analysis. For detailed information, see Appendix A3, Transportation, and Appendix A7, Safety, of the DEIS. See also further comments in the Mitigation Plan (Appendix B).

RESPONSE TO COMMENTS FROM ENVIRONMENTAL PROTECTION AGENCY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
1860 LINCOLN STREET
DENVER, COLORADO 80295

SEP 02 1983
Ref: 8MO

Mr. Carl Rausch
Office of Transportation Analysis
Section of Energy and Environment
Room 4143
Interstate Commerce Commission
Washington, D.C. 20423

Dear Mr. Bausch:

We have completed our review of your Commission's draft environmental impact statement on "Finance Docket No. 30186 - Tongue River Railroad Company." Overall, the EIS mentions all those impact areas that the EPA would expect to see in such an analysis. Our specific comments on various aspects of the EIS are as follows:

(1) Need for the railroad: Determination of the need for this railroad is beyond EPA's role, but we would urge you to carefully weigh the need for extra coal supplies against the environmental impact involved with the railroad and most particularly, up to five large strip mines on a largely agricultural/ranching area. To a large degree the railroad proposal and associated mines will industrialize an arid agricultural/ranching area whose environment can be easily damaged and slow to mend;

(2) The railroad: The proposed railroad will have specific impacts on several ranchers and on the USDA experiment station. Although these impacts may not seem large on a regional scale they are critical to the individuals concerned. That individual rancher who may suffer losses to his most important piece of land, his irrigated hay acres, must be given full consideration;

(3) Rail line alternatives: From an environmental point of view the Colstrip route is preferable. We believe environmental impacts should be ranked with the purely economic when evaluating, and choosing, an alternate routing;

(4) Air quality: We expect the major air quality impact to be from the mines. These impacts will have to be investigated in detail per individual mining plans/environmental impact statements. Control measures, etc., will require more information than is available on this EIS.

(1) Comment noted.

(2) Detailed analyses of impacts to ranching operations were a major part of the land use investigation. Each operation was examined.

(3) Environmental impacts and economic considerations in addition to legal and engineering aspects will be considered in final route selection.

(4) Comment noted.

(5) Reclamation: As you probably know, the Montana Department of State Lands has not accepted the Montco Mine plan, partially due to concerns about reclamation potential of the area. We don't believe the railroad/mine proposal should be approved until these issues are resolved and positive reclamation potential shown by the applicants;

(6) Groundwater: EPA's major environmental concern with the proposed project is with the impact the five potential mines will have on the groundwater regime and groundwater quality of the area.

The EIS points out that TDS levels are predicted to more than double or even triple due to mining. It also claims present users of this water will not be harmed. We believe the EIS should detail present uses and TDS tolerance levels associated with these uses. Overall a more detailed discussion of this issue is needed.

Second, the EIS states, as fact, that the groundwater regime will be restored to its pre-mining conditions. We would prefer to see this issue expanded upon and actual examples of successful reestablishment presented. These examples should be from areas of similar geology, flow regime, mining practices, etc.

According to EPA's rating system for draft impact statements this EIS is rated ER-2 (environmental reservations - insufficient information). If you have any questions, please contact Mr. Gene Taylor in our Montana Office, Helena, at FTS 585-5486.

Sincerely yours,

John G. Welles
Regional Administrator

(5) The proposed railroad is being considered on an independent basis. The specific merits or difficulties inherent in particular mine projects will be considered by different agencies under a totally separate process.

(6) See response to related questions in Northern Plains Resource Council, State of Montana, and Cooperative Extension Agency comments.