



**WALLACE D. MCRAE**

ROCKER SIX CATTLE CO.  
3607 ROSEBUD CREEK ROAD  
FORSYTH, MONTANA 59327-9411



My name is Wallace D. McRae. I am president of Rocker Six Cattle Company, whose deeded land, and land leased from the State of Montana, is fated to be crossed by the proposed Tongue River Railroad. My address is:

Wallace D. McRae, President  
Rocker Six Cattle Company  
3607 Rosebud Creek Road  
Forsyth, MT 59327

I previously reviewed and commented on the various documents prepared by the STB and have traveled to Washington, D. C., at my own expense, to consult with the ICC and its staff to convey the concerns of our family ranch corporation resulting from the construction and operation of the TRR.

Despite the extremely short period allowed to prepare comments, and the STB's refusal to extend the comment period during the busy fall gathering, shipping and working cattle for us ranchers, I have tried to study the documents prepared by the STB for the Draft EIS.

I found the EIS to be extremely hard to study due to its format. I was forced to constantly flip back and forth between Volume I and Volume II in an attempt to make sense of the documents. Especially confusing was the inclusion of "old" language and the separated "new" information in the mitigation measures.

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I was pleased the use of the word "should," which appeared to be merely suggestions to the TRR on their responsibilities to affected landowners, was changed to the obligatory word "shall." Thank you.

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In coming to understand the obligations of the ICC and the STB, I discovered perhaps the most important criteria is that a proposed railroad **MUST** be judged to have a sound financial foundation in order to insure that it is not a fly-by-night speculative venture which will fail. Surely the STB is aware that the constantly changing financial backers involved in the TRR are indicative that it is a very shaky and speculative venture. In the fall of 1999, one of the financial backers of the railroad pulled out, giving voice to what previous major financial interests involved with the railroad indicated by their departure. *"We just gave it (our financial investment) back to the company. We didn't think this project made sense."* said Chevron spokesman Manfred Michimayr from the corporation's San Francisco headquarters. *"We didn't think it was going anywhere and we weren't going to keep spending \$5 million or \$6 million a year for something that was going nowhere."* Michimayr said. Why was this indication of financial instability

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ignored? Further, the very structure of the TRR is in a constant state of flux. The various ownership positions are extremely cloudy and defy analysis. I would suggest that most, if not all, the current partners may wish to be in on the action, but do not wish to make a substantial monetary commitment to the project. Does the STB have evidence of firm financial obligations to the TRR? If so what are those commitments? My suspicions as to firm commitments are, in part, due to the past claim by the TRR that the Chase Manhattan Bank had given financial backing to the TRR, when in fact the commitment was to attempt to *FIND* investors for the venture. Is the STB aware of this duplicitous action?

3 cont.

The change to a limited liability corporation gives me great concerns, as well. Who, or what, is ultimately responsible for any liability associated with the construction or operation of the TRR? In cowboy vernacular what happens to landowners if the whole enterprise goes “belly up” sometime down the road? We Montanans are well aware of our state having to pick up the slack and assume responsibility for underfunded, speculative industrial ventures which failed. Despite attempts by legal representatives of the UTU and the NPRC to require the TRR to disclose financial information, the STB has refused to force the railroad to do so.

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Once again, as I have in the past, I must protest the refusal of the STB to provide suitable maps of the proposed route. I defy any landowner to peruse a map of a 130 mile railroad on an 8.5” X 11” page, with no topographical features, and figure out where it is going and how it will impact their ranch operations. To further complicate the map problem, we now have Figure 1- 6 which adds the 1998 “proposed refinements” to the original 1985 and 1986 “approved alignments.” Additionally, the only “roads” in Figure 1 – 6 are US highways. Why (except for the fact there was no room) were other public (such as county roads) ignored? Finally, the only way to differentiate between the Tongue River and the ’85 & ’86 alignments is to assume that the river is the more winding than the original alignments since both are represented by the same type drawn lines. Surely there must be available to the STB maps that could better show topographical features, public (and private) roads, proposed placements of cattle passes, fences and other improvements for potentially affected property owners. There is not even a suggestion that I can find where the sidings might be located. The location of sidings and duration of their use should be spelled out, or shown on maps due to their interference with cattle movements and access to fire. Why does the STB refuse to supply usable maps?

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Despite the suggestion that cumulative impacts of proposed mines, CBM development and potential power plants were considered, these were only briefly mentioned, then dismissed. Isn’t it a requirement of NEPA for cumulative impacts be delineated and combined and not pushed off to be handled on an individual impact basis? We have the potential of being “incrementalized” to death in the Tongue River Drainage. I am especially disturbed that while mentioning the potential cumulative effects of the TRR and CBM development, the issue was dismissed by the statement: “These effects are not expected to be significant or adverse. Mitigation measures and agency oversight will be used to maintain water quality to surface waters in the Tongue River watershed.

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No additional mitigation is warranted.” I have absolutely zero confidence in the validity of your information and your dismissal based upon that information. | 6 cont.

On page 3-5 in Volume I the Northern Plains Resource Council (NPRC) is erroneously referred to as a Native American Tribe. | 7

On page 4-59 references to “**Lands Permanently Acquired for the Proposed Rail Line (or ROW),**” erroneously assumes that there is not the option available to use an easement instead of the landowner being forced to transfer fee title for the ROW to the railroad. Therefore lands will not necessarily be permanently acquired for the ROW. | 8

I fail to understand why there are no landowner representatives on the Multi-agency Railroad Task Force as described on Page 7-3. The exclusion of those of us who will, in all probability, be most negatively impacted by the construction and operation of the TRR represents a grave injustice and reinforces the pervasive feeling that our concerns and inputs are being calculatedly dismissed by both the TRR and the STB. The agencies, both state and federal, that are on the Task force are representatives of their respective governments. Governmental agencies are, above all, supposed to represent the public. This public trust is not being realized despite legal and constitutional mandates for them to do so. Rather, more and more often agencies not only fail to represent the public, but especially in the case of extractive and exploiting industrial corporations, represent those entities that prosper by imposing their wills on a defenseless public. Ideally, we should be able to depend and trust governmental agencies to represent our interests as landowners and members of the public. When the STB decrees that landowner requests for bridges for cattle passes are “too expensive” are they representing us? When metal tubes are deemed good enough for cattle passes, who are they representing? We ranchers are supposed to “negotiate” with the railroad. I prefer a concrete cattle pass to a corrugated metal culvert on our ranch. Are we given a chance when the STB has already conceded that potential request in favor of the Railroad? | 9

Is the STB, or the BLM, or any other federal agency going to defer to our reasonable wishes with their knowledge of mandates by the President’s Energy Task Force in mind? Or with their awareness of Presidential Executive Order 13212, entitled “Actions to Expedite Energy Related Projects” are they going to just “go along” and “not rock the boat?” Another Presidential Executive Order (13211) recommended by the secret Energy Task Force headed by the Vice President is titled “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use.” It states in part: ***“By the authority vested in me as President...in order to help the Federal Government coordinate a national effort to ensure reliable and affordable supplies of energy...develop an energy policy that expedites the expansion of facilities critical to production, transportation and manufacturing of (energy) products...and in order to appropriately weigh and consider the effects of the Federal Government’s regulations on the supply, distribution and use of energy, it is hereby ordered as follows...I am requiring that agencies shall prepare a Statement of Energy Effects when undertaking certain agency actions. As described more fully below, such Statements of Energy Effects shall describe the effects of certain regulatory actions on energy supply.*** | 10

*distribution or use.*” The President’s order continues: *A Statement of Energy Effects shall consist of a detailed statement by the agency responsible for the significant energy action relating to any adverse effects on energy supply, distribution or use... should the proposal be implemented.*” The Executive Order was written by Jim Ford, a lobbyist for the American Petroleum Institute (API) and was signed by President Bush on May 8, 2001. On the same day Executive Order 13212 was also signed. These energy-related executive orders are law even though they were not debated, or passed, by Congress. At the November 17, 2004 public meeting in Ashland, we were assured that decisions on the TRR were being made in a “non-partisan” manner. Any recommendations, or decisions, made by any Federal Agencies are bound by the above referenced Presidential Executive Orders. Are Executive Orders 13211 and 13212 being complied with by the STB, BLM, CORPS and other Federal consulting agencies? If so, will the entire texts of the Presidential Orders 13211 and 13212 be included in the Final EIS? The President, by his actions, and those of his Cabinet members, have made crystal clear their goals for energy development are not to be “adversely affected.”

10 cont.

The Governor of Montana has taken a similar, if officially, unannounced, position that is well known by all persons employed by State Regulatory Agencies. The Governor’s tacit instructions have severely limited State Agencies’ employees to responsibly serve the public interest, since they know their jobs are on the line.

Is there any reason to expect that legitimate landowner concerns will be fairly addressed by a Task Force that does not include one affected property owner? I think not. I also think that by not including any landowners, you have united and solidified opposition to the Tongue River Railroad and made all of our tasks more difficult.

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I take violent exception to the statement on Page 4-61 that says, *“SEA believes that crossing non-irrigated grazing land does not constitute a severance of the parcel, because it would still be possible to move cattle between pastures.”* I invite members of the TRR and the STB and their top hands to catch their best horses and come along to help us the first time we attempt to mash our cows and calves through a corrugated metal pipe. The statement goes on to say, *“Ranchers have noted that cattle may be reluctant to use cattle passes constructed across or under the railroad, especially those that are used infrequently.”* For the sake of accuracy, I would have you substitute the words “totally,” or “completely unwilling,” for the optimistically stated, “may be reluctant.” Further *“This situation could increase herding time between pastures, but would not constitute a significant impact.”* is completely insulting in its urban naiveté and casts doubt on any of the writers of the EIS to have the slightest inkling of the railroad’s impact on livestock operations or a basic understanding of the problems a railroad will present to ranchers bisected, severed and isolated by its construction and operation! For the sake of your own credibility I implore you to completely rewrite this offensive and ignorant assumption.

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On Page 4-66 Range Fires are addressed. Again, as I have testified before, your attempt to minimize the potential for railroad-caused fires is misguided and, in the case of the TRR, unfortunate. I have been an unpaid volunteer for the Rosebud County Fire

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Department for over twenty years and, therefore have had a great deal of experience with fires in the area to be traversed by the TRR. While I have no disagreement with the statistics on range fires from the MT DSL, I am convinced the potential for railroad-caused fires is much greater for the TRR than for most of the railroads in Montana. Most railroads in the state are much differently situated than the TRR in that they lie between a river, irrigated fields, and paved highways. Roads, irrigated lands and rivers serve as barriers to the spread of fires. The location of the proposed ROW has none of these insulating barriers on the most dangerous side of the ROW—which crowds the steep, bluffs rimming the valley floor with none of the barriers which exist beside most other state railroads. The Tongue River area is climatically dryer than many regions of the State. In addition, the placement of the railroad and the time required for local fire fighters to respond due to the low population density contributes to delay in seeing and reporting a fire and the distance fire responders must travel, suggests resulting fires will be larger than the typical railroad-related fires averaging 90 acres.

13 cont.

I believe there is an error in Table 4-49 where it is indicated the Rosebud Elementary District will show an increase in taxable valuation. I don't think that any of the TRR route will be located in the Rosebud Elementary District.

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I did not find an "alternatives analysis" for crossing state lands, as required by MEPA in Appendix F as the EIS indicates on Page 5-10.

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The Tongue River Railroad has been hanging fire for over a quarter of a century. I first heard about it in 1968. As reiterated time, and time again by ranchers in the Tongue River valley, and others, we have been forced to deal with the threat of the TRR's construction and operation for far too long. The TRR seems to have a permit in perpetuity that stretches the credibility of their endless claims that there is a *NEED* for the project. How long is the once ICC, and the now STB, going to continue to indulge every incremental whim of this fly-by-night, constantly changing, nonsensical, unneeded pipe dream to continue? In 1996, the ICC made an attempt to end this endless charade by imposing a deadline for the completion of the railroad. This deadline was placed because the individual who has single-handedly pushed this project for years, told the ICC that if the board approved entire (new) proposed route, he would personally guarantee that the entire railroad would be completed, and in operation, in three years. In 1999 the STB Board rescinded the ruling to place a time limit on the construction. I beg the STB to put an end to the uncertainty that has been imposed upon us by placing a deadline, once again, on the never-ending merry go round that this ill-conceived project has become.

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Sincerely,



Wallace D. McRae, President  
Rocker Six Cattle Company

**SEA's Responses to Comment Letter P19**  
**Wallace D McRae (November 30, 2004)**

P19.1 Comment noted. Preparing an EIS using separate volumes for technical information and appendices is a commonly used practice. The "new" language recommended by SEA in the mitigation measures of the Draft SEIS is designed to simplify and improve the conditions so that they apply to the entire line rather than having three separate lists of mitigation, one for each segment of the rail line. The "old" language is provided in a separate appendix of the Draft SEIS to provide the reader with a reference for the proposed changes without the need to reprint the original Tongue River I and Tongue River II EISs.

P19.2 Comment noted.

P19.3 The comment concerns the financial stability of TRRC and the effect that this could have on the viability of this project. The financial viability of a project is not considered in the environmental review process under NEPA, but financial issues will be considered by the Board when it reaches its final decision on the merits of Tongue River III. Please also refer to Master Response 9, Determination of Public Convenience and Necessity.

P19.4 Similar to the previous comment, this comment is concerned with the ability of TRRC to sustain this project financially. This comment is also concerned with the potential effects that a failed venture would have on the State of Montana. The ability of TRRC to finance and sustain this project is an issue for the Board to address when it determines if this project is inconsistent with the public convenience and necessity following the completion of the NEPA review. Please refer to Master Response 9, Determination of Public Convenience and Necessity.

P19.5 The comment concerns the quality of maps that were provided in the Draft SEIS and requests that SEA's maps provide a higher level of detail. Please refer to Master Response 6, Maps of the Adopted and Proposed Alignments, and also refer to Appendix A of this Final SEIS, which includes additional mapping of the proposed rail line ROW, showing more detail.

In response to the issue of siding locations, based on preliminary engineering, all sidings would be located within the 400-foot ROW that was analyzed in the Draft SEIS. Exact locations of sidings would be determined in consultation with property owners.

P19.6 The commenter expresses concern regarding the completeness of the cumulative analysis in the Draft SEIS, and suggests that the analysis does not sufficiently analyze potential impacts of this project in combination with others in the Tongue

River Valley watershed. For a discussion of these issues, please refer to Master Response 21, Adequacy of Cumulative Analysis.

- P19.7 The reference to the Northern Plains Resource Council (NPRC) as a Native American Tribe has been omitted, please see Chapter 5: Errata, where it references Page 3-5, line 22.
- P19.8 The text has been changed to account for the possibility of easements. Please see Chapter 5: Errata, where it references Page 4-59, line 18.
- P19.9 The commenter expresses concern regarding the exclusion of landowners as members of the Multi-Agency Task Force. However, as explained in Mitigation Measure 14, the role of the Task Force is to review and approve the mitigation measures that would be implemented by TRRC for potentially adverse effects to aquatic and terrestrial ecology. By design, the Task Force will not address land use issues or related mitigation. Thus, it is not appropriate to include landowners as members of the Task Force.

As provided in recommended Mitigation Measure 1, TRRC would be required to negotiate compensation for direct and indirect loss of agricultural land on an individual basis with each landowner. As part of the negotiations, TRRC would determine, in consultation with the landowner, the location and type of fencing, cattle passes, private grade crossings, and the replacement of irrigation systems and water sources displaced by the ROW, as appropriate. Thus, SEA has taken the needs of landowners into account in developing appropriate mitigation for this case.

- P19.10 As discussed in Section 1.2 of the Draft SEIS, the Board will address the transportation merits and determine the present and future public convenience and necessity of Tongue River III, in accordance with 49 U.S.C. 10901, amended in ICCTA, after the environmental review of Tongue River III is complete. Please also see Master Response 9: Determination of Public Convenience and Necessity. SEA notes that neither this SEIS nor the forthcoming agency decision about whether to approve the proposed Western Alignment involves agency regulations.
- P19.11 The comment reiterates the concerns expressed in comment P19.9. Please refer to that response for information.
- P19.12 The commenter expresses concern related to SEA's statements on cattle passes and the movement of cattle between pastures. While SEA recognizes that the introduction of the rail line and the below grade movement of cattle via passes would introduce a change in current ranching operations, SEA has determined that these changes should not result in significant adverse effects on ranchers or cattle. Cattle passes are commonly used on roadways and rail corridors throughout the country.

P19.13 SEA acknowledges the expressed concerns and the potential hazards related to wildfires in the project area. Due to the potential for railroad-related fires, SEA has developed a series of mitigation measures that respond to this issue. Recommended Mitigation Measures 9-13 are intended to reduce the potential for a fire and include appropriate emergency response measures should a fire occur. While the possibility of a railroad-related wildfire can't be precluded altogether, SEA believes that implementation of these measures are appropriate means to minimize potential impacts related to fires.

P19.14 The Rosebud Elementary District is located at 601 Main Street in Rosebud, Montana, and is within the project area.

P19.15 Comment noted. The analysis, which was prepared by the Montana DNRC, is included in the errata Chapter 5: where it references Appendix F.

P19.16 The comment raises several points that question the need for the project and request a 3-year time limit on construction of the project following the issuance of all necessary permits. Regarding the need for the project, please refer to Master Response 9, Determination of Public Convenience and Necessity. Regarding the suggested time limit, please refer to Master Response 13, Imposition of a 3-Year Time Limit on Construction.



FL Ranch  
 29 Red Bluff Loop  
 Birney, MT 59012

November 22, 2004

Surface Transportation Board  
 Case Control Unit  
 Washington, DC 20423

Attention: Kenneth Blodgett, STB Docket No. FD 30186 (Sub-No. 3)

To the Surface Transportation Board:

Thirty years ago – that is 30 years – I came here to St. Labre Indian School for a meeting about a Tongue River Railroad. At that meeting, Mike Gustafson, a coal lease and land speculator, told us that the demand for southeastern Montana coal was so great that by the year 1980 the coal trains in this area would almost be running into each other. Those were his words.

In the early 1980's, the Tongue River Railroad Company (i.e. Mike Gustafson) submitted an application to the ICC for a permit to build a railroad from Miles City to Ashland, Montana. The railroad was described by its proponents as a "common carrier" – one which would haul cattle and other products as well as coal. By means of this misrepresentation, the railroad company obtained a permit to build, which included the right to condemn personal property, in 1985. This railroad would not have been a "common carrier" then, and it would not be one now - or in the future. It is for the purpose of hauling coal only, and it is therefore not for the "common good".

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In 1991, with no construction in sight, the Tongue River Railroad Company applied for another permit to extend the railroad line from Ashland to Decker, Montana. There was no reference to this railroad's being for the purpose of hauling Wyoming coal. The rationale was that it would stimulate the economy of southeastern Montana.

In 1997, Governor Marc Racicot came to our Birney School graduation. In his speech, he praised the virtues of the little country school, perhaps unaware that the projected railroad would run right behind the schoolhouse. Afterwards, we asked him why he was promoting the railroad, when it would be so detrimental to the established agricultural economy of the Tongue River valley. Twice he said that it would stimulate the economy of southeastern Montana. Twice we asked him how that could be, when the purpose of the railroad was to haul Wyoming coal. Both times he evaded the question. The third time we asked, his aide said that it was "time to go", and he left. Apparently the railroad interests were not yet ready to admit that the Tongue River railroad was all about hauling Gillette coal.

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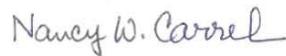
Now, in 2004, it is finally acknowledged that the railroad is for the purpose of transporting Wyoming coal. Where in this is the concept of the "common carrier", with the rights of condemnation of private property? Where is the stimulus to the economy of southeastern Montana? How can the railroad company justify the loss of jobs for railroad workers in Sheridan and Forsyth, or the severe economic impact on the farming and ranching industry of the Tongue River valley? Or the impact on the fish and game of the valley? How to answer the very pertinent objections of the Northern Cheyenne Indians? How to address the extreme fire hazard associated with such a railroad in this drought-stricken country where there are no fire protection services? How can this railroad be considered a sound investment, when no action has taken place since the STB granted a permit over 20 years ago, other than having one investor after another withdraw from this speculative venture? Above all, how to demonstrate that need for this proposed railroad when there are already several established routes for the transportation of Gillette, Wyoming coal? I would like answers to all of these questions.

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The railroad was not needed 30 years ago and it is not needed today. And it would be an environmental and economic disaster for the whole Tongue River valley in Montana. The railroad should not be permitted by the STB, nor should it be built.

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Sincerely yours,



Nancy W. Carrel

**SEA's Responses to Comment Letter P20**  
**Nancy Carrel (November 22, 2004)**

P20.1 The commenter expresses concern that Tongue River I was misrepresented as a common carrier when it is not, and that the Tongue River II application failed to disclose that the rail line would also be used to haul Wyoming coal.

The rail line (from Miles City to Decker) would be a common carrier line because TRRC would hold itself out to transport coal and other commodities upon reasonable request, as the information provided in Tongue River I makes clear. Tongue River II similarly would be a common carrier line. While coal is the primary commodity that would be carried, shippers could request rail services for cattle and other products as well as coal, and TRRC would have the obligation to haul all such livestock and freight upon reasonable request.

P20.2 One of the functions of the project would be to facilitate the transport of Wyoming coal from the Gillette area mines to Midwestern and eastern markets. However, that is not the sole objective of the project. The project would also facilitate the transport of Montana-based coal produced in the Decker area mines, as illustrated in Figure 2-1 of the Draft SEIS. Furthermore, one of the primary objectives of the project is to provide rail access to the Ashland area for the possible future development of low-sulfur coal mines in that area.

P20.3 The commenter raises several questions regarding the potential impacts associated with the project. For ease of review, the key issues are listed below and followed by responses:

Common Carrier: The proposed rail line would be a common carrier line under either the proposed Western Alignment or the Four Mile Creek Alternative, because the railroad would hold itself out to transport coal and other commodities, upon reasonable request.

Economic Stimulus to Southeastern Montana: Please refer to the Tax and Employment Benefits discussion on page 2-5 of the Draft SEIS.

Potential Jobs Losses in Forsyth and Sheridan: As shown in Table 4-41 of the Draft SEIS, both the Western Alignment and the Four Mile Creek Alternative would create a demand for jobs in Forsyth during the construction period. Table 4-42 shows the associated distribution of construction wages in Forsyth.

As shown in Table 4-47 of the Draft SEIS, in the first year of operation, the project could result in the net loss of seven regional railroad jobs under the Western Alignment and the net gain of four regional railroad jobs under the Four Mile Creek Alternative. This analysis includes Forsyth and Sheridan, which are located on the existing BNSF rail lines. SEA believes that this estimate of net job change underestimates the amount of new jobs the entire rail line from Miles City to Decker would create regionally; it does not take into account the increase in train crew jobs as TRRC begins to move tonnage from new mines in the Ashland

area that are unlikely to be opened in the absence of the rail line via either the proposed Western Alignment or the approved Four Mile Creek Alternative. SEA's estimates also do not take into account that significant new job opportunities would become available at any new surface mines in the Ashland area. (See Chapter 6, "Cumulative Effects," for a discussion of potential regional job increases.) Therefore, the estimate of net job change is conservative.

In addition, localized fiscal impacts of the proposed Western Alignment on towns along the existing BNSF line through Huntley would be minimized, because that line would continue to carry a considerable number of non-coal freight traffic and some coal trains, particularly those servicing the Sarpy Creek, Big Sky, and Western Energy mines.

Impacts to Fisheries and Game Species: Please refer to Master Response 2, Biological Resources – Conclusions and Mitigation.

Objections of the Northern Cheyenne Indians: Please refer to Master Response 15, Effect of the Project on Native Americans.

Fire Hazards: SEA acknowledges the concerns related to possible wildfires, and thus has developed Mitigation Measures 9 through 13, which are intended to reduce the potential for a fire and clarify emergency response measures should a fire occur. SEA believes that implementation of these measures, if approved by the Board, would be adequate to reduce potential impacts related to fires.

Financial Stability of TRRC: Please refer to Master Response 17, Financial Stability of the Tongue River Railroad Company.

Need for the Project: Please refer to Master Response 9, Determination of Public Convenience and Necessity.

All of the issues and concerns raised in this comment regarding the need for the project will be considered when the Board makes a determination of whether the project is inconsistent with the public convenience and necessity, following completion of the environmental review process. Please refer to Master Response 9, Determination of Public Convenience and Necessity, for additional information.

- P20.4 The comment states that there is no need for this project and that it would have significant environmental and economic effects on the Tongue River Valley. For a discussion of the project need, please refer to Master Response 9, Determination of Public Convenience and Necessity. The environmental and economic effects of the project on the project area are documented in the Draft SEIS and in the Master Responses as indicated in response P20.3 above. Chapter 8 of the Draft SEIS acknowledges that, after mitigation, the rail line would have unavoidable environmental effects. The Board will consider the entire environmental record when it considers the merits of the proposed Western Alignment and compares it to the Four Mile Creek Alternative following the completion of the environmental review.

October 24, 2004

Surface Transportation Board  
Case Control Unit  
Washington, DC 20423  
Attn: Kenneth Blodgett



Re: STB Docket No. FD 30186 (Sub-No. 3)

Gentlemen:

As the owners of property in the Cormorant Bay Lakeview Estates Subdivision(Tract #7A, 7B, & 7D)

at Tongue River Reservoir in Big Horn County, Montana, we are writing to protest the establishment of the Tongue River Railroad Company's proposed Western Alignment(Tongue River III). We have several specific reasons for protesting the proposed Western Alignment. We feel that this proposed railroad development is too close to Cormorant Bay Lakeview Estates Subdivision and because of this there will be much greater noise pollution, ground vibration, and air pollution from diesel trains running on this proposed line. Also, this proposed line and the trains running on it will be visible from our

subdivision which will be an obstruction to our scenic views causing a general degrading of our subdivision's scenic values. Because of the above concerns we feel that the proposed Western Alignment if approved would have a very negative impact on our subdivision and that we would see a devaluation of our property causing us great financial loss. In the Draft Supplemental Environmental Impact Statement(Volume I Pg. 4-63), the following is stated: "At its closest point, the proposed Western Alignment would be approximately 750 feet from the nearest Cormorant Estates residence, which is closer than the approved Four Mile Creek Alternative." It also says the following:" Indirect impacts on residences, such as noise and vibration, would be temporary during construction and minor during operation." It then says the following: "Cormorant Estates is located to the east of the proposed Western Alignment, similar to the approved Four Mile Creek Alternative, and would not experience significant direct effects, such as the loss of land, or indirect effects, such as noise and vibration, from the construction of either alignment." We believe this is a contradiction as first it says "impacts on residences, such as noise and vibration would be temporary during construction and minor during operation and then it says "Cormorant Estates would not experience indirect effects, such as noise and vibration from the construction of either alignment. I must say that Cormorant Bay would experience very minimal if any indirect effects with the approved Four Mile Creek Alternative. Also, it says that "Cormorant Estates is located east of the Proposed Western Alignment", however, this is only partly true. A very large portion of Cormorant Estates is located South of the Proposed Western Alignment including all of our lots in the Lakeview Estates region and a few lots to the east of us. At only 750 feet from the nearest Cormorant Estates residence how can our subdivision not be affected by noise, vibration, air pollution, and scenic degradation at this short a distance. There would be much less impact on our subdivision in the Four Mile Creek Alternative and we would not have a railroad so close to our northern boundary. In Volume I Pg. 4-55 of the Draft Supplemental Environmental Impact Statement the following is stated: "It has 11 lots, one with a cabin, and the remaining undeveloped lots still for sale." At this time there are approximately six cabins in Cormorant Bay on the north shore of the Tongue River Reservoir and one cabin under construction in Lot # 7C of Cormorant Bay Lakeview Estates. Two of these existing cabins and the other one under construction are directly south of the proposed Western Alignment and would have the greatest indirect impact from noise, vibration, and air pollution. Although we are the legal owners of Tracts 7A, 7B, and 7D in the Cormorant Bay Lakview Estates Subdivision and are registered in Big Horn County as owners, we have never been contacted by the Tongue River Railroad Co. regarding their proposed Western Alignment Plans and the potential negative affects that

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it could have on us. This neglect on their part is a slight to us and could possibly be misleading to those who are in a position to approve or disapprove their plans.

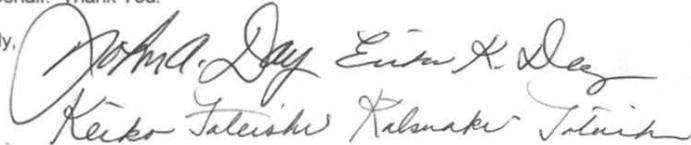
5 cont.

We purchased our land as recreational property and we feel that the proposed Western Alignment would have severe negative impacts on our ability to enjoy this beautiful area as we had originally planned. Therefore, we hope that you will deny the Tongue River Railroad Company's request to build the Western Alignment. We feel that the Four Mile Creek Alternative would have much less negative environmental impact on the north shore of the Tongue River Reservoir.

6

We do thank you for the opportunity to voice our objection to the proposed Western Alignment and hope that you will decide to deny the Tongue River Railroad Company's request to build this line. Again, we want to thank you for your cooperation and patience on our behalf. Thank You.

Sincerely,



John A. Day, Eriko K. Day, Katsuki Tateishi, Keiko Tateishi  
Property Owners Lots 7A, 7B, & 7D  
Cormorant Bay Lakeview Estates Subdivision  
Tongue River Reservoir  
Big Horn County, Montana

Mailing Address: John A. Day  
P.O. Box 803  
Sheridan, Wyoming 82801

**SEA's Responses to Comment Letter P21**  
**John Day (October 21, 2004)**

P21.1 The comment expresses concern that operation of the railroad would result in noise pollution, ground vibration, and air pollution at the Cormorant Bay Lakeview Estates Subdivision (Cormorant Estates).

Cormorant Estates contains 11 lots. Four of these lots contain cabins, and the remaining undeveloped lots are still for sale. According to TRRC (on the basis of a site visit), the cabin closest to the centerline of the proposed Western Alignment is approximately 1,250 feet to the east. The next closest is approximately 1,500 feet away, and the remaining two cabins are approximately 2,000 to 2,200 feet from the alignment centerline. Boat House Point, which is located on the south side of Cormorant Estates, also contains three cabins. These cabins are approximately 5,000 to 5,200 feet from the proposed Western Alignment. Three additional cabins are located on the north side of Cormorant Estates and just west of the Tongue River Dam spillway. These cabins are in excess of 3,000 feet east of the proposed Western Alignment. The location of Cormorant Estates cabins in relation to the proposed Western Alignment is shown on the aerial exhibits provided in Appendix A of this Final SEIS.

Regarding operation-related noise, based on the 65 Ldn noise contour data presented in Table 4-38 of the Draft SEIS, the cabins within the subdivision would be well outside the noise contours for both the proposed Western Alignment and the Four Mile Creek Alternative. Regarding construction noise, Section 4.3.8.2 of the Draft SEIS states that sensitive receptors would be affected by the operation of heavy machinery during construction of either alignment, as construction of either alignment would temporarily increase noise levels in the construction area. Using a worst-case assumption that all construction equipment would be operating at the same time, the 65 dBA  $L_{dn}$  corridor for construction would extend outward 500 feet from the centerline. The noise from construction would range between 62 and 74 dBA at a 500-foot distance, and between 54 and 67 dBA at a 2,000-foot distance. As a result, the cabins would not experience significant noise impacts. Nor would the cabins be adversely affected by vibration during construction or operation, as stated on page 4-63 and 4-154 of the Draft SEIS, due to the distances between the rail line and the cabins.

Regarding air pollution, SEA explains in Section 4.3.7 of the Draft SEIS that the proposed Western Alignment and the approved Four Mile Creek Alternative would both traverse mostly undeveloped land with limited sources of air pollution, and that the primary air quality issues are related to dust and combustion emissions. Based on the analysis presented in the Draft EIS, SEA concludes that, with the implementation of recommended Mitigation Measures 69-73, neither the proposed Western Alignment nor the approved Four Mile Creek Alternative would result in significant impacts on air quality.

- P21.2 The commenter expresses concerns that the project would degrade the scenic vistas, and therefore the overall visual setting, of the Cormorant Estates property. However, because of the distance of the cabins to the proposed ROW of the rail line, the proposed Western Alignment would not be visible from the cabins, except for two or three cabins located to the west of the Tongue River Dam Spillway. These cabins would be located more than 3,000 feet to the east of the Western Alignment ROW. With respect to publicly accessible vistas, including public roadways and the Tongue River Reservoir State Park, the Draft SEIS acknowledges that, while the rail line would be visible from public roadways, revegetation of cut and fill slopes, which would be required for erosion control, would also reduce the visual intrusion of the line by naturalizing the slopes.
- P21.3 Comment that the changes in the environment identified in the two previous comments would degrade property values at the Cormorant Estates is noted.
- P21.4 The commenter questions some of the information in the Draft SEIS related to the Cormorant Estates. In response, the statement in the Draft SEIS concerning the distance between the subdivision and the proposed Western Alignment rail line (750 feet) has been revised. See Chapter 5: Errata, where it references Page 4-63, lines 46-47. The closest cabin to the proposed Western Alignment is approximately 1,250 feet from the rail centerline.

SEA disagrees that the questioned text is contradictory. The statement, “Indirect impacts on residences, such as noise and vibration, would be temporary during construction and minor during operation” applies to primary residences, and does not include the cabins (second homes) at Cormorant Estates. The statement that is applicable to the cabins at Cormorant Estates is that such secondary residences “would not experience significant direct effects, such as the loss of land, or indirect effects, such as noise and vibration, from the construction of either alignment”(page 4-63 of the Draft SEIS). Regarding the location of the Cormorant Estates subdivision in relation to the proposed Western Alignment, the text has been revised based on the information provided.(see Chapter 5: Errata). The final concerns raised in this comment regarding air and noise pollution and a degradation of scenic quality were raised in the first comment of this letter. Please refer to response P21.1 for a discussion of these issues.

- P21.5 The comment calls for clarification concerning the number of cabins within the Cormorant Bay Estates subdivision.

The text has been revised concerning the number of cabins existing and under construction at the Cormorant Bay Estates. See Chapter 5: Errata, where it references Page 4-55, lines 42-47.

Regarding contact by the Tongue River Railroad Company, the regulations implementing NEPA do not require the Railroad applicant to make contact with any property owners. There has been ample opportunity for public input from all

interested parties, including landowners. In any event, SEA solicited input from the public on the scope of the analysis to be conducted on the proposed Western Alignment. On July 10, 1998, SEA published in the Federal Register and sent to all interested parties a Notice of Intent (NOI) to prepare a Supplement to the Final EIS previously prepared in Tongue River II to consider the potential environmental impacts of the proposed Western Alignment in Tongue River III. The NOI sought public comments on the scope of the Draft SEIS. Moreover, all interested parties were invited to comment on all aspects of the Draft SEIS.

The circulation of the Draft SEIS for public review and other public outreach efforts are discussed in Section 1.7 of the Draft SEIS. SEA held a 45-day comment period, made the document available for review in public locations, and held two public meetings.

P21.6 The comments in opposition to the project are noted.

STEPHEN VALENTINE III  
HILL HOUSE BOX 547  
BIRNEY, MONTANA 59012  
(406) 984-6222



November 26, 2004

Surface Transportation Board  
Case Control Unit  
Washington, DC 20423

Attention: Kenneth Blodgett

Re: STB Docket No. FD 30186 (Sub-No. 3)

This is further to the comments expressed by my wife, Christine,  
at the Public Hearing in Ashland on November 17, 2004.

- (1) The proposed railroad bisects the site of the Battle of Wolf Mountain. This fight was a confrontation of US army units led by Colonel Nelson A. Miles and a tribe of Indians led by Chief Crazy Horse. It occurred on January 8, 1877. It was the last known battle in which Crazy Horse participated.

This is a Historic Site and should be preserved as is.

- (2) As I understand, the proposed railway is to be sited at the foot of our driveway about one-quarter-mile from our house.

Obviously, a railroad will surely affect the peace and tranquility that we now enjoy as well as the ultimate resale value of our property.

Thank you for your attention to the above.

**SEA's Responses to Comment Letter P22**  
**Stephen Valentine (November 26, 2004)**

P22.1 The approved Tongue River II alignment passes through the Wolf Mountain Battlefield. The boundary of the Wolf Mountains Battlefield in relation to the rail alignment is shown in Figures A-71 to A-73 in Appendix A of this Final SEIS. As documented in Section 4.3.5.2 of the Draft SEIS, this site has significant, rare, and irreplaceable historical and cultural value of national significance, and was placed on the National Register of Historic Places in 2001. The site is nationally significant because of its association with the Sioux Wars and its role in the subsequent surrender of the Sioux and Cheyenne. In 1997, BLM defined the Wolf Mountain Battlefield as an area of critical environmental concern. The approved Four Mile Creek alignment runs through the center of the battlefield on private land. The refinements currently proposed for this portion of the Tongue River II alignment would place the rail line approximately 1,000 feet farther to the south of the approved alignment (see Figure 5-3 in the Draft SEIS). The proposed realignment would move the rail line farther from the military encampment and military positions located near the river, but place it into less disturbed areas of the site that were associated with Indian positions. As such, both alignments would negatively impact the site; however, the realignment places the rail line farther from an identified Cheyenne grave. Because the refinement avoids the grave, it would be marginally better than the approved alignment in terms of potential impacts to this site.

It also should be noted that the Programmatic Agreement, which is included as Appendix C of this Final SEIS, contains an Identification and Treatment Plan that sets forth specific actions that must be taken if resources are uncovered during construction, to ensure proper treatment of historic properties and resources of tribal significance. The mitigation would apply to—and reduce—potential impacts to the battlefield.

P22.2 As the commenter notes, the rail line would be located 1/4-mile (1,320 feet) from the house. The 65 dBA  $L_{dn}$  noise corridor for operation of the rail line would extend outward 250 feet from either side of the centerline. The commenter's house would be located well outside the noise contour established for the project, which is based on accepted federal guidelines for analysis of potential adverse noise-related effects.



## COMMENT CARD

There are three ways to submit comments on the Tongue River III Draft Supplemental Environmental Impact Statement.

1. Provide verbal comments at this public meeting (all verbal comments will be transcribed),
2. Submit written comments to the address shown below, or by placing this comment card in the comment box located at the sign-in area; or
3. Submit your comments electronically at the Surface Transportation Board's website, [www.stb.dot.gov](http://www.stb.dot.gov).

NAME: Perry Keim

ADDRESS: HC84 - BOX 2083

Forsyth, Mt. 59327

Or 1550 Tongue River Rd. Ashland, Mt.

TELEPHONE: no phone

DATE: 11/29/04

COMMENT: I am 68 yrs. old. I have lived in Ohio, W.V.,

Iowa, and now Mt. We moved to W.V. in 1975, to Iowa  
in 1996 and to Mt. in 2002. Each time we moved more  
or less because of too many people and too much going on.  
This was said to be the last best place to live, now  
you want to make this like all the other places. We live  
just on the west side of the river and you want to  
put the railroad on the east side. There is no  
way we could pasture our cows on the east  
side anymore. They come to the river every day  
to drink and that would never work. Our ranch  
would be worseless. There are 19 families of us Amish  
that depend on this land everyday. We all live  
on this ranch. Please don't do this to us, as we  
would all have to move somewhere else.

When submitting comments please be as specific as possible and substantiate your concerns and recommendations.

Please use the reverse side or attach any additional pages.

Perry Keim

To submit comments by mail, send to:  
 Surface Transportation Board  
 Case Control Unit  
 Washington, DC 20423  
 Attn: Kenneth Blodgett, STB Docket No. FD 30186 (Sub-No. 3)

**SEA's Responses to Comment Letter P23  
Perry Keim (November 29, 2004)**

P23.1 The commenter raises concerns that construction of the railroad would sever lands used for cattle grazing, and would also prevent cattle from moving to the Tongue River in search of drinking water. Recommended Mitigation Measure 3 is specifically intended to address access restrictions by requiring TRRC to install cattle passes along the railroad right-of-way to ensure passage of cattle under the rail line. Under SEA's recommended mitigation, TRRC would be required to work with individual landowners to identify appropriate locations for these passes. The effectiveness of this mitigation measure would be tracked as part of the reporting required under recommended Mitigation Measure 17.

Surface Transportation Board  
Case Control Unit  
Washington, D.C. 20423

ATTN: Kenneth Blodgett

STB Docket No. FD 30186 (Sub-No. 3)

December 1, 2004

Dear Mr. Blodgett:

I am submitting comments on the draft Supplemental Environmental Impact Statement for the Tongue River Railroad (TRR) Company, Inc. – Construction and Operation – Western Alignment; Tongue River III – Rosebud and Big Horn Counties, Montana. Please ensure that my comments are entered into the public record.

To begin with, I object strenuously to the basis for this document as stated on page 1-14: that this SEIS is tiered off two previous EISs (TRR I and TRR II) in order to “avoid unnecessarily redoing analysis that continues to be accurate and complete.” The first EIS was done in 1983 (with a final decision in 1985), and the second EIS was done in 1992 (with a final decision in 1996). During the past 20+ years, the data and information contained in these two documents has changed, and to rely upon this data and information for preparation of the current SEIS is to build a case upon a false, misleading, and inaccurate foundation.

1

The National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) implementing regulations require an agency and decision maker to base a decision on objective, high-quality scientific analysis of impacts that the proposal may create (1500.1 (b)). This cannot be done by relying on inaccurate or incomplete information and biological inventories (which, in fact, have only covered isolated portions of the entire railroad route) that are 20+ years old. Additionally, I note at least two examples of where available data is not referenced or analyzed: the aquatic studies that have been done by the Montana Department of Environmental Quality (DEQ) on the Tongue River and the baseline water quality studies done as part of the process for setting the Tongue River TMDL (total maximum daily load).

2

While CEQ regulations encourage tiering (1502.2), the definition provided is to produce a programmatic EIS that addresses broad policy issues, followed by other site-specific EISs, each of which analyses site-specific impacts. An agency cannot substitute tiering for adequate analysis of impacts nor can an agency ignore overall greater impacts for an entire project in its site-specific EIS than were revealed earlier. In using the tiering approach, not only is the SEIS falsely based on outdated and inaccurate previous documents but the agency is using a piecemeal approach to the Tongue River Railroad project. NEPA and the CEQ regulations prohibit using a piecemeal approach (“Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action” must be evaluated in a single NEPA document (1502.4)). There has been no analysis of this project’s impacts **as a whole** on the Tongue River and Tongue River Valley. I strongly urge the STB to begin anew and complete one NEPA document for the entire Tongue River Railroad proposal that is based on updated and accurate scientific information.

3

One of the most egregious problems I find in this SEIS is its lack of analysis of the connected and cumulative actions in the Tongue River area, most importantly the development of the area’s coal

4

bed methane resources. An agency is required to analyze any proposal in consideration of other actions that are connected (1508.25) and are cumulative (1508.7, 1508.25 (a)(2)). While the SEIS mentions coal bed methane development in 6.5.2, there is absolutely no analysis of the cumulative impacts from simultaneous development and operation of these massive projects.

4 cont.

Because the Bureau of Land Management and the Montana DEQ approved the programmatic EIS for coal bed methane development (April and August 2003, respectively), this TRR SEIS is required to take that development into account. For example, the coal bed methane EIS concluded that that development would likely violate air quality standards for Class I and Class II airsheds; however, this SEIS states that the proposed railroad would have not significant impacts—how can that be with respect to cumulative impacts? Additionally, the SEIS does not analyze the impacts of sediment load in the Tongue River to fisheries and other aquatic life as well as irrigation operations in cumulative addition to the impact high-sodium coal bed methane wastewater will have on the Tongue River. What is the cumulative impact of roads associated with both of these projects to the spread of noxious weeds, fragmentation of wildlife habitat, and interruption of wildlife migration routes? What is the cumulative impact of these projects on the threatened bald eagle and the sage grouse? What is the cumulative impact of these projects on county infrastructure maintenance needs and county fire fighting services? What is the cumulative economic impact of these projects on local ranchers?

5

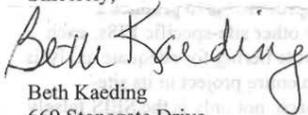
Finally, the decision by the STB that this project is “necessary” is not understandable to me. This project has been proposed, “refined,” modified, and redefined for more than 20 years, and yet not one mile of track has been laid along the previously approved rail route. Nor has the company made any effort to negotiate right-of-way leases with ranchers and other landowners along the approved route. It appears to me that this proposal is simply a highly speculative scheme. The impacts this project will have on the environment as well as the ranchers and citizens of the Tongue River Valley are significant and unnecessary. This is **not** a “necessary” project as existing Montana rail lines are sufficient for shipping coal to Midwestern markets.

6

Again, I strongly urge the STB to begin anew and complete one NEPA document for the entire Tongue River Railroad proposal that is based on updated and accurate scientific information and that the document consider and analyze the cumulative impacts of other approved and foreseeable development projects in the area of effect.

7

Sincerely,



Beth Kaeding  
669 Stonegate Drive  
Bozeman, Montana 59715

**SEA's Responses to Comment Letter P24**  
**Beth Kaeding (December 1, 2004)**

- P24.1 The commenter is concerned that the much of the information in the Draft SEIS may no longer be accurate because it dates from Tongue River I, which was approved in 1985 and Tongue River II, which was approved in 1996. For a discussion of the validity of the information used in the Draft SEIS and how it has been modified and updated to reflect current conditions, if warranted, please refer to Master Response 4, Information Used in Preparing the Draft SEIS.
- P24.2 The comment suggests that the Draft SEIS does not provide an objective analysis based on high quality, scientific data, as required by NEPA and CEQ. The commenter is particularly concerned that biological resource information on the Draft SEIS may be outdated. The concerns raised as to the validity of the information used were addressed in response to the first comment of this letter. In response to the comment concerning biological resource inventories, please refer to Master Response 2, Biological Resources-Conclusions and Mitigation. Lastly, in response to the comment on MDEQ's aquatic studies and the TMDL-related baseline studies, please refer to Master Response 20, Total Maximum Daily Load (TMDL).
- P24.3 The comment states that the Draft SEIS is based on a flawed approach to tiering, and that the "piecemeal" approach taken by SEA has created a flawed analysis. The comment calls for a new EIS for the entire line from Miles City to Decker that is based on updated information. For a discussion of these issues, please refer to Master Response 4, Information Used in Preparing the Draft SEIS, and Master Response 16, Need for a New EIS.
- P24.4 The comment states that the cumulative analysis does not adequately account for potential CBM development in the Tongue River Valley. For a discussion of this issue, please refer to Master Response 21, Adequacy of Cumulative Analysis.
- P24.5 The commenter raises several questions regarding potential cumulative impacts and states that the Draft SEIS must account for the statewide CBM EIS approved by BLM in 2003. Section 6.5.2 of the Draft SEIS identifies coal-bed-methane-gas wells as a reasonably foreseeable project that is factored into the cumulative analysis. This section of the Draft SEIS identifies the primary environmental impacts that would result from the preferred alternative for statewide CBM development. These impacts were considered in the cumulative analysis for Tongue River III.

Revisions have been made to the cumulative analysis from the Draft SEIS to account for approved CBM development proposals, one of which overlaps with the ROW for the proposed Western Alignment (see Chapter 5: Errata, where it references Page 6-13, lines 35 and 43). The issue of potential cumulative impacts

resulting from the Tongue River railroad project and CBM development is further discussed in Master Response 21, Adequacy of Cumulative Analysis.

- P24.6 The comment questions the need for this project, given the other rail lines that currently provide for the transport of coal to Midwestern markets. For a discussion of project need, please refer to Master Response 9, Determination of Public Convenience and Necessity.
- P24.7 The requests for a new EIS and an improved cumulative analysis were previously made in comments 3 and 4 of this letter. Please refer to the responses made for these comments for additional information.

December 1, 2004

Surface Transportation Board  
Case Control Unit  
Washington, D. C. 20423  
STB docket No FD 30186 (Sub-No.3)

Sirs:

I first learned about Tongue River Valley coal mines and possible railroads back in the 1970's when I was teaching at the tiny Birney School. Through the 80's, the Tongue River Railroad has been touted as 'necessary' and a great benefit to Montana. Years ago, the TRRC was actually issued a permit to build this 'necessary' railroad. Yet nothing has been done. How necessary can it possibly be? 1

I suspect you are reading plenty of information from all sorts of people who are firmly opposed to this railroad, familiar with the various impacts it will have, and very knowledgeable about environmental and legal concerns. Just know that I echo the sentiments of such people as Wally McCrae, the Northern Plains Resource Council, Jeanie Alderson, Mark Fix and others more articulate than I.

I am concerned about many facets of the TRCC including the EIS draft. It has been many years since the first EIS was completed and there has never been an analysis of the impact on the entire 130 mile route. I question the base line figures. Eg., I am a sensitive receptor. However, according to the EIS, there will be no 'significant' increase in noise. How can this be? Let me assure you, there will be a dramatic increase in noise to this sensitive receptor. I will go from having a quiet so intense that I can be awakened by my refrigerator turning on to having 14 trains daily pass my cabin. 2

I am very concerned about water and the impact this railroad could have on our aquifers, wells, springs, and our life-giving Tongue River. I am concerned about animal life – wild and domestic and human. I am concerned about the total disregard for our quality of life. I am not willing to sacrifice this idyllic valley and Montana's competitive edge for the financial benefit of a private company and a few individuals. 3

I cordially invite the members of the Surface Transportation Board to visit my home in Birney, Montana. I have just forty acres on which I plan to retire. I used to live in Washington, D. C. and I know that I never imagined a world such as the Tongue River Country. I would love to have you see what you are dealing with. I believe we would have a better chance of saving this land if you could experience it.

This railroad coupled with possible coal bed methane development will very likely turn the beautiful Tongue River Valley into an industrial waste site. I am so reminded of "How Green was my Valley." There are very few places like the Tongue River Valley left on this planet. Once destroyed, it can never be rehabilitated. Please, please think very hard before you destroy this 'last, best place.' 4

Sincerely,



Alice Orr  
Home-owner and Sensitive Receptor

**SEA's Responses to Comment Letter P25**  
**Alice Orr (December 1, 2004)**

- P25.1 The comment questions the need for this project, noting that permits were issued to TRRC years ago, yet no construction has occurred. For a discussion of project need, please refer to Master Response 9, Determination of Public Convenience and Necessity.
- P25.2 The comment suggests that SEA now should prepare an environmental analysis covering the entire route from Miles City to Decker. For a discussion of this issue, please refer to Master Response 16, The Need for a New EIS. The comment also questions SEA's conclusions regarding noise impacts to sensitive receptors. As explained in Sections 4.3.8.2 and 4.3.8.3 of the Draft SEIS, SEA assessed the number of sensitive receptors that would be affected during construction and operation, in accordance with the provisions of STB's environmental rules set forth in 49 CFR 1105.7. SEA's identification of sensitive receptors along either the proposed Western Alignment or the approved Four Mile Creek Alternative included a review of USGS maps, and field verification. Based on the quantitative analysis presented in the sections noted above, and the implementation of SEA's recommended mitigation (Mitigation Measures 74-75 and 78-80), SEA concludes that the impacts resulting from noise during the construction and operation of the proposed Western Alignment, like the approved Four Mile Creek Alternative, would not be significant (experiencing noise in excess of 65 dBA and more than a 3-dBA increase from existing noise levels).
- P25.3 The commenter expresses concern regarding how the project could affect the availability of water and the wildlife and humans that depend on it. For a discussion of the project's water usage, please refer to Master Response 19, Availability of Water During Construction.
- P25.4 The comment raises concerns about the potential cumulative effects that this project, in combination with CBM development, would have on the Tongue River Valley. For a discussion of this issue, please refer to Master Response 21, Adequacy of Cumulative Analysis.