

***TONGUE RIVER WATER USERS' ASSOCIATION
P.O. BOX 578
BIRNEY, MONTANA 59012***

January 11, 2013

Ken Blodgett
Surface Transportation Board
395 E. Street S.W.
Washington, D.C. 20423- 0001
Attention: Environmental filing, Docket No. FD 30186.
<http://www.stb.dot.gov>

VIA ELECTRONIC FILING ONLY

Re: Docket No. FD 30186: Supplement to Tongue River Water Users' Association's December 3, 2012 Tongue River Railroad EIS scoping comments

Dear Mr. Blodgett:

On behalf of the Tongue River Water Users' Association, please accept these comments as a supplement to our December 3, 2012 scoping comments submitted for the proposed Tongue River Railroad (TRR) Environmental Impact Statement (EIS). We stand by our previous comments wherein we expressed our concurrence with the Surface Transportation Board's (Board) decision that a fresh environmental analysis for the TRR proposal must be conducted, rather than supplementing the stale analysis from the 1980s. We further stand by, and incorporate by reference, our December 3, 2012 comments regarding the impacts that must be analyzed in the new EIS for the proposed TRR.

However, in view of the TRR Supplemental Application that was submitted to the Board on about December 17, 2012, and the entirely new railroad route that is proposed therein, we request that not only a new EIS be conducted, but that an entirely new application and accompanying EIS be required. We have reviewed the Petition to Revoke the Supplemental Application that was filed on behalf of

Northern Plains Resource Council and Rocker Six Cattle Company on about January 7, 2013. We concur in that petition.

The new proposed 42-mile route from Otter Creek to Colstrip, Montana, which was disclosed for the first time in the TRR's supplemental application on December 17, 2012, is intrinsically different from the application and proposal that was before the Board under Docket No. FD 30186. We ask that the board nullify the current application proceedings, and order commencement of new proceedings to review the TRR 42-mile proposed route from Otter Creek to Colstrip, and the environmental impacts that will stem from that proposed route. While the route disclosed in the December 17, 2012 supplemental application is considerably shorter than the previously proposed route, we believe the impacts will be much greater, with far-reaching consequences.

We hereby expressly incorporate by reference Northern Plains' and Rocker Six Cattle Company's Petition to Revoke and all attachments thereto.

Thank you for this opportunity to comment.

Sincerely,

/s/ Art Hayes, Jr.

Art Hayes, Jr.

President, Tongue River Water Users' Association

c: Tongue River Water Users' Association Board of Directors