



United States Department of the Interior
Fish and Wildlife Service



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December 19, 2012

Ken Blodgett
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001
ATTN: Environmental Filing, Docket No. FD 30186

Dear Mr. Blodgett:

The U.S. Fish and Wildlife Service (Service) reviewed the October 22, 2012 Surface Transportation Board Office of Environmental Analysis (OEA) letter to our Montana Ecological Services Field Office relative to a revised proposal by the Tongue River Railroad Company (TRRC) to build and operate a new rail line in Montana between Miles City and Ashland in Custer, Rosebud, and Powder River counties. A Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS), a Draft Scope of Study, and a Notice of Scoping Meetings were attached to the letter. The letter and NOI requested Service comments to assist with preparation of the EIS, as well as confirmation of the OEA list of threatened and endangered species to be considered in connection with the proposed project. Our response comments are authorized under the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 et. seq.), Migratory Bird Treaty Act (MBTA)(16 U.S.C. 703 et seq.), as amended, Executive Order 13186 *Responsibilities of Federal Agencies to Protect Migratory Birds*, Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d, 54 Stat. 250), as amended, and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

It is our understanding that TRRC intends to construct and operate an approximately 80-mile rail line between Miles City and two ending points, one near the site of the previously planned Montco mine near Ashland, and another at the proposed Otter Creek mine in the Otter Creek area east of Ashland. Because the construction and operation of this project has the potential to result in significant environmental impacts, the Board's OEA has determined that preparation of an EIS is appropriate pursuant to the National Environmental Policy Act (NEPA), as amended (42 U.S.C. 4321 et seq.).

The project would consist of a single track constructed of continuous-welded rail. Other major

elements of the proposed project would include a 200 foot-wide right-of-way; crossings of local roads, streams, trails, and utility corridors; two passing sidings near Milepost 27 and Milepost 46; and ancillary facilities, including six set-out racks between 500 and 4,000 feet in length to provide for temporary storage of cars requiring repair and for storage of maintenance equipment. The anticipated train traffic between Miles City and Ashland on the proposed rail line would consist of 26 round trips per week, or 3.7 loaded unit coal trains daily on average, with 7.4 trains per day total (empty and loaded). The EIS will analyze and compare the potential impacts of (1) construction and operation of the proposed rail line, (2) all reasonable and feasible alternative routes, and (3) the no-action alternative (denial of the application).

Threatened and Endangered Species

In accordance with section 7(c) of the Endangered Species Act, the Service has determined that the following listed and candidate species may occur in the proposed project area:

Scientific Name	Common Name	Status	Range/Habitat
<i>Mustela nigripes</i>	Black-footed Ferret	LE	Prairie dog complexes; eastern Montana
<i>Scaphirhynchus albus</i>	Pallid Sturgeon	LE	Bottom dwelling; Missouri, Yellowstone rivers, Fort Peck Lake
<i>Sterna antillarum athalassos</i>	Interior Least Tern	LE	Yellowstone, Missouri River sandbars, beaches, Fort Peck Lake; eastern Montana
<i>Grus americana</i>	Whooping Crane	LE	Wetlands; migrant eastern Montana
<i>Centrocercus urophasianus</i>	Greater Sage-Grouse	C	Eastern, central, and southwestern Montana in sagebrush, sagebrush-grasslands, and associated agricultural lands
<i>Anthus spragueii</i>	Sprague's Pipit	C	Grassland habitats with little or no shrub cover east of the Continental Divide

*LE = Listed Endangered; C = Candidate Species

All of the above species have been documented in the general project area. Ferrets were reintroduced west of the proposed alignment on the Northern Cheyenne Indian Reservation in 2008, and numerous black-tailed prairie dog towns occur throughout the project area. A total of 88 black-footed ferrets were released on the Northern Cheyenne Reservation; 42 in 2008, 33

in 2009, and 13 in 2010. Reduction of prairie dog populations due to Sylvatic plague has been an ongoing issue in the area. Spotlight surveys were most recently conducted in 2011 for ferrets on remaining active prairie dog towns, during which only one female ferret was detected. Spotighting surveys were not conducted in 2012 due to the reduction in active prairie dog habitat and the 2012 fires across much of the local range. Mapping of prairie dog towns was conducted in the summer/fall 2012, and by November 2012 reports indicated that prairie dog numbers appeared to be expanding on the new grass emerging at many burned prairie dog town sites. Pre-construction surveys employing Service black-footed ferret survey guidelines are recommended at suitable black-tailed prairie dog towns potentially traversed by the proposed or alternative routes. We recommend that you contact Jane Roybal in our Lewistown Office (406 535-2800) with questions regarding current black-footed ferret status on the Northern Cheyenne Indian Reservation.

The pallid sturgeon occurs in the Yellowstone River below Cartersville Dam in the project area, as well as at the Miles City Fish Hatchery. Whooping crane observations have been recorded in the general project area, and this species may occur as spring and fall migrants, using suitable stopover habitat in the area. Least terns nest along the lower Yellowstone River in the project area; transitory observations have also been recorded at Castle Rock Lake near Colstrip. Critical habitat is not designated nor proposed for any species in the project area.

Greater sage-grouse confirmed and suspected breeding occurrences have been recorded throughout the project vicinity, and Sprague's pipit suspected breeding has been reported in the project area. Management of the greater sage-grouse and Sprague's pipit is the responsibility of Montana Fish, Wildlife and Parks (FWP), and we encourage your coordination with FWP to assist in identifying specific lek locations, core areas, and other seasonal habitats that may be affected by the proposed project. We also recommend pre-construction surveys for these species and suitable habitat prior to construction. In addition, the *Management Plan and Conservation Strategies for Sage-Grouse in Montana* includes information on the identification of important seasonal habitats and recommended management practices to avoid impacts. The document can be accessed at <http://fwpiis.mt.gov/content/getItem.aspx?id=31187>.

Further, if the proposed project traverses lands administered by the Bureau of Land Management (BLM), we recommend that you coordinate with BLM and comply with BLM Instruction Memorandum No. 2012-043, *Greater Sage-Grouse Interim Management Policies and Procedures*, which is available at http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2012/IM_2012-043.html. The *Sprague's Pipit (Anthus spragueii) Conservation Plan* prepared in 2010 provides useful information with respect to this species and can be accessed at <http://www.fws.gov/mountain-prairie/species/birds/spraguespipit/SpraguesJS2010r4.pdf>.

Greater sage-grouse are dependent on sagebrush habitats year-round. Habitat loss and degradation, as well as loss of population connectivity have been identified as important factors contributing to the decline of greater sage-grouse populations rangewide. Therefore, any activities that result in loss or degradation of sagebrush habitats that are important to this species or that cause avoidance of otherwise suitable habitats should be closely evaluated for their impacts to sage-grouse. We request that you document any steps that would be implemented to avoid and minimize disturbance of this habitat, and to reclaim the habitat.

Sprague's pipits are sensitive to habitat fragmentation and conversion and require large undeveloped patches of well-drained, open grassland habitat for breeding, avoiding grasslands with excessive shrubs. They can occur in lightly- to heavily-grazed areas, but avoid intrusive human features on the landscape; thus the impact of a development can be much larger than the actual footprint of the feature. The proposed project has the potential to contribute to fragmentation directly, or if the disturbance creates a pathway for invasive non-native species to spread into the nearby prairie. Again, we request that you document any steps that would be implemented to avoid, minimize, and reclaim disturbance to this habitat.

If a federal agency authorizes, funds, or carries out a proposed action, the responsible federal agency, or its delegated agent, is required to evaluate whether the action "may affect" listed species or critical habitat. If the federal agency or its designated agent determines the action "may affect, is likely to adversely affect" listed species or critical habitat, the responsible federal agency shall request formal section 7 consultation with this office. If the evaluation shows a "may affect, not likely to adversely affect" determination, concurrence from this office is required. If the evaluation shows a "no effect" determination for listed species or critical habitat, further consultation is not necessary. If a private entity receives federal funding for a construction project, or if any federal permit or license is required, the federal agency may designate the fund recipient or permittee as its agent for purposes of informal section 7 consultation. The funding, permitting, or licensing federal agency is responsible to ensure that its actions comply with the ESA, including obtaining concurrence from the Service for any action that may affect a threatened or endangered species or designated critical habitat.

We recommend that biological assessments and other such evaluations include the following:

1. A description of the project.
2. A description of the specific area that may be affected by the action.
3. The current status, habitat use, and behavior of listed/proposed T/E species and status of listed/proposed critical habitat in the project area.
4. Discussion of the methods used to determine the information in Item 3.
5. An effects analysis of the action for listed/proposed species and critical habitat, including an analysis of any interrelated or interdependent action and direct, indirect, and cumulative effects.

6. Coordination/mitigation measures that will reduce/eliminate adverse impacts to listed/proposed T/E species and critical habitat.
7. The expected status of listed/proposed T/E species and critical habitat in the future (short and long term) during and after project completion.
8. A determination of "May affect, likely to adversely affect", "May affect, not likely to adversely affect", or "No effect" for listed species and critical habitat.
9. A determination of "is likely to jeopardize" or "is not likely to jeopardize" for proposed (or candidate) species and critical habitat.
10. Citation of literature and personal contacts used in developing the assessment.

Candidate species are those placed on the candidate list for future action, meaning those species do not receive statutory protection under the ESA. Candidates are reviewed annually by the Service to determine if they continue to warrant listing or to reassess their listing priority. Ideally, sufficient threats can be removed to eliminate the need for listing. If threats are not addressed or the status of the species declines, a candidate species can move up in priority for a listing proposal. Federal agencies and non-federal applicants can voluntarily conference with the Service pursuant to section 7(a)(4) of ESA to ensure that their actions do not negatively impact candidate species. Some federal agencies provide the same level of protection to candidate species as proposed or listed species and take appropriate measures to avoid impacts. While not required, we encourage this approach. The Service is currently required to submit to the Federal Register for publication either a Proposed Rule (i.e., proposed listing) or a "not warranted" finding no later than September 30, 2015 for the greater sage-grouse and no later than September 30, 2016 for the Sprague's pipit, although such actions could occur sooner.

Migratory Birds

The MBTA prohibits the taking, killing, possession, and transportation, (among other actions) of migratory birds, their eggs, parts, and nests, except when specifically permitted. While the MBTA has no provision for allowing unintentional take, the Service realizes that some birds may be killed during project construction and operation even if all known reasonable and effective measures to protect birds are used. The Service's Law Enforcement Division carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships with individuals, companies, and industries that have taken effective steps to avoid take of migratory birds and by encouraging others to implement measures to avoid take of migratory birds. It is not possible to absolve individuals, companies, or agencies from liability even if they implement bird mortality avoidance or other similar protective measures. However, the Law Enforcement Division focuses its resources on investigating and prosecuting individuals and companies that take migratory birds without identifying and implementing all reasonable, prudent and effective measures to avoid take. Companies are encouraged to work closely with Service biologists to identify available protective measures

when developing project plans and/or avian protection plans (APPs), and to implement those measures prior to and during project construction and operation.

Executive Order 13186 expressly requires that Federal agencies evaluate the effects of proposed actions on migratory birds (including eagles) pursuant to NEPA “or other established environmental review process;” restore and enhance the habitat of migratory birds, as practicable; identify where unintentional take reasonably attributable to agency actions has, or is likely to have, a measurable negative effect on migratory bird populations; and, with respect to those actions so identified, the agency shall develop and use principles, standards, and practices that will lessen the amount of unintentional take, developing any such conservation efforts in cooperation with the Service. In this EIS, OEA should include all practicable migratory bird take avoidance and minimization measures, as well as any necessary monitoring or additional mitigation, in the project plan or as Conditions of Approval in the decision document.

The 1988 amendment to the Fish and Wildlife Conservation Act mandates the Service to identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the ESA. *Birds of Conservation Concern 2008 (BCC 2008)* is the most recent effort to carry out this mandate. The overall goal of this report is to accurately identify the migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that represent our highest conservation priorities. The proposed project occurs within Bird Conservation Region (BCR) 17 – Badlands and Prairies. The following species are included on the 2008 BCC list for BCR 17 and should be considered in the EIS: horned grebe, American bittern, bald eagle, ferruginous hawk, golden eagle, peregrine falcon, prairie falcon, yellow rail, mountain plover, upland sandpiper, long-billed curlew, marbled godwit, black-billed cuckoo, burrowing owl, short-eared owl, Lewis's woodpecker, red-headed woodpecker, loggerhead shrike, pinyon jay, sage thrasher, Sprague's pipit, Brewer's sparrow, sage sparrow, grasshopper sparrow, Baird's sparrow, McCown's longspur, chestnut-collared longspur, and dickcissel.

To the maximum extent practicable, surveying and construction activities should be scheduled so as not to disrupt nesting birds or other wildlife during the breeding season (approximately April-August). We recommend that preconstruction raptor nest surveys be conducted and a 0.5-mile buffer be maintained between occupied nests and construction activities during the breeding season for most raptor species. If work is proposed to take place during the breeding season or at any other time which may result in take of migratory birds, their eggs, or active nests, the Service recommends that the project proponent take all practicable measures to avoid and minimize take, such as maintaining adequate buffers, to protect the birds until the young have fledged.

To avoid take of migratory birds, three general approaches to MBTA compliance that have proven to be useful, effective, and flexible on other projects are 1) habitat manipulation to

render project footprints unsuitable for nesting prior to the arrival of migratory birds, 2) avoidance by timing; that is, to conduct project activities during times of the year that migratory birds are not present, or 3) survey-buffer-monitor, which allows project activities to proceed during the time that migratory birds are in and/or near the project footprint provided active migratory bird nests are located and protected until the young have fledged. The Service further recommends that if field surveys for nesting birds are conducted with the intent of avoiding take during construction, any documentation of the presence of migratory birds, eggs, and active nests, along with information regarding the qualifications of the biologist(s) performing the surveys, and any avoidance measures implemented at the project site be maintained.

If the proposed project includes new or replacement power lines, the EIS should include a discussion of how such power lines would be constructed to ensure compliance with the ESA, MBTA, and BGEPA. We recommend that new power lines be buried where feasible. If not, they should be constructed according to electrocution and collision prevention guidelines developed by the Avian Power Line Interaction Committee (APLIC): *2006 Suggested Practices for Avian Protection on Power Lines* and *Mitigating Bird Collisions with Power Lines: The State of the Art in 1994*. An updated version of the 1994 APLIC document should be available in December 2012.

The project description should include a discussion of temporary or permanent roads, trails, staging areas, and other ancillary facilities that will be constructed to access and maintain the proposed rail line. Since these may have continuing impacts on migratory birds, the document should address how those continuing impacts will be addressed.

As previously mentioned, even if all measures are taken to avoid take of migratory birds during the construction phase, there is likely to be some migratory bird take associated with ongoing operation and maintenance of the rail line. To help ameliorate these impacts, the Service suggests that OMB / TRRC develop a Conservation Plan (Plan) for migratory birds to document and compensate for the impacts associated with the construction, operation, and maintenance of the rail line. We recommend that the Plan include a Habitat Equivalency Analysis (HEA) that documents the magnitude of impacts associated with the construction, operation, and maintenance of the proposed line. A HEA uses a scientific approach to determine the impacts to migratory birds over the life of the project. As part of the Plan, TRCC may purchase perpetual easements or perform additional habitat mitigation to ensure that the overall amount and quality of important habitat does not decline as a result of this project as identified in the HEA. In addition to benefitting migratory birds, the actions in the Plan would also benefit candidate species such as Sprague's pipit and greater sage-grouse, as well as bald and golden eagles.

Bald and Golden Eagles

The BGEPA prohibits anyone, without a permit issued by the Secretary of the Interior, from taking bald or golden eagles, including their parts, nests, or eggs. The BGEPA provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof. The BGEPA defines take as pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. "Disturb" means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior. In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagles return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment.

Numerous nesting, wintering, and transient bald and golden eagle locations have been recorded in the project area, including along the Tongue and Yellowstone rivers. Important eagle-use areas therefore occur in the project vicinity. Specific locational data are available from the Montana Natural Heritage Program and FWP. Important eagle-use areas may include nests, foraging areas or roost sites that eagles rely on for breeding, sheltering, or feeding and the landscape features surrounding such nests, foraging areas, or roost sites that are essential for the continued viability of the sites for breeding, feeding or sheltering eagles. During the nesting season, especially early in the season, eagles can be very sensitive to disturbance near the nest site and may abandon the nest as a result of low-level disturbance, even from foot traffic.

Where construction is proposed in proximity to a bald eagle nest, concentrated foraging area, or communal roost site, we recommend that at a minimum, TRRC comply with siting recommendations, seasonal restrictions, and distance buffers specified in the *2010 Montana Bald Eagle Management Guidelines: An Addendum to Montana Bald Eagle Management Plan (1994)*. A nest buffer of at least 0.5 mile should be maintained for bald eagles. The Service's May 2007, National Bald Eagle Management Guidelines contains additional information on protecting bald eagles from disturbance due to human activity. The guidelines can be accessed on the Service's website at: <http://www.fws.gov/Migratorybirds/CurrentBirdIssues/Management/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>.

The Service has not issued golden eagle management guidelines. However, appropriate buffers for nests and other important use areas based on site-specific conditions should be developed

in conjunction with this office if project activities are proposed in proximity to such areas. In Montana, the Service generally recommends avoidance of occupied nest site disturbance between January 1 and August 15. Depending on site-specific conditions, the typically recommended 0.5-mile buffer distance for bald eagle important use areas may be inadequate to ensure avoidance of golden eagle disturbance; larger buffers may be warranted. We therefore recommend avoidance of occupied golden eagle territories where practicable; maximizing distances between nests (including alternate nests) and the siting of proposed project features; avoidance of occupied nest site disturbance during the nesting season; and avoidance / minimization of impacts to important golden eagle habitat (e.g., shrub-steppe and native grasslands) within golden eagle territories.

To identify active territories, determine the presence of eagle nests or other important eagle-use areas, and facilitate avoidance and minimization of potential impacts to eagles, we recommend surveying a corridor to include the proposed route, alternative routes, and other facilities prior to any on-the-ground activities. We generally recommend adherence to the February 2010 Service *Interim Golden Eagle Technical Guidance: Inventory and Monitoring Protocols; and Other Recommendations in Support of Golden Eagle Management and Permit Issuance* (summarized below). Additional guidance regarding bald eagle surveys is provided in the 1994 *Montana Bald Eagle Management Plan* at http://www.fws.gov/montanafieldoffice/Endangered_Species/Recovery_and_Mgmt_Plans/Montana_Bald_Eagle_mgmt_plan.pdf. If an eagle nest or other important use area is observed within the survey corridor, route reconfiguration should be considered as necessary to avoid short and long-term nest disturbance or abandonment.

The Service recommends that aerial nest surveys (preferably by helicopter) be conducted within a four-mile wide evaluation corridor (centered on the proposed alignment and other proposed facilities) to identify any occupied and unoccupied eagle nest sites in proximity to the proposed project. Aerial surveys should generally be conducted between March 1 and May 15, before leaf-out, so that nests are visible, and so their status (active or inactive) can be determined. A nesting territory or inventoried habitat should be designated as unoccupied by eagles ONLY after at least two complete aerial surveys in a single breeding season. Aerial surveys should include the following:

1. Due to the ability to hover and facilitate observations of the ground, helicopters are preferred over fixed wing aircraft, although small aircraft may also be used. The Service requests that TRRC report any eagle nests found, as well as nests of any other raptors found during the survey. Whenever possible, two observers should be used to conduct the surveys.
2. Observations of any eagle nest sites should be recorded using GPS. The date, location, nest condition, activity status, and habitat should be recorded for each sighting.

3. We request that you share the qualifications of the biologist(s) conducting the survey, method of survey, and results of the survey with the Service.

Alternatively, TRRC could conduct ground surveys to identify eagle nests within the four-mile wide evaluation corridor between March 1 and May 15. However, be aware that ground surveys are often much less reliable than aerial surveys, even during leaf-off conditions, and may potentially miss some eagle nests. At least two ground observation periods lasting at least four hours or more are necessary to designate an inventoried habitat or territory as unoccupied as long as all potential nest sites and alternate nests are visible and monitored.

A permit is required for any legal take (lethal or disturbance) of bald or golden eagles or their nests (whether occupied or unoccupied). Limited issuance of permits to take bald and golden eagles can be authorized “for the protection of . . . other interests in any particular locality” where the take is compatible with the preservation of the bald eagle and the golden eagle, is associated with and not the purpose of an otherwise lawful activity, and cannot practicably be avoided. No one is required to seek a permit for any activity. However, where an activity results in take, it is a violation of BGEPA unless a permit authorizing that take has been obtained prior to the action.

To demonstrate appropriate analysis relative to the BGEPA, the Service recommends that OEA/TRRC evaluate:

- 1) whether eagle take is likely to occur from activities associated with the proposed project, including disturbance to nest sites, direct mortality associated with scavenging on rail-killed wildlife, etc;
- 2) the direct/ indirect, and cumulative impacts the project may have on the ability to meet the preservation standard of the BGEPA, which the Service has interpreted to mean “compatible with the goal of stable or increasing breeding populations”; and
- 3) appropriate monitoring and mitigation (including compensatory mitigation) and whether TRRC intends to pursue an eagle take permit.

Other Comments

We strongly recommend coordination with the Northern Cheyenne Tribe at P.O. Box 128 Lame Deer, MT 59043, 406-477-6284; Montana Fish, Wildlife & Parks at 1420 East Sixth Ave., P.O. Box 200701, Helena, MT 59620-0701, 406-444-2535 and the Montana Natural Heritage Program at 1515 East 6th Avenue, Box 201800, Helena, MT 59620-1800, 406-444-5354. These agencies may be able to provide updated, site-specific information regarding all fish and wildlife resources occurring in the proposed project area.

The EIS should evaluate, for each alternative, how project construction, operation, and maintenance would affect fish, wildlife, vegetation and important habitat features in the project area, including thorough analyses of direct, indirect, interrelated, interdependent, and cumulative actions and effects.

The Service recommends that TRRC develop and implement a comprehensive restoration plan to address temporarily disturbed areas, in particular for the impacted native grassland, sagebrush-steppe, riparian areas, and wetlands along the proposed project route. The Service recommends that TRRC survey the native habitats along the proposed project route to determine existing species composition and replant with a mix designed to replace the diversity and composition of local plant communities. Seed stock should be obtained from nurseries within 250 miles of the project area to insure the particular cultivars are well adapted to the local climate. The restoration plan should include monitoring commitments and clear criteria that define success. Restoration should not be considered complete until those criteria are met.

Sensitive resources that should be considered, via impact avoidance and minimization, in siting all project facilities include threatened, endangered, and candidate species and their habitat; bald and golden eagle and other migratory bird species nesting and habitat; wetlands; ephemeral, intermittent and permanent streams (including the Tongue and Yellowstone rivers); naturally wooded draws and riparian areas; sagebrush habitat; and native prairie. All direct and indirect impacts to the Miles City Fish Hatchery should be avoided. Additional recommendations include:

- Span wetlands and all ephemeral, intermittent, and perennial streams to provide for aquatic organism passage;
- Replace unavoidable loss of wetland habitat with functionally equivalent wetlands;
- Install and maintain appropriate erosion control measures to reduce sediment transport to adjacent wetlands and stream channels;
- Enact best management practices to avoid and minimize the spread of noxious weeds and other undesirable exotic plant species within the proposed project area;
- Confine the disturbed area along proposed ROWs as narrow as possible, especially in or near sensitive resources such as native prairie, sagebrush habitat, wooded draws and riparian areas, wetlands, or streams;
- Allow for appropriate cross-corridor wildlife passage to reduce potential for direct and indirect (scavenging) wildlife mortality;

- Provide means for prompt removal of rail-killed wildlife.

Thank you for the opportunity to review and comment on this proposed project. Please telephone Jeff Berglund at 406/449-5225, ext. 206, if you have any questions regarding this matter.

Sincerely,



R. Mark Wilson
Field Supervisor