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State: Idaho

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Initiative: Tongue River Railroad

Submission Text

Please see attached comments from Idaho Conservation League on Docket # 30186



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Submitted electronically

RE: Comments on the Tongue River Railroad, Docket No. 30186

Ken Blodgett
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

Dear Mr. Blodgett,

I'm submitting these comments on behalf of the Idaho Conservation League. Since 1973, the Idaho Conservation League has been Idaho's voice for clean water, clean air and wilderness—values that are the foundation for Idaho's extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy and policy development. As Idaho's largest state-based conservation organization, we represent more than 25,000 supporters, who have a deep personal interest in the health and safety of their families, as well as the clean water, clean air and extraordinary quality of life that Idaho has to offer.

We believe that the proposed Tongue River Railroad will have a detrimental effect on the health and safety and quality of life for the thousands of people who live along the Montana Rail Link and BNSF rail lines that carry Powder River Basin coal through Idaho. While we were disappointed that the Surface Transportation chose not to have a public hearing in North Idaho, we were heartened that the scoping document had committed the Surface Transportation Board to examine down-line impacts. So it was with extreme disappointment that we discovered the Draft Environmental Impact Statement completely ignores Sandpoint and all other communities along the Western route heading to the Pacific Northwest in its analysis, especially after the Bonner County Commissioners, the Mayor of Sandpoint, and citizens requested a North Idaho hearing to give voice to citizen concerns. This is a fatal flaw in the DEIS. The effects of the action alternatives to the human and natural environment, including the communities along the rail line, must be considered in the FEIS as required by the National Environmental Policy Act.

The Surface Transportation Board must also not rule out the No Action Alternative for the following reasons:

1. The STB wrongly assumes that the coal is destined for domestic plants in the Midwest and has not considered down-line impacts to the Western route of the proposed rail line and. It therefore fails to consider all the environmental and cumulative effects of this proposed railroad that would funnel coal to main railroad lines. The DEIS states that if coal export terminals are approved on the West Coast and other mines are developed in the Tongue River area, then the new rail line could move more than 26 trains per day. The “preferred alternative” would allow the applicant to reroute the railroad west to Colstrip, MT, where it can link up with rail lines heading to proposed coal export terminals in the Pacific Northwest. Yet, then the DEIS goes on to assume that none of the coal generated by the proposed Otter Creek Mine (which does not have a permit, and is speculative at best) would travel west. Instead, the DEIS claims that the Tongue River Railroad will take coal *east* to domestic power plants. As coal power plants around the country are taken offline, coal-mining companies have been looking to export coal to international markets, primarily in Asia. Arch Coal, for instance, has publicly stated having a “strategic objective of expanding Powder River Basin coal sales into the Asia-Pacific region.”¹ Furthermore, the Draft EIS itself states, “Terminal developments could increase demand for Powder River Basin coal by providing a cost-effective route to Pacific Basin markets. The Powder River Basin is closer to Pacific Basin countries than other U.S. coal sources ... the expansion of the Pacific Northwest export terminals would allow Tongue River coal to be delivered to the Pacific Basin at competitive prices.” (Appendix C, pp. C.1-7/8) Consequently, the Surface Transportation Board must analyze the potential impact to communities that are located along west-bound routes.

The coal market assumptions contained in the DEIS appear to be based on faulty modeling by the contractor for the Office of Environmental Analysis (OEA). The model is proprietary and cannot be independently analyzed, which raises serious issues with the transparency of this entire environmental review process. The Draft EIS cannot rely on this model without disclosing the model and all the input data, according to regulations under the National Environmental Policy Act.² However, one doesn’t need to analyze the modeling software to understand that it must be lacking, because the conclusions defy common sense. It’s very likely that coal hauled by the Tongue River Railroad would travel West, particularly if the Gateway Pacific coal export terminal in Cherry Point, WA, and the Millennium Bulk Terminals coal export terminal in Longview, WA, are approved. These terminals are designed to export coal overseas. Moreover, the Tongue River Railroad project is partially owned (34.68 percent) by Arch Coal, which also controls the lease for the Otter Creek coal mine. Arch Coal is also 38 percent owner in the Millenium Bulk Terminal proposal for Longview, WA. These projects are tied together with the intent of serving coal markets overseas. Already we have significant coal train traffic from the Powder River Basin traveling through North Idaho to Canada. More than four trains per day pass through our area, hauling coal to the Westshore Terminal, Canada’s largest export coal facility just south of Vancouver, B.C., and the Ridley coal terminal in

¹ "News Release." *Arch Coal, Inc.* Arch Coal, Inc., 18 Jan. 2011. Web. 10 Sept. 2015.

² National Environmental Policy Act, § 40 CFR 1502.2. Print.

Prince Rupert, BC. About 25 percent of Westshore's capacity comes from U.S. coal mines, and that percentage is expected to increase. Meanwhile, Arch coal announced in January 2011 that it had a 5-year agreement with Ridley to provide coal for export.³

Multiple market analyses, news articles and regulatory actions point to the decline in the domestic coal market. At a meeting in Sandpoint, Idaho, in January, officials from Montana Rail Link stated they expect to increase coal-by-rail shipments to export terminals for overseas markets as domestic coal plants in the Midwest shut down. Plants are closing for a variety of reasons. Regulatory actions designed to scrub nitrogen oxides, sulfur dioxide, and mercury from our air and reduce our greenhouse emissions, as well as control pollutants in coal ash, have put more pressure on domestic coal-fired power plants, while the cost of coal internationally has declined due to an oversupply of coal. Coal now is less than 40 percent of our domestic energy supply and dropping.⁴ Coal stock prices are plummeting and coal companies are in trouble financially.⁵

Finally, Otter Creek coal is unlikely to be consumed domestically because it has a higher sodium content than other Powder River Basin coal. According to the DEIS, the Otter Creek coal has an average sodium concentration of 7.4 percent. Other Powder River Basin coal in Wyoming averages 1.2 percent sodium concentration.⁶ Coal with high sodium levels causes "slagging" in boilers and interfere with pollution control devices. This makes high sodium coal very undesirable for domestic plants, where plants must meet higher clean air standards. If the coal can't be burned in most domestic coal plants, then it's likely destined for overseas markets. While the viability of this coal for international markets is questionable - given the competition from other coal-producing countries and China's pledge to reduce coal consumption - one growing market appears to be in Japan, where 40 coal plants are under construction, presumably to transition the island nation away from nuclear power.⁷

The analysis contained in the DEIS appears to be based on out-of-date information that ignores the current state of the coal market and the regulatory changes affecting the coal industry domestically. If the Otter Creek mine – which is purely speculative – is built, it stands to reason that some, if not all, of that coal would be shipped to overseas markets from ports in the Pacific Northwest. However, the DEIS completely

³ Whiteside, Terry C., and Gerald W. Fauth, III. *Heavy Traffic Still Ahead*. Rep. Billings, MT: Western Organization of Resource Councils, 2104. Print.

⁴ Krauss, Clifford. "Coal Miners Struggle to Survive in an Industry Battered by Layoffs and Bankruptcy." *The New York Times*. N.p., 17 July 2015. Web.

⁵ Randall, Tom. "The Latest Sign That Coal Is Getting Killed." [Bloomberg.com](http://www.bloomberg.com). Bloomberg, 13 July 2015. Web. 10 Sept. 2015.

⁶ Power, Thomas Michael, and Donovan S. Power. *Changes in the Market for Montana Powder River Basin Coal between 1986 and 2012*. Issue brief. Billings, MT: Northern Plains Resource Council, 2012. Print.

⁷ Storrow, Benjamin. "[Http://billingsgazette.com/news/state-and-regional/wyoming/cloud-peak-energy-betting-coal-will-rebound-buys-port-stake](http://billingsgazette.com/news/state-and-regional/wyoming/cloud-peak-energy-betting-coal-will-rebound-buys-port-stake)." *The Billings Gazette*. N.p., 19 Aug. 2015. Web.

fails to examine environmental impacts to communities along the rail line west of the Tongue River Railroad. Therefore, the DEIS is fatally flawed, because it has not taken a hard look at all the potential impacts of the alternatives. The STB must correct the deficiencies in this document, and submit the revised document for further public comment, before selecting an alternative. To do otherwise would be to approve an action based on inadequate information.

2. The scoping document for the Tongue River Railroad project determined that down-line impacts were to be included in the examination of impacts from the construction and operation of the railroad. However, the DEIS does not disclose the traffic, noise, wildfire, economics or carbon impacts to North Idaho. We briefly touch on some of the concerns that face residents of North Idaho that are not addressed by this Draft EIS but must be included in any subsequent NEPA analysis:
 - Coal trains are known to spill coal dust and coal, and this impacts our health and safety. Diesel fumes are particularly harmful for vulnerable populations.⁸ While the railroad requires shippers in Montana to spray coal cars with surfactant to keep down the dust, the surfactant wears off and has to be reapplied. The efficacy of the surfactants is questionable, particularly after hundreds of miles of travel. BNSF is building a facility to reapply surfactant in the Tri Cities area of Washington State *after* the trains pass through Sandpoint and before they enter the windy Columbia Gorge, where blowing coal dust is more apparent to passersby. The validity of coal dust concerns has been confirmed by the work of Daniel A. Jaffe at the University of Washington, whose 2014 study showed a distinct pattern of coal dust emissions from Powder River coal trains in the Seattle area.⁹ That dust settles in homes along the tracks, and is inhaled by residents of those homes. Coal contains toxic metals such as mercury, arsenic and lead. We have heard anecdotal evidence that people who live uphill of the tracks in Hope, Idaho, find coal dust gathering on their windowsills. That dust also settles into ballast of the rail lines.¹⁰ This causes maintenance problems for the tracks and can lead to derailments. With the increase in the number of explosive Bakken crude oil trains from North Dakota also traveling through our community, this is a risk we cannot accept. The federal government has predicted 10 derailments per year of trains carrying highly volatile cargo such as Bakken crude oil. The study estimated a severe accident could cause \$6 billion in

⁸ Abbott, Dale, MD, and Et Al. "Whatcom Docs Position Statement and Appendices." *Coal Train Facts* RSS. Coal Train Facts, 08 Mar. 2011. Web. 10 Sept. 2015.

⁹ Jaffe, Daniel A., Greg Hof, Sofya Malashanka, Justin Putz, Jeffrey Thayer, Julianne L. Fry, Benjamin Ayres, and Jeffrey R. Pierce. "Diesel Particulate Matter Emission Factors and Air Quality Implications from In-service Rail in Washington State, USA." *Atmospheric Pollution Research* APR 5.2 (2014): n. pag. Web.

¹⁰ "BNSF Coal Dust FAQs." *Coal Train Facts* RSS. N.p., 2011. Web. 09 Sept. 2015.
<<http://www.coaltrainfacts.org/docs/BNSF-Coal-Dust-FAQs1.pdf>>.

damages and kill 200 people in a populated area.¹¹ An oil train derailment would be catastrophic, as well, in the more rural North Idaho. As coal train traffic increases, we increase our odds of a derailment. The STB must disclose efficacy of coal dust suppression and the environmental and human impacts of coal dust along each mile of the proposed route.

- Rail traffic is expected to double with the increase in both Bakken oil trains and coal trains through North Idaho. North Idaho has dozens of unprotected at-grade crossings. The increase in trains will mean more tragic accidents at crossings as impatient drivers try to “beat the train.” Additionally, stopped traffic at at-grade crossings means delays for emergency vehicles, making a life or death difference for waiting patients. Traffic delays are expected to increase by 2.5 hours per day from increased coal train traffic if the Millenium Bulk and Gateway Pacific coal terminals are approved in Washington State.¹² Many at-grade crossings will need improvements to deal with the increased traffic. Our local and state jurisdictions simply do not have the funds to pay for overpasses and underpasses. Unless required as a mitigation measure, railroads are not required to pay for crossing improvements, leaving taxpayers footing the bill for essential safety infrastructure made necessary by this industrial expansion.
- Many communities also are impacted by the noise pollution caused by the requirement of trains to sound whistles at crossings. Sandpoint has recently allocated \$60,000 from its budget to install whistle-free safety devices at two crossings in the city, but cannot afford to equip all crossings with the devices. Other smaller communities, such as East Hope, ID, and Athol, ID, have similar noise concerns, but cannot afford to install the equipment on even one crossing to reduce the sound pollution.
- The potential for wildfires sparked by passing trains, and perhaps even fueled by coal dust, is not addressed. The community of East Hope, ID, is particularly vulnerable to this risk, as the majority of coal traffic would travel on the Montana Rail Link line.¹³ East Hope is situated on a mountainside, and is bisected by both the rail line and U.S. Highway 200. A spark from a worn brake shoe could result in wildfire on this south-facing, forested mountainside. This year North Idaho has been severely impacted by wildfires. As of this writing, we have 30 wildfires burning in the state, with more than 730,000 acres burned. National forests have been closed to the public, firefighting resources are stretched thin, homes have burned, people have died, and,

¹¹ Brown, Matthew. "Fuel-hauling Trains Could Derail 10 times a Year in U.S., Report Says." *The Spokesman-Review* [Spokane, WA] 23 Feb. 2015: Print.

¹² De Place, Eric. "The Wrong Side of the Tracks." *Sightline Daily*. Sightline Institute, 12 Sept. 2013. Web. 11 Sept. 2015. <http://daily.sightline.org/blog_series/wrong-side-of-the-tracks/>.

¹³ Whiteside, Terry C., and Gerald W. Fauth, III. *Heavy Traffic Still Ahead*. Rep. Billings, MT: Western Organization of Resource Councils, 2104. Print.

around North Idaho, air quality has fluctuated between moderate to hazardous through much of August.

- In Sandpoint, expanded rail traffic will result in a negative impact on the economy. Using DOT's guidelines, the City of Sandpoint has computed that the current wait time impact on our local economy is about \$350,000 per year. With no change in traffic or rail crossings the city could reach well over \$1 million in total loss in just four years, according to the City of Sandpoint's analysis. Increased train traffic impacts the flow of goods and services. As delay and isolation increases, business owners may decide it is no longer feasible to operate here. Contemporary research indicates that significant increases in train traffic can reduce property values of residential homes within 750 feet of the track by as much as 5 to 7 percent.¹⁴ With the multiple fossil fuel projects now in the permitting process, homeowners could lose an average of \$8,000 in home value. As a community, this would represent about a \$2 million loss of taxable value.¹⁵ We already have anecdotal evidence of lost economic opportunities from the proposal to haul millions of tons of coal through our community. A local Realtor has testified before the Sandpoint City Council that proposals to build coal export terminals on the West Coast cost him the sale of a home in the otherwise higher end Ponder Point neighborhood near the Montana Rail Link tracks. It is reasonable to expect further lost property sales in the face of expanded coal shipments through our communities.
- Building this railroad will add massive amounts of carbon annually to the earth's atmosphere and make our fish unsafe to eat due to mercury deposition. Studies have shown that mercury from coal burned in China finds its way back in the atmosphere and is deposited into Northwest lakes and rivers with the rain,¹⁶ resulting in fish consumption advisories across the Columbia Basin. No matter where coal is burned, we suffer the consequences. The Draft EIS estimates that the indirect result of building the railroad and shipping Otter Creek coal to the international market could eventually result in 81 million metric tons of carbon dioxide being released into the atmosphere. While the effects of climate change are discussed in the DEIS for Montana, they are not discussed in Idaho or elsewhere in the Pacific Northwest. In Idaho, like many western states, we're suffering severely from drought and wildfires, both the results of climate change. We have struggled through multiple days of air quality labeled as "hazardous" in various communities throughout North Idaho due to multiple large wildfires this summer. One of our most popular whitewater rivers – the Main Salmon – was closed to boaters due to wildfire

¹⁴ Robert A. Jaouhari Simons, and Abdellaziz El. "The Effect of Freight Railroad Tracks and Train Activity on Residential Property Values." *Appraisal Journal* 22 June 2004.

¹⁵ Yost, Jared. *Economic Impact of Increased Rail Traffic through Sandpoint, Idaho*. Rep. Sandpoint, ID: City of Sandpoint, 2015. Print.

¹⁶ Wood, Shelby. "China's Mercury Flushes into Oregon's Rivers." *The Oregonian* [Portland, OR] 13 Apr. 2008: Print.

danger. National forests around North Idaho were closed to hikers, campers and hunters. Many homes and lives have been lost this summer due to wildfires. Our winters are shorter and our snowpack less, and winter and spring floods are more intense. Given this context, the addition of 81 million metric tons of CO2 to our atmosphere will only exacerbate these issues and does not constitute a “minor adverse impact” as it’s characterized in the Draft EIS (p. 5.2-2), particularly at a time when we need to be reducing CO2 emissions. In addition, the comparisons made in the Draft EIS (i.e. “The increase of up to 8.8 million tons per year would be small in comparison to total U.S. and world coal consumption.” p. C.1-13) are inappropriate, according to draft guidance from the Council on Environmental Quality regarding consideration of climate impacts in environmental impact statements. According to this guidance, significance is determined by considering the context and intensity factors set forth in 40 C.F.R. § 1508.27. The OEA should consult and follow this draft guidance, which can be found here: <http://energy.gov/nepa/downloads/revised-draft-guidance-consideration-greenhouse-gas-emissions-and-climate-change-nepa> .

In summary, the DEIS is clearly flawed as it makes an unfounded assertion that coal trains will travel east and not west, relies on propriety data and models not disclosed to the public, and completely fails to examine the down-line impacts from Montana, through North Idaho and Washington, to proposed West Coast ports. The Surface Transportation Board must remedy these flaws, and because these flaws go to the heart of the required hard look at the environmental and human impacts of the proposed action and alternatives, allow for further public comment through the EIS process before selecting any action alternative.

Thank you for the opportunity to comment.

Sincerely,



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