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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301-0940

<http://www.mt.blm.gov/mcfo/>



IN REPLY TO

MTM-59033

2800

MAY 14 2003

Surface Transportation Board
Office of the Secretary, Case Control Unit
Attention Kenneth Blodgett
Section of Environmental Analysis
1925 K Street, NW
Washington, DC 20423-0001

Dear Mr. Blodgett



Enclosed are our comments on the scope of Tongue River III dated February 3, 1999, and on the *Administrative Draft Supplement of Finance Docket 30816 (Sub-No 3) for the Tongue River Railroad Company - Construction and Operation of the Western Alignment in Rosebud and Big Horn Counties, Montana*. We would like these comments and the previous comments which were attached to the letter dated October 15, 1999, addressed in the supplement. I have enclosed a copy of this letter and our previous comments.

If you would like to discuss or need clarification of any of our comments, I have attached a list of our specialists and their phone numbers so that you can contact them directly. If you have any other comments or questions, please feel free to contact Dalice Landers, Realty Specialist, at the above address or call 406-233-2836.

Sincerely,

/S/ DAVID MCILNAY

David McIlnay
Field Manager

Enclosures (3)

CC: Public Affairs Management
135 Main Street, Suite 1600
San Francisco, CA 94105

BLM Specialists:

Jim Albano – Air (Montana State Office) 406-896-5111
Bobby Baker – Wildlife 406-233-2819
Mary Bloom – Minerals, Geology, Hazardous Material 406-233-3660
Andy Bobst – Hydrology 406-233-2804
Kathy Bockness – NEPA 406-233-2844
Adam Carr – Riparian 406-233-2835
Ladd Coates – Recreation, Wilderness, ACEC, VRM 406-233-2811
Dawn Doran – Livestock, Vegetation 406-233-2833
Phil Gill – Fire 406-233-2902
Dale Hanson – Paleontology (Wyoming State Office) 307-775-6052
Will Hubbell – Cultural 406-233-2848
Ed Hughes - Environmental Justice (Montana State Office) 406-896-5057
Dalice Landers – Land, Realty, Access 406-233-2836
Laria Lovec – Livestock, Vegetation 406-233-2826
Robert Mitchell – Noise, Soil 406-233-2815
Larry Rau – Wildlife 406-233-2843
Ray Smith – Forestry 406-233-2854
Joan Trent - Socio-Economics (Montana State Office) 406-896-5034
Brenda Witkowski – Weeds 406-233-2823

VOLUME I
COMMENT FORM

PG#	LINE#	RECOMMENDED CHANGE
1-48	4,9,10	Special Use Permit should be changed to right-of-way grant (Dalice Landers)
4-5	10	I don't think that the Western Alignment or the Four Mile Creek Alternative is in Powder River County (Dalice Landers)
		The Miles City District Office is now the Miles City Field Office The Big Dry Resource Area and the Powder River Resource Area were combined into the Miles City Field Office We do not have resource areas Please make these changes wherever necessary in the document (Dalice Landers)
5-58	12	Instead of conducting new modeling to determine impacts the analysis concludes for example on page 5-54, line 12 "it is expected that analysis utilizing today's more-accurate techniques will demonstrate even lower levels of pollutant emissions" Up to date modeling to determine impacts is reserved for sometime before construction of any portion of the rail line, even with the acknowledgement that there are new emission sources in the area The air quality modeling effort completed by the BLM for the Montana Statewide Oil and Gas EIS includes an up to date emission inventory that should be considered in this supplemental analysis, along with the potential for coal bed methane development in Montana Emissions from Wyoming should also be considered since both the Wyoming and Montana BLM EIS efforts completed with RODs on 4/30/03 demonstrate the potential for cumulative impacts to air quality and effects to sensitive receptors including the Northern Cheyenne Reservation Technical Data and modeling results from the Wyoming and BLM EISs are available for additional modeling efforts and can be obtained from, Scott Archer, Senior Air Resource Specialist National Science and Technology Center (ST-133) Denver Federal Center, Building 50 P O Box 25047 Denver, Colorado 80225-0047 303 236-6400 Voice 303 236-3508 Telefax scott_archer@blm.gov (Jim Albano)
5-91	9, 10, 11	The same analysis approach used for the refinements of Tongue River I are used for Tongue River II, therefore the same comments used above in response to the air quality sections under Tongue River I apply to this section (Jim Albano)
6-12 - 6- 16		The section on CBM wells and visibility and haze needs to be updated based on the findings of BLM's 04/30/03 EISs This supplement must determine what level of CBM development in both Montana and Wyoming should be considered in the cumulative impact analysis This determination must be made and disclosed before making any determinations concerning the need to modify the conclusions reached in Tongue River II and I We recommend building on the modeling already completed for the BLM EISs because this modeling effort is comprehensive, although it doesn't include the Tongue River Railroad in the analysis of cumulative impacts It will be very difficult to conclude that no cumulative analysis is necessary for this project with the recently released modeling results from the BLM EISs (Jim Albano)
		Comments on the memo from the Surface Transportation Board dated 3/26/03 I would strongly suggest that scoping be updated This information is now over 4 years old At a minimum, information related to CBM would have to be added to the Cumulative Impacts section (Joan Trent)
6-12	2	In the cumulative section, the information from the recently completed CBM document needs to be included (Joan Trent)
Ch 4		It does not look like the effects to grazing permittees were covered at all (Joan Trent)
4-107		Information on conditions on both reservations was prepared for the recently completed CBM projects The information in the document for the reservations is from the 1980's (Joan Trent)

4-469	1 st para	I am not convinced that appointing a liaison between TRCC management and the NC tribe will ensure that tribal members secure employment and "As demand for labor increases, low wage earners should be able to bargain for higher paying jobs" That has not been the tribe's experience in the past I would delete this paragraph (Joan Trent)
4-425		Environmental Consequences—Socioeconomics This section contains only economic information There is no discussion of social organization, attitudinal information, lifestyles, etc This comment applies to the tribal analysis as well (Joan Trent)
		Review for required elements of an EIS There is no cover sheet or "Dear Reader Letter" Review for the "critical elements" – there is no statement for ACEC, Floodplain, Wild & Scenic Rivers There should be at least a negative declaration up front (Bockness)
		The economics sections, of the Western Alignment alternative from the 1999 document, discusses the appropriate factors for analysis but it should be updated to include data from the 2000 census and more current data on wages and employment (Ed Hughes)
6-9		The Otter Creek section needs to be updated to recognize the transfer of the tracts to the State of Montana (Ed Hughes)
6-12		The Coal Bed Methane section needs to incorporate the analysis and decisions of the recently completed CBM EIS (Ed Hughes)
4-51	1-10	Rewrite The Tongue River, and the Tongue River Reservoir are on the 2002 version of this list since the quality of their water does not fully support its identified beneficial uses for aquatic life support, agriculture, and warm and cold water fisheries The cause of impairment for the Tongue River Reservoir has been identified by the MT DEQ as "Algal Growth/Chlorophyll a" This condition results from nutrient enrichment The source of this impairment in the Tongue River Reservoir has been identified by MT DEQ as "Domestic Wastewater Lagoons, and Agriculture" The Tongue River between the diversion dam just upstream from its junction with Pumpkin Creek (12 Mile Dam) and its junction with the Yellowstone River is listed as impaired This portion covers approximately 20 river miles The cause of impairment for this portion of the Tongue River has been identified by the MT DEQ as "Flow Alteration" The source of this impairment has been identified by MT DEQ as "Hydromodification, Dam Construction, and Flow Regulation/Modification" According to the TMDL Status Report for the Tongue River (MT DEQ, March 14, 2003) the target date for completion of all necessary TMDLs for the Tongue River TMDL Planning area is December 31, 2003 The MT DEQ proposes development of water quality (TMDL) plans, which would include Best Management Practices (BMPs) for each water body on the 303(d) list due to non-point source pollution Generally, TMDLs can be either numeric criteria, or desired ecological end points Increased sediment loading to the Tongue River, or its tributaries, during construction and long-term operation of the Tongue River Railroad could be issues of concern if any TMDL criteria are exceeded (Andy Bobst)
	11-14	Rewrite Tongue River water is principally suited for irrigation, however, the water quality of the Tongue River meets Federal and state standards for public and private water supplies, livestock use, and irrigation (Andy Bobst)
4-52	Table 4-4	What are these values? Mean, median, or what? Also data on the Tongue River at Miles City should be included (based on USGS data, mean SO ₄ =227, mean EC=826µS/cm, mean TDS=???) to include the entire watershed (Andy Bobst)
4-54 to 4-55	54, 3 to 55, 9	Rewrite Within this area there are three major bedrock aquifers From deep to shallow, they are the Fox Hills-Lower Hell Creek Aquifer, the Tullock Member of the Fort Union Formation, and the Tongue River Member of the Fort Union Formation Alluvial sands and gravels serve as productive aquifers where they are thick and well developed The Upper Cretaceous Bearpaw Shale (Pierre Shale equivalent), which underlies the Fox Hills Formation, is considered to be a major regional confining unit Deep sandstones of the Lakota Formation, carbonate rocks of the Madison Group, and dolomite of the Red River Formation are potential groundwater resources, however these resources are rarely utilized at present The Fox Hills-Lower Hell Creek Aquifer can yield up to 200 gallons per minute (gpm) to a well Within the Fort Union Formation, the Tullock aquifer can yield up to 85 gpm, and the hydrologic units of the Tongue River Member can yield up to 50 gpm (MT DNRC et al 1996) Alluvial aquifers can yield up to 500 gpm (Zelt et al, 1999) (Andy Bobst) REF: Zelt R B, Boughton, G K, Miller, K A, Mason, J P, and Gianakos, L M, 1999, Environmental Setting of the Yellowstone River Basin, Montana, North Dakota, and Wyoming, USGS Water-Resources Investigations Report 98-4269

4-81	10	Rewrite The temperature and precipitation characteristics of the Tongue River <i>watershed</i> are typical of a (Andy Bobst)
4-293	12	The word "detailed" is repeated, remove one or the other (Andy Bobst)
8-7	3	This section on air should also indicate that the operational emissions from the Western alignment would be less than the 4 miles alternative, therefore the total long term impact from this alignment would be less (Andy Bobst)
		A general comment that there is no mention of the riparian/wetland habitats that exists on BLM lands that will be affected by the preferred alternative of any of the other alternatives Full analysis of riparian/wetlands resources should be completed The analysis of these resources could be located within the aquatic section or the existing environment section I don't have the documents to reference at this time so I can't give you page and line numbers The affects would go in the appropriate affected environment section (Adam Carr)
		Several ranches in the area (especially near Miles City) have conservation easements tied to private property The SEIS needs to address how condensing private property with conservation easements will impact those conservation easements and the associated land designation Will the party receive compensation for conservation easement monies lost in the condemnation process? Also, need to note that public access is stipulated by the respective lands owner (walk-in versus motorized) (Lara Lovec)
4-4 to 4-7		Section 1 Land Use Change to read Evaluate indirect or secondary impacts such as homes located upstream and downstream from creek crossings (Robert Mitchell)
4-47		Section 4 Water Quality Change to Include hydrological analysis of the Tongue River and tributaries and the potential impact of the construction and operation of Tongue River III upon it (Robert Mitchell)
4-47		Section 4 Water Quality Add Evaluate the effects on surface water quality and water flow during and after construction of drainage crossings (Robert Mitchell)
4-81		Section 8 Air Quality Change to Evaluate particle emission from locomotive operation and coal transport (Robert Mitchell)
		The Tongue River Railroad is not part of the RFD in the Oil and Gas EIS The cumulative impact assessment needs to consider the impacts already predicted in the Montana Statewide Final Oil and Gas EIS and Proposed Amendment of the Powder River and Billings RMPs and say whether or not the railroad is adding to them For example, impacts are predicted to air quality Will the railroad contribute to those effects? If so, how much, etc (Mary Bloom)
		Need to do a Section 7 Consult with USFWS (Mary Bloom)
		Overall, there will not be much impact to the recreation program There will be collateral impacts which come with a project of the magnitude The additional workers in the area will be looking for recreational opportunities and this may be on Federal land (Ladd Coates)
		The increased amount of traffic on our rural roads will increase dust, congestion, etc (Ladd Coates)
		Vegetative impacts like clearing the trees from the right-of-way will be evident from the road systems and will affect the visual resource management (VRM) Cuts and fills associated with the track grade will be visible and will affect VRM The track itself will create a hard barrier to users wanting to utilize Federal and private lands on the other side of the tracks There will be real impacts to citizens who want to use the lands on Fort Keogh and the Spotted Eagle Recreation Site The riparian zone along the Tongue River corridor is Class II or III VRM This development will be visible and will dominate the landscape (Ladd Coates)

The potential for impacts to significant paleontological resources from construction or operation of the rail line as proposed are probably small. However, the types and ages of the rocks in the area indicates that a potential does exist and a proper discussion and analysis of the resource is appropriate in this document.

As written, the document does not adequately address the paleontological resource. The discussion of the geologic context and fossil material present is weak. Contrary to statements scattered throughout the document, the Cultural Resource Programmatic Agreement (PA) in Appendix G does not discuss paleontologic resources, and it should not. Paleontologic assessment and mitigation procedures are similar in some regards to cultural resources, but are not the same, and cannot be adequately addressed by simply adding "and paleontologic" to each occurrence of cultural resource mitigation procedures.

The proposed routes of the Tongue River Railroad under all three stages (Tongue River I, II, and III) would all occur on areas underlain by the Ft. Union Formation. The three members of this formation (Tullock, Lebo, and Tongue River) all have some potential for producing significant fossils, as well as containing fossil invertebrate and plant localities. The Tullock member, especially, has produced many highly significant fossil vertebrate localities near the Ft. Peck Reservoir and is extensively cited in scientific literature. Even though there has been very little research in the area of the railroad route, that may, in fact, be a result of no research, not a result of no fossils. There are also numerous instances of museum-quality petrified wood specimens found in the Tongue River member, and (if memory serves correctly) some in-situ petrified tree stumps near the Decker area. The potential for significant material being found is probably best described as moderate wherever the bedrock would be disturbed, such as all cuts.

The description of the paleontological resources (4.2.5.4) needs to be rewritten. It is much too broad and somewhat inaccurate. It is lacking a discussion of significance, important for developing mitigation recommendations in later sections. This section, at least, should be written by someone with a paleontologic background.

Paleontologic resource assessment and mitigation procedures need to be discussed separately from cultural resources. The cultural resource mitigation will be handled under the framework of the Programmatic Agreement, requiring that the fossil resources need to be discussed separately. Specific paleontologic mitigation procedures also need to be developed and included in the recommendations.

The following are some specific comments:

- Section 4.2.5.1 Paleontological, Cultural, and History Property Types, pg. 4-56 – need to include discussion of fossil types that are of concern, i.e. significant invertebrate fossils, fossil leaves, petrified wood, and vertebrate fossils. Also need to discuss those types possibly found in this area, such as fossil leaf deposits, important petrified wood specimens, vertebrate remains of fish, turtles, crocodiles, and mammals.
- Section 4.2.5.2 Laws and Regulations, pg. 4-58, second paragraph discussing paleontological resources. Remove the reference to the Antiquity Act, we no longer manage paleo resources under the auspices of this Act. Need to cite the BLM Manual and Handbook 8270 covering Paleontological Resource Management. Remove the reference to the two instructional memoranda, they are not law or regulation and are covered by the Manual, anyway. Correct the citation for FLPMA (Federal Land Policy and Management Act), the words are reversed.
- Section 4.2.5.3 Methodology, pg. 4-60, under Paleontological Resources – The Museum of the Rockies is not the repository for all recorded paleo resources in the state. There is no such institution or entity for paleo resources, unlike the SHPO for cultural resources.
- Throughout the document, the combined reference to "cultural and paleontological resources" needs to be changed to remove "paleontological." Most of these refer to the Programmatic Agreement, which only addresses cultural resources, or erroneously combines potential impacts, which are not equivalent. See especially pages 4-315 and 4-316 for examples.
- Mitigation measures need to be developed and included specifically addressing paleontological resources. These would be different than cultural measures and should be developed in consultation with appropriate BLM personnel. Paleontological mitigation measures would apply only to BLM-administered public lands, a small portion of the total project, but would require hiring a qualified paleontologist to perform the work.

(Dale A. Hanson)

**VOLUME II
COMMENT FORM**

[illegible]



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
<http://www.mt.blm.gov/mcdo/>

IN REPLY TO:

MTM-59033
2800

October 15, 1999

Surface Transportation Board
Office of the Secretary, Case Control Unit
Attn: Dana G. White
Section of Environmental Analysis
1925 K Street, NW
Washington, DC 20423-0001

Dear Ms. White:

The BLM has reviewed *Finance Docket 30816 (Sub No. 3) - Tongue River Railroad Company - Construction and Operation of the Western Alignment - Cooperating Agency Review of the Administrative Draft Supplement*. The BLM's comments are attached on hard copy and electronically on disk. The comments are organized by volume, page number, line number and recommended change.

We found the document to have an enormous amount of information. A general comment is that the Tongue River corridor's natural condition has only been modified by agricultural use. The introduction of a railroad and supporting facilities would change the concept of the landscape toward a more industrial setting. This change and impact should be considered throughout the analysis.

If you would like to discuss or need clarification of any of our comments or recommendations, please contact the following specialists.

<u>Topic</u>	<u>Who</u>	<u>Phone#</u>
Cultural Resources	Will Hubbell	(406) 233-2848
Wildlife	Larry Rau	(406) 233-2843
Soil, Water, Air	Robert Mitchell	(406) 233-2815
Lands & Realty	Dalice Landers	(406) 233-2836
NEPA	Mary Bloom	(406) 233-2826

If issues or problems arise that need resolution, please contact me at (406) 233-2829.

Sincerely,

Todd S. Christensen
Assistant Field Manager - Resources

**VOLUME I
COMMENT FORM**

PG#	LINE#	RECOMMENDED CHANGE
ES-3	1 ---	Although the Western Alignment is not <i>exactly</i> within the Tongue River Canyon, it will traverse the top edges of the canyon impacting the visual aspect as well as many other aspects
ES-3	7	Need to identify the impacts of the line going through the Battle Butte Battlefield and what mitigation might be proposed (wasn't covered in TR II)
1-66	7	Table 1-1: This table needs to identify the impact of the Western Alignment's huge earth berms proposed across all of the western drainages entering the Tongue River in the Tongue River Canyon stretch. These berms will be 200+ feet high and for all intensive purposes dam every one of these drainages. These grade crossings of the RR will be visually impacting and will change the character of the landscape.
1-69	11	Same as comment ES-3, line 7 above
2-16	End	Need to explain somewhere in this alternatives section "Alternatives Considered But Not Analyzed in Detail". Need to cover here why the "No Action" alternative is not being considered and any other alt the public may propose during commenting that has already been analyzed in a previous document.
3-4	12	The analysis in TR I analyzed a 1 mile wide corridor but didn't identify a centerline route. If the new line refinement is "no more than 1 mile from the approved alignment" then it is outside of the approved corridor.
3-14	12	The PA does not address Paleontological resources. Paleontology needs to be addressed separately in this EIS for the entire line.
3-30 3-32		This section needs to include a discussion of the significant impacts of the rail line passing through the middle of the Battle Butte battlefield. The proposed PA does not discuss the impacts of this action and proposed mitigation measures.
3-34	10	This statement is correct in that it identifies that grading and cut and fills will potentially be the most significant issue dealing with the Western Alignment. It also needs to mention the significant visual impact to the Tongue River Canyon. This impact involves the proposed extensive fills that will cut across the mouths of most of the drainages entering the Tongue River Canyon. These fills will both block the side drainages' mouths but also be visually impacting as the bare soils will contrast with the rock walls and block the western view from the valley bottom up the side drainages. The contrast of these fills will change the form, line, color and texture of the surrounding landscape within the Tongue River Canyon.
4-8	6	Needle-and-thread and green needlegrass are not shortgrasses
4-10	9	Classified by who? What is a southeastern grassland?
4-24	5	What are playa-like soil series? Natraustalfs with eroded A horizon? Playas normally refer to ephemeral lakes. Need further definition or use appropriate terminology.
4-26	4	Need to include several species from the MNHP list that are omitted. These include snapping turtle, spiny softshell turtle, Western hognose snake, Meadow jumping mouse, ferruginous hawk, black-backed woodpecker and Baird's sparrow. Several of these species are included as "likely to be found within the analysis area (appendix L wildlife matrix)" while others listed above should be included in the wildlife matrix. It should be noted that many of these species identified by the MNHP are listed as occurring in the analysis area in pages 4-26 - 4-31.

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PG#	LINE#	RECOMMENDED CHANGE
4-26	6	Include spotted bat and Townsend's big-eared bat to the listing which includes "milk snake".
4-26	7	Recommend a separate category in the narrative which addresses BLM "Species of Special Concern" for Montana. This discussion would include those species that BLM has determined deserve special management consideration that have not been listed above and may be found within the analysis area. These include loggerhead shrike, long-billed curlew and sage sparrow.
4-29	2-3	Sharp-tailed grouse leks are identified in BLM records between Birney and Four Mile Creek and within one mile of the Tongue River. There is an abundance of birds and more leks most likely exist within the corridor
4-29	3	No leks exist along the route? In another part of the document, there is reference to inventorying the route for leks in the spring. If this inventory was completed, what were the results?
4-45	9	Are soils derived from the Wasatch Formation different from the Fort Union derived soils? How? Need descriptions of Fort Union members.
4-46	5	Need to better describe the soils of the route. Address soil physical and chemical characteristics such as textures, slopes, levels of organic matter, susceptibility to erosion, etc. What about the soils developed in clinker?
4-54	14	The Montana Group is not actively used, and is not used in this part of the state.
4-55	1	Aquifers are garbled, from shallow to deeper they are: Tongue River Aquifer, Tullock Aquifer, Lower Hell Creek - Fox Hills Aquifer. There is no Tullock- Hell Creek Aquifer. The Tongue River Member and Tullock Member of the Fort Union Formation are separate aquifers
4-55	3	The Bear Paw Shale (or Pierre Shale as it should be called in this area) is an aquitard and could confine an aquifer but doesn't. A confining unit of the group? If this is to mean the Montana group - most strata in the Montana group are shales and would be aquitards.
4-64	6	What about the paleontological resources of the Wasatch Formation?
4-64	10	What about turtles and crocodiles? Recommend a more complete description.
4-82	8	Precipitation varies - recommend giving ranges. What about summer thunderstorms? Fall precipitation in this area is often a large component of annual precipitation
4-156	8	After "mitigation" reference where the mitigation discussion can be found.
4-156	10	Either alternative covered within this analysis will have significant impacts to terrestrial biological resources. Mitigation options (i.e., habitat inventories, fencing, water developments, etc) do very little to mitigate for actual losses of habitat, fragmentation of habitats, interruptions of travel corridors, etc to resident wildlife species. The document needs to describe the overall impact to the landscape and the terrestrial wildlife habitat commensurate with the level of construction and habitat loss.
4-157	9	Were BLM and Montana Department of Fish, Wildlife and Parks not consulted with or just omitted from the list?

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COMMENT FORM**

PG#	LINE#	RECOMMENDED CHANGE
4-166	9	Document suggests "emphasis where possible" in the use of native species. Recommend this be strongly worded so that native species will always be used unless alternatives are approved, in advance of application, by the Task Force.
4-166	9 & 12	Seedlings on BLM tracts must be native species and certified weed seed free and in accordance with what is required in ROW
4-167	4	All mulches and soil coverage must be certified as "weed seed free". Recommend this be strongly emphasized in this section of the document. It is well documented that railroad ROWs are common carriers of noxious weeds.
4-174	5	Retain the word "keep" in this sentence.
4-174	6	Recommend adding text that an annual report of weed control activities be presented to the task force on an annual basis.
4-179	10	Construction of the railroad to potential nesting and/or roosting habitat could be significant. Construction disturbance will be enough to preclude any nest initiation effort by eagles trying to establish a new territory. The mitigation plan calls for a one time aerial and terrestrial search prior to construction activities to identify this behavior and establishes mitigation. However, the construction period is a minimum of three years. Nest initiation can begin during any of the three (minimum) spring periods.
4-179	8-9	There is an inference here that by only directly disturbing a few acres there would be no impact. Any disturbance out to 1 mile may preclude a bald eagle from initiating a nesting attempt.
4-180	1	Discussion of nest abandonment or failure: there should be follow-up discussion referenced and discussed in the BA if nest failure/abandonment/loss from TRRC activities should occur. For example, what is TRRC's plan if there is a "Taking" scenario of a bald eagle nest?
4-184	4	As stated above, there are 9 additional species of concern from the MNHP list that should be included in this document. These species need to be analyzed.
4-184	8	The reference is made that northern goshawk is a forest dwelling species. Large portions of either alignment considered in this document are forested and are potential goshawk habitat.
4-184	11	It is stated that no ground-level surveys have been conducted because of limited access. This statement implies that landowners are unwilling to allow access for railroad-related surveys. Recommend simply stating that "surveys have not been completed at this time". With a project of this magnitude and potential impacts, all biological surveys should be completed prior to environmental documentation.
4-185	3 - 8	This paragraph implies that wildlife conditions previously documented in TR I, TR II and the BA will minimize impacts to species of special concern. This statement is no longer valid considering the number of species that were not considered and the diversity of habitats that these species inhabit.

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PG#	LINE#	RECOMMENDED CHANGE
4-185	1-2	The conclusion of this paragraph and the proceeding paragraph makes the case to the reader that all species of concern and their habitats will be identified prior to construction and that mitigation measures will keep impacts to these species insignificant. The document needs to state how SEA and TRRC will address a "taking" of an important habitat, eg , if the centerline of the Western alignment passes directly through a bat hibernaculum or a prairie falcon eyrie., what will be the course of action when this habitat is destroyed? Need to state that certain habitats, to be identified at a later date, will be destroyed during the construction process and the occupants destroyed or, at best, displaced.
4-187	3 - 12	This discussion is directed at game (hunted species) and important Raptors protected by the Migratory Bird Treaty Act and concludes with protection of only those species protected under the BA. There is a large discrepancy as these two species groups are discussed together. There is no discussion in volume 1 or volume 2 on what will be the mitigation and/or operating procedure if the centerline intersects with, for example, a grouse lek or a raptor nest site. It is suggested that SEA includes discussion of the protocol recommended by the USFWS and MFWP in granting a "taking" of a nest site and examples of appropriate mitigation.
4-186	1 - 4	As stated earlier, there are at least 15 species that could be found in this area and only 3 were evaluated. No inventories have been completed. How can the statement be made "less than significant" when there is high potential from disturbance to these species and present documented mitigation is inadequate? Suggest stating that impacts to sensitive species, as identified by MNHP, BLM and USFWS, will happen. These impacts are probably significant and TRRC will do the following mitigation measures to compensate for these losses. Additional mitigation measures will be addressed later in this document. Construction of a railroad through habitats such as those located in the analysis area is going to be a significant impact and the mitigation plan will balance those impacts.
4-188	1 - 12	This page suggests the only impacts from construction of the railroad are displacement and road-kills due to traffic. Suggest SEA states that all habitats within the right of way will be permanently altered and that most current occupants will be permanently displaced. There is a commendable reclamation plan, but there will be a railroad bed with major cut and fill construction traversing through, what is presently, somewhat pristine habitat. Recommend simply stating that "considerable habitat will be lost or altered, many wildlife species will be permanently displaced" from this project. These are unavoidable impacts.
4-190	4 - 7	This discussion gives an example of mitigation for "no net loss" of habitat. Cut-off parcels could end up being "islands" for select species, poor land that the landowner has no need for or inadequate in size to compensate for the overall impact of the project. The impact of this project on the landscape and river corridor goes beyond a simple acre for acre compensation program. It is recommended that SEA considers offers of a habitat compensation package that may include purchase and donation of a landscape-level property to offset the impacts of the project. A place to start would be an acreage calculation of the width of the disturbance corridor X the length of the complete project.

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PG#	LINE#	RECOMMENDED CHANGE
4-191	6 - 9	Fencing is discussed in the section as a mitigation option. Fencing mitigation should be included in this document as a construction-related impact to wildlife. While SEA and TRRC have acknowledged that fences can be built that will provide for wildlife ingress and egress, the fact is that livestock-proof fencing will be required on both sides of the rail line and that a significant number of landowners will require construction of woven wire fencing. This type of fencing is an impediment to many species of wildlife besides big game. Additionally, it often goes unrecognized that this type of fencing not only interrupts migration corridors it can totally interrupt movement patterns of big game with fawns. It is recommended that fencing, as a mitigation measure, be discussed as an impact to wildlife. (Under NEPA, impacts from mitigation should also be discussed).
4-192	1 - 3	This discussion acknowledges acres disturbed. Discussion should include "how does the loss of these acres affect the species identified?" For example, what does the loss of 96 more acres affect antelope? Is it loss of winter range, fawning areas, migration corridors, etc? Discuss those impacts to the population. Example: If it is a loss of a migration corridor explain that the population may have to find a new route and by doing so would potentially suffer "X" amount of additional mortality.
4-193	4 - 5	Reword so that the discussion covers all wildlife species. As presently written, it only covers winter ranges and sensitive and T&E species.
4-194	2	A ground reconnaissance conducted from 4/15 - 5/15 may be adequate for grouse and winter range identification but is inadequate to identify presence/absence of most of the species discussed earlier (15 species identified by MNHP and BLM). Another ground reconnaissance following breeding bird survey protocol, raptor nesting survey, bat habitat usage, and a reptile/amphibian survey is also recommended.
4-194	14	A survey is required for general wildlife species. However, in the next sentence, mitigation is required for sensitive species in the BA. The BA only discusses species with T&E status, not sensitive status. Furthermore, mitigation is needed for general wildlife as well.
04-196	4 - 5	What will be required in the event grouse leks are identified within the construction corridor? What does the term "avoid" actually mean in this example? Will there be a distance stipulation?
4-197	4 - 5	It is highly unlikely antelope will use a culvert for passage by the rail line. Antelope passage is a very important issue. Recommend emphasizing that providing effective passage may be very difficult. The possibility exists that all attempts may be unsuccessful and an adequate compensation plan should be in place prior to construction.
4-196 4-204 4-205	4 & 5 15 1 & 2	"No grouse leks should be destroyed due to construction period." Just by eliminating construction during the months of March and April is not enough to prevent destroying grouse leks from the proposed project.
4-205	1	Avoidance of grouse leks is discussed. Recommend listing some examples of avoidance. Discussion should include the possible scenario of the line going through or very close to a grouse lek. This is particularly important for sage grouse. Recent inquiries from the public and internal conversations between wildlife professionals suggest that the sage grouse may soon be petitioned for T&E status. It would be prudent for SEA to consider at this time, probably under separate discussion, all impacts to sage grouse related to construction and operation of the railroad.

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PG#	LINE#	RECOMMENDED CHANGE
4-241	6 - 8	Pg 4 - 26 line 4 recognizes 3 species from the MNHP list that may be found in the analysis area. As stated above, the area actually supports habitat for up to 12 additional species from this list. The suggestion is made to include all species within the analysis area in all applicable parts of this document.
4-245	8 -10	It should be recognized that there will be many cases where landowners will insist on woven wire fencing, even in critical antelope areas and this condition will be difficult to implement. Recommend listing provisions in the mitigation section where antelope seasonal movements will be permanently altered (compensation plan offered.)
4-249	1 - 6	Overall impact to reptile and amphibian populations from this project is difficult to project. However, not having information does not make the action insignificant. There are many local species within this group that spend considerable amounts of their life history in terrestrial environments and make periodic transitions into the riparian zone for feeding and/or reproductive purposes. The rail line will have a major impact to some of these movement patterns.
4-249	11 -14	The Western Alignment alternative will cause more impacts to wildlife (as compared the Four Mile alternative). There are at least 2 sharp-tailed grouse leks within the Western Alignment and none identified in the Four Mile alternative. Fragmentation of these breeding areas could cause a loss of birds and possibly abandonment of the territory altogether.
4-250	7	Because raptor habitats will be lost, specific mitigation measures should be included.
4-256	12	Recommend establishing a schedule for TRRC reporting to the Task Force and a Task Force meeting schedule (quarterly).
4-257	3	Recommend that SEA recommends to TRRC that a biological consultant be retained on the staff to insure full follow-up to the requirements of this document. This person would report to the task force on progress of reclamation, mitigation and shortcomings of the plan. This type of individual is commonly employed by other industry entities that impact natural resources, i.e., coal and gold mines, power companies, etc.
4-263	8	Impacts to soils will not be temporary. Certain physical and chemical changes may be permanent. Need to address each impact and the time frame expected for the impact to become negligible.
4-264	5	Need better description and assessment of soils. What are the soils types, classifications - and what are their physical and chemical characteristics?
4-266	5	What about soil erosion due to wind?
4-266	9-10	Why is the amount of earthwork mentioned in this situation?
4-268	2	Coarse soil textures, sands and sandy loams, have a high susceptibility to wind erosion. Does this address coarse textures or coarse fragments? Two different things with different erosion susceptibility.
4-306	8	Need discussion of geotechnical studies of aquifers in Section 4.3.3. There should be an assessment of the effects on aquifers somewhere in the document.
4-321	7	How will the paleontological resources found during construction be addressed? What mitigation measures will be used if fossils are found during survey or during construction?

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PG#	LINE#	RECOMMENDED CHANGE
4-335	6	The statement and paragraph beginning with line 6 "both alignments are within 1,500 of site 24RB787": in actuality, both alignments will pass . the middle of the site
4-335	10	Beginning with this line the document goes into a discussion of BLM's ACEC at the Battle Butte site. This discussion gives the impression that because the rail line will avoid BLM's ACEC, it will also avoid the Battle Butte site. Even though the rail line avoids BLM's ACEC, the rail line will pass through the middle of the site.
4-336	3	The sum of the previous paragraph's analysis results in a statement that "no mitigation is required". Mitigation may be needed to offset the impacts of the line passing through the Battle Butte site.
4-336	4	This section needs to mention the identification of a number of sites and localities, primarily known graves and mineral and plant collecting areas, around Birney that have been identified as TCPs and sites with Traditional Cultural values as identified in Tallbull and Deaver 1991. This reference is included but not all of the information from this reference is included in the document. More than the 2 sites are identified in this document as having traditional cultural values.
4-337	11	Beginning with this sentence, this entire paragraph needs to include battlefields as a potentially significant property affected by rail operations. The document needs to specify the significance of the Battle Butte site to the list of potentially affected sites and outline some proposed mitigation measures.
4-313	6	Section 4.3.5 This entire section needs to add at the appropriate places references to the Battle Butte Battlefield and include the information that the construction of the rail line will run through the middle of the site and that this will be a significant impact to the site. Proposed mitigation measures then need to be developed and included in this section.
4-477	4	Suggest rewording the first line. Also this document needs to identify significant impacts to the esthetic environment and visual resource values of the area through which the Western Alignment will pass. Significant impacts will occur to the Tongue River Canyon's esthetics and visual resource values from the huge amounts of fill proposed to be used to cross the mouths of many of the side drainages that drain into the Tongue River from the West.
4-477	6	This section also needs to reflect the above comment
5-34	1 - 5	Impacts to Federal species of concern on TR I & II are significant. Recommend this paragraph follow similar organization as earlier portions of the document. That is, this section should only pertain to Federally listed T & E species. Successive paragraphs should discuss Special Status Species as listed by MNHP and BLM. Also, there is potential for nest disturbance during construction and operations of bald eagle nest #04. Mitigation, as it is now presented, needs to better address this concern
5-34	6 +	Many of the species listed in this section are included on the MNHP and BLM lists as Species of Special Concern and Special Status Species. These species should be distinguished from "general wildlife"
5-54	7	Emission models showing effects on Class I airsheds should be included in this document

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PG#	LINE#	RECOMMENDED CHANGE
5-71	6 - 9	The acknowledgement is made of prairie dogs along the TRRC ROW. The USFWS is currently reviewing the status of black-tailed prairie dogs under the Endangered Species Act. It is recommended that SEA expand their evaluation of the impact of this action on black-tailed prairie dogs.
5-87	5	This paragraph needs to include statements concerning the Battle Butte site's significance and the proposed impacts of the rail line to the site. Same as comments 4-335 6 and 10 above.
6-1	11	The changes will result in new and different cumulative effects. When those documents were written, coalbed methane activities, that have exploded in recent years, were not taken into consideration cumulatively. For example, in the CALPUF study we provided you, it was determined that coal trains cause the greatest impact to air quality, and that the Northern Cheyenne Indian Reservation is currently being impacted one day per year from haze. The railroad will be adding to that impact. Recommend you address the impacts to the reservation from adding another train's emissions. Cumulative impacts to other resources, such as wildlife, also need to be addressed.
6-2	1	Cumulative impacts means cumulative, not impacts occurring at the same time. Incremental impacts from all sources need to be included in the assessment.
6-5	2	Simultaneous construction does not result in cumulative impacts. Both will effect cumulative impacts and need to be assessed as cumulative impacts.
6-12	4	Methane exists within the coal, not coal bearing formations.
6-12	6	Methane is not collected in conjunction with coal mining. It is a separate process.
7-24	3 - 7	Recommend rewording this paragraph so that there is more emphasis on post-construction follow-up and monitoring. The implication is that the construction and operation mitigation will be fairly straight forward with little complications and will be completed within the first year. That may not happen. It is recommended that the Task Force is established for a 3 year period following construction with a meeting schedule established quarterly unless changed by the board. Possibly towards the end of the project, semi-annual meetings will be appropriate. Additionally, recommend a provision made that the Task Force may have the option to establish mitigation requirements if the written mitigation falls short of expectations or that environmental damage is more than what was documented. An example would be the "Taking" of a raptor nest that is discovered in the ground reconnaissance survey just prior to construction. Another may be the disturbance to a prairie dog town subsequent to Listing under the Endangered Species Act.
7-64	6 - 9	Include as a possible mitigation option : TRRC purchasing habitat, commensurate with actual acres disturbed during the construction process. Mitigation responsibilities to TRRC should be more solidly represented. An example : "TRRC will be required to establish a mitigation plan that adequately compensates for actual acres disturbed during the construction and operation of this project" Compensation should be similar to other projects of this size (i e , a large dam, mine or highway project).
7-65	12	Wildlife surveys are not mitigation. Survey work should be included as follow-up work required under the proposed action section. Mitigation will be tailored to the impacts to those species and habitats identified in the survey. Example. The survey identifies a black-tailed prairie dog town with a colony of mountain plovers that the ROW eliminate. What will the mitigation be for "taking" this habitat and its occupants?
7-66	6	Wildlife surveys are not mitigation. See comments above.

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PG#	LINE#	RECOMMENDED CHANGE
7-67	5	As noted previously, The BA only lists mitigation for Federally listed T & E species. There is no mitigation specially addressing state and federal "sensitive and special status species" The mitigation plan should separate these species from T & E species. Additionally, previous discussion in the document only addressed 3 state sensitive species whereas there is a total of 15 state and federal sensitive species potentially found along the route
7-69	2 - 11	Need better discussion of antelope habitat usage and potential mitigation. Antelope may be reluctant to use passages as described Earlier discussions of third-party consultants to TRRC imply that most work will be completed within one year of construction but that follow-up monitoring will be required for several years for antelope Recommend documenting that landowner required fencing may impact antelope movements and address mitigation measures if this is the case.
7-71 4-58		Need to mention or taken into account that BLM has their own status list too.
7-73	9	Plant species and composition used in reclamation should be included.
8-5	2 - 7	Unavoidable impacts to Terrestrial Ecology go much further than road-kills and tram-deer collisions It is recommended that SEA recognize that this is a 100+ mile railroad through what is now, a somewhat unaltered Northern Great Plains riverine corridor with a wide diversity of habitats and native plants and animals. This action will, even with the best mitigation possible, permanently alter the landscape, natural process function and should discuss how all components of the terrestrial environment interrelate.

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APDX #	PG#	LINE#	RECOMMENDED CHANGE
E			Recommend rewording the title to this section to reflect that the section is Proposed Action, Alternatives and Impacts. Also recommend reorganizing the table of contents for Appendix E to show 1 Background 2 Proposed Action and Alternatives and 3 Impacts from the Proposed Action and Alternatives
E			The BLM requests that the following list of resources be addressed Air Quality, Cultural Resources, Paleontology, Fire Management, Forestry, Hazardous Material Waste Management, Lands, Livestock Grazing Management, Recreation, Soil, Water, Vegetation, Wildlife, Minerals. Coal, Oil/Gas, Coalbed Methane, Salables
E			The BLM has authorized other activities in the areas where the proposed Tongue River Railroad is to be built. Only some of the roads are discussed. Need to address how the proposed Tongue River Railroad (Four Mile Route or the Western Alignment alternative) may or may not affect these activities. The following activities are authorized. MTM-055660 Tongue River Electric Coop., Inc.(Power Facility) MTM-17049 Montana Highway Commission (Highway) MTM-21488 Williston Basin Pipeline MTM-57653 Tongue River Electric Coop , Inc (Powerline) MTM-59032 Range Telephone Cooperative, Inc. (Phone Line) MTM-59946 Custer County MTM-59946 Custer County (R. S. 2477 Road) MTM-71918 Rosebud County (County Road) MTM-77800 Rosebud County (FUP - Gravel)
E	5		Section C, Paragraph 2: the rail line goes through the middle of the Battle Butte site. Only the BLM-administered portions of the site are identified. Although they will be avoided, the rest of the site will not
E	18		While BLM doesn't mind STB putting info in tables, the "No Action Alternative" needs to be first discussed in the text Recommend moving most of the info out of the table and placing it in text. (Each of the alternatives need to be discussed at the same level and in the same depth and should not be treated differently). We do not recommend that alts other than the proposed action be put into tables only
J	75	1	Use of rapid- establishing native plant species for thorough and rapid ground surface protection.
J	78	8-15	The outdated reference should be replaced by "Sensitive, Threatened and Endangered Vascular Plants of Montana" by Peter Lesica and J Stephen Shelly (1991), published by the Montana Natural Heritage Program as Occasional Publication No. 1
J	79	all	The State of Montana through the Montana Natural Heritage Program annually updates a list of Sensitive Plants that all agencies including the Federal Government are encouraged to protect. The BLM and USFWS also have lists of plants found on Public Lands that are mandated protection by Federal Manual regulations. The latest available information should be used because the listing includes new species that are discovered or verified and may be found in other locations than previously Because the area is so close to Wyoming, transport of those plants into Montana happens all the time That is how Woolly Twinpod (Physana didymocarpa var lanata) arrived into Montana

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L	17	16	The black-tailed prairie dog has recently been petitioned for listing under the Endangered Species Act. At this time the USFWS has agreed that the original petition has merit and further study of prairie dog status is continuing. It is BLM's opinion that, no matter the outcome of the listing review, prairie dog management will be a significant wildlife management issue in the future. It is recommended that SEA include discussion of railroad construction and management on prairie dog communities within the ROW. Additionally, wildlife managers speculate that there will soon be a petition effort to include the sage grouse as a T & E species. You may want to consider including a detailed discussion of the impact from railroad construction and operation on sage grouse and habitat within the corridor.
L- Matrix	61- 62	1	Wildlife matrix – Please include the dickcissel and Loggerhead shrike on the matrix list. Both species are listed as "Special Status Species" by either/both MNHP and BLM.
L- Matrix	8 --	1	Page 8 is omitted from the review copy. It is assumed that this page listed among others, reptiles and amphibians?