



**Montana Fish,
Wildlife & Parks**

EI-2087

KB

P. O. Box 200701
Helena, MT 59620-0701
406-444-3186
FAX:406-444-4952
Ref:DO214-06
April 28, 2006

Mr. Patrick P. Davison
Tongue River Railroad Company
P.O. Box 80902
Billings, MT 59108-0902

RE: Miles City Fish Hatchery – TRRC proposed easement
Monitoring Program and FWP Commission discussion

Dear Mr. Davison:

This letter is written as a follow up to recent discussions regarding the proposed vibration monitoring program at the Miles City Fish Hatchery (MCFH) operated by the Montana Department of Fish, Wildlife & Parks (FWP). The letter also summarizes discussion by the FWP Commission on April 20, 2006 regarding processing the easement request from Tongue River Railroad Company (TRRC) to cross the MCFH property.

FWP is pleased with the efforts to establish the monitoring program as discussed at the April 6 meeting in Bozeman and in the revised work plan dated April 13, 2006. FWP believes this proposed monitoring program and the follow up study by Dr. Molly Webb should address the vibration and noise concerns at the MCFH. The results of the monitoring program and the follow up study shall be utilized to determine what, and to what extent, mitigation measures need to be incorporated into the actual easement document. FWP would like to emphasize that even though the primary emphasis is on impacts to pallid sturgeon, the results will be important to all fish production and activities at the hatchery, including personnel living and working at the hatchery.

This letter serves as official authorization for TRRC and its contactors to enter grounds at the MCFH in order to perform the monitoring and related activities contemplated by the agreed to monitoring agreement. FWP requests that you notify MCFH personnel before initially entering the grounds, establish a schedule and keep the hatchery apprised of your activities at the hatchery.

The FWP Commission felt the discussion before the Commission on April 20 was of value and thanks TRRC for its participation in the meeting. The Commission concurred with the Department that an Environmental Assessment (EA) on the possible impacts to the MCFH property by the railroad easement is necessary for compliance with the Montana Environmental Policy Act. The Commission stated that the costs of conducting an EA and costs of a property

appraisal should be borne by the applicant. FWP has had preliminary discussions with an environmental consulting firm about conducting the EA. Once the EA process begins, FWP (through the contractor) will be seeking input from TRRC in the development of alternatives. FWP anticipates that the vibration monitoring program and follow up study will be incorporated into and be a significant part of FWP's EA and subsequent easement.

The Commission emphasized that the monetary investment and production at the hatchery must be protected when considering the TRRC easement. Therefore, it will be important to develop appropriate easement language to assure this investment and production is maintained. FWP believes that the cooperative discussions that have led to this monitoring plan should be continued through the easement development and submittal to the Commission for final consideration.

Thank you for your cooperation in the review and processing of the proposed easement across the MCFH. FWP will be looking forward to updates on the progress of the vibration monitoring program.

Sincerely,



M. Jeff Hagner
Director

Mark Wilson, USFWS
Vicki Rutson, SEA
✓ Kenneth Blodgett, SEA
Debbie Dils
Bob Snyder
Bob Lane