

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

EI-2611
KB



BRIAN SCHWEITZER, GOVERNOR

1625 ELEVENTH AVENUE

STATE OF MONTANA

DIRECTOR'S OFFICE (406) 444-2074
TELEFAX NUMBER (406) 444-2684

PO BOX 201601
HELENA, MONTANA 59620-1601

December 13, 2006

Ken Blodgett
Surface Transportation Board
Section of Environmental Analysis
1925 K Street NW
Washington DC 20423-0001

RE: Final SEIS – Tongue River Railroad

Dear Ken:

Representatives from the Montana Department of Natural Resources and Conservation (MDNRC), Montana Department of Fish, Wildlife and Parks (MDFWP), Montana Department of Environmental Quality (MDEQ) and the Montana Department of Transportation (MDoT) recently met to discuss the Final SEIS for the Tongue River Railroad project.

We realize that the comment period has passed, but understanding that the Surface Transportation Board has yet to make a final decision regarding the SEIS, we elected to review and discuss the mitigation measures and make recommendations for adoption by STB.

To that end, and on behalf of the state agencies, the MDNRC supports and requests that all of the mitigation measures be adopted should the STB issue an approval of the Tongue River Railroad Western Alignment project. The following are of significant importance to the various Montana state agencies, and, at a minimum, should be adopted:

Measures #1, #2, #3, #9, #10, #11, #12, #14, #19, #20, #21, #23, #25, #26, #27, #28, #29, #30, #31, #32, #34, #35, #36, #38, #39, #40, #41, #43, #44, #46, #47, #48, #49, #51, #52, #55, #56, #58, #60, #61, #62, #64, #65, #68, #69, #70, #71, #76, #84, #85, #86, #87, #90, #92.

Of specific concern to the agencies is the ability to require bonding in the event of spills (coinciding with Measure #62). We also want to stress the importance of implementation of Measure #9, Wildfire Suppression.

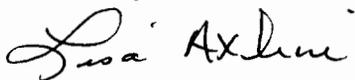
In addition, the MDNRC desires the ability to negotiate specific cattle pass locations and private and/or public crossings on state trust lands (Measure #3). In some instances we will require more than one cattle pass and road crossing. This would especially be the case in areas where the alignment may sever portions of state trust land and create uneconomic remainders.

It is critical that the work plan identified in Measure #92 be completed and accepted by MDFWP and that the MOA between TRR and MDoT outlined in Measure #55 be completed.

On behalf of MDEQ, Measures #19, #34, #35, #36, #38, #39, #40, #41, #43, #44, #46, #47, #49, #60, #61, #61, #69, #70 and #71 are import to the protection of air and water quality, which fall under that agency's regulatory jurisdiction.

We appreciate the efforts of STB to address the concerns of the Montana state agencies. If we can provide you with further information, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Axline".

Lisa Axline, Agency Contact
Real Estate Management Bureau
DNRC

Cc: Greg Hallsten, MDEQ
Jim Skinner, MDoT
Chris Hunter, MDFWP
Bob Snyder, MDFWP
Jim Domino, MDNRC