



*Welcome to the Public Meeting for the*

# **DRAFT ENVIRONMENTAL IMPACT STATEMENT**

**FOR THE TONGUE RIVER RAILROAD**



## WHAT IS A PUBLIC MEETING?

The Draft Environmental Impact Statement (Draft EIS) for the Tongue River Railroad is in the public comment period. The meetings are part of the ongoing public involvement process associated with the Draft EIS. The purpose of these meetings is to solicit public comments on the Draft EIS.

The public meetings will have the following format:

**Open House**  
2:00 P.M. TO 2:30 P.M.

**Comment Period**  
2:30 P.M. TO 4:00 P.M.

**Open House**  
6:00 P.M. TO 6:30 P.M.

**Comment Period**  
6:30 P.M. TO 8:00 P.M.

## THE ENVIRONMENTAL REVIEW PROCESS

### SCOPING PROCESS

Conduct Agency and Public Scoping Meetings  
Compile Comments and Issues Related to the Proposed Action

Develop a Reasonable Range of Alternatives Including a "No Action" Alternative

### DRAFT EIS

Analyze Environmental Effects of Alternatives  
Develop Preliminary Mitigation  
Complete the Draft Environmental Impact Statement  
Establish Public Comment Period

**WE ARE HERE**

Hold Public Meetings

### FINAL EIS

Develop Responses to Draft EIS Comments  
Prepare Final Environmental Impact Statement  
Identify OEA's Preferred Alternative

### FINAL DECISION

Final Decision to be Made by the Board (Equivalent of Record of Decision)

## ENVIRONMENTAL REVIEW PROCESS

The Surface Transportation Board's (Board) environmental review process ensures the agency's compliance with the National Environmental Policy Act (NEPA) and assists the Board and the public in identifying and assessing the potential environmental consequences of a proposed action. The Board's Office of Environmental Analysis (OEA) is responsible for directing the environmental review process. The Board's environmental review process generally includes the following steps:

### Preliminary Meetings

OEA and applicant meet to discuss the environmental review process, required environmental information, and the use of independent third-party consultants to prepare the environmental document on behalf of the Board. OEA directs and approves the third-party consultant's work and the preparation of the environmental document.

### Initial Site Inspection and Agency Consultation

OEA typically conducts an initial site inspection to assess the project area and to determine to what extent potential environmental impacts should be addressed. OEA sends consultation letters to federal, state, and local agencies to solicit comments, ideas, and concerns related to the proposed project.

### EIS versus EA

OEA makes a preliminary determination of the type of environmental document that is appropriate based on the site inspection, assessment of available environmental information, and review of any agency comments. This documentation can be either an EIS for actions that could have significant environmental impacts, or an Environmental Assessment (EA) for actions that do not appear to have significant environmental impacts. OEA determined that an EIS is the appropriate level of environmental review for the Tongue River Railroad Company's (TRRC) proposed project.

### Notice and Scoping

On October 22, 2012, the Board issued a Notice of Intent to Prepare an EIS and Draft Scope of Study and sought comments on possible alternatives to TRRC's proposed alignment. Interested agencies and persons were invited to participate in the scoping phase by reviewing the draft scope of study, submitting comments in writing, and attending scoping meetings held in November 2012 in Lame Deer, Forsyth, Ashland, and Miles City, MT. After considering the comments received through the scoping process, the Board published a Notice of the Final Scope of Study for the EIS on March 22, 2013 in the Federal Register and posted it on the Board's website and the Board-sponsored project website.



## Draft EIS

OEA prepared the Draft EIS using information supplied by TRRC, information from public and agency scoping comments, information collected by OEA and its third-party consultant, and fieldwork. The Draft EIS contains an analysis of the potential environmental impacts of the proposed Tongue River Railroad and the reasonable alternatives, including the “No-Action” alternative. The Draft EIS also includes OEA’s preliminary recommendations for environmental mitigation. The Draft EIS has been distributed to interested members of the public, parties of record, and appropriate federal, state and local officials. A notice of availability was published in the Federal Register on April 24, 2015, and is posted on the Board’s website and Board-sponsored project website. Public meetings are being held in June 2015 in Ashland, Miles City, Colstrip, Lame Deer, and Forsyth, MT. The public comment period ends on August 24, 2015, when comments are due.

## Final EIS

Based on comments on the Draft EIS and all available information in the environmental record, OEA will prepare the Final EIS. The Final EIS will consider and respond to all substantive comments received on the Draft EIS and will include any appropriate changes and recommendations for additional mitigation measures. It will also identify OEA’s preferred alternative. Completion of the Final EIS will be announced to the public in a Notice of Availability published in the Federal Register and by notification to the interested parties.

## Final Decision

The Board will decide whether to approve, approve with conditions (which could include conditions designed to mitigate impacts to the environment), or deny the proposed project. The Board will consider the entire environmental record, including the record on the transportation merits, the Draft EIS, Final EIS, all public and agency comments, and OEA’s environmental recommendations in making its final decision on TRRC’s application to construct and operate the proposed Tongue River Railroad. If the Board approves the proposed project, the Cooperating Agencies would also have decisions to make regarding permits, grants of right-of-way and other licenses prior to the start of construction.

## PROJECT DESCRIPTION

### Background

Since 1986, there have been four Tongue River Railroad Company (TRRC) projects—Tongue River I, II, III, and the current revised Tongue I— filed before the Surface Transportation Board (the Board) and the Board’s predecessor agency, the Interstate Commerce Commission (ICC).

In 2011, the U.S. Court of Appeals for the Ninth Circuit reviewed the Board’s environmental analysis in Tongue River III and decided that the Board should revisit the environmental baseline data and the cumulative impacts analysis. Following this decision, TRRC informed the Board that it no longer intended to build the extension approved in Tongue River II or the revised route approved in Tongue River III.

In 2012, the Board dismissed Tongue River II and Tongue River III and reopened Tongue River I. The Board required TRRC to submit a revised application to explain its current proposal. The Board also decided to conduct a new environmental review of the proposed rail line.

On October 16, 2012, TRRC filed a revised application with the Board, pursuant to 49 United States Code (U.S.C.) § 10901 in Docket No. 30186. TRRC requested authority to construct and operate an approximately 83-mile common carrier rail line in Montana between Miles City and two end 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.

On December 17, 2012, TRRC filed a supplemental application that superseded the October 16, 2012 revised application in which it TRRC modified its proposal by identifying its preferred route for the proposed line as the 42-mile Colstrip Alternative between Colstrip and Ashland/Otter Creek, Montana.

### Project Purpose and Need

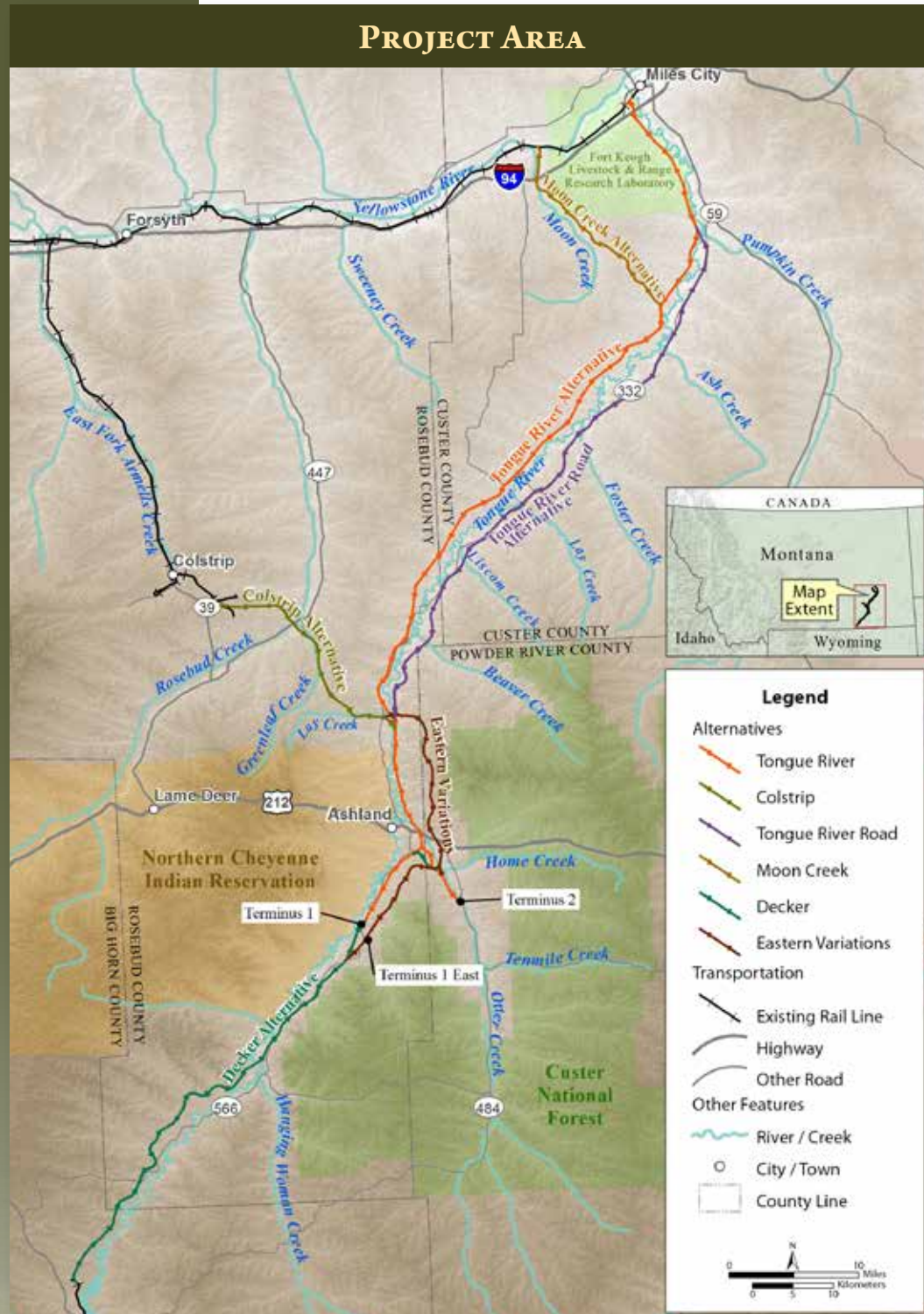
TRRC seeks authority from the Board to construct and operate a common carrier rail line. If approved, the rail line’s operator, BNSF, a common carrier, would be required to provide service to any shipper upon reasonable request. TRRC stated that the principal purpose of the proposed Tongue River Railroad project is to transport low sulfur, subbituminous coal from mine sites in Rosebud and Powder River Counties, including a proposed mine in the Otter Creek area. TRRC stated that coal reserves subject to existing leases between the Ark Land Company, a subsidiary of Arch Coal, Inc., and the State of Montana and the lease between Ark Land Company and Great Northern Properties Limited Partnership in the Otter Creek area near Ashland contain approximately 1.5 billion tons of low sulfur, subbituminous coal. TRRC also stated that the proposed rail line would provide, for the first time, rail service to one of the largest remaining undeveloped reserves of low sulfur, subbituminous coal in the United States. TRRC indicated that the proposed rail line would provide the only rail service available to this resource and to other considerable coal resources in the Ashland area.



## Alternatives

NEPA requires that federal agencies consider alternatives to a proposed project in their environmental review. In the Draft EIS, OEA analyzed the potential environmental impacts of 11 alternatives. OEA analyzed five different railroad routes—referred to as build alternatives—for the Draft EIS. Each build alternative could be modified by an eastern variation segment, resulting in 10 point-to-point build alternatives. All of these build alternatives would connect two of the three possible terminus points south of Ashland to an existing BNSF rail line. OEA also considered the potential impacts of not constructing the proposed rail line (called the “No-Action alternative” in the EIS). TRRC’s preferred alternative is the Colstrip Alternative. OEA has not yet identified its preferred alternative. It will do so in the Final EIS.

All 10 build alternatives (Tongue River, Tongue River East, Colstrip, Colstrip East, Tongue River Road, Tongue River Road East, Moon Creek, Moon Creek East, Decker, and Decker East Alternatives) are shown at right.



## MAKING EFFECTIVE COMMENTS

The Tongue River Railroad Draft EIS is available for review and comment. Please be sure to submit your comments before the end of the comment period on August 24, 2015.

### Helpful Comments

Comments that address the content of the Draft EIS with sufficient detail are most useful, such as comments that address the impact analyses including methodologies and assumptions. Providing suggestions for specific changes in the document and the corresponding page numbers and sections of the document in your comment is also helpful. OEA will compile the substantive comments and respond to them in the Final EIS.

### Less Helpful Comments

Vague statements or concerns that do not suggest a specific change or give OEA direction are less helpful. It is important to understand that a comment is not a vote for or against one of the alternatives. The Board must rely on supporting information, not on the number of comments received. Avoid using form letters to convey your point. Your unique way of writing or phrasing a comment is important for understanding your point of view.

### How to obtain a copy of the Draft EIS

The Board distributed and made the Draft EIS available on April 17, 2015. The U.S. Environmental Protection Agency (USEPA) published a Notice of Availability of the Draft EIS in the Federal Register on April 24, 2015. OEA also made the Draft EIS available for viewing and downloading via the Board’s website ([www.stb.dot.gov](http://www.stb.dot.gov)) and the Board-sponsored project website ([www.tonguerivereis.com](http://www.tonguerivereis.com)). Printed copies of the Draft EIS are available for review in public libraries throughout the project area. The Montana libraries where you may find the Draft EIS include:

- Bicentennial Library of Colstrip;
- Big Horn County Public Library;
- Dr. John Woodenlegs Memorial Library in Lame Deer;
- Henry Malley Memorial Library in Broadus;
- Miles City Public Library;
- Judson H. Flower Jr. Library at Miles Community College; and
- Rosebud County Library.

### How to Submit your Comments

During the comment period (April 24, 2015 – August 24, 2015), you are encouraged to comment on any aspect of the document. OEA will receive comments during the 10 in-person public meetings and two online public meetings. For additional information on the public meetings, visit [www.tonguerivereis.com](http://www.tonguerivereis.com).

#### Please send written comments to:

Ken Blodgett, Surface Transportation Board  
395 E Street, S.W., Washington, DC 20423-0001  
Attention: Environmental filing, Docket No. 30186

Comments may be submitted electronically on the Board-sponsored website ([www.tonguerivereis.com](http://www.tonguerivereis.com)). Comments submitted electronically will be given the same weight as mailed comments. Therefore, it is not necessary to submit identical comments by mail. Please refer to Docket No. 30186 in all correspondence addressed to the Board, including all comments submitted on the Draft EIS.

*Please remember all comments must be received or postmarked by August 24, 2015 to be considered in the final EIS.*

### **LEAD AGENCY**

Surface Transportation Board

### **COOPERATING AGENCIES**

U.S. Department of Agriculture, Agricultural Research Service

U.S. Department of the Interior, Bureau of Land Management

U.S. Army Corps of Engineers

Montana State Agencies

### **INFORMATION CONTACTS**

Victoria Rutson, Director, Office of Environmental Analysis

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Danielle Gosselin, Attorney Advisor



*Thank you for taking the time to review the Tongue River Railroad Draft EIS.*

*Your participation is needed to make the EIS process a success.*

**WWW.TONGUERIVEREIS.COM**