

cumulative and growth-inducing impacts. Impacts will be evaluated for both the temporary construction period and for the long-term operation of each alternative. Measures to mitigate any adverse impacts will also be identified.

To ensure that the full range of issues related to this proposed action will be addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS/EIR should be directed to the SMART Project Director as noted in the **ADDRESSES** section above.

## V. FTA Procedures

To streamline the NEPA process and to avoid duplication of effort, the agencies involved in the scoping process will consider the results of any previous planning studies or financial feasibility studies prepared in support of the decision by the Metropolitan Transportation Commission (MTC) to include a particular alternative in the regional transportation plan. Prior transportation planning studies may be pertinent to establishing the purpose and need for the proposed action and the range of alternatives to be evaluated in detail in the EIS/EIR. The Draft EIS/EIR will be prepared simultaneously with conceptual engineering for the alternatives, including station and alignment options. The Draft EIS/EIR process will address the potential use of federal funds for the proposed action, as well as assessing social, economic, and environmental impacts of the station and alignment alternatives. Station designs and alignment alternatives will be refined to minimize and mitigate any adverse impacts. After publication, the Draft EIS/EIR will be available for public and agency review and comment, and a public hearing will be held. Based on the Draft EIS/EIR and comments received, SMART will select a Locally Preferred Alternative for further assessment in the Final EIS/EIR and will apply for FTA approval to initiate Preliminary Engineering of the preferred alternative.

Issued on: August 19, 2003.

**Leslie T. Rogers,**

*Regional Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Finance Docket No. 30186 (Sub-No. 3)]

#### Tongue River Railroad Co.— Construction and Operation—Western Alignment

**AGENCY:** Surface Transportation Board.

**ACTION:** Amended Final Scope of the Supplemental Environmental Impact Statement.

**SUMMARY:** On April 27, 1998, the Tongue River Railroad Company (TRRC) filed an application with the Surface Transportation Board (Board) under U.S.C. 10901 and 49 CFR 1150.1 through 1150.10 seeking authority to construct and operate a 17.3-mile line of railroad in Rosebud and Big Horn Counties, Montana, known as the “Western Alignment.” The line that is the subject of this application is an alternative routing for the portion of the 41-mile Ashland to Decker, Montana rail line that was approved by the Board on November 8, 1996 in Finance Docket No. 30186 (Sub-No. 2), referred to as the “Four Mile Creek Alternative.” On July 10, 1998, the Board’s Section of Environmental Analysis (SEA) served a Notice of Intent to prepare a Supplemental Environmental Impact Statement (SEIS) to evaluate and consider the potential environmental impacts that might result from the construction and operation of the Western Alignment, and requested comments on the scope of the SEIS. SEA served its final scope of the SEIS on February 3, 1999. On March 2, 2000, before SEA completed its Draft SEIS, TRRC requested that SEA suspend its environmental work. On December 19, 2002, TRRC advised SEA that it was now in a position to move forward and asked SEA to resume its environmental review of the application. On January 17, 2003, TRRC filed a request with the Board seeking to update its previously submitted evidence on the transportation merits. The Board served its decision allowing TRRC to file its supplemental evidence on the transportation merits on March 11, 2003. On March 26, 2003, SEA served an amended Notice of Intent to prepare a SEIS and requested comments on the adequacy of the final scope of the SEIS dated February 3, 1999. SEA has reviewed and considered all eight of the comments received in preparing the amended final scope of the SEIS, which is discussed below.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Blodgett, (202) 565-1554. Federal Information Relay Service

(FIRS) for the hearing impaired: 1-800-877-8339.

### SUPPLEMENTARY INFORMATION:

#### Proposed Action and Background

This proceeding involves an alternate route (the Western Alignment) to the route the Board previously approved (the Four Mile Creek Alternative) for the southernmost 17.3-mile portion of the Ashland to Decker, Montana line in *Tongue River II*.

In 1983, TRRC sought approval from the Interstate Commerce Commission (ICC, the Board’s predecessor agency) to construct and operate 89 miles of railroad between Miles City, Montana, and two termini located near Ashland, Montana, subsequently referred to as *Tongue River I*. In a decision served May 9, 1986, the ICC approved *Tongue River I*. TRRC then sought, in *Tongue River II*, approval to construct a contiguous 41-mile line from Ashland to Decker, Montana. The Board approved *Tongue River II*, via the Four Mile Creek Alternative, in November 1996.<sup>1</sup>

The ICC/Board’s environmental staff, now the Section of Environmental Analysis (SEA), prepared Environmental Impact Statements (EISs) for both *Tongue River I* and *Tongue River II*. TRRC has reported to the Board that it has conducted various preconstruction activities on both segments, but actual construction has not yet begun.

On April 27, 1998, TRRC filed an application with the Board in Finance Docket No. 30186 (Sub-No. 3) seeking authority to construct and operate the Western Alignment subsequently referred to as *Tongue River III*. In *Tongue River I* and *Tongue River II*, the Board determined that the public convenience and necessity required or permitted TRRC’s proposed rail line construction and operation, in accordance with former 49 U.S.C. 10901, and the Board does not intend to reopen the transportation merits of the authority granted in these proceedings. The action proposed to be taken in *Tongue River III* necessitates SEA’s review of associated potential environmental impacts and a subsequent decision by the Board as to whether the proposed Western Alignment satisfies the criteria of 49 U.S.C. 10901, as amended in the ICC Termination Act of 1995 (ICCTA).<sup>2</sup>

<sup>1</sup> Petitions for review of *Tongue River II* are pending in the Ninth Circuit. Those cases are being held in abeyance until this case is decided.

<sup>2</sup> Pub. L. 104-88 109 stat. 803 (1995). In ICCTA, Congress abolished the ICC and transferred its rail regulatory functions and proceedings to the Board. Section 10901(c), as amended by ICCTA, now