



Volume IV
Appendix D Part 3
Response to Comments

Kearl
Module Transportation Project
Finding of No Significant Impact

**Module Transport and
Required Utility and Road Modifications**



February 2011

MDT attempts to provide accommodation for any known disability that may interfere with a person participating in any service, program or activity of the Department. Alternative accessible formats of this information will be provided upon request. For further information, call 406.444.7228 or TTY (800.335.7592) or Montana Relay at 711.

D.3 Response to Written Comments

This section includes all of the comments submitted by mail or fax that were not also received by e-mail.

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RECEIVED

MAY 10 2010

ENVIRONMENTAL

Suzanne Sherman Aboulfadl

210 Woodford Street ♦ Missoula, Montana 59801 ♦ 406.549.0555 ♦ saboulfadl@gmail.com

Tom Martin
Montana Department of Transportation
PO Box 201001
Helena MT 59620-1001

RE: Kearn Module Transportation Project

Dear Mr. Martin:

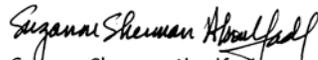
I am enclosing a guest editorial written by Dr. Steve Seninger, an economist at the University of Montana. Many have raised concerns about allowing these transports to travel over Montana roads. Dr. Seninger's commentary doesn't just raise concerns: his considerable expertise provides us with very specific questions about the analysis that has been done thus far by the Montana Department of Transportation.

1 { Although I don't have Dr. Seninger's professional background, I can certainly understand the ramifications of the issues he raises. In addition, given the recent debacle in the Gulf of Mexico, I am surprised and alarmed about the possibility of proceeding with an energy-related project that has the potential to damage our state both economically and environmentally. Are we really thinking this through while there is still time to do so?

2 { I also have concerns that extend beyond our borders. It seems to me that in our desperation we will take unconscionable risks in order to extend our fossil fuel-related lifestyle. By permitting these transports, we are participating in a project that will have grave consequences for global warming. According to Dr. Joseph Romm, head of the Office of Energy Efficiency and Renewable Energy in the Clinton Administration and author of *Hell and High Water: Global Warming, the Solution and the Politics*, "... this process generates two to four times the amount of greenhouse gases per barrel of final product as the production of conventional oil. If combustion of the final products is included, the so-called "Well to Wheels" approach, oil sands extraction, upgrade and use emits 10 to 45% more greenhouse gases than conventional crude." I hope that citizen action in Canada and around the world will have the power to stop this development. In the meantime, Montanans have the power to refuse to collaborate.

3 { I urge you and the Department of Transportation to reconsider your analysis. More thought and more public input are urgently needed. The decisions we make now will affect not only our local economy and environment but future generations everywhere.

Sincerely,


Suzanne Sherman Aboulfadl

ABOULFADL, SUZANNE
SHERMAN

1. See response to Common Comment H2, L, and M.
2. See response to Common Comment E1.
3. See response to Common Comment F1.

Economic analysis of big rigs misses hidden costs The hidden costs of big rigs to Montana
Guest column by STEVE SENINGER

The Montana Department of Transportation is about to open up parts of Montana's scenic highways to massive oil equipment modules, referred to as "big rigs." Unfortunately, the economic analysis used in MDT's environmental assessment process does not recognize all costs that will be borne by Montana taxpayers and employers. Several major cost impacts are either assumed away or ignored. This lack of credible and comprehensive cost analysis is especially serious since MDT's authorization of the project may be extended to other oil companies, establishing a de facto industrial transportation corridor along western Montana rivers and highways.

MDT is touting this proposal as a job creation stimulus; however, the environmental assessment (Kearl Transportation Module Project, www.mdt.mt.gov) lacks credible, systematic analysis of the actual jobs that would be created for Montanans. The assessment estimates 150 Montana jobs from one-time-only modifications to highways and auxiliary shipment activities. The other job estimates are already employed workers, including those employed by out-of-state firms. MDT's assessment fails to balance its claimed positive economic impact with significant associated costs to Montanans. It assumes no job or business revenue losses in Montana's outdoor recreation and tourism industry; no costs due to big rig accidents, and no long-run costs for MDT's review, supervisory and road maintenance expenditures on the project.

Jobs in Montana's outdoor recreation and tourist industry are based on the attractions of our scenic outdoors, mountains, and forests. Tourist survey data show that visitors to Montana come for mountains and forest, open spaces and wildlife, and cold water streams full of trout. Surveys also show visitors give our state high scores for road conditions and environmental stewardship.

The mammoth oil equipment modules transported by a Dutch-based company will be up to 210 feet long, 30 feet high, and 24 feet wide and will, according to the MDT report, require significant highway construction and modifications along the scenic Loscha and Blackfoot river corridors. The report assumes no adverse effects on Montana's streams or on the state's outdoor recreation/tourism industry. Potential reductions in out-of-state visitors from the project would lead to job losses in the \$4.3 billion outdoor recreation/tourism industry.

The loss of visitors will impact many western Montana businesses, including motels, restaurants and outfitters, and small employers that depend on recreation-tourism travelers. In Missoula County alone, outdoor recreation/tourist spending represents 2,200 jobs and \$34 million in payrolls annually. Such jobs and wages are assumed to be completely unaffected by the big rigs.

MDT assumes zero accident risk for the 170-ton big rigs. This no-accident assumption is particularly questionable since the 200 shipments, slated to begin this September, will run year-long over Lolo Pass, through Missoula, up the Blackfoot, over Rogers Pass and up along the Rocky Mountain Front to the Canadian border. Visualize a 170-ton big rig on Montana's two-lane, rural highways in just a modest winter snow storm. A

comprehensive analysis would allow for potential major accidents and adverse impacts on human life, wildlife and the environment. Accidents would impose cleanup costs, law enforcement and emergency responder costs and traffic routing issues on the two lane highways, costs that would fall on local governments and taxpayers.

A third omission is the lack of explicit cost accounting for MDT's resources provided in the planning stage and a credible projection of such costs over the project timeframe. MDT is already spending taxpayer dollars which are not calculated in the environmental assessment. The analysis states that "MDT will cover costs of review of permit applications, review of the EA, construction oversight and normal obligations for road maintenance." These costs are ultimately paid by Montana taxpayers with the "normal obligations for road maintenance" potentially becoming quite significant. These omitted costs paid by Montana taxpayers represent a subsidy to ExxonMobil's tar sand operations in Canada.

A comprehensive, programmatic review of all social, economic and environmental impacts and their costs should be conducted. Such an analysis showing the costs and gains to Montana taxpayers must also include the costs of alternative transport routes through Canada. The inadequate assessment conducted thus far does not answer these questions and is insufficient to make a decision with such far reaching effects on our economy and environment.

Steve Seninger is a Ph.D. economist with more than 40 years of professional background in economic impact and cost analysis.

ADRIAN ARLEO

9495 LOLO CREEK ROAD, LOLO, MT 59847 406.273.4620

aarleo@gmail.com

May 1st, 2010

Dwayne Kailey
Tom Martin
Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

RECEIVED
MAY 7 2010
ENVIRONMENTAL

RE: Kearn Module Transportation Project

Dear Mr. Kailey & Mr. Martin:

Please enter these comments into the public record for purposes of the public input process for the Environmental Assessment for the above referenced project.

1 { I am very concerned that the MDT would permit this project to take place in Montana with such a cursory review which limits the assessment of environmental impacts to an EA rather than subjecting this to a full Environmental Impact Statement. I cannot understand how, since this is a multi-state project which takes place on highways supported by federal funding, the requirements of NEPA are satisfied when the project is segmented and Montana is reviewed solely under MEPA.

2 { Another major concern is that the KMTP project has been reviewed only with respect to this hauling project with the premise that it will be 12 month project. There is every indication that, if this is approved, it will result in a permanent High/Wide industrial corridor through Idaho and Montana. Any environmental review for this project must take the possibility for permanence of this route into consideration. Once these highways have been modified for the KMTP project, the door is wide open. The modifications will have been made and consideration for subsequent permits will be limited to issues such as weight limits and traffic delays, making the permitting process little more than a formality.

3 { With specific reference to Highway 200 along the Blackfoot River, and Highway 12 along Lolo Creek, much of the proposed highway is completely unsuited to become a permanent, industrial haul corridor. Such a corridor, whether temporary or permanent, will adversely impact some of our most scenic highways and rivers in our state, not to mention the potential harm to wildlife and aquatic life. These roadways are not appropriate for loads of this length or width, regardless of the number of new turnouts that are constructed. With regard to turnouts, It is difficult to visualize how turnouts and parking areas can be expanded and newly constructed, particularly along river banks, without significant environmental degradation. The EA simply pays lip service to these construction concerns and assumes that building these new facilities will address numerous issues without truly assessing the impacts of the construction along these scenic and ecologically fragile corridors.

Tourism is a major industry for Montana, particularly the western part of the state. The impacts to this driver of our economy have not been addressed as is evidenced in Table 1, Summary of Effects and Section 6, Economic and Community Impacts. The EA only assesses the impact of

ARLEO, ADRIAN

1. See responses to Common Comments A and B.

2. See responses to Common Comments K and C2.

3. See responses to Common Comments O, J and I.

4 { one time and short term money being spent in the state. There has to be consideration that this road will very negatively impact the appeal of the Blackfoot River and Lolo Creek routes as scenic byways that attract many visitors to local businesses. Nor does the review address the impacts of construction delays, accident delays, inconvenience created by the large rigs and impaired access to rivers and trails. The impact to Montana's outfitters could be significant, but the EA does not address that or any of these economic impacts.

- 5 { There are numerous other shortfalls in the EA, including:
- 6 { It does not address the potential impacts on delivery of emergency services along the route.
 - 7 { All alternative routes that were examined were deemed to not be feasible, based incorrectly on economic considerations. In other words, Montana is being asked to bear the burden of accommodating the transport of these oversized modules to save Imperial Oil money. That is not the job of Montana citizens or agencies.
 - 8 { The most consistent methodology used throughout the EA is the pattern of simply making a determination of no impact; therefore, no mitigation is required. This approach is completely contrary to the purpose of the environmental review process, whether under the auspices of the State or the Federal government.
 - A 30 day comment period for a project of this magnitude is inadequate. The State of Montana owes its citizens far more respect than is being displayed with this project.

9 { I urge the Montana Department of Transportation to require that a full Environmental Impact Statement for the Kearsarge Module Transportation Project be completed prior to any action being taken. The EIS must include a real evaluation of alternatives, unlike the treatment in the current EA, and must address the true environmental, economic and community impacts of a permanent Industrial High/Wide Haul Corridor.

Sincerely,



Adrian Arleo
9495 Lolo Creek Rd.
Lolo, MT 59847

- 4. See response to Common Comment M.
- 5. See response to Common Comment H3.
- 6. Comment noted.
- 7. See Section 3.13 of the EA where mitigation for all activities is specified.
- 8. See response to Common Comment F1.
- 9. See response to Common Comment B.

ARMSTRONG, JERRY AND DAWN

RECEIVED

MAY 10 2010

ENVIRONMENTAL

2840 Santa Fe Ct
313
Missoula, MT
59808

Tom Martin;

Just a note to tell
you we ARE very much
supporting the "Big Rips"
coming through Missoula.

1 Missoula will be helped
financially - which we
need - especially with
so many busines' going
out.

Thank you - for your
time in reading this.

JERRY and DAWN
ARMSTRONG

1. Comment noted.



Comment form

Project name: Kearsarge Transport Project EA
 Control Number: CN 6800
 Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
 Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Debra L. Ball-Girop
 1417-Old Hwy 91 - P.O. Box 492
 Cascade, MT 59421
 ladylake@yahoo.com

Comments: If the Roads, turn-outs, and traffic Control put Montana people to work, plus the Companies involved pay for Road improvements what is the gripe! Wake-up this is a prime time for Montana to become a major player in the Transportation Arena.

The Companies involved must obey Montana's MDT Environmental laws. I have great faith in the people who work at MDT Environmental Dept.

Sincerely
 Debra L. Ball-Girop

BALL-GIOP, DEBRA

1. Comment noted.

Glenda Barnes
P.O. Box 955
Three Forks, MT 59752

5/2/2010

re: Canadian Tar Sand Dev.

1 { Please enforce a full environmental impact statement before ~~is~~ a permit is issued to transport tar sand drilling & digging equipment across Montana to Canada for the Imperial Oil Co.

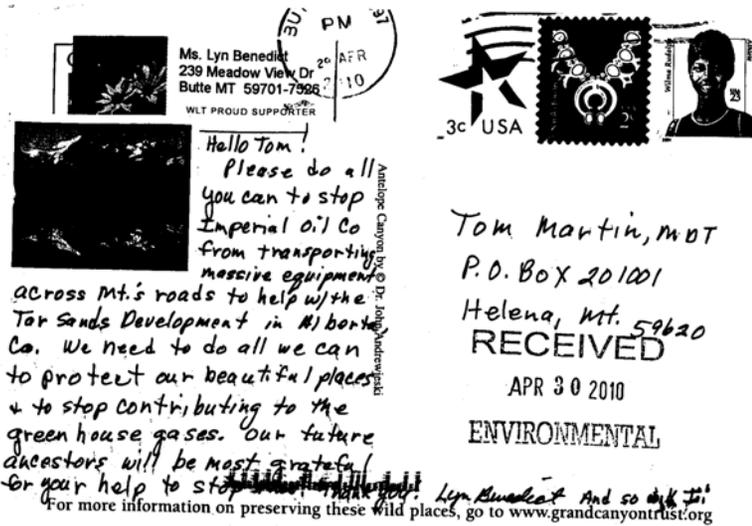
2 { There are potential devastating cumulative environmental impacts of tar sands development, especially as it contributes to global warming. Montana has no place in supporting Canada's desire to produce huge amounts of green house gases by developing tar sand mining.

Stop this now! Glenda Barnes

BARNES, GLENDA

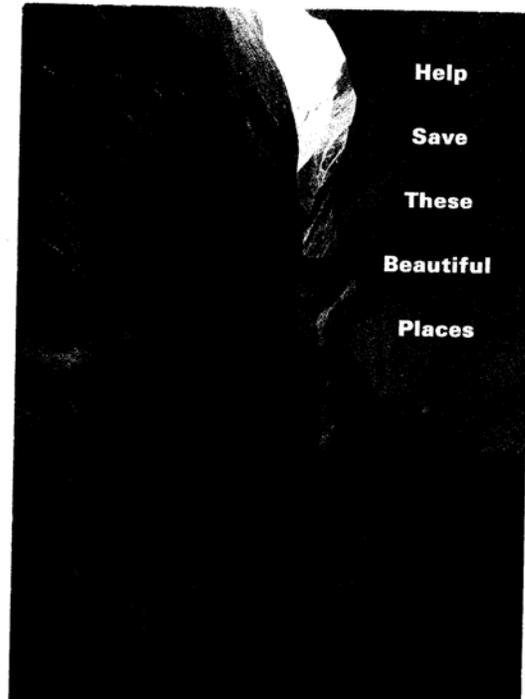
1. See response to Common Comment B.

2. See Common Comment E1 and P



BENEDICT, LYN

1. See responses to Common Comments E1 and P.





Comment form

RECEIVED

MAY 13 2010

ENVIRONMENTAL

Project name: Kearsarge Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

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Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Kristine Berntsen
1212 1st Ave. No. Great Falls, MT 59401
Krissybe23@Aol.com
LIUNA 1686

Comments: Pro-Project of Imperial Oil/KEARL module Transp.

- A) Improvement of Montana infrastructure
- B) Increase of local employment from utility • environmental • MDT
- C) Economic Increase of 1.5 million to 67.8 million
- D) minimal to NO environmental impact through sensitive areas
- E) All work will be done @ Imperial Oil's expense

BERNTSEN, KRISTINE

1. Comments noted.

RECEIVED

MAY 7 2010

ENVIRONMENTAL

Dear Mr Martin,
We are hearing that massive Mining Equipment is being planned to be moved thru out part of the state of Montana.

I am writing to urge you to prepare a full environmental impact statement, not just an assessment before it issues a permit ^{to} this transport.

We need to be taking care of our planet.

Thank you for your consideration;

Dave Bishop
1071 Mallard Rd Brady, MT 59416

BISHOP, DARES

- 1. See response to Common Comment B.



MAY 14 2010
 ENVIRONMENTAL
 Comment form

Project name: Kearsley Module Transport Project EA
 Control Number: CN 6800
 Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
 Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

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The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Rebecca Boyett
 502 Main St.
 P.O. Box 64
 Ovando, MT 59854

1. Comments: I do not think the EA has adequately addressed the issue of emergency services. I live in Ovando very near the Fire Department. However, if I had a fire in the night and the modules were between pull-outs, the volunteer firemen might not be able to get in to the firehall to get the fire truck out. Almost all our firemen live out of the town itself. The delay for getting them into the trucks could make the difference in whether my house could be saved or a total loss. This is not idle speculation, as I know of at least 3 night fires in the area that have taken out barns, garages and sheds with danger to houses. This could be true for all the volunteer fire departments along the route. Please extend the public comment period and address this issue.
 Rebecca B. Boyett

BOYETT, REBECCA

1. See response to Common Comment H3.

RECEIVED

MAY 17 2010



ENVIRONMENTAL Comment form

Project name: Kearsley Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 28, 2010
Location: Lincoln School, 808 Main St., Lincoln, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Sara Boyett - (homemaker, Ovando, and driver of Hwy 200 weekly to Missoula)
502 Main, P.O. Box 44
Ovando, MT 59854
sara.boyett@blackfoot.net

p. 1 of 4

Comments: I would like to address several concerns I have with the EA and then share with you concerns I have about the process the MDT has used in this permitting process. I hope that you will give them your sincere consideration.

I share, with many others, fears that the provisions for emergency services have not been adequately addressed. Fire and medical emergencies can't be met with "only a ten minute wait." When you factor in that so much of this project will be in winter where the weather can mean even more delay, this is not acceptable.

Another major problem I have with this proposed route is the way it will alter these beautiful scenic routes on highways 12, 200 and 89 and 387.

BOYETT, SARA

1. See response to Common Comment H3.

2. See response to Common Comment J.

Sara Boyett
Comment on
Kearl Module Transport
p. 2

The enlargement of existing pull outs and the construction of 50 some new ones is going to have an enormous impact on these routes.

3 { I'm sure once opponents of this plan start parking vehicles in the pull outs as a form of protest, then signs with "No Parking" and threats of fines and jail, will go up at each pull out. Is this what tourists, and those of us who live along and drive these roads want? NO!

4 { While I am not an economist (I am a historian) I can say as an interested reader of the EA, I see serious deficiencies in the computing of the economic benefits v. the negative impacts. Tetratic seems to have asked and answered many questions except the biggest, and to the people who drive these routes - the most important one: "What will be the long-term impact to the over-all experience of driving these scenic jewels of highways we have here in Montana?" I do not think "No Impact" is an honest answer.

Which brings me to my remarks about the process the MDT is using to involve the public in this process. The most frustrating aspect is the Department's

3. Comment noted.

4. See response to Common Comment I.

Sara Boyett
comment, Kears
p. 3

5 { assertion that it can only deal with this application and cannot speculate whether this route, if permitted, will become a future High-Wide Truck route. While this may be true in a strictly narrow and legal way, it completely fails to address the very real fear that people have that it will, indeed, become permanent. Director Lynch's assurances that any future permit requests will have to go through the same scrutiny is cold comfort if future companies do exactly as Imperial Oil has done, and once the road modifications are made, what is there to prevent every large corporation that wants to lower their labor costs by hiring Asian firms from being able to use it? I don't think the intent of environmental review laws is to forbid the NDOT to look at the long term big picture.

There are several other problems I have with the public involvement portion of this project. While I applauded Imperial Oil's efforts to meet with the various governmental units whose jurisdiction this route crosses, I have been disappointed that the public at large was not made aware that these meetings took place. If our Powell County Commissioners had any public input on this

5. See response to Common Comment K.

Sara Boyett
comment, Kears
p. 4

issue before or after they met with Imperial Oil, I am not aware of it.

6 I find fault with MDOT for not better publicizing the public hearings that took place in Cut Bank and Lincoln. While there was public notice in the Missoulian for the meeting in Missoula, it was difficult for those who live along Highway 200 to learn about the Lincoln meeting. A public notice from MDOT to be put up on the Post Office bulletin boards would have helped.

7 My final and strongest criticism of the MDOT is handling of this process is the extremely short time the public has had to read, digest, and respond to this long EA document. While the law may provide for the ordinary 30 day comment period, common sense would indicate that this is not an "ordinary" project, but one of unprecedented magnitude and enduring future impacts. Of Director Lynch is sincere (and I believe he is) that you want to know the public's concerns, then please extend the public comment period by at least another 60 days and require a full EIS. This is too important not to get it right. Thank you for your consideration of my comments.

Sara Boyett

6. Comment noted.

7. See responses to Common Comments F1 and B.



Comment form

RECEIVED
MAY 6 2010
ENVIRONMENT

Project name: Kearsarge Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 28, 2010
Location: Lincoln School, 808 Main St., Lincoln, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

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The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Bob Bushnell Box 392 Lincoln Mt 59639
4315 414 Rd

1 { Comments: *I see no problems with the movements, and no ill effects to the environment. The pullouts ~~will~~ should be left so they can be used by traffic after the project.*

BUSHNELL, BOB

1. Comment noted.

Tom Martin
Montana Department of Transportation
P. O. 201001
Helena, Montana 59620

Dear Mr. Martin:

- 1 { I am writing to share my opposition to using the 350 mile route from Lolo Pass to the Canadian boarder to ferry oversized oil equipment. I am opposed to the disruption of travel and damage to the two lane road systems.
- 2 { I am opposed, in general, to tar sands mining because of irreversible impacts to the environment and public health. This includes production of greenhouse gasses, harmful air quality particulates, and harm to water quality.
- 3 { Please consider the cumulative environmental impacts of tar sands development. Please prepare a full environmental impact statement before issuing a permit to transport.

Thank you for your consideration,



Margaret Ann Butcher
3429 8th Avenue North
Great Falls, Montana 59401

BUTCHER, MARGARET ANN

1. See response to Common Comment L.
2. See response to Common Comment E1 and P.
3. See response to Common Comment B.



Comment form

Project name: Kearsley Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 28, 2010
Location: Lincoln School, 808 Main St., Lincoln, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

CHRIS CASTAGNE
P.O. Box 274
502 Stemple PASS Road
Lincoln Mont. 59639

Comments: I support this project 100%
The state of Montana should roll out a red carpet and help these people any way we can. These people are actually bringing money to this jobless state that does not come out of my taxes, imagine that.
I have had to witness our Local environmental Bunch inflicting as much disrespect and grief possible on these folks, JUST Because they don't like Miners? Totally embarrassing!
Thank goodness our County Commissioners and even our Governor has supported this project.
Do you suppose they have noticed The poverty this state is in? Lets hope we see more of these kinds of Projects. Sincerely, Chris Castagne 5-5-2010

CASTAGNE, CHRIS

1. Comment noted.

April 29, 2010

Dwayne Kailey
Tom Martin
Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

RECEIVED
MAY 7 2010
ENVIRONMENTAL

RE: Kearn Module Transportation Project

Dear Mr. Kailey & Mr. Martin:

Please enter these comments into the public record for purposes of the public input process for the Environmental Assessment for the above referenced project.

1 { I am very concerned that the MDT would permit this project to take place in Montana with such a cursory review which limits the assessment of environmental impacts to an EA rather than subjecting this to a full Environmental Impact Statement. I cannot understand how, since this is a multi-state project which takes place on highways supported by federal funding, the requirements of NEPA are satisfied when the project is segmented and Montana is reviewed solely under MEPA.

2 { Another major concern is that the KMTP project has been reviewed only with respect to this hauling project with the premise that it will be 12 month project. There is every indication that, if this is approved, it will result in a permanent High/Wide industrial corridor through Idaho and Montana. Any environmental review for this project must take the possibility for permanence of this route into consideration. Once these highways have been modified for the KMTP project, the door is wide open. The modifications will have been made and consideration for subsequent permits will be limited to issues such as weight limits and traffic delays, making the permitting process little more than a formality.

3 { With specific reference to Highway 200 along the Blackfoot River, and Highway 12 along Lolo Creek, much of the proposed highway is completely unsuited to become a permanent, industrial haul corridor. Such a corridor, whether temporary or permanent, will adversely impact some of our most scenic highways and rivers in our state, not to mention the potential harm to wildlife and aquatic life. These roadways are not appropriate for loads of this length or width, regardless of the number of new turnouts that are constructed. With regard to turnouts, it is difficult to visualize how turnouts and parking areas can be expanded and newly constructed, particularly along river banks, without significant environmental degradation. The EA simply pays lip service to these construction concerns and assumes that building these new facilities will address numerous issues without truly assessing the impacts of the construction along these scenic and ecologically fragile corridors.

4 { Tourism is a major industry for Montana, particularly the western part of the state. The impacts to this driver of our economy have not been addressed as is evidenced in Table 1, Summary of Effects and Section 6, Economic and Community Impacts. The EA only assesses the impact of one time and short term money being spent in the state. There has to be consideration that this road will very negatively impact the appeal of the Blackfoot River and Lolo Creek routes as scenic byways that attract many visitors to local businesses. Nor does the review address the impacts of construction delays, accident delays, inconvenience created by the large rigs and

CATES, ROSALIE SHEEHY

1. See responses to Common Comments A and B.

2. See response to Common Comment K and C2.

3. See response to Common Comment O, J and I.

4. See response to Common Comment M.

impaired access to rivers and trails. The impact to Montana's outfitters could be significant, but the EA does not address that or any of these economic impacts.

5 {

There are numerous other shortfalls in the EA, including:

- It does not address the potential impacts on delivery of emergency services along the route.
- All alternative routes that were examined were deemed to not be feasible, based incorrectly on economic considerations. In other words, Montana is being asked to bear the burden of accommodating the transport of these oversized modules to save Imperial Oil money. That is not the job of Montana citizens or agencies.
- The most consistent methodology used throughout the EA is the pattern of simply making a determination of no impact; therefore, no mitigation is required. This approach is completely contrary to the purpose of the environmental review process, whether under the auspices of the State or the Federal government.
- A 30 day comment period for a project of this magnitude is inadequate. The State of Montana owes its citizens far more respect than is being displayed with this project.

6 {

7 {

8 {

9 {

I urge the Montana Department of Transportation to require that a full Environmental Impact Statement for the Kearsarge Module Transportation Project be completed prior to any action being taken. The EIS must include a real evaluation of alternatives, unlike the treatment in the current EA, and must address the true environmental, economic and community impacts of a permanent Industrial High/Wide Haul Corridor.

Sincerely,



Rosalie Sheehy Cates
141 Kensington
Missoula MT 59801

- 5. See response to Common Comment H3.
- 6. Comment noted.
- 7. See Section 3.13 of the EA where mitigation for all activities is specified.
- 8. See response to Common Comment F1.
- 9. See response to Common Comment B.

CHESIN, M

5/4/10

Dear Mr. Martin,
 I trust that you will require a full environmental impact statement of Imperial Oil's for its plans to develop tar sands in Alberta and to send hundreds of oversized trucks over 2-lane highways in Montana.

Sincerely yours,
 M. Chessin
 400 University
 59801 Missoula MT

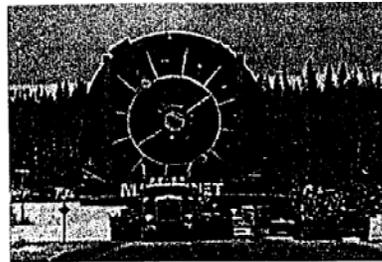
400 University Ave.
Missoula MT
59801



RECEIVED
MAY 10 2010
ENVIRONMENTAL

Tom Martin
MDT
P.O. Box 201001
Helena MT
59620

1



SAY NO TO A PERMANENT INDUSTRIAL CORRIDOR ALONG THE BLACKFOOT RIVER

◀ Note the size of this "high and wide" load next to the logging truck at right

We may soon say goodbye to quiet, pristine mornings on the river. If ExxonMobil has its way, hundreds of gigantic 24-foot-wide trailers carrying massive whole-sized oil refining equipment will soon be grinding up and over mountain passes alongside the Lochsa and Blackfoot Rivers in Idaho and Montana en route to the Alberta Oil Tar Sands in Canada.

Once ExxonMobil's proposed corridor is in place, a permanent "high and wide"

industrial route will be established and open for business. The impact of such massive industry right next to the West's most iconic streams would be devastating to wildlife, water quality, recreation, tourism, and our local rhythm of life.

ExxonMobil is proposing that its enormous equipment be trucked on an almost daily basis for at least a year along the **Wild and Scenic Lochsa River, over Lolo Pass, through Missoula, up the Blackfoot River corridor over**

Roger's Pass and on up to Canada.

The 330,000 pound loads will be 30' high, 24' wide, and 162' long and are destined for the Alberta Oil Tar Sands. With this initial approval in place, corporate giants can continue to use this route for industrial shipping for decades to come.

Mail this postcard to the Montana Department of Transportation and say NO to a permanent industrial corridor in western Montana.

COMMENT DEADLINE MAY 14

DEAR MONTANA DEPARTMENT OF TRANSPORTATION,

I am concerned about the creation of a permanent "high and wide" industrial corridor along some of Montana's most scenic river ways. The environmental analysis of the Kearl Module Transportation Project must not be limited to this one-time proposal since it is clear that the proposed industrial route will be used for decades to facilitate the development of the Alberta Oil Tar Sands.

Please:

- Conduct a programmatic review for the establishment of this permanent industrial corridor;
- Require real alternatives to be considered;
- Provide an economic analysis that accurately weighs the impacts to our recreation and tourism industry;
- Coordinate with DEQ and the federal permitting agencies to properly analyze the transportation project as a whole under both the Montana and National Policy Acts.



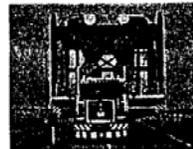
Thank you,

Maureen J. Hanko
signature

printed name

5815 Ellison Ln
address

Flora, MT
city, state zip



CLARK FORK COALITION POSTCARD

The list of names of people who sent this post card is in **Table D-2**.

1. See response to Common Comment C2, D1, D2, M, and A.



Comment form

RECEIVED
MAY 13 2010
ENVIRONMENTAL

Project name: Kearsley Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Shannon Coates Smith
3992 Fawn Meadow Dr.
Helena, MT 59602

1 { Comments: Creating good paying jobs throughout MT.

COATES-SMITH, SHANNON

1. Comment noted.

Lois Covault
7850 Stegner Drive
Missoula Montana 59808
406-728-7778
May 14, 2010

RECEIVED
MAY 17 2
ENVIRONMENT

COVAULT, LOIS

RE: Kearn Module Transport Project

I protest this massive highway project because it would forever negatively change everything in its path including:

- . cutting the town of Missoula in two.
- . sabotaging our economy by establishing a fast speed transport system to bring goods from Asia etc. to an inland seaport and beyond.
- . we have enough unresolved air pollution problems in our tight mountain valleys already.
- . jeopardizing the pristine-ness of Glacier Park and everything downstream - for what? - tar sands (bottom feeding) OIL!!!
- . aesthetics of the mountains - rivers - valleys, and people.
- . homogenizing our region to match other natural resource extraction sites - - - ugly and greedy.

I prefer a "River running through us" to an Orient Express running over us. PLEASE DO NOT GO THERE!!!!!! We have other energy options to pursue.

Honest and Sincerely,



Lois Covault

1. Comment noted.

RECEIVED
MAY 14 2010
ENVIRONMENTAL

Tom Martin
MDT Environmental Services Bureau
P O Box 201001
2701 Prospect Ave.
Helena, MT 29620
Montana Department of Transportation May10, 2010

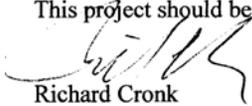
Reference: Karl Module Transportation Project

I am very much in favor of this project. It will provide jobs and improve the infrastructure of the area it moves through.

It will be unique enough to draw more visitors to witness the movement of very large loads than it will cause not to come.

The development of Alberta will also have some spill over effect in Montana that will provide jobs in the transportation and manufacturing industries.

This project should be allowed to proceed.]



Richard Cronk
406-357-4118
Box 846
Chinook, MT 59523
tbarx@ttc-cmc.net

CRONK, RICHARD

1. Comment noted.



Comment form

Project name: Kearsley Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Michael Curran
908 Sherwood MSLA MT 59802
mikecurran@yahoo.com

Comments: I see no problems with this route that they will travel. I support this project.

CURRAN, MICHAEL

1. Comment noted.



Comment form

Project name: Kearsal Module Transport Project EA

Control Number: CN 6800

Meeting date and time: 6:00 p.m., Thursday, April 29, 2010

Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

David Daugter
5600 Ebb way unit A
Missoula, MT 59803

Comments: I support this job for the work it will bring and the many jobs people need.

DAUGHTER, DAVID

1. Comment noted.

From: Pat Dake <205pd@centurytel.net>
Subject: Kearn Module Transport
Date: May 21, 2010 9:43:19 AM MDT (CA)
To: www.mdt.mt.gov

MAY 25 2010
 TRANSPORTATION PLANNING

1 { This transport won't meet federal regulations as to height, weight, and width and should not be allowed to wreck Montana highways that we the people have to finance. It is more than an inconvenience to those needing to be heading for work at 4:00 a.m. And of course I don't believe the 10 minute delays are accurate, that would mean there has to be a lay-by about every 10 miles. How many lay- bys are planned?

2 { And what about the poor people who would end up living near the lay-by, and they can't get any sleep all night long due to the noise from all the traffic stopping near by. You can't put in a decent day's work when you haven't had enough sleep.

3 { I have to wonder about the expense to pay someone to guard these lay- bys from other people using and blocking the lay- bys so the transport has it available for it's use. There are hunters and travelers and tired truck drivers who would see these spots as nice places to pull over for a rest. How much is it going to cost Montana tax payers to guard all these lay- bys for the Transport?

4 { I don't think this Transport project is worth one Montana life. Fire Departments guide Alert Helicopters to landing sites, and 10 minute (or longer) delays can be the difference between life and death.

5 { The construction of all these lay-bys is another inconvenience to the Montana travelers. And I don't believe this can possibly be done in time for a Fall transport. Let Korea build a plant in Canada and build the modules there, or at least land and travel across Canada, Montana can't afford this.

6 { Don't railroad this project through, without figuring out all the costs and inconveniences. Is there any plans for the transport company to pay fines for delays that are longer than 10 minutes?

My email wouldn't go through so here is my letter. I only heard about this a month ago but with no details there was no article in the local paper. I heard about it from a friend in another part of the state. So it is looking to me like, don't inform the public & push this project through before there is time to comment. Is a cost any analysis done? Do you share that with the public.

Pat Dake



DRAKE, PAT

1. See response to Common Comment L and G. See Table 5 in the EA.
2. See section 3.7 of the EA.
3. Comment noted.
4. See response to Common Comment H3.
5. See responses to Common Comments G and D3.
6. The ARM provides for confiscation of permits and/or administrative penalties at 18.8.901 and 18.8.902. See section 2.0 of this Decision Document.

4.29.10

I AM WRITING TO URGE THE MONTANA DEPARTMENT OF TRANSPORTATION TO CONSIDER ALL THE DEVASTATING CUMULATIVE ENVIRONMENTAL IMPACTS OF TALSANDS DEVELOPMENT, AS WELL AS THE EFFECTIVE OF GIANTIC TRUCKS TRAVELING THE 350-MILE ROUTE THROUGH MONTANA FROM LOCO PASS, THROUGH MISSOULA AND HELLGATE CANYON PICTURE HOLE, AND NORTH TO THE CANADIAN BORDER NEAR SHELBY. TALSANDS MINING WILL PRODUCE APPROXIMATELY 116 TONS OF GREENHOUSE GASES EACH YEAR; MORE BY A FACTOR OF 3 THAN CONVENTIONAL OIL PRODUCTION. TALSANDS MINING ALSO REQUIRES THE CLEARING VALUABLE OLD-GROWTH FORESTS AND SEVERELY HARMING WATER QUALITY. THE PASSAGE OF THE TRUCKS THROUGH MONTANA, BEARING THE EQUIPMENT FOR THE MINING WILL SEVERELY DISRUPT TRAVEL AND COMMUNITIES ACROSS A GOOD CHUNK OF MONTANA. PLEASE PREPARE A FULL ENVIRONMENTAL IMPACT STATEMENT, NOT JUST AN ENVIRONMENTAL ASSESSMENT BEFORE ISSUING A PERMIT TO TRANSPORT THESE COLLOSAL TRUCKS ACROSS THE STATE. THANKS, AND HAPPY SPRING.

SINCERELY,
JOHN

DUNKUM, JOHN

1. See responses to Common Comments E1 and P.
2. See response to Common Comment G.
3. See response to Common Comment B.

Dear Montana Dept of Transportation -

I am concerned about the creation of a "high + wide" industrial corridor along some of Montana's most scenic river ways. The environmental analysis of the Kearsal module Project must not be limited to this one-time proposal since it is clear that the proposed industrial route will be used for decades to facilitate the development of Alberta's Oil Tar Sands.

Please -

- 1 { • conduct a programmatic review for the establishment of this permanent industrial corridor
- 2 { • Require Real alternatives to be considered
- 3 { • provide an economic analysis that accurately weighs the impact to recreation + tourism industries
- 4 { • Coordinate with D&Q and the federal permitting agencies to properly analyze the transportation project as a whole under both the Montana + National Policy Acts.

Thank you,

Michelle A. Ellis-Bevil
Michelle A. Ellis-Bevil
3938 SW Elmgrove St
Seattle WA 98136

ELLIS-BEVIL, MICHELLE

Form letter 1.

1. See response to Common Comment C2.
2. See responses to Common Comments D1 and D2.
3. See response to Common Comment M.
4. See responses to Common Comment A.

ENVIRONMENTA

Nicholas D. Exline
3033 Bellevue Avenue
South Lake Tahoe, CA
96150

May 12, 2009

Tom Martin
Montana Department of Transportation
P.O. Box 201001
Helena, MT 59620-100

Subject: Public Comment on KMTP Environmental Assessment

Dear Mr. Martin:

1 { I am writing in regards KMTP EA. After reviewing the EA I urge you to deny Exxon's Imperial Oil proposal to allow for oversized industrial shipments through Lolo Pass (Lolo Trail). As you are aware this area's pristine beauty has remained fairly constant since the days of the Lewis and Clark. Lewis and Clark conducted a portion of their famed exploration through this beautiful country. The proposed industrial shipment through what is a National Historic Landmark and a designated National Scenic Byway is entirely inappropriate and would forever tarnish this beautiful area.

2 { This area is not only known for its beautiful landscapes but for its extensive wildlife, world class fishing and hunting and recreational opportunities individuals travel the world over to enjoy. The small communities surrounding the proposed industrial passage ways economic survival is dependent on maintaining Montana's beautiful landscape. The economic benefits of the proposed plan are primarily enjoyed by foreign companies, but the environmental and economic impacts would be borne by the residents of the state. A serious look needs to be given to the economic hardships to the communities surrounding proposals.

3 { The current EA analysis should consider a full range of alternatives. In addition, given the breadth of this proposal, the state of Montana should also seek a federal analysis through the National Environmental Policy Act that would consider the full and cumulative impacts of this proposed action. Based on the absence of both these factors, I urge your agency to deny Exxon's proposal.

I thank you for your time regarding this matter. Please feel free to contact me with any updates regarding the proposed action.

Sincerely,



Nicholas D. Exline

EXLINE, NICHOLAS

1. Comment noted.

2. See response to Common Comment M.

3. See response to Common Comment A and B.

05/02/10

Dear Tom Martin,

I want to voice my concern about the Tar Sands Production. I am concerned about the negative environmental impacts that Missouri and Montana will be accountable for even after the transportation. The shipments will eventually end but the costs of maintenance of the roads will be significant and carry a burden into the future. Also, I would like to write my opposition against a large destructive operation. I do not want to be a "vehicle" for their continuation.

1 {

I want you to seriously consider deniminate access for transportation for Tar Sands.

Projects like this have detrimental consequences that carry a huge dark shadow.

Sincerely,
Colleen Ferris
Ecology student VN

RECEIVED

MAY 05 2010

TRANSPORTATION PLANNING

FEINS, COLLEEN

1. See response to Common Comment L.

May 6, 2010

Dear Montana Dpt. of Transportation,
 I'm opposed to the proposal of a permanent industrial corridor along the Blackfoot River. I feel that if it were passed it would negatively affect tourism in the state, road safety, the aesthetic bonuses along the roadway, countless environmental issues including water quality, wildlife, and sustainability which would also affect the quality of human life. If the proposal passed it would also underlyingly support the efforts of ExxonMobil in the Alberta Oil Tar Sands, which go against efforts for cleaner, more environmentally friendly energy solutions, not to mention the support of large corporations overruling w/ capitalism at their base. →

1 {

- 2 { I would wish for real alternatives/ ones w/out so many adverse effects.
- 3 { an economic analysis of the impacts of the proposal to our recreation and tourism industry.
- 4 { coordination with DEQ and the federal permitting agencies to analyze the transport. project as a whole under both the Montana and National Policy Acts a programmatic review for the establishment of this permanent corridor.

Thank you for your consideration,

Carly Fetzer
Carly Fetzer

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MAY 10 2010
ENVIRONMENTAL

FETZEL, CARLY

Form letter 1.

1. See response to Common Comments K, M, J, I, O, E1 and P.
2. See responses to Common Comments D1 and D2.
3. See response to Common Comment M.
4. See responses to Common Comments A and C2.



Comment form ENVIRONMENT

Project name: Kearsarge Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

William S. Flanery
1917 East Broadway
Missoula, MT 59802
bflanery@yahoo.com

Comments: 1. Concern for damage to the highways from the large truck-trailers: It was stated by one of the panelists that the gross weight of the truck-trailer and module could be as much as 580,000 lbs. This would be an average of over 41,000 lbs. per axle if there are 14 axles. This could have a damaging effect to the roadways.

2. Maintenance costs after the first year: While Imperial Oil would pay for the cost of improvements, many of these improvements would lead to increased maintenance costs in succeeding years, and no mention is made of how to deal with this.

3. Failure to consider cost of accidents: The EA should address the probability of accidents, both from the standpoint of environmental damage and costs to affected governments and property owners.

FLANERY, WILLIAM

1. See response to Common Comment L.

2. See responses to Common Comments H1 and H2.

April 12, 2010

1 { This Letter is in support of
 Kearl Module transport Project.
 Every Barrel of Crude Oil from
 the Canadian Oil Sand is one
 less we get from the Arabian Heads
 and Venezuela. They HATE us.

2 { Some of the restrictions on
 them could be loosened up.
 Especially the hours of Moving.

RECEIVED
 MAY 17 2010
 ENVIRONMENTAL

Robert Flansaar
 Box 1369
 Trout Creek, Montana
 59874

FLANSAAZ, ROBERT

1. Comment noted.

2. Comment noted.



RECEIVED
MAY 14 2010
ENVIRONMENTAL
Comment form

Project name: Kearsarge Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

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Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Anton Gabrielson
2210 35th St.
Missoula, MT 59801
doacancan2@yahoo.com

Comments: I do not support the project. The EA fails to adequately document the inevitable long-term sustained use that will occur on this corridor. A detailed emergency plan is not specified. The evidence behind impact on water, wildlife, and bridges is not documented in detail. The economic impact of both directions of travel over time is not specific or even present. There is no guarantee that Montanans will be employed, and the costs to the state for, say, highway patrol cars over indefinite time beyond 2011 are not accounted for. The ~70 million dollar benefits to Montana are based off of general multiplier (secondary) estimates, and \$70 million scantily compares to the costs incurred to our economy via damage, delay, emissions (of the sands) impacting our glaciers & snowpack through climate change, and possible accidents. An EIS under NEPA standards is recommended, since the impacts are on a multiple U.S. States and thus of federal proportions.

GABRIALSON, ANTON

1. See response to Common Comment K.
2. See response to Common Comment H1, H2, and H3.
3. See Section 3.6 of the EA
4. See response to Common Comment Q.
5. See Section 3.6 of the EA. See response to Common Comment L, M, P, F1, H1, and H2.
6. See response to Common Comment A and B.

1
2
3
4
5
6

Longer comment period needed
IE 90 days

PAUL GAZZO
330 W. CENTRAL AVE.
MISSOULA, MT. 59801

5/6/10

RECEIVED
MAY 11 2010
ENVIRONMENTAL

DEAR DWAYNE RILEY,

I AM WRITING YOU CONCERNING THE PROPOSED INDUSTRIAL
CORRIDOR ALONG HIGHWAY 12 AND THE BURLYDOTT RIVER.
I AM AGAINST THIS FOR MANY REASONS.

1) THE LOCATION OF THIS FACILITY SHOULD BE CREATING AMERICAN
JOBS, THE US IS JUST BEING USED AS A SHORTCUT TO THE
CANADIAN OIL TRAIL SANDS. THIS FACILITY SHOULD BE
MANUFACTURED IN THE U.S.A., NOT OVERSEAS AND NOT
TRANSPORTED THRU THE U.S.

2) I SPEND QUITE A BIT OF TIME IN CANADA AND AM VERY
CONCERNED ABOUT THE ENVIRONMENTAL DAMAGE FROM MINING
THIS OIL TRAIL IN CANADA. IT IS A VERY DIRTY PROCESS THAT
HAS A LOT OF LIABILITY TO RISKING THE OIL FROM WHAT
I HAVE HEARD MOST OF THIS OIL IS BEING SENT TO
THE U.S. WE NEED TO START ADDING RT CONSTRUCTION
AND RESTRICTIONS FORMS OF ANCHOR TO KEEP OUR COUNTRY
STANDS.

3) I ALSO SPEND QUITE A BIT OF TIME IN THE BURLYDOTT AND
LOLO CORRIDOR AND I KNOW THAT THIS ACTIVITY WILL IMPACT
RECREATIONAL AND TOURIST ACTIVITIES AND INCOME IN THIS
REGION. HAVE YOU TAKEN THIS INTO ACCOUNT?

PLEASE DO NOT DECIDE ON A SHORT TERM FIX THAT DOES
NOT HELP MONTANA AND THE UNITED STATES IN THE
LONG RUN.

SINCERELY,


GAZZO, PAUL

1. See response to Common Comment D3.

2. See response to Common Comment E1.

3. See responses to Common Comments M
and O.

RECEIVE

MAY 17 2010

ENVIRONMENT

GROVES, DARLENE AND JOHN

May 13, 2010

Tom Martin, Montana Department of Transportation
Environmental Services Bureau
PO Box 201001
2701 Prospect Ave.
Helena, MT 59820-1001

Dear Sir,

Re: Kearsarge Module Transportation Project

1 { Our family has lived in Montana for the past 48 years and in that time has become most familiar with the road corridors on which ExxonMobile will be transporting their modules. Because it is one of the most scenic routes and follows some of our mostly pristine Idaho and Montana rivers, we are appalled that this route was chosen. In addition, we are saddened that the Montana Department of Transportation (MDT) does not deem it important enough to prepare a full Environmental Impact Statement.

We have many concerns shared by our three younger families, friends and others who use these routes. They are as follows.

2 { 1. This project and the associated impacts on the environment and the social and economic structures of the state and local areas, is of such magnitude that there must be a full environmental impact statement both on the federal and state levels (NEPA and MEPA) done for the public to review.

The federal government must be involved as this project not only impacts two states, but transcends national boundaries. A National Environment Impact Statement which would include a comprehensive programmatic review of all social, economic and environmental impacts and their costs must be conducted Such an analysis should show the

1. See response to Common Comment B.

2. See responses to Common Comments A and B.

3 { costs and gains to Montana/Idaho taxpayers and should also include the costs of alternative transport routes through Canada. The inadequate assessment conducted thus far does not answer these questions and is insufficient to make a decision with such far reaching effects on our economy and the environment.

4 { A 30 day period for citizen comment or involvement is entirely inadequate for a project of this magnitude. That period must be extended and citizens provided an EIS for full disclosure of the impacts.

5 { 2. Alternative routes - it appears that alternative routes may have been considered by the company, but were dismissed because of miles, bridges, overpasses, power lines and etc. ExxonMobile does have alternatives. They have a good highway system from Prince Rupert to Edmonton which is only approximately 300 miles longer than the Montana/Idaho route. If bridges, overpasses and power lines are a problem, they must be altered or the company needs to break the equipment down into smaller parts.

3. We well remember when the four lane Interstate Highway System was proposed and pushed through. It was touted as the solution for transporting commercial and industrial equipment. The public paid for that, not only in tax dollars, but in loss of farmland, damage to rivers and streams, impacts to small communities and on and on. The Interstate Highway System or the Canadian Highway System should be used as the transportation corridor for this project.

6 { 4. We are not so naive as to believe that the Kearl Module Project will be the only large commercial/industrial endeavor using Highway 12 into Montana. It is just another step by business leaders in Lewiston to justify the "Port of Lewiston". The corporations and businesses of Lewiston lobbied for government funds to dam rivers, build levees and industrial facilities, to make an port hundreds of miles inland. At that time they were advocating that Montana wheat should be transported over narrow and scenic Highway 12 to justify their folly. The people of Montana and Idaho worked to protect the river by advocating it be

3. See response to Common Comment L.

4. See response to Common Comment F1.

5. See response to Common Comment D2 and Common Comment D3.

6. See response to Common Comment K.

classified a National Wild and Scenic River. It must not be put at risk of severe damage to satisfy the greed, short term gain and mania for development at any cost, of those with money and power?

7 {

5. There will be accidents. It is not hard to imagine what the impacts will be when one or more of the “big rigs” go into the Lochsa or the Blackfoot Rivers. Oil will be spilled into the rivers, (witness the present situation with ExxonMobile). And there will be more damage in the process of pulling them out. What damage will be done to all the resources (water, river systems, fisheries, wildlife, scenic values. In addition, there will be costs to taxpayers. The potential risk and damages must be fully disclosed and assessed. To date that has not been done adequately.,

7. See response to Common Comment H3.

8 {

6. The tar sands project out of Fort McMurry is an abomination, an environmental nightmare, and is and will have irreversible impacts on all of us, Canadian and US citizens. We should not in any way enable this project.

It will produce 108-125 million metric tons of greenhouse gases each year. That is more greenhouse gases than conventional oil production by a factor of 3-1. And by burning the tar sands oil it produces more greenhouse gases per barrel than conventional fuel

It will produce excessive levels of harmful particulates that impair air quality.

It will severely harms water quality.

8. Comment noted.

7. How will Montana benefit from this oil? It is thick viscous material that carries many hazards in transport. It will have to be refined. Will Montana be asked to build refineries and deal with the waste?

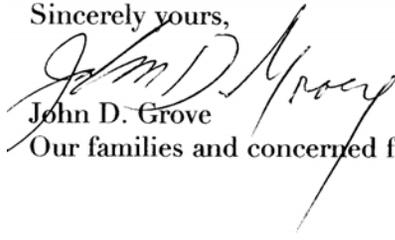
We feel a solution for ExxonMobile is to use the existing transportation system in Canada which allows them to use the Port of Vancouver or Prince Rupert. Either redesign the modules to

9 { accommodate that existing system, or pay to build new bridges, detours around overpasses, move power lines or whatever is needed. It is a Canadian project and should remain there.

In summary, we are extremely concerned that the Governor of Montana, the director of the Department of Transportation and their counterparts in Idaho, do not have the skills, the desire, nor the will to direct this project toward a more acceptable route.

Please enter this letter into the formal file for the Kearsarge Module Transportation Project. We would like to be kept informed on every aspect of this project.

Sincerely yours,



John D. Grove
Our families and concerned friends.



Darlene L. Grove

9. See response to Common Comment D1.

5-12-10

Tom Martin MDT
 2701 Prospect Ave.
 P. O. Box 2001001
 Helena, Mt. 59620

RECEIVED
 MAY 14 2010
 ENVIRONMENTAL

Subject - Big Rigs

Hi Tom,

Let the big rigs roll, as long as they meet bridge weight laws.

The 47+ million dollars will help our economy a bunch.

The doom & gloomers are always pessimistic about anything and everything. I think it is great that we can help our neighbors to north. We may benefit from it some day.

I'm sure they will meet all safety and environmental rules.

I will be very excited if it flies and goes well.

Sincerely
 Fred L. Guenzler - retired
 173 Luby Lane
 Florence, Mt. 59833

GUENZLER, FRED

1. Comment noted.

April 30, 2010

Tom Martin
MDT Environmental Services Bureau
P.O. Box 201001
2701 Prospect Ave.
Helena, MT 59620

Re: Big rigs

Dear Sir,

Why are we in Montana wasting resources on a Canadian and Exxon problem?

1 { Put the "big rigs" back on the ship and float them to a Canadian port. From there Canada and Exxon can work out the logistics of over land transport and placement. These are issues that should have been worked out long before the arrival in North America!

Montana is a large state with a small population and many roads to maintain. Do not put the "big rigs" on our roads!!

Yours,



Marie L. Hall
1005 Cherry St.
Missoula, MT 59802

HALL, MARIE

1. Comment noted.



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

RECEIVED

MAY 14 2010

MT DEPT. OF TRANSPORTATION
DIRECTOR'S OFFICE

RECEIVED

MAY 17 2010

TRANSPORTATION PLANNING

COMMITTEES:
STATE ADMINISTRATION
NATURAL RESOURCES
LOCAL GOVERNMENT VICE CHAIR

REPRESENTATIVE BETSY HANDS
HOUSE DISTRICT 99

HELENA ADDRESS:
CAPITOL BUILDING
PO BOX 200400
HELENA, MONTANA 59620-0400
PHONE: (406) 444-4800

HOME ADDRESS:
1337 SHERWOOD STREET
MISSOULA, MONTANA 59802
PHONE: (406) 721-3881

May 11, 2010

Director Jim Lynch
Montana Department of Transportation
2701 Prospect Avenue
Helena, MT 59620

Re: Public comment for Kearsarge Module Transportation Project, EA

Dear Director Lynch:

Thank you for taking time to meet with our delegation on Monday to talk in more depth about the Kearsarge Module Transportation Project. It was very disappointing to hear that Department of Transportation did not determine through the EA scoping process that an EIS was warranted. I am writing to express not only my concern but also a request.

1 { First and foremost, I have been approached by constituents and respected leaders in Missoula to comment on the short period of public comment, the lack of the preparation of an EIS in this public scoping process as well as the public safety aspect of large oversized trucks traveling along our scenic rivers on narrow roadways. At the meeting last night, you commented that you were complying with MEPA and its timeline for public comment. Given the clear concerns for public safety, economic impact (regarding our long-term tourism), and possible environmental impacts, I would ask that you seriously consider extending the timelines as described in Chapter 75-1-208 (5).

An agency may extend the time limits in subsection (4) by notifying the project sponsor in writing that an extension is necessary and stating the basis for the extension. The agency may extend the time limit one time, and the extension may not exceed 50% of the original time period as listed in subsection (4).

STATE REPRESENTATIVE HD 99 –
BETSY HANDS

- 1. See response to Common Comment F1.

A 30-day comment period for a project of this magnitude is not acceptable. The Kearl Oil Sands Project is expected to be active through 2060; and if this does become an accepted Industrial High/Wide Haul Corridor, it could be used for many years to come. An extended time period would allow people living near the corridors to consider and comment on whether the Kearl project has sufficiently answered questions in their EA about the significant impacts on the quality of the human environment and the cumulative effects of creating a high and wide trucking corridor. Also, due to the limited scope of the EA, MDT cannot properly determine the impacts of the proposed action on the human environment, including but not limited to water resources, fish and wildlife, the transportation system, and the local economies and communities along the proposed route.

2

2. Comment noted.

I believe that there is sufficient evidence that MDT should have prepared an EIS. MDT could reject the EA for not including a review of all social, economic and environmental impacts of this project as well as the cumulative effect that can be expected due to the nature of the Kearl Oil Sands project. For example, the EA does not address the potential impacts on delivery of emergency services. When one looks at the proposed route, there are instances where the presence of one of these haulers could delay emergency vehicles for long enough to cause serious damage or fatalities due to the inability to get to the scene of an incident or transport a patient to medical services. If this review is confined just to Missoula, access from the Bitterroot Valley and from the Seely/Swan and Blackfoot Valleys are extremely vulnerable. This impact requires consideration and any plan must address how these impacts would be mitigated.

3

3. See responses to Common Comments B and H3.

According to MDT's MEPA rules, and in particular 18.2.239, Department of Transportation can request much more information pertaining to the impacts of the Kearl project. See details copied from MEPA's Preparation and Contents of Environmental Assessment:

(d) an evaluation of the impacts, **including cumulative and secondary impacts**, on the physical environment. This evaluation may take the form of an environmental checklist and/or, as appropriate, a narrative containing more detailed analysis of topics and impacts that are potentially significant, including, where appropriate: terrestrial and aquatic life and habitats; water quality, quantity, and distribution; geology; soil quality, stability, and moisture; vegetation cover, quantity and quality; **aesthetics**; air quality; unique, endangered, fragile, or limited environmental resources; historical and archaeological sites; and demands on environmental resources of land, water, air and energy;

(e) an evaluation of the **impacts, including cumulative and secondary impacts, on the human population in the area to be affected by the proposed action**. This evaluation may take the form of an environmental checklist and/or, as appropriate, a narrative containing more detailed analysis of topics and impacts that are potentially significant, including where appropriate, social structures and mores; cultural uniqueness and diversity; access to and quality of recreational and wilderness activities; local and state tax base and tax revenues; agricultural or industrial production; human health; quantity and distribution of employment; distribution and density of population and housing; demands for government

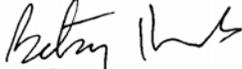
services; industrial and commercial activity; locally adopted environmental plans and goals; and other appropriate social and economic circumstances;

4 { I would also like to point out that if MDT agreed that there are significant concerns affecting the quality of the human environment, MDT is required to prepare an EIS from the start. According to MEPA ARM 18.2.237 GENERAL REQUIREMENTS OF THE ENVIRONMENTAL REVIEW PROCESS

- (1) The agency shall prepare an EIS as follows:
 - (a) whenever an EA indicates that an EIS is necessary; or
 - (b) whenever, based on the criteria in ARM 18.2.238, the proposed action is a major action of state government significantly affecting the quality of the human environment.**

5 { While you may not agree with my assessment of MEPA guidelines, Administrative Rules of Montana, MDT's role in determining the need for an EIS and a longer comment period, I have one final request. When we spoke on Monday, you mentioned that the MDT can review the social benefit of the pull outs at the end of the permit. If your department determines that they are not necessary, then MDT can require the Kearn Corporation remove the pull outs and restore to the areas to their natural state. I am asking that you take your offer to heart and truly review the need for these pull outs at the end of their one-year permit. If they are not being used to a great extent, then have them removed. This would be an important promise to keep and would ease many people's concerns of the long-term cumulative impact of an active, high and wide corridor through our most scenic and vital roadways that support our quality of life and a multi-million dollar tourism industry.

Sincerely,



Betsy Hands
Representative HD 99

Cc: Dwane Kailey, P.E.
Chief Engineer, Montana Department of Transportation

4. See response to Common Comment B.

5. MDT will review the need for the turnouts following completion of the project.



Comment form

Project name: Kearsarge Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Mark L. Hanson
P.O. Box 17245 Missoula MT 59808
7757 Bear Ln. Missoula MT 59808

Comments: I feel any activity will generate demand for goods + services. also generate tax revenue

M. L. Hanson

HANSON, MARK

1. Comment noted.



Comment form

RECEIVED
MAY 13 2010
ENVIRONMENTAL

Project name: Kearsarge Transport Project EA
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Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
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Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Robert Hanson
5702 Sunset Rd
Helena mt 59602
Hanson@wildblue.net
59602

Comments:

HANSON, ROBERT

No comments included.

April 30, 2010

Dear Mr. Martin

I urge the Montana Department of Transportation to forbid the transport of the massive tar sands equipment across Montana. The tar sands mining going on in Alberta is a horrible environmental disaster. It is irreversibly destroying the land and produces millions and millions of metric tons of greenhouse gases.

In the name of sanity, and of human morality, let us not be complicit in this egregious assault upon the earth.

John Hay

HAY, JOHN

1. See responses to Common Comments E1 and P.

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MAY 7 2010

ENVIRONMENTAL

6125 Mercier Lane

Evans, MT. 59808

April 30, 2010

Montana Dept. of Transp
Helena, MT.

Dear Sir:

I wish to comment on the Big Rig Transfer Proposal. At this time I'm opposed to allowing transport of these loads across Montana roads. Its primary a benefit to Canada and I believe they should bear the expense and inconvenience I'm confident Exxon Mobil can haul these loads from Vancouver to the tar sands area in Alberta using existing roads, with improvements

To go through Idaho and Montana would require fairly extensive work to the highways and bridges, degrading the scenic attractiveness along the Lochsa and Blackfoot rivers. And I'm not completely assured no lasting damage will be done to bridges and road beds. And of course there's the thought this is only the first of such projects contemplated by Exxon and other firms to haul massive loads over highways never designed for such.

Finally I'm not sure we are so desperate for oil at present that we need to consider such development. At some future time we may need to permit operations of this scale but for now I request the State to say No to this proposal.

Very truly yours,
Robert C. Hayes

HAYES, ROBERT

1. See response to Common Comment D1.
2. See the responses to Common Comments J and L.
3. See response to Common Comment L.
4. Comment noted.

5/8/2010

ENVIRONMI

To: Tom Martin, MDT Environmental Service Bureau, PO Box 201001, 2701 Prospect Ave. Helena, MT 59620

Subject: Kearl Module Transportation Project EA

Comments:

- 1) I can not support this proposal in either Idaho or Montana.
- 2) The oversized equipment being hauled facilitates oil-sand extraction in Alberta, Canada within existing boreal forests. This operation is destructive to native fish, waterfowl, mammals and Native Peoples.
- 3) Oil-sand extraction uses strip mining and injecting steam underground which requires road construction and underground, natural gas line construction .
- 4) One proposed, haul route for oversized loads uses Idaho State Hwy 12 which parallels the Lochsa Wild and Scenic River and its associated corridor, passing through Idaho backcountry adjacent to the Selway-Bitterroot Wilderness. The Lochsa River is wild, clean and provides recreational opportunities which benefit local communities. Its pure water is exemplary of those sources in wild and undisturbed lands which have been Federally protected for future generations of Americans. Its water quality must be protected from cross country travel on US 12. Freightng materials along the River has proven disruptive and destructive as fuel spills are not uncommon, even with loads that meet state highway requirements. Existing pullouts serve those users. Increasing the number of turnouts will require construction activites which may well lead to reduced water quality during construction and from erosive forces after construction. Fill spilling into the river affects water hydrolics, which detract from the wild character of the River.
- 5) Oil-sand extraction in Alberta has been proven to reduce water quality where spent, mine pits fill with water that is toxic. Mining operations eliminate boreal wetlands which purify water resources and are home to nesting and migrating birds. Abnormal death rates of fish and amphibians, tadpole deformities and restricted duck growth which reduces their chance for survival are proven results of water resource pollution. The native forest has been bulldozed as "over burden" for mining operations. Once shallow subsurface oil is removed, the company turns to injecting steam underground to force oil to the surface. Associated roads and buried natural gas lines break forest connectivity and caribou travel routes as well as making some bird populations more vulnerable to predation. Scientists predict that Alberta caribou herds are declining and could disappear in less than 40 years w/o intensive management activities, an expense born by local residents and potentially accelerated with oil-sand extraction.
- 6) Native Athabascan Chipewyan people are showing increased rates of bile duct cancer, which is linked to increased arsenic levels in the local water sediments. The same contaminants become concentrated in fish which are a key part of the local diet. Aboriginal leaders have reported "watery- tasting fish", moose with discolored livers and fish w/ various deformities.

HAZELBAKER, NICK

- 1. See response to Common Comment E1

- 1 { 7) Mining company are destroying functioning ecosystems and then trying to rebuild them once the oil is extracted. Unfortunately, even experts have not mastered recreating complicated ecosystems. Once destroyed they can not be put back. The lower Athabasca Region maintains most of its biodiversity. Slowed oil extraction could help maintain that environmental quality.
- 8) Rather than continue oil-sands production in Alberta, the US should work more diligently to instigate conservation tactics that reduce our need for foreign oil.
- 2 { 9) Allowing the Kearsarge Transportation project to continue on backcountry roadways of Idaho and Montana supports destructive environmental activity in Alberta. It can also endanger the Lochsa River, Lolo Creek, Bitterroot and Clark Fork Rivers in the case of truck accidents and could cause expenses local communities and taxpayers bare for an oil company. Emergency situations and unplanned accidents should be addressed in your analysis to ensure that existing flow of traffic and local environs won't be disrupted or damaged by this project.
- 3 { 10) Please do not allow this transportation of oversized equipment to take place on US 12, and single lane state highways in Montana. Any benefits to the local economies are short lived and the consequences of accidents could be long term. The United States should reduce its appetite for oil through efforts to use biodiesel, increase fuel economy requirements for vehicles, enhancing public transit, developing other biofuels and financing upgraded heating systems for houses and office buildings.
- 11) Thank you for considering my points in your environmental analysis.

See response above.

2. See responses to Common Comments H1, H2, and H3.

3. Comment noted.

Sincerely,



Nick Hazelbaker

3050 Old Darby Road

Darby, MT 59829

May 12, 2010

MAY 14 2010
ENVIRONMENTAL

Tom Martin
MDT Environmental Services Bureau
PO Box 201001
Helena, MT 59620-1001

Re: Kearsal Module Transport Project

Dear Mr. Martin, et al, at the Montana Dept of Transportation Environmental Services Bureau:

1 { Thank you for this opportunity to comment on the Kearsal Module Transport Project Environmental Assessment. Unfortunately, the EA is severely flawed and should not be used for making the major decision that the Kearsal Module Transport Project Represents. The State of Montana and MDT needs to conduct a comprehensive environmental impact assessment and open up the findings to full public discussion with input and involvement from counties, cities and communities throughout the state and especially in western Montana.

2 { The EA itself fails to take into account the cumulative damage to road surfaces and roadbeds which would result from the 200 shipments currently planned. The EA contains nothing about the additional costs which Montana taxpayers will have to pay for additional road repair and reconstruction due to damage from repeated use by extraordinarily heavy loads. The sole mention of this issue occurs on page 22. The EA indicates that the maximum weight of the modules will be 334,568 pounds (table 9, page 12), while the accompanying Montana Transportation Plan states (page 5) that the maximum weight of a module will be 344,000 pounds, and that this does not include the weight of the tractor and trailer. The tractor and trailer will add approximately 288,450 pounds (Transportation Plan, appendix 7), for a total weight of 632,450 pounds.

3 { Similarly, the EA fails to account for the cumulative impacts that massive loads will have on bridges. Table 24 (page 38) indicates that the proposed route crosses 134 intermittent streams and 83 perennial streams and rivers. Some of these crossings are simply culverts, but a number require significant spans. Multiple axles can reduce the impact of loads on road surfaces, but they are far less effective at reducing load impacts on bridges. The EA is silent on the subject of bridges, except to note that Jeff Ryan, of the Montana Department of Environmental Quality, had expressed a concern "that the loads may be too heavy for some of the bridges and he was afraid that might lead to water pollution or a possible spill" (page 61). The EA fails to list the weight bearing specifications of the bridges along the corridor. Furthermore, the most recent County Bridge and Road Capital Improvement Planning and Financing Manual states that nearly 25 percent of the bridges inspected in Montana are "structurally deficient" or "functionally obsolete". The EA should include an engineering study to determine whether every bridge along the route is capable of withstanding 632,000 pound loads.

Economic Costs are insufficiently reviewed and analyzed. The only relevant comments appear on page 24: "Turnouts constructed or improved at the expense of Imperial Oil will provide a lasting benefit to the safety and convenience of the traveling public," and "Beneficial impacts

HERLING, DAPHNE

1. See response to Common Comment B. See Section 4.0 of the EA and Section 4.5 of the Decision Document.
2. See response to Common Comment L.
3. See response to Common Comment L.

4 { from improved roads created by the KMTP and MDT’s construction include additional turnouts and improved highway conditions would be a long-term beneficial cumulative impact on the transportation system." Yet the raised utility lines, swiveling traffic signals, and 75 additional oversized turnouts will provide no benefit whatsoever to the ordinary traveling public. Their ONLY function is to facilitate the transport of grossly over-sized industrial loads.

5 { Moreover, the EA appears to include only the costs associated with delays of commercial traffic; no mention is made of costs associated with delays to residents, tourists, and other non-commercial travelers. Although module transport will take place at night, this will not eliminate such non-commercial delays. It should be noted that while transports will not take place on weekends, they apparently will take place on Friday nights/Saturday mornings. Major portions of the transport route provide access to prime hunting areas; during hunting season Saturday morning delays will significantly impact hunters. Some hunters will doubtless choose to hunt elsewhere, resulting in economic losses for local businesses.

6 { The EA fails to plan for, consider or acknowledge that accidents can and do happen. The EA fails to account for the consequences of wind storms: Routes 287 and 89 traverse the Front country, notorious for powerful wind storms that have been known to knock over truck trailers. The EA should include a study determining the susceptibility of these vehicles to extreme sidewinds. The EA makes no mention of accidents when the rigs will be travelling at night, in winter, over passes and along winding valley corridors of the Blackfoot River (Route 200) and Lolo Creek (Route 12).

It is clear that this EA is insufficient to determine the direct, indirect and cumulative impacts of the proposed action. It is insufficient to determine whether or not significant impacts will occur, namely the technical oversights in the EA are:

7 { 1. DOT regulations require the identification of logical termini for a proposed action. The justification for this appears to be political boundaries, which is an insufficient justification for logical termini. The logical termini needs to be clearly defined.

8 { 2. While some reasonably foreseeable future actions have been defined, those appear to be confined to future MDT actions. Reasonably foreseeable future actions need to include ALL actions regardless of what agency undertakes them. The timeframe used for the cumulative impact analysis is undefined as is the study area. For these reasons, the cumulative impact analysis done is insufficient to reach a conclusion that significant impacts will not occur.

9 { 3. A cumulative impact analysis also requires that both direct and indirect impacts of the proposed action be disclosed. Since it is clear that Tar Sands energy development could not continue but for completion of this proposed action, that energy development must be considered as an indirect effect of the proposed action. For this reason as well, the indirect and cumulative impacts analysis for this project is insufficient to reach a conclusion that significant impacts will not occur.

4. See Section 3.6.2.2 of the EA.

5. See the response to Common Comment G. Section 3.6.2.6 of the EA the mitigation measures developed in the EA in Section 3.13 of EA.

6. See responses to Common Comments H1, H2, and H3. See Section 4.8 of the MTP.

7. See the response to Common Comment E1 and E2.

8. The cumulative effects were analyzed based on activities as defined in 75-1-200(3), MCA. Those activities are described in Section 3.2.of the EA See response to Common Comment S. Those activities are described in Section 3.2.of the EA.

9. See response to Common Comment E1.

10 { 4. The historic property analysis does not discuss whether or not the SHPO or the THPO concurred with the Determination of Effects. Without this information, there is insufficient information to determine whether or not the proper process was followed in compliance with the National Historic Preservation Act or in compliance with Section 4(f) of the DOT Act.

11 { 5. There is minimal discussion of the effects of tree trimming on historic properties through the Town of Choteau and adjacent to Bonner Dam and Mine. The analysis needs to address the criteria that resulted in the significance of these properties for inclusion on the National Register. Tree trimming may affect the setting of historic properties. This has not been defined

12 { 6. The parks, recreation areas and wildlife refuge section is insufficient to determine whether or not a Section 4(f) use will occur. Utility relocations do not address all potential Section 4(f) properties. This section has insufficient information to determine whether or not any future planned parks or trails would be affected. The minimal information provided about potential effects to access and parking in the vicinity of Section 4(f) properties. There is no discussion of consultation with Officials with Jurisdiction regarding existing or future Section 4(f) properties, and in fact, compliance with Section 4(f) is not even mentioned. Overall, this discussion is insufficient to determine whether or not a Section 4(f) use will occur.

13 { 7. Compliance with the Environmental Justice Executive Order is not even mentioned. There are likely to be effects to minority and low income communities due to noise (especially since transportation of the modules will occur at night), air pollution, the possibility of spills and other negative effects.

14 { 8. The assessment in the document of potential effects to wetlands does not meet the requirements of the Clean Water Act nor the requirements of the Executive or DOT Order for Protection of Wetlands. There is no functional assessment of wetlands that has been done. Broad statements are made that "the location will be adjusted or mitigation applied to avoid impacts to wetlands" or that "two of the six locations appear to have wetland characteristics and need to be reviewed." Both of these statements indicate that wetland impacts are likely to occur and yet there is a concluding statement that "the proposed project is not expected to affect water resources including wetlands." This assessment is completely insufficient and does not meet the requirements of the FHWA Technical Advisory, the Protection of Wetlands Executive Order nor the Clean Water Act. Full survey and delineation of wetlands, including functional assessment needs to be completed. Then both direct and indirect impacts to wetlands needs to be done. Practicable alternatives to the impacts to wetlands needs to be prepared and documented and mitigation needs to be fully defined and committed to.

15 { Additionally, it is without merit that MDT is repeatedly stating in public that issuing of permits for 200 loads is all that is being considered in this EA. The EA describes future use of the route by other oversize trucking projects as a "Reasonably Foreseeable Activity" (page 16); it states that "MDT believes it is reasonably foreseeable that additional oversized loads [beyond those of

10. See Section 4.1.1.2 and 4.1.2 of the EA and Sections 4.5 of the Decision Document for information on consultation. Section 4(f) of the DOT Act does not apply to the KMTP.

11. See response to Specific Comment C.

12. Section 4(f) does not apply.

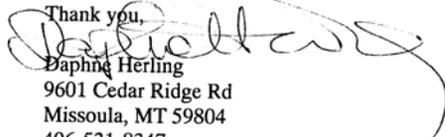
13. Environmental Justice is not a MEPA issue. Executive Order 12898 is a presidential executive order that requires federal agencies to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high, and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Because MDT is a state rather than federal agency, it is not required to comply with EO12898. That said, MDT does not expect this project to have any disproportionately high and adverse effects on minority populations and low-income populations. Please see the EA and Decision Document for additional impacts discussion.

14. See the response to Common Comment I.

15. See response to Common Comment K.

16 { the Exxon/Imperial project] would want to use the route" (page 24); and notes that following completion of construction, "additional oversized loads may want to use this route" (page 34). Establishing a High/Wide Corridor will happen de facto with the raised utility lines, swiveling traffic signals, and construction of 75 additional oversized turnouts. Permanent infrastructure is to be built to supposedly accommodate only those loads for which permits are requested? It is both disingenuous and bordering on arrogant to think that Montanans can not understand that this is totally illogical. Please reconsider and ask for a full EIS,

Thank you,


Daphne Herling
9601 Cedar Ridge Rd
Missoula, MT 59804
406-531-8347

16. See response to Common Comment B.



Comment form

Project name: Kearn Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Alix Hollenback
608 S. 10th Ave
Bozeman, MT 59715
alix.hollenback@gmail.com

1 { Comments: I support

HOLLENBACK, ALIX

1. Comment noted

Mr. Tom Martin
MDT Environmental Services Bureau
2701 Prospect Ave.
P. O. B. 201001
Helena, Mt 59620-100

4-27-10

RE: Big Rigs

Dear Mr. Martin,

1 { My family is all in favor of letting these BIG RIGS use our highways. We are in favor of logging, mining, drilling, what ever. It means jobs, jobs, jobs. Not only that, but the more lumber, mining, drilling means more products on the market, which means cheaper lumber, cheaper copper and gold and cheaper fuel prices.

We can't all be entitlement people.

Sincerely,


Elden L. Inabnit
9245 Butler Creek Road
Missoula, Mt 59808

INABNIT, ELDEN

1. Comment noted.

MAY 04 2010



TRANSPORTATION PLANNING

Comment form

Project name: Kearsal Module Transport Project EA

Control Number: CN 6800

Meeting date and time: 6:00 p.m., Thursday, April 29, 2010

Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

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Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

ORRIN Johnson, PO Box 8532, Missoula, MT 59807

owj5454@yahoo.com

Comments: I attended the public meeting in Missoula on 4-29-10; leaving with unanswered questions and a number of concerns.

1. On the descent from Rogers Pass, a steep grade, there are several hairpin switchback curves with 30-35 mph speed limits. How can a 170-210 Truck/module/trailer configuration navigate these? What about winter's ice, snow, winds? (Lolo's summit area has weather problems too) What about sudden spring/autumn storms?

2. The Rocky Mountain Front is notorious for its extreme winds. I drove from Missoula to Choteau last weekend in a small station wagon. winds on the front were a steady 40-50 mph with gusts of 60 mph and my wagon was being buffeted severely, on Hwy 287. How could a 14'-30' module possibly keep upright under these, or worse winds, especially in winter?

JOHNSON, ORRIN

1. T See Appendix 2 of the MTP. During the descent of Rogers Pass, the transport will be travelling at 10 mph or less. Also see Section 4.8 of the MTP regarding inclement weather.

- 2 { (3) What are the contingency plans should a module overturn?
- 3 { (4) Highways 12 & 200, in particular, are noted for vehicle collisions ~~with~~ with large game animals: deer, elk, moose and an occasional bear. Has this possibility been factored in?
- 4 { (5) Montana's 2 senators & our governor have helped broker a deal to protect the North Fork of the Flathead (west side of Glacier NP) from mining & oil & gas leasing. Also, in 2006 federal oil and gas leasing was halted on the Rocky Mountain-Front. Although the Kearsy Oil/Tar Sands are in Alberta, Canada, by permitting the module transport project to proceed through Montana's isn't this a double standard - saying environmental degradation is ok in Alberta, but not in western Montana?
- 5 { (6) Finally, this module transport project has been in the works since at least August 2009 (probably earlier) yet the public is given only a 30 day comment period! This is outrageous... please extend the comment period to at least 90 days
I need more time for further investigation of this project

2. See responses to Common Comments H1 and H2.
3. See response to Common Comment I.
4. See response to Common Comment E1.
5. See response to Common Comment F1.

Aleta Kantor
PO Box 5513
Missoula, MT 59806

RECEIVED
MAY 13 2010
ENVIRONMENTAL

Tom Martin
MDT Environmental Services
PO Box 201001
Helena, MT 59620

Dear Sir:

1 { I am deeply concerned about the proposed transport of oil equipment "big rig" through some very wild and scenic areas of Montana. Such a project and the road changing/widening it would require is discordant with such areas. I

2 { urge you to lengthen the public comment period so the citizens affected by this project can have adequate time to become informed and voice their opinions.

Sincerely,
Aleta Kantor,
Missoula

KANTOR, ALETA

1. Comment noted.

2. See response to Common Comment F1.

Mike Kantor
PO Box 5513
Missoula Montana, 59806

RECE
MAY 14
ENVIRON

KANTOR, MIKE

May 10, 2010

Tom Martin
MDT Environmental Services Bureau
PO Box 201001
2701 Prospect Ave,
Helen, MT 59620

Dear Mr. Martin,

I am strongly opposed to the Kearle Module Project. These "Big Rigs" are totally inappropriate for Highway 12 along Lolo Creek and along the Blackfoot River. Highway 12 along Lolo Creek is a narrow winding road. It is a wildlife corridor and provides fishing, camping, and hunting sites. This proposal, with its turnouts would greatly damage Lolo Creek and all these recreational sites. At least, please extend the comment period. Beyond May 14.

Sincerely,



Mike Kantor

1. Comment noted. See response to Common Comment F1.

Tom Martin -

I strongly oppose the proposed plan of establishing a NW corridor route through NW MT for transport of heavy equipment that supports tar sands mining. Exxon & Imperial Oil & other vested parties, including MT DOT

1 { should not have the opportunity to circumvent the Federal env. process. The MT EA does not adequately serve the individual & collective

2 { interests of communities en route. I was at the public hearing & comment session in Missoula last night - Furthermore, ~~I don't~~ opening the gate to the dirty & greasy palms of Exxon, Imperial corporations goes against the better interests of me and all other MT citizens

3 { & respect the order of law by requiring the Tar Sands operation to be scrutinized by NEPA EIS process.

- Derek Kanwischer

KANWISCHER, DEREK

1. See response to Common Comment A.

2. Comment noted.

3. See response to Common Comment E1.

Kent Watson & Associates
LAND & WATER PLANNING & DESIGN LANDSCAPE ARCHITECTURE



11 May 2010

Dwayne Kailey
Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

RECEIVED
MAY 13 2010
ENVIRONMENTAL
MAY 12 2010
MT DEPT. OF TRANSPORTATION
DIRECTOR'S OFFICE

RE: Kearn Module Transportation Project

Dwayne:

1 { I am writing to express my deep concern regarding the Kearn Module Transportation Project, which is the subject of the current environmental review process being undertaken by MDT. Please enter these comments into the public record as part of that Environmental Assessment process. Further, because of the magnitude and complexity of this entire issue I request that the comment period be extended beyond the current 30-day period.

2 { Given the recent events involving the tragic explosion, fire and subsequent oil spill in the Gulf of Mexico, I am appalled that the Department is pursuing only an EA and not a full-blown Environmental Impact Statement for a project that could have some extremely serious environmental impacts in the case of any sort of accident. According to the Department of Interior's own analysis of the BP "exploratory" project in the Gulf the agency concluded that a large spill was "too remote and speculative an event" to warrant analysis. Now, we are to live with the enormous consequences of this seemingly innocent action on the part of a DI bureaucrat. As this catastrophic event shows, accidents can and do happen. It is, therefore, incumbent on the Department to undertake a complete EIS that fully analyzes all possible scenarios and impacts relative to this project.

3 { As you know, a large portion of the KMTP's route through Montana follows some of our most scenic and vital creeks and rivers. For example, all but about ten miles of the 32-mile stretch of U.S. 12 from the state line to Lolo closely follows Lolo Creek. Similarly, MT 200 is adjacent to the Blackfoot River for at least 25 miles, and is close to the river for at least another dozen miles. Both of these streams are highly prized as premier trout streams, and, in the case of the Blackfoot, extremely popular for swimming and rafting. The nature of these roadways is not conducive to accommodating loads of this length or width, regardless of the number of new turnouts that are constructed. It is difficult to visualize how turnouts and parking areas can be expanded and newly constructed, particularly along river banks, without significant environmental degradation. The EA simply pays lip service to the construction concerns

KENT E. WATSON, FASLA *Principal • Landscape Architect*
210 North Higgins Ave., Ste. 334, Missoula, MT 59802-4462 • Ph: 406/721.3500
Cell: 406/240-0274 • Fx: 406/541.3541 • E: Kentwia@aol.com

KENT WATSON AND ASSOCIATES

1. See response to Common Comment F1.
2. See responses to Common Comments B, H1, and H2.
3. See responses to Common Comments J and I.

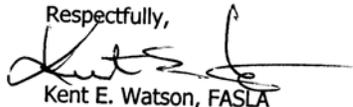
Dwayne Kailey
11 May 2010
Page 2

4 { and assumes that building these new facilities will address numerous issues without truly assessing the impacts of the construction along these scenic and fragile corridors. Due to the nature of this route, we will likely end up with one or more of these rigs in one of our rivers or creeks and the damage to the roadways, banks, native vegetation and aquatic life will be significant, if only because of the sheer mass of equipment.

5 { Tourism is a major industry in Montana, particularly in the region affected by this project. The impacts to this critical segment of our economy have not been addressed as is evidenced in Table 1, Summary of Effects and Section 6, Economic and Community Impacts. The EA only assesses the impact of one time and short term money being spent in the state. The impacts of the project's construction and hauling on our tourist industry have to be considered, even if impacts to our citizens are not. Millions of dollars are spent here each year by people coming into Montana to fish, backpack, hike, hunt and just sight see. This review does not address the impacts of construction delays, accident delays, inconvenience created by the large rigs and impaired access to rivers and trails. Neither does it address the public relations impact that the project activity might have on our tourism industry. The impact to Montana's outfitters could be significant, but the EA does not address that or any of these economic impacts.

6 { Given the short time frame for the current comment period, I cannot adequately address the other shortcomings in the EA. It is critical, therefore, that we, as citizens of our great state be given this extra time, and that the Department should be begin the process of conducting a full EIS as soon as possible.

Respectfully,



Kent E. Watson, FASLA
Landscape Architect

- 4. The proposed route is an existing transportation corridor that currently facilitates oversize and commercial loads. See responses to Common Comments H1 and H2.
- 5. See response to Common Comment M.
- 6. See responses to Common Comments F1 and B.



Comment form

Project name: Kearsal Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
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The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Cody Kitchin
1501 S. 11th St. W
Missoula, MT 59801

1 { Comments: I support the Kearsal Module Transport Project. It brings jobs to the state of Montana and increases revenue for the state.

KITCHIN, CODY

1. Comment noted.



Comment form

Project name: Kearsal Module Transport Project EA

Control Number: CN 6800

Meeting date and time: 6:00 p.m., Thursday, April 29, 2010

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Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Josh Kitchin
129 2ND AVE NW
Butte, MT 59433

1. { Comments: I support the Kearsal Module Transport Project. This project will bring jobs to the state of Montana.
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

KITCHIN, JOSH

1. Comment noted.



Comment form

Project name: Kearsarge Module Transport Project EA

Control Number: CN 6800

Meeting date and time: 6:00 p.m., Thursday, April 29, 2010

Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

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The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Brandon Knoles
Box 957
Fremont MT 59834

1 { Comments: I think it would be an excellent idea to bring these jobs through the state in our current job market, especially with the Sherriff Stone layoffs.

KNOLES, BRANDON

1. Comment noted.



Comment form

RECEIVED
MAY 11 2010
ENVIRONMENTAL

Project name: Kearsarge Module Transport Project EA
Control Number: CN 6800
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Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

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Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

WILLIAM E LARSON 8 MAY 2010
12500 Hwy 93 South
Lolo MT 59847
406-293-6608

Comments: I HAVE LIVED AT THIS ADDRESS SINCE OCT of 1945. Hwy 93 WAS A NARROW TWO LANE PAVED ROAD UNTIL 1966-68; Hwy 12 WAS NOT IMPROVED FROM A GRAVEE COUNTY ROAD UNTIL 1949-50 WHEN IT WAS STRAIGHTENED & PAVED TO MILE MARKER 16 - GRAVEE CREEK. Hwy 200 WAS PAVED ONLY TO CLEARWATER JUNCTION UNTIL THE LATE 1950s AND DIDN'T GO OVER ROGAN PASS UNTIL 1955-56. DURING ALL THIS EARLY 1950s & 1960s THERE WAS A LOT OF LOGGING TRUCKS, LUMBER TRUCKS, & GENERAL FREIGHT HAULERS. MANY LOADS WERE OVERSIZED AND REQUIRED PERMITS

LARSON, WILLIAM

I DON'T RECALL ANY "HORRIBLE" ACCIDENTS HAPPENING THEN OR IN THE LAST THIRTY YEARS. YES THERE HAVE BEEN FATALITIES WITH HEAVY TRUCKS, BUT NOTHING DRASTICALLY MORE THAN OTHER ROADWAYS IN MONTANA.

THERE ARE STILL A LOT OF OVSIZED & OVER WEIGHT LOADS THAT PASS THROUGH COMING FROM LEAVISTON IDAHO, UTAH, NEVADA VIA HWY 93 AND I-90 FROM SPOKANE & WEST.

THESE LOADS HAVE TO BE PROPERLY PERMITTED WITH APPROPRIATE PLOT VEHICLES, THE UTILITY COMPANIES ARE INVOLVED TO PROTECT THE OVERHEAD LINES & THE PERSONNEL INVOLVED, THE HEAVY HAUL COMPANY WORKS WITH EVERYONE INVOLVED AS THE COMPANY RULES & INSURANCE POLICYS NEEDS ARE MET.

I DON'T SEE ANY REASON THIS PROJECT CAN NOT MOVE FORWARD ON ITS ORIGINAL SCOPING, NOR DO I SEE ANY REASON TO EXTEND THE COMMENT TIMEFRAME. THIS NOT SOME SECRET PROJECT THAT TRYING TO SNEAK BY.

LAST OF ALL THE ROUTE TO BE USED IS FEDERALLY FUNDED ROADWAYS, NOT BY MISSOULA COUNTY, THE SIERRA CLUB, WESTERN WHITEWATER RAFTERS OTHER SPECIAL INTREST GROUP.

William E Larson
12500 Hwy 910

1. Comment noted.

ENVIRONMENTAL
 Margaret Leverton
 P.O. Box 93
 Corvallis, MT 59828

Attention: Tom Martin
 Montana Dept. of Transportation
 P.O. Box 201001
 Helena, Montana 59620

May 12, 2010

Dear Mr. Martin:

I am writing to you with regard to the proposal to haul Tar-Sands equipment through Montana en route to Alberta.

I oppose tar sands mining itself due to its numerous adverse effects on the environment: water quality, particulate matter, clearing of old-growth forests, and greenhouse gas emission from burning it. But I also oppose transporting the equipment through Montana. I would like to request the following:

- 1 { 1- Consider the effects of tar sands development. Encourage development of cleaner, renewable energy.
- 2 { 2- Prepare a full environmental impact statement on what transporting this equipment can do to Montana's main roads, especially along waterways.
- 3 { 3- Consider how travel will be affected for others during Montana's peak season. The numerous convoys of oversized

LEVERTON, MARGARET

- 1. See response to Common Comment E1
- 2. See response to Common Comment B.
- 3. See response to Common Comment G.

4 { Vehicles leaves room for a LOT of accidents!
With all due respect to the Canadians,
I feel that they can find another route for
their equipment (across Canada) if it is that
important.
Thank you for your time and I hope
that you will consider this matter long and
hard before your final decision.
With best wishes to you and your staff.

Sincerely,
Margaret Leverton
Margaret J Leverton

4. See response to Common Comment D1.



Comments form ENVIRONMENTAL

MAY 17 2010

Project name: Kearsarge Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
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Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Robbie Liben	After May 24, 2010:	Robbie@Liben.net
436 1/2 S. 6 th St. West	1372 Dickinson St.	
Missoula, MT 59801	Missoula, MT 59802	

Comments:

Comments on Section 4, the Emergency Response Plan

(As described in the "Montana Transportation Plan" by Mammoet issued to the public by MDT 3/15/2010. KMTP.pdf)

Mammoet's Emergency Response Plan (ERP) primarily addresses traffic accidents and minor mechanical breakdowns that do not affect the modules being transported. Section 4.7 is the only section that deals with Environmental Spills, and then only with possible fuel or fluid leaks from the trucks. Section 4.7 says that "no dangerous goods will be shipped in/with process modules."

The ERP does not describe what happens in the event that a trailer loses its load, has its structural integrity compromised or requires repairs that cannot be performed while a module is on board. At the April 29 public hearing on the environmental assessment (EA) in Missoula, officials went to great lengths to say that such situations are "highly unlikely." Indeed they may be unlikely, but nonetheless can happen. And so an emergency response plan must address them. Remember: It is unlikely that an offshore oil drilling platform will explode. (Missoulian, 5/1/2010 "BP: Major accident was unlikely", p. 1)

Possible scenarios include but are not limited to the following:

- A module falls off the trailer and blocks all portions of the road.
- A module falls off the trailer and into a steep ravine.
- The trailer overturns either blocking the road or falling into a ravine.

LIBEN, ROBBIE

1. See responses to Common Comments H1, H2 and H3.

- 1 {
- An accident or mechanical failure occurs compromising the integrity of the trailer, making it unable to safely transport a module further.
 - Road or bridge failure occurs underneath the trailer preventing its further movement.

At the April 29 public hearing Ken Johnson Representing Exxon/Imperial Oil said that their ERP does not address any such possibilities. He said that the EA would be amended to include an ERP to cover these them. He said that, if such a disaster were to occur, the transport company would procure a crane to remove the module. When I asked if cranes with a large enough capacity exist in Western Montana he said “Yes.” When asked if they are transportable he also said “Yes.”

- 2 {
- The maximum weight of the modules is 344,000 lbs. The combined weight of the module and the trailer is substantially more than that. The immense weights involved imply certain critical questions:
- Do cranes exist in Western Montana that have the capacity to hoist that much weight?
 - Are they transportable?
 - How long would it take to move such a crane to a disaster sight?
 - How long would it take to assemble and disassemble such a crane at the disaster sight?
 - What is the availability of such cranes, even if they do exist in Western Montana?
 - Can such cranes even be used on the narrow and winding roads of the route?
 - Can a single crane handle all of the possible disaster scenarios? Or are different types of cranes necessary depending on the terrain in which the disaster occurs?

If no such cranes exist in Western Montana or if they are not transportable then MDT must deny the transportation permit. If one of the modules were to block a road, it would be almost impossible to remove it.

I presume that you can’t just go to Lowe’s or Home Depot to rent a crane of that capacity. Indeed they are very expensive and are usually in use. If there are such cranes in Western Montana, there is no guarantee that they would be available in the event of a disaster.

In order to hoist a heavy load, a crane must be on stable ground. It must have room for outriggers to keep it upright. It must have room behind it for the counter-jib to pivot. There are stretches along Lolo Creek and the Blackfoot (and possibly elsewhere) where one side of the road drops off steeply to the stream and the other side rises sharply above. If a module were to be dumped down the ravine in such a location, would there be enough room to extend the outriggers appropriately? Would there be enough room behind the crane for the counter-jib? Would the road be able to hold the crane as it was hoisting hundreds of thousands of pounds? Remember that the transport trailers spread this weight out over almost one hundred wheels. It is likely that weight of the crane load would not be spread out as much and so there would be more force on the road surface.

If a load were to roll down a ravine a significant horizontal distance from the edge of the road would available cranes be able to hoist it towards the road without stabilization from the rear? Would there be enough room on a narrow road to stabilize the crane?

In the event of a disaster in which a crane is required, much time would likely be required to remediate the disaster:

- It could take several days until the crane is available.
- It could take a day or perhaps several days to transport it to the disaster site.
- It could take a day or perhaps several days to assemble it.
- It would take time to remove the load and put it on a new trailer.

See response above.

2. See responses to Common Comments H1, H2, and H3. In some cases the module would have to be removed in parts due to crane limitations.

- It would take time to disassemble the crane.
- It would take time to repair damage to the road caused by the disaster and the recovery.

In other words, it would likely take several days minimum to clean up a disaster during which time the road would be impassable. It could even take weeks.

2 The environmental assessment must estimate how much time a road might be impassible after a disaster, and what remediation would be done on behalf of the road’s users. Because of the probable lack of easy availability of such large cranes, MDT should require that Mammoet have an appropriate crane and operator at the ready in Western Montana during the whole time frame of the shipments.

One possible way to remove a module or trailer that is blocking a highway is to cut it into smaller, more easily manageable pieces. It is likely that such a maneuver would destroy the functionality and monetary value of the module and/or trailer. If destroying a module to remove it in a timely manner appears to be an appropriate course of action, officials from MDT or other State agencies should be authorized to order such destruction. Such authority should not be solely at the discretion of the applicants.

Liability

3 Though probability of a disaster as described above is low, the affects would be severe. What are Mammoet’s, Imperial Oil’s and Exxon/Mobile’s liabilities?

Direct damage: If one of the shipments damages the road, a bridge, a power pole or some other infrastructure, who is responsible for the repairs and will they be performed in a timely manner? I would presume that the Company would pay for all such damages and would perform them in a timely manner. Please verify that this is explicitly spelled out in any permit.

Indirect damage: In the event of a disaster as described above that makes a critical stretch of roadway impassible, what restitution will be made to the users of that road? If, for example, a disaster strikes along the Blackfoot on Highway 200 between Missoula and Johnsrud, commuters from Potomac would be cut off. If the road was cut off for several days or weeks the impact would be severe.

- Who will pay the lost wages of commuters unable to get to work?
- Who will pay the lost revenues of businesses whose workers cannot get to work?
- Who will pay the lost revenues of businesses along the route while access by deliveries, regular customers and tourists is cut off?
- Ambulances to Missoula will have to be replaced by much more expensive helicopter support from Missoula. Who will pay for the extra expense?
- Delivery trucks would be either unable to transport their goods, or would have to go considerably out of their way. Who will pay the added expenses?
- If power lines or other utility lines are damaged who will compensate their users for lost usage and revenue?

There are likely many other scenarios to be considered

None of these questions are addressed in the EA, let alone answered. It is imperative that the all possible scenarios be addressed in the EA. It is also imperative that liability for them lie explicitly with the companies. In a disaster situation it is important that funds from the companies be available immediately and without hesitation. It is imperative that state, county and local governments, as well as local citizens and businesses not be left holding the bag.

See response above

3. See responses to Common Comments L and M. Detours would have to be addressed on a case by case basis.

During the EA hearing in Missoula, one woman asked questions about this sort of liability for indirect damage. Mr. Johnson said that she could pursue legal action if she so chose. In other words, the companies' response to questions of liability is "Sue me."

Please recall that after the *Exxon Valdez* disaster in Prince William Sound, Alaska in 1989, Exxon kept litigation tied up in court at least until 2008. That's almost 20 years. This is the same Exxon for whom the Kearsarge Modules will be transported. "Sue me" is completely unacceptable as a liability plan, particularly given the well-known past behavior of the applicant.

The liability plan must address all of the possible disaster scenarios and include all of the possible direct and indirect damages. It must explicitly assign full liability to the companies. It must require a bond to be paid in advance to cover every penny of the worst-case scenario. In case a disaster happens in which the liabilities exceed the worst-case scenario, damages claimed against the companies cannot be limited to the bond or that expectation.

- 4 { It is possible that a natural disaster precipitates a module transportation disaster. For example, an earthquake or a microburst may cause a trailer to overturn. On May 3 this year a tractor-trailer was knocked over by wind in Florence, not too far from the proposed KMTP route. (*Missoulian*, 5/4/2010, p. 1) These are real risks. There cannot be any "act of God" exclusions from liability.
- The EA asserts that weather conditions will be considered daily with each shipment, and that the shipments will be halted if weather conditions are not favorable. The EA does not, however, explicitly spell out the criteria used for making such decisions. These criteria must be included in the EA so that MDT can evaluate their accuracy and efficacy.
- It is also conceivable that a disaster could be caused by a terrorist act. There must not be any "act of war" exclusions either. The companies must be fully liable for any transport disasters regardless of the cause. There cannot be exclusions for any reason whatsoever. Such exclusions would imply that State, county and local governments, as well as individuals would be left without compensation.

Scope

- 5 { The problem with limiting the scope of this EA to the Montana portion of the route is that impacts from other parts of the route do affect Montana. For example, the Port of Lewiston, ID is expanding its infrastructure with the expectation that transportation of this sort of high-wide cargo will continue well into the future. In other words, the time scope of this EA is too limited because it does not cover future transportation that Lewiston is already planning on.
- US Highway 12 runs through both Montana and Idaho. Conditions on the Idaho side do affect Montana. If there is a disaster on the Idaho side of US-12, for example, that prevents travel for days or weeks, truck and car traffic will be cut off on the Montana side as well. In other words, the geographical scope of this EA is too limited because direct affects of the project are excluded simply because they could happen in a different state.
- The global warming aspects of the Kearsarge Tar Sands Project must be included, as well. Montana is already suffering the affects of global warming, from the greatly lengthened fire season, to the dramatic decrease in winter snow pack, to the forests being destroyed by pine bark beetles. The production of oil from the Tar Sands generates three times more carbon dioxide per gallon than production of oil by more traditional methods. In other words, the scope of applicant actions considered in this EA is too limited

Robert Liben, Comment on Kearsarge Module Transport

p. 4

4. See the MTP, Section 4.8. Acts of God and terrorist acts would have to be managed on a case by case basis.

5. See responses to Common Comments E1 and E2.

because the EA focuses narrowly on the transportation and on the project as a whole.

5 { Overall, the scope of the EA is too fragmented. Direct effects on and hazards to Montana by the transport and mining are not addressed because analysis of the project is broken down into too many parts each with too narrow a focus. The only real way to understand the full extent of the effects of this project is to look at its full scope, not just the Montana transportation portion of it. To that end, MDT must request a full Federal Environmental Impact Statement. The MDT EA is simply inadequate.

Long Term Wear and Tear

6 { As you can see from the attached photograph, bridges flex under the immense weight of these modules. Though bridges are designed to flex when under load, it does cause wear and tear that is beyond normal use. The repeated flexing caused by the transport of 200 overweight trucks will shorten the lifespans of the bridges these trucks will use. The inevitable future shipments of heavy high-wide cargo after the KMTP project will continue to degrade the highway infrastructure. Future shippers will argue that they are not responsible for maintenance costs because Exxon did not pay a share of them either with this project.

The EA must be revised to analyze the effect on the lifespan of each of the bridges in the route. The MDT must charge the applicant for the calculated cost of the reduced lifespans. These are costs that should not be incurred by the State of Montana.

Infrastructure Changes

7 { The proposed infrastructure changes are not improvements and it is misleading to describe them as such. New and enlarged turnouts do not benefit Montanans, tourists, other truckers or other travelers. They only benefit the Exxon and future high-wide shippers. In many ways the infrastructure changes will diminish the quality of the roads for Montanans. Montana already has two heavy truck corridors: Interstate 90/94 and Interstate 15. There is no need for any more.

Conflict with Safety Infrastructure

8 { Reserve Street in Missoula is known to be one of the most dangerous places in the state for pedestrians. Last year MDT turned down a request by a school to build a pedestrian overpass over Reserve St. because it was soon to become a high-wide corridor. The existence of the KMTP project means that we have been prevented from installing the infrastructure changes that would actually benefit our communities.

Summary

- 9 {
- The EA in its current form does not include an adequate emergency response plan (ERP).
 - If a trailer loses its load or becomes incapacitated, a vital road could be blocked for days or weeks until it is removed.
 - The EA does not address liability in the event of a disaster. We don't want individuals or state, local or municipal governments stuck paying for disaster remediation. We don't want to be tied up in court for decades attempting to get restitution from Exxon.
 - The EA doesn't include criteria for judging weather conditions. It must be amended to do so.
 - If the applicant resubmits the EA with a revised ERP or liability, the public comment period should be extended.
 - The EA doesn't include long term wear and tear on bridges and other infrastructure. It must include an analysis of this and MDT must charge the applicants for reduced lifespans.
 - The infrastructure changes are not improvements to for Montanans.

See response above

6. See response to Common Comment L.

7. See section 3.6 of the EA.

8. MDT decided to increase signage and reduce speed limits through this area in addition to the presence of a signal for the pedestrian crossing.

9. See above responses.

- The existence of a high/wide corridor has prevented us from building needed safety infrastructure.
- The scope of the EA is too limited in time, geography and effects. The only way to remedy this limitation is to use a Federal Environmental Impact Statement instead.

10 {

Because the potential effects of a disaster are so great, the project should be denied, no matter how unlikely a disaster is. The meager benefits for Montana are simply not worth the risks. As victims of global warming, we in Montana must not further contribute to it. The Kearsarge Tar Sands Project and the associated transport are a really bad ideas.

For all of the reasons above. I request that the Montana Department of Transportation deny the application for the Kearsarge Module Transport Project. Do not allow any infrastructure changes to take place. At the very least please require that the applicants produce a Federal Environmental Impact Statement.

Thank you for your attention.

Robert A. Liben

Robbie Liben
Missoula, MT

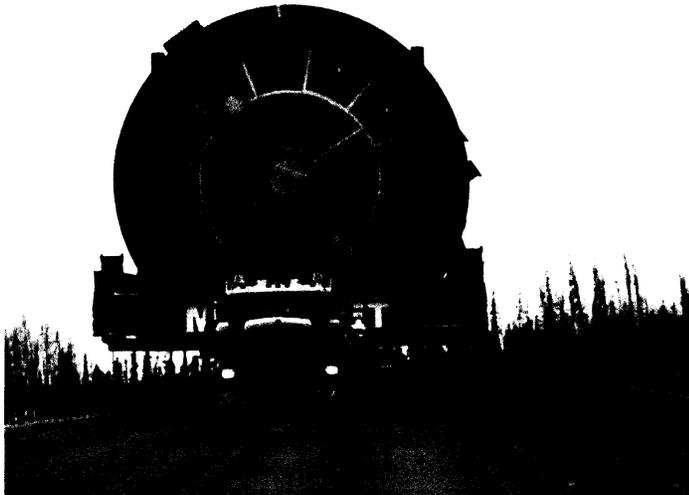


Photo of a Mammoet truck and trailer carrying one of the loads proposed for Montana. Note the distortion of the bridge on both sides due to the weight. (Source: <http://www.roadtransport.com/blogs/big-lorry-blog/2008/11/mammoet-moving-an-800-tonne-he.html>)

See above response.

10. See response to Common Comment B.

May 14, 2010

Dwayne Kailey
Tom Martin
Montana Department of Transportation
Post Office Box 201001
Helena, Montana 59620-1001

Ref.: Kearn Module Transportation Project

Dear Sirs:

As a 45 year full time resident of the Blackfoot Valley, I wish to submit my objections to the minimal public review period allowed for the proposed Kearn Module Transport Project. This project will obviously have serious potential impacts on the residents of this valley, and long term implications for the recreational and economic well being of all the citizens of this state.

Respectful of the difficult job you have in this regard, I have to consider your Environmental Assessment as being a superficial effort at best, as it does not do justice to what is truly at stake here for all of us.

While economic considerations are important, so too are the long term investments many of us have put into preserving and enhancing the natural assets and community well being of the project's potential impact area.

Furthermore, not nearly enough consideration has been given in the E.A. to what this project will end up costing us locally in real dollars when we have to adjust our daily travel schedules (school runs, medical appointments, job requirements, recreational trips) to accommodate this project.

And then there is the critical matter of having to deal with inevitable medical emergencies. Life Flights aren't always appropriate or available, and with the number of trip days and running rigs currently anticipated to be blocking our only road access to local hospitals, this has to be a serious concern.

We surely have a responsibility to require a much deeper analysis of how this proposed project may burden us in the future, and not allow the permitting decision to be based on merely short term impacts and narrowly focused concerns.

LINDBERGH, LAND

- 1. See response to Common Comment F1.
- 2. See response to Common Comment M. MDT has determined the effects will not be significant.
- 3. See response to Common Comment H3.
- 4. See response to Common Comment L.

5 { Given the above mentioned issues, I now feel obligated to request that a full blown Environmental Impact Statement be required as a part of your permitting process.

I thank you for considering my comments.

Sincerely,



Land M. Lindbergh
10120 Sunset Hill Road
Greenough, MT 59823 - 9619

5. See response to Common Comment B.

Subject: Comment to Tom Martin - EIS for large trucks through MT
From: lastlyman <lastlyman@blackfoot.net>
Date: Thu, 13 May 2010 08:11:54 -0600
To: mtdcommentsskearl@mt.gov

RECEIVED
MAY 14 2010
ENVIRONMENTAL

LYMAN, DAVE

1 {
2 {
3 {
4 {

Dear Mr. Martin,
I am writing to voice my strong opposition to the planned movement of large equipment over Lolo pass and through western MT to Alberta. I see no reason that these loads should take this route which would impose unreasonable costs and unknowable risks for Montana. This is a case where a large corporation will transfer costs that they should bear to people that have no stake in the downstream profits that might accrue from the tar sands exploitation. Why should the people of Montana subsidize the environmental destruction that will result from tar sand development? It makes no sense that equipment that will be installed in the far north of Canada has to be made in South Korea. It makes no sense that such equipment couldn't be made in smaller pieces and be assembled on site. All the decisions made by Exxon/Mobil are based on costs to them without regard to the enormous costs, environmental and other, that are passed on to all of us without regard. It seems certain that if this transit project is allowed to proceed we will see no end to similar projects in the future. All costs and risks, environmental and monetary as well as disruptions in the economic life of Montana, must be accounted for in a full EIS and the company held accountable for the costs. Best Regards,
Dave Lyman
34 Beaver Peak Road
Heron, MT
59844

1. Comments noted.
2. See the response to Common Comment D3.
3. See response to Common Comment K, L, and M.
4. See response to Common Comment B.

RECEIVED May 11, 2010
 MAY 14 2010
 ENVIRONMENTAL

Dear Tom Martin,

1 { I believe the truck convoy of "Tar Sands" equipment should be denied access through Montana. A full and complete EIS should be done before this travel access is even considered. This is a massive project and an EA is not adequate to the potential effects of accidents or disruption this will cause.

2 { I also believe that the Mining Company is trying to do this as cheaply as possible. They should build the needed equipment in Alberta and leave South Korea & the US out of it. There is no reason we should be "carrying their water."

3 { As far as Montana getting jobs (loggers, construction) they are not worth the potential dangers of environmental degradation this project will cause.

Let the Canadians deal with this project. It is for their benefit and will

LYMAN, DEBBIE

1. See response to Common Comment B.

2. Comment noted.

3. Comment noted.

Cause Montana to be exploited.

- 4 { Please do an EIS.
- 5 { Please consider every aspect of this project.
- Please listen to the public input.

Thank you,

Debbie Lyman
34 Beaver Peak Rd.
Heron, MT 59844
406-8472388

4. See response to Common Comment B.

5. Comment noted.



RECEIVED
MAY 04 2010
TRANSPORTATION PLAN

Mr. Tom Martin
MDT Environmental Services Bureau
P.O. Box 201001
Helena, Mt 59620

April 30, 2010

Dear Mr. Martin:

I am writing in regards to the "big rigs" controversy and hearing that are occurring within the area's of the proposed traffic.

I am totally in favor of this happening in our state. I know it could be a slight disadvantage for some people who are traveling at the time of the "rigs" moving; however this can happen when one follows any large "rig" that today moves on our highways.

I do believe that much of the opposite opinion you are hearing are from opponents of oil drilling.

We must have energy products available in Montana for the use of the many thousands of farmers who raise the food we partake of. The idea of the company providing the many turn-outs and fixing the bridges and burying the electrical lines are very appealing to me as this is something the department cannot afford to do at the present time.

All in all, I believe this is a win-win for Montana.

Respectfully

Dale Mahlum *[Signature]*

MAHLUM, DALE

1. Comment noted.

April 28, 2010

Tom Martin
Montana Department of Transportation
P O Box 201001
Helena, MT 59620

RECEIVED
APR 30 2010
ENVIRONMENTAL

MASSETT, DEBORAH

Subject: Permit for Tar Sands Development Equipment

Dear Mr. Martin:

- 1 { I urge you to prepare a *full environmental impact statement*—not just an environmental assessment before you issue a permit to transport tar sands development equipment across Montana! I am particularly concerned about the negative impacts this type of oil production will have on the environment, including: greenhouse gases, harmful particulates that will compromise air quality, requisite clearing of old growth forests and negative effects on water quality.
- 2 { Allowing this equipment to be moved across Montana will impede the ability to travel throughout a significant portion of Montana—this could have serious impacts on tourist travel, local residents, and, most importantly, it is *dangerous* to have these huge pieces of equipment on our highways.
- 3 { Please, do the right thing for Montana citizens, and prepare a full environmental impact statement before issuing a permit to transport the tar sands development equipment.

Respectfully,



Deborah J. Massett
1611 Laurel Street
Helena, Montana 59601

- 1. See responses to Common Comments B, E1, P.
- 2. See responses to Common Comments M, G, H1, and H2.
- 3. See response to Common Comment B.

Tom Martin
MDT Environmental Services Bureau
2701 Prospect Ave
PO Box 201001
Helena, MT 59620

May 11, 2010

RECEIVED
MAY 14 2010
ENVIRONMENTAL

Dear Mr. Martin,

I am writing to express my opposition to the Kearsarge Transportation Module project.

1 { The idea of hauling these huge loads through the heart of some of Montana and Idaho's most pristine and environmentally sensitive areas does not seem warranted or to make common sense. Why take the risks of an accident during winter months when road conditions can be treacherous? A two lane highway route over several mountain passes does not seem like the best way to transport such huge loads. The necessary road modifications will mean even more delays and inconvenience due to road construction during the busy summer months prior to the hauling. And after the hauling project is complete we will be the not-so-proud owners of an established industrial haul route.

2 { I would love to know just how much money the MDOT will get from this project? And as for local job creation?...show me where the jobs will be. The whole concept of hauling these huge loads seems to be a "caving in" to industry and a very environmentally destructive industry at that.

3 { My personal opinion of how MDOT chooses to spend taxpayer money on making our Montana roads safer is very low as a result of 1) the pervasive use of magnesium chloride on our highways in winter, 2) four huge electronic signs on Highway 2 (Columbia Heights, Essex, West Glacier and East Glacier) that could potentially give useful information but never do, 3) recent Highway 2 guard rail installation in places where there is no apparent danger other than the fact that now it is impossible to pull safely off the road in case of an emergency.

Please take another long, hard look at this project and weigh the benefits vs. the risks. I do not see any benefits to the people of Montana.

Sincerely Concerned,



Ursula Mattson
PO Box 256

MATTSON, URSULA

1. See responses to Common Comments H1, H2, L, and K.
2. See response to Common Comment Q. Please see also the Economic and Community Impacts discussion in Section 3.6 of the EA.
3. Comment noted.

May 12, 2010

Dear Mr. Kailey,

RECEIVED
MAY 17 2010
TRANSPORTATION PLANNING

RECEIVED
MAY 14 2010
MT DEPT. OF TRANSPORTATION
DIRECTOR'S OFFICE

I am deeply concerned about the plan to truck industrial equipment on giant trucks 162 feet long along the Lochsa River, over Lolo Pass, through the Blackfoot River Corridor and over Rogers Pass. The Alberta Tar Sands project comes at great expense to all of us here in Montana who have raised our families along the Blackfoot River as I have, or who love our Rivers and Valleys deeply and forever.

- 1 { 1.) Please conduct a review for the establishment of this permanent industrial corridor.
- 2 { 2.) Please require real alternatives to be considered
- 3 { 3.) Please provide an economic analysis that demonstrates the impacts to our recreation and tourism industry, and to the wildlife that inhabits the corridor.
- 4 { 4.) Please coordinate with the DEQ and the federal permitting agencies to properly analyze the transportation project as a whole under both the Montana and National Policy Acts

over →

MILLER, SUSAN

Form Letter 1.

- 1. See response to Common Comment C2.
- 2. See responses to Common Comments D1 and D2.
- 3. See response to Common Comment M.
- 4. See response to Common Comment A

Thank you for giving serious consideration
to my concerns -

Sincerely,

Susan Lindbergh Miller
27044 Gray Wolf Dr.
Arlee, MT 59821

**Kearl Module Transport Project
Environmental Assessment**
Public Comment

ENVIRONMENTAL

**MISSOULA ADVOCATES FOR
SUSTAINABLE TRANSPORTATION**

Comments Submitted by:

Missoula Advocates for Sustainable Transportation

Contact: Jordan Hess
Phone: (406) 431-3222
Email: wjordanhess@gmail.com

1 {

Kearl Module Transport Project Environmental Assessment – Public Comment

The Kearl Module Transport Project Environmental Assessment has many deficiencies. For a project of such scope, an Environmental Assessment (EA) is not an adequate tool for determining whether or not there are significant impacts associated with the project. The Montana Department of Transportation should issue a record of decision that this EA is inadequate and that a full Environmental Impact Statement (EIS) must be written. Only through an EIS can an adequate assessment of the costs and impacts of this project be conducted.

The many reasons for this concern are outlined in the following pages.

Please address any response to:

Missoula Advocates for Sustainable Transportation
ATTN: Jordan Hess
P.O. Box 976
Helena, MT 59624

Phone: (406) 431-3222
Email: wjordanhess@gmail.com

1. See response to Common Comment B.

2 { **EA Deficiency: Failure to Consider Cumulative Impacts of Entire Tar Sands Project**
 The Kearl Module Transport Project is part of a major tar-sands mining project that will likely last fifty to one-hundred years. The project EA addresses only a narrow subset of environmental and economic concerns associated with the transport of equipment through Montana. By granting a 32-J permit to Imperial Oil, the State of Montana will be party to an environmental disaster of major proportions in Alberta. The equipment transported through the state will be used in a way that exacerbates the process of climate change which will in turn have major economic impacts on the State of Montana – none of which were considered in the EA. These costs include loss of agricultural productivity due to prolonged drought in Montana; loss of tourism revenue due to Glacier National Park losing its namesake glaciers; loss of timber industry tax revenue due to declining forest health, not to mention increased fire suppression costs; and loss of non-resident fishing and hunting permit revenues due to diminished fish and wildlife populations, to name a few.

3 { **EA Deficiency: Failure to Delineate Logical Boundaries**
 The US Department of Transportation regulations require the identification of logical termini for any proposed action. The Kearl Module Transport Project EA assumes political boundaries which are not sufficient justification. This project does not start and end at the Montana borders. It passes through Montana as a portion of the route. The US–Canadian border is a logical terminus – it is a major jurisdictional boundary. On the contrary, the entire route through Montana and Idaho should be considered using the federal NEPA process. Only a federal EIS could consider the route in its entirety.

4 { **EA Deficiency: Failure to Consider Lost Tourism Revenue**
 The EA fails to address potential loss of tourism and outdoor recreation revenue. The proposed route for the Kearl Module Transport Project traverses through some of the most cherished recreation lands in the State of Montana. The EA does not address how establishing an oversized load corridor through the heart of these recreation areas will affect the character of these areas, whether perceptually or actually. The EA assumes no job loss in these sectors; however the document does not adequately indicate that these sectors of employment will not be impacted adversely.

5 { **EA Deficiency: Failure to Accommodate Potential Accidents**
 The EA does not address the possibility of minor or catastrophic accidents caused directly or indirectly by the transport rigs or the associated traffic control crews. An accident involving one of the transport rigs could block a major Montana highway for days until a crane large enough to clear the wreckage can be brought in from out of state. If an accident were to occur in between Lolo and Missoula, for example, thousands of commuters would be unable to get to and from their jobs until the wreckage could be cleaned up. This could cause millions of dollars in impacts. While accidents happen in all industries and the potential for accidents only is not a reason to deny a permit, the EA fails to outline what would happen in the event of an accident. This is a very real concern that needs to be addressed.

6 { **EA Deficiency: Environmental Justice**
 Compliance with the Environmental Justice Executive Order is not even mentioned. There are likely to be effects to minority and low income communities due to noise (especially since transportation of the modules will occur at night), air pollution, the possibility of spills and other negative effects.

2. See response to Common Comment E1 and Common Comment P.
3. See response to Common Comments A, B, and E2.
4. See response to Common Comment M.
5. See responses to Common Comments H1 and H2.
6. Executive Order 12898 is a presidential executive order that requires federal agencies to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Because MDT is a state rather than federal agency, it is not required to comply with EO12898. That said, MDT does not expect this project to have any disproportionately high and adverse effects on minority populations and low-income populations. Please see the EA and Decision Document for additional impacts discussion.

EA Deficiency: Failure to Consider Bicycle Tourism

The bicycle routes of Adventure Cycling Association (ACA) are coincident with over 175 miles of the proposed Kearsarge Module Transport route. This could have a very negative financial impact on tourism in Missoula, Great Falls, Helena, and all other cities that are accessed by bicycle tourists via Missoula. Additionally, this could negatively impact the financial security of Adventure Cycling – a nationwide non-profit organization with nearly 45,000 members – which relies on cycling route map sales for a major portion of its revenue.

7. Affected ACA routes include the TransAmerica Trail, Great Parks North, Lewis & Clark, and Great Divide. The TransAmerica Trail, colloquially known among cyclists as the TransAm, is ACA’s most popular route, with thousands of cyclists passing through Missoula via scenic Highway 12 annually. According to the Institute for Tourism and Recreation Research, 58% of road/touring cyclists that visit the state have incomes in excess of \$60,000. These cyclists support local businesses including restaurants, campgrounds and RV parks, hotels and motels, and other hospitality and service industry businesses. Many cyclists cite the presence of oversized loads as a major barrier to safe bicycle touring. The economic fallout to the state’s hospitality industry from losing even just a portion of these bicycle tourists would be staggering.

The project EA does not address these economic impacts.

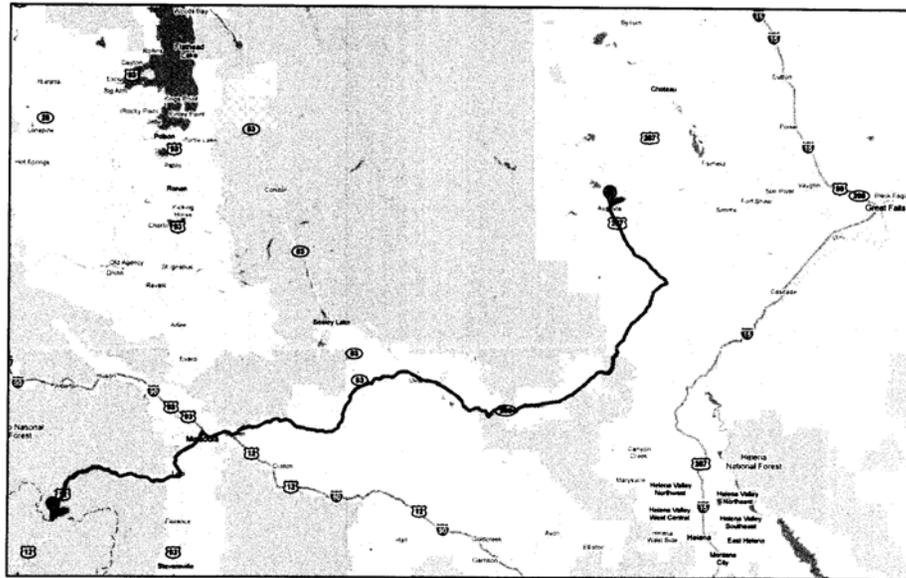


Figure 1: Over 175 miles of the proposed Kearsarge Module Transport route coincide with existing Adventure Cycling Association bicycle routes. One of these routes, the TransAmerica Trail, has been in existence since 1976 and brings thousands of tourists each year to Missoula via U.S. Highway 12. The highlighted road segments represent segments that would be shared by the Kearsarge Module Transport Project shipping route and Adventure Cycling Association routes.

7. See response to Common Comment M.

EA Deficiency: Failure to Address the Enforcement of the "10-Minute Rule" and the Cumulative Impact of Time Wasted by Travelers

8 { While the EA provides for a maximum traffic delay of ten minutes at a time, the document does not address how this will be enforced. There are similar instances of this type of arrangement causing problems. As provided in MCA 61-9-415, slow-moving vehicles must pull over to let traffic pass, however this law is often not adequately heeded and there is little enforcement. Additionally, freight trains are only allowed to block rail crossings for a limited amount of time, however there is also very little enforcement of this regulation, often leaving motorists stuck waiting for a train for a long time. There is no assurance that the "10-minute rule" will be enforced with regards to the Kearn Module trucks.

9 { Even if this rule were adequately enforced, delaying traffic for any amount of time wastes productivity and costs drivers money in fuel and opportunity costs (i.e. "What could I be doing if I weren't stuck behind this truck moving 6 MPH?"). Some of the highway segments along this route have average daily traffic counts (ADT) in excess of 20,000 cars per day. If even just a fraction of these cars were delayed, that is a lot of wasted time and productivity! To illustrate this example, suppose fifty cars per day are delayed for a period of ten minutes each. If each person's time conservatively estimated to have a value of \$7.25 per hour (the current minimum wage in Montana), then \$108,750 worth of time would be wasted over the course of 200 days. Montanans should not have to waste their time for an out-of-state corporate interest. This economic issue is not addressed by the EA.

EA Deficiency: Failure to Address Long Range Road Maintenance

10 { The construction of massive pull-outs along the proposed corridor will cost the state of Montana a fortune in future road maintenance costs. While Imperial Oil may have made arrangements to pay for the so-called improvements upfront, these additional pull-outs would become state property and would have to be maintained by the State of Montana. The EA does not address the impact this will have of on allocation of FHWA funding. If local and federal dollars must be used to maintain unused and unneeded pullouts, there will be less money available for highway projects that really need the money, such as Russell Street in Missoula, or I-15 interchange improvements in Helena.

EA Deficiency: Non-compliance with Clean Water Act

11 { The assessment in the document of potential effects to wetlands does not meet the requirements of the Clean Water Act nor the requirements of the Executive or DOT Order for Protection of Wetlands. There is no functional assessment of wetlands that has been done. Broad statements are made that "the location will be adjusted or mitigation applied to avoid impacts to wetlands" or that "two of the six locations appear to have wetland characteristics and need to be reviewed." Both of these statements indicate that wetland impacts are likely to occur and yet there is a concluding statement that "the proposed project is not expected to affect water resources including wetlands." This assessment is completely insufficient and does not meet the requirements of the FHWA Technical Advisory, the Protection of Wetlands Executive Order nor the Clean Water Act. Full survey and delineation of wetlands, including functional assessment needs to be completed. Then both direct and indirect impacts to wetlands needs to be done. Practicable alternatives to the impacts to wetlands need to be prepared and documented and mitigation needs to be fully defined and committed to.

8. The ARM provides for confiscation of permits and administrative penalties at 18.8.901 and 18.8.902.

9. See response to Common Comment G. If the \$108,750 calculated by the commenter were considered in the economic analysis, it would not change the conclusion that the proposal will not result in a significant adverse economic impact.

10. See response to Common Comment L.

11. Executive Order 11990 is a presidential executive order that requires federal agencies to protect wetlands. Because MDT is a state rather than federal agency, this executive order is not mentioned in the Environmental Assessment. That said, MDT does not expect this project to adversely impact wetlands. Please see the response to Common Comment I, the EA and the Decision Document for additional impacts discussion.

12 { **EA Error: Lolo Creek Watershed**
 The EA incorrectly stated that there would be no significant impacts on water quality associated with this project, however, Lolo Creek is one of the most sensitive watersheds in the area. Any disturbance created during construction would require substantial mitigation, none of which was provided for in the EA.

13 { **MEPA Process Deficiency: EA does not Consider Federal 4(f) Impacts**
 There are substantial 4(f) impacts associated with this project that must be assessed through the federal Environmental Impact Statement (EIS) process, including historic sites, wild and scenic rivers, parkland, and areas of cultural significance. The parks, recreation areas, and wildlife refuge section is insufficient to determine whether or not a Section 4(f) use will occur. Utility relocations do not address all potential Section 4(f) properties. This section has insufficient information to determine whether or not any future planned parks or trails would be affected. The minimal information provided about potential effects to access and parking in the vicinity of Section 4(f) properties. There is no discussion of consultation with Officials with Jurisdiction regarding existing or future Section 4(f) properties, and in fact, compliance with Section 4(f) is not even mentioned. Overall, this discussion is insufficient to determine whether or not a Section 4(f) use will occur.

14 { **General Project Concerns**
 There are many general concerns about this project that cannot be addressed by the limited scope of the Montana Environmental Policy Act. These concerns are worth briefly noting:

- Exxon/Imperial Oil have a terrible track record of environmental and human rights disasters.
- This project, despite objections from MDT, creates a corridor that welcomes 32-J permit applications and creates a revolving door of massive loads travelling through some of very sensitive watersheds in Western Montana.
- There is no guarantee that jobs associated with this project will go to Montana residents.
- Throughout history, Montana has been taken advantage of by one extractive industry after another. Tar sand mining is the next one knocking on the door waiting to perform its dog and pony show.
- Most importantly, tar sand strip mining is an environmental disaster, and the State of Montana should not be complicit in its development.

12. MDT has received no new information to indicate potential impacts to Lolo Creek. MDT maintains its conclusion that there will not be significant impacts to water quality. See responses to Common Comment I and O.

13. Section 4(f) of the Department of Transportation Act (DOT Act) of 1966 stipulates that the Federal Highway Administration (FHWA) and other federal DOT agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless certain conditions apply. Because MDT is a state rather than federal agency, Section 4(f) requirements are not mentioned in the Environmental Assessment. That said, MDT does not expect this project to create a “use” of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites. The proposed project will occur within existing rights of way. Please see the EA and the Decision Document for additional impacts discussion.

14. See also responses to Common Comment K, Q and E1.



BOARD OF COUNTY COMMISSIONERS
200 W BROADWAY ST
MISSOULA MT 59802-4292

BCC 2010-109
May 12, 2010

PHONE: (406) 258-4877
FAX: (406) 721-4043

RECEIVED
MAY 14 2010
ENVIRONMENTAL

Mr. Tom Martin
Environmental Services Bureau
Montana Department of Transportation
P.O. Box 201001
Helena, MT 59620-1001

RE: Kearn Module Transportation Project

Dear Mr. Martin:

Thank you for the opportunity to review and provide comment on the Environmental Assessment prepared for the Kearn Sands Transportation Project. Included with this letter are our initial comments.

- 1 { We believe inadequate time has been provided to fully evaluate the environmental assessment in conjunction with the supplemental information provided on your website. We also believe that the environmental assessment does not examine the true impacts to local communities.
 - 1 { We, therefore, respectfully request a ninety (90) day extension to better understand the project and its likely effects on our community.
- Thank you in advance for your consideration.

Sincerely,
BOARD OF COUNTY COMMISSIONERS

Michele Landquist, Chair

Bill Carey, Commissioner

Jean Curtiss, Commissioner

BCC/ppr
cc: Greg Robertson, Public Works Director
Jim Lynch, Director, MDT

MISSOULA BOARD OF COUNTY COMMISSIONERS

- 1. See response to Common Comment F1.

KEARL SANDS TRANSPORT PROJECT

Missoula County has a number of concerns related to the Kearnl Sands Transport Project.

2 { Missoula County did not receive the draft environmental documents until April 13, 2010, and has not had adequate time to fully evaluate its contents. There are significant potential public safety and welfare issues related to this project. Missoula County and other agencies require more time to provide meaningful input. An additional ninety (90) days is warranted to provide adequate, substantive comment.

Missoula County’s concerns are related to **insufficient analysis and outreach**, specifically:

3 {

- **Alternate Routes.** The environmental assessment lacks adequate analysis of alternate routes. There is very little information provided explaining why no other route is feasible. No photos or plans are provided identifying "restrictions" or their location. No design alternatives, or their requisite costs, are offered investigating the feasibility of getting past these restrictions, such as temporarily improving on/off ramps to accommodate the modules, bridge deck modifications, alignment modifications or feasibility of repackaging the offending modules.

4 {

- **Public Safety.** The analysis provided and outreach conducted regarding conflicts with emergency response vehicles is inadequate. The County’s emergency responders have had very little contact from representatives of the project. Considerable work needs to be accomplished before a record of decision is issued to adequately address emergency response plans and response times. Additionally, the EA states that the modules will be transported at night, yet the traffic control plans do not identify how the work areas will be illuminated within the work zone and approaching traffic. In the interest of public safety, the transport work zone should be illuminated, and the EA should state as much.

5 {

- **Recreation.** The analysis provided on impacts to recreation or tourism is inadequate and may underestimate impacts to our local community.

6 {

- **Cultural Resources.** Extensive consultation should have occurred to identify all cultural resources along the route. The plan should also include proposed mitigation efforts for each resource listed.

2. See response to Common Comment F1.

3. See responses to Common Comments D1, D2, and D3.

4. See response to Common Comment H3. The work areas will be appropriately illuminated, See Section 2.2.1.7 of the EA

5. See response to Common Comment M.

6. See response to Common Comment N. See Section 3.3 of the EA and also the Decision Document.

7 { • **Public Transportation.** The environmental assessment does not provide contingency plans in the event of vehicle breakdown, spill, schedule delays or other hazard that may have an adverse impact on the traveling public. The document also fails to provide information on the impacts to adjacent public roads and the delays that users of those roads might experience. Further analysis examining the delay impacts to intersecting roads and driveways must be included in the proposed plan.

8 { • **Public Infrastructure.** The Environmental Assessment fails to address impacts to the sewer main running directly under the approach to the weigh station that will stage the modules. The sewer main serves Highway 12 as part of Rural Special Improvement District No. 901. Large boulders in the vicinity restricted the sewer main from being installed at an adequate depth. The wheel loads created by the large vehicles required for the project will likely have adverse impacts to the sewer main, including the possibility of crushing the pipe. Missoula County requires the EA to include mitigation measures to this critical piece of public infrastructure.

9 { • **Environmental Impacts.** Construction of pull-outs along the route may adversely affect significant environmental resources including damage to riparian areas, watersheds, and hillsides. There is a lack of analysis in the Environmental Assessment relative to environmental impacts resulting from constructing pull-outs.

10 { • **Economic Impacts.** The analysis with respect to economic impacts is incomplete. The document fails to portray the true economic impact to local businesses, tourism and employment. Especially lacking are the effects to the transportation and timber products industry that are so important to our economy.

11 { • **Inadequately Rigorous Analysis.** The issuance of a special use permit by the US Forest Service and potential impacts to cultural resources constitute federal actions. The Environmental Assessment should justify why an Environmental Impact Statement is not required and the project's exclusion from NEPA.

12 { • **Unclear Project Scope.** The document discussion involves establishing a permanent route through Missoula County for these and other types of oversized loads. Requiring a full Environmental Impact Statement to study the cumulative impacts of making such a route permanent would bring the necessary analysis to bear in the context of greater public discourse.

7. See Section 3.6.2.6 of the EA, which specifies the location in the MTP where these issues are addressed. See also the response to Common Comment G.

8. Axle weights will not exceed limits set by MDT and will not harm the sewer line near the staging area. See response to Common Comment L.

9. See responses to Common Comments I and O. MDT concludes that potential impacts from turnout construction are adequately analyzed in the EA.

10. See response to Common Comment M.

11. See responses to Common Comments A and B.

12. See responses to Common Comments B and K.



14 May 2010

Tom Martin
 Montana Department of Transportation
 Environmental Services
 Helena, MT 59620

RECEIVED
 MAY 17 2010
 ENVIRONMENTAL

Dear Mr. Martin,

I wish to make known my strong opposition to the proposed Kearsarge Module Transport Project.

This route, where it affects Montana, and specifically along Hwy. 12 and Lolo Creek, then along Hwy. 200 and the Blackfoot River, is well-known for its remote nature, spectacular beauty, and access to abundant recreational opportunities. I travel these roads many times a year in all seasons, both for business and pleasure. I would strongly argue that they are not at all suitable for the proposed use.

1 { Hwy. 12 coming down from Lolo Pass is narrow, winding, steep, and treacherous in winter. I routinely see places where cars have slid off into a snowbank, and a vehicle ends up in the adjacent creek at least once a year. Much of the surrounding forest lands were recently acquired with federal funds from Plum Creek timber, to go with adjoining USFS lands, as land managers clearly recognized the unique character and recreational opportunities of the area, everything from XC skiing and snowshoeing to hunting, fishing, and snowmobiling. Hwy. 200 is less twisting and steep, but it traverses country no less beautiful. Certainly you know that it parallels the Blackfoot River for many miles. There are few rivers in Montana as legendary for their scenery and fishing as this river. The Blackfoot valley, as well, has been the subject of intense efforts to protect and preserve its rural character and scenic views. These roads are no place to be transporting mega-sized industrial equipment!

2 { Our organization transports people on a daily basis in the summer months up and down the proposed route. While I recognize that a night-time schedule should help avoid traffic concerns, it would only take one incident to cause us severe problems and potentially lost business. In our permit with Lolo National Forest, we can only be in very specific places on specific days that were scheduled months ahead of time. As well, I can tell you that our clients very much enjoy the scenic nature of these roads, and they are not impressed by seeing turn-outs and monster rigs parked beside the road. MOLA is but one of many outdoor-based organizations in our immediate area who stand to be negatively impacted.

3 { A question to you: Why would we even consider creating this "high and wide" travel corridor through such remarkable country to accommodate the interests of a large multi-national private business who routinely posts profits in the \$billions of dollars?! The crux of the issue seems to be that Imperial Oil/Exxon Oil is proposing this route because it is easiest and cheapest for them. Never mind Montana! This is a slap in the face to all Montanans, and it is especially insulting to those of us who work hard to create business in our state based on natural resources. While Imperial/Exxon has promised some fantastic economic benefit with the project, I find the numbers hard to believe, and they are short-term benefits at best.

Please say no to this ill-conceived project that threatens Montana's future and the livelihoods of hardworking Montanans. I hope you'll ask Imperial/Exxon to look for a more suitable route for their business. Thank you for your time.

J. Porter Hammitt, Founder and Director
 Missoula Outdoor Learning Adventures (MOLA)
 1304 Jackson St., Missoula, MT 59802
 Porter@MissoulaOutdoors.com
 406.240.2458

MISSOULA OUTDOOR LEARNING ADVENTURES – J. PORTER HAMMITT

1. See response to Common Comment K.

2. See responses to Common Comments M and J.

3. See response to Common Comment K.

RECEIVED 4/29/10
APR 29 2010
ENVIRONMENTAL

Dear Mr. Martin,

I am writing you in regard to the Imperial Oil Co. equipment convey. I assume you are aware of the devastating and irreversible impacts for sand Mining here on our environment. For this reason alone I believe you should conduct a Full Environmental Impact statement. I don't believe Montanans should be asked to sacrifice their safety on their highways nor endure extended traffic delays to ensure Exxon oil's profits and the destruction of our environment!

Sincerely,
Craig Mohr
175 Fennel Rd
Wht. Mountain
599317

MOHR, CRAIG

- 1. See response to Common Comment E1 and B.

David R. Montague
P.O. Box 903
Bonner, MT 59823
Phone or fax: (406) 244-5068
Email: d33rtsm9@blackfoot.net

RECEIVED
MAY 1
ENVIRONMENTAL

MONTAGUE, DAVID

May 11, 2010

Tom Martin,
MDT,
P.O. Box 201001
Helena, MT 59620

Dear Mr. Martin,

An email I sent today was returned because your box was full. Hence I am writing you via snail mail.

I'm a resident of Potomac on highway 200 northeast of Missoula, one of the primary routes in the plan to transport tar sands mining equipment to Canada. Not only do I object to the potential delays and wear on the highway, I strongly object to use of Montana roadways to transport equipment that, when used, will do nothing but add to environmental woes and all for the sake of corporate profits. I say No! in acres, and I urge the department to disallow this use. Would we as a state allow transport of gas ovens to an Auschwitz? Would we permit transport of inadequate "fail safe" equipment to an offshore oil rig? There is nothing whatsoever that should compel us to help private corporations pollute and destroy a nearly pristine area near our border so that their shareholders can reap more profits and their executives ever larger bonuses. Surprise! We, citizens of Montana and the U.S., do not exist solely to serve corporate needs. Neither do our roadways.

Sincerely,



David R. Montague

Author of "*In Greed We Trust: Secrets of a Dead Billionaire*,"
a satire that deconstructs greed, plutocracy and the American Dream.
Visit the book's website at www.greedwetrust.com

1. Comment noted.

10/19/1955 14:58 0000000000 000000 PAGE 01



MONTANA ENVIRONMENTAL INFORMATION CENTER

"Protecting Montana's Natural Environment Since 1947"

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MAY 13 2010
ENVIRONMENTAL

May 12, 2010

Director Jim Lynch
Montana Department of Transportation
2701 Prospect Ave.
Helena, MT 59620

Sent via Facsimile: (406) 444-7643

Dear Director Lynch,

1 { The Montana Department of Transportation's system for those submitting comments via e-mail on the proposed Kearsley Transportation Project is not working. I called to inquire about the problem because many of our members are trying to submit comments before the May 14 deadline. The woman who answered the phone told me that the inbox was full and she would speak with someone to have it cleared out by this afternoon. The woman I spoke with was neither friendly nor accommodating.

This is a major inconvenience for people who are trying to submit comments before the deadline. We feel that it is necessary to extend the comment deadline so that the public is provided with a reasonable time frame to provide input on this project.

Thank you for your consideration of this request.

Sincerely,

Kyla Wiens, Policy Advocate
Montana Environmental Information Center

P.O. Box 1184 • Helena, MT 59624 • Phone: (406) 443-7520 • Fax: (406) 443-7527 • Email: meic@meic.org • www.meic.org
printed on recycled paper

MONTANA ENVIRONMENTAL INFORMATION CENTER - WIENS

1. See response to Common Comment F2.

RECEIVED

MAY 10 2010

ENVIRONMENTAL

3270 Kleinschmidt Flat Road
Ovando, MT 59854
May 9, 2010

Tom Martin
Montana Department of Transportation
Helena, MT 59620

Mr. Martin,

Please re-consider approving the transportation permit allowing the transport of tar sands mining equipment through Montana. I urge you to consider all the factors when making your decision.

1 { First of all, tar sands development releases significant amounts of greenhouse gasses into our atmosphere. Allowing transport of the equipment only facilitates this global environmental degradation. The environmental assessment does not adequately address the potential impacts to the environment and public health resulting from global warming if this project is carried out.

2 { Second, the impacts of the actual equipment transport will be severe. I live in Ovando, a small town along highway 200, a route proposed as adequate for equipment transport. The Blackfoot Valley, which highway 200 bisects, is invaluable habitat for many sensitive and keystone wildlife species. The impacts to these species—grizzly bears, wolverines, gray wolves—not to mention large elk herds—will be significant. Not only will there be wildlife mortality, but the impacts of the increased travel to migration and movement will be high. Incidentally, much of highway 200 follows the Blackfoot River. Impacts to the riparian water quality and sediment load are not addressed in the EA.

3 { Third, the impacts of this proposed transportation permit to our local economy, our public safety and the condition of our highway are also too high to warrant approving this permit. Ovando depends on recreational tourism to keep it afloat. Bad publicity about Montana highway conditions could cause a decrease in tourism dollars. Public safety issues are not adequately addressed in the EA. Far from volunteer fire departments and sparse EMT groups cannot respond quickly if there are accidents or rollovers along highway 200.

4 { Lastly, Montana does not need to facilitate the profits of an international oil company. We will not benefit with lots of long term, well paying jobs. We will end up with damaged roads, damaged reputations, and damaged wildlife populations.

Thank you for your time,
Andrea Morgan



MORGAN, ANDRE

1. See responses to Common Comments E1 and P.

2. See response to Common Comment I and O.

3. See responses to Common Comments L, M, and H3.

4. Comment noted.

Montana Department of Transportation,

I am a 52 year old, 4th generation Montanan. Over the years I've watched my state, " Montana, the last best place," incrementally sliding toward " Montana, a place like every other."

Senic two lane roads were never intended to be corridors for international heavy haulers. Imperial/Exxon Mobil of Canada intends to raze mountain sides in order to accomodate passage of 200 modules of oil extraction equipment. Equipment manufactured in Korea to be transported to Canada. This is a problem for Imperial/Exxon Mobil of Canada, not for citizens of Montana.

Big corporations do not hesitate for ethical consideration. Tell Imperial/Exxon Mobil of Canada, that " the last best place " is not for sale.

Sincerely,

Rocky Morrison

MORRISON, ROCKY

1. See responses to Common Comments J and K.



Comment form

Project name: Kearsarge Module Transport Project EA
 Control Number: CN 6800
 Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
 Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Mick Mulholland
 1661 S. 7th St. W.
 Missoula, MT. 59801
 mick@montanahome.com

1 { Comments: I would urge the Montana Department of Transportation approve the use of Montana Highways as proposed by Imperial Oil for their module transportation to Canada. This will employ Montanans work in Montana thus helping the tax base, wages + benefits to workers + their families

MULHOLLAND, MICK

1. Comment noted.



Comment form

RECEIVED
MAY 10 2010
ENVIRONMENTAL

Project name: Kearsal Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Karen Myers
PO Box 143
Drummond, MT 59832 (Nelmville resident)
myerssull@yahoo.com

1 { **Comments:** The impact of this project is high. It is not just the matter of a few trucks using scenic byways. This project will change the face, beauty and soul of the Lolo and Blackfoot River corridors and the Rocky Mountain front.

2 { Because of this, a 90 day extension to the public comment period is in order. The public was not adequately informed and even the Missoula County Commissioners received the EA too late to properly assess it in the time allotted.

3 { Because of the endangered species of fish in the rivers and streams adjacent

MYERS, KAREN

1. See responses to Common Comments J, K and O.

2. See response to Common Comment F1.

3. See responses to Common Comments I, O, and B.

to this project, a full Environmental Impact statement is necessary.

4 { Because the validity of Exxon-mobil's figures has been called in to question, a full economic assessment by an independent agent is warranted

5 { Montana needs to retain its character for its citizens and the many tourists this state depends on. The number of unsightly turnoffs along the proposed route will have a negative impact on the scenic beauty of this area. Not only the turnoff but large cuts in the mountainsides and the amount of fill that will have to be brought in from somewhere will destroy an important aspect of Montana.

A company ~~might have~~ has the right to use Montana's highways if they stay under the 10 minute wait limit, but do they have a right to disfigure the road with many large unsightly unnecessary turnoffs and plow? We do not want that our state will have to maintain

6 { The beauty of this state is an asset we can not afford to lose. Once gone it cannot be replaced. ~~Something~~ things are more important than the so called "promise of cheap oil".

7 { I would rather wait 30 minutes than to have the behemoth turnoffs destroy the integrity of Montana's scenic byways and her character, her soul.

4. See response to Common Comment M.

5. See response to Common Comment J. The proposal being evaluated does not include "large cuts in the mountainside"; some fill will be used for the new and modified turnoffs. Associated potential impacts were analyzed in the EA and found to be insignificant in terms of MEPA. See response to Common Comment L.

6. Comment noted.

7. The 10-minute delay requirement is from the Administrative Rules of Montana 18.8.1101, as a result, other delay periods were not evaluated.

Dear Governor Schweitzer,

I have tried to email this comment to the Dept. Of Transportation, and it bounces back to me with the error message that it is "Undeliverable" and the "address is not recognized."
 Since DOT is a public agency, and I sincerely want to add my comment to those opposing the big rigs with oil equipment going up Highway 12, I am concerned that my comment won't go through.

I know you both are busy. You're also my elected representatives. I've never asked anything of a politician, but I'd sure be grateful if either of you could get this through to MTDOT for me. They apparently aren't extending the comment period, despite the response they're getting.
 And I wasn't able to get this done until the last minute, I realize that.

And despite the advice of CB. Pearson I'm going to leave the expletive in the next sentence.

The damned email address they have should work.

Sincerely

Noelle Naiden
 406-543-7780

1 { Hi, I'm a school psychologist and live in Missoula where I've been for thirty years. I've kayaked, driven and hiked the areas of the Blackfoot, Lolo creek and the Lochsa most of my time in Montana. Many people use these rivers and highways for access to recreation, homes, livelihoods - I've spent more time in a boat on the blackfoot than I could even tally....you could say I spent my life on that river. Highway 12 is a major corridor

NAIDIN, NOELLE

1. Comment noted.

for river use and river recreation. It is precious for hunters, anglers, boaters, bikers, and folks also live there, have families and are invested in it. That means more than anything else.

Having lived in Missoula since the 70's I've watched it change a great deal over time.

I have significant concerns about the enormous impact and infrastructure effects these Exxon rigs carrying overseas oil equipment will have on the proposed route. I know the lower Blackfoot corridor intimately - it's tight and narrow and the road should stay that way since the river is a priority. But huge trucks on this narrow highway seem like a fish with a bicycle - makes no sense any way you cut it.

Different values exist on Lolo, the upper Blackfoot and the Lochsa but all have to do with the overriding value of the wild lands and wild waters trumping the roadways. To have hundreds of these trucks coming through, to create roads specifically to carry them, when there's no real benefit to Montana (lord knows Exxon needs no more benefits, they've posted record profits year after year and are only interested in their own bottom line) is another example of an out-of-state corporation wanting to exploit Montana without having to be invested in the state.

2 { This project demands close scrutiny. Oil companies are not known for their responsible stewardship or respect for the states they operate in, just ask the folks in Louisiana. This should require an environmental impact statement and a really hard look at the nature of their request.

The Blackfoot river is irreplaceable, as is Missoula and every other small town these trucks will barrel through. They do not need to use this route and probably can't demonstrate real need to use it, other than wanting to save a buck.

Please, do an environmental impact statement. Please, don't allow their passage.

Noelle Naiden
5141 Elk Ridge Road Missoula Mt 59802

RECEIVED
MAY 17 2010
ENVIRONMENTAL

2. Please see the response to Common Comment F2 for an explanation of the reason for the email outage.

SUMMER NELSON
SUMMER NELSON LAW OFFICE, PLLC
114 W. PINE ST., OFFICE 3
MISSOULA, MONTANA 59802
summer@summernelsonlaw.com

ROBERT M. GENTRY
ROBERT GENTRY LAW, PLLC
114 W. PINE ST
MISSOULA, MT 59802
ROBERT@ROBERTGENTRYLAW.COM
(406) 396-6322

May 14, 2010

RECEIVED
MAY 17 2010
ENVIRONMENTAL

Tom Martin
Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

RE: Kearl Module Transport Project Environmental Assessment (KMTP EA): Public comment

Dear Mr. Martin:

Thank you for the opportunity to comment on this project. On behalf of Northern Rockies Rising Tide (NRRRT), and on behalf of the undersigned named individuals, we submit the following comments on the KMTP EA. Please note that the undersigned, by joining in this letter, do not state or imply that they practice in partnership or other organization.

1. The public comment period should be extended.

The Montana Department of Transportation (MDT) has some discretion in determining the level of analysis and public review employed in its preparation of an EA.² A public comment period is one method by which MDT may adjust public review to reflect the complexity and seriousness of the environmental issues associated with the proposed action.³ Recognizing this, MDT opened a 30-day public comment period for the KMTP EA.

Consistent with the complexity of this project, the EA, Transportation Plan and appendices are quite voluminous. MDT has been actively working on this project with Imperial Oil (IO), the permit applicant, for over a year. While the public comment period granted in this case is consistent with MDT's regulatory authority, it would also be consistent with that authority, the spirit and letter of the Montana Environmental Policy Act⁴ (MEPA), and good governance to extend the comment period to allow the public adequate time to learn about this project, review the EA and associated documents, and provide informed, meaningful public comment.

Further, technical difficulties with the MDT email link for electronic submission of public comments came to our attention on Tuesday, May 11, 2010, three days before the close of the public comment period. These difficulties occurred and are ongoing during a critical time period for submission of public comments, and resulted in comments submitted being "bounced back" to senders due to full email boxes at MDT. Please consider this unanticipated breakdown in an essential component of the

¹ See Montana Ethics Opinion 900308. Summer Nelson Law Office, PLLC and Robert Gentry Law, PLLC are separate organizations under Montana law.

² ARM 18.2.240(1).

³ ARM 18.2.240(3).

⁴ Title 75, chapter 1, parts 1 through 3, MCA.

**NELSON, SUMMER AND GENTRY,
ROBERT**

1. See response to Common Comment F1.

2. See response to Common Comment F2.

2 { solicitation of public comments an additional reason to extend the public comment period in order to provide meaningful public participation in this government decision, as required by the Montana Constitution and MEPA. MDT is statutorily authorized to extend applicable deadlines for completion of its environmental review in order to accommodate this request.⁵

Not only is MDT statutorily authorized to extend a comment period, the Montana constitution requires that the public be given a meaningful opportunity to participate in governmental decision-making before a final decision is made. The breadth of this project, the volume of the documents to be reviewed, and the great public concern demand a comment period that will accommodate public participation, and the 30 day period cannot accomplish that task.

The Montana Supreme Court has recognized the fundamental link between the public's constitutional right to know and the right to participate.⁶ In Bryan, the Supreme Court held a citizen's fundamental right to participate was violated when a school district did not provide all information relied upon and available to the decision-making body during the time the public could participate. While MDT has provided information requested by the public (specifically, the NRRT information request), none of the important requested information was made available in the EA. Instead, members of the public had to identify critical missing information and seek it out during the 30-day comment period.

Other additional information requests are pending with federal agencies, as not all the relevant information about impacts, project scope, and other aspects of the project was provided by MDT in the EA. It follows that without all information provided in a timely manner, such that the public can reasonably be expected to obtain and review all the relevant information, the public's right to participate and know are not being upheld. Also, the sheer volume of the additional requested information, along with the volume of information in the EA and accompanying documents requires more than a 30-day comment period to satisfy the public's fundamental constitutional rights to know and to participate in government decision-making.

3 { The public hearing held in Missoula (and presumably those held in other locations) were of such a nature that they did not satisfy the need for adequate, meaningful public participation. Instead of providing an opportunity for the public to make their comments at the time advertised as the start of the hearing, or even shortly thereafter, MDT allowed the applicant Imperial Oil to dominate the hearing for hours before MDT even began recording comments as part of the official public comment record. Not only was the public comment portion of the meeting so substantially delayed that many of the attending public had departed by the time public comment was taken (after 9:00 p.m. on a week night), but the comments were not allowed until after Imperial Oil was given the floor to present its one-sided view of the project, which minimized the potential impacts and uncertainties of the project, and severely limited the scope of the discussion. Thus, possibly many members of the public were either dissuaded or influenced in their comment-making by the delay, extra-record supplemental information session conducted by IO, and the direction of the applicant corporation of this public meeting presenting an MDT decision.

During the question and answer session, it became apparent that many members of the public were treating their questions as an opportunity to make comments to the agency. These questions, however, were not being treated by MDT as actual comments or public input. MDT should remedy the inadequacies of the public participation process. It can do so by extending the comment period for this EA, so that the public has time to become adequately informed of the issues, identify additional potential impacts and concerns for the agency's consideration, and provide other meaningful input. Alternatively

⁵ MCA § 75-1-208(5).

⁶ Bryan v. Yellowstone County School Dist., 2002 MT 264.

See response above.

3. See response to Common Comment F1.

The Missoula hearing format was consistent with the format MDT generally uses in conducting its MEPA/NEPA public involvement. See Section 2.0 of the Decision Document.

4 { or additionally, MDT can remedy the inadequacies of the public participation process by abandoning the EA and initiating a public scoping process to prepare a full EIS to in cooperation with all involved federal, state, tribal, and local entities, to comply with both MEPA and NEPA.

2. An EA under MEPA is legally insufficient to fulfill MDT's constitutional and statutory responsibilities to the people of Montana.

IO requests that MDT provide state government permits necessary to construct one segment of its Kearsarge Project on Montana highways and requests permits to allow the movement of equipment manufactured in Korea over Montana roads destined for IO's tar sands resource extraction project near Fort McMurray, Alberta, Canada. The road construction, utility relocation, signal modification and tree trimming required under the requested oversize load permits in Montana are but one portion of IO's proposed route that crosses international boundaries and state lines, a project informed by IO's "global execution strategies."⁸

5 { As the state government agency asked to approve the penultimate segment of this global route, prior to committing significant state environmental and fiscal resources, it is reasonable⁹ for MDT to ask whether the preceding portions of the route have received final federal, state, tribal, and local governmental approval, including requisite environmental review under state and federal law.¹⁰ And it is appropriate for MDT to ask whether IO is asking MDT to participate in a segmentation of their project in order to facilitate an evasion of legal responsibilities under NEPA. Putting at risk the natural resources and economic viability of western Montana and substantial public funds, MDT has chosen not to ask these questions, preferring to allow state lines and the permit applicant's characterizations of the project to limit its consideration of the scope of this project. The undersigned ask that MDT respond to these questions before making a final agency decision in this matter.

3. MDT should deny IO's permit applications pending environmental review of this project, as a whole, under NEPA.

The Montana Supreme Court has stated that "because MEPA is modeled after the National Environmental Policy Act (NEPA), when interpreting MEPA, we find federal case law persuasive."¹¹

⁷ KMTP EA, p. S-1.

⁸ *Id.*

⁹ Such an inquiry is also consistent with: the public trust responsibilities of all state government employees, MCA § 2-2-103; the policy that executive branch agencies be responsive to the needs of the people of the state, MCA § 2-15-101; the principle of accountability for addressing issues, MCA § 2-15-142; the principle of government accountability, MCA § 2-11-101 et seq.; the manifestation of popular sovereignty, Montana Constitution Art. II, Sec. 1; the duty of strict accountability of all revenue received and money spent by the state, Montana Constitution Art. VIII, Sec. 12; the inalienable right of Montanans to a clean and healthful environment, Montana Constitution, Art. II, Sec. 3; and the maintenance and improvement of a clean and healthful environment in Montana for present and future generations, Montana Constitution, Art. IX, Sec. 1.

¹⁰ In its "USDOT TIGER Grant Application, Expansion of Port of Lewiston Dock and State Highway 129," the Idaho Transportation Department is applying for \$11.4 million in federal stimulus funds to "provid[e] an oversized equipment transportation route for oil (Kearsarge Oil Sands)." "Permits Approved and Approvals Secured" and "Other Agency Approvals" are scheduled to occur in September 2010. This project will "enhance the Port's ability to be competitive with a new opportunity to offload oversized equipment being transported to the Kearsarge Oil Sands Project in Alberta, Canada, coal plants in Wyoming, and wind turbines for the U.S. mid-west." "Oil companies working in the Kearsarge Oil Sands Region of Alberta, Canada have discovered the Columbia-Snake Port System. . . . If one oil company is successful with this alternate transportation route, many other companies will follow their lead. The port dock will reduce transportation time and costs for the American-based oil companies."

http://id.idaho.gov/tiger/lewisston_docs/1_ewiston_TIGER_Application%20Final%209%2015%209.pdf

¹¹ *Ravalli County Fish and Game Ass'n, Inc. v. Montana Dept. of State Lands*, 903 P.2d 1362, (Mont. 1995).

4. See response to Common Comment B.

5. See responses to Common Comments S, E1 and E2.

6 { MDT is not only authorized to prepare a joint environmental review document with involved federal agencies,¹² it is also required to prepare environmental review to satisfy NEPA as well as MEPA where a state action also involves federal action.¹³ Thus, not only does analogy and guidance from NEPA case law apply to the MEPA process, but NEPA compliance is required in this instance, for reasons set forth in the sections below.

A. MDT may not substitute IO/Tetratech's analyses of the scope, purpose and need, alternatives, and environmental impacts of this project.

7 { As with Montana law, under federal regulatory guidance, a federal agency may prepare an EA in-house, or it may allow a permit applicant to prepare the EA. But the agency must make its own evaluation of the environmental issues and take responsibility for the document's scope and content.¹⁴ Federal agencies, and by extension MDT, must "exercise considerable caution" when an EA is prepared by an entity with an interest in the proposed action so that the agency does not substitute the entity's analysis for its own.¹⁵

MDT is therefore not restricted solely to the content of the EA submitted by IO and prepared by its consultant Tetratech in determining the appropriate scope, purpose and need, alternatives analysis and analysis of impacts of this proposal. In the event that information upon which an agency significantly relies in reviewing an EA is challenged as being inaccurate or incomplete, the agency must conduct an independent investigation to verify or discredit the information.¹⁶ MDT is under an affirmative duty to confirm the analyses and representations contained in the EA through reference to all available information about the proposal. The undersigned request that, prior to making a final agency decision, MDT respond to this request that MDT conduct an independent investigation to verify or discredit the information referenced in the EA, as well as the information raised in this and other public comments received.

B. The scope, purpose and need, alternatives and environmental impacts analyses contained in the EA do not encompass the fact that IO is proposing to construct a permanent high/wide corridor through Montana.

8 { In the EA, MDT restricts its consideration of IO's permit applications to the one-time (over one year) transport of around 200 oversize loads through Montana. The purpose for this project, however, is much broader than this. As stated in the EA, the purpose is "for Imperial Oil to improve Montana infrastructure to facilitate a safe and efficient movement of over-dimension loads through Montana to the Canadian border and return trailers through Montana to the Idaho border."¹⁷ The permanent nature of

¹² ARM 18.2.250(2), "The agency shall cooperate with federal and local agencies in preparing EISs when the jurisdiction of the agency is involved. This cooperation may include, but is not limited to: joint environmental research studies, a joint process to determine the scope of an EIS, joint public hearings, joint EISs, and, whenever appropriate, joint issuance of a record of decision."

¹³ ARM 18.2.250(3), "Whenever the agency proposes or participates in an action that requires preparation of an EIS under both the National Environmental Policy Act and MEPA, the EIS must be prepared in compliance with both statutes and associated rules and regulations. The agency may, if required by a cooperating federal agency, accede to and follow more stringent requirements, such as additional content or public review periods, but in no case may it accede to less than is provided for in these rules." Federal case law also indicates a state action can be a federal action when federal funding, approval, or other substantial or necessary involvement exists, and thus subject a state agency to NEPA's requirements.

¹⁴ 40 CFR § 1506.5(b). See *Stephens v. Adams*, 469 F.Supp. 1222, 1227 (E.D. Wis. 1979).

¹⁵ *Brandon v. Pierce*, 725 F.2d 555, 564 (10th Cir. 1984).

¹⁶ *Van Abbema v. Fornelli*, 807 F.2d 633, 639-42 (7th Cir. 1986).

¹⁷ EA at section 1.2, Purpose of the Project, p. 1

6. See response to Common Comment A.

7. See response to Common Comment S. MDT takes full responsibility for the accuracy, scope, and content of the EA and Decision Document.

See response on next page.

8 } this project as a High/Wide corridor through Montana is expressly recognized in the EA as a "Present and Reasonably Foreseeable Activit[y] by Others"¹⁸ and in the statement that "MDT believes it is reasonably foreseeable that additional oversized loads would want to use the route."¹⁹

The conclusion that this project proposes to develop a permanent oversize load ("High/Wide") corridor through western Montana is further supported by the statements of Jim Lynch, Director, MDT. In a "Proposed High and Wide Corridors Briefing" presented before the Montana Revenue and Transportation Oversight Committee in July 2009²⁰, Mr. Lynch prepared slides stating that IO "[p]ropose[s] to create permanent 'High/Wide Corridors' through Montana." Mr. Lynch also presented a slide in this briefing stating that "there are numerous companies with leases from Alberta to develop areas of the Kearsy Oil Sands."

Mr. Lynch's July presentation to the MRTOC is available online.²¹ In this presentation, Mr. Lynch made the following statements: This project will be "setting the stage for a high/wide corridor in Montana for things we haven't even imagined yet;"²² this project "lends itself more to an EIS than an EA;"²³ and that this project will create a "firestorm in the community" and will be "invasive." Throughout the presentation, Mr. Lynch emphasized his many concerns including the fact that due to the nature of the route, there are no alternatives to this corridor for travelers to avoid these big rigs, the size of the turnouts, and the potential for a "significant impact to the state."

9 } Mr. Lynch's statements 10 months ago more accurately depict the scope of this project and its potential impacts than the EA prepared by IO. As recently as January, 2010, Tom Martin, MDT's Environmental Services Bureau Chief, clearly stated this concern and the need for the environmental document to analyze the impacts of establishing a permanent high/wide transportation corridor in Montana. As stated by Mr. Martin:

- On the other hand, leaving the turnouts in place does promote more of a permanent high-wide route. This coupled with utility and sign/light pole adjustments creates features that have been designed to allow high-wide loads – one of very few in the state. This has not been analyzed or disclosed in the last draft e-doc. It needs to be. However, I think it will be difficult to do so. It could be a weakness that savvy litigators look to if an e-doc challenge is pursued.²⁴

Several other MDT Environmental Services personnel have voiced similar concerns, including the following statements:

- I always thought that the turnouts would be permanent since Page 4 of the draft Environmental Review stated "These turnouts, traffic structures, and utility relocations would be permanent." The cumulative impacts section needs to address the long term consequences (good and not so good) of these features.²⁵

¹⁸ EA at section 3.2, p. 16, "Past, Present, and Reasonably Foreseeable Actions." "Future 32-J permit loads using any portion of the proposed route similar to this project. These types of loads would be governed under same applicable regulations and laws as the proposed KMTP."

¹⁹ EA, section 3.5.2.7 "Cumulative Impacts," p. 24.

²⁰ http://www.mdt.mt.gov/other/hauplan/external/dirpresentations/RAT_EXXON_HIGH-WIDE_LYNCH_070109.pdf

²¹ http://leg.mt.gov/css/Committees/interim/2009_2010/Revenue_and_Transportation/default.asp

²² Minute 30:00 of the presentation.

²³ Minute 42:00 of the presentation.

²⁴ Email of Tom Martin to Michael Tierney, January 29, 2010 6:54 AM.

²⁵ Email of Susan Kilease to Eric Thunstrom and Tom Martin, January 27, 2010 4:33 PM.

8. See response to Common comment K.

9. The cited quotes of the MDT personnel demonstrate the prudent and thoughtful efforts that went into developing the environmental document. These statements were made as the project scope and applicable regulations were being determined. The comments were appropriate for the time they were made.

- By leaving the infrastructure (turnouts, traffic structures, and utility relocations) in place, does this send a message to the “world” that Montana is open to permitting high wide loads? Will leaving the infrastructure make this route more appealing to future use? Perhaps we need to analyze these questions in the cumulative impacts section of the environmental documentation.²⁶
- The scope of the EA should include but not be limited to the following: . . . Impacts to the Human Environment are potentially substantial when viewed corridor wide and when considering the long-term impacts of Montana having a permanent “high load corridor.”²⁷

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This conclusion is supported by public statements from various entities associated with other segments of this project, as well.²⁸ Plainly, MDT is aware that the purpose of this project and its impacts extend far beyond the scope of IO’s analyses in the EA. Implicit in the requirement that an agency take a hard look at the environmental consequences of its actions is the obligation to make an adequate compilation of relevant information, to analyze it reasonably and, perhaps most importantly, not to ignore “pertinent data.”²⁹ IO’s semantic exercise in attempting to hide this fact is transparent. MDT is under a clear duty to “exercise considerable caution” and **not allow** IO’s analysis of this project to substitute for its own. The undersigned request that MDT exercise considerable caution and consider pertinent data and known information prior to adopting IO’s characterization of this project in a final agency decision.

C. Improper segmentation of this project by IO.

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The actual scope of this project, the geographic extent of the planned corridor, and the inadequacy of an EA³⁰ under MEPA to address direct, secondary and cumulative adverse environmental impacts of this project, as a whole, require the initiation of scoping efforts for preparation of a joint environmental impact statement under NEPA, programmatic in scope. The Kearsarge Project crosses three

See response above.

10. See responses to Common Comments A and B.

²⁶ Email of Eric Thunstrom to Tom Martin, January 27, 2010 2:31 PM.
²⁷ Email of Stephanie Maes to Mike Bousliman, May 28, 2009 11:27 AM.
²⁸ The Idaho Transportation Department is applying for \$11.4 million in federal stimulus funds to “provid[e] an oversized equipment transportation route for oil (Kearl Oil Sands).” USDOT TIGER Grant Application, Expansion of Port of Lewiston Dock and State Highway 129 (http://id.idaho.gov/tiger/Lewiston_docs/Lewiston_TIGER_Application%20Final%2009%2015%2009.pdf); “We have some new opportunities now with oversize cargo from three different areas – The Port of Lewiston could be called on to move heavy cargo to the oil sands area in Alberta Canada the second largest oil reserve in the world right now. Also Wind turbines built overseas destined for the mid-west, and also coal equipment destined for Wyoming. A lot of this equipment is manufactured in China or South Korea. Because of the trucking laws it’s almost impossible to get these trucked across Washington so they’re looking at the Port as a way to get this cargo to the interior of the mid-west. This cuts a significant mileage off the movement of cargo. The Port has talked to Shell, Exxon and Conoco and several large oil companies about moving this equipment though here.” Port of Lewiston at Crossroads, May 23, 2009 (<http://idaho.farm.bureau.blogspot.com/2009/05/port-of-lewiston-at-crossroads.html>); “Utilizing this route as a viable alternative has only been recently ‘discovered’ by logistics companies representing companies who have oversize equipment destined for the interiors of Canada and the U.S. Midwest.” (<http://www.portoflewiston.com/SColumbia.html>); “Last summer the port played a key role in the shipment of a large pressure vessel to Fort McMurray in the Alberta oil sands via the Columbia/Snake River system. Korean equipment manufacturers had been looking for an efficient route to get their machinery to Canada. They found that they could bring the equipment to the Port of Vancouver, U.S., then up river to Lewiston (435 miles) and lastly by land through Montana and up to Alberta. The route cuts 5,300 nautical miles plus 1,400 road miles off the traditional route.” (http://www.washingtonports.org/member_resources/publications/letters/march09.htm).
²⁹ *Ravalli County Fish and Game Ass’n, Inc. v. Montana Dept. of State Lands*, 273 Mont. 371, 903 P.2d 1362, 104 Ed. Law Rep. 488 (Mont. 1995), citing *Sierra Club v. United States Army Corps of Engineers*, 701 F.2d 1011, 1029 (2nd Cir. 1982).
³⁰ See section 4 of this comment, *infra*.

state lines and two international boundaries. To facilitate this movement of equipment, the involvement of a number of state and federal government agencies, multiple county and city governments, and the Nez Perce and Blackfoot nations is required. Necessary permits are sought for this activity from city, county, state, federal, and tribal governmental agencies and state agencies have applied for federal funding to construct portions of this route.³¹ The geographic and long-term extent of the adverse environmental impacts of this project spread not only across Montana and the western United State, but worldwide.

Even with foreknowledge of these factors, and the express prior MDT statements acknowledging these factors and the need for a robust environmental review process, MDT adopted IO's EA, the least extensive and most piecemeal environmental review possible short of no review at all.³² Compliance with MEPA and NEPA require much more.

Piecemeal consideration of the impacts of large scale projects by governmental agencies is referred to as "segmentation" of an environmental analysis, and such practices have been repeatedly rejected by US courts as violating the letter and spirit of NEPA, in highway³³ construction projects and in other contexts.³⁴ Segmentation of a project is the division of actions with significant impacts into smaller actions, thereby hiding the significance of the impacts. US government agencies act under a clear regulatory proscription to avoid segmentation and instead conduct site-wide³⁵ NEPA reviews. Among other benefits, a site-wide environmental review:

- is an efficient way to present cumulative impact information so that the decision makers have a clear understanding of the totality of impacts from past, present and reasonably foreseeable future activities at a site;
- provides for a more efficient NEPA review strategy by assessing multiple proposed projects in one document and saves both time and money by consolidating impact analyses and public participation activities and streamlining internal review procedures;
- facilitates comprehensive and responsible land use planning and allows governmental agencies to exercise good stewardship of resources entrusted to their care;
- supports federal and state public participation policies and invites public participation early in the process through the planning and scoping stages; and
- is an effective and efficient means of responding to stakeholder concerns.

According to Council on Environmental Quality (CEQ) regulations, agencies are required to consider "connected actions" for environmental review purposes, including actions that "are interdependent parts of a larger action and depend on the larger action for their justification."³⁶ Thus, a project's "independent utility" is essentially determinative of whether it is "connected" to another action

See response above.

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³¹ See fn. 8, *supra*.

³² IO sought a "categorical exclusion" from any environmental review under MEPA for issuance of the MDT permit, arguing that the construction measures amounted to maintenance activity normally exempt from environmental review. KMTP EA, Sec. 1.5, p.2.

³³ See e.g., *Piedmont Heights Civic Club v. Moreland*, 637 F.2d 430 (5th Cir. 1981); *Swain v. Brinsgar*, 542 F.2d 364 (7th Cir. 1976); *Indian Lookout Alliance v. Volpe*, 484 F.2d 11 (8th Cir. 1973); *Clairton Sportsmen's Club v. Pennsylvania Turnpike Comm'n*, 882 F.Supp. 455 (W.D. Pa. 1995).

³⁴ *City of West Chicago, Illinois v. U.S. Nuclear Regulatory Comm'n*, 701 F.2d 632 (7th Cir. 1983).

³⁵ http://nepa.energy.gov/nepa_documents/TOOLS/GUIDANCE/Volume2/3-2-benefits-stewide.pdf

³⁶ 40 CFR § 1508.25(a)(1).

in such a way that a collective environmental impact assessment is required under NEPA.³⁷ Courts are particularly skeptical of attempts to divide highway projects into segments in order to circumvent the mandate of NEPA.³⁸

Courts have permitted segmentation in the highway context where it was demonstrated that the "independent utility" for the segment, its sole purpose, was not merely as one necessary piece of a larger planned road or network of roads.³⁹ An "independent justification" or "independent utility" test has also been applied in non-highway cases.⁴⁰ It is also clear that federal courts will view with skepticism attempts to characterize planned and definite future stages of an action as "indefinite" in an effort to avoid a determination of significance and the consequential obligation to prepare an EIS.⁴¹

IO's high/wide corridor through Montana has no independent utility apart from its being a necessary piece of a larger planned network of rivers, ports, and roads. Without permitting for the shipping of materials to the Port of Lewiston, without construction of port facilities in Lewiston and the necessary road and utility work in Idaho, IO's modules will not even make it to Lolo Pass, and if MDT approves the EA and proceeds with construction, Montana will have built its own "bridge to nowhere" and facilitated the circumvention of federal and state law. Prior to adopting the EA as a final agency decision, the undersigned request that MDT respond to the improper segmentation of this project by IO.

D. MDT should initiate a process for preparation of an EIS under NEPA.

To avoid the pitfalls of segmentation and comply with NEPA and MEPA, all aspects of this project, from the entry of ships into US territorial waters to the ultimate use of equipment to be transported along this corridor, should be considered in the environmental review of this project. This

³⁷ See Hammond v. Norton, 370 F. Supp. 2d 226 (D.D.C. 2005); Town of Huntington v. Marsh, 859 F.2d 1134, 1142 (2d Cir. 1988) cert. denied, 494 U.S. 1004 (1990); Coalition for a Liveable Westside, Inc. v. U.S. Dep't of Housing and Urban Development, 1997 U.S. Dist. LEXIS 8860 (S.D.N.Y. 1997).

³⁸ See e.g., Old Town Neighborhood Assn., Inc. v. Kauffman, 333 F.3d 732, 734 (7th Cir. 2003) (enjoining city from seeking federal reimbursement for local street widening project, which plaintiffs alleged was an attempt to circumvent NEPA by completing project without federal involvement and thus avoid preparation of EIS for subsequent, much larger federal highway project that was dependent upon the local street widening); Ross v. Federal Highway Administration, 162 F.3d 1046 (10th Cir. 1998) (where federal government had contributed over \$10 million to highway project and FHWA was heavily involved in planning and construction, state authorities could not circumvent NEPA merely by withdrawing the last segment of the project from federal funding); The New River Valley Greens, et al. v. U.S. DOT, 1998 U.S. App. LEXIS 22127 (4th Cir. 1998) ("[t]he hallmarks of segmentation are where the proposed component action has little or no independent utility or involves such a large and irretrievable commitment of resources that it may virtually force a larger or related project to go forward notwithstanding the environmental consequences"); North Carolina v. City of Virginia Beach, 951 F.2d 596 (4th Cir. 1991) (in determining whether illegal segmentation has occurred, courts ask whether the completion of the first action has "direct and substantial probability of influencing [the] decision" of the second).

³⁹ See Preserve Endangered Areas of Cobb's History, Inc. v. U.S. Army Corps of Eng'rs, 87 F.3d 1242 (11th Cir. 1996); Piedmont Heights Civic Club, Inc. v. Moreland, 637 F.2d 430, 440 (5th Cir. 1981); Citizens for Balanced Environment & Transportation, Inc. v. Volpe, 376 F. Supp. 806 (D. Conn.), aff'd, 503 F.2d 601 (2d Cir. 1974), cert. denied, 423 U.S. 870 (1975); Conservation Law Foundation v. Federal Highway Administration, 827 F. Supp. 871 (D.R.I. 1993), aff'd, 24 F.3d 1465 (1st Cir. 1994).

⁴⁰ See e.g., Earl's Island Institute v. U.S. Forest Service, 351 F.3d 1291, 1305 (9th Cir. 2003); Environmental Defense Fund, Inc. v. Armstrong, 356 F. Supp. 131, 139 (N.D. Cal. 1973). Compare Bragg v. Robertson, 54 F. Supp.2d 635 (S.D.W.Va. 1999) (while first phase of project possessed some independent utility, utility alone may not sustain the phasing of operations. The court explained that the intentional splitting of operations to allow commencement of mining operations under a less critical agency review, which delayed more detailed scrutiny until after significant work had begun, was a paradigmatic example of illegal segmentation).

⁴¹ Sierra Club v. Marsh, 769 F.2d 868 (1st Cir. 1985).

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11. See responses to Common Comments A, B, C1 and C2.

review could be programmatic⁴² in scope. A programmatic EIS evaluates the environmental impacts of broad agency actions with impacts that may occur over a long time period, and it may be prepared jointly by the various governmental entities involved in a large scale project, such as the construction of a permanent high/wide corridor for shipment of oversize loads to Canada and the US Midwest.

11 { While a programmatic EIS is a broad document, site specific impacts must also be considered. An agency or agencies responsible for preparation of a programmatic EIS must determine what additional NEPA documents must be prepared before implementing project-level activities.⁴³ To comply with the spirit and letter of MEPA and NEPA, the undersigned request that MDT abandon the KMTP EA and initiate communication with federal, state, tribal, and local governmental agencies involved in this project to begin scoping, involving full public participation, for preparation of a programmatic EIS under NEPA.

4. The EA does not comply with MEPA or the Montana Constitution.

12 { As discussed previously, there are significant deficiencies in the KMTP EA due to its limited scope, purpose and need, and improper segmentation. Even under a hypothetical in which this project was not one necessary piece of a larger planned network and it had independent utility, with the KMTP modules perched on Lolo Pass waiting for MDT approval to descend into Montana, the level of analysis in the EA is insufficient to satisfy the requirements of MEPA and the Montana Constitution.

Because MEPA is a reflection of Montana’s constitutional guarantees to a clean and healthful environment⁴⁴, it is critical that all potential impacts are analyzed and disclosed before any irretrievable commitment of resources is made. Without fully analyzing impacts of the project as a whole, meaningfully involving the public, and disclosing all impacts and mitigation (or lack of), the state cannot ensure that a project will in fact uphold the constitutional duties it has to protect the right to a clean and healthful environment and other constitutional rights and protections.

13 { MEPA and the constitutional provisions it reflects, demands the MDT analyze and disclose impacts of this project on global climate change through emissions or other factors of the transport, as well as energy use, emissions, and other factors affecting climate change due to tar sands development at the destination of the proposed route. Not only should MDT analyze and disclose these impacts in order to comply with MEPA’s procedural mandate and “think before you act” purpose, MDT should analyze in its MEPA/NEPA review document whether such facilitation of tar sands development and associated climate change acceleration is contrary to Montanan’s fundamental right to a clean and healthful environment.

A. The EA does not comply with MEPA’s requirement that alternatives to the proposed action are considered.

The proposed action is described in detail⁴⁵ in Section 2.1 of the EA. A “no action” alternative is addressed in one paragraph⁴⁶, and each of four “Alternatives Considered but Eliminated” are summarily

⁴² See 40 CFR §§1508.18(b)(3), 1500.4(i), 1502.20, 1502.4, 1508.18(b)(3).

⁴³ See *California v. Block*, 690 F.2d 753 (9th Cir. 1982).

⁴⁴ 75-1-102. Intent – purpose. (1) The legislature, mindful of its constitutional obligations under Article II, section 3, and Article IX of the Montana constitution, has enacted the Montana Environmental Policy Act.

⁴⁵ EA Section 2.1 - 2.2.1, pp. 5-13.

⁴⁶ EA Section 2.2.2, p. 14.

12. See responses to Common Comments S and R. See Section 4.O of the EA and Section 4.5 of the Decision Document.

13. See responses to Common Comments E1 and P.

addressed in section 2.3 of the EA.⁴⁷ An alternatives analysis in an environmental review should sharply define issues and provide a clear basis for choice among options by the decisionmakers and the public.⁴⁸

The alternatives "considered but rejected" include four Canadian highway routes and one US Interstate Highway Transportation System route. There is no identification of the US Interstates this theoretical route encompasses, so there is no way to meaningfully examine that route and verify the assertion that this route is impassible.⁴⁹

It is noteworthy that all of the alternatives "considered but rejected" describe routes that are possible alternatives for the entire Kearn Project route,⁵⁰ the movement of equipment manufactured in Korea to Fort McMurry, Alberta, Canada. None describe an alternative way to move the modules through Montana, with the possible exception of the Interstate route, the description of which is too vague to locate on a map or compare to the selected alternative in any meaningful way. The EA, therefore, contains no alternatives analysis, each of these are actually "no action" alternatives for all practical purposes.

Further, the EA briefly describes impassable barriers encountered along each of the "considered but rejected" routes, but while many pages of the EA are dedicated to a detailed description of extensive construction measures necessary to make the Montana route passable, there is no discussion of whether construction could be undertaken to bypass the supposed barriers on any of the alternative routes described.

MDT is required to prepare a "description and analysis of reasonable alternatives to a proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternative would be implemented."⁵¹ MDT is constrained to consider alternatives that would "appreciably accomplish the same objectives or results as the proposed action," or "for agency-initiated actions, a different program or series of activities that would accomplish other objectives or a different use of resources than the proposed program or series of activities," and these alternatives must be "realistic and technologically available."⁵²

From the summary treatment of the alternatives discussed in the EA, not only would they not "appreciably accomplish the same objectives or results" as the selected alternative, but it is impossible to determine whether any of the "considered but rejected" alternatives constitute a "realistic or technologically available" alternative. By stopping its analysis at the bridge on Canada Highway 16 ("no possible detours around this bridge"), the overpass on Canada Highway 1, the tunnel on Highway 5, the train overpass on Highway 3 ("no possible detours available around all of these restrictions"), and the unidentified overpasses on the unidentified US Interstate Highways ("do not have bypass ramps or feasible detours") MDT considers no alternative routes in the EA. Without some comparative discussion of the potential costs of implementing construction measures to bypass restrictions on any of these alternate routes, it is impossible to even compare alternatives to the entire Kearn Project route from the Port of Vancouver to the Port of Sweet Grass. And that comparison is meaningless relative to the selected alternative.

⁴⁷ EA Section 2.3, pp. 14-15.

⁴⁸ See Surfrider Found. v. Dalton, 989 F. Supp 1309 (S.D. Cal. 1998).

⁴⁹ KMTP EA, section 2.3.2, p. 14.

⁵⁰ KMTP EA, p. S-1.

⁵¹ ARM 18.2.239(3)(f).

⁵² ARM 18.2.236(2).

14. See responses to Common Comments D1, D2, and D3.

14 { Further, MDT is aware of a feasible and presently-utilized alternative route for creating a permanent High/Wide load corridor through Montana. High/Wide loads are regularly shipped from the Port of Houston, TX, through Billings⁵³ to Alberta, the so-called “traditional route.”⁵⁴ Commercial carriers offer transportation services on this route.⁵⁵ MDT Director Lynch described a portion of this “traditional route” in his July 2009 briefing of the Montana Revenue and Transportation Oversight Committee report.⁵⁶ In contravention of the letter and spirit of MEPA, this most obvious of alternatives was not considered. The undersigned request that MDT withdraw the EA to conduct a meaningful evaluation of alternatives to the selected route.

B. Due to the improperly narrow scope and impacts discussion of the EA, the EA fails to include a meaningful consideration of the direct, secondary and cumulative environmental and economic impacts of this project.

15 { Section 3 of the EA examines the environmental impacts of the proposal. While a number of potential impacts are discussed, the scope of that discussion is limited to IO’s specific proposal to transport 200 modules through Montana, and does not contemplate the impacts of creating a permanent High/Wide corridor through Montana. Nor does the EA discuss at any point the environmental and economic impacts on Montanans this state action specifically facilitates, the Alberta tar sands (bitumen) strip mining. This is a failure of scoping, in first principle, and a specific failure to comply with the letter and spirit of MEPA as it relates to a consideration of the environmental impacts of the proposed IO project.

16 { MEPA and its implementing regulations require the agency to examine the direct, secondary and cumulative⁵⁷ impacts⁵⁸ of a proposal. Direct impacts are those that occur at the same time and place as the action that triggers the effect. Secondary impacts are those that occur at a different location or later time than the action that triggers the effect. Cumulative impacts are defined as “the collective impacts on the human environment of the proposed action when considered in conjunction with other past, present, and future actions related to the proposed action by location or generic type.”⁵⁹ Cumulative impact analysis includes a review of all state and nonstate activities that have occurred, are occurring, or may occur that have impacted or may impact the same resources as the proposed action.

17 { In order to determine the significance of impacts in an EA, MDT must consider a number of criteria.⁶⁰ These substantive criteria help an agency to consider context and intensity of a proposal in order to evaluate the impacts of a project.

See response above.

15. See responses to Common Comment K and E1.

16. See response to Common Comment S.

17. Comment noted.

⁵³ Billings Gazette, January 31, 2009, “Superloads on our roads” http://findarticles.com/p/news-articles/billings-gazette-the-mt_80846_20090131/superloads-roads/at_n508434K9/

⁵⁴ “Last summer the port played a key role in the shipment of a large pressure vessel to Fort McMurray in the Alberta oil sands via the Columbia/Snake River system. Korean equipment manufacturers had been looking for an efficient route to get their machinery to Canada. They found that they could bring the equipment to the Port of Vancouver, U.S., then up river to Lewiston (435 miles) and lastly by land through Montana and up to Alberta. The route cuts 5,300 nautical miles plus 1,400 road miles off the traditional route” [emphasis added]. (http://www.washingtonports.org/member_resources/publications_letters/march09.htm).

⁵⁵ 2007 Perkins Motor Transport online pamphlet http://perkinsonline.com/images/30_07perkinsnwsltrweb.pdf.

⁵⁶ http://www.mdt.mt.gov/other/tranplan/external/presentations/RAT_EXXON_HIGH_WIDE_LYNCH_070109.pdf

⁵⁷ Mont. Code Ann. § 75-1-208(11), ARM 18.2.236(7).

⁵⁸ Mont. Code Ann. § 75-1-201, ARM 18.2.237(2)(e)

⁵⁹ Mont. Code Ann. § 75-1-220(3).

⁶⁰ ARM 18.2.238(1).

1) The EA contains no analysis of the impacts of establishing a permanent high/wide corridor

While section 3.2 of the EA identifies the "future 32-J permit loads using any portion of the proposed route similar to this project," the entire document fails to discuss the impacts of such future use, steadfastly refusing to acknowledge the future⁶¹ intended use of this project as a permanent high/wide corridor. IO's answer to this concern is that any similar future users of the route will be "governed under same applicable regulations and laws as the proposed KMTP."⁶² This statement is only partially accurate.

18

None of those future users will have to obtain encroachment permits for turnout expansion and construction, none will have to obtain utility relocation agreements, and none will have to move and replace signals and signs. None of the future users of the corridor will be the first to build a high/wide corridor through the scenic roads of western Montana. The time to examine the cumulative impacts of building a permanent high/wide corridor in Montana is now or never. Some of these impacts could include the premature deterioration of highway infrastructure such as bridges and road surfaces due to repeated use of the facilities to move loads in excess of the design specifications of the facilities, and increased administrative expenditures to amend maintenance, oversight, and snow removal schedules to accommodate each future use of the corridor.

Each time a 32-J load moves along this route, Montanans will suffer incremental losses due to travel delays, increased risk of accidents by encountering unanticipated obstacles (200 to 300 foot truck-trailer units), lost opportunity and general inconvenience. Each time a 32-J load moves along Montana's scenic river corridors including Lolo Creek and the Blackfoot River, the natural resources of Montana are threatened due to the increased potential for accidents causing stream bank and bed destruction, spills, increased sedimentation through snow removal and road sanding needed to support these vehicles, and other damages to natural resources.

2) The EA improperly weights the purported economic benefits of the project with no analysis of the adverse economic impacts to western Montana

19

The discussion in the EA of the economic benefits of this project is based upon an unenforceable promise. IO is under no enforceable obligation to hire Montana citizens or residents to perform the work necessary to complete this project. Further, while the EA spends a substantial amount of pages describing the economic benefits of this project, no consideration is given to an analysis of the adverse and unaccounted for economic impacts of this project, the future use of this High/Wide corridor, and the devastating economic effects on every Montanan by the acceleration of climate change facilitated by this project. Analogy may be made to a statement of the Montana Supreme Court regarding state lands management,⁶³ economic benefits are "a" consideration, not "the" consideration.

As stated by the Court in Ravalli County:

[i]t is the continuing responsibility of the state of Montana to use all practicable means consistent with other essential considerations of state policy to improve and coordinate state plans,

⁶¹ ARM 18.2.238(1)(a) requires MDT to consider "the severity, duration, geographic extent, and frequency of occurrence of the impact."

⁶² KMTP EA, Sec. 3.2, p. 16

⁶³ Ravalli County Fish and Game Ass'n, Inc. v. Montana Dept. of State Lands, 273 Mont. 371, 903 P.2d 1362 (Mont. 1995).

18. See response to Common Comment K.

19. See responses to Common Comments L, M, P, and Q. MDT conducted the economic analysis in order to determine if there would be a significant adverse economic impact. MDT concludes there would not be a significant adverse economic impact with the proposal.

functions, programs, and resources to the end that the state may: (a) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.⁶⁴

20 { In the discharge of its MEPA obligations, "Article IX, Section 1 of our Constitution clearly and unambiguously imposes upon the State the obligation to 'maintain and improve a clean and healthful environment in Montana for present and future generations.'"⁶⁵ MEPA requires that an agency be informed when it balances preservation against economic benefits. The flawed economic analysis and failure to discuss the detrimental impacts of this proposal on local residents and users of the highways, outfitters, river guides, the tourism industry and recreationalists does not allow MDT to make an informed decision regarding the impacts of this project.⁶⁶

20. See response to Common Comment R.

3) The EA provides no analysis of the severity of environmental impacts that may result from accidents during transport of the IO modules

21 { IO representatives acknowledged that no provision of the EA or transportation plan establish a procedure or set contingencies in the case of accidents. While NEPA regulations do not require a "worst-case scenario" analysis, an accident or breakdown involving one of these modules is far from a worst-case scenario.⁶⁷ Normally restricted to day-time travel under a 32-J permit,⁶⁸ these loads will be travelling at night, in all seasons, crossing two mountain passes, along two winding river corridors, and along the Rocky Mountain Front range, an area familiar with high winds and difficult travel conditions. IO's response to this concern is that an accident will not happen. Accidents do happen every year under these travel conditions, and the EA fails to weigh the adverse impacts that will result from such an event.

21. See responses to Common Comments H1, H2 and H3.

4) The EA contains no acknowledgment of the uniqueness and fragility of the environmental resources impacted by this project, nor does the EA acknowledge the importance to the state and to society of the environmental resources that will be affected by this project.

22 { The potential for an action's environmental effects to be significant increases if the affected area has unique characteristics or is important to the state and to society.⁶⁹ The modules in question enter Montana by Lolo Pass, move along some of the most scenic river corridors in America and along the Rocky Mountain Front. Along this route are more than 140 historic, prehistoric, archaeological and cultural sites, including historic buildings, bridges, roads, trails, forts, irrigation ditches, commercial buildings, lodges, farms, mines, historic matter scatters, grain elevators, railroads, transmission lines, prehistoric trails, Paleolithic scatters, scarred trees, fossils, and buffalo jumps.⁷⁰ IO offers a 100 foot buffer and the relocation of a few turnouts as mitigation of the impacts of creating a permanent high/wide

22. MDT concludes the impacts analyses of this proposal are appropriate.

⁶⁴ *Id.* At 1370-1371.

⁶⁵ *Hagener v. Wallace*, 309 Mont. 473, 47 P.3d 847 (Mont. 2002).

⁶⁶ ARM 18.2.238(1)(c) requires MDT to consider the "growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts."

⁶⁷ ARM 18.2.238(1)(b) requires MDT to consider "the probability that the impact will occur if the proposed action occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur."

⁶⁸ Class 1 and Class 2 32-J loads "may be moved only during daylight hours." See the MDT 32-J Permit Application form, http://www.mdt.mt.gov/publications/docs/forms/mcs/permit/large_objects_32-j_app.pdf.

⁶⁹ ARM 18.2.238(1)(d) requires MDT to consider "the quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources or values," and ARM 18.2.238(e) requires MDT to consider "the importance to the state and to society of each environmental value that would be affected."

⁷⁰ KMTP EA, Sec. 3.3, p. 17.

corridor through this astounding land. This is simply an insufficient analysis of the adverse impacts this project will have on these sites.

5) The EA contains no analysis of the impacts of climate change

Each time equipment is transported through Montana, IO's tar sands operation expands and the environmental destruction associated with that operation, the acceleration of climate change, and the profound and far reaching environmental and economic harm caused thereby is increased. None of these impacts were evaluated in the EA.

Whether climate change should be considered a reasonably foreseeable impact of the accelerated emissions of greenhouse gasses (GGs) is a MEPA⁷¹ and Montana Constitutional⁷² issue that MDT should address. Under NEPA, federal agencies are charged to "recognize the worldwide and long-range character of environmental problems" in order to prevent a "decline in the quality of mankind's world environment."⁷³ As of February of this year, the federal government issued NEPA guidance⁷⁴ requiring the consideration of the effects of climate change and GG emissions. Several federal courts have concluded that NEPA requires particular actions to take into account climate change.⁷⁵

23

MEPA similarly requires the state to "recognize the national and long-range character of environmental problems and, when consistent with the policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize national cooperation in anticipating and preventing a decline in the quality of the world environment..."⁷⁶ Given the purposes of MEPA, and the broad consideration of impacts demanded by it, along with increasing federal climate change analysis pursuant to NEPA, it would be appropriate for MDT to consider and disclose the impacts of this project on advancing global climate change. Such analysis is critical to ensuring the agency makes a fully informed decision (and ensures the public is fully informed), and such analysis would be critical to a determination whether such a project would uphold or violate the fundamental right to a clean and healthful environment,⁷⁷ and the requirement that the state and each person "maintain and improve a clean and healthful environment in Montana for present and future generations."⁷⁸

23. See response to Common Comment P.

⁷¹ "MEPA was purposeful in establishing a process whereby Montana can anticipate and prevent unexamined, unintended, and unwanted consequences rather than continuing to stumble into circumstances or cumulative crises that the state can only react to and mitigate. A Guide to the Montana Environmental Policy Act, Legislative Environmental Policy Office, rev. 2009. <http://leg.mt.gov/content/Publications/Environmental/2009mepsaguide.pdf>

⁷² The inalienable right of Montanans to a clean and healthful environment, Montana Constitution, Art. II, Sec. 3; The maintenance and improvement of a clean and healthful environment in Montana for present and future generations, Montana Constitution, Art. IX, Sec. 1.

⁷³ 42 USC §4332(F).

⁷⁴ Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions, http://ceq.hss.doc.gov/nepa/regis/Consideration_of_Effects_of_GHG_Draft_NEPA_Guidance_FINAL_02182010.pdf

⁷⁵ See *City of Los Angeles v. National Highway Traffic Safety Administration*, 912 F.2d 478 (D.C. Cir. 1990); *Border Power Plant Working Group v. Department of Energy*, 260 F. Supp. 2d 997 (S.D. Cal. 2003); *Mid States Coalition for Progress v. Surface Transportation Board*, 345 F.3d 520 (8th Cir. 2003); *Mayo Foundation v. Surface Transportation Board*, 472 F.3d 545 (8th Cir. 2006); *Center for Biological Diversity v. National Highway Traffic Safety Administration*, 508 F.3d 508 (9th Cir. 2007); *Friends of the Earth, Inc. v. Mosbacher*, 488 F.Supp. 2d 889 (N.D. Cal.).

⁷⁶ MCA 75-1-201(1)(b).

⁷⁷ Mont. Const. Art. II, Sec. 3

⁷⁸ Mont. Const. Art. IX, Sec. 1

The available scientific evidence indicates that accelerated climate change is an impact of the massive emission of GGs and environmental destruction caused by the Alberta Tar Sands strip mining. The KMTP EA is a portion of and constitutes MDT's participation in the Kearl Project, designed to facilitate the transport of tar sands mining equipment from Korea to Alberta.

C. Programmatic environmental review under MEPA is required.

24 { If this segment of the Kearl Project had independent utility and there was no federal involvement sufficient to trigger NEPA review of this isolated segment, MEPA alone requires a programmatic review of this proposal that will examine the direct, indirect and cumulative environmental impacts of constructing a permanent high/wide corridor in Montana. Programmatic environmental reviews under MEPA are appropriate "whenever the agency is contemplating a series of agency-initiated actions, programs, or policies which in part or in total may constitute a major state action significantly affecting the human environment," and "whenever a series of actions under the jurisdiction of the agency warrant such an analysis as determined by the agency, or whenever prepared as a joint effort with a federal agency requiring a programmatic review."⁷⁹

24. See response to Common Comment C2

By allowing IO's limited description of the scope of its proposal to supplant MDT's independent judgment,⁸⁰ there is no analysis in the EA of the impacts of continued use of this corridor over time by the multitude of oil companies employing similar strategies of transporting equipment to the Alberta tar sands. A programmatic EIS under MEPA would allow MDT to at least examine the potential accelerated deterioration of Montana's roads and bridges caused by this proposed use of highways in Montana, and examine the question of whether MDT needs to reevaluate projections for future federal highway funding needs to address accelerated infrastructure deterioration.

D. Federal permitting necessary for this project, within Montana, invoke NEPA environmental review.

25 { Again, viewed in isolation from other segments of the Kearl Project, and notwithstanding the argument that this project as a whole invokes programmatic NEPA review, IO's proposal should be elevated to a NEPA environmental review. The EA states that the project will need *at least* a Special Use Permit⁸¹ from the U.S. Forest Service, an NPDES permit from the U.S. EPA, and Clean Water Act⁸² permits⁸³ from the U.S. Army Corps of Engineers. The federal agencies issuing these permits will need to engage in consultation with and receive concurrence letters from other federal agencies, including the USFWS regarding possible impacts to species listed as threatened or endangered under the Endangered Species Act ("ESA"), as well as to Bald and Golden Eagle Protection Act listed species.

See response below.

A non-federal project is considered a "federal action" if it cannot "begin or continue without prior approval of a federal agency."⁸⁴ IO's proposal cannot move forward without the required EPA and USFS Permits. In addition, Imperial will need to determine whether any section 404 permits are needed from the U.S. Army Corps of Engineers, which must be issued before the project can begin.

⁷⁹ ARM 18.2.251.

⁸⁰ See discussion of this issue, *infra* section 3.B.

⁸¹ KMTP EA, p. 3.

⁸² 33 U.S.C. § 1251 *et seq.*, section 404.

⁸³ KMTP EA, p. 62.

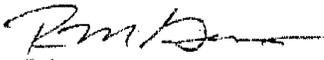
⁸⁴ *Maryland Conservation Council v. Gilchrist*, 808 F.2d 1039 (4th Cir. 1986), citing *Biderman v. Morton*, 479 F.2d 1141, 1147 (2nd Cir. 1974).

25 {

In Gilchrist, the Fourth Circuit considered a highway project funded solely by state highway funds that required a number of federal permits before the project could begin. The Court found that "because of the inevitability of the need for at least one federal approval, we think that the construction of the highway will constitute a major federal action."⁸⁵ The Court ruled that the state highway department could not simply construct the portions of the project not needing federal permits, and then apply for the permits, stating "[n]onfederal actors may not be permitted to evade NEPA by completing a project without an EIS and then presenting the responsible federal agency with a fait accompli."⁸⁶ By finalizing this proposal and beginning construction without the required federal permits, MDT is engaging in exactly the type of activity the Gilchrist court was prohibiting. As such, MDT should engage the federal agencies now, and conduct a comprehensive NEPA review for this project.

Sincerely,


Summer Nelson


Robert M. Gentry

25. See responses to Common Comments A and S. See Section 4.O of the EA and Section 4.5 of the Decision Document.

⁸⁵ Id. at 1042.
⁸⁶ Id.

May 11, 2010

ENVIRO

Mr. Tom Martin
MDT Environmental Services Bureau
P.O. Box 201001
27091 Prospect Ave
Helena, Montana 59620

Dear Sir:

1 { We do NOT have any objections to using Highway 200 to transport the huge rigs for construction in the oil sands of Alberta. We travel highway 200 to Great Falls to see our son. One just needs to pay attention to your driving.

Thank you,
Ted & Rosemarie Neuman
Ted and Rosemarie Neuman
3866 Peery Lane
Stevensville, Montana 59870-6600

NEUMAN, TED AND ROSEMARIE

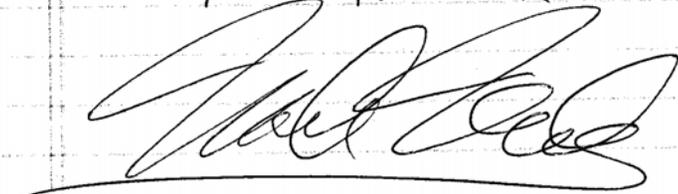
1. Comment noted.

NEWMARK, NOAH

1 { Dear Tom Martin,
re: Opposition to Tar Sands
Living here in Missoula,
I don't want to see it
become a major thru way
for heavy transport trucks. I
don't want to re-engineer
the roads just to benefit
the oil companies that are
contributing majorly to
climate change and environmental
devastation all across the
planet. I voice strong
opposition to this project!

Sincerely,

Noah Neumark



1. Comment noted.



RECEIVED
MAY 13 2010
Comment form
ENVIRONMENTAL

Project name: Kearsarge Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Rick Nez Perce
772 S 34 St
Billings, MT
59101

Comments: I believe the equipment should be let through MT, to Canada to help our economy for the better.

NEZ PERCE, RICK

1. Comment noted.

May 10, 2010

RECEIVED
MAY 14 2010
ENVIRONMENTAL

O'NEILL, FRANCES

Tom Martin
MDT Environmental Services Bureau
P.O. Box 201001
Helena, MT 59620

Dear Mr. Martin:

This letter is in response to the requests for public comment regarding the mammoth size truck shipments ExxonMobil wants to send through our state. I strongly oppose these trucks for numerous reasons.

1 { These trucks are obviously well over the weight limits set forth to ensure that our Montana Highways are not damaged. Once ExxonMobil has used our highways to their advantage, the tax payers of the state will be left to pay for the damage to our highways and environment. The size will also be a safety concern. These trucks will not be able to stop or maneuver very well on the proposed Montana routes. A zero accident risk is ludicrous. Even on dry roads with no wind, these roads are dangerous. Add snow, ice, high winds, average Montana weather, and the risk is greatly increased. The last thing I want to see in my rearview mirror as I travel down Rogers Pass is the driver of one of those behemoth trucks frantically trying to stop his grossly overweight and oversized rig as the effects of gravity, snow and ice take hold.

3 { ExxonMobil's environmental track record is repugnant. The Valdez oil spill is not easily forgotten. The environmental impact these rigs will have on one of the most scenic areas of our state is not negotiable.

4 { The negative economic impact on the Montana taxpayers will far outweigh any jobs being created for Montanan's, if any at all will be created.

This corporation's concern for the average person is best illustrated by the fact that while the majority of our citizens were struggling financially under the burden of over inflated oil prices, ExxonMobil was posting historically high quarterly profits, the likes of which have never before been amassed by any corporation in the world. This flies in the face of every hard working Montanan and will not be tolerated.

5 { The MDT's willingness to allow these rigs in our state and on our roads intimates bribery. What else could account for such poor judgment with regards to these trucks traversing our state?

Sincerely,

Frances O'Neill

1. See response to Common Comment L.
2. See responses to Common Comments H1 and H2.
3. Comment noted.
4. See response to Common Comment L.
5. MDT has evaluated this proposal in terms of Montana law and concluded that the permits can legally be issued.

Tom Martin
MDT
Helena, Mt

ENVIRONME

For what my comments are worth, the so-called hearings and comment period on the Lochsa- Shelby route to the Alberta tar sands strike me as designed to minimize if not ignore public scrutiny and participation.

It is obvious that this project has been in progress for years. Yet we have heard nothing from the governor, Tester, Baucus, or Rheberg. And we are allowed a couple of weeks to comment. There has been nothing in the media to illustrate in detail just how the route will be re-engineered and managed to facilitate this monster equipment.

1 { We are told that we don't merit an environmental study or impact statement because this will be a "one-time" event. But we have no guarantee of that.

2 { To me, this issue is just the latest in a series of proofs that the public be damned and that we have no real power.

3 { You can prove me wrong by backing off and describing this project in detail, along with various alternatives. Surely this is not the only way to get these machines to Alberta, just the cheapest for the people financing it.

I am alarmed and disappointed.


Martin onishuk
5855 pinewood
Missoula, Mt 59803

ONISHUK, MARTIN

- 1. See response to Common Comment K.
- 2. See response to Common Comment K.
- 3. Please review the EA, MTP, and Decision Document.



Comment form ENVIRONMENTAL

MAY 13 2010

Project name: Kearsarge Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Shawna Page
400 Alder Cr Rd
Wise River, mt. 59762

Comments: How dare they try a stop going paying jobs in mt. They need to get the equipment to Canada you stop them crossing mt. It will effect many people & many jobs - Step aside & get out of our way!

PAGE, SHAWNA

1. Comment noted.

Dwayne Kailey
Montana Department of Transportation
P.O. Box 001001
Helena, Montana 59620-1001

RECEIVED
MAY 12 2010
ENVIRONMENTAL

Dear Sir;

1 { I am very concerned to learn that Exxon-Mobil is planning to establish an industrial route for massive equipment right next to the Lewis and Blackfoot Rivers, over Lolo and Rogers passes and through Missoula. I believe the effect of trucking this enormous equipment on an almost daily basis for at least a year (and likely for decades to come) will be devastating for wildlife, water quality, recreation and tourism, to say nothing of the ultimate impact on the earth's climate.

2 { ExxonMobil has made more profits in the last few years than ever in the history of profit and can well afford to use a more appropriate route that doesn't impact our wild and scenic rivers, our quality of life, our peace and quiet.

I urge you to consider the impact of this Heart Module Transportation Project as a permanent industrial corridor, to seriously consider real alternatives, to accurately weigh the impacts, economic and environmental, to recreation and tourism, and coordinate with DEQ

PAPE, F. TAYLOR

1. See response to Common Comment K.

2. See responses to Common Comments I, M, and P.

3 { and federal permitting agencies to properly analyze the transportation project as a whole under both the Montana and National Policy Acts.

Sincerely,
Taylor Pope
19445 Twin Lakes Road
Fremont, Montana
59834

3. See Section 4.O of the EA and in Section 4.5 of the Decision Document. See also response to Common Comment A.

April 29, 2010



Governor Schweitzer
Helena, Montana

Dear Governor,

Thank you for your recent letter to me explaining your opinion on developing the Otter Creek Coal. It in no way changes my opinion on the negative and destructive handling of coal. In my opinion it encourages Canada to feel you are an enabler to their plans for the coal sands in their country. It makes them so bold as to feel it is their right to trespass with the enormous equipment to develop their coal sands, across Montana leaving destruction of our highways and communities in their wake, and irreversible damage to the world environment in processing these sands. Canada on the other hand is not inconvenienced in the least by having their roads deteriorate or traffic fouled.

It is my opinion that Montana and the U.S. should not become a party to their plan. Since you have not to my knowledge objected or refused to allow this trespass. Nor have I heard of your taking this to Congress or the President and on to the United Nations in protest of damage to the world environment and public health as well as Montana's environment and quality of life for over a year while Canada uses Montana's highways for shipping this huge equipment

I am also respectfully requesting that you meet with Canada and advise them that if they feel getting this horrible huge equipment to the Kearl Oil Sands Project in Northern Alberta is non reversible that they build a highway within Canada's Borders to use to transport it. A good neighbor would not expect a neighbor to provide them the means to inflict this damage on the world. Canada should accept the total cost both material and moral of this venture as I am sure they will be willing to accept the total profit. Canada should not draw Montana and U.S. into this scheme which I am sure the world will not sanction if they should come to know of it.

Speaking of neighbors what about Idaho? Meeting with them would be a good idea also since they are providing the first leg of the journey by accepting the barge at Lewiston. Surly they are aware of what they are doing by providing the means to access our Montana highways. Is what they are getting as compensation and Montana is getting in compensation the driving force in this situation? Clearly this plan has not been thought out by Idaho or Montana. Since we are downhill from Alberta we will have the risk of damage to surface and underground water contamination. I request you proceed with much caution and not rely on environmental impact statements.

If I have not made my thoughts clear enough here are six specific reasons to not let Canada use Montana's highways:

Mining tar sands has irreversible impacts to the environment and public health.

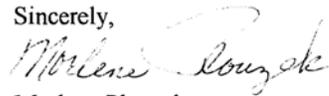
PLOUZEK, MORLENE

- 1. See response to Common Comment D1.

- 2) {
- This mining will produce 108-125 million metric tons of greenhouse gases each year. That's more greenhouse gasses than conventional oil production by a factor of 3-1.
 - This mining produces excessive levels of harmful particulates that impair air quality.
 - This mining requires the clearing of valuable old-growth forests.
 - This mining severely harms water quality.
 - Nothing has been mentioned as to what damage doing this mining will have on the wild life.

I will be faithfully waiting to hear your decision on this project. I trust you will have to make one.

Sincerely,



Morlene Plouzek
15 River View Drive
Thompson Falls, Montana 59873

2. See responses to Common Comments E1 and P.

**PONDEOSA SNOW WARRIORS
SNOWMOBILE CLUB**

RECEIVED
MAY 14 2010
ENVIRONMENTAL

PO BOX 933
Lincoln, MT 59639

JIM PARIS-PRESIDENT
406-362-4140
mjparis@linctel.net

13 May 2010

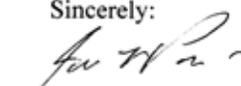
MDT Environmental Services Bureau
PO Box 201001
Helena, MT 59620

To Whom It May Concern:

1 { The Ponderosa Snow Warriors support the approval of the Kearl Transportation Project which proposes to move large loads through the Lincoln area on Highway 200. As the project has been explained to the club, we can see no adverse effects and the creation of new pullouts and the expansion of existing ones can be of lasting benefit to the club and our sport. Once the project is completed, several of these pullouts are in a position to provide safe parking for snowmobile related vehicles. This is especially true in the First, Second, and Third Gulch areas east of Lincoln. In the proposed Winter Travel Plan the "Gulch" areas will be opened to motorized winter recreation (snowmobiling) and at present there is no adequate, safe parking in the area. As stated, the proposed pullouts would help meet this need.

The Club sees no long-term ill effects of the project and does support it.

Sincerely:


James L Paris

**PONDEROSA SNOW WARRIORS –
JAMES PARIS**

1. Comment noted.



MAY 13 2010
ENVIRONMENTAL
Comment form

Project name: Kearsarge Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

JAMES PUTNAM
2050 Clubhouse Way #4
Billings, MT 59105

Comments: 1. By stopping this equipment from getting to Canada lots of good paying jobs will be stopped. Please don't stop this project.

PUTNAM, JAMES

1. Comment noted.



Comment form ENVIRONMENTAL

MAY 13 2010

Project name: Kearsarge Module Transport Project EA
Control Number: CN 6800

Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Claire Qubain
354 Knowles Hall
Missoula, MT 59801
cqubain@gmail.com

Comments: To whom it may concern:

I am writing regarding the tar sands transport project which directly affects the city of Missoula. First, I encourage you to extend the public comment period. Second, an environmental impact statement needs to be performed for the project. It is ridiculous to assume that surrounding areas' ecosystems will not be impacted by this project. Not only will tourism and the economy of Missoula suffer, but key forest habitat on Lolo Pass and into Idaho will suffer from the expansion of turnouts and increased traffic along the corridor. Not to mention this →

QUBAIN, CLAIRE

1. See response to Common Comment F1.
2. See response to Common Comment B.
3. See response to Common Comment M.
4. No turnouts will be constructed on Lolo Pass. See response to common Comment E2.

5 { Problem with this project is that it threatens ecosystem diversity, and environmental degradation by being directly related to tar sands mining in ALBERTA. I urge you to further assess the impacts this project will have on the community of MISSOULA AS WELL SURROUNDING AREAS. Thank you for your time, and I hope you regard the resolution that the city council of MISSOULA has put together ~~As~~ A document with much support from the MISSOULA community and students of the UNIVERSITY of MONTANA

Sincerely,
Claire Qubain

5. See response to Common Comment E1.



Comment form

Project name: Kearsarge Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

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The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

JAMES Reardon
1135 Avian Rd
Helena MT 59602

1 { Comments: I believe sufficient review has been done regarding the transport of oil sands equipment through Montana. This will be a good opportunity for good jobs for Montana workers for the next year.

REARDON, JAMES

- 1. Comment noted.

MAY 17 2010
ENVIRONMENTAL

SCOTT W. REED, Attorney at Law/P.O. Box A/Coeur d'Alene, Idaho 83816/(208) 664-2161
FAX (208) 765-5117/E-mail: scottwreed@verizon.net

May 12, 2010



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MAY 17 2010

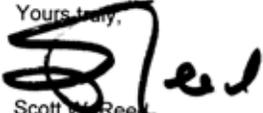
MT DEPT. OF TRANSPORTATION
DIRECTOR'S OFFICE

Dwayne Kailey
Montana Department of
Transportation
P. O. Box 201001
Helena, Montana 59620-1001

Dear Mr. Kailey:

1 { This letter is written in opposition to the proposed industrial corridor along the Blackfoot River as sought by Exxon Mobil. For a long period of time, I have represented clients who are property owners and residents within the Wild and Scenic Lochsa River which goes over Lolo Pass. The road is narrow and hazardous.
My clients have reported to me on several logging accidents in one or more which the truck has ended up in the river.
Bringing the equipment the size as sought would create great hazards to the travelling public and also face the possibility of damage to the river in the event of an accident.

On behalf of my clients, I ask that you reject the application.

Yours truly,

Scott W. Reed

SWR:kgb

REED, SCOTT

- 1. See Common Comments H1, and H2.

ENVIRONMENTAL

RE: REQUEST OF IMPERIAL OIL CO. (EXON) TO MOVE TAR SAND DRILLING EQUIPMENT TO ALBERTA CANADA USING MT. HIGHWAYS

I HAVE FAMILY LIVING UP NEAR HELENA, ALTHO I NO LONGER LIVE THERE I WAS HORRIFIED TO LEARN OF A REQUEST BY THE ABOVE TAR SAND DRILLING OPERATION TO USE OUR HIGHWAYS!

1 { MT. HIGHWAYS WERE NOT BUILT TO HANDLE THE HUGE LOADS THESE PEOPLE WOULD MOVE ON THEM. IT COULD HAVE DISASTEROUS EFFECTS ON THESE ROADS, NOT TO MENTION THE EFFECTS ON THE PEOPLE LIVING ALONG THEIR ROUTE.

2 { I ALSO UNDERSTAND THAT THE GREENHOUSE GASES THAT WOULD BE RELEASED FROM THE DRILLING ITSELF AND THE OIL IT PRODUCES WOULD BE HORRENDOUS, PLUS ITS EFFECT ON WATER QUALITY AND TIMBER CUTTING. HERE IN THE U.S. WE ARE FRANTICALLY TRYING TO CUT GREENHOUSE GASES WHICH ADD TO GLOBAL WARMING AND THEY ARE BUSILY ENGAGED IN ADDING TO IT! MT. SHOULD NOT ENCOURAGE CANADA IN THIS ENDEAVOR.

3 { I STRONGLY URGE THE STATE TO DO A FULL IN-DEPTH ENVIRONMENTAL IMPACT STATEMENT BEFORE EVEN CONSIDERING PERMISSION FOR THIS OIL CO. TO USE MT. HIGHWAYS!

PLEASE INCLUDE THE ABOVE COMMENTS IN THE OFFICIAL HEARING RECORD. THANK YOU.

RESPECTFULLY,
Judy Reynolds
JUDY REYNOSO
308 TERRY LANE
WASHINGTON, MD. 63090

REYNOSO, JUDY

1. See response to Common Comment L and G. Please see the Economic and Community Impacts analysis in Section 3.6 of the EA.
2. See response to Common Comments E1, and P.
3. See response to Common Comment B..



Comment form

Project name: Kearsarge Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

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The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Pierre Rhouauh
Box 13573
Missoula, MT, 59708
rhouauh-pierre@mt190.com

Comments:

I SUPPORT THE KEARSARGE MODULE TRANSPORT PROJECT EA FULLY.

RHOUAUH, PIERRE

1. Comment noted.



Comment form

Project name: Kearsarge Module Transport Project EA
 Control Number: CN 6800
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Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Kim Rickard
 5820 North Montana Ave Fl
 Helena, MT 59602
 kimr@montanalaborers.com

1) Comments: I strongly urge the MDT Environmental Services bureau to proceed with the transportation of the vessels through Montana to Canada Tar Sands project. I believe that the transportation of these vessels will bring employment opportunities to the citizens of Montana through building turnouts & traffic control. The jobs will also add to the taxbase of Montana employing Montana workers on these projects.

RICKARD, KIM

1. Comment noted.

Tom Martin
MDT Environmental Services Bureau
PO Box 201001
Helena, MT 59620-1001

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MAY 17 2010
ENVIRONMENTAL

Re: Kearsal Module Transport Project

Dear Mr. Martin,

Thank you for this opportunity to comment on the Kearsal Module Transport Project Environmental Assessment.

- 1 { • The logical termini needs to be clearly defined. The EA uses political boundaries to do this. That is not sufficient when this project starts on either side of the political boundaries of the state of Montana.
- 2 { • The EA doesn't take into account all of the future trucks that could use this as a permanent high and wide corridor. Nor does it take into account the cumulative impacts of such a corridor. The cumulative impact analysis done is insufficient to reach a conclusion that significant impacts will not occur.
- 3 { • Direct and indirect impacts of the proposed action should have been taken into account. Canadian oil sands energy development could not continue except for the completion of this corridor. So the oil sand mining is an indirect effect of the proposed corridor that was not taken into account.
- 4 { • It is unclear in the EA whether the SHPO or the THPO concurred with the Determination of Effects of the historic properties analysis.
- 5 { • The EA does not mention any consultation of the Confederated Salish Kootenai Tribal THPO. This tribe has numerous burials, archaeological sites, and Traditional Cultural Properties in the Lolo Creek area as well as the lower Bitterroot Valley.
- 6 { • It is unclear in the EA whether tree trimming will effect the setting of historic properties in Choteau and adjacent to Bonner Dam and Mine. The analysis needs to address the criteria that resulted in the significance of these properties for inclusion on the National Register of Historic Places.
- 7 { • There was no historic properties analysis or archaeological site testing done in areas where utility relocations (particularly power line burials) are set to occur.
- 8 { • There was insufficient analysis done regarding impacts to wetlands.
- 9 { • There needs to be a more comprehensive environmental analysis such as an Environmental Impact Statement.
- 10 { • The analysis of the weight of the vehicles does not include the weight of additional push and pull trucks if they are needed.
- 11 { • The comment period should be 60 days for such a large project.

ROWLEY, BRENT

1. See responses to Common Comment E1 and E2.
2. See response to Common Comment K and S.
3. See response to Common Comment E1.
4. Both the Montana SHPO and the Blackfeet TPO were consulted. See Section 4.1.1 of the EA and Section 4.5 of the Decision Document.
5. The MOA between the CSKT and the MDT requires MDT to consult with the CSKT regarding projects on the CSKT Reservation. The proposed project does not pass through the CKST Reservation, therefore MDT did not initiate consultation. The US Forest Service (USFS) and BPA conducted consultation with the Confederated Tribes of the Salish and Kootenai. See section 4.5 of the Decision Document.
6. The minor tree trimming in Bonner and Choteau would not affect the historical setting, as stated in the EA Section 3.3.2.4. See the response to Specific Comment C.
7. Appropriate analysis was conducted to examine potential for historic or archaeological impacts. Please see Section 3.3 of the EA.
8. See response to Common Comment I.
9. See response to Common Comment B.
10. See response to Common Comment L.
11. See response to Common Comment F1.

Sincerely,
Brent Rowley
PO Box 8254
Missoula, MT 59807

MAY 17 2010
 ENVIRONMENTAL

Tom MARTIN
 Montana Dept of Transportation,
 Environmental Services Bureau
 P.O. Box 201001
 Helena, MT. 59620-1001

Dear Mr. MARTIN:

Based upon all the real concerns thousands of Montanans have raised regarding the request of Imperial Oil/Exxon Mobil, we ask that the Montana Department of Transportation temporarily deny the request and, instead, undertake a full Environmental Impact Statement (E.I.S). Among the numerous concerns raised, several are especially in need of fuller analysis and review:

1 {

1. Safety: The proposed route is along primary summer and winter tourist travel corridors. Even with the proposed permits and opportunities to pass the oversized trucks, it is inevitable that impatient drivers of cars and trucks will try to pass, resulting in an increase of vehicular accidents. What is the percentage increase in risk? What is the percentage increase in risk of injury, death, and damage? Who will pay? Are Montanans willing to accept these increased risks?

2 {

ROY, TOM

1. See response to Common Comment B.

2. See Section 2.6 of the MTP for traffic control plans.

(2)

2) Economic Impact.

3 { Montana's largest, most reliable source of revenue is tourism. The proposed travel route and modifications will adversely impact tourism. How many tourists will choose not to come to Montana? One photo of the oversized trucks on the internet will have a profound effect on citizens in other states. How many tourist dollars will be lost? How many tourist businesses, perhaps in a weakened state due to the recession, will fold due to the oversized trucks? How many jobs tied to the tourist industry will be lost?

4 { The roads on the route will require more frequent and costly repairs due to the truck traffic. These road repairs will also cause road closures and delays, again affecting the tourist interests. How many hours/days/weeks of additional road repairs will be caused by the trucks?

Who pays for these road repairs? The Montana taxpayers! The amount proposed by Imperial to pay seems woefully small. It won't even pay for the costs of road repair, much less the cost of lost tourism, and jobs and increased costs for death and injury.

3. See response to Common Comment M.

4. See response to Common Comment L.

(3)

3. Economic- Environmental:

5 { Build a route to accommodate oversized-trucks and they will continue to use the corridor. But differently, once the pull-outs and modifications have been constructed, Montana is inviting more over-sized truck traffic in the future. Is that what we want coming over highway 12, along a wild and scenic river; coming through one of Montana's major cities; and going up the Blackfoot river, where prominence has brought tourists to Montana?

6 { Once the route is established, Montana will have little to no opportunity to deny what is carried across the State - oversized trucks loaded with oil or hazardous chemicals. One accident, one spill, and Montana would be another Louisiana. The Department's comments at meetings that there are no risks of accidents and that the corridor will not be used for other over-sized trucks are disingenuous. If that truly is the conclusion, the study and analysis of the EA are unsupportable. What will the crane be loaded which will be needed when an accident occurs?

We have a responsibility to future generations to give this request the

5. See response to Common Comment K.

6. See response to Common Comment K, H1, and H2.

(4)

7 { serious, objective analysis of the EIS.
 Norahui is there a consideration of the long-term costs associated with the proposed route. Instead, the ~~State~~ ^{Department} speaks only about the few extra jobs (not weighing the lost jobs) and the possibility of cheaper oil for Montana. These inducements are the same type as used by W.R. Grace in Libby and, in the more distant past, the mining companies in Butte. Who paid? Not the Imperial Oil's but the citizens of Montana with their tax dollars and lives.

One could go on and on. All Montanans deserve and have a right to know, as citizens, the full long-term costs, in taxpayer money, lives, and injuries - and risks of the proposed route. With these costs considered, and required of Imperial Oil, its other options may look more economical. Montana has no obligation to provide Imperial Oil with the cheapest route.

8 { Only a comprehensive EIS will provide Montanans with the information we have a right to know.

Sincerely
 Tom Roy
 541 EVANS AVE
 MISSOULA, MT. 59801

7. See response to Common Comment B.

8. See response to Common Comment B.

SAROC, INC.

RECEIVED
MAY 17 2010
ENVIRONMENTAL

125 BANK STREET, SUITE 300
MISSOULA, MONTANA 59802
PHONE 406/728-0864
FAX 406/728-4233

May 14, 2010

RECEIVED
MAY 17 2010
MT DEPT. OF TRANSPORTATION
DIRECTOR'S OFFICE

Dwane Kailey, P.E.
Chief Engineer
Montana Dept of Transportation
2701 Prospect Avenue
P O Box 201001
Helena, MT 59620-1001

RE: Kearn Module Transport Project

Dear Mr Kailey,

Thank you for the opportunity to comment on this proposed action. I have many comments to make however; I will concentrate on the most important.

1 { I'm disappointed in the amount of time which we as public citizens of the State of Montana have to comment on this environmental assessment and proposed disruption of our lives in western Montana. I personally own property along Highway 200 in the Blackfoot Valley; this is an operating ranch and requires access to and from Missoula and other places on a continual basis. Often we are not sure whether we have to go during the day or at night to insure operation of the ranch. Movement of this equipment over a period of many months along our road will definitely disrupt my operation. This I see from the economic analysis has no impact. I would disagree very much with this position. I would like to see the comment period extended at least another sixty (60) days. This will allow me to discuss this with other area ranchers who will be affected, and make comments from a community position.

2 { I am concerned about the effects on Highway 200, as well as Highway 12 and the Missoula area by the movement of these heavy vehicles. I was at the comment session on the 10th in Missoula and did not get satisfactory answers to my questions about who would be repairing the road. I understand that Imperial says they will repair any damages, but I wonder how MTD or anyone else can verify damages caused by this equipment and pin the blame on them where they will respond by funding repairs. We have seen many times in the past that oil companies use extensive legal maneuvering to delay and/or minimize their responsibilities. I asked questions regarding a baseline study and was told that a film will be taken of the highway prior to the movement of the rigs. This will simply not provide enough information to enforce Imperial Oil to live up to their responsibilities. Instead I think an environmental impact statement would be a
3 {

SAROC, INC – ROY O’CONNOR

1. See response to Common Comment G and F1.

2. Comment noted.

See response below.

Dwane Kailey
Page 2

much more effective way of categorizing the present shape of the highways, as well as the present shape the water resources and land resources adjacent to these highways.

3 {

I'm very concerned with the contingencies that they have with regards to winter transport. Knowing that these vehicles can move at night, that their weight is up to 580,000 gross when loaded with the modules and including the trailers and vehicles, I envision problems with the passes primarily during the winter. Indications that they would park the vehicles and wait during bad weather simply don't make sense. As we know Rogers and Lolo pass both get high periods of snowfall during the winter, making the roads extremely slick and icy especially at night. These roads are not plowed and snow removed typically during the night, thus any movement by these vehicles would be extremely dangerous. Also, I can envision a 580,000 pound rig sliding down Rogers pass at night on snow-packed or icy roads. There would be simply no way to stop it. I've requested information regarding how they will insure that these vehicles are prepared for and will be protected from icy conditions but, have received no response. Again, EIS as well as additional time to comment and find out the answers is necessary.

4 {

Vehicles of this size will definitely distribute high amounts of particulate as well as gases into the surrounding atmosphere when they pass. Missoula already has problems with air quality during the winter because of its location as well as high pressure stagnating air. The EA does not address this issue at all. If we do have smog alerts or high ozone alerts here there is no contingency for the modules to not move through the area. I would request further information regarding this issue.

5 {

Transportation corridor. I see that Imperial Oil has chosen to split this transportation corridor into different segments, which seems to me a maneuver to avoid an examination through MEPA and requirements of an environmental impact statement. Indeed we can see just by looking at their transportation route that it starts initially in Vancouver and ends up at the Canadian border in Montana. I would request that this transportation route be considered a single route and all the federal and state requirements which would be initiated by that are imposed and required.

6 {

Economic analysis. This analysis is very one sided, showing only the "benefit" to Montana. Indeed there will be many interruptions to Montana's economy vitality during this time as well. There is no question in my mind that tourism will be affected, as well as normal movement and enjoyment of Montana by its citizens and tourists. I'm sure people will hear of these huge vehicles going along these roads, and avoid both Highway 12 and Highway 200 at all costs to avoid getting stuck in whatever problems they may have and the normal transportation of these modules. I would request an extra sixty (60) day comment period on this EIS so that these economic implications can be examined by professionals. I know for me it will effect how I personally travel into these areas and any economic benefits that I might generate while I'm in the areas.

3. See response to Common Comment B. See Section 4.8 of the MTP.

4. See Section 3.7 of the EA

5. See response to Common Comment E2 and B.

6. See response to Common Comments M, G, and F1.

Dwane Kailey
Page 3

7 { Permanence of the corridor. I request a truthful answer to the questions asked about whether or not the Imperial Oil and/or Montana Department of Transportation wants to set this up as a permanent large module transportation corridor. These questions have been avoided, but indeed we all understand that additional work is being done at the Port of Lewiston to handle large loads, and presumably these loads will follow a similar route. This, if indeed true, should be admitted to by the oil companies as well as the Montana Department of Transportation. This as well would initiate additional studies by MEPA, as well as require an EIS or certainly a more extensive EA. I would request prior to any decisions being made that Imperial Oil and/or any user of this corridor is pinned down to verify what their plans were on the future. Imperial can say they have no plans for the future, but we know they have been looking at this route for many years from their comments, and they must have a vision many years into the future on their use of this corridor.

8 { I will be very disappointed if the Montana department of Transportation does not study this issue in depth, and make a decision based not only on use of the roads but on the requirements of the local citizens and all users of these highways. These are very small two-lane highways, not built for use of large module transports, and we will all be affected by any use of these transportation routes by over-size vehicles.

Thank you for considering my concerns.

Sincerely,



Roy O'Connor

ROC/mlm

7. See response to Common Comment K and B.

8. Comment noted.

May 12 '2010

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MAY 14 2010 MAY 14 2010

ENVIRONMENTAL

Tom Martin
MDT Environmental Services Bureau

re: Karl Modye
Transportation Project

Please accept this writing as
positive no regarding the above project being
considered by the MDT.

1 { We feel all the ramifications on this project
have not been given the publicity necessary
for the general public awareness. There are
too many 'grey areas'. It just seems
to be full of holes (like the scenic routes
these mammoth rigs will be digging).

2 { Is it necessary for Montana taxpayers
and businesses to be held accountable
for unforeseen costs just to benefit
two foreign countries? I wonder.

Thank you for your
attention

Margaret K. Schoonen
Box 2
Ramsay MT 59748

SCHOONEN, MARY AND K?

1. Comment noted.

2. See response to Common Comment L.



Comment form

Project name: Kearsley Module Transport Project EA

Control Number: CN 6800

Meeting date and time: 6:00 p.m., Thursday, April 29, 2010

Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

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The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Aarron Schulte
4112 Larkspur Dr.
Missoula MT 59803
aarronschulte@yahoo.com

1 { Comments: I support Kearsley Module Transport Project. This project will bring many jobs and revenue to Montana in a time when it is much needed.

SCHULTE, AARRON

1. Comment noted.

- **Tar sands mining is one of the most destructive forms of energy development and has irreversible impacts to the environment and public health and furthers global warming pollution.** ENVI

This is test, says artist Mark Dion, if we pass, we get to keep the planet.

We love light crude oil from the east of the world for our touchy refineries. We ship our oil back to points in the east and say we are mining to relieve ourselves of the import debt burden. That has never been true.

If we lose control of tankers or oil rigs then another chunk of our diverse ecosystem dies and we fail the test.

When we destroy a diverse ecosystem we cannot get it back. It's changed. The consequences are disease and global warming. The spirit of our place is sacrificed to the God of Money and a lack of imagination: not every single person needs one or more cars. Oil and coal are not the only energy sources that belong in our national and international energy portfolio. Our niche of ecological wonder here in the northwest nurtures our spirit. This does not resonate with industrial development on the scale of a humungous industrial corridor.

1 { The Kearl Module Transport Project is not a one-time affair. This equipment is going to work in the tar sands oil fields of Alberta Canada; this is only the beginning of plans for an industrial corridor to be built through some of our most prized scenic and diverse ecologies. It is an assumption that the energy portfolio will remain the same forever ad naseum until all the oil and coal is gone and the profits are made in this decade or two. We do not have a plan for long-term growth that, yes, can include coal and oil. This is an egregious effort to mine one of the largest oil fields in the world, and for export. Get the money and run - no long-term development goals needed here - our spirit, our community goals are mere inconveniences to such a force of profit.

Remember, they have no federal EIS for casualties on this trans state and trans border project. They are bringing us into this transport corridor because we have the roads they want. If something goes wrong, we can just litigate - take our anger and broken spirit to the courts - they can afford it - we can't.

Please pass this resolution and keep our spirit alive.

Thank you,

 Linda Holding Schure
 Born in Missoula 1946
 Lived here on and off all my life

SCHURE, LINDA

1. Please see Common Comments K and E1.



Comment form ENVIRONMENT.

Project name: Kearn Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

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The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Roy Seaholm
408 Chanters, Box 92
Grass Range MT 59032

Comments:

1. { Keep the roads open to Canada and keep the lakes working and flowing

SEAHOLM, ROY

1. Comment noted.

May 5, 2010

MAY 13 20

Tom Martin
MDT Environmental Services Bureau
PO Box 201001
Helena, MT 59620-1001

ENVIRONME

Re: Kearsal Module Transport Project

Dear Mr. Martin, et al, at the Montana Dept of Transportation Environmental Services Bureau:

1 { Thank you for this opportunity to comment on the Kearsal Module Transport Project Environmental Assessment. Unfortunately, the EA is severely flawed and should not be used for making a major decision that the Kearsal Module Transport Project Represents. The State of Montana and MDT needs to conduct a comprehensive environmental impact assessment and open up the findings to a full public discussion with input and involvement from counties, cities and communities throughout the state and especially in western Montana.

2 { The Montana Department of Transportation is about to open up Montana’s scenic highways to mammoth size truck shipments of Korean manufactured equipment, weighing up to 300+ tons, (Transportation Plan, appendix 7) for ExxonMobil tar sand operations in northern Alberta. MDT’s review process has been cast in economic terms rather than broader ecological and climate change issues. Unfortunately the economic analysis used in MDT’s review process does not recognize all the costs that will be borne by Montana taxpayers, employers, and households. Several major cost impacts are either assumed away or ignored. Lack of credible and comprehensive costs to Montanans is especially serious since MDT’s authorization of the project may be repeated for other oil companies creating an industrial transportation corridor along western Montana rivers and highways.

3 { MDT is touting this proposal as a job creation stimulus; however, the environmental assessment (Kearsal Transportation Module Project, www.mdt.mt.gov) lacks credible, systematic analysis of the actual jobs that would be created for Montanans. The assessment estimates 150 Montana jobs from one-time-only modifications to highways and auxiliary shipment activities. The other job estimates are already employed workers including those employed by out of state firms. MDT’s assessment fails to balance their claimed positive economic impact with significant associated costs to Montanans. It assumes no job or business revenue losses in Montana’s outdoor recreation and tourism industry; no costs due to Big Rig accidents, and no long run costs for MDT’s review, supervisory and road maintenance expenditures on the project.

Jobs in Montana’s outdoor recreation and tourist industry are based on the attractive power of our scenic outdoors, mountains, forests and the highways providing access to these attractions. Tourist survey data show that visitors to Montana come for mountains and forest, open spaces and wildlife, and cold water streams full of trout. Surveys also show positive visitor perceptions of Montana giving our state high scores for road conditions and environmental stewardship.

4 { The mammoth oil equipment module shipments, transported by a Dutch-based company, will be up to 210 feet long, 30 feet high, and 24 feet wide and will, according to the MDT report require significant highway construction and modifications along the scenic Loscha and Blackfoot river corridors. The MDT report assumes there will be no adverse effects on Montana’s streams or on

May 5, 2010

MAY 13 20

SENINGER, STEVE

1. See response to Common Comment B.
2. MDT’s Environmental Assessment included a full analysis of potential social, economic, and environmental impacts. Please see the EA and the Decision Document. See response to Common Comments P, L and M.
3. See response to Common Comment M and L.
4. As determined through the EA process, MDT does not view potential impacts of the project as “significant”. See response to Common Comment M.

the state’s outdoor recreation and tourism industry. Potential reductions in out of state visitors from the project would lead to job losses in this \$4.3 billion industry.

5 { Reductions in outdoor recreation and tourism visitation will affect all types of western Montana business and employers including motels, restaurants and bars, gas stations, and other businesses, many of them small businesses, who directly depend on recreation and tourism travelers on western Montana highways. It should be noted that while transports will not take place on weekends, they apparently will take place on Friday nights/Saturday mornings. Major portions of the transport route provide access to prime hunting areas; during hunting season Saturday morning delays will significantly impact hunters. Some hunters will doubtless choose to hunt elsewhere, resulting in economic losses for local businesses.

6 { MDT assumes a zero accident risk for the 170 ton big rigs (as state in the EA) or 300+ tons as state in the Transportation Plan, appendix 7. The no accident assumption is particularly questionable since the 200 shipments, slated to begin this September, will run year long at night over Lolo Pass, through Missoula, up the Blackfoot, over Rogers Pass and up along the Rocky Mountain Front to the Canadian border. Visualize a 300+-ton big rig on Montana’s two-lane, rural highways in just a modest winter snow storm. A credible and comprehensive analysis would allow for potential mishaps including major accidents that would adversely affect human life, wildlife and the environment. Such accidents would entail cleanup costs along with law enforcement and emergency medical costs and traffic routing issues on the two lane highways. Many of these costs would fall on local governments, communities, and taxpayers.

7 { A third omission in the assessment document is an absence of explicit cost accounting for MDT’s resources provided in the planning and implementation stage of the project and a reasonable projection of such costs over the life of the project. The Montana Department of Transportation is already spending taxpayer dollars which are not calculated in the environmental assessment. The analysis states that “MDT will cover costs of review of permit applications, review of the EA, construction oversight and normal obligations for road maintenance .” The EA indicates that the maximum weight of the modules will be 334,568 pounds (table 9, page 12), while the accompanying Montana Transportation Plan states (page 5) that the maximum weight of a module will be 344,000 pounds, and that this does not include the weight of the tractor and trailer. The tractor and trailer will add approximately 288,450 pounds (Transportation Plan, appendix 7), for a total weight of 632,450 pounds! These costs are ultimately paid for by Montana taxpayers with the ‘normal obligations for road maintenance’ potentially becoming quite significant. The omitted costs to Montana taxpayers would, indeed, be a subsidy to ExxonMobil’s tar sand operations in Canada.

8 { The impending decision by MDT to allow creation of an industrial transportation corridor in western Montana does not address impacts and costs to Montana taxpayers, businesses, and communities. A comprehensive programmatic review of all social, economic, and environmental impacts and their costs should be conducted. Such a comprehensive analysis showing the costs and gains to Montana taxpayers should also include the costs of alternative transport routes through Canada. The inadequate assessment conducted thus far does not answer these questions and is insufficient to make a decision with such far reaching effects on our economy and environment.

Submitted as a concerned Montana voter and taxpayer,

Steve Seninger, 9601 Cedar Ridge Road, Missoula, MT. 59804

5. MDT concludes that a 10 minute travel delay is unlikely to prompt a Montana hunter to abandon a given hunting location. As a result, this type of economic impact was not considered to be a reasonably foreseeable event and was not included in the economic analysis.

6. MDT’s analysis appropriately included reasonably foreseeable events. See Section 4.8 of the MTP. See responses to Common Comments H1 and H2.

7. See response to Common Comment L.

8. See responses to Common Comments C1, K and D1.



MAY 14 2010

MAY 6 2010

Project name: Kearsarge Module Transport Project EA
 Control Number: CN 6800
 Meeting date and time: 6:00 p.m., Thursday, April 28, 2010
 Location: Lincoln School, 808 Main St., Lincoln, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Bonnie Shown

4315 4x4 Rd.

Box 336

Lincoln, MT, 59639

1 {
 Comments: *I believe the move ment of your modules be not cause any environmental problems. and the wages paid in the state to local contractors is dearly needed.*

SHOWN, BONNIE

1. Comment noted.

RECEIVED ^{200 Imperial Way}
MAY 18 2010 ^{Missoula, MT 59803}
^{May 8, 2010}

ENVIRONMENTAL
Mr. Tom Martin
MDT Environmental Services Bureau
P.O. Box 261661
2701 Prospect Ave.
Helena, MT 59620

Dear Mr. Martin:

I hope you have read the editorial by Economist Dr. Steve Seninger printed in the May 6th Missoulian which describes some of the hidden costs of allowing "big rigs" to travel through western Montana.

Personally, I am greatly concerned about the environmental degradation these massive vehicles will cause to two of the most peaceful, attractive drives we can take out of Missoula, Routes 12 and Route 200. When the wayside greenery is disturbed and cut back, these routes will lose their charm and beauty. These are places we take our out-of-state guests. (and for ^{our peace} please, consider these losses as well as the others discussed by Dr. Seninger.

Sincerely,
Sue H. Siebert

SIEBERT, SUE

1. Please see response to Common Comment J. Please see also Table 5 of the Ea, which shows that only one new turnout will be constructed on Highway 12 and 12 new turnouts will be constructed on Highway 200. Please note that Steve Seninger's comments are included in Appendix D of this Decision Document.

Tom Martin
MT DOT
Environmental Services Bureau
PO Box 201001
Helena, MT 59620-1001

RECEIVED
MAY 17 2011
ENVIRONMENT

Re: KMTP

Bio: We have family in both Lewiston ID & Havre MT. We drive both the Lolo Pass route & the Blackfoot -Rogers Pass route regularly (12 or more times) each year.

- 1 { A. Turnouts: This proposal call for turnouts every 1.5 miles (mountains), 3 miles (winding) & 4.5 miles (flat/straight). This means that about 200+ turnouts, evenly spaced are needed. Are there even that many turnouts between Lewiston & the Canadian border along this route? Are they properly spaced. Very few currently exist that can accommodate a 270 foot rig. How are these to be designed , engineered & constructed by September 2010? What environmental safeguards are included? Or ignored?
- 2 { B. Road maintenance: The state is proposing that Montana maintain & repair the roads along the route: So, if one of the rigs breaks down & the haulers use a D10 cat to move to a "repair site" then the taxpayers foot the bill for the damage. Or if guard rails, bridges or other infrastructure is destroyed the taxpayers pay to fix the damage. How about road surface/roadbed damage from overweight loads? Does the state even have scales able to check the load weights? Or do you plan to "take the corporations' word got it"- Like BP & Halliburton were "absolutely" prepared & capable of handling any & all possible catastrophic failures on their drilling operations-up to a blowout of 6.8 million gallons a day in their Gulf drilling operations.
- 3 { C. Traffic flow: First & foremost: What about emergency vehicles? A significant portion of the proposed route has no alternative routes to reach homes, businesses or potential accident sites. So if ambulance &/or fire service is needed what happens? Do these vehicles wail until the next turnout? What if the rig is broken down? Then how long do they wait? Who is going to have the liability for life/property loss or damage? Do you think Exxon-Mobil or Synfuels will? Secondly, Having traveled these routes during times of highway construction, putting rigs that size on these roads is not going to add "at most 15 minutes" of delay time. More like 60 to 90 minutes - & that only if there are no breakdowns. Are the haulers going to have a system in place so that someone traveling the routes will know that there is a breakdown & that we need to take an alternative route (with the extra hours of travel time- ie if you're going to Lewiston, plan B is via Couer d'Alene: There is no usable southern route) or is it going to be "Good luck Jack", you're at the blockage so either wait or backtrack.
- 4 { D. Economic impacts: It is sad to see our Governor dancing up & down -like Jag for a dog cookie- at the prospect of as much as \$68 million. The prospect of 100 to 150 flagging, driving, line relocation, etc jobs is just that. There are no guarantees that all/any of those hires will be Montanans. The same is true of lodging (sleeper trucks), fuel (tanker trucks - I can think of few if any gas stations big enough to drag a football field through), food (certainly no parking in Missoula for a rig that size). Additionally, What this proposal does is subsidize the export of jobs overseas. Manufacture overseas, ship through the state -at our expense: both time & money- & then send it on to Canada to be used & be a source of revenue & taxes for another country. If we are determined to continue with exploiting fossil fuels, it seems like the Bakken fields might be a better choice.
- 5 { E. Environment: While on the face of it, simple transport of outsized rigs doesn't look to have significant impact environmentally, there are a number of serious concerns. The Lolo Pass & Blackfoot corridors are narrow, winding, steep & relatively pristine environments. They contain some of the best river ecocystems left in this part of the US. An accident, a spill, hasty turnout construction or relocation work ... Any or all
- 6 {

SIMPSON, CHARLIE

1. See Section 3.13 of the EA for a listing of measures that Imperial Oil and its contractors will use to avoid, minimize and/or mitigate potential adverse impacts.
2. See response to Common Comment L. MDT does have equipment to weigh loads of this size. MDT management is currently evaluating appropriate means to ensure loads stay within agreed upon weights.
3. See response to Common Comment H3.
4. See response to Common Comment G.
5. See response to Common Comment Q.
6. See response to Common Comment S.

of these place these environments at risk- perhaps major risk. Also, The Synfuels spokesman described them as a mining company. Montana history is rife with examples of mining companies being under bonded for environmental damage/reclamation & then magically disappearing via bankruptcy: leaving the taxpayers with the bill. More critically, we need to quit expanding our use of & reliance on fossil fuels. This is another stopgap that risks the environment both locally & globally. It would be far better to continue to expand our acts of conservation & development of sustainable energy alternatives.

F: Greed: Exxon-Mobil has made over \$100 billion these past three years. Nearly \$40 billion in one quarter alone. That is profit, not gross. I sure didn't see any benefit of that reflected in my energy costs did you? The Synfuels spokesman made a point of how developing the Athabaskan oil sands would provide a secure, stable source of fossil fuels for years to come. Right, remember how a few years back BP sold North Slope oil to Asia, creating a massive shortage in California-despite their promises & obligations? That one worked out well for BP: Made about \$9 billion & the Bush administration fined them only \$ 1 billion. Corporations are by their nature like an Amoeba: Single focus, amoral, without a conscious. Ay breaks given to a corporations must have expectations, reciprocity & costs clearly delineated & anchored in law/contract. If not, the MDOT is failing its responsibilities to the people of Montana.

Sincerely,



Charlie Simpson

5164 Koch Lane

Florence, MT 59833

PS If it isn't clear: I am totally opposed to allowing this project to happen.

See response above.



MAY 13 2010
ENVIRONMENT
Comment form

Project name: Kearsley Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Neil Skinner
368 Anstovrat
Billings MT 59105

Comments: I believe it will be a benefit to Montana in that it will create much need jobs.

SKINNER, NEIL

1. Comment noted.

SMART, DELET

FAX COVER SHEET

Today's Date 5/14/10 # of Pages Including Cover Sheet 1
 TO: Tom Martin FROM: Delet Smart
 Company: D.O.T Company: _____
 Location: _____ Location: _____
 Telephone _____ Telephone # _____
 FAX # 406-444-7245 FAX # 406-256-8237
 Copy To: _____

Confidential Urgent For Review Comment Please Reply

1 {

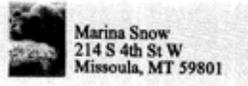
Comments I am in support of the Keast Module
Transport Project. We should allow
the trucks to cross Montana.

Delet Smart
860-6394
Billings, MT 59102

1. Comment noted.

This telecopy is intended only for the use of the person to whom it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient, you are notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us by telephone and return the original message to us at the above address via US Postal Service. Thank you.

Delet Smart
 Signature



RECEIVED
MAY 10 2010
ENVIRONMENTAL

Tom Martin
MDT Environmental Services Bureau
P.O. Box 201001
2701 Prospect Ave.
Helena, MT 59620

Dear Mr. Martin:

1 {

I wish to go on record as being completely opposed to the horrific transportation proposal by the Kearsley Module Transportation Company.

Please, please, please read the enclosed newspaper article by Dr. Steve Seninger and stop this terrible mistake from being made.

Thank you for your attention.

Sincerely,
Marina Snow

SNOW, MARINA

1. Comment noted.

OPINION

GUEST COLUMN

Economic analysis of big rigs misses hidden costs

By STEVE SENINGER

The Montana Department of Transportation is about to open up parts of Montana's scenic highways to massive oil equipment modules, referred to as "big rigs."

Unfortunately, the economic analysis used in MDT's environmental assessment process does not recognize all costs that will be borne by Montana taxpayers and employers. Several major cost impacts are either assumed away or ignored. This lack of credible and comprehensive cost analysis is especially serious since MDT's authorization of the project may be extended to other oil companies, establishing a de facto industrial transportation corridor along western Montana rivers and highways.

MDT is touting this proposal as a job creation stimulus; however, the environmental assessment (Kearl Transportation Module Project, www.mdt.mt.gov) lacks credible, systematic analysis of the actual jobs that would be created for Montanans. The assessment estimates 150 Montana jobs from one-time-only modifications to highways and auxiliary shipment

What do you think?

The Montana Department of Transportation is accepting public comment on the environmental assessment of the Kearl Module Transportation Project through May 14. Send comments online at www.mdt.mt.gov, or in writing to Tom Martin, MDT Environmental Services Bureau, P.O. Box 201001, 2701 Prospect Ave., Helena, MT 59620.

activities. The other job estimates are already employed workers, including those employed by out-of-state firms. MDT's assessment fails to balance its claimed positive economic impact with

significant associated costs to Montanans. It assumes no job or business revenue losses in Montana's outdoor recreation and tourism industry; no costs due to big rig accidents, and no long-run costs for MDT's review, supervisory and road maintenance expenditures on the project.

Jobs in Montana's outdoor recreation and tourist industry are based on the attractions of our scenic outdoors, mountains, and forests. Tourist survey data show that visitors to Montana come for mountains and forests, open spaces and wildlife, and cold water streams full of trout. Surveys also show visitors give our state high scores for road conditions and environmental

\$34 million in payrolls annually. Such jobs and wages are assumed to be completely unaffected by the big rigs.

MDT assumes zero accident risk for the 170-ton big rigs. This no-accident assumption is particularly questionable since the 200 shipments, slated to begin this September, will run year-long over Lolo Pass, through Missoula, up the Blackfoot, over Rogers Pass and up along the Rocky Mountain Front to the Canadian border.

Visualize a 170-ton big rig on Montana's two-lane, rural highways in just a modest winter snow storm. A comprehensive analysis would allow for potential major accidents and adverse impacts on human life, wildlife and the environment. Accidents would impose cleanup costs, law enforcement and emergency responder costs and traffic routing issues on the two lane highways, costs that would fall on local governments and taxpayers.

A third omission is the lack of explicit cost accounting for MDT's resources provided in the planning stage and a credible projection of such costs over the project's timeframe. MDT is already spending taxpayer dollars which are not calculated

in the environmental assessment. The analysis states that "MDT will cover costs of review of permit applications, oversight and normal obligations for road maintenance." These costs are ultimately paid by Montana taxpayers with the "normal obligations for road maintenance" potentially becoming quite significant. These omitted costs paid by Montana taxpayers represent a subsidy to ExxonMobil's tar sand operations in Canada.

A comprehensive, programmatic review of all social, economic and environmental impacts and their costs should be conducted. Such an analysis showing the costs and gains to Montana taxpayers must also include the costs of alternative transport routes through Canada. The inadequate assessment conducted thus far does not answer these questions and is insufficient to make a decision with such far-reaching effects on our economy and environment.

Steve Seninger is a Ph.D. economist with more than 40 years of professional background in economic impact and cost analysis.

A personal note



Ms. Elaine Snyder
540 Country Way S.
Kalispell, MT 59901-2182

DEAR MONTANA DEPT. TRANSPORTATION.

RE: TAR SANDS EQUIPMENT TRANSPORT

I cannot conceive of these over-sized loads traveling many of Montana's two lane roads. I especially think traveling Hwy 12 over Lolo Pass is not at all feasible.

I would like to see a fully environmental impact statement done, before this permit is issued. Our roadside ecology - fauna + flora + wildlife + wetlands + rivers are more important than tar sand extraction equipment.

Thank You.

Elaine Snyder

RECEIVED

MAY 17 2010

ENVIRONMENTAL



SNYDER, ELAINE

- 1. See response to Common Comment B.

Friday - May 14-10

Dear Mr. Martin:

I wish to strongly object
to OIL/Exxon Mobil to run
200 super-sized trucks
through parts of Western
Montana (Specifically
1 1/2 blocks from my home)
in Lolo.

Please --- we cannot
allow this!!

This is short & to the point
as I'm sure you have
many to read. Sincerely

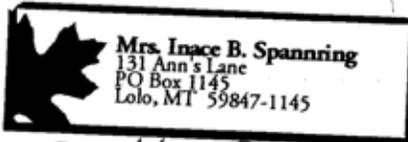
Inace B. Spanning

RECEIVED

MAY 17 2010

ENVIRONMENTAL

406-273-4730



SPANNING, INACE

1. Comment noted.

SPANNRING, RAYMOND

MAY 14, 2000

DEAR MR. MARTIN:

1 {

I WISH TO STRONGLY OBJECT TO THE PROPOSAL BY IMPERIAL OIL, EXXON MOBIL TO RUN 200 SUPER-SIZED TRUCKS THROUGH PARTS OF WESTERN MONTANA WHICH WOULD INCLUDE THIS HORRIBLE DESTRUCTIVE OPERATION ONLY APPROXIMATELY 1/2 BLOCKS FROM MY RESIDENCE

THERE IS NO REASON FOR ME TO ELABORATE AND WASTE YOUR VALUABLE TIME TO JUSTIFY MY OBJECTION AS STATED ABOVE

SINCERELY



Mr. Raymond W. Spanning
PO Box 1145
Lolo, MT 59847

RECEIVED

MAY 17 2010

ENVIRONMENTAL

1. Comment noted.

From: Edwin Speelman
 (406) 752-1439
 504 E Evergreen Dr.
 Kalispell, MT 59901
 May 5, 2010

To:
 Montana Department of Transport
 % Montana Highway Department
 PO Box 7308
 Kalispell, MT 59904

Invited Comment regarding proposed
 Colossal Convoys of Alberta Oil Sands
 Production Equipment over Montana
 Highways beginning in 2010.

1 { Comment:
 I am agreeable to this use of our
 highways.

2 { I understand that turnouts are to be
 built for this proposed project.
 If so, I strongly urge that these new
 turnouts be left in place for the
 convenience and enjoyment of all future
 motorists. A generous abundance of wide
 turnouts along highways and even gravel
 roads is one of the great things about
 Montana. Most other states are paupers
 in this regard.

Edwin Speelman

SPEELMAN, EDWIN

1. Comment noted.

2. Upon completion of the transport project, MDT will evaluate the new and modified turnouts and maintain in place those new and modified turnouts that provide a benefit to the Montana travelling public.



Comment form

INVOLVE
MAY 10 2010
ENVIRONMENT.

Project name: Kearsarge Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Michael Sullivan
Box 143
Drummond, Mt 59832
no email

Comments: I attended the meeting in Missoula 4/29 & found it very interesting. I have thought of some other questions about these pullouts; how will the MDT deal with them afterwards? Will they be open to the public for camping, etc? Will they need to be maintained? Plowed? Who will pay for it? It seems absurd to have a 300' pullout every 1/2 mi. on these highways. Certainly not necessary for public safety. I agree with the majority at the meeting that more input & further study is necessary. The potential impacts of this plan warrant very careful consideration before it is allowed to proceed. Picking up the pieces afterward is always more difficult & expensive. I'm not interested in subsidizing the oil companies.

1 {
2 {

SULLIVAN, MICHAEL

1. See response to Common Comment L. Upon completion of the transport project, MDT will evaluate the new and modified turnouts and maintain in place those new and modified turnouts that provide a benefit to the Montana travelling public.

2. Comment noted.



Comment form

Project name: Kearsal Module Transport Project EA

Control Number: CN 6800

Meeting date and time: 6:00 p.m., Thursday, April 29, 2010

Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Julie M. Swed
2246 Petty Crk. Rd
Alberton, MT 59820
Jswed15_07@b9.com@hotmail.com

Comments: Regarding the Kearsal Module Project I highly support it. It means work for the unemployed and here in MT work is a much needed thing. Lets put people to work not out of work.

Julie M Swed

SWED, JULIE

1. Comment noted.

Mr. Tom Martin

ENVIRONMENTAL

MDT Environmental Services Bureau

P.O. Box 201001,Prospect Ave.

Helena, MT 59620

Dear Mr. Martain

I am in favor of letting Exxon Mobil move the large equipment through Montana. It would employ many Montana workers, maybe some of the workers layed of by the Container plant that was shut down because it could not get any logs.

I read the article by Mr. Senginer in the Tribune May 9, 2010.

To me the biggest interest of Mr. Senginer is that Exxon Mobil is mining the tar sands in northern Alerta of witch Mr. Senginer does not like.

The large trucks moving over Montana roads would reduce Tourism very little.

Again I am in favor of letting Exxon Mobil move their equipment through Montana.

Sincerely Yours

Fred Sweet
Fred Sweet

1815- 23ed Ave. South

Great Falls, MT 59405

SWEET, FRED

1. Comment noted.



Comment form

MAY 13 2010

ENVIRONMENTAL

Project name: Kearsy Module Transport Project EA
Control Number: CN 6800

Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Abraham Taylor
40835 Round Butte Rd Ronan MT
Bignads Mason@yahoo.com

Comments: We need all the work we can get.

TAYLOR, ABRAHAM

1. Comment noted.

April 30, 2010 APR 30 2 ENVIRONMENT

Dear Montana Department of Transportation,

I was not able to make it to any of the hearings on allowing Imperial Oil to move their huge equipment through Montana.

1 { I grew up in Cut Bank and have been on all the roads they plan to use. I'm not sure they could even maneuver something that big over some spots. And I suspect a lot of road damage could be done. (I hope you have the money to fix them.)

2 { Now on to the larger environmental concerns about tar sands mining and the low quality of oil produced—and all the damage that does. I know Montana has no control over Canada's lack of concern for global warming; but at the same time, we don't need to enable them either.

3 { Please, please, please do a FULL environmental impact statement considering all aspects of this before making any decisions.

Sincerely,

Marie Ann Toldness

Marie Ann Toldness
428 Second Avenue
Havre, MT 59501

TOLDNESS, MARIE ANN

- 1. See response to Common Comment L.
- 2. Comment noted.
- 3. See response to Common Comment B.

RECEIVED
APR 20 2010

25 Chokecherry Ln,
Clancy, MT 59624
4-24-10

Canadian Tar Sands Development

It's hard to believe this kind of project got started! Our thirst for fossil fuel energy is bringing us closer to the brink of disaster. Too many people are short sighted about the direction we are going towards global warming, and are thinking only of jobs and fuel. What kind of world are we creating for our children?

1 {

We in Montana should not expedite Canadian Tar Sands development. I'm asking the Montana Department of Transportation to prepare a full environmental impact statement. We need to be aware of the destruction.

Thank-you. Echolyn L. Travis

TRAVIS, ECHOLYN

- 1. See response to Common Comments E1 and B..

MAY 1 2 0 1 0

ENVIRONME

UPPER BLACKFOOT VALLEY COMMUNITY COUNCIL
PO BOX 1052
LINCOLN, MT 59639

James L. (Jim) Paris – Chairman
 406-362-4140 mjparis@linctel.net

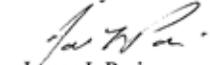
13 May 2010

To Whom It May Concern:

1 { The Upper Blackfoot Valley Community Council (UBVCC) would like to express its support for the Kearsarge Transportation Project for the transportation of large loads on Highway 200 through Lincoln. The representatives have made repeated presentations to keep the Council and the community advised on the development of the project and have appropriately dealt with any concerns the Council has expressed. We feel the Kearsarge Project will have economic value for the Lincoln community and there is no environmental or social dangers or negative aspects to the project.

We encourage the approval of the project.

Sincerely:


 James L Paris

**UPPER BLACKFOOT VALLEY
 COMMUNITY COUNCIL – JAMES PARIS**

1. Comment noted.

RECEIVED
 MAY 12 2010
 ENVIRONMENTAL

107 Kern St.
 Missoula MT 59801

May 8, 2010

Mr. Tom Martin
 MDT Environmental Services Bureau
 P.O. Box 29001
 2701 Prospect Ave.
 Helena MT 59620

Dear sir, I am unequivocally opposed to allowing the transport of heavy equipment (for oil sands in Alberta) through Montana by the Keokul Module Transportation Project or by any other company. The construction of long pull-outs will sully our scenic valley areas and add little to our overall economy.

I am especially concerned about the degradation of the Lochsa R. & Tolo. portions of the route.

This transportation plan should have been investigated long before the construction of the equipment to be transported!

Sincerely,
 Virginia H. Vincent

VINCENT, VIRGINIA

1. See response to Common Comment J.

2. See response to Common Comment O.

Apr 30 10 10:44a Liuna 1686 Msla 4065430848 p. 2



Comment form

Project name: Keel Module Transport Project EA
Contract Number: CN 6800

Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 420 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pub/involve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

NIC VAN PLATZ 1522 48th Ave
MISSOULA MT 59803

1 { Comments: I SUPPORT THIS JOB SO WE CAN
KEEP MT PEOPLE WORKING.

VON PLATZ, NIC

1. Comment noted.

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MAY 14 2010

ENVIRONMENTAL

Laurel Mt. 59044

May 13, 2010

Mr. Martin,

I am much opposed to tar sands mining. I cannot imagine why the people of Alberta would allow this to happen to their beautiful environment.

We in Montana do not need this destructive travel on our highways and through our communities, also don't want to be a part of delivering this equipment to destroy environment in Alberta.

If we don't start taking care of our environment and health, what will become of our way of life?

Donna Wagner
1043 Montana Ave
Laurel MT 59044

Donna Wagner

WAGNER, DONNA

1. Comment noted.



MAT 14 2010 ENVIRONMENTAL Comment form

Project name: Kearsarge Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Justin Walsh - Bearpaw River Expeditions, com
PO Box 7335
Missoula, MT 59807
jdubb@bearpawriverexpeditions.com

Comments: I do not believe that the money that is brought into the state by this project is worth the risk that the project poses to the people of Montana. The project will bring in less than 100 million dollars for the state while Tourism brings in close to 250 million each year. I own and operate a tourist based business along Hwy 12 and Hwy 200 and know that this project, if approved, will have a negative effect on tourism.

In addition, the route through our state is hazardous. I travel Hwy 12 often and have seen many, many accidents, many of which involve semi's. This is a dangerous road, end of story. I don't believe that Hwy 12 is at all suitable for the vehicles that this projects will use.

WALSH, JUSTIN

1. See response to Common Comment M.

2. See response to Common Comment G.



Comment form

Project name: Kearsley Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Comments: cont.

3 { To make things worse, the oil company has no contingency plan to address accidents and the unforeseen problems that will arise. What happens when one of these trucks has an accident, Hwy 12 is closed, and all commerce and tourism that relies on passage on 12 is lost? This would likely be the downfall of my business (lack of sales), and would begin to reduce the tourism dollars that the State of Montana generates. It is not a wise gamble to take - don't approve or allow this project!

3. See responses to Common Comments H1 and H2.

4/30/10

Dear Mr. Martin,

Please deny Imperial Oil's request to use Montana roads to transport their massive tar sands drilling equipment.

The tar sands project is environmentally extremely harmful to water and air. I oppose it for that reason and also because I travel 89 several times a month. I can't imagine handling something that traffic stopping huge on that road, there is one turn I don't think it can make.

A full EIS should be done to determine how ill conceived this project is. Please deny their request.

WIDENER, GEORGE

1. Please see response to Common Comment E1.

2. See response to Common Comment B.

Thankyou,

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MAY 04 2010
TRANSPORTATION PLANNING

Sincerely,
George Widener
PO Box 2565
Columbia Falls, MT,
59912



Nutrition For Life International

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MAY 17 2010

From The Desk Of:
STEVE MCAFFEE

ENVIRONMENTAL 5/11/10

Tom Martin

After the ~~best~~ oil spill + all
the environmental problems I
say no to bringing that heavy
machinery thru Montana.

1 Our state has few resources
financial to cope with environmental
and our National Guard is in
the desert. Once the land or water
is injured it can really never
be the same again even with
dollars!

Inx.
Rose Wilkinson
2617 Sky Dr.
Eureka CA 95924

WILKINSON, ROSE

1. Comment noted.

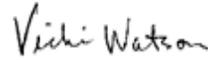
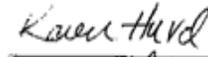
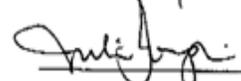
To: Dwayne Kailey, Montana Department of Transportation, P) Box 201001, Helena MT 59620-1001.

RE: Comments on the Kearsarge Module Transport Project EA.

We, the below-signed faculty of the University of Montana, have strong reservations regarding the Environmental Assessment over the Kearsarge Module Transport Project. This project clearly has deep reaching ecological and environmental effects that traverse both state and international boundaries. We consider the EA to be sorely lacking in scope and public involvement opportunity.

1 { The EA claims that the KMTP will have no effect on endangered species or Montana's wildlife, but it is clear that the construction or modification of 75 oversized turnouts (in Montana alone), the majority along vulnerable waterways, will have detrimental effects to populations of endangered bull trout as well as other species. In addition, indirect effects of this permit should be considered, including the additional climate change emissions associated with increased tar sand development. Adding to climate change effects will ultimately impact Montana's wildlife, forests, water resources, agriculture, economy, and society.

2 { We believe that approving permits to ExxonMobil/Imperial Oil would be shortsighted and not in the best interests of Montanans. We encourage MDT to extend the official public comment period by 90 days so that the citizens of Montana are offered a reasonable amount of time to read the 185 page EA document, formulate an informed decision, and respond meaningfully to MDT. Furthermore, we request that MDT work with US Fish and Wildlife Service to complete an Environmental Impact Statement under NEPA and MEPA so that the full scope of impacts associated with this project will be analyzed and made public.

Signature	Name	Address
	Vicki Watson	509 Duly, MS1 59801
	Kaven Hurd	112 Soutaridge Dr., Missoula 59803
	Daniel Spencer	2405 Highland Dr, Missoula MT 59802
	JULIE TOMPKINS	417 Woodford, Missoula, MT 59801

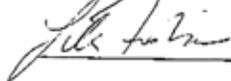
WOLFE, PRAIRIE

1. See response to Common Comment I, E, and P.
2. See responses to Common Comments F1, A, and B.

We, the below-signed faculty of the University of Montana, have strong reservations regarding the Environmental Assessment over the Kearsarge Module Transport Project. This project clearly has deep reaching ecological and environmental effects that traverse both state and international boundaries. We consider the EA to be sorely lacking not only in scope but also in legitimacy.

The EA claims that the KMTP will have no effect on endangered species or Montana's wildlife, but it is clear that the construction or modification of 75 oversized turnouts (in Montana alone), the majority along vulnerable waterways, will have detrimental effects to populations of endangered bull trout as well as other species.

We believe that, through rewarding permits to ExxonMobil/Imperial Oil, Montana Department of Transportation is making an immoral and unlawful decision. We encourage MDT to extend the official public comment period by 90 days so that the citizens of Montana are offered a reasonable amount of time to read the 185 page EA document, formulate an analytical decision, and respond properly to MDT. Furthermore, we request that MDT require ExxonMobile/Imperial Oil complete a federal Environmental Impact Statement under NEPA.

Signature	Name	Address
	Mark Matthews	320 Skyway, Helena
	D. SCOTT SAMUELS	510 ARCADE, MISSOULA
	LILA FISHMAN	1327 JACKSON ST MISSOULA

	Mark Matthews	320 Skyway, Helena
	D. SCOTT SAMUELS	510 ARCADE, MISSOULA
	LILA FISHMAN	1327 JACKSON ST MISSOULA

See above letter.

I am writing to you regarding the ExxonMobil tar sands project in Alberta and their request to transport massive equipment thru MT. I am asking you to intervene and stop this. I have made a comment to MDOT as well. Widening of highway 12 along the Lochsa River and Lolo Creek is crazy. This is a wild and scenic highway thru some of our most beautiful country and wilderness. Cliffs come right down to the edge of the road and the other side is the water. Some of the clearest, cleanest water in the country. Let Exxon and Canadians transport this equipment thru BC, not MT. Do we have to participate in yet another Canadian environmental project that has disaster as one of its likely results.

Thank you.
Marilyn Wolff
234 Bridle Trl
Stevensville MT 59870

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WOLFF, MARILYN

1. Comment noted.



Comment form

Project name: Kearsarge Module Transport Project EA
Control Number: CN 6800
Meeting date and time: 6:00 p.m., Thursday, April 29, 2010
Location: Meadow Hill Middle School, 4210 Reserve, Missoula, MT

You are invited to make your comments on this form and place it in the comment box located at the sign-in table or take it with you and mail it to: MDT Environmental Services Bureau, PO Box 201001, Helena, MT 59620-1001.

Comments may also be submitted by fax to (406) 444-7245 or online at www.mdt.mt.gov/pubinvolve/eis_ea.shtml

The deadline for comments is May 14, 2010.

Please indicate your name, address and affiliation (if any) below.

Thank you for your interest in and comments about this project. Please use the back and/or additional sheets of paper if necessary.

Name and address (Include both physical address and your email address):

Mick Wonnarott
1900 Elm St
Butte Montana, 59701

Comments: ~~There is no~~ I feel there is no
1 { Problem with this Area or Route being used.
I fully support this project.

WONNAROTT, MICK

1. Comment noted.

11 May 2010

Tom Martin
Montana Department of Transportation
PO Box 201001
Helena MT 59620-1001

RECEI
MAY 17
ENVIRONM

RE: Public comment on KMTP EA

Dear Mr. Martin,

As one who has driven the beautiful Lolo Pass highway many times, I am horrified to think our state government would even consider desecrating it by allowing it to be used for huge trucks in support of tar sands mining, the dirtiest fossil fuel oil companies have yet tried to develop.

1 { Surely state officials understand the increasingly urgent need to radically reduce the burning of fossil fuels so as to slow global climate change. How then can it be possible to consider supporting this incredibly irresponsible tar sands development in Canada that is destroying boreal forest when we know how very important forests are to our planet's carbon storage?

2 { Please deny Exxon's Imperial Oil proposal to allow for oversized industrial shipments through Lolo Pass, the Lolo Trail, and onward to the Canadian border. The proposal to industrialize a part of the Lewis and Clark Trail, a National Historic Landmark and a designated National Scenic Byway, is utterly at odds with these designations and the interests of Montanans.

3 { Given that most of the economic benefits of this plan will benefit foreign companies, but the environmental and economic impacts would harm Montanans, the analysis needs to account for the economic hardships that would be created by this proposal.

4 { Because the proposed shipments are focused on sustaining the tar sands mining industry in Canada -- an industry that contributes greatly to global warming -- the analysis should also consider what might be the additional impacts that increased pollution might have on the state.

5 { The current environmental analysis should consider a full range of alternatives. In addition, given the breadth of this proposal, the state of Montana should absolutely seek a federal analysis through the National Environmental Policy Act that would consider the full and cumulative impacts of this proposed action. Given the absence of both these elements, I strongly urge your agency to deny Exxon's proposal.

Sincerely,

Charlene M. Woodcock
37 West Main Street, #D
Bozeman, MT 59715

WOODCOCK, CHARLENE

- 1. See response to Common Comments E1 and P.
- 2. See response to Common Comment K.
- 3. See response to Common Comment M.
- 4. See responses to Common Comments E1 and P.
- 5. See responses to Common Comments A, B, D1, and D2

3 { And please coordinate with DEQ + the federal permitting agencies to properly analyze the transportation project as a whole under both the Montana + National Policy Acts.
Thank you.
Beth Youngblood

Dear Dwayne Kaylor
I implore you to please conduct

a thoughtful review for the establishment of the industrial corridor for the ~~ALBERTA~~ TRK SANS project

1 { Please require real alternatives to be considered

2 { Please provide an economic analysis that accurately weighs the impacts to our rec + tourist industry.

YOUNGBLOOD, BETH

1. See responses to Common Comments D1 and D2.
2. See response to Common Comment M.
3. See response to Common Comment A.

ZEHRING,

Tom Martin

AS a member of the Missoula Community I am appalled by the idea of being a ship route for the tar sands. Not only do I disagree w/ the expansion of the Tar sands project, but do not want to be a major thruway for its product. I encourage you to do an Environmental Impact Statement to educate yourselves and citizens on the impact this will create. So those most impacted by this can have their voices heard, in the name of the democracy.



1. See response to Common Comment E1 and K.

**Table D-2
Clark Fork Coalition Postcard Senders**

Patrick (Unreadable)	Dan Clark	Veryl Frye
Ryen Aashein	Matt Clegg	Susanne & Tim Furey
Carolyn Abbott	Patrick Colleron	Maureen Gary
Grant Alban	Andrea & Patricia Collins	Robert Gates
Paul Albert	Phil Condon	Donna & Felix Gauci
Janet Allison	Terry & Germaine Conrad	Bev Glueckert
Harnet Alterowitz	Bernard Constantin	Stuart Goldberg
Sara Anderson	Eric Cook	Kelly Goss
John Anderson	Beth Covitt	Tom Graff
Robert Andrews	Sheila Coy	Willard Granath Jr.
Linda Angeloni	Juliette Crump	Ericka Grantier
Erin Axelrod	Lori Cummings	Jo Greathouse
Roberta Bartlette	Chandala Curtiss	Anne & Erick Greene
M Baughman	Katherine Degrandpre	Linda Grinde
Jill Beauchesne	Andrea Demetriou	Joseph Gutkoski
Thomas Beels	Mary Dero	Caroline Hachle
Bruce Benedict	Caitlin Derry	Sarah Halvorson
Erik Benson	Joe & Kay Devlin	Victor Hangan
Robert Benson	Mary & David Dickson	Jana & Terra Hanks
Erik Berry	Jodi Domsey	Laura & David Hanks
Susanne Bessac	Edith Dooley	Thomas & Marcia Hanks
Bill Bevis	Erica Dossa	Tom Harding
Guy Bingham	David & Janet Downey	Juanita & Fern Hart
Joan Bishop	Karen Driessen	Kathy Heffernan
Marshall Bloom, MD	David Duncan	Pat Helvey
Thomas Boone	Roger Dunteman	Lois Herbig
Rick Booth	Edward Eck	John Herbut Jr.
Daphne Braun	Elizabeth Endicott	Lorena Hillis
Nancy Brown	Sharon Engh	Glenn Himebaugh
Alexandra Brown	Jeanne Ensign	James Hogan
Claudia Brown	Nancy Erickson	Marcia Hogan
Theresa Bucher	Charles Erickson	John Holden
William Bucklin	Marcie Erving	Harold Holden
Sandra Burner	Mark & Kim Everingham	Cindy Holder
Martha Buser	Catherine Everingham	Joel Holliday
Kerrie Byrne	Kevin Ewing	Richard Holmstrom
Bethany Caball	Carly Fetzer	Tom Huff
Bill Callaghan	Chris Field	D Hyndman
Susan Callaghan	Anthony Fields	Fred Jacobi
Tara Callaghan	Christopher Finke	Bob Jaffe
Colleen Carew	James Flynn	Reuel Janson
Heath Carey	Kathie Foote	Bridget Johnson
Amy Carter	Timothy France	Joan Johnston
Wayne Chamberlain	Judith Frey	Bernice Johnston

John R. Jones	Ryank Mrkich	Stanley Schroeder
John Jost	Michael Nave	Jeff Schroeder
Eddie Joy	Martha Newell	Dwight Schulte
Karen Kaufmann	Robin Tawney Nichols	David Schulte
Dona Keesling	Roy O'Connor	Mariah Schultz
Jeremy Kehreim	Susanne O'Connor	Janet Scott
Heidi Kendall	Peter Odegard	Micah Sewell
Judith Kiely	Eileen & Harold Ort	Joellen Sha????
Steven Kinzel	Julie Osborn	Kirsa Shelkey
Joseph Kipphut	Janyssa Overturf	Chris Siegler
Brett Klassen	F. Taylor Pape	Karen & Brian Sippy
Bernie Kneefe	Daryl Parker	Jim Sitton
Kellen Kolbeck	Tom Parker	Kathryn Slora
Caroline Kurtz	John Parodi	Prudence A. Smith
Emerald LaFortune	Jennifer Passaro	Prudence H. Smith
Peter Lambros	Dorothy Patent	Annick Smith
Michael Lancaster	Sherelle & Roger Petersen	Marvin Smith
Libby Langston	Michael Phelps	Fritz Snideman
Anne Larcom	Apryle Pickering	Donald Snow
Gordon Larson	Linda Pilsworth	Jacque Spaulding
Brigid Leake	Johnny Pink	Timothy Speyer
C W Leaphart	Cindy & Harry Poett	Don & Kathy Spritzer
Paige Leary	Tim Polish	Jim Stubblefield
Trevor Lewis	Greg Pope	Stacy Sullivan
Linda Lightfoot	Marie Porter	Thomas & Virginia Sullivan
Land Lindbergh	James Posewitz	Mark Sundeen
Don Lodmell	Ruth Quin	Geoffrey Sutton
Adam Lohrmann	Debra Randall	Susan & John Talbot
Roger Lund	Terri Raugland	Joel Tatz-Morey
John Lund	Tarn Ream	Linda Tawney
Fred Lurie	Walter Redfield	Norman Taylor
Shannon Maddox	Robert Reider	George & Gwynn Taylor
Ann Maechtlen	Patrick Rhea	Ella Torti
Devon Marcille	Sarah Richey	Stacy Toten
Jonathan Marquis	Terri Roach	Virginia & Charles Tribe
Kat Martin	Sandra Roe	Elena Ulev
Gary & Judith Matson	Danielle Rose	Marcia Valeo
Emily May	John Russell	Rick VanAken
Trish McKay	Ronald & Marilynn Russell	Jim VanNice
Janet McMillan	Robin Saha	Ned Vasquez
Kelsey McMullen	Nicholas Salmon	Marianne, Andrew, Tor
Marta Meengs	Franklin Scariano	Vigeland
Terre Meinershagen	David Scheel	Erin Vito
Roland & Peggy Meinholtz	Lois Schelvan	Robert Wachtel
Charles Miller Jr.	Carey Schmidt	John & Annette Walker
Larry Mitchell	Samantha Schoeneman	Carolyn Walker
Stacie Mountan	Steve Schombel	Justin Walsh

Sandra Wardell
Eileen Watson
Vicki Watson
Cathy Weber
George Weisel III
Lois Welch
Wilhelm Welzenbach

Karl Westenfelder
Molly White
Kent Wilby
Carol Williams
Gary & Rita Wolf
Janet Wolf-Eshe
Roger Woodcock

JoAnn Woodgerd
Carol Word
John Wozniak
Alison Wren
Amy Zanoni
Michael Zarbolias