

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

Re: Proposed Tongue
River Railroad Project }

TRANSCRIPT OF PROCEEDINGS

Charging Horse Casino
Bingo Hall
Highway 212
Lame Deer, MT
November 12, 2012
6:00 p.m.

APPEARANCES

Mr. Ken Blodgett, STB
ICF International, Third-
Party consultants
Mr. Scott Graves, ICF
Mr. Alan Summerville, ICF
Mr. Neil Sullivan, ICF
Mr. Chris Moelter, ICF
Ms. Sarah Mulligan, ICF
Ms. Elizabeth Diller, ICF

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1 STATEMENTS AT COURT REPORTER COMMENT AREA
2

3 MS. BARBARA BRAIDED HAIR: My name is
4 Barbara Hair. I am originally from the Birney
18:13:15 5 Village, and my concern for being here today is
6 to voice my claim as a homestead descendant.
7 My grandparents were one of the original
8 homesteaders there on the Hanging Woman Creek
9 area, which is directly called after one of my
10 grandmothers who unfortunately hung herself
18:13:39 11 from a tree there. And I asked why she had
12 done that, and it was because she was tired of
13 being pushed around, and having to be moved
14 again, once again, after they were told that
15 they could settle. My grandfather was a Red
18:13:56 16 Wolf, direct descendant from Red Wolf family,
17 and they are listed as one of the descendents
18 that originated in that area.

19 So we have a lot of history that we
18:14:14 20 were told, my grandmother passed away 22 years
21 ago this January, and she always told us as
22 descendants never to forget the stories from
23 the exchange supposedly, the land exchange,
24 coming to this side of the river for 25 years,
18:14:35 25 and that they were going to move back to the

1 original homestead. And a lot of the people
2 did not want to move to the west side of the
3 Tongue River. However, they felt they were
4 forced, and then they were told it was only
5 temporary. So then they said, okay, and they
6 were given \$25 is what they remembered. There
7 was some cash money that was given to them.
8 But on their way on their trek the other side
9 of the river, there were bandits that came, and
10 they had red bandannas, red masks on, and they
11 stole the \$25 from all the people that were on
12 buckboards moving to the west side of the
13 river.

14 Stories of the Club Foot family, they
15 lived right next to the river, and my
16 grandmother would tell me these stories, and
17 she would cry, and I would cry with her,
18 because it was such -- there was such emotion,
19 such pain, and she would say the old man died
20 of a broken heart because he did not want to
21 move from the other side of the river. And
22 basically the military tied him to his chair
23 that he was sitting in, because he had refused
24 to move, didn't want to take the money, he
25 refused, and they tied him on his chair and

1 then tied him to the back of the buckboard.
2 And he cried all the way from the land to the
3 other side. And the military just threw him
4 off on the side of the road, and that's when
18:16:16 5 his family kind of grew up. And they still
6 have homesteads there. But my grandmother
7 would tell me the story and she said, never
8 forget, because there was a betrayal done, we
9 were cheated again. And so my concern is it's
10 never been really, really looked at. There's a
11 side comment or side notes of, okay, the
12 homesteaders, but there are so many of us that
13 are affected, because there were 46, 48
14 homesteaders. I have the list, and my
18:16:51 15 grandfather is on that list.

16 The Hanging Woman Creek area is
17 because I'm a descendant of that. I don't know
18 her English name, my grandmother's English
19 name, but the story was passed down where she
18:17:08 20 was just tired of being herded around and being
21 relocated again and just a lot of pain was
22 attached to that. And then so she went out one
23 morning and hung herself. And there's the
24 tree, you know, the tree line that's there in
18:17:26 25 the creek bottom, and she was buried there. So

1 we have family, you know, my grandmother is
2 buried there, and so there's the concern of
3 being disregarded as, you know, as our
4 grandmother is there and the story behind why
5 she chose to take her life there. It was just,
6 I guess, just too much for her to bear. And
7 she had the two children, which is one of my
8 grandmothers, and I'm thankful today because I
9 have children, and my concern is it's never
10 been really, really dealt with in a way where
11 we have been asked. I know my grandmother
12 would attend some of the sessions, and
13 sometimes she was the only person that would
14 stand up, and I remember that, and there was a
15 few times when he took her across the river and
16 she had a translator because she didn't
17 understand English very well and was not a
18 speaker of English, and so she had my aunt who
19 translated for her and told the stories. So
20 she was very familiar with them and she passed
21 them on, and she said never forget them,
22 because those are very, very important stories
23 for the family. And now you have children, you
24 know, and now you speak English well, maybe you
25 can help. And through translators at that time

18:17:42

18:18:00

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18:18:32

18:18:45

1 she would say, I don't want to develop my
2 family there, I have family in that area, and
3 I'm concerned for that. So there's burial
4 sites out there that the family has never been
5 a part of that. It's through the tribe, I feel
6 like they've skirted the issue, but we have
7 never contacted. I mean, there's thousands of
8 us now that are affected by the homestead
9 issue.

10 So that's my main concern, and that's
11 why I'm here this evening. And I also
12 solicited to be part of the contact so I do get
13 the information sent to me as well as my
14 children. I have two of my daughters here this
15 evening and they are concerned about it, and I
16 have a son. So my issue is that I know the
17 government can never, never, never pay us
18 enough to repair the damage that was done, but
19 I feel like we still, again, by being ignored,
20 we are being victimized again.

21 And so I want to be heard as a
22 descendant and I want to know what the
23 government can do to acknowledge. I'm not
24 looking for money, that's not my concern, but
25 the land is where I want my family to grow up

1 there, I want it to be part of that area. I go
2 out there now and I'm really good friends with
3 the Aldersons who homestead there, and they've
4 taken really good care of it, and I have a lot
5 of respect for them because they have taken
6 such good care of that. And we go and pay
7 respects to my grandmother and acknowledge her
8 pain of not wanting to live any more because of
9 the pain of being told again and lied again to.

10 *****

11
12 MS. ELIZABETH BRAIDED HAIR: My name
13 is Elizabeth Braided Hair. And I'm 53 years
14 old. I'm a grandmother and I'm a full-blooded
15 Northern Cheyenne, and I was born in Lame Deer.
16 I oppose this. I want no action. I don't want
17 it to happen. I feel it's going to be
18 detrimental to our culture, our way of life. I
19 have grandchildren. I would like to preserve
20 our way of life from my for my grandchildren.

21 I'm sorry. I do get very emotional.
22 I just -- sometimes I feel overwhelmed. It
23 brings back the historical trauma that was
24 always there. I'm just going through a lot of
25 feelings right now.

1 Once again our people are being
2 forced to do something that goes against their
3 way of life. My mind is clear and my heart is
4 clear, and I don't want this. I don't want the
5 railroad. I don't want coal development. This
6 is our home. We've already had to leave here
7 once and our people came back here, suffered,
8 and lost lives again along the way. And now
9 when our home is worthless because they are
10 taking our coal, where are we going to live?
11 This is my home. I've had the option to leave
12 here and go live somewhere else. I can't, it's
13 my home. I was born and raised here. I'm
14 raising my children here and my grandchildren.
15 We love our home.

16 I guess the only other thing I want
17 to add, a lot of people -- maybe I shouldn't
18 speak for other people, but I do know that it's
19 hard to come in and talk to non-natives because
20 most of the time we don't get... So a lot of
21 people don't come in anyway, but I know there's
22 a lot of people that don't want it.

23 *****

24 MS. VANESSA BRAIDED HAIR: My name is
25 Vanessa Braided Hair. I'm a Northern Cheyenne

1 homestead descendant. And I am against the
2 rail line.

3 MS. JESSICA BRAIDED HAIR: My name is
4 Jessica Braided Hair. I'm a Northern Cheyenne
18:44:36 5 homestead descendant, and I'm against the
6 railroad construction.

7 MS. VANESSA BRAIDED HAIR: I live and
8 reside on the Northern Cheyenne Reservation. I
9 am 28 years old. And I have lived here 95
18:45:12 10 percent of my life.

11 MS. JESSICA BRAIDED HAIR: I'm 27
12 years old, have lived on the reservation my
13 whole life.

14 MS. VANESSA BRAIDED HAIR: We were
18:45:33 15 asked to consider the possible impacts on the
16 different resources there. And the one I
17 didn't see was the Northern Cheyenne people,
18 me, my life. It wasn't up there, and I want it
19 to be since it will be altering my life.

18:46:02 20 MS. JESSICA BRAIDED HAIR: I guess
21 where I'm coming from, what I have been told by
22 my mother, was that my grandmother stood up
23 against the railroad proposed when she was
24 alive, and my understanding is she was the only
18:46:16 25 one that stood up. Not knowing much about it,

1 she knew that it was wrong for our people, that
2 it wasn't right. And I'm here to stand up as
3 well as a descendant of my grandmother, knowing
4 more about it, and I want to stand up against
5 it.

18:46:38

6 *****

7
8 MS. RUTHIE STRANGEOWL SHOULDERBLADE:

9 My name is Ruthie Strangeowl Shoulderblade, and
10 I'm originally from Birney, Montana. My
11 ancestor land extends beyond Birney by Hanging
12 Woman's Creek, and it's the other Birney, the
13 current other Birney, not the Cheyenne Birney.
14 But I grew up along the Tongue River. Our home
15 stood maybe 150 feet from the riverbanks, and
16 I'm concerned -- I have a sister that still
17 lives in Lame Deer and relatives in Birney. So
18 I have a concern as for the railroad coming. I
19 know it's not going to directly come through by
20 Birney, but my concern is the surface mining
21 area, should it go through. You know, of
22 course, we are impoverished nation, and what
23 sort of impact is it going to have with the
24 people in Birney, or even in Ashland area. My
25 husband is originally from Ashland. About the

19:00:11

19:00:32

19:00:54

19:01:13

1 blasting and the environment as a whole.

2 I'm sure there is -- anything that
3 you do in taking fossil fuels from the land, it
4 always seems to have a negative impact. And
5 just seeing the different stories that I know
6 about through media, through the television
7 media, I know that it will impact our area.
8 And I know that it will impact our water. Well
9 water and even the blasting, what is it going
10 to do to our land, to our homes?

11 And right now we just can't afford
12 people coming through and having all the
13 different impacts that it has as far as
14 alcohol, drugs. We are already dealing with
15 that even in a smaller level right now, but I
16 can imagine that it's going to be even be
17 bigger than that. Those are like the worries
18 that I have, or the concerns, as far as our
19 social impact on the reservation, environmental
20 impact on the reservation, which I know is
21 going to be negative. Although it may bring
22 jobs to our people, but it's only temporary.
23 But I'm more concerned with the longevity of
24 the long-term effects that it would have on our
25 people socially and the long-term effects that

1 it would have on our water and the surface, the
2 ground, the earth.

3 Our reservation is so tiny, you know,
4 as it is. There's like a 10,500 members.
5 That's a lot of people for the acreage that we
6 have. So those are my concerns.

7 And then I know that our family
8 started out by the white Birney. And I know
9 that's going to be affected, too. The same
10 way, the same way as where I live. I know that
11 my husband was unable to make it here, he's
12 ill, but I know he has the same concerns as I
13 have.

14 The other thing that I have concerns
15 about is the impact that it would have, and I
16 know that the mines aren't going to last
17 forever. What kind of outcome is there going
18 to be as far as all the different impacts it
19 would have, as far as jobs. I know that jobs,
20 the next day they won't exist, and we would
21 have to make another adjustment there as far as
22 economics. I guess what I would say, say no, I
23 would say no to the development because of the
24 ancestry ties that I have to the land and the
25 concerns that I have for my children and

1 grandchildren. I come from a huge family. I
2 have a lot of sisters, brothers, nieces,
3 grandchildren. And the majority of our people
4 are on the reservation. So those are my
5 concerns.

19:05:26

6 *****

7 OPEN PROCEEDINGS

8 MR. BLODGETT: I'm going to give a
9 brief presentation about the Board, just a
10 quick overview of the process, and then we will
11 move right into taking public comments.

19:06:50

12 First, I would like to thank you all
13 for attending tonight's public scoping meeting
14 on the Environmental Impact Statement for the
15 proposed Tongue River Railroad. My name is Ken
16 Blodgett, and I will be representing the
17 Surface Transportation Board of the Office
18 Environmental Analysis.

19:07:05

19 Also seated at the table with me is
20 Alan Summerville. He's the ICF International
21 project manager for our third-party contractor
22 team, and Scott Graves of ICF International,
23 who will be acting as our facilitator this
24 evening.

19:07:21

25 The Surface Transportation Board is

19:07:37

1 the federal agency responsible for granting
2 authority for the construction and operation of
3 new railroad line and associated facilities.
4 On October 16, 2012, the Tongue River Rail
5 Corporation filed a revised application with
6 the Surface Transportation Board to construct
7 and operate a rail line from Miles City,
8 Montana, to two end points near Ashland,
9 Montana. The Surface Transportation Board is
10 the lead agency responsible for preparing the
11 Environmental Impact Statement, which will
12 identify and evaluate the potential
13 environmental impacts associated with the
14 proposed action and alternatives. There are
15 four cooperating agencies working with the
16 Surface Transportation Board in preparation of
17 the Environmental Impact Statement. The Bureau
18 of Land Management, the U.S. Army Corps of
19 Engineers, the U.S. Department of Agriculture,
20 and the Montana Department of Natural Resources
21 and Conservation, which is acting as the lead
22 agency for other Montana State agencies. These
23 cooperating agencies have decision-making
24 authority independent of the Surface
25 Transportation Board, and are agencies from

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1 which Tongue River Railroad will obtain
2 separate approvals or permits.

3 This scoping meeting represents one
4 of the first opportunities in the Environmental
19:09:08 5 Review Process for members of the public to
6 provide input to the Surface Transportation
7 Board about its environmental concerns related
8 to the construction and operation of the
9 proposed rail line, including potential
19:09:24 10 alternatives and their impacts. Our hope is
11 that the information that you provide today
12 will help us frame our analysis and help us
13 understand your concerns about the proposed
14 action and the potential alternatives.

19:09:40 15 The scoping public comment period
16 will last until December 6, 2012. The Office
17 of Environmental Analysis will then revise the
18 draft scope of study and issue a Final Scope of
19 Study, incorporating public comments and
19:09:57 20 concerns received during the comment period.
21 The Office of Environmental Analysis will
22 consider all comments received when preparing a
23 Final Scope of Study. There is additional
24 information on the Board's environmental review
19:10:14 25 process at the station located to my right.

1 After the Scope of Study is
2 finalized, the Office of Environmental Analysis
3 will begin preparing the Draft Environmental
4 Impact Statement. The Draft Environmental
5 Impact Statement will reflect the Office of
6 Environmental Analysis's independent analysis
7 of the potential environmental impacts that
8 could result from the construction and
9 operation of the proposed rail line. The
10 Office of Environmental Analysis will then
11 issue the Draft Environmental Impact Statement,
12 and the public will have the opportunity to
13 read and comment on the Draft Environmental
14 Statement during a formal public comment review
15 period, which will include a series of public
16 meetings similar to this one.

17 After the Draft Environmental Impact
18 Statement public comment period has come to a
19 close, the Office of Environmental Analysis
20 will consider all comments received and address
21 each comment in the Final Environmental Impact
22 Statement. The Final Environmental Impact
23 Statement will present the Office of
24 Environmental Analysis's final conclusions and
25 recommendations for mitigating possible

1 environmental effects. Issuance of the Final
2 Environmental Impact Statement will complete
3 the Surface Transportation Board's
4 Environmental Review Process. The Board will
5 then make a final decision on the proposed rail
6 line. In making its final decision, the Board
7 will consider the entire environmental record,
8 including all public comments, the Draft
9 Environmental Impact Statement, the Final
10 Environmental Impact Statement, and the Office
11 of Environmental Analysis's final recommended
12 environmental mitigation. No project-related
13 construction may begin until the Board's final
14 decision has been issued and has become
15 effective.

16 I would encourage anybody that may
17 not have signed in already to sign in at the
18 table located in the middle of the room, and
19 anyone who has indicated that they would like
20 to make a public comment on the Scope of Study,
21 which will be recorded by the court reporter,
22 will be called upon to speak in the order in
23 which they signed in this evening.

24 I would like to thank you in advance
25 for your consideration and cooperation for

1 speaking. Comments will be limited in time, so
2 everyone is given the opportunity to speak. If
3 you would like to provide handwritten comments,
4 forms are located in this area of the room, and
5 you can drop them in the box. You can mail us
6 comments to the Surface Transportation Board,
7 or you can submit comments electronically on
8 the Surface Transportation Board's website.
9 Regardless how your comment is submitted, they
10 will all be given equal weight and
11 consideration. And, again, the comments are
12 due December 6, 2012.

13 At this time I would like to turn the
14 floor over to Alan Summerville of ICF who will
15 briefly discuss more details of the project.

16 MR. SUMMERVILLE: Good evening.
17 During the first half of the meeting we
18 provided information on the project. Now I
19 would like to summarize that information for
20 those of you who were not at the first half of
21 the meeting and provide a recap for those who
22 were.

23 The Tongue River Railroad Company's
24 principle purpose for the new rail line is to
25 transport low sulfur sub-bituminous coal from

1 the proposed mine sites in Rosebud and Powder
2 River Counties, including proposed mines in the
3 Otter Creek area.

4 The Tongue River Railroad Company is
19:14:08 5 proposing to construct and operate
6 approximately 83-mile rail line between Miles
7 City and two ending points. One near the
8 previously planned Montco near Ashland, and
9 another at the proposed Otter Creek Mine in the
19:14:23 10 Otter Creek area east of Ashland. Accordingly,
11 the rail line would cross portions of Custer,
12 Powder River, and Rosebud counties.

13 The proposed route would follow the
14 Tongue River Valley and would consist of a
19:14:40 15 single track constructed of continuous-welded
16 rail and include a 200-foot right-of-way,
17 crossing local streams, roads, trails, and
18 utility corridors; two passing sidings, one
19 near Milepost 27 and the other near Mile post
19:14:58 20 46; and it would also include ancillary
21 facilities, including six set-out tracks
22 between 500 and 4,000 feet length to provide
23 for temporary storage of cars requiring repair
24 or for storage of maintenance equipment.

19:15:15 25 At a minimum, the Office of

1 Environmental Analysis is considering those
2 alternatives analyzed in the Tongue River I EIS
3 chart, the Tongue River Road alternative, the
4 Moon Creek alternative, the Colstrip
5 alternative, and the no action alternative.

6 As part of its alternatives
7 development process, the Office of
8 Environmental Analysis is determining the
9 feasibility of these and other potential rail
10 routes. The Office of Environmental Analysis
11 welcomes public comments on these and other
12 potential alternatives. Alternatives will be
13 evaluated based on public and agency input, as
14 well as environmental, technical, and
15 engineering considerations, including curvature
16 and grade of the rail line and topographic
17 features, such as steep slopes, hills, as well
18 as geology, floodplains, wetlands, and rivers
19 and streams.

20 EISs cover a wide range of topics.
21 In this EIS the Office of Environmental
22 Analysis plans to cover transportation systems,
23 safety, land use, recreation, biological
24 resources, water resources, navigation, geology
25 and soils, air quality, noise and vibration,

1 energy resources, socioeconomics, cultural and
2 historic resources, aesthetics, and
3 environmental justice. Additional
4 resource/subject areas can be added as a result
19:17:02 5 of comments and information received during the
6 scoping process. The purpose of the public
7 scoping meetings is to provide a forum in which
8 the Office of Environmental Analysis can gain
9 the public's input on potential alternatives,
10 or important impacts that may or may not be
11 currently in the draft scope of study.

12 At this time I would like to turn the
13 meeting over to our facilitator, Scott Graves,
14 who will go over some ground rules, and we can
19:17:32 15 begin to hear public comments. Thank you.

16 MR. GRAVES: Welcome. Thank you for
17 being here tonight. My name is Scott Graves.
18 As Ken said just a few minutes ago, I'm the
19 third-party facilitator for tonight's meeting.
19:17:50 20 If you would like to speak and haven't signed
21 in, please do so. That will help us for the
22 public record and for our reporter here.

23 If you would like to give comments
24 and don't want to speak, there are the written
19:18:04 25 forms here as Ken said, and you are more than

1 welcome to leave them here in the box in front
2 and you are also welcome to come up afterward
3 and leave an oral comment if you need to do
4 that as well, if you don't want to speak
5 publicly.

6 When I call your name, or when you
7 volunteer to come up, I'm going to ask you to
8 state your name and any organization you
9 represent, and if you can please be so kind as
10 to spell your name for the benefit of the
11 reporter. That will be help out a little bit.
12 We had a little bit of trouble this afternoon
13 in terms of the court reporter being able to
14 understand and hear clearly the people who are
15 speaking. So if you could do that that will
16 help quite a bit.

17 As Ken said, we are going to limit
18 comments initially to five minutes. After
19 everybody who has already signed up to speak
20 and has had a chance to speak, I'm going to ask
21 if there is anybody else who would like to
22 speak who hasn't signed up, and then if you
23 would just raise your hand and come up to the
24 front here if you're able. If you're not able
25 to come up to the front, I'll come to you and I

1 will bring up the microphone and you can give
2 your comments from where you're sitting.

3 And at the end of five minutes, if
4 you'll be so kind as to relinquish the
5 microphone and to turn it over to the next
6 person who wants to talk, that would be the
7 best way to go.

8 So before we get started, any
9 questions about our ground rules?

10 The first name on our list is Brad
11 Sauer. Is Brad here?

12 MR. BRAD SAUER: My name is Brad
13 Sauer, last name spelled S-a-u-e-r. I live
14 north of Lame Deer on Rosebud Creek. I'm a
15 co-chairman of the Rosebud Protective
16 Association, which is affiliated with the
17 Northern Plains Resource Council.

18 And just a couple things. I wasn't
19 planning on going first, but here I am. In
20 reading your literature, I don't see how you're
21 going to address the effects to local
22 agriculture on the Tongue River of the proposed
23 action and its various alternatives, other
24 than, of course, the no action alternative.

25 I am interested in how the railroad

1 may affect how the river floods. Just today in
2 the *Billings Gazette* there was a newspaper
3 article which referenced the changes to the
4 Musselshell River and the previously existing
5 railroad in that channel, in that floodplain.

19:21:06 6 And let's see, what else. I am
7 interested in how this railroad would be a
8 common carrier. After this summer we have an
9 awful lot of timber that might be available for
10 harvest if NAFTA were to all of a sudden stop.
11 I'm not holding on my breath on that.

12 Anyhow, the residents and a lot of
13 the local ranchers have timber to sell right
14 now, and how could we move it to markets?

19:21:50 15 And I'm curious to where the terminus
16 for this might be.

17 Thank you.

18 MR. GRAVES: Thank you. The next
19 name on our list is Serina Red Robe. Is Serina
20 here?

19:22:08 21 MS. SERINA REDROBE: Good evening.
22 My name is Serina Redrobe, and I came to this
23 forum tonight because this past summer I
24 attended a field school study that was
19:22:37 25 archeology, and it was mainly for the

1 artifacts. The main concern that I have, when
2 we went to that field school, we went to the
3 bison bone bed by Sarpy Mine, and I asked the
4 young man, the archeologist, if they had done
5 any surveying on the Northern Cheyenne Tribe,
6 Northern Cheyenne Reservation, and he said no,
7 they hadn't, but they had surveyed for the
8 railroad proposal for the Otter Creek. And as
9 we went on they showed us some camp sites, and
10 as we went on around, that's when we came upon
11 the bison bone bed. And that was a really
12 tragic site to see.

13 My concern was the people, the
14 surveyors, who had proposed -- they had a
15 proposal for the railroad of this Otter Creek,
16 they were the same ones who did that, and I
17 just have come here for my own information and
18 to voice my concern on that, that's what I had
19 seen.

20 Thank you. And just to make sure,
21 the gentleman I talked to, Alan, said there
22 were some things for the environmental,
23 cultural, and historic, and this is for my own
24 information.

25 MR. GRAVES: Thank you. The next

1 name on the list is Jason Whiteman.

2 MR. JASON WHITEMAN: My name is Jason
3 Whiteman, Sr. I'm not with any organization.
4 Just a tribal member. My name is spelled
5 J-a-s-o-n, W-h-i-t-e-m-a-n. And I'm commenting
6 on the different aspects of the impact
7 categories.

8 One would be transportation system.
9 The primary purpose of the proposed railroad is
10 that the tribes do have some interest in the
11 Otter Creek settlement. So I'm assuming in our
12 area, this region, that the coal will be
13 transported and the Tribe will be involved with
14 some of the aspects of the Otter Creek
15 settlement there.

16 What I want to comment on is the
17 railroad, the railroad, there is documented,
18 especially like Big Horn County, where there is
19 death associated from railroads. I would be
20 concerned about that, especially like the Big
21 Horn County, to take some type of preventative
22 measurements in these railroad crossings,
23 whether they are private travel corridors or
24 major travel corridors and highways on the
25 proposed railroad site.

1 The other one is biological -- excuse
2 me, water resources. Water resources, there's
3 also when we have major storm events in this
4 area, there could be erosion, major erosions
5 that may take place in these train areas. So
6 that's a major concern there. That would
7 create some type of impact to water resources,
8 including the Tribe.

9 The other one is air quality. Air
10 quality, there will be coal transported out of
11 this region, and, again, primarily for the
12 Otter Creek settlement. And if there is coal
13 transported out of this region, there will be
14 some future coal deaths and as well as maybe
15 possible soil death associated with railroad
16 transportation.

17 The other concern I have is I've been
18 involved previously with noise and vibration.
19 That if they could take some type of noise and
20 vibration data from the communities on the
21 reservation of the actions on the Northern
22 Cheyenne side, and they refer to as Birney Day
23 School, we refer to as Birney on the Northern
24 Cheyenne Reservation.

25 The socioeconomics of it, there will

1 be primarily increased traffic in our area,
2 which means possible I would refer to as
3 something like a Bakken oil field development
4 in North Dakota. And those areas have been
5 impacted by social and economic issues, such as
6 crime rates, deaths. There's a number of
7 things. So that would be somewhat of a concern
8 for the Northern Cheyenne for our people or
9 other people, what I mean by our people the
10 Northern Cheyennes traveling, again, it might
11 be Otter Creek related or railroad related.

12 The cultural and historical
13 resources. The Tribe has made comments. I was
14 a former employee for 30 years under the
15 Natural Resources, and one of the comments that
16 was made that we would be concerned about is
17 keeping the Tribe involved through the comment
18 period, and if it's permitted, for the
19 railroad, also, and during construction period
20 where the Tribe would still need to be involved
21 because of any potential sites that would be
22 undetected during the survey. And we've had
23 that happen in the Tongue River Dam Project
24 where a buffalo skull was discovered during the
25 construction of the Tongue River Dam. Keeping

1 the Tribe involved throughout the whole process
2 is what I'm saying, and that's including
3 construction.

4 The wildlife is another area that the
19:29:06 5 Tribe -- not the Tribe, but also that the
6 parties involved identify the wildlife travel
7 corridors, there's elk in our area, as well as
8 other wildlife here.

9 That's about it. Thank you.

19:29:22 10 MR. GRAVES: Thank you. Is there
11 anyone else who would like to give an oral
12 public comment at this time?

13 MR. RICHARD HAMILTON: My name is
14 Richard Hamilton. The question I have is there
19:30:03 15 any other alternative? I see on the map
16 there, there's three or four. What about
17 headed the other direction toward Decker?
18 Earlier I was here, and that did get brought
19 up. I just don't know why that's not another
19:30:19 20 alternative.

21 The second question is, are we really
22 sure that these mines are going to go? I
23 mean, if we are not sure if they are going to
24 go and they get stopped, we have a railroad
19:30:35 25 there for nothing. So, I mean, I think you're

1 putting the cart before the horse myself. My
2 opinion only.

3 That's all I have. Thank you.

4 MR. GRAVES: Thank you. Is there
5 anyone else who would like to make a comment?

6 MR. WALLACE McRAE: My name Wallace
7 McRae. I'm a member of Rosebud Protective
8 Association, past Chairman of the Northern
9 Plains Resource Council, President of the
10 Rucker Six Cattle Company, whose address is
11 Forsyth, Montana.

12 My first question is how many
13 representatives are there on the Surface
14 Transportation Board, and what is their
15 background and makeup? I've been dealing with
16 the Tongue River Railroad from when it was --
17 even before it was the Surface Transportation
18 Board, when it was the -- what was the
19 predecessor?

20 MR. GRAVES: ICC.

21 MR. WALLACE McRAE: Interstate
22 Commerce Commission. At that time, and any
23 time that I've been able to track down the
24 members of the board subsequently, is they were
25 all ex-railroad employees and executives, and I

1 was wondering if that's the case still to this
2 day.

3 I know I'm supposed to ask questions,
4 but I would rather make a comment at this time.
5 Everyone involved in writing the EIS is a
6 governmental agency. Government used to be
7 called civics when I was in school, and I
8 learned the role and duty of government is to
9 represent the public. The public does not
10 write the document. The document is written by
11 governmental officials, that much of the time
12 are not representing us, not representing the
13 public. They are representing more and more
14 and more corporate for-profit entities. And
15 the question I have is I wonder if you would
16 question yourselves in arriving at this
17 document if you're truly representing the
18 public, or if you're only representing those
19 for-profit corporate entities.

20 (Applause.)

21 MR. GRAVES: Thank you. Is there
22 anyone else who would like to give a comment at
23 this time?

24 MS. BARBARA BRAIDED HAIR: My name is
25 Barbara Braided Hair. I also made a comment

1 earlier, but I see there's a room full of
2 people that are also from the homestead
3 descendants. And I'm representing our family,
4 my family. I have my two daughters here. My
19:34:31 5 concern is the involvement of the homestead,
6 the 48 families that homesteaded across the
7 Tongue River, appeared there's a number of us
8 here. Serina, my family on that side. So I
9 come from two sides, from my father's side and
19:34:52 10 my mother's side as a descendant of the
11 original homesteaders on the east side of the
12 Tongue River.

13 So my concern is involvement of the
14 Board keeping these people, we talked about how
19:35:09 15 there is that list there and how there's
16 descendants like myself that are very concerned
17 about not being contacted or validated as far
18 as the claims of how that was taken from us in
19 really a way of betrayal by the government. So
19:35:32 20 I think there are those of us that really need
21 to voice our concerns and need to be heard.
22 Thank you.

23 MR. GRAVES: Thank you. Would
24 someone else like to make a comment?

19:35:53 25 MR. BILLFORD CURLEY: My name is

1 Billford Curley. I'm concerned about the
2 burial sites we have along the Tongue River
3 Railroad. Also, that we need to get our
4 policy. I strongly believe that we need to
5 hear the Northern Cheyenne impact policy. The
6 reason why I'm saying that, we need that.
7 That's the way I feel.

8 The other thing I'm concerned about
9 is our places on the Tongue River, but also the
10 habitat that we have. Those are the things I'm
11 really concerned about, especially the burial
12 sites and historical sites and ceremonial
13 sites. I'm really concerned about that. I
14 would like to see a lot more Northern Cheyenne
15 people encouraged, every generation, to get
16 into education, hydrologists and archeologists.

17 That's the reason why I'm very
18 concerned about our environmental impact
19 policies. I support some of the things that
20 the Northern Plains Resource Council had
21 expressed about sites on the Tongue River. But
22 I think the railroad, we need to -- I believe
23 that we need to look at the interest of some of
24 the things. Some of the information that have
25 been given us is information and ask us to

1 concur with it. So that information is really
2 new to us. I truly believe as an elder for the
3 Northern Cheyenne Tribe that I have to protect
4 the people. I talk with other people or talk
5 with my family, and I'm really concerned about
6 our environment.

7 There's a lot more that I would like
8 to express, but I've always wanted to comment
9 and have always had a lot of respect for Wally
10 McRae. I always ask for his autograph every
11 time I see him. But he never did give me his
12 autograph. Maybe tonight he will. I want to
13 thank you. I strongly believe I think there
14 should be a lot more board members, they should
15 be advertised statewide to have Northern
16 Cheyenne board members on these committees to
17 be better informed rather than come in here
18 with hit and run and just trying to sell a
19 railroad. We need to know, we need to know
20 exactly what's going on.

21 Again, I just want thank you again.

22 MR. GRAVES: Thank you. Any other
23 comments at this time?

24 MS. VANESSA BRAIDED HAIR: My name is
25 Vanessa Braided Hair. I am a Northern Cheyenne

1 homestead descendant, and I am strongly,
2 strongly against the proposed railroad line.

3 You know, we were asked to consider
4 all the areas that would be impacted, and all
5 of you out there, no good will come from this.
6 They will not hire Northern Cheyenne people.
7 They are going to bring in their own people who
8 are specialized to do this job. So it will not
9 create jobs. We will not get rich. It's going
10 to hurt our environment, our water, that's
11 already threatened. We are having issues with
12 our spring water.

13 It hurts my heart so that we are
14 having to deal with it, and we don't even know
15 about it. I know we have tribal members who
16 are for it, and I understand we are an
17 impoverished community, and it would be easy to
18 say, yes, and make a quick buck. But I don't
19 have any children yet, and what about their
20 future? It is hard to be emotional in front
21 of people, but on this concern, I don't care.
22 That's how much I am strongly against it. And
23 I will call the Sierra Club to bring more to
24 our people, because we don't know.

25 Thank you.

1 (Applause.)

2 MR. GRAVES: Anyone else who would
3 like to make a comment at this time?

4 MR. JACK KING: My name is Jack King.
5 I'm just a concerned tribal member. I haven't
6 lived here for a number of years. I've been
7 living down in Gillette, Wyoming. You know, I
8 might sound like a hypocrite to you guys, but I
9 work in the coal industry. I don't feel good
10 about it because I think that we are at a point
11 in time just with the technology, there are
12 other countries in the world that are doing
13 really good things. Like, Germany, they just
14 produced a world record setting 22 -- does
15 anyone know -- solar energy, I don't know, it's
16 some 200 --

17 UNIDENTIFIED SPEAKER: It was 600
18 megawatts of solar on line in the last three
19 years.

20 MR. JACK KING: It was enough to
21 power the entire country on a working day. You
22 know, that's cool. You know, as Cheyenne
23 people, you know, that's one thing I respect,
24 and I'm proud to say I've always respected
25 trying to save our planet and trying to find

1 other ways where there are some. And I agree,
2 I think we should be pushing in another
3 direction, you know. Not to mention the
4 concerns that I have for transportation. You
19:45:00 5 know, I hear from people in Gillette all the
6 time about how when the boom started, it was
7 crazy. There were just crime and everything,
8 just people don't know how to deal with that
9 kind of money. And, you know, right here, we
10 would be affected by that, I think.

11 Especially, it's not going to be like Colstrip
12 where on 212, there's going to be a lot more
13 traffic on 212. As Northern Cheyennes, you
14 know, we can't enforce misdemeanor offenses on
19:45:21 15 non-natives, and that's one thing, that's from
16 what I understand. I'm fairly positive that's
17 the case. And that's what the Wind River
18 Reservation, Wind River Tribe, is trying to do
19 right now, they are trying to make it so that
19:45:59 20 they can manage their homes, you know. If we
21 can't even manage our homes, it's going to be a
22 boom, you know, there's going to be more
23 traffic, you know. We haven't gotten ready.
24 The roads are crappy, just coming down here
19:46:21 25 today, you know, and talking to Mr. Little

1 Bear, and he was talking about IHS, their funds
2 wouldn't be -- it would stay the same. And
3 when we know there will be a lot more car
4 wrecks and they are going to go the clinic and
5 have to be treated, and that takes away --
6 those things aren't mentioned here. You know,
7 it's a lot different than just -- there's a lot
8 of things to think about in this.

9 That's all I have to say.

10 MR. GRAVES: Thank you. Anybody else
11 would like to make a comment?

12 MS. DORIS WOUNDED EYE: My name is
13 Doris Wounded Eye, Northern Cheyenne tribal
14 member.

15 I lived here all my life. I know
16 what goes on around here. Even up in the
17 hills, I know what goes up in the hills, down
18 by the creek, down by the river. I've been all
19 over the place. I go hunting, fishing. Lame
20 Deer is about the only place, Lame Deer,
21 reservation, is about the only place where you
22 don't have to pay money to go out for
23 recreation. It's free recreation out there.
24 You go anywhere else you have to pay. How much
25 do you have to pay when you go swimming and go

1 to the pool, go elsewhere? Lame Deer it's
2 free. You can go scenic driving. You can go
3 out there and drive around. It's free. We can
4 hunt. We can fish. We can camp out there. We
5 can almost just do anything out there. And a
6 lot of our kids go out there, they go swimming.
7 They go to the Buffalo Jump. We go to Muddy
8 Creek. We go hiking. We take our kids. This
9 is going to have an impact on us. We are going
10 to have all kinds of people coming into the
11 reservation. We are worried about our youth.
12 Are you guys worried about your youth?

13 The parents? You haven't talked to
14 the parents yet. There's going to be people
15 coming out. And there's going to be more
16 people bringing drugs. There's going to be a
17 whole lot of things going on. Did you ever
18 think about that? There's going to be drugs,
19 there's going to be violence, there's going to
20 be people speeding down the road that don't
21 give a damn about our laws. We have laws here,
22 too. They aren't going to respect our laws.

23 I'm totally against this myself if
24 you ask me. I don't like it. I don't give a
25 rat's ass, you know, if they don't agree with

1 me. That's my opinion and that's how I feel,
2 because I live here every day. I live off the
3 game. I fish. I eat fish. We go hunting. I
4 eat deer. I eat elk. I cut elk. I make dry
19:50:07 5 meat for the people that have ceremonies here
6 on the reservation. That's part of my life,
7 too. I get paid for cutting deer, elk. I love
8 the way I live. And I'm not going to have
9 people coming in and trying to destroy the way
10 our lives are, the way we live here.

11 So drugs and alcohol, and these new
12 drugs that are coming in, and violence and
13 crime and our children being molested by
14 strangers, coming in and hurting us, who we
15 are, and disrespecting our people. Think about
19:50:24 16 that. Put it in your pipe and smoke it
17 tonight. Thank you.

18 (Applause.)

19 MR. GRAVES: We have the gentleman
20 here.

21 MR. CLINT McRAE: Thank you. My name
22 is Clint McRae, last name is spelled M-c-R-a-e.

23 I had not planned on testifying
24 tonight. I have an outline and written
19:51:08 25 comments that I'm going to give other places.

1 I consider myself a guest tonight of the
2 Cheyenne Nation, and I wanted the people to
3 speak first. I have one issue that I would
4 like to raise that I talked to a little
5 earlier. That is about the Colstrip alternative.

6 The first time that I had seen the
7 Colstrip alternative on a map of any quality
8 was in here tonight. And I was a little bit
9 shocked to find out that this would cross about
10 nine miles of our place. I visited Mr.

11 Blodgett and a couple other people. I am
12 irritated about this. We have been dealing
13 with the Tongue River Railroad for 30 years,
14 and I don't know whose fault it is, if it's the
15 Surface Transportation Board's fault or Tongue
16 River Railroad's fault, but somebody needs to
17 get a map to this alternative to the landowners
18 along that route. I just made a list. There's
19 nine landowners that this will cross,
20 approximately, because I can't see exactly
21 where it is on the list. There's only one
22 landowner that knows it's going to cross their
23 place, and that's Dad and I.

24 The scoping process is designed to
25 spell out the negative impacts so the process

1 can mitigate those negative impacts. And I
2 made the point to you today, how are these
3 other landowners going to mitigate those
4 impacts when they don't even know it's going to
5 cross their place. The process is fouled up.

6 I have a lot of other issues that I
7 will bring up the next few nights at these
8 hearings. As I've said, I have an outline and
9 I will hand in written comments. But I
10 appreciate the opportunity to speak tonight.
11 But I would like to very early on get it across
12 to the people of the powers that be here today
13 that I'm going to ask that the Colstrip
14 alternative be taken off the map until those
15 neighbors of mine, those landowners, have been
16 contacted. Thank you.

17 MR. GRAVES: Thank you. Is there
18 anyone else who would like to make a comment?
19 Back here. And then I'll come up here.

20 MR. LYNN WILSON: My name is Lynn
21 Wilson from the Northern Cheyenne Tribe. I'm a
22 tribal member. I would like to say I'm
23 representing my youth. What I have to say, I
24 don't want this for my youth, for my future,
25 for my land, for my people, I don't want it. I

1 can say that from my heart. All of you hear
2 listening to me, I want you guys to know that.
3 The transportation board, whoever is
4 representing, whatever, I don't want it for my
5 future. I don't want it for my people's
6 future. We hunt over there. We get our
7 medicines over there. Ceremonial people,
8 people are buried over there. Our people
9 fought for this land. They died. All of it.
10 Whatever, you know. Over there, you know, the
11 homesteaders, too, that lived there. They
12 need to be recognized, too. Cheyennes. Not
13 only that, the ranchers, agriculture,
14 everything. That's why I want you guys to take
15 into consideration tonight. Thank you.

16 (Applause.)

17 MR. GRAVES: Thank you.

18 MR. DON SHOULDERBLADE: Good evening.
19 My name is Don Shoulderblade.

20 The biggest concern I have is the
21 impact it's going to have on the Northern
22 Cheyenne people, our culture, our land, our
23 water, our next generations. Once, again, I
24 think Northern Cheyenne Tribe is going to get
25 the short end of the stick again. We have coal

1 mines surrounding our reservation. We got
2 Spring Creek, Decker Mine, we got the Colstrip
3 mines, we got a mine over in Ashland, all the
4 way around we got coal mines. There was never
5 an impact study done on that. You know, we
6 always -- I think the big thing is making
7 money. We do have Western Energy, Colstrip,
8 Montana Power plants. They make it sound good,
9 but we get phased out. That Colstrip, I worked
10 there for many years down at the power plants.
11 I didn't like the way I was treated down there.
12 And I worked for the other mine, west of
13 Decker, I worked there. Same thing. We don't
14 get treated very well. I think the impact
15 study the Cheyenne people should be involved in
16 it. We should have a representative from the
17 Cheyenne on that board, or whatever the
18 committees, represent us in a good way.
19 Because our future, our kids, our little ones
20 that are yet to come, you know, there's going
21 to be -- it's going to impact their lives.
22 They make everything sound good, you know. But
23 you come down to it, they don't give a shit
24 about us. They just want to make money.
25 That's all they want to do.

19:56:04

19:56:35

19:57:07

19:57:24

19:57:42

1 What I would like to see a good
2 impact study on our reservation. We always
3 say, yeah, the tribe, but they don't tell us
4 the whole picture. They don't show us the
5 whole thing.

6 I'm a ceremonial man, and I believe
7 in our way of life. All that noise, all the
8 pollution that railroad is going to bring,
9 that's not our way. Our way is we live with
10 Mother Earth. We love our way of life, our
11 culture, our ceremonial ways. That's going to
12 impact our way of life. That's not good. Like
13 I say, I worked for the companies, and they
14 don't treat us good. They make everything
15 sound good, but really, they don't care.

16 I just want to say, we should have a
17 representative from our tribe on that board, or
18 committees. Our land that was taken away from
19 us, the homesteads across the river, they just
20 take our land away. They don't care. I just
21 want to see a real, you know, what kind of
22 impact is going to have on our Cheyenne people.
23 But I'm not for that railroad. I'm not for
24 that railroad. So they can take their money
25 elsewhere. Thank you.

1 MR. GRAVES: Thank you.

2 (Applause.)

3 MR. GRAVES: Is there anyone else who
4 would like to make a public comment this evening?

19:59:50

5 MS. MILDRED REDCHERRIES: I just
6 wanted to mention a little bit about
7 jurisdiction.

8 My name is Mildred Redcherries.

20:00:31

9 The jurisdiction over here on our
10 country we have BIA cops and then we got white
11 cops over there, and the people that are going
12 to be coming in for these jobs here, these
13 white people that will show up, we don't have
14 no jurisdiction over them. So what kind of --
20:00:47 15 how are we going to get, if they come and they
16 do something to us. Do you guys have anything
17 in place for that, because it's going to get
18 pretty rough. You know what happened out there
19 in North Dakota, all the crime that came with
20:01:05 20 the white people that showed up over there.
21 They even kidnapped a white woman and killed
22 her for no reason.

20:01:22

23 So when all this stuff happens, you
24 know, the impact on that for our children, we
25 face prejudice all the time, racism. That's my

1 concern. What kind of help are we going to get
2 from these companies? Is there going to be
3 something in place down the road where we say,
4 hey, we already asked you the question and this
5 happened, can we sue you or something? I
6 don't know if this is part of our impact
7 statement or what. I don't want this happening
8 to our land, land that was bought with blood.
9 I don't take it lightly. We have land that the
10 Cheyennes use as ceremonies, and our air. We
11 had to shut down the little saw mill down here,
12 they shut it down because of the smoke that was
13 getting to the kids and the old people here.
14 But there's a lot of things that we need to
15 consider.

16 And now that everything is already
17 set and we are now just going to have a comment
18 on it. I don't think that's right, that we
19 should have a comment way before they have all
20 these things going on.

21 Anyway, that's what I wanted to say.

22 MR. GRAVES: Thank you. Is there
23 anyone else who would like to make a comment
24 this evening?

25 MR. WAYLAN ROGERS: My name is Waylan

1 Rogers. I just want to say I grew up right on
2 the Tongue River Reservation, and, you know, I
3 grew up there as a kid, always playing there,
4 being in that water all the time. You know,
5 everyday in the summers I'd go down there. One
6 place to be. I went to Denver for a while and
7 came back. I had kid. I got a notice, nobody
8 can be in the water. Don't drink the water.
9 Don't be in the water. I felt bad that that
10 happened. They lifted that a few days later.
11 But, you know, that's what's going to happen
12 once we put this in.

13 You can see on the map where the
14 railroad is going to go. And as a kid, also, I
15 would go to my grandma's and my mom's, and we
16 would have stories all the way to Miles City.
17 I can see that railroad is going to go right
18 through them. Also, when I came back from
19 Denver, you know, there was one spot we would
20 go to, especially me and my grandma. We
21 noticed now somebody built a corral and a house
22 there. And we don't have a voice along that
23 road past our reservation. And, you know, we
24 have a lot of cultural significance there.
25 That's where our ancestors, years ago, before

1 we came. You know, as soon as they put the
2 railroad, all of that is going to go. I would
3 take my kid down there and tell them stories.
4 They are tired of me telling stories because
5 they know all the stores now. Once they put
6 that up there, it's going to be gone.

7 I'm glad, I forgot your name right
8 there, Jack, that you mentioned alternative
9 energy. I worked for the national energy labs
10 down in Colorado, and there's perfectly good
11 alternatives that we could do other than coal.
12 Coal is just going to destroy our land. I
13 remember our tribal president was talking about
14 coal gasification. Sure, it doesn't destroy
15 the surface, but they take kind of where they
16 actually have a trash pile and it started on
17 fire and it started the coal on fire under the
18 ground, you know, and few months later they
19 couldn't stop it. That town, one of the kids
20 playing in his front yard fell through the hole
21 in the ground that was never there before, he
22 fell in, and he fell into a pit, and he was
23 burned. This is not something that we need or
24 we should go forward with.

25 You know, I was really told there

1 since I was a kid our land is part of us, and,
2 you know, I learned I couldn't take my kids in
3 the river. You know, Sweet Medicine told us
4 that. That's part of our history. We can't be
5 doing stuff like that. As soon as we do that,
6 you know, I don't know if you have any similar
7 stories like that, but that's what can happen.
8 I'm glad you made those comments. I feel as
9 strongly as anybody in this room not to do that.

10 Thank you.

11 (Applause.)

12 MR. GRAVES: Thank you. Is there
13 anyone else who would like to make a comment
14 this evening?

15 MS. ALEXIS BONOGOFISKY: My name is
16 Alexis Bonogofsky. I represent the National
17 Wildlife Federation, and I have a couple
18 concerns. One concern I have is I feel the way
19 this is being presented, it is as if this is
20 already a done deal, and that there are only a
21 couple alternatives that we have to choose
22 from. The Surface Transportation Board has the
23 power to say no. They have the power to not
24 give a permit to the Tongue River Railroad
25 Company. If this is isn't a done deal, there

1 are alternatives we have, and that is one of
2 them. I just want to make sure that's clear.

3 Second of all, the Bureau of Land
4 Management study done on the oil and gas,
5 basically a management plan of 2003, and I
6 think it might be good to actually look through
7 that, there's a Northern Cheyenne appendix
8 that's pretty thick. But one thing about the
9 study it showed development off-reservation
10 actually hurt economic development on the
11 reservation. The poverty levels actually went
12 up, income levels decreased with the Colstrip's
13 development. So I'm interested how this impact
14 study will take into consideration in previous
15 years off-reservation development has actually
16 hurt economic activity on the reservation, and
17 hasn't increased by any significant standards.

18 Third, I have a couple questions
19 about wildlife. One, how is the railroad going
20 to address wildlife and train collisions? For
21 example, in northeastern Montana two winters
22 ago, I think 300 pronghorn died in one
23 collision because they were on the tracks,
24 because of snow in other places. But I'm
25 interested to see -- and livestock, too, for

1 that matter, wildlife and livestock collisions
2 on the railroad tracks.

3 Second of all, I'm interested in how
4 they are going address the issue of habitat
20:10:21 5 fragmentation. A lot of wildlife needs the
6 river to obviously get access to water, and so
7 how is this rail line going to impact
8 wildlife's ability to get to the river.

9 Part of that issue, a lot of the
20:10:37 10 ranchers along the Tongue River are in our
11 block management program. The State of Montana
12 has a great public access program for hunting,
13 and we spent millions of taxpayer dollars and
14 sportsmen dollars to secure places for people
20:10:52 15 to hunt. If that railroad goes through, people
16 who have block management, how is that going to
17 affect the sportsmen's ability to access their
18 ranch to hunt, and what liability do the
19 sportsmen or the ranchers have when people are
20:11:09 20 on their land hunting and they have to cross
21 the train tracks, or there's a ton of issues
22 around there. We will be obviously submitting
23 more detailed comments in the future.

24 Again, another issue is wild fire.
20:11:25 25 As everyone knows, we've had the worst wild

1 fire season in Montana we've ever seen. Just
2 in Washington State they did a study, 234 fires
3 across Washington in the past decade were
4 attributed to railroads. A lot of these places
20:11:41 5 out here are in really difficult places to
6 reach. What is the Surface Transportation
7 Board going to do or the Tongue River Railroad
8 Company going to do about wild fires? I think
9 they said in Montana over a million acres were
20:11:54 10 burned just this year. It was devastating to
11 wildlife, livestock, and people, and that
12 length of the river, if a wild fire starts, who
13 is going to take care of that?

14 Two more things. One is train
20:12:14 15 derailments. What is the plan for if and when
16 a coal train derails into the Tongue River?
17 That would be a massive disaster for that water
18 system. It's extremely valuable for a warm
19 water fishery. You know, I was reading there
20:12:33 20 was a train derailment in the Wind River in
21 Wyoming. It's really rough terrain there. So
22 if a train derailment happens because there are
23 going to be so many trains going up and down,
24 how are they going to deal with it, how long
20:12:51 25 would it take for the water system to recover?

1 You know, the Northern Cheyenne have rights to
2 that river. Who would be involved in making
3 sure that people were notified of possible
4 toxins in the river? There are a lot of issues
5 on derailment.

6 And then lastly, I think is a major
7 issue the spread of noxious and invasive weeds.
8 How is the Tongue River Railroad Company going
9 to deal with that, especially in a area
10 compared to other parts of the state has pretty
11 good weed control, and so if the railroad is
12 going up and down the Tongue River and they are
13 threatening to bring noxious weeds, how are
14 they going to deal with that? That might
15 impact the wildlife forging as well.

16 And then also one last thing is the
17 Pallid Sturgeon at the Miles City fish
18 hatchery. The studies that have been conducted
19 a long time ago, we have been going through
20 them. I don't think they are adequate and I
21 think they need to be redone about the
22 vibration and the danger to fish that they
23 raise there.

24 (Applause.)

25 MR. GRAVES: Thank you.

1 Is there anyone else who would like
2 to make a comment this evening?

3 MR. MIKE SCOTT: My name Mike Scott.
4 I think there's just a couple of -- I'm here
20:14:39 5 representing the Sierra Club. And listening to
6 the comments tonight, there were a couple of
7 things that I would like to bring up with you
8 that I think are important. One was actually
9 touched on already. And that is will the EIS
20:14:55 10 include an analysis of how economically
11 feasible the Otter Creek Mine actually is.

12 And I think this is an important
13 question. And the gentleman over here brought
14 it up. But when you look at what's happened in
20:15:09 15 the last few years through the energy sector,
16 it's becoming more and more clear coal is on
17 the losing side. Natural gas has become cheap,
18 it has become available, and closer to the
19 markets it serves. That's just domestically.
20:15:24 20 But globally speaking, you can look at
21 liquified natural gas, prices are dropping
22 everywhere. Coal is becoming a commodity that
23 just can't compete.

24 Now, while I know they are intending
20:15:37 25 that a certain portion of this coal is headed

1 for the midwest markets. That seems very
2 counterintuitive. Mid-western coal plants have
3 been closing at an accelerated rate.

4 So really where this coal is going is
20:15:55 5 Asia. If you follow where they are putting
6 their money, they are putting it into export
7 terminals, which may or may not be constructed.

8 So my thinking here is, are we going
9 to be building a railroad that goes to simply
20:16:11 10 nowhere? Are the Northern Cheyenne people
11 going to have to deal with the impacts of the
12 construction of this railroad so that a mine
13 that never opens just sits there? And I think
14 that's an important thing to consider whether
20:16:25 15 or not the permit is given. I believe you do
16 have to consider whether or not it is
17 necessary. And I think whether it's necessary
18 is highly speculative right now.

19 The other thing that hasn't been
20:16:37 20 mentioned is will this EIS include climate
21 change? This is probably the defining issue
22 of our time. The scientific evidence is
23 irrefutable that the world is warming up.
24 There's general agreement among most scientists
20:16:54 25 that people are causing it, and people are

1 causing it by burning fossil fuels. Powder
2 Creek is 1.6 billion tons of coal. They plan
3 on mining that over 40 years. When you burn
4 one ton of coal you get two tons of carbon
5 dioxide. We are looking at an additional of
6 3.6 billion tons of carbon dioxide into the
7 atmosphere, and that's not including the
8 methane when you open those seams. Methane is
9 twenty times more powerful than coal when
10 burned. So will you consider climate change
11 and how will you consider climate change. And
12 will that have a bearing on the decision
13 ultimately?

14 I think oftentimes a lot of people
15 feel disenfranchised because we bring all these
16 points up in the process, we get duly noted, or
17 we get an explanation it will have an impact,
18 and the project goes forward anyway.

19 That has a bearing on what another
20 person spoke on earlier, the bison kill site on
21 Sarpy Creek. I don't know if you guys are
22 familiar with this. So I want to run over it
23 real quick.

24 What happened was Westmoreland Mining
25 Company identified a bison kill site. Their

1 archeologists developed a plan, got all the
2 right people to sign off on it, and then they
3 took a backhoe through it. This is a site many
4 people consider very sacred. How can you
5 prevent a disaster like that from happening,
6 especially since there are so many ceremonial
7 sites in the Otter Creek Valley and in the
8 Tongue River Valley, because these guys,
9 according to them, followed the law. I don't
10 think signing off on the right papers and then
11 taking backhoe through a sacred site is good
12 enough. I think they deserve actual
13 protection. How will these sacred sites be
14 protected? How will the cultural heritage be
15 protected?

16 Thank you.

17 (Applause.)

18 MR. GRAVES: Is there anyone else who
19 would like to make a comment this evening?

20 MR. DAYTON STRANGEOWL: My name is
21 Dayton Strangeowl, and I always want to
22 understand the impact and what happened. About
23 every day you learn about being careful,
24 careful about railroad tracks. I knew how it
25 feels to be there. Your being there for a lot

1 of reasons. People are talking about things
2 like that. But things happen. You have to
3 push it forward all the time. About being
4 careful, the water is very important, very
5 important to a lot of things. Like people are
6 impacted and stuff and people will understand
7 what they are.

8 Every day people understand they need
9 to change it around and turn it around at the
10 same time. People need to switch it around all
11 the time and go the other direction, but keep
12 going. They switch around every day. Because
13 people like being there for these people,
14 people for water, being there for a lot of
15 reasons, being there, people talk about
16 ceremony. Ceremony is everything. I learned
17 about being careful. I learned from each
18 other. My brother and my parents passed away
19 earlier. I learned how to use it. Because I
20 sometimes comes from people's heart, people's
21 heart for the water, people's heart for the
22 railroad tracks. It's the only chance to use
23 it. They use it for their only chance to
24 understand what people are going through, going
25 through water, a lot of ways. There's like

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1 each other. That's what we do in here. Don't
2 be scared or be afraid to comment. You should
3 be that way, too. I used to be that way, too,
4 and walk away from it. Walk away from things.
5 Sometimes it's hard if you're younger and
6 growing up. And sometimes it's going to things
7 like this for the water.

8 That's why it's very important to use
9 it. Nobody is afraid to come up here and speak
10 and have comments. People are talking about
11 water, people are talking about railroads and
12 stuff. People will understand that you need to
13 keep going, keep it up. The gentleman said
14 over there, that person over there, I know how
15 it is, because I learned how to use it.

16 Because sometimes they listen to them talking
17 about railroad tracks and water, pollution.
18 It's very important.

19 The land belongs to the Northern
20 Cheyenne. That's why I learned to come down,
21 the way to understand and the water, the
22 pollution. People are being careful, because I
23 know how it is to be there. And I've been
24 there ever since for people to understand what
25 my father taught me everything. Don't be

1 scared. Just keep going. Keep going. You
2 have that water. You keep going.

3 That's what he always tells me.
4 That's why we understand. Thank you.

20:24:40 5 MR. GRAVES: Thank you. Are there
6 any other comments this evening? Seeing none,
7 it's about 20 after 8 right now. Is there
8 somebody back here?

9 Okay.

20:25:05 10 MS. ELIZABETH BRAIDED HAIR: My name
11 is Elizabeth Braided Hair.

12 I've already gave this gentleman my
13 comments earlier. Basically, it was that I'm
14 opposed to it. In listening to the public
20:25:34 15 speak this evening, I was just reminded this
16 spring a semi hit my daughter and I. We were
17 parked off the road, and I was just thinking,
18 you know, this railroad that's coming through,
19 what if that happened to us? When we were hit
20:25:57 20 we were coming for my brother Edmund had just
21 passed away, and we pulled off the road, we got
22 on the highway, pulled off the road, and we
23 were hit by a semi. My daughter was 13 at the
24 time. And it was very scary. We almost lost
20:26:14 25 our lives. It took off our mirror. What

1 happened is that they called out a sheriff from
2 Big Horn County and he took the truck driver's
3 statement, didn't bother to get ours. And I
4 think of it in comparison to big railroads.

20:26:39 5 Big railroad company coming through, what if we
6 were hit by them? The sheriff didn't take our
7 statement, he didn't ask us what happened, he
8 just believed the white truck driver. The
9 white truck driver wasn't even tested for drugs
20:26:59 10 or alcohol. We were off the road. That was
11 very scary. And I think of that in comparison
12 to a big railroad company coming through here.

13 The other thing that brought to my
14 mind was our Indian Health Service here. We
20:27:22 15 don't get very good services here. I think of
16 all the accidents that happen, I know like the
17 Crows, they've had a lot of deaths with the
18 railroad. I think about those things. I'm a
19 mother and a grandmother, I think about my
20:27:43 20 nephews, nieces, my eight children. I have
21 four children and my grandmother. I think
22 about those yet unborn, my grandchildren's
23 children. What's going to happen to them?
24 What's their future going to be like?

20:28:00 25 I think now -- I think about a lot of

1 our people are sick with diabetes and dialysis.
2 Their health is really bad. I try to think of
3 ways to do things for our people that will help
4 their health, like making dry meats. I do that
5 a lot, and I do that for free for people,
6 because I think it's a healthy way, I'd rather
7 see them live longer through our natural
8 wildlife. I love eating what we have here, the
9 natural wildlife, instead of the instant food,
10 or McDonald's, all the that. That's what's
11 causing our illnesses. But this railroad
12 company or this railroad is going to scare off
13 our wildlife. I love the elk, I love the deer.

14 And like every day somebody is going
15 on diabetes, or dialysis. Every day I hear
16 someone else getting their leg cut off. I'm
17 really concerned about this railroad coming
18 through. I mean, I don't like it one bit. I'm
19 totally opposed to it. I just wanted to share
20 that. Thank you.

21 (Applause.)

22 MR. GRAVES: Anyone else who would
23 like to make a comment this evening?

24 MS. ANN KING: My name is Ann King.
25 I came here in 1975 when I was 22

1 years old, and the air quality on the Northern
2 Cheyenne at that time was pristine. It was
3 clear and clean. Unbelievably clean. One of
4 the few places in the country that even had it.
5 I think maybe the only place that still has it
6 is maybe the Aleutian Islands.

7 I teach art on the Northern Cheyenne
8 tribal school. I'm teaching third generation.
9 I've been teaching there for 30 years.

10 I came from a city, came from
11 Indianapolis. This place has really grown on
12 me. This is my home now. And I have raised
13 four children here. I have grandchildren here.
14 I have deep abiding concerns about decisions
15 that are being made in the world right now
16 about things. I really feel that in order to
17 continue we need to cut back on carbon
18 emissions. I know right now, if you go over
19 350 parts per million, our world isn't going to
20 be able to sustain that. And we are at 382
21 right now. And development of coal is not
22 going to help that in any way whatsoever.

23 I'm also very concerned about the
24 immediate effects of the particulate matter in
25 the air. I'm concerned about the water

1 quality. I know a few years ago *National*
2 *Geographic* magazine had an article about what
3 was happening with the methane gas development
4 just north of Sheridan and there was a picture
5 in the magazine of somebody trying to get some
6 water from the tap in their dream home and it
7 was just a thick sludge coming out. And the
8 company said they would not accept
9 responsibility.

10 That's the methane gas that's going
11 on south of us down toward Sheridan. I know
12 that developing this coal is going to put that
13 particulate matter out in the air transporting
14 it, it's going to affect everybody along the
15 way. Wildlife, humans, everybody.

16 My question is, I really have been
17 hearing that the coal is probably going to be
18 sent off to markets in China. I've heard that
19 the native people along the Columbia River are
20 very concerned that this coal is going to be
21 coming through the Columbia River Valley and is
22 going to be affecting them, their people.

23 So just on a very deep level I
24 question if there's other alternatives, if
25 there's other ways. Certainly we need to

1 develop an economic base on the reservation.
2 There's no question about that. But I really
3 believe that there's alternatives. I know that
4 last summer Henry Red Cloud came out and was
5 helping some of the Northern Cheyenne here work
6 on developing some solar collectors. He was
7 being very generous with his knowledge and
8 expertise and trying to get that developed in
9 different reservations. And I just think that
10 there are other alternatives besides digging
11 out Mother Earth and all of the consequences
12 that are going to go along with that.

13 I'm just deeply concerned about where
14 things are going for the entire world as far as
15 the carbon and everything. The climate, I
16 really believe that the climate thing is
17 happening, climate change is here. We are
18 having global warming. It is affecting the
19 hurricanes, it is affecting the storms. I had
20 no question that that's happening. This
21 summer, I always have a big garden, I couldn't
22 have a garden this summer because the
23 grasshoppers came and started eating up all the
24 leaves on all my trees. They started on my
25 lilac bushes, then they went to the fruit

1 trees, and the quaking aspen, and eventually
2 they were gnawing off all the needles off my
3 pine trees, my Colorado blue spruce. So having
4 had a garden it would have been food for the
5 grasshoppers. The drought was drastic. The
6 drought was something I had never even
7 experienced before. And, of course, all the
8 fires.

9 And we all know these things are all
10 connected. It all goes together. This digging
11 in the earth and bringing out the coal
12 contributes to that. It's all one. It's all a
13 lie. It's all connected. And we have to be
14 aware that that's happening.

15 I want my children and my
16 grandchildren my great-grandchildren to have
17 this place. And I really want to be able to
18 say that this is my home and a home for my
19 progeny and I want them to have clean water
20 when they turn on the tap and I want them to
21 have clean air to breathe.

22 (Applause.)

23 MR. GRAVES: Thank you. Is there
24 anyone else who would like to make a comment
25 this evening?

1 Anyone else?

2 I want the microphone over to Ken and
3 he'll make a few closing comments and then
4 we'll adjourn.

20:35:50

5 MR. BLODGETT: I just wanted to say
6 thank you all for coming out this evening.
7 Your comments are very important. If you
8 haven't provided a public comment this evening,
9 please, there are a number of ways to continue

20:36:04

10 to submit comments. We'll have more public
11 scoping meetings this week in Ashland and in
12 Forsyth and Miles City. And there's an
13 additional meeting in Lame Deer on Friday of
14 this week, which wasn't on the original
15 schedule. That meeting is at the Chief Little
16 Wolf Capital Building on Friday evening, the
17 same time, 2 to 4 and 6 to 8.

20:36:18

18 So, again, I want to thank everybody
19 for coming this evening and providing your
20 comments and your concerns to us. Thank you.

20:36:34

21 (Meeting closed.)

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CERTIFICATE OF REPORTER.

I, Richard L. Mattson, Certified Court Reporter, hereby certify the foregoing transcript of proceedings to be a true and correct transcript of the proceedings contained therein.

Certified Court Reporter

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