

SURFACE TRANSPORTATION BOARD  
OFFICE OF ENVIRONMENTAL ANALYSIS

Re: Proposed Tongue  
River Railroad Project }

TRANSCRIPT OF PROCEEDINGS

Haugo Center  
Riverview Villa  
Rosebud Street  
Forsyth, MT  
November 13, 2012  
6:00 p.m.

APPEARANCES

Mr. Ken Blodgett, STB  
Ms. Danielle Gosselin, STB  
ICF International, Third-  
Party consultants  
Mr. Scott Graves, ICF  
Mr. Alan Summerville, ICF  
Mr. Neil Sullivan, ICF  
Mr. Chris Moelter, ICF  
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## 1 P R O C E E D I N G S

2 MR. BLODGETT: Hello everybody. I  
3 think we are going to kick off the public  
4 comment portion of the meeting now.

18:58:23 5 First of all, I would like to thank  
6 you all for coming to tonight's public scoping  
7 meeting on the Environmental Impact Statement  
8 on the proposed Tongue River Railroad. My name  
9 is Ken Blodgett, and this is Danielle Gosselin,  
10 and we represent the Surface Transportation  
11 Board, Office of Environmental Analysis. Also  
12 seated at the table with us is Alan Summerville  
13 of ICF International, the project manager for  
14 our third-party contractor team, and Scott  
15 Graves of ICF International, who will serve as  
16 our facilitator this evening.

17 The Surface Transportation Board is  
18 the federal agency responsible for granting  
19 authority for operation of new rail lines and  
20 associated facilities. On October 26, 2012,  
21 Tongue River Railroad Corporation filed a  
22 revised application with the Surface  
23 Transportation Board to construct and operate a  
24 rail line from Montana to two end points near  
18:59:16 25 Ashland, Montana. The Surface Transportation  
18:59:35

1 Board is the lead agency responsible for  
2 preparing the Environmental Impact Statement,  
3 which will identify and evaluate the potential  
4 environmental impact associated with the  
5 proposed action and alternatives. There are  
6 four cooperating agencies working with the  
7 Surface Transportation Board in preparation of  
8 the Environmental Impact Statement. Those four  
9 agencies are the Bureau of Land Management, the  
10 U.S. Army Corps of Engineers, the U.S.  
11 Department of Agriculture, and the Montana  
12 Department of Natural Resources and  
13 Conservation, which is acting as the lead  
14 agency for other Montana State agencies.

15 These cooperating agencies have  
16 decision-making authority independent of the  
17 Surface Transportation Board, and are agencies  
18 from which Tongue River Railroad will obtain  
19 several approvals for permits.

20 The scoping meeting tonight  
21 represents one of the first opportunities in  
22 the Environmental Review Process for members of  
23 the public to provide input into the Surface  
24 Transportation Board about its environmental  
25 concerns related to the construction and

1 operation of the proposed rail line, including  
2 potential alternatives and their impacts. Our  
3 hope is that the information you provide us  
4 with today will help frame our analysis and  
19:01:07 5 help us understand your concerns about the  
6 proposed actions and potential alternatives.

7 The scoping public comment period  
8 will end on December 6, 2012. The Office of  
9 Environmental Analysis will then revise the  
19:01:25 10 Draft Scope of Study and issue a Final Scope of  
11 Study, incorporating public comments and  
12 concerns received during the comment period.  
13 The Office of Environmental Analysis will  
14 consider all comments received when preparing  
19:01:40 15 the Final Scope of Study.

16 Additional information on the  
17 Environmental Review process is at the station  
18 located over there for anyone who hasn't picked  
19 it up yet.

19:01:55 20 After the Scope of Study is  
21 finalized, the Office of Environmental Analysis  
22 will begin preparing the Draft Environmental  
23 Impact Statement. The Draft Environmental  
24 Impact Statement will reflect the Office of  
19:02:12 25 Environmental Analysis's independent analysis

1 of the potential environmental impacts that  
2 could result from the construction and  
3 operation of the proposed line.

4 The Office of Environmental Analysis  
19:02:24 5 will then issue the Draft Environmental Impact  
6 Statement, and the public will have the  
7 opportunity to read and comment on the Draft  
8 Environmental Impact Statement during a formal  
9 public comment period, which will include a  
10 series of public meetings similar to the one we  
19:02:40 11 are having here tonight.

12 After the Draft Environmental Impact  
13 Statement public comment period has come to a  
14 close, the Office of Environmental Analysis  
19:02:53 15 will consider all comments received and address  
16 each comment in a Final Environmental Impact  
17 Statement. The Final Environmental Impact  
18 Statement will present the Office of  
19 Environmental Analysis's final conclusions and  
20 recommendations for mitigating possible  
19:03:07 21 environmental effects. Issuance of the Final  
22 Environmental Impact Statement will complete  
23 the Surface Transportation Board's Environmental  
24 Review Process.

19:03:22 25 The Board will then make a final

1 decision on the proposed rail line  
2 construction. In making its final decision,  
3 the Board will consider the entire  
4 environmental record, including all comments  
19:03:35 5 received, the Draft Environmental Impact  
6 Statement, the Final Environmental Impact  
7 Statement, and the Office of Environmental  
8 Analysis's final recommended environmental  
9 mitigation. No project-related construction  
10 may begin until the Board's final decision has  
11 been issued and has become effective.

12 If you have not already done so this  
13 evening, please be sure to sign in. Those who  
14 have indicated that they would like to make a  
19:04:07 15 public comment on the Scope of Study, which  
16 will be recorded by the court reporter, will be  
17 called upon to speak in the order in which they  
18 signed in this evening.

19 I would like to thank you in advance  
19:04:20 20 for your cooperation and courteousness towards  
21 those who are speaking. Comments will be  
22 limited in time so that everyone is given the  
23 opportunity to speak. If you would like to  
24 provide a handwritten comment, comment forms  
19:04:35 25 are located at the rear of the room. You can

1 just complete the comment form and drop it in  
2 the comment box. Written comments may also be  
3 mailed to the Surface Transportation Board, or  
4 they can be submitted electronically using the  
5 Surface Transportation Board's website. Oral  
6 and written comments will all be given equal  
7 weight and consideration. And, again, comments  
8 are due on December 6, 2012.

9 At this time I would like to turn the  
10 floor over to Mr. Alan Summerville, who will  
11 discuss briefly more details of the project.

12 MR. SUMMERVILLE: Thank you. Good  
13 evening. During the first half of the meeting  
14 we provided information on the project and now  
15 I would like to summarize that information for  
16 those of you who were not here during the first  
17 half of the meeting and to provide a recap for  
18 those who were.

19 The Tongue River Railroad Company's  
20 principle purpose for the new rail line is to  
21 transport low sulfur, sub-bituminous coal from  
22 the proposed mine sites in Rosebud and Powder  
23 River Counties, including the proposed mines in  
24 the Otter Creek area.

25 The Tongue River Railroad Company is



1 proposing to construct and operate an  
2 approximately 83-mile rail line between Miles  
3 City and two ending points, one near the site  
4 of the previously planned Montco Mine near  
19:06:09 5 Ashland, and another at the proposed Otter  
6 Creek Mine in the Otter Creek area east of  
7 Ashland. Accordingly, the rail line would  
8 cross portions of Custer, Powder River, and  
9 Rosebud Counties.

19:06:22 10 The proposed route would follow the  
11 Tongue River Valley and would consist of a  
12 single track constructed of continuous-welded  
13 rail and include a 200-foot wide right-of-way,  
14 crossing local roads, streams, trails, and  
19:06:37 15 utility corridors; including two passing  
16 sidings, one near Milepost 27 and one near  
17 Milepost 46; as well as ancillary facilities,  
18 including six set-out tracks between 500 and  
19 4,000 feet in length to provide for temporary  
19:06:57 20 storage of cars requiring repair and for  
21 storage of maintenance equipment.

22 At a minimum the Office of  
23 Environmental Analysis is considering those  
24 alternatives analyzed in the Tongue River I  
19:07:13 25 EIS: The Tongue River Road Alternative, the

1 Moon Creek Alternative, the Colstrip  
2 Alternative, and the No Action Alternative.

3 As part of its alternatives  
4 development process, the Office of  
19:07:27 5 Environmental Analysis is determining the  
6 feasibility of these and other potential  
7 routes. The Office of Environmental Analysis  
8 welcomes public comments on these and other  
9 potential alternatives. Alternatives will be  
19:07:40 10 evaluated based on public and agency input as  
11 well as environmental, technical, and  
12 engineering considerations, including curvature  
13 and grade of the rail line and topographic  
14 features such as steep slopes, hills, as well  
19:07:56 15 as geology, floodplains, wetlands, rivers, and  
16 streams.

17 Environmental impact statements cover  
18 a range of impact topics. In this particular  
19 EIS the Office of Environmental Analysis plans  
19:08:17 20 to cover transportation systems, safety, land  
21 use, recreation, biological resources, water  
22 resources, navigation, geology and soils, air  
23 quality, noise and vibration, energy resources,  
24 socioeconomics, cultural and historic  
19:08:39 25 resources, aesthetics, and environmental justice.

1 Additional resource subject areas can  
2 be added as a result of comments and information  
3 received during the scoping process.

4 The purpose of the public scoping  
19:08:54 5 meetings is to provide a forum in which the  
6 Office of Environmental Analysis can gain the  
7 public's input on potential alternatives, or  
8 important impacts that may or may not be  
9 currently in the Draft Scope of Study.

19:09:10 10 At this time I'd like to turn the  
11 meeting over to our facilitator, Scott Graves,  
12 who will go over some ground rules, and we can  
13 begin to hear public comments. Thank you.

14 MR. GRAVES: Thank you, Alan. Good  
19:09:24 15 evening everyone. This is the fourth meeting  
16 in two days. I've seen some familiar faces.  
17 So welcome back. For those of you who are here  
18 for the first time, welcome. I look forward to  
19 your comments tonight.

19:09:37 20 Just a couple of ground rules to get  
21 us started. First is we'd like to make sure  
22 that if you are planning to speak, if you  
23 indicated on one of the sign in cards that you  
24 plan to speak, that will be helpful for  
19:09:49 25 purposes of providing accurate information for

1 transcription for our court reporter. We will  
2 make sure that we get your name entered into  
3 the record correctly. That's always helpful.

4 We want to make sure, as Ken said, if  
19:10:05 5 you provide comments, either in written form or  
6 oral form, they are all given equal weight, so  
7 however you choose to submit comments they will  
8 all be considered equally. We also want to  
9 make sure that when you come up that you have a  
19:10:18 10 place to put your materials, if you have extra  
11 materials, so we moved this table up here this  
12 afternoon, this evening. So when you come up,  
13 state your name, please spell it for the court  
14 reporter just to make sure that we have it  
19:10:31 15 correctly. I will give you the microphone and  
16 then you can give your comments. We are asking  
17 each person to please keep your comments to 5  
18 minutes until everybody has had a chance to  
19 speak and then time permitting, if you have  
19:10:44 20 additional comments, you're more than welcome  
21 to come back up and we'll acknowledge you and  
22 you can come on up.

23 Are there any questions about the  
24 process?

19:10:59 25 The first card is for Jean Dahlman.

1 Jean, are you here?

2 MS. JEAN DAHLMAN: I'm surprised I'm  
3 first. I was just making some additional  
4 notes.

19:11:15 5 My name is Jean Lemire Dahlman, and  
6 that's J-e-a-n, L-e-m-i-r-e, D-a-h-l-m-a-n.

7 We ranch -- the Dahlman Ranch is six  
8 miles east of town in between the frontage road  
9 and the Yellowstone River. So it's sort of  
10 equal distance between Forsyth and Rosebud. As  
19:11:43 11 a matter of fact, I had hoped my husband would  
12 be here tonight, because he's the one who  
13 suffers the immediate impacts of having a  
14 railroad cross our property. However, he came  
19:11:57 15 home about 10 of 6 and was tired and wet and  
16 cold and needed a glass of wine and a hot bath.  
17 So I took notes, and I will do what I can to  
18 let the flavor of his comments shine through.

19 First of all, I am a ranch wife, but  
19:12:18 20 I don't do the heavy lifting. I work in town.  
21 And so I have been a ranch wife for 35 years,  
22 and I have listened to this sort of complaints  
23 about the railroad for about that long.

24 And so here are some points, and I  
19:12:34 25 will try to be succinct and do this in five

1 minutes. My husband, first of all, wanted to  
2 know, how do you handle eminent domain and when  
3 does that kick in? Of course, the Burlington  
4 Northern, wasn't called that then originally,  
5 came through our property probably whenever  
6 they built the railroad, so about 150 years  
7 ago, something like that. At any rate, the  
8 right-of-way on either side of the railroad is  
9 300 feet, and I heard you say that the Tongue  
10 River Railroad is proposing 200 feet.

11 Nevertheless, that right-of-way is one of the  
12 reasons we experience so many problems.

13 Crews have to get down there with  
14 their machinery to repair tracks and roadbeds  
15 and that sort of thing. And in the process of  
16 doing that, they have to use a road to get down  
17 to the river. They use our road. None of our  
18 neighbors will let them use their roads. So my  
19 husband has worked out an accommodation by  
20 which they have permission to use the road.

21 First thing that happens is that  
22 sometimes gates are left unlocked and open, and  
23 that sort of thing, and you can imagine the  
24 problems that occur when you are running cattle  
25 in the section adjacent to the gate.

1           Also, the crews have to come down  
2 there in their machines and they trash  
3 everything. It's as if people were throwing  
4 garbage around. How would you feel if people  
19:14:05 5 through garbage around your own backyard? You  
6 wouldn't like it.

7           There's a weed problem where they  
8 spray the weeds, that sort of thing. It may  
9 sound petty but there's wild asparagus growing  
19:14:19 10 down there and they always get it first. So  
11 there's the problem of garbage and the fact  
12 they don't seem to respect the rights of the  
13 property owner.

14           The crossings are very dangerous.  
19:14:31 15 The train comes around a corner and you're not  
16 aware, you don't even hear the noise of the  
17 train, and suddenly it's upon you. We wonder  
18 what the Tongue River Railroad has planned in  
19 terms of signals and that kind of thing to  
19:14:45 20 alert people to the crossing.

21           We used to try to move cattle across  
22 the tracks, and you can imagine how hard that  
23 was. We had a half section on the other side  
24 that we liked to graze them on when we could.  
19:14:58 25 But that was an impossibility. It was just too

1 much trouble to get the cattle across the  
2 tracks in the right amount of time, and we  
3 never did know if a train might suddenly come  
4 upon us.

19:15:11 5 There are, of course, water issues  
6 involved, too, but I can't be too specific  
7 about that. But in summation, I would say the  
8 Dahlman Ranch, speaking on behalf of my husband  
9 and myself, would favor the No Action  
10 Alternative. Thank you.

19:15:25 11 MR. GRAVES: Next is H. Eileen  
12 Morris.

13 MS. H. EILEEN MORRIS: My name, I go  
14 by middle name, Eileen Morris, M-o-r-r-i-s.

19:15:58 15 I am a landowner on Otter Creek. My  
16 home presently is in Billings, Montana. And I  
17 am speaking against the railroad, and I prefer  
18 the No Action Alternative.

19 One of the reasons that I've been  
19:16:22 20 prompted to come here is that unless people are  
21 familiar with southeastern Montana, oftentimes  
22 they have the wrong vision of what we are and  
23 what it looks like. Oftentimes I have the  
24 impression that people tend to think east of  
19:16:40 25 the divide is some vast wasteland, but in fact



1 when you talk to a wildlife biologist, you'll  
2 find out there are more species of wildlife and  
3 more species of fish, even though it's not all  
4 edible, in eastern Montana than there is in  
5 western Montana.

6 I am particularly fond of the area  
7 around Otter Creek because that's where my  
8 father-in-law homesteaded, and I still have a  
9 piece of that property.

10 One of the things -- one of the  
11 issues that is not often spoken of, in addition  
12 to agricultural interests and issues, is the  
13 economic issues of travel and tourism. People  
14 don't come to Montana to see strip mines, and  
15 travel and tourism is actually second to  
16 agricultural as the highest economy in Montana.  
17 People come to eastern Montana to hunt and  
18 fish. We have some of the unusual fish in the  
19 Yellowstone where the Tongue River empties.  
20 And the cultural issues in southeastern Montana  
21 are also very important to our economy. The  
22 Native American history here, the archeological  
23 facts that are present in southeastern Montana,  
24 all of that has value in addition to the  
25 resources of mining, and, actually, have a

1 larger impact on Montana's economy than mining  
2 does, and as far as jobs are concerned as well.

3 One of the reasons I am for the No  
4 Action preference is that if you take a look at  
19:18:43 5 Appalachia, where there is a history of mining  
6 was supposed to have brought jobs and wealth,  
7 you'll find that Appalachia is a pretty sad  
8 place right today. So I don't want that to  
9 happen to us in eastern Montana.

19:18:58 10 The cowboys brought cattle north out  
11 of Texas to southeastern Montana because of the  
12 great grass and potential for cattle here, and  
13 that still exists today. I don't want to see  
14 our southeastern Montana disappear into another  
19:19:19 15 Appalachia. And so I repeat, my preference is  
16 for the No Action.

17 MR. GRAVES: John Hamilton.

18 MR. JOHN HAMILTON: John Hamilton,  
19 H-a-m-i-l-t-o-n.

19:19:58 20 I'm a rancher on the Tongue River.  
21 If you look at your map, we own property about  
22 halfway between Beaver Creek and Liscom Creek.  
23 We are on that map where it comes close to the  
24 road. We own between the river and the road  
19:20:17 25 from there to Foster Creek. This is

1 approximately a 15-mile stretch of river  
2 frontage, and will also become a 15-mile  
3 stretch of railroad frontage.

4 In the back room I have a series of  
5 pictures which explains what I think we are  
6 addressing here today, and that is the land  
7 issue, water issue, and also wildlife.

8 This railroad has been said by a  
9 politician is a good place for a railroad  
10 because it is in the middle of nowhere. I  
11 brought these pictures for people to see what  
12 it looks like when you live in the middle of  
13 nowhere and some of the things that we do in  
14 the middle of nowhere.

15 If you think back in history, some of  
16 our most valuable treasures in this country at  
17 one time were located in the middle of nowhere;  
18 our national parks and a lot of our national  
19 treasures.

20 The Tongue River is probably one of  
21 the most undiscovered, most beautiful pristine  
22 river valleys that we have anywhere in America.  
23 And the reason for that is we have a poor road.  
24 Not a lot of people tell, when you have your  
25 secret place, fishing hole or something, you

1 don't tell everybody because the next time you  
2 go fishing there, all the fish are gone and all  
3 that's there are fishermen.

4 My main concern is the land values  
5 that this railroad, what it will do to land  
6 values. The highest, best use of this land at  
7 this point is recreation. In that 9000 acres  
8 approximately that we have, which is between  
9 the river and the Tongue River Road, we  
10 irrigate about 2000 acres. We have 12 center  
11 pivots. This is one of the most rich in  
12 wildlife areas that you can find anywhere. We  
13 have antelope, mule deer, whitetail, elk, wild  
14 turkeys, and all the birds of Montana.

15 We have over a hundred people from  
16 all over the country that have enjoyed this  
17 area over the last 15 years. And they will  
18 tell you that they have hunted a lot of places,  
19 and this is one of the best places that they've  
20 ever been. And they tell me they will continue  
21 to come back there as long as they are welcome.

22 What this railroad will do is sever  
23 an 86-mile wildlife corridor. The wildlife  
24 water in the river, they come down at night and  
25 enjoy our fabulous alfalfa and grain fields,

1 and when daylight comes, they go up into the  
2 hills to hide out. And so really the river is  
3 the restaurant, the hills are the motel. And  
4 this railroad will disrupt all of that. The  
5 wildlife will have to find new areas, especially  
6 with antelope and things that don't cross  
7 fences. Elk like to jump fences and tear down  
8 fences.

9 Give me a minute here. So anyway,  
10 that is one of the last pristine places we  
11 have.

12 Another thing we are addressing here  
13 today is not only the environmental things, but  
14 the transportation merit of this railroad. We  
15 are told where the mine is, but we are not  
16 privy to information about where this coal is  
17 going, where is the market for the coal, where  
18 it will be burned. But, really, it is no  
19 secret that this coal is bound for foreign  
20 countries. It's bound for China and the  
21 Pacific Rim.

22 I understand that a lot of people are  
23 very excited about all the money that will be  
24 spent to build the railroad and the jobs, but I  
25 would ask you to consider, too, that there's a

1 lot of jobs in the formulation and  
2 manufacturing and distribution and the  
3 administration of the poison pill that will  
4 kill America. When we export our natural  
5 resources to countries like China, we are  
6 already at a disadvantage with their labor.  
7 When we export our natural resources, we are  
8 not going to win the economic war when we send  
9 them our best ammunition for them to use  
10 against us. And this is not Colstrip.  
11 Colstrip is an entity that at least that power  
12 goes to America. This is a foreign country  
13 that's going to take advantage of our natural  
14 resources.

15 And I understand that the State of  
16 Montana, Arch Coal, Burlington Northern Santa  
17 Fe are all excited about this because they see  
18 one thing, they see dollar signs. Granted,  
19 they are going to make a lot of money with the  
20 tax money and so on, but it's going to be at  
21 the expense of the ruination of one of the best  
22 areas that we have left in Montana. Unless it  
23 can be demonstrated that this coal is going to  
24 be used to make America more independent of our  
25 energy, unless this is for America, for the

1 benefit of American jobs, I recommend a No  
2 Action on this. Thank you very much.

3 MR. GRAVES: Next is Wallace McRae.

4 MR. WALLACE McRAE: My name is  
5 Wallace McRae.

6 My family has been ranching in this  
7 area since 1886. And it seems unfortunate that  
8 we have less than a month to comment on this as  
9 far as our written comments go in less than six  
10 minutes in order to address this issue that is  
11 going to change our lives, and, selfishly  
12 speaking, our ranch.

13 There's a building in Washington,  
14 D.C., beautiful white building made out of  
15 marble, columns in front. I'm sure you people  
16 that have been to Washington, D.C., have seen  
17 it. It's the United States Supreme Court  
18 building. Above the entrance there's some  
19 words. The words say, Equal Justice Under Law.  
20 The condemnation of private property for  
21 private for-profit corporations is not equal  
22 justice under law. That's exploitation. And  
23 more and more and more it's happening where  
24 corporations are given the opportunity to  
25 declare themselves persons, and yet these

1 persons can condemn and take away our properties.

2 The application for the permit has  
3 three different endorsements. This is from the  
4 attorneys that the Tongue River Railroad has  
19:29:05 5 hired. They are expounding on the value to  
6 Montana that the Tongue River Railroad will  
7 bring. No reservations whatsoever in this  
8 document. The Montana Coal Council is talking  
9 about it, Western Environmental Trade  
19:29:25 10 Association, and the Montana Chamber of  
11 Commerce. Those are the three entities in  
12 Montana that are advocating the taking of  
13 private property for corporate profit.

14 I've been involved with this railroad  
19:29:47 15 for over 30 years. I can guarantee you that  
16 the Tongue River Railroad in the past is the  
17 most insidious organization I have ever seen in  
18 my life. They have never agreed to any  
19 reasonable things that we requested. I  
19:30:11 20 explained to them that we have a bridge that  
21 comes in of a side creek coming into Tongue  
22 River Road and Cooper, a Rosebud County road  
23 going up there, there was a bridge. The road  
24 had to be moved away from the river because it  
19:30:29 25 was about to wash out. I went to the county



1 commissioners and said, our cattle go under  
2 that bridge to get to water in Tongue River.  
3 And when you change that road, would you please  
4 put a bridge in instead of a tin culvert. A  
19:30:44 5 cow is not the smartest animal in the world and  
6 she looks at a tin culvert and thinks, I might  
7 fit in this side, but that far side is only  
8 about this big and I won't fit. If she decides  
9 she can make it through there, her calf is  
10 smarter than she is, and he/she won't go.

11 The bridge was replaced in the county  
12 road with another bridge because the county  
13 commissioners in Rosebud County understood what  
14 it took for us to get cattle to water.

19:31:02 15 I pleaded with an organization called  
16 the SEA at the time, and now it is changed to  
17 OEA, that's the office of what? What's the E  
18 stand for?

19 MR. BLODGETT: Environmental.

19:31:44 20 MR. WALLACE McRAE: Environmental  
21 Analysis, that we needed, if the Tongue River  
22 Railroad was built, a bridge there. This  
23 subsidiary of the Surface Transportation Board,  
24 at that time it was the Interstate Commerce  
19:31:58 25 Commission, told me that a bridge was too

1 expensive. Does this sound like a mediator or  
2 a proponent of industrial development? It was  
3 a logical expression on my part on something  
4 that would make it easier for our ranch to  
5 continue. They came back and they said, cattle  
6 will learn to go through a cattle pass. I  
7 wrote them back and I said, apparently, you  
8 aren't acquainted with our cattle. But the  
9 first time we try to mash a bunch of six cows  
10 through a tin tube that they don't think is big  
11 enough, I want you all to show up on your best  
12 horse and help us because we are going to need  
13 all the help we can get. They didn't answer  
14 that letter.

15 I don't understand why the maps we  
16 see don't include Tongue River II and III,  
17 which went out at Decker, Montana. They were  
18 approved, and that Forrest Mars, the candy man,  
19 he bought into the railroad, and he decided he  
20 didn't wanted a ranch that had a railroad  
21 across his place. He didn't want a railroad  
22 across his place when it was permitted. So he  
23 bought into the railroad, and now the railroad  
24 is no longer interested in crossing the Mars  
25 Ranch. It's the shortest route from Otter

1 Creek to China that there is. And if the  
2 Tongue River Railroad gets the right to  
3 condemn, I don't think I would recommend a No  
4 Action Alternative, I think I would recommend  
5 the Forrest Mars alternative, let him condemn  
6 himself if he's so hot to get coal from Otter  
7 Creek to China.

8 I have a neighbor that lives just up  
9 the creek. He traded with Western Energy  
10 company and got a quarter section of land. It  
11 lies between Colstrip and the Yellowstone.  
12 It's a quarter of a mile wide.

13 I'm out of time? Great story.

14 UNIDENTIFIED SPEAKER: Let him have  
15 my time. I've didn't use all my time.

16 MR. GRAVES: Kathleen Masis.

17 DR. KATHLEEN MASIS: I'm Dr. Kathleen  
18 Masis, M.D.

19 And I am in favor of No Action, and  
20 I'm from Billings for the last 19 years, but I  
21 consider myself a member of the greater Tongue  
22 River community. And I have a lot of comments,  
23 but I'm also going to make written comments.  
24 I'm concerned that the impact on Billings is  
25 not on this map. Besides many other things

1 that I'm concerned about locally, but about  
2 Billings itself, the purpose and the need for  
3 this project I don't think have been  
4 demonstrated to be in the benefit of those of  
5 us who are on the route. Increasing the number  
6 of trains that will be carrying coal and that  
7 will be returning will be going through, if  
8 this is approved, the coal from the Otter Creek  
9 Mine, that coal will be going to the west  
10 coast, on to China, through Billings. And we  
11 have safety air quality concerns because of the  
12 increase of the coal traffic. So I would like  
13 that to be included in the scope of your  
14 investigation.

15 Thank you.

16 MR. GRAVES: Clint McRae.

17 MR. CLINT McRAE: Thank you. My name  
18 is Clint McRae, M-c-R-a-e.

19 My family and I -- dad got up and  
20 testified a little bit earlier, but my family  
21 and I ranch on Rosebud Creek south of Colstrip  
22 and the Tongue River is the boundary of our  
23 place on the east side.

24 Just not long ago, maybe a week, I  
25 learned that we've been facing historically

1 about four or five miles on the original  
2 89-mile route on Tongue River, but just a week  
3 or so ago realized that the Colstrip  
4 Alternative also would run on our place. So we  
5 are looking at a grand total of about nine  
6 miles of this railroad.

7 For the record, I am strongly opposed  
8 for a private for-profit corporation that has  
9 the power of federal eminent domain to take my  
10 private land. In itself is an insult, but when  
11 this coal is going to China, that tips it over  
12 the edge to me. That is wrong.

13 I want to cover some of the impacts  
14 we were seeing on our own operation. Under  
15 land use I want to talk about the Colstrip  
16 Alternative. I mentioned this last night and I  
17 would like to dive into this a little bit more.

18 As near as I can tell, because the  
19 Surface Transportation Board -- I should say  
20 the Tongue River Railroad did not give us maps  
21 at all, and interestingly enough, there was an  
22 article online in the *Billings Gazette*  
23 yesterday that had all kinds of maps. There is  
24 not one landowner on the Colstrip Alternative  
25 that has seen or maybe even knows that they are

1 being crossed by this railroad. And that is  
2 wrong. And as a Surface Transportation Board,  
3 I ask you, as an irritated landowner, to have  
4 them notified. If those people would know  
19:39:09 5 about it they would be in the room tonight to  
6 testify. That isn't right. It's not fair.

7 The Colstrip Alternative, as long as  
8 ten miles or so that it is, it would cross the  
9 floodplains of the Rosebud Creek. The berm, if  
10 it was built there, would have impacts with the  
19:39:27 11 flooding of the Rosebud. That has to be dealt  
12 with.

13 Also, a bridge would have to cross  
14 the Rosebud Creek and this includes a 310  
19:39:37 15 permit that would have to go through the  
16 Rosebud County Conservation District. And I  
17 also think this is an agency that you need to  
18 add to your list because they are a player as  
19 far as these 310 permits.

19:39:49 20 Why were we not contacted by the  
21 Tongue River Railroad about this route or  
22 allowed to even see the maps? As near as I can  
23 tell, we have a set of corrals that will be  
24 bisected by the Colstrip Alternative that have  
19:40:02 25 been there longer than I've been alive. That

1 is an integral part of our operation. The  
2 Green Leaf Road splits our place in part. We  
3 have the summer pasture on one side, winter  
4 pasture on the other. We use that set of  
5 corrals in the spring to brand. When we get  
6 done, we turn them out in the summer pasture.  
7 We don't have to trail our cattle. Very  
8 efficient to run. In the fall, we bring the  
9 cattle across, work our calves. We ship out of  
10 that corral. And we use it pretty much year  
11 round. When we don't use it, there are times  
12 when our neighbors use it. I don't see that I  
13 need to sacrifice moving or eliminating that  
14 corral because a railroad wants to go through  
15 the middle of it. But the bottom line is I'm  
16 not sure where it runs because I haven't seen a  
17 decent enough map.

18 How will Tongue River Railroad  
19 mitigate the removal of infrastructure as these  
20 corrals. Is the Tongue River Railroad prepared  
21 to pay for the material and labor to remove and  
22 reconstruct these corral facilities?

23 Under transportation system, the  
24 Montana Department of Transportation is now  
25 looking at possibly widening and paving the

1 Tongue River Road, which we own land on either  
2 side. The right-of-way would be 200 feet.  
3 This is in addition of the 200-foot  
4 right-of-way for the railroad. So we are  
19:41:14 5 looking at a 400-foot swath bisecting our  
6 place. There is but one fence on one side of  
7 the right-of-way now. If we want cattle to go  
8 from the summer pasture to the river or summer  
9 pasture to grass next to the river all we need  
10 to do is open the gate, to gather themselves.  
19:41:27 11 There is no labor involved. To kick cattle out  
12 of there in the fall, open the gate, close the  
13 gate behind them.

14 If we have 400-feet of right-of-way  
19:41:36 15 that we have to get cattle across, that's going  
16 to be added labor. Are we going to be  
17 compensated for that?

18 The reason I bring this up is this  
19 road improvement is one of the cumulative  
19:41:47 20 impacts of the Otter Creek Mine of Otter Creek.  
21 They should be together, not separate. The  
22 cumulative impacts need to be looked at for  
23 both.

24 Another question I have. Will there  
19:41:58 25 be dead zones or isolated land between the



1 right-of-way, the Tongue River Railroad  
2 right-of-way and highway right-of-way? In  
3 other words, will there be a gap between the  
4 right-of-way fences. That completely takes  
5 that land out of production, and that is  
6 unacceptable. The cumulative impacts of the  
7 Tongue River Railroad and the Tongue River Road  
8 need to be considered together as a unit.

9 Under land use, the county road  
10 bridge that Dad talked about, the county road  
11 used to set against a bank on Tongue River. It  
12 was caving off. The county moved it over and  
13 we negotiated a bridge for our cattle to go  
14 underneath.

15 The maps that we have gotten from the  
16 route in the past, and I don't think that route  
17 has changed any, call for the county road to be  
18 moved closer to the river and the railroad  
19 moved where the county road is. The question I  
20 have is will that bridge stay with the county  
21 road if it is moved? Who will pay for the  
22 removal and construction of that bridge under  
23 the county road? Will we get a new bridge  
24 under the county road? Will the Tongue River  
25 Railroad pay for that construction? Will they

1 be required to construct a bridge under their  
2 right-of-way if one requests? So now we are  
3 looking at two bridges.

4 And we did sit down with the railroad  
19:43:13 5 company in 1998 and tried to negotiate and  
6 explain to them what our problem was. They  
7 told us we can negotiate and we tried. We  
8 found very soon there was no negotiations. It  
9 was an ultimatum, and this is the answer, this  
10 is the culvert. It's kind of hard to see.  
19:43:26 11 There's a little black hole in the end. That's  
12 what we get. That's unacceptable.

13 I mentioned this last night. Who  
14 makes the decision on whether we get this or a  
19:43:38 15 road? That decision needs to be made by  
16 somebody that knows something about moving  
17 cattle.

18 I think it is imperative from the  
19 landowners' impacts that have spoke here  
19:43:49 20 tonight that you that are doing the EA or the  
21 Environmental Impact Statement come out and  
22 meet with us on site so we can explain what we  
23 mean. It is hard to explain it in here in  
24 front of a microphone to explain what those  
19:44:03 25 impacts are. We know you've been out here

1 before talking to the agencies, and I ask in an  
2 open invitation for you to come to our place  
3 and anybody else up and down that river to see  
4 these sites. It's that important. I think  
5 it's your responsibility, with all due respect.  
6 The culvert, like I said, is unsatisfactory.

7 Who makes the final decision on what  
8 types of cattle pass is constructed? Will  
9 decision-makers be familiar with general ranch  
10 work and moving cattle? Will the  
11 decision-maker be a rep for the railroad? If  
12 the Tongue River Railroad is unwilling to  
13 construct a bridge, will the Tongue River  
14 Railroad consider the cost and labor and time  
15 to gather cattle and physically move them  
16 across the right-of-way? If the Tongue River  
17 Railroad is built, will the railroad consider  
18 the additional labor and time cost to move  
19 cattle across another 200-foot right-of-way?  
20 My time is up.

21 I am planning on probably going to  
22 attend the hearing tomorrow and carry on my  
23 testimony and I'll probably hand in the written  
24 comments at the end. Thank you.

25 MR. GRAVES: Next is Scott Parry.

1 MR. SCOTT PARRY: My name is Scott  
2 Parry, P-a-r-r-y.

3 I've listened to a lot of people in  
4 here tonight. I had another impact meeting  
19:45:42 5 with the EPA over in Billings here not that  
6 long ago. I hear the McRaes, and they have  
7 some stuff here that needs to be addressed, I  
8 agree with them, with how to get the cattle  
9 from here, the bridges, there are 400 feet of  
10 road with the railroad, yes, that needs to be  
19:45:59 11 addressed.

12 I have been in this community now for  
13 seven years. Well, a little more than seven  
14 years. Helped some of the ranchers out here  
19:46:22 15 brand cattle, gather cattle, move cattle, and I  
16 do understand the problems here. But I'm also  
17 a coal miner. And I came right from work right  
18 to here. So I'm a little dirty and nasty.

19 I see a lot of potential here with  
19:46:40 20 the railroad. I see -- I used to be a  
21 contractor and I was all over the United  
22 States. I've been to the Appalachians, and I  
23 seen a lot of good there. I did seen some bad.  
24 But there was a lot of good.

19:46:56 25 I've been down through Texas. I've

1 seen where they brought the cattle up here  
2 through Kansas and to Montana and they put them  
3 on a railroad and took them east. The railroad  
4 built this country. The railroad will sustain  
5 this country. Are there things that need to be  
6 addressed? Are there things that need to be  
7 worked out between the landowners, the  
8 railroads, the coal mines?

9 The lady that was talking about the  
10 impact of coal going through Billings, the  
11 emissions from the coal. They spray them cars  
12 with a molasses type stuff so the coal don't go  
13 away, don't blow off.

14 There are just as many coal cars  
15 going east, and there will be just as many  
16 going west. One thing we are having a problem  
17 with this United States is the lack of economic  
18 boom for putting people to work. I don't think  
19 everything is perfect, but I also know that if  
20 we start choking us down, like we are stopping  
21 the coal-fired power plants in America, we have  
22 no place for our coal except for China. Stop  
23 the coal-fired power plants. I heard an EPA  
24 meeting where this guy said, I'll pay a higher  
25 electricity bill if I can save one life. But

1 then he walked outside and was smoking a  
2 cigarette and was complaining about cigarette  
3 taxes and how high the gas was.

4 The boom is coming. The Bakken oil  
5 is coming this way. I'm just hoping we all  
6 work together and put America back as number  
7 one. And if we got to sell coal, because we're  
8 shutting all our coal activity down to China,  
9 well, that's the only out we have, then that's  
10 where we are going to have to be.

11 But let's start doing and thinking  
12 and working together as Americans. Thank you.

13 MR. GRAVES: Next is Ressa Charter.

14 MR. RESSA CHARTER: My name is Ressa  
15 Charter. I raise cattle with my family in the  
16 Billings area. My family are old friends of a  
17 lot of the families, family ranches, down here  
18 in the Tongue River Valley area. We got our  
19 own coal developed a little earlier than them,  
20 and kind of living through the experience of  
21 rural industrialization for ourselves over the  
22 last few years. We are relatively amenable to  
23 the job creation aspects of that, but it's like  
24 Roundup is an old mining town that have been  
25 dreaming of this coal mine for going on two

1 generations by now. Everybody there will  
2 basically admit it's made no difference to the  
3 town. Virtually everybody lives in the  
4 Billings Heights or in different communities,  
5 and that's what we basically expected to  
6 happen. And just the reality is these  
7 transformational dreams of coal jobs for  
8 communities really, virtually, never pan out in  
9 any sort of sustainable way compared to these  
10 multi-generational agricultural jobs that make  
11 a foundation of our economy here in Montana and  
12 leave the foundation for the fastest growing  
13 sector of Montana that was creating as many  
14 jobs every three months as Colstrip's entire  
15 facility in the basically tourism and quality  
16 of life job sector before the great recession  
17 hit. So, you know, that basically, it's simply  
18 the reality, coal is a thing of the past. And  
19 this sub-bituminous coal simply shouldn't be  
20 mined or burned, and in the age of climate  
21 change tipping points, it simply would be a  
22 disastrously irresponsible thing to do.

23 Listening to Clint and Wally talk  
24 about their situation, is that the Tongue River  
25 Railroad is not negotiating with them in good

1 faith because they have the full faith and  
2 power of the federal government behind them.  
3 Essentially negotiating with the McRaes over a  
4 barrel of a gun. Honestly, that's not an  
5 overstatement. In real condemnation law, for  
6 the public good, that can be justified. But in  
7 terms of the narrow interests Arch Coal, it  
8 makes a mockery of basically our rule of law.  
9 And, you know, as we look at the financial  
10 crisis we face basically stems from the  
11 degradation of the rule of law and for  
12 agriculture, the quality of life jobs to  
13 continue to grow in Montana, we need to  
14 institute that to defend the part of the  
15 economy that really is going to take us through  
16 the 21st century here.

17 You know, the idea that coal keeps  
18 the lights on no longer applies in any  
19 meaningful way in the context of export coal.  
20 And there's a reason we don't burn this coal in  
21 our power plants in the United States, and if  
22 they burn it in Asia, it's not going to stay  
23 there. It comes. There's a great big conveyor  
24 belt that's guaranteed to bring it all around  
25 the world and back to us.



1           So I would encourage the No Action  
2           Alternative, and I suppose short of that, as  
3           Wally said before, the Mars alternative, just  
4           to go along with the growing mockery of the  
5           rule of law in the condemnation law of the  
6           United States.

7           MR. GRAVES: Maggie Zaback.

8           MS. MAGGIE ZABACK: Maggie,  
9           M-a-g-g-i-e, Zaback, Z-a-b-a-c-k.

10           I'm here speaking as a new member to  
11           Billings community of Montana. I'm originally  
12           from Wyoming, and have seen the value of  
13           economic impacts as well as a lot of the  
14           environmental impacts caused by this kind of  
15           new opportunity, I guess.

16           And in Wyoming all of the coal dust  
17           and all those problems tend to blow away,  
18           because we have a lot more wind there than up  
19           here, believe it or not. So I think just as a  
20           member of the Billings community, I'm very  
21           concerned with the increase in coal traffic  
22           considering all of the additional trains that  
23           will be coming from Wyoming. Daily 30  
24           additional trains on top of these 10 to 20  
25           trains a day there and back.

1           Also, the concerns of the health of  
2           the people in all the communities along the  
3           way. If you look at the health impacts all the  
4           way to Washington, the doctors have shown time  
5           and time again the increased lung problems and  
6           all that kind of stuff. I know we have great  
7           cancer centers, but I think that's not  
8           necessarily something to brag about it either.

9           So I would just like to see all that  
10          stuff considered.

11          MR. GRAVES: Thank you. Is there  
12          anyone else that would like to speak tonight?

13          MS. DEB FISCHER: My name is Deb  
14          Fischer.

15          And I was happy to have someone talk  
16          about health impacts because that's a big thing  
17          for me. I had cancer about four years ago and  
18          I started looking into whatever would cause it,  
19          because I haven't had any big exposures. And  
20          the weird thing is there's a lot of things that  
21          do. As a result to try to eat the more healthy  
22          way, and I'm trying to eat Montana beef, and I  
23          don't think we should make it any harder to  
24          ranch and supply us with Montana beef, I'll  
25          tell you that much.

1           But, you know, as somebody who lives  
2           in Billings, I am concerned about the  
3           additional traffic, and I know theoretically we  
4           are told they spray something on the coal  
19:56:31 5           trains, and maybe they do sometimes. But those  
6           coal trains also, they run on diesel fuel, and  
7           diesel fuel is incredibly toxic compared to  
8           regular gasoline, which is, when it's burned,  
9           that's toxic, too, and it does have health  
19:56:47 10          impacts, especially with the vast number that  
11          are supposed to be coming through Billings if  
12          all of this development occurs. You know, just  
13          to mention public health in fact, emphysema,  
14          asthma, cancer.

19:57:03 15          And I understand that the coal from  
16          Otter Creek is kind of high sulfur coal, so  
17          it's not even ideal for burning in the United  
18          States.

19          And, again, not many people have  
19:57:17 20          mentioned global climate change, but it's real.  
21          I mean, the more storms we see, the more fires  
22          we see, the more likely it is. I'm a hundred  
23          percent convinced, but I know some people  
24          aren't. And my understanding is that ours is  
19:57:31 25          the only country in the world where there's any

1 debate left. And that's because people aren't  
2 really very informed here.

3 I'm also concerned about recreation  
4 impacts. I mean, I wouldn't have thought of it  
19:57:50 5 as tourism, but that was a good point. I know  
6 a lot of people that come down to the Tongue  
7 River Valley, hunt, fish, going to the  
8 reservoir, and that's not something you can  
9 underestimate. It adds value to the citizens  
10 of Montana, the people who live here, the  
19:58:07 11 people who aren't just necessarily investing  
12 from the east coast or wherever and making a  
13 buck off of coal.

14 But the Montana taxpayers, the ones  
19:58:21 15 who use this for hunting and fishing and  
16 recreation, they also have to pay for some of  
17 the infrastructure. For example, bridges, a  
18 way to get around the tracks to go through  
19 Billings and to the hospitals. Essentially,  
19:58:43 20 you kind of get a double whammy. You've got  
21 damage to your recreation, and I guess it's  
22 harder for people who live here, which is very  
23 persuasive, and you also get additional payment  
24 for the infrastructure. So what I see is I see  
19:59:02 25 a lot of negative impacts to the general

1 average citizen kind of being sacrificed for  
2 Arch Coal to make a buck? I do know it  
3 provides some jobs. But they don't really have  
4 to build this Tongue River Railroad anyway.  
5 They can ship that coal a different way. They  
6 can stick it on trucks and get it to the  
7 nearest railroad that's already been built  
8 without ruining another pristine valley.

9 Okay. Thank you.

10 MR. GRAVES: Anyone else that would  
11 like to speak tonight?

12 MR. RESSA CHARTER: Ressa Charter.

13 Her comment made me remember another  
14 pretty big thing that I think will brief the  
15 Surface Transportation Board. The Western  
16 Rural Organization of Resource Council  
17 commissioned a white paper called Heavy Traffic  
18 Ahead, The Impacts Of Powder River Coal --  
19 Powder River Basin Coal To Asia, that had quite  
20 a few conclusions, but I think as an  
21 agricultural producer and citizen who feels  
22 like that that is the most important part of  
23 Montana's economy is that the combination of --  
24 Powder River Basin coal by itself the number of  
25 train traffic increased on the train networks

1 in Montana, certainly with the addition of this  
2 railroad, stand to basically clog the networks  
3 at various bottleneck points that will start to  
4 make choices basically between whether unit  
5 trains of grain move or unit trains of coal  
6 move. And this sub-bituminous coal is a  
7 negative value commodity, a destructive  
8 commodity everywhere along the railroad, and  
9 that is in comparison to grain, which is the  
10 staff of life, and the blood of life for our  
11 rural economy. So, really, to even countenance  
12 a project that stands to interrupt that is, I  
13 think, something that the Surface  
14 Transportation Board simply can't countenance.  
15 Thank you.

16 MR. GRAVES: If there is no one else  
17 who has spoken or who wants to speak who hasn't  
18 spoken yet? Yes.

19 MR. MIKE SCOTT: My name is Mike  
20 Scott. I'm here tonight on behalf of the  
21 Sierra Club.

22 Again, there's just a couple things  
23 tonight that weren't said that I think are  
24 worth considering. So I'm just going to run  
25 through these questions I have for you.

1 I'm very interested in how this  
2 railroad is going to impact migration patterns  
3 of pronghorn and elk, mule deer, and how that  
4 actually is going to impact hunting success  
5 rates. I say that on behalf of the Sierra Club  
6 and on behalf of myself as a big game hunter.  
7 And I'm also interested how those impacts of  
8 success rates will impact the economic benefit  
9 generated by hunting in this region.

10 I'm also interested that you analyze  
11 how poaching may increase along with this.

12 We've seen that, I'm originally from  
13 Williston, North Dakota, and with the Bakken  
14 Formation, the development of that formation,  
15 came the explosion in poaching. We don't have  
16 the deer we used to.

17 Another thing that's come up, and I'm  
18 sure you'll hear this again in Miles City, the  
19 federal government and the state have invested  
20 millions of dollars in trying to restore a  
21 species call the Pallid sturgeon. The eventual  
22 goal of this is to make it so the sturgeon can  
23 actually get back up and spawn in the original  
24 spawning ground, which was the Tongue River.  
25 What I'm curious is, how much is a species

1 worth in dollars? I'd like that analyzed. And  
2 figure out what we are looking at potentially  
3 losing. And I'm also very interested when you  
4 figure out how much a species is worth, you  
5 also explain your methodology with that.

6 I think an interesting point was  
7 brought up when there was a discussion in the  
8 closure of coal-fired power plants in this  
9 country. The reality is natural gas is beating  
10 coal. Natural gas has made coal too expensive  
11 to continue to use. My question is, how long  
12 will it be before the Chinese develop fracking  
13 technology that gets them the natural gas that  
14 we are getting out of the east coast and what  
15 will that be to the potential life of the Otter  
16 Creek Mine and the necessity of this railroad  
17 track?

18 I'm also interested that this EIS  
19 does cover access to Billings as well as other  
20 cities. Specifically, in Billings we have a  
21 pretty divided community. That's where I live  
22 right now. The south side of Billings is  
23 generally the lower socioeconomic strata the  
24 way the data comes out. And the railroad  
25 tracks cut the town in half. All the hospitals



1 are north. So I'm very concerned that you  
2 analyze how that's going to access or how  
3 that's going to impact the south side's access  
4 to health care, and, specifically, emergency  
5 health care.

6 Finally, I would ask -- well, not  
7 finally, I guess. Are there going to be man  
8 camps with this railroad, and if so, are the  
9 companies going to have the authority to  
10 condemn ranch land to build man camps? If that  
11 happens, who is going to do the law enforcement  
12 there? Where is the money for the law  
13 enforcement going to come from? How is the  
14 health care situation going to work there?

15 That's another problem we see in  
16 North Dakota, and I am speaking as somebody  
17 that they tried to build a man camp right next  
18 to our farm. That was not a pleasant experience.

19 Finally, will the -- well, I think  
20 you should study cumulative impact, especially  
21 with Forsyth and Miles City, for both the  
22 impact of the railroad development and the  
23 Bakken oil formation. Somebody mentioned  
24 earlier, that's coming. And there's nothing  
25 that's going to stop that oil from being

1 developed. It has changed where I am from.  
2 Went from a small farming community maybe  
3 12,000 people, to, I think, the last number I  
4 saw was 44,000 people, but you can't count them  
5 because they are living in trucks, they are  
6 living in campers, no permanent addresses. We  
7 can't figure out where that money is going  
8 because it's all going back to where they came  
9 from. We are going to be left with a mess  
10 there. I fear the same thing will happen in  
11 eastern Montana, but these two things could be  
12 hitting right about the same time. So I think  
13 that needs to be considered, because these  
14 communities here on the edge of that are going  
15 to have to deal with a huge influx of people,  
16 of crime, of drugs that really, traditionally,  
17 that they haven't had to handle. So thank you.

18 MR. GRAVES: Yes.

19 MR. BRAD SAUER: Good evening. My  
20 name is Brad Sauer, S-a-u-e-r.

21 The Tongue River Railroad brings up a  
22 thousand questions when I think about it. I'm  
23 interested in agriculture. I'm currently  
24 involved in the production of agriculture. I  
25 have been involved in production agriculture in

1 the Tongue River Valley. I am a member of the  
2 one percent of the population of the United  
3 States that feeds the rest of you. I am  
4 beginning to wonder if the environmental  
5 justice category may become more applicable if  
6 there are still people around to feed.

7 Anyhow, on those views, the Tongue  
8 River Valley is essentially an unknown treasure  
9 as far as growing food. The number of frost  
10 free days, which is real important if you grow  
11 plants, is about 110 at Miles City. And we can  
12 grow tomatoes, corn, chili peppers, and right  
13 now it's uneconomical to grow large varieties  
14 of those, or large amounts of those, because  
15 trucking isn't cheap, and so our lettuce and  
16 cabbage travels thousands of miles to get to us.

17 However, if the price of food goes  
18 up, or price of fuel goes up, then all of a  
19 sudden the Tongue River Valley becomes  
20 extremely more important in providing food for  
21 all of you sitting in this room.

22 So I would like to see the EIS  
23 address that, because we are not just talking  
24 about the next seven years worth of jobs. We  
25 are talking about the fact that this area has

1 fed this region for the past one hundred years,  
2 and could conceivably do so if left alone.

3 So to be even more to the point, how  
4 many acres of irrigated agriculture would be  
20:09:20 5 disrupted or removed from production in the  
6 Tongue River Valley under all the alternatives?  
7 How many of those irrigation systems would need  
8 to be replaced or rebuilt? And how many of  
9 those irrigation systems have been co-funded by  
20:09:43 10 taxpayer dollars through the NRCS equip  
11 program? And who will pay for the future  
12 efforts that are required to bring them back up  
13 to functionality?

14 I'll stop there. I could go on, and  
20:10:03 15 I will in my written comments. Thank you very  
16 much.

17 MR. GRAVES: Is there anyone else who  
18 hasn't yet given a comment that would like to  
19 give a comment?

20:10:20 20 Mr. McRae, either or both of you,  
21 would you like to come up and extend your  
22 comments?

23 MR. WALLACE McRAE: I think I'll pass  
24 until tomorrow night. I got this great story.

20:10:38 25 MR. JOHN HAMILTON: Can I add

1 something?

2 MR. GRAVES: Sure.

3 MR. JOHN HAMILTON: My name is John  
4 Hamilton.

20:10:52 5 I get a little nervous up here and I  
6 forgot about half of what I meant to say, and I  
7 appreciate having some extra time.

8 In those pictures back there are also  
9 crops that we also grow on the Tongue River.

20:11:06 10 The things I grow personally, water melons,  
11 cantaloupe, squash, pumpkins, and I also have  
12 an apple orchard.

13 The Tongue River Valley is what I  
14 call the San Joaquin of Montana because we can  
20:11:22 15 grow most of the crops there, and we do have  
16 130 days growing season there. We can grow a  
17 lot of crops that you can't grow anywhere else  
18 in Montana.

19 And the reason I bring in the crops  
20:11:35 20 is the water quality of the Tongue River is why  
21 we can grow all of these things there. And the  
22 wonderful alfalfa hay and all that we grow.

23 The Otter Creek coal seam is a very  
24 watered coal seam. Otter Creek itself is  
20:11:53 25 inherently very poor water quality, high in

1 sodium. The coal is also high in sodium, and,  
2 hence, so is the water high in sodium.

3 There should be addressed how we can  
4 prevent the pollution of the Tongue River with  
20:12:14 5 high sodium water. High sodium is a thing that  
6 reacts with some of the clay soils that we have  
7 in the area and will render them unproductive.

8 So that is a very important thing.  
9 We have also spent many years dealing with  
20:12:36 10 coal-bed methane water in the Tongue River.  
11 The addition of any more of that low quality  
12 water to our irrigation water would be  
13 disastrous to many soils and also limit crop  
14 production.

20:12:52 15 One other thing. As far as the  
16 wildlife goes, I just happen to do a little  
17 figuring back there. We have been outfitting  
18 for the last 14 years. In rough figures our  
19 outfitting operation has produced \$1.9 million  
20:13:14 20 dollars in the local economy. I don't want  
21 everybody to know that. But in this situation  
22 I guess I have to bring it out.

23 That's all. Thank you very much.

24 MR. GRAVES: Any additional comments?

20:13:38 25 MS. CATHY BYRON: My name is Cathy

1 Byron, C-a-t-h-y, B-y-r-o-n.

2 We are just completing a county  
3 growth plan and I will submit extensive  
4 comments, including data, from input sessions  
5 around the county as to how the residents feel  
6 on a number of your talking points up there.

7 I would just like to talk a little  
8 bit about eminent domain and give everyone  
9 something to think about here. My ancestors  
10 came from Ireland to Rosebud County in 1883.  
11 And this county has been very good to all of us  
12 who descended from that bunch.

13 It happens that my grandparents  
14 sought out a new frontier and they went north  
15 to Garfield County, and chose ground to  
16 homestead that was very similar to what their  
17 parents had lived on down on Lame Deer Creek.

18 However, in 1936 FDR signed an  
19 executive order using eminent domain and turned  
20 their holdings, and that of hundreds if not  
21 thousands of others, into what is now known as  
22 the CMR. After 26, 27 years of hard work  
23 building up a cattle and horse operation, with  
24 one swoop of the pen they left there with \$320  
25 in their pocket, not because of poor

1 management. That was what the government paid  
2 them. They were only paid for the land the  
3 water touched. It was devastating to them.  
4 They left in their late 50s and started over  
5 again.

6 However, the real residual was this:  
7 Garfield County doesn't have the beautiful  
8 Tongue River water that you have in this  
9 county. We do not have the Yellowstone River.  
10 We cry for a hole in the ground that will  
11 produce water. Today we are fighting to hold  
12 our water rights because the government is  
13 trying to claim water that is in drainages 17  
14 miles from their property line. But the grief  
15 of it all is that Garfield County lost its  
16 prime taxable value property when that eminent  
17 domain was signed, and that has forever thrust  
18 that county into poverty.

19 So before you start looking at an  
20 eminent domain declaration, take a look at the  
21 permanent effects on mill levy values, bond  
22 issues, carrying capacity, all of that, what  
23 are you doing to the economy of our county.

24 Thanks.

25 MR. GRAVES: Anyone else that would



1 like to make a comment who hasn't commented  
2 yet?

3 MS. ALEXIS BONOGOFISKY: My name is  
4 Alexis Bonogofsky. I commented in Lane Deer  
20:17:11 5 yesterday. I do have one question. I  
6 represent the National Wildlife Federation.

7 One of the main questions I have as  
8 I'm thinking about the things we are bringing  
9 up to night, is at what point do the impacts  
20:17:37 10 become enough for you to choose the No Action  
11 Alternative? Is there a threshold that you  
12 have where you say, these impacts are too much,  
13 we are not giving a permit to the Tongue River  
14 Railroad. Or will this be a document that  
20:17:57 15 lists out all the problems associated with it  
16 and the permit will be given no matter what?

17 Most of the time EIS processes are  
18 just ways to bring out issues and possibly some  
19 mitigation. But usually the decision is  
20:18:16 20 already made. Is this decision already made,  
21 or are you willing at some point to say the  
22 impacts are too much, we can't give the permit  
23 to the Tongue River Railroad? Is that a real  
24 possibility?

20:18:36 25 And I think everyone here who is

1 commenting deserves to know that what we are  
2 telling you will actually be listened to and  
3 that there could be a point where you say, you  
4 know what, it's too much, we are not going to  
5 do this.

6 Because this has been going on for 30  
7 years, my whole life, and it's continued to go  
8 on. There are continuing problems. And I  
9 think all of these issues that we brought up,  
10 before I was talking about wildlife yesterday,  
11 a lot of times EIS statements will bring in the  
12 benefits, they will say this will create this  
13 many jobs, this much money will come in taxes,  
14 but it never looks at the cost. It never tries  
15 to quantify to say this is what it will cost a  
16 community, this is what it will take away from  
17 block management, this is how much taxes will  
18 have to go to road development, and this is how  
19 many wildlife we'll lose, and what does that  
20 cost us, what is a strong elk population worth  
21 in southeastern Montana?

22 So we see one side of the balance  
23 sheet, and we never see the other side of the  
24 balance sheet. Everyone keeps saying we need  
25 to run this like a business. Well, I think if

1 you probably added up all the costs, it would  
2 give us a better idea what we are actually  
3 doing for tradeoffs, because all you actually  
4 ever see is the one side of the balance sheet.

20:20:08 5 So are you going to, with all these  
6 impacts that you're looking at, are you going  
7 to put an economic cost associated with them,  
8 or are you just going to say, we expect to lose  
9 this much in this many deer, this many elk, and  
20:20:24 10 not put a monetary value to that, it doesn't  
11 work, because it's not comparable?

12 So those are a couple of questions I  
13 have right now.

14 MR. GRAVES: Does anyone else who  
20:20:39 15 hasn't commented?

16 MS. BARB ROLSTON: My name is Barb  
17 Rolston, R-o-l-s-t-o-n.

18 I think it's safe to say that  
19 everything listed on here somebody can speak to  
20:20:58 20 the impacts, the negative impacts of putting  
21 this railroad in. I do think that you should  
22 talk to Rosebud County officials about the  
23 effect that Colstrip had with law enforcement,  
24 with crime, infrastructure issues. This would  
20:21:13 25 be not just virtually but literally a place

1 with no infrastructure. Where are people going  
2 to live? What damage are they going to do to  
3 the area around while they are trying to  
4 survive out there? I just think the economic  
5 impact will affect all of us more than you  
6 realize.

7 But my main concern is the abuse of  
8 the eminent domain. I have property north of  
9 the Yellowstone River. I'm not going to be  
10 directly affected by this. I don't care, if I  
11 lived in Missoula and had just a big enough  
12 yard for my dog to run in. I think the  
13 precedent set for this abuse of eminent domain  
14 when it is not going to benefit Americans is  
15 just inexcusable. Totally inexcusable. I  
16 don't think you should even consider that. And  
17 I will submit a written comment to address some  
18 of the other issues. Thank you.

19 MR. GRAVES: Is there anyone else who  
20 hasn't yet commented that would like to make a  
21 comment?

22 MS. SUSAN HENRY: My name is Susan  
23 Henry.

24 I believe one lady mentioned the  
25 impact on the Billings community, but I want to

1 know, since all the coal is going to go west  
2 and will go through Billings, there will be a  
3 great bit of infrastructure that's going to  
4 have to be added to Billings to get these  
5 additional trains through, and I want to know  
6 if you would be willing to work with Billings  
7 in the planning stage of this as well as  
8 financially, being willing to help us build  
9 some underpasses or overpasses, or whatever  
10 they deem necessary. Thank you.

11 MR. GRAVES: Is there anyone else who  
12 would like to make a comment who hasn't yet  
13 commented?

14 Are there any other comments, then,  
15 from folks who have already commented?

16 I'm going to turn the microphone over  
17 to Ken. He'll say a few last words and then  
18 we'll be adjourned.

19 MR. BLODGETT: I would just like to  
20 thank everybody for coming this evening, for  
21 all of your input in the environmental impact  
22 process for the Tongue River Railroad. We  
23 appreciate the fact that you came out at night,  
24 and your input is important to us. And we will  
25 treat all the comments and address them in

1 preparing our Final Scope of Study. There is  
 2 more scoping meetings this week. If you want  
 3 to attend, or tell other people to attend,  
 4 there's meetings on Wednesday and Thursday and  
 5 additional meetings on Friday night in Lame  
 6 Deer.

7 So with that I, again, thank you for  
 8 coming.

9 MR. GRAVES: Thank you.

10 (Meeting closed.)

11  
 12 CERTIFICATE OF REPORTER

13  
 14 I, Richard L. Mattson, Certified Court  
 15 Reporter, hereby certify the foregoing  
 16 transcript of proceedings to be a true and  
 17 correct transcript of the proceedings contained  
 18 therein.

19  
 20  
 21 Certified Court Reporter  
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20:25:05

20:25:19