

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

Re: Proposed Tongue
River Railroad Project }

TRANSCRIPT OF PROCEEDINGS

Elks Lodge #537
619 Pleasant Avenue
Miles City, MT
November 15, 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
Ms. Sarah Mulligan, ICF
Ms. Amanda Nicodemus, ICF

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P R O C E E D I N G S

1
2 MR. BLODGETT: Good evening, and
3 thank you for attending tonight's public
4 scoping meeting on the Environmental Impact
5 Statement for the proposed Tongue River
18:45:50 6 Railroad. My name is Ken Blodgett, and this is
7 Danielle Gosselin, and we represent the Surface
8 Transportation Board Office of Environmental
9 Analysis. Also seated at the table with us is
10 Alan Summerville of ICF International, the
18:46:04 11 project manager for our third-party contractor
12 team, and Scott Graves, also with ICF
13 International, who will be serving as our
14 facilitator this evening.

15 The Surface Transportation Board is
16 the federal agency responsible for granting
17 authority for the construction and operation of
18 new rail lines and associated facilities. On
19 October 16, 2012, the Tongue River Railroad
20 Corporation filed a revised application with
18:46:39 21 the Surface Transportation Board to construct
22 and operate a rail line from Miles City,
23 Montana, to two end points near Ashland,
24 Montana.

18:46:55 25 The Surface Transportation Board is

1 the lead agency responsible for preparing the
2 environmental impact statement which will
3 identify and evaluate the potential
4 environmental impacts associated with the
5 proposed action. There are four cooperating
6 agencies working with the Surface
7 Transportation Board in preparation of the
8 Environmental Impact Statement: The Bureau of
9 Land Management, the U.S. Army Corps of
10 Engineers, the United States Department of
11 Agriculture, and the Montana Department of
12 Natural Resources and Conservation, which is
13 acting as the lead agency for other Montana
14 State agencies. These cooperating agencies
15 have decision-making authority independent of
16 the Surface Transportation Board, and are
17 agencies from which Tongue River Railroad will
18 obtain separate approvals or permits.

19 This scoping meeting this evening
20 represents one of the first opportunities in
21 the Environmental Review Process for members of
22 the public to provide input to the Surface
23 Transportation Board about its environmental
24 concerns related to the construction and
25 operation of the proposed rail line, including

1 the potential alternatives and their impact.
2 Our hope is that the information you provide
3 today will help us to frame our environmental
4 analysis and help us to understand your
5 concerns about the proposed action.

6 The scoping notice public comment
7 period will last until December 6, 2012. The
8 Office of Environmental Analysis will then
9 revise the Draft Scope of Study and issue a
10 Final Scope of Study, incorporating public
11 comments and concerns received during this
12 comment period. The Office of Environmental
13 Analysis will consider all comments received
14 when preparing the Final Scope of Study.

15 There is some additional information
16 and handouts in the rear of the room on the
17 Board's environmental review process, if
18 everybody hasn't had a chance to pick one up
19 yet.

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
25 Environmental Analysis's independent analysis

1 of the potential environmental impact that
2 could result from the construction and operation
3 of the proposed rail line. The Office of
4 Environmental Analysis will then issue the
18:49:42 5 Draft Environmental Impact Statement, and the
6 public will have the opportunity to read and
7 comment on the Draft Environmental Impact
8 Statement during a formal public comment review
9 period, which will include a series of public
10 meetings similar to the one we are holding this
11 evening.

12 After the Draft Environmental Impact
13 Statement comment period has come to a close,
14 the Office of Environmental Analysis will
18:50:06 15 consider all comments received and address each
16 comment in a Final Environmental Impact
17 Statement. The Final Environmental Impact
18 Statement will present the Office of
19 Environmental Analysis's conclusions and
20 recommendations for mitigating possible
18:50:20 21 environmental effects. Issuance of the Final
22 Environmental Impact Statement will complete
23 the Surface Transportation Board's Environmental
24 Review Process.

18:50:35 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
18:50:49 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
18:51:04 10 may begin until the Board's final decision has
11 been issued and the decision has become
12 effective.

13 If you have not already done so this
14 evening, I would encourage you to sign in at
18:51:17 15 one of the tables near the entrances. Those
16 who have indicated that they would like to make
17 a public comment on the scoping study, which
18 will be recorded by the court reporter, will be
19 called upon to speak in the order in which they
18:51:32 20 signed in this evening. I would like to thank
21 you in advance for your courteousness and
22 cooperation towards those who are speaking.
23 Comments will be limited in time so that
24 everyone is given the opportunity to speak. If
18:51:46 25 you would like to provide a handwritten comment,

1 there's comment forms in the back of the room
2 and you can just write your comment and drop it
3 in the box. You can also submit handwritten
4 comments, or any written comments, by mail to
5 the Surface Transportation Board, and you can
6 submit comments electronically using the
7 Surface Transportation Board's website. Oral
8 and written comments will all be given equal
9 weight and consideration. And all comments
10 will be due December 6, 2012.

11 At this time I would like to turn the
12 floor over to Alan Summerville, who will
13 briefly discuss more details about the project.

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

21 The Tongue River Railroad's principle
22 purpose for the new rail line is to transfer
23 low sulfur sub-bituminous coal from proposed
24 mine sites in Rosebud and Powder River
25 Counties, including proposed lines in the Otter

1 Creek area. Tongue River Railroad Company is
2 proposing to construct and operate an
3 approximately 83-mile rail line between Miles
4 City and two ending points, one near a site of
18:53:16 5 the previously planned Montco Mine near
6 Ashland, and another at the proposed Otter
7 Creek Mine in the Otter Creek area east of
8 Ashland. Accordingly, the rail line would
9 cross portions of Custer, Powder River, and
10 Rosebud Counties. The proposed route would
11 follow the Tongue River Valley and would
12 consist of a single track constructed of
13 continuous-welded rail and include a 200-foot-
14 wide right-of-way, crossing local roads,
18:53:47 15 streams, trails, and utility corridors. It
16 would include two passing sidings, one at
17 Milepost 27 and the other near Milepost 46. It
18 would also include ancillary facilities,
19 including six set-out tracks between 500 and
18:54:05 20 4000 feet in length to provide for the
21 temporary storage of cars requiring repair and
22 for storage of maintenance equipment.

23 At a minimum, the Office of
24 Environmental Analysis is considering those
18:54:17 25 alternatives analyzed in the Tongue River I

1 EIS. The Tongue River Railroad Road
2 Alternative, Moon Creek Alternative, the Colstrip
3 Alternative, and the No Action Alternative.

4 As part of its alternatives
5 development process, the Office of Environmental
6 Analysis is determining the feasibility of
7 these and other potential routes. The Office
8 of Environmental Analysis welcomes public
9 comments on these and other potential
10 alternatives.

11 Alternatives will be evaluated based
12 on public and agency input, as well as
13 environmental, technical and engineering
14 considerations, including curvature and grade
15 of the rail line, and topographic features such
16 as steep hills, steep slopes, hills, as well as
17 factors such as geology, flood plains,
18 wetlands, rivers and streams.

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

1 socioeconomic, cultural and historic
2 resources, aesthetics, and environmental
3 justice. Additional resource subject areas can
4 be added as a result of comments of information
18:55:53 5 received during the scoping process.

6 The purpose of the public scoping
7 meetings is to provide a forum in which the
8 Office of Environmental Analysis can gain the
9 public's input on potential alternatives, or
18:56:08 10 important impacts that may or may not be
11 currently in the Draft Scope of Study.

12 At this time I'd like to hand the
13 meeting over to our facilitator, Scott Graves,
14 who will go over a couple of ground rules, and
18:56:22 15 then we can begin to hear public comments.
16 Thank you.

17 MR. GRAVES: Good evening and welcome
18 again. Just a couple of notes for how I think
19 we can logistically make this work for
18:56:36 20 everybody tonight. We've got a center aisle
21 here and room to come up to the front here and
22 with folks sitting over here, coming around.
23 If you could just come up here when your name
24 is called, if you already signed up, I'll give
18:56:50 25 you the microphone, and if you could state your

1 name and spell it for the court reporter, that
2 would be helpful.

3 As some of you have been to the other
4 meetings now, I have a pretty good streak of
18:57:00 5 mispronouncing at least one or two names per
6 meeting. I will try and do my best, but
7 limitation of handwriting and just unfamiliar
8 with some names is going to provide some
9 entertainment, I'm sure.

18:57:11 10 When you come up, as I said, state
11 your name and spell it, please. After we are
12 done with the folks who have already signed up
13 to speak tonight, we'll open up the meeting to
14 anybody else who would like to speak and we'll
18:57:26 15 continue on until all the comment are finished
16 and everybody who has spoken or wants to speak
17 has had a chance to speak.

18 Also, we have, I think as Ken said, a
19 five-minute limit to try to make sure we can
18:57:41 20 get through everybody in a reasonable amount of
21 time tonight. And if anybody has longer
22 comments and would like to come back for a
23 second set of comments after everybody who has
24 spoken the first time, we'll open up for that
18:57:54 25 as well.

1 The first name I have is Shane
2 Wheeler.

3 MR. SHANE WHEELER: My name is Shane
4 Wheeler, S-h-a-n-e, W-h-e-e-l-e-r.

18:58:16 5 The first comment I'd like to make is
6 that everybody in here is entitled to their own
7 opinion and their own comments, that is your
8 right, and I'm not going to hold that against
9 you.

18:58:28 10 I am the owner of Snodgrass Ranch.
11 We farm and ranch on both of the Tongue River
12 Valley as well as the Otter Creek Valley. The
13 planned map is going to be going on a hill that
14 is steeper than a 1 to 1 slope. And because of
18:58:43 15 the steep terrain, I've been told that the
16 railroad will not be putting in an underpass.
17 That will either be cutting my livestock from
18 water or from feed. And I don't know how I'm
19 supposed to adjust to that.

18:58:55 20 The rail line is also supposed to be
21 coming within a quarter mile of my house, and I
22 don't think any of you would want that either.

23 I've been told if the railroad comes
24 through, the town of Ashland will grow. Well,
18:59:12 25 my ranch surrounds the town of Ashland, and it

1 is frustrating hearing everyone saying, you
2 need to sell or look down on you because you're
3 not thinking of everybody else. What about the
4 ranchers beyond this? Are they going to be
5 looked down at because they are not wanting to
6 sell?

7 I have heard time and time again that
8 the Tongue River Railroad will bring jobs to
9 the people around the rail and mine areas.

10 Does this brings jobs to us or bringing people
11 to jobs from California, New York, or wherever?

12 If the Tongue River Railroad does
13 come through, what will we be compensated.
14 Fair market value is not fair value. The State
15 of Montana already screwed us on the highway
16 project of 212 on the highway right-of-way.
17 Everyone who owns land around here, or anywhere
18 else, has a right to put their own dollar value
19 on their place whether it be Tongue River
20 Valley, Otter Creek Valley, or some other place
21 in the country. What is the lifetime worth of
22 work to him?

23 MR. GRAVES: Next is Ray and, I'm
24 sorry, I can't read the handwriting well, looks
25 like an M u --

1 UNIDENTIFIED SPEAKER: Muggli.

2 MR. RAY MUGGLI: First off, Ray
3 Muggli, M-u-g-g-l-i

19:01:05

4 I'd like to thank the Board here for
5 the opportunity to speak.

19:01:34

6 My son, myself, and my brother own
7 and operate a small farm and with some ranch
8 land 15 miles south of here on the Tongue
9 River. Our dad acquired this ground in 1948
10 and I grew up on this place.

19:01:53

11 We presently have a cubing operation
12 where we are manufacturing certified horse feed
13 and livestock feed. We are the largest
14 producers of certified feed in the state. We
15 ship this feed to Montana, Wyoming, North
16 Dakota, and, I believe, some of it is even
17 getting into Idaho. We've manufactured feed
18 for about the last 15 years.

19:02:15

19 My concern with this railroad is the
20 introduction of noxious weeds. I've observed
21 when I'm going along railroad lines there's a
22 lot of stuff growing along there that I can't
23 recognize, and I sure don't want that on my
24 farm. We have enough problems with the
25 introduction or the movement of weeds with deer

19:02:41

1 and geese and whatever. I think if this
2 railroad is necessary, it should somehow be
3 routed some way where there is less and a small
4 disturbance as far as private property,
5 environmental impact, and overall for the sake
6 of the farming and ranch community in eastern
7 Montana. Thank you.

19:03:06 8 MR. GRAVES: Thank you. Next is
9 Opal, and, again, the handwriting is
10 B-u-r-b-u-m?

11 UNIDENTIFIED SPEAKER: Borner.

12 MR. GRAVES: Borner, perhaps.

13 We'll come back to that later then.
14 Mark Petersen.

19:03:47 15 MR. MARK PETERSEN: My name is Mark
16 Petersen, P-e-t-e-r-s-e-n. Good evening.

17 I'm the research leader at the
18 USDA-ARS at Fort Keogh Livestock and Range
19 Research Laboratory. The laboratory is located
20 immediately west of Miles City and is bound by
21 the Tongue River on the east.

22 The location was established in 1924
23 and is a 55,000 plus rangeland and cattle
24 research facility. It is well known for
25 scientific and practical contributions to

1 drought management, fire ecology, elucidation
2 of the bovine genome, management of dystocia
3 and reproductive problems in beef cattle.

4 One proposed route along the river
19:04:48 5 cuts through some of our better rangeland and
6 will divide a grazing research site that was
7 established in 1934. The route also parallels
8 a paddock that's been excluded from grazing
9 over 20 years that serves for a comparison for
19:05:05 10 other research conducted. Not too far to the
11 west of the planned route, there is less
12 productive land that would have less of an
13 adverse impact on our mission if the river
14 valley was not used.

19:05:19 15 We would encourage the Surface
16 Transportation Board to review all the
17 alternative routes. And we encourage
18 exploration of a route that creates the least
19 collective disturbance to our research and the
19:05:34 20 property and the ranches and the family
21 businesses along the river.

22 We appreciate the opportunity to
23 provide these comments.

24 MR. GRAVES: Karen Stevenson.

19:05:58 25 MS. KAREN STEVENSON: Thank you for

1 coming to Miles City. My name is Karen
2 Stephenson. I taught school in the one-room
3 school in Birney, Montana. I raised our three
4 children up East Fork of Hanging Woman. It's a
19:06:20 5 watershed of the Tongue River in the Tongue
6 River Valley, and I presently live at the Baker
7 Highway east of Miles City.

8 The Tongue River Valley is an area in
9 southeastern Montana with a wealth of assets.
19:06:34 10 Please take these assets into consideration
11 when determining the need of a railroad in this
12 valley. Will ancient archeological sites
13 important to the Northern Cheyenne, Crow, and
14 Lakota culture, vision sites, buffalo traps,
19:06:50 15 sacred springs and battle sites be identified
16 and protected?

17 How would the railroad impact
18 recreation in the valley, an environment in
19 which wild game thrive? In this area of
19:07:04 20 rolling prairies and rugged draws and sandstone
21 outcroppings and Ponderosa pines there are
22 plentiful numbers of whitetail, mule deer, and
23 antelope, growing herds of prairie elk are
24 repopulating their native plains, upland game
19:07:19 25 birds, pheasant, grouse, wild turkey are

1 commonly hunted by out-of-state and regional
2 hunters. From the Tongue River Dam to its
3 confluence of the Yellowstone River the public
4 can access the river to fish and canoe and they
19:07:33 5 can hike and hunt in the public lands and feel
6 as if no one had trod there before.

7 How would the railroad impact the
8 irrigation projects and fisheries? The oldest
9 irrigation project on the Tongue River, the T&Y
10 Ditch, dates from 1886, the diversion dam from
19:07:50 11 the T&Y now includes a fish ladder which allows
12 fish from the Tongue and Yellowstone Rivers
13 below the dam to migrate up river for the first
14 time in 125 years. How would the railroad
19:08:02 15 impact these water fisheries?

16 What would the impact be on
17 agriculture? The valley is home to the Amish,
18 native tribes, a vineyard, the only vineyard
19 east of Missoula, farms and ranches that have
19:08:22 20 had their roots in the land for over one
21 hundred years. I invite you to learn the names
22 and put a face to these ranches: The FL, Bone
23 Brothers, Rocker-Six, Fix Ranch, the Ball Ranch.

24 Not only is the Tongue River Basin
19:08:37 25 prime livestock country with irrigated fields

1 of alfalfa in the bottom lands and nutritious
2 grasslands for cattle. It is a place these
3 ranchers make a living, a place they call home,
4 a place that holds their stories. Take time to
5 talk with them and learn their stories.

6 The Tongue River Valley is not just a
7 long stretch of empty land. It is a landscape
8 that contains immeasurable wealth in its
9 solitude and pristine landscape. It is a land
10 that has been benefitted wildlife for
11 millennium, native peoples for centuries, and
12 generations of ranchers and farmers who have
13 already developed this valley economically. It
14 has been a viable economy for a much longer
15 time than the 20-year life expectancy of a coal
16 mine and a railroad that, if built, will bisect
17 ranches, waterways, and lives while it hauls
18 its dirty load to foreign shores.

19 A local rancher whose roots have been
20 in the land for generations, summed it up: My
21 main assets, he said, are grass and water and
22 my neighbors.

23 How do you measure the worth of that
24 in your figures and charts and databases? How
25 much is a good neighbor worth? If you find a

1 way to add it up, it would far outweigh the
2 valley of a railroad and the coal it is hauling
3 for the profit of a private corporation for a
4 market overseas.

19:10:06 5 Condemnation, tax base, for what?
6 The common good? This railroad will not serve
7 the common good of the citizens of this state
8 and this country. The common good is already
9 being served in that valley, the Tongue River
10 Valley. A railroad would simply destroy it.

19:10:24 11 Please weigh the true assets of the
12 Tongue River Valley against the assets of this
13 proposed single-carrier corporate-owned
14 railroad. Please seriously consider a No
15 Action Alternative. Thank you.

16 MR. GRAVES: Terry Hanson.

17 MR. TERRY HANSON: Terry Hanson.
18 That's T-e-r-r-y, H-a-n-s-o-n.

19 Thank you for coming here. You heard
19:11:12 20 the impacts, the adverse impacts, that this
21 proposed permit would do. I hadn't really
22 prepared anything today, but I can say this:
23 Almost 40 years ago I was attorney for the
24 Public Service Commission in Helena and we used
19:11:37 25 to deal with public need and necessity on a

1 weekly and daily basis. That's what we are
2 dealing with here, public need and necessity.
3 So at our hearings we would always take a look
4 at, okay, what are the adverse impacts, and you
19:11:54 5 just heard Karen Stevenson was very, very
6 succinct in her description of the adverse
7 impacts on the Tongue River Valley.

8 So let's take a look at public need
9 and necessity. And what is the public need and
19:12:11 10 necessity here? One coal company, Arch Coal?
11 That's your need and necessity? They want this
12 railroad so they can haul coal out of there for
13 about 20 years and it's over.

14 And what is the public? Are we
19:12:30 15 dealing with the Asians? We are going to haul
16 it to the coast and ship it over to Asia and
17 destroy the Tongue River Valley in order to do
18 that? I'm opposed to this.

19 And there's one other thing that we
19:12:43 20 didn't talk about here and that's flooding. I
21 just read that in a little sheet of paper that
22 somebody handed me. But I'm opposed to this.
23 And I think that you should give it really very
24 strong consideration as to whether there is
19:13:00 25 really a public need and necessity for this

1 railroad. Thank you.

2 MR. GRAVES: Wallace McRae.

3 MR. WALLACE McRAE: Wallace McRae.

4 W-a-l-l-a-c-e, M-c-R-a-e.

19:13:26 5 I'm president of the Rocker-Six
6 Cattle Company. Our ranch will be crossed
7 about four miles of the proposed Tongue River
8 Railroad, unless it goes to Colstrip, and then
9 it will be about nine miles.

19:13:49 10 My address is Forsyth, but my
11 hometown is Colstrip. Because of that, for 40
12 years I've been involved in hearings, scopings,
13 and testimony like this.

14 This is a game. This is a game.
19:14:10 15 This is a game that we are forced to play. We
16 didn't write the rules, but we know what the
17 rules of the game are. And they are stacked
18 against us every single step of the way.
19 You'll hear that there are no preconceived
19:14:28 20 conclusions to the application for the Tongue
21 River Railroad. But I think there are, because
22 everywhere else that I've been to this kind of
23 a hearing there was a preconceived notion and
24 it went through.

19:14:43 25 We might get some concessions, talk

1 about mitigation. There's a document earlier
2 put out on the Tongue River Railroad by the
3 ICC, and it handled some of the complaints that
4 we landowners had. It told what the railroad
5 should do. A 174 times they used the word
6 "should." No "shalls," no "musts," no "wills,"
7 just "should."

8 There was a time when the permit was
9 pulled because the owner of the railroad at
10 that time went and said, if you give me an
11 extension approval for the railroad, I will
12 have that railroad operating -- built and
13 operating in three years. There was a
14 courageous member of the ICC, which is now the
15 Surface Transportation Board, named Gus Owen,
16 and he moved, and the Board approved, a motion
17 that if they didn't have it constructed and
18 operating in three years, they lost their
19 permit. Gus Owen went off the Board, and as
20 soon as he did, they rescinded the motion that
21 he proposed and passed.

22 What are the odds in this game of no
23 action? Pretty slim. It flat doesn't happen.
24 But that's one of the things that we are
25 supposed to suggest, and I think over and over

1 and over again at these hearings we've heard
2 that suggested, the no action alternative.
3 Would that kill the railroad? No, not
4 necessarily. There was a railroad recently
19:16:44 5 approved by the landowners, not by a
6 governmental board, that went from the Signal
7 Peak Mine in the Bull Mountains north of
8 Billings to the Burlington Northern Santa Fe
9 Railroad. They did not have a permit from the
10 ICC because they didn't need one. They didn't
19:17:02 11 qualify, they didn't ask for the common carrier
12 status.

13 A common carrier status is what the
14 Tongue River Railroad requires in order to
15 condemn land. If they don't have it, they
19:17:20 16 don't have the right to condemn land. And they
17 will tell you, we'll haul hogs and logs and
18 chickens and cream cans to the creamery in
19 North Dakota. But they are going to haul coal,
20 and they could build that railroad and haul
19:17:40 21 coal without a permit from the ICC.

22 Will we be dealt with fairly? Ray
23 Muggli mentioned weeds. Once they come in and
24 you get your 30 pieces of silver for your land,
19:18:07 25 that's it. You're done. We are going to have

1 continuing problems from the railroad. Fire,
2 weeds. Who keeps up the fences? Who keeps
3 our cattle off of there? The only way we can
4 do that is to get some sort of compensation
5 every year. Will the Surface Transportation
6 Board give us weedage where we get paid a
7 certain number of cents per ton per mile so
8 that we can cover the ongoing costs that this
9 railroad is going to cause on our ranches?

10 I'm a constant pessimist. And I
11 didn't start out that way. But if you're a
12 pessimist and things turn out the way expected,
13 you're not disappointed. But if they don't
14 turn out the way they are expected, you're
15 happy. I hope I'm happy when this is all over.

16 MR. GRAVES: Kelly Radue.

17 MR. KELLY RADUE: Thank you. That's
18 Kelly, K-e-l-l-y, Radue, R-a-d-u-e.

19 My wife Cindy and I live out on the
20 Tongue River. We got about two miles of river
21 frontage on the place. We would not be crossed
22 by the railroad were it to be built according
23 to most of the alternative lines here. Of
24 course, we would sustain the impacts of this.

25 What I would like to talk about just

1 a little bit here is the unique nature of the
2 Tongue River Valley. It is probably the only
3 major river valley left here in the 48 states
4 that does not have either a railroad or an
5 interstate highway going down it. And for that
6 reason it's really in a very pristine
7 condition.

8 My wife is sitting back here and she
9 can attest to this, about two years ago she was
10 talking on the telephone -- surprise,
11 surprise -- looking out over the dining area
12 out over the hay meadow, we had a mountain lion
13 go through the front yard. It's that kind of
14 an area. We have a large number of species of
15 birds and mammals and so on there. So much so
16 that the Rocky Mountain Bird Federation has
17 been doing studies on our place and they are
18 coming up with enormous lists of species.

19 Now they are doing this in
20 conjunction with the University of Montana, the
21 Department of Ornithology, and it's just
22 amazing what they are coming up with. We
23 don't want to lose any of this stuff.

24 Also, I'm a member of the local and
25 the national Pheasants Forever Group, and the

1 ranch that we have does adjoin what has been
2 called the Tongue River Ranch. This is the
3 holding of approximately 20,000 acres that the
4 State of Montana acquired, and they did so
19:21:36 5 incidentally with the assistance of the
6 Pheasants Forever Program, the national. They
7 didn't have enough money to put the deal
8 together. And we came up with a couple hundred
9 thousand dollars to help them do this. Our
19:21:50 10 little local chapter here, and I'm sure many of
11 you've have been to our banquets and so on,
12 where people are selling chances for five bucks
13 and so on. This is where this money has come
14 from. And we've been able to put together
19:22:03 15 really a beautiful conservation area over
16 there.

17 Our little local group is doing
18 habitat work. We're fencing riparian areas,
19 putting in food plots and so on. This is
19:22:15 20 really very, very nice. And one of the thing
21 about this valley that we ought to keep in
22 mind, this is one of the last remaining
23 footholds in the United States for the Greater
24 Sage-Grouse. We have a corridor here almost a
19:22:32 25 hundred miles long. If we run a railroad

1 through that, this is gone. These birds cannot
2 function, they cannot live where there is much
3 activity by mankind. We've just got a treasure
4 there, and we have to take care of it.

19:22:51 5 One last little thing, economically
6 this would impact my family and myself probably
7 in a very positive way, unlike just about
8 everybody else here. We have had a couple
9 advance men from various construction companies
10 come to us because we have large deposits of
11 sand and gravel, of concrete making quality on
12 the ranch. Money is not the thing. We have to
13 keep in mind that we have to take care of this
14 treasure that we've got out south here. Thank
15 you much.

16 MR. GRAVES: Mark Fix.

17 MR. MARK FIX: Hi. I'm Mark Fix
18 again. F-i-x.

19 I'm a rancher and irrigator on the
20 Tongue about 20 miles southwest of Miles City.
21 Our ranch would be crossed by about three miles
22 of the proposed Tongue River Railroad.

23 I allow public hunting on my ranch
24 through the block management program. A
19:24:03 25 railroad and public road on my place would

1 disrupt the quality of hunting experience, it
2 would lead to possible liability issues, should
3 there with an accident. Traditional game
4 patterns will be disrupted.

19:24:15 5 One of the best assets on my ranch is
6 the Tongue River. We use it for irrigation and
7 recreation. The water is already being
8 degraded by high sodium water that is
9 discharged by the Decker Coal Mine near the
19:24:30 10 Tongue River Dam and from coal-bed discharges
11 in Wyoming. The Tongue has numeric water
12 quality standards for electroconductivity and
13 sodium absorption ratios. These are salinity
14 measurements of the water. The discharge water
19:24:43 15 from coal-bed methane discharges and coal mines
16 are high in sodium and can destroy our
17 irrigated ground.

18 The fisheries may also be affected by
19 the discharges. The Tongue River was closed to
19:24:54 20 fish migration for over a hundred years by the
21 Tongue and Yellowstone diversion dam. An
22 upstream bypass was installed recently and many
23 fish did are coming upstream into the river
24 now.

19:25:03 25 The pallid sturgeon, which is

1 endangered, used to spawn in the Tongue.
2 Survival of the species may depend on keeping
3 the water quality of the Tongue River pristine.
4 The possibility of more salty waste water from
5 underground coal seams that are filled with
6 water being dumped into the Tongue River
7 watershed from the Otter Creek Mine will
8 possibly make it harder. You cannot put a
9 price tag on destroying a species or wrecking a
10 valley to fill the pockets the greedy coal
11 corporations.

12 The Tongue River Railroad is proposed
13 to cross on the floodplain across my place.
14 You need to look at how the Tongue River
15 Railroad would affect the flooding for the area
16 there and along the rest of the route. The
17 Tongue River Railroad would dam up the water
18 that comes down the creeks going to the Tongue
19 and may actually wash out the grade in some
20 areas.

21 The way the water reaches the Tongue
22 could make flooding worse at Miles City. The
23 railroad grade could course the flood waters
24 towards Miles City. The U.S. Army Corps of
25 Engineers did not recognize the Tongue River

1 dike that protects Miles City. Homeowners will
2 be faced once again with a possibility of not
3 being able to get flood insurance for their
4 homes.

19:26:14 5 The threat of the Tongue River
6 Railroad has hung over our heads since the
7 first permit was granted back in 1986 and there
8 still is no railroad. Many of my neighbors
9 have some their ranches partly in fear of
10 having a railroad built across their place.
11 Some of us sold parts of their ranch that would
12 be crossed by the Tongue River Railroad. It is
13 not right to hold the threat of eminent domain
14 over our heads for so long. A permit should
15 have a time limit on it. I do not believe any
16 corporation should hold that power for so long.

19:26:40 17 The original environmental impact had
18 hundreds of mitigation measures. You cannot
19 mitigate everything. There has to come a time
20 where you just say no. You should select the
21 No Action Alternative. That is the only way to
22 protect the agricultural Tongue River Valley
23 and preserve it for the future. This is the
24 last best place and we hope that you will make
19:27:07 25 a decision that keeps it that way.

1 Thank you for letting me speak.

2 MR. GRAVES: Bill Tramp.

3 MR. BILL TRAMP: That's Bill Tramp,
4 T-r-a-m-p. Just like *Lady and The Tramp*.

19:27:41 5 I live here in Miles City. I live in
6 the valley along the tracks. In fact, it's
7 probably less than 200 feet from the tracks.
8 So I can tell you all about what it's like
9 living right there. It's not fun, but it was
10 my choice. All you people who don't have a
11 rail near you, this won't be a choice if you
12 end up with one there.

13 I'm used to it. It only wakes me up
14 once in a while now. But I can feel it. It
15 shakes my house. Not all the time, and I'm not
16 sure why that is. I think it has something to
17 do with the soil and the geology of the area,
18 time of the year, whether or not the ground is
19 froze and so on.

19:28:47 20 I can hear it, you know, even when
21 they are not blasting the horn. And when they
22 do, sometimes, you know, it knocks you out of
23 bed. And, again, it's not always the same.
24 But sometimes it's really loud, and sometimes I
19:29:12 25 sleep through it.

1 I can smell it. The diesel fumes,
2 the coal dust. This is what you're going to
3 have to deal with if you end up with a train up
4 the Tongue.

19:29:36 5 I love the Tongue River Valley. I've
6 hunted there, I've floated, fished, taken trips
7 up there, field trips and so on. It's a real
8 jewel. And you look at valleys that have a
9 train running down them, like the Yellowstone,
19:29:54 10 that affects people for ten miles, if not more,
11 just the noise. You don't have that up the
12 Tongue. We don't want it.

13 I'm a school teacher. I've been
14 teaching science here in town for 21 years.
19:30:18 15 And I take the students on field trips and
16 we've been monitoring water quality on the
17 Tongue River and the Yellowstone River. Mainly
18 for environmental education, and the kids love
19 it, I love it.

19:30:35 20 And I've seen what coal-bed methane
21 water does to the life in the river. And it's
22 not pretty. Generally the water quality tests
23 are fair to good, and a lot of that is natural,
24 because basically we have a lot of salt. But
19:30:59 25 I've gone places where the coal-bed methane

1 water is discharged and the only thing in that
2 water, there's nothing there that's the same as
3 what there is lower. I mean, it's nothing but
4 scuds. We don't have any scuds away from those
5 discharge areas.

6 I was looking at this poster, and
7 thinking about the impacts, and most of these
8 are impacts. I'm trying to think of a few
9 specific ones. One is the water quality in the
10 ground water and the runoff, what a track does
11 to the runoff. You know, I have this berm
12 right next to my house, and, yeah, I'm living
13 in a floodplain, and that's a choice, too. I
14 don't have a basement. I like to dig post
15 holes and stuff, trenches, whatever, therapy
16 after teaching all day, and you dig five feet
17 down any time of the year and you're hitting
18 water, ground water. Now, I know you've got
19 irrigation, but the real issue is that berm
20 stops the flow of the water. Not just the
21 surface waters, the ground water, too.

22 Now, we got a lot of runoff last
23 year, okay, I wish we had some of that now, but
24 that's Montana. I had water surrounding my
25 house, and it was within one inch of flooding

1 my slab on grade. I don't have a crawl space
2 or a basement. And I don't have a creek near
3 me. This was runoff across the land from a
4 heavy rain. If you know anything about the
5 soils in this area, I mean, if it rains, it's
6 going to run off. It just doesn't soak in very
7 good unless it's really a slow rain. So that's
8 all around us.

9 But the real problem was the water
10 couldn't go under the tracks fast enough. So
11 we had a lake for a mile, and it flooded houses
12 all along the highway, and in some places it
13 went across the highway, all because of the
14 railroad berm. There just wasn't enough
15 drainage under the railroad. And this is going
16 to happen all along the valley. We don't want
17 this. It will ruin the Tongue River Valley.

18 That's all I can think of. Thank you
19 for listening.

20 MR. GRAVES: Mary Catherine Dunphy.

21 MS. MARY CATHERINE DUNPHY: I have a
22 prop. Would you like a prop?

23 MR. GRAVES: Go ahead.

24 MS. MARY CATHERINE DUNPHY: My name
25 is Mary Catherine Dunphy, D-u-n-p-h-y.

1 I'm a legal secretary. I get very
2 nervous in talking in front of people. I would
3 actually like to be doing anything but this
4 tonight, but I feel it's very, very important.

19:35:28 5 First of all, right off the bat, I'd
6 like to say I'm in support of the No Action
7 Alternative.

8 It is a well-known fact that burning
9 coal produces green house gasses called carbon
10 dioxide. And the carbon dioxide is
11 contributing to global warming. Carbon dioxide
12 is now measured at 400 parts per million.
13 That's a record high.

14 I'd like to talk about how the Tongue
15 River will affect global warming. Here in
16 Montana we have Professor Steve Running at the
17 University of Montana who in 2007 was awarded
18 the Nobel Peace Prize -- that's the Nobel Peace
19 Prize -- for his work to build up and to
20 disseminate greater knowledge about the
21 man-made, and to lay the foundation to the
22 measures that are needed to counteract such
23 change. He made the following statement about
24 winning the prize. "We've got to get past all
25 the petty bickering and get to work. This is

1 about a big transition for society over the
2 next 50 years. The path we are on is
3 unsustainable. What the Nobel Committee is
4 saying that 'We've got to wake up. We've got
5 to change the course of the whole world.'"

6 Someone today earlier, at the earlier
7 session, actually it was Wade Sikorski, said
8 that Steve Running has said the effects of the
9 coal we ship to China will come back to us in
10 the United States faster than we can ship it
11 there. The Chinese will get the air pollution
12 and particulate matter and damage their lungs.
13 And we here in the United States and everyone
14 else in the entire world, and there it is, the
15 planet, will get the effects of global warming.
16 Sea levels are rising, global temperatures are
17 rising. Warming oceans will kill fish.
18 Shrinking ice sheets and declining sea ice will
19 not be there to reflect the sun back into space
20 and the temperatures on earth will rise.
21 Glaciers will retreat. Here in Montana that
22 means Glacier Park might have to be renamed
23 when there are no glaciers. Also the increase
24 in carbon means the acidification of the oceans
25 which will kill shell fish -- I'm allergic to

19:36:49

19:37:06

19:37:18

19:37:35

19:37:49

1 shell fish so that won't be a problem to me --
2 and coral. With more global warming there will
3 be extreme weather events like Hurricane
4 Katrina and the recent Hurricane Sandy. Does
5 anybody here know the dollar amount that the
6 economic impact these storms are having? I'm
7 wondering when the insurance companies are
8 going to stop insuring people because of these
9 kinds of storms.

10 This year the United States had a
11 terrible drought which affected crops and
12 cattle. Here in Montana we also have a state
13 constitution that protects the environment.
14 Article IX Section 1, states, that the state
15 and each person shall maintain and improve a
16 clean and health of environment for the future
17 generations. It also states that the
18 legislature shall provide adequate remedies for
19 the protection of the environment, life support
20 systems from degradation, and provide adequate
21 remedies to prevent unreasonable depletion and
22 degradation of natural resources. So as
23 citizens Montana, our state constitution says
24 that each person has to protect a clean -- has
25 to protect a clean and healthful environment

19:38:06

19:38:16

19:38:35

19:38:49

19:39:06

1 for present and future generations. In other
2 words, we've got the whole state in our hands.

3 And what I mean by that is when I was
4 a little girl there was a song, He's Got The
19:39:19 5 Whole World In His Hands. And now, depending
6 on our environmental decisions, we've got the
7 whole world in our hands.

8 I've heard it said that some Native
9 Americans tribes base their cultural decisions
19:39:31 10 by thinking of the impacts they would have for
11 the next seven generations.

12 I don't know where I am on time.
13 Okay. 30 seconds. I think I'm going to ask to
14 come back.

19:39:49 15 I worry also about crimes against
16 humanity. I'm thinking if we make it
17 impossible for the planet to survive, that we
18 may be essentially doing what the Nazis did to
19 the Jews, we are gassing every human being on
19:40:02 20 this planet.

21 I'd like to say more, but I'll stop.

22 MR. GRAVES: Can I move this out of
23 the way?

24 Opal Bormer?

19:40:37 25 No?

1 Carl Harmon.

2 MR. CARL HARMON: My name is Carl
3 Harmon. Is that good enough? H-a-r-m-o-n.

19:41:19

4 Now, I got the mic. I can talk for
5 two hours, but I don't have time. Nobody has
6 patience, so it's going to be sweet and short.

7 I got to put my glasses on. I can't
8 read. I'm sorry, folks.

19:41:40

9 I speak regarding humanity. Coal is
10 today the filthiest material used daily
11 worldwide. So I must say, no to railroad, and
12 stop using coal now.

13 MR. GRAVES: Is there anyone who
14 hasn't yet spoke that would like speak?

19:42:11

15 MS. DEBORAH HANSON: Deborah Hanson,
16 D-e-b-o-r-a-h, H-a-n-s-o-n.

19:42:38

17 I'd like to thank you for coming here
18 to Miles City. I'm a long-time citizen of
19 Miles City and a member of the Northern Plains
20 Resource Council since the early '70s and a
21 former board member. And we've been concerned
22 with the proposed Tongue River Railroad since
23 it was first proposed in 1980.

19:42:53

24 And we've seen a lot of ranchers in
25 the valley come and go. I want to thank you

1 for undertaking a new EIS, as the information
2 that the railroad has been basing a permit on
3 for quite a while not only was inadequate but
4 decades old.

19:43:08 5 Just a few points. First, regarding
6 public convenience and necessity. It was then
7 a speculative railroad to haul coal from the
8 never-proved Montco Mine, and it's still a one
9 purpose mine, not yet permitted, to haul coal
19:43:26 10 from the Otter Creek coal tracts for the coal
11 company giant Arch Coal to the coast for
12 shipping to China and Asia. The proposed
13 Tongue River Railroad does not serve the public
14 convenience and necessity, which is what is
19:43:43 15 required to get the power of eminent domain and
16 condemnation authority.

17 Water. The impact on the quality of
18 the water in the building of said railroad
19 needs to be determined not only for the great
19:43:59 20 addition of the sediment but also in
21 conjunction with the effect on the water
22 quality and quantity from a very large open pit
23 mine in the aquifer, combined with coal-bed
24 methane that is already affecting the Tongue
19:44:14 25 River. All together these developments have a

1 cumulative effect. In this country where water
2 is often scarce and used by our sustainable
3 agriculture industry, water is the life blood.

4 Flood hazards. The proposed routes
5 of the Tongue River Railroad cuts the
6 floodplain of the Tongue River Valley in half
7 from Otter Creek to Miles City. The railroad
8 would likely channel this water and accelerate
9 the flow of flood waters north along the rail
10 bed toward Miles City. As a property owner
11 located in the floodplain, as most of us are,
12 we need to insist that a flood assessment is
13 included in the EIS. This has never been
14 addressed. And we've had the Army Corps of
15 Engineers here and had a very scary almost
16 flood incident last year.

17 Our fish hatchery. The proposed
18 route does not protect the raising of the
19 endangered species, the pallid sturgeon. The
20 route is still too close to the hatchery. A
21 lot of time and public money has gone into this
22 hatchery. A private for-profit company should
23 not trump the public when it comes to designing
24 a route.

25 Our Tongue River Valley neighbors,

1 you've heard from a lot of them today, farmers
2 and ranchers in the valley, will have this
3 property devalued, make their operations more
4 difficult and expensive, shift liability for
5 train crossings to the owner, noxious weeds,
6 fire, roads needed to access the rail for fire
7 and repair, noise, and it's effects on
8 livestock all need to be addressed in detail.

9 Who will pay? Internalized profits
10 and externalized costs. Taxes and
11 infrastructure costs go up for residents of
12 communities along the rail route and the
13 coastal ports.

14 Also, greatly increased train
15 traffic, traffic delays, noise, diesel
16 pollution, and, of course, the greenhouse gas
17 from mining, rail hauling, shipping, hauling to
18 Chinese plants, and, finally, the burning of
19 the coal, which returns to Montana via the air.

20 We Tongue River Valley folks request
21 that you include all of these factors in your
22 environmental analysis. We strongly believe
23 that the Tongue River Valley is no place for a
24 railroad, and we support the No Action
25 Alternative. Thank you.

1 MS. DIANNA BROADIE: Dianna Broadie,
2 D-i-a-n-n-a, B-r-o-a-d-i-e, Director of
3 Planning and Community Services in Miles City.

4 I would just like to know, I don't
5 know the complete operational function of the
6 railroad as it hits Miles City, so some of this
7 may or may not be relevant. But I want to let
8 you know just in case it does affect Miles City
9 going to the east, and if the switching affects
10 Miles City as far as any delays caused by the
11 trains.

12 If any of the trains end up going
13 east, of course, that increases traffic here.
14 Our operation for fire and safety issue is that
15 we have one underpass, which on occasion does
16 flood. That is our only way across the tracks
17 unimpeded. All of the other ones have stops,
18 you know, operationally have stops. So any
19 time about half of our city can't be reached by
20 emergency services except by that underpass.
21 So I did want to bring up that safety issue.

22 The other one, too, would be,
23 obviously, there is increased train traffic
24 coming through. We already have a lot of train
25 traffic. There is a lot of noise. We've been

1 working with BNSF for a quiet zone and they've
2 been less than cooperative, asking the
3 taxpayers to help pay you for upgrades for
4 signalization. Not just a difference of the
5 quiet zones but actually their upgrades. So I
6 would ask that you consider, also, the noise
7 increase. It's already fairly disruptive to
8 the city and it would be just that much more if
9 there was more train traffic coming through.
10 Thank you.

11 MR. GRAVES: Is there anyone else who
12 has not yet spoken who would like to offer a
13 comment tonight?

14 MR. ROGER JACOBS: My name is Roger
15 Jacobs, R-o-g-e-r, J-a-c-o-b-s.

16 I'm not from Miles City. I'm from
17 Billings. I'm a real estate broker and I
18 travel a lot. I get around Montana and all
19 over the country. I've got a lot of friends in
20 the Tongue River Valley. And in the interest
21 of full disclosure, I have two ranches listed
22 in the Tongue River.

23 I can't imagine putting a railroad
24 down something that is as pristine and
25 beautiful and one of the most game-rich places

1 that I've ever seen. I know we have to develop
2 our resources, but that valley and the people
3 in it are what makes this country great. And
4 you will be destroying their livelihood if you
5 build this railroad; you'll be destroying their
6 way of life, the way it has been. Yes, they
7 will still be there, they will still be
8 ranching, they will still be farming, but it
9 won't be like it has been. And it would be a
10 shame to do that. Thank you.

11 MR. GRAVES: Yes, sir.

12 MR. DEAN SEIFERT: This is entirely
13 too serious. So I'm going to have a little bit
14 of humor. Mr. Clint Eastwood -- I notice Mr.
15 Gustafson is not here tonight.

16 MR. GRAVES: Can you say your name?

17 MR. DEAN SEIFERT: Dean Seifert,
18 S-e-i-f-e-r-t.

19 Mr. Gustafson, apparently, I would
20 like to ask you, Mr. Gustafson, how is your
21 Chinese? What? You don't speak Mandarin?
22 Shucks.

23 If everything goes through according
24 to the coal industry, if coal is so damn vital
25 to our energy needs presently and in the

1 future, why would we want to send our natural
2 treasure overseas to the Chinese, who don't
3 like us very much, except, like the rest of the
4 world, we buy a bunch of their junk. What's
19:51:23 5 the matter? You can't answer that? Son of a
6 gun.

7 Oh, Mr. Buffet, I see you're not here
8 tonight either. Ah, shucks, oh, dear. You
9 made a bad investment. Sorry to tell you.

19:51:37 10 On a more serious note, after
11 fighting two years to get two federal employees
12 fired from the BLM because they didn't know
13 their jobs, and they didn't think that I
14 mattered, well, I'll tell you what, they are
19:51:52 15 only drawing 80 percent of their wage right
16 now. It took me two years and everybody told
17 me I couldn't get it done. I got it done.
18 Tell me I can't get it done.

19 This railroad is beyond belief, Mr.
19:52:08 20 Buffet, Mr. Gustafson. And just for a little
21 bit of history, in 1862 the Sioux in Minnesota,
22 they had a little uprising because there were
23 too damn many Norwegians and Swedes
24 homesteading on the prairie. So the
19:52:27 25 reservation was a mile wide and about 25 miles

1 long. How are we supposed to feed ourselves?
2 Well, the Indian agent at the time, about six
3 weeks before the line was crossed, said, well,
4 you'll just have to eat grass. He was one of
5 the first ones that got that war ax between his
6 ears. When General Sibley and the troops that
7 had to be withdrawn from the civil war, Lincoln
8 had to send them down there, you know, the
9 country had a little thing on its mind, but
10 they had to send General Sibley out there. I
11 can't remember, Johnny What's His name,
12 whatever, he's kind of insignificant. You know
13 what? He had a mouth full of grass.

14 Mr. Gustafson and Mr. Buffet, can you
15 imagine where that first rail is going to go if
16 the Tongue River Railroad gets built?
17 Because, unlike you, I've had enough.

18 And like Wally McRae, sad to say
19 after fighting with the federal government and
20 BLM, these scoping meetings, decisions have
21 already been made. Let's hope it was the right
22 one.

23 Oh, and, yeah, for what it's worth,
24 I'm as popular as syphilis at the senior class.

25 MR. GRAVES: Is there anyone else who

1 has not yet spoken tonight that would like to
2 offer a comment?

3 Anyone who has spoken, I think Ms.
4 Dunphy, would you like to come on up?

19:54:24 5 MS. MARY CATHERINE DUNPHY: For
6 anyone who wants more scientific information
7 about global warming in detail, I refer them to
8 the NASA website. There James Hansen has been
9 at the Goddard Institute for Space Studies in
10 New York, he's also an adjunct professor in the
19:54:53 11 Department of Earth and Environmental Sciences
12 at Columbia University. He is best known for
13 his research in climatology and his testimony
14 in climate change to congressional committees
19:55:09 15 that helped raised broad awareness of global
16 warming and his advocacy of action to avoid
17 dangerous climate change. In recent years
18 James Henson has become an activist for action
19 to mitigate to avoid to mitigate the effects of
19:55:24 20 climate change, which on a few occasions have
21 led to his arrest. In 2003 James Hansen wrote
22 a paper called, Can We Diffuse The Global
23 Warming Time Bomb? In which with he argues
24 that human-caused forces on the climate are now
19:55:40 25 greater than natural ones, and this, over a

1 long time, can cause large climate changes.

2 Hansen has also contributed to the
3 understanding of black carbon upon regional
4 climate, and he's also studied areas in China
5 that burn a lot of fuel, making things for the
6 rest of the world to buy.

7 The United Nations Framework
8 Convention On Climate Change is an
9 international environmental treaty that has the
10 objective of stabilizing greenhouse gas
11 concentrations in the atmosphere at a level
12 that would prevent dangerous anthropogenic
13 interference with the climate system. So
14 basically the scientists are saying that we are
15 gassing the planet.

16 For some reason the rise and fall of
17 the Third Reich comes to my mind. Our
18 scientists say that our decisions will either
19 include life for humanity or cause misery and
20 suffering for humanity.

21 Are we committing crimes against
22 humanity by building a railroad to transport
23 coal to China? We are hurting both them,
24 because they will be near where it's burning
25 and they don't have very good environmental

1 controls, and they will get all the particulate
2 damage in their lungs, but we'll also get the
3 carbon dioxide in the air and the mercury, and
4 there are handouts that I'll give you that give
5 you other effects of burning coal.

6 Trains were built to take the gas
7 pellets to the gas chambers in Nazi Germany.
8 Building the Tongue River Railroad is kind of
9 like that. We are building a railroad that
10 will ship coal to China where there are fewer
11 environmental laws. The coal burned will
12 increase carbon dioxide in the atmosphere and
13 humanity in all species will suffer, that's
14 animals and plants. The scientists are telling
15 us this. Some have even won the Nobel Peace
16 Prize for their research. We should listen to
17 what they are saying.

18 At first I thought it was about
19 breathing when I read about the 400 parts per
20 million. I guess we'll be able to breathe. I
21 don't know how high it will get. But the
22 problem is the heat. Plants won't grow. We've
23 had a horrible drought in the United States
24 this year. There will be food shortages,
25 oceans will be rising. The polar bear is maybe

1 declining. Santa Claus won't be able to live
2 on the north pole. There won't be a north
3 pole.

4 Is that what we want our legacy to be
19:58:24 5 here in eastern Montana, that we supplied the
6 fuel to gas the planet and help destroy
7 humanity?

8 It's also got me thinking about
9 crimes against humanity and the meaning of
19:58:38 10 aggression. People today were talking about
11 the schools and the money that could be used to
12 build schools here in Miles City because their
13 bond campaigns, I forget what the terminology
14 is when they try to get money for schools. But
19:58:54 15 you know, humanity might not be able to live --
16 I don't think schools are the problem. It's
17 more about food and places to live.

18 I've been thinking a lot about crimes
19 against humanity and the meaning of aggression.
19:59:14 20 I keep thinking about the companies in Nazi
21 Germany who made money during the Nazi regime,
22 companies like IBM, Chase Bank, Ford, General
23 Electric, Kodak.

24 And I'm also thinking if we ignore
19:59:33 25 the evidence of scientists and go ahead with

1 something like this, that we are also in
2 violation of the United Nations Declaration of
3 Human Rights.

4 So there's a lot to think about when
5 you're making your decision. There is short
6 term economic gain, versus long term survival
7 of people both here in the United States and
8 China. I feel sorry for the Chinese because
9 they have horrible air pollution, they have
10 very few environmental controls. I wouldn't
11 want to live there. We have a pristine
12 environment here in eastern Montana. I used to
13 live in Washington, DC, I was a legal secretary
14 there for eleven years. I'm really glad to be
15 back in eastern Montana.

16 By the way, I ride a bike. I'm
17 probably am the only person who came here
18 tonight on a bicycle. I haven't had a car -- I
19 have had a car my adult life but I really have
20 tried to keep my carbon footprint low. Here in
21 Miles City people ride bikes when they have DUI
22 offenses and they can't drive a car. And I
23 think some people must think I'm a DUI person.
24 But it's really keeping a low carbon footprint.
25 That's it. Thank you everybody.

1 Here are my handouts that I'd like to
2 attach.

3 MR. GRAVES: Anyone else who would
4 like to offer a comment tonight?

20:01:19 5 MR. KELLY RADUE: Yes. I'm Kelly
6 Radue. I spoke a little bit ago. I'd like to
7 add something.

8 In conversations with my neighbors,
9 the ranchers out there, in conversations with
20:01:38 10 my fellow members of the Northern Plains
11 Resource Council, I've heard time and time
12 again that if this coal were necessary to keep
13 our fellow Americans warm, if they were cold in
14 New York City or Chicago, or they didn't have
20:01:57 15 electricity, we would be willing to make this
16 kind of a sacrifice. But that's not the case.
17 This coal is going to China. This should be
18 called the Otter Creek to China Line.

19 And I really strongly encourage you
20:02:12 20 to select the No Action Alternative.

21 Thank you much. And I appreciate you
22 being here.

23 MR. GRAVES: Would anyone else like
24 to make a comment tonight?

20:02:39 25 MR. WALLACE McRAE: I'm Wally McRae

1 again.

2 I think that it's important that
3 everyone here and everyone that came to visit
4 us understands how this most recent development
5 in the Otter Creek coal came about.

6 There was a gold mine proposed just
7 north of Yellowstone Park on Soda Butte Creek
8 that drained into Yellowstone Park. Under the
9 1872 mining law, all kinds of people went in
10 there and took a claim. Cost \$5 to make a
11 claim. And there were these gold mine patents
12 scattered all over that country, and if those
13 mines were developed, especially with cyanide
14 leaching, it would be going into Soda Butte
15 Creek, into Yellowstone Park, into the Lamar
16 River. This was unacceptable to the people in
17 the area. The Greater Yellowstone Coalition
18 demanded that those mineral claims be
19 condemned, taken away from the people that had
20 them. And they were. They lost their property
21 rights. There are no gold mines and never will
22 be gold mines there. The State of Montana
23 complained bitterly, and said we've lost all
24 kinds of taxes that the employees of those
25 gold mines, that the companies would pay. The

1 federal government, in their action, has
2 deprived the State of Montana a lot of money.
3 The federal government agreed. And to
4 compensate the State of Montana, they found
5 some coal.

6 EOB, east of Billings, where one of
7 our candidates said that there's nothing out
8 there. And that's what they gave with a
9 pittance to lease was the Otter Creek coal. So
10 we are going to be condemned twice: Once out
11 of Yellowstone and once on the Tongue River.
12 Two wrongs don't make a right.

13 MR. GRAVES: Would anyone else like
14 to make a comment this evening?

15 MR. DEAN SEIFERT: I would like to
16 add to my remarks.

17 According to what I've been reading
18 in the *Billings Gazette*, if they get those
19 ports out on the west coast and the coal pits
20 continue to operate and Arch and Peabody and
21 anybody else, Sunlight -- where do they get
22 that name, I have no idea -- maybe I have an
23 idea -- at full production by the year 2030
24 they would be sending 500 million tons a year
25 over to the east, across the Pacific, mainly to

1 China, South Korea, Japan. And there, again,
2 nothing against those people. China, and this
3 is from the coal industry's spokesman, makes up
4 2 percent of their energy needs.

20:06:53 5 When I was a little boy, mom was
6 constantly frying up liver, you know, we did
7 our own butchering on the farm -- God, I was so
8 glad to turn 18 and leave -- but when I was a
9 little kid, if you don't clean your plate and
20:07:11 10 eat that liver, eat some nasty stuff, you have
11 to think about all the starving Chinese.
12 Sorry, mom, even at age 89 you were wrong then.
13 Unfortunately, not nearly enough Chinese would
14 starve.

20:07:27 15 China gets the energy. Mr. Buffet
16 and Mr. Gustafson, a few people working in the
17 mine, and the Californians that are going to
18 build the railroad, or at least that was the
19 rumor I heard a couple years ago -- sorry,
20:07:44 20 guys, if any of you proponents want those jobs,
21 you might get a truck driving job, and that's
22 about it. And we get peace and quiet, wildlife
23 habitat, several hundred displaced families
24 because of farms and ranches, that actually
20:08:06 25 produced something usable, food, I just don't

1 see it. And, you know, there, again, I'm very
2 much in favor of the no action.

3 I would really hope seriously, guys,
4 the final decision, although you probably got
20:08:27 5 somebody over you, I'm willing to bet that they
6 sent you out here to kind of mitigate, or at
7 least listen. You better have your ears open
8 on this one. You really need your ears open,
9 because my line has been crossed a long time
20:08:49 10 ago.

11 These scoping meetings, I've been
12 through this, this is not my first rodeo, or my
13 first war, or my first battle. My intention
14 here -- the only reason I'm getting up here and
20:09:04 15 doing all this heart-felt emotional stuff, I
16 hunted out there, I fished out there, I've
17 lived out there for 16 years. I've been in
18 Miles City for 25 years. I came from Kansas, I
19 lived in Oklahoma for a while, I worked in
20:09:21 20 Louisiana, Texas, Arkansas, Nebraska. I've
21 been other places. I've seen what the rest of
22 the world is like. I didn't come to the State
23 of Montana, and eastern Montana in particular,
24 and the Tongue River Valley, because it had
20:09:39 25 coal mines, railroads, and high paying jobs.

1 Peace of mind is, the old commercial, priceless.
2 You can't take it to the bank. It's pretty
3 damn critical.

4 For what it's worth, the engineers
5 on -- if you absolutely have to build it, build
6 the damn thing, the shortest route between two
7 given points is a straight line, and you can
8 push more than you can pull. You know, if it's
9 just absolutely comes down to that, the
10 shortest way is build from Colstrip. You don't
11 have that much of a grade and you can extend
12 out, and at Colstrip you join into another
13 railroad that's in a flat creek valley that's
14 already ruined for all intents and purposes and
15 then you can join up.

16 That's about it. If I say any more
17 I'll just get too long-winded. Thank you. No
18 Action Alternative, please. That's the last
19 time I'll say please.

20 MR. GRAVES: Would anyone else like
21 to make a comment this evening?

22 We'll have a few closing comments
23 from Ken and then we'll be adjourned.

24 MR. BLODGETT: I would just like to
25 thank everybody for coming tonight and

1 providing input to the Surface Transportation
2 Board's Environmental Review Process. All your
3 comments and concerns are being heard, and your
4 comments can be provided in writing through
5 December 6, via our website, or just send a
6 letter to the Surface Transportation Board.
7 There will be scoping meetings tomorrow night
8 in Lame Deer at Chief Little Wolf Capitol
9 Building at 2 o'clock and 6 o'clock. So I
10 would encourage anybody to attend that is able.

11 And, again, we thank you for your
12 participation in the process.

13 Thank you.

14 (Meeting closed.)

15 CERTIFICATE OF REPORTER

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

22
23
24 Certified Court Reporter
25

20:11:33

20:11:56