

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

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Re: Proposed Tongue
River Railroad Project)

TRANSCRIPT OF PROCEEDINGS

Chief Little Wolf Capitol
Lame Deer, MT
November 16, 2012
2:00 p.m.

APPEARANCES

Ms. Cathy Glidden, 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
3 MS. GLIDDEN: Welcome. Cathy
4 Glidden from the Surface Transportation Board.
15:01:12 5 Thanks to so much everybody for coming tonight.
6 I really appreciate it and for providing us
7 with this wonderful space.

8 Thanks so much again for attending
9 this public scoping meeting. The purpose of it
15:01:27 10 is to discuss the Environmental Impact
11 Statement, and its for the proposed Tongue
12 River Railroad. My name is Cathy Glidden, and
13 I'm with the Surface Transportation Board, and
14 I'm with the Office of Environmental Analysis.
15:01:43 15 Also seated with me is Alan Summerville, and
16 he's with ICF International, and he's the
17 project manager. He's with our third-party
18 contracting team. And Scott Graves, also with
19 ICF International. He will serve as our
15:02:00 20 facilitator for the meeting.

21 The Surface Transportation Board is a
22 federal agency responsible for granting
23 authority for the construction, operation of
24 new rail lines and associated facilities. On
15:02:15 25 October 16, 2012, the Tongue River Railroad

1 Company filed a revised application with the
2 Board to construct and operate a new rail line
3 from Miles City, Montana, to two end points
4 near Ashland, Montana. We do have maps here
15:02:29 5 that show the proposed application. And we
6 also have some handouts that that have the
7 maps. If you want to grab those for your own
8 use, please feel free.

9 So the Board is the lead federal
15:02:53 10 agency for preparing the Environmental Impact
11 Statement which will identify and evaluate
12 potential environmental impacts associated with
13 the proposed action and alternatives. We also
14 have four cooperating agencies working with the
15:03:05 15 Board and preparing the Environmental Impact
16 Statement. The Bureau of Land Management, the
17 Army Corps of Engineers, the United States
18 Department of Agriculture, and the Montana's
19 Department of Natural Resources, which is the
15:03:20 20 lead agency for other Montana's agencies.

21 These cooperating agencies have
22 decision-making authority which is independent
23 of the Board and are agencies from which the
24 railroad will obtain separate approvals or
15:03:30 25 permits. Some representatives of these

1 agencies, I believe, are present this afternoon.

2 This meeting represents one of the
3 first opportunities in the Environmental Review
4 Process for members of the public to provide
15:03:46 5 input to us about its environmental concerns,
6 about your environmental concerns related to
7 the construction and operation of the proposed
8 rail line, including the potential alternatives
9 and their impacts. Our hope is that the
10 information you provide today will help frame
11 our analysis and help us understand your
12 concerns about the proposed action and
13 potential alternatives. The public comment
14 period will last until December 6, 2012. We
15:03:58 15 will then revise the Draft Scope of Study and
16 issue a Final Scope of Study incorporating
17 public comments and concerns received during
18 the comment period. We will consider all
19 comments received when preparing the Final
15:04:14 20 Scope of study. There is additional
21 information of the Board's Environmental Review
22 Process at the Environmental Review Process
23 Station, which is right over here.

24 After the Scope of Study is finalized,
15:04:48 25 we will look at preparing a Draft Environmental

1 Impact Statement. The Draft Environmental
2 Impact Statement will reflect our independent
3 analysis of the potential environmental impacts
4 that could result from the construction and
15:05:03 5 operation of the proposed rail line. The Board
6 will then issue the Draft Environmental Impact
7 Statement and the public will have the
8 opportunity to read and comment on the Draft
9 Environmental Impact Statement during a formal
10 comment review period, which will include a
15:05:11 11 series of public meetings similar to this one.

12 After the Draft Environmental Impact
13 Statement public comment period has come to a
14 close, we will consider all comments received
15:05:22 15 and address each comment in a Final
16 Environmental Impact Statement. The Final
17 Environmental Impact Statement presents the
18 Final conclusions and recommendations for
19 mitigating possible environmental effects.
15:05:34 20 Issuance of the Final Environmental Impact
21 Statement completes the Board's Environmental
22 Review Process. The Board will then make a
23 final decision on the proposed rail line
24 construction.

15:05:42 25 In making the final decision, the

1 Board will consider the entire environmental
2 record, including all public comments, the
3 Draft Environmental Impact Statement, the Final
4 Environmental Impact Statement, and Final
5 recommended environmental mitigation. No
6 project-related construction may begin until
7 the Board's final decision has been issued and
8 has become effective.

9 I want to say a little bit about the
10 format. If you have not already done so,
11 please sign in at the table located right over
12 there in the front there. Those who have
13 indicated that they would like to make a public
14 comment on the scope of study, which will be
15 recorded by the court reporter, will be called
16 upon to speak in the order in which they signed
17 in.

18 I would like to thank you all in
19 advance for your cooperation and courteousness
20 toward those who are speaking. Because of
21 limited time, we are going to be limiting each
22 person to five minutes so everyone is given an
23 opportunity to speak.

24 If you would like to provide a
25 handwritten comment, comment forms are right

1 there. So if you want to -- don't want to
2 speak in front of people, you can do that.

3 Handwritten comments can be placed in
4 the comment box. Written comments may also be
15:07:02 5 mailed to the Board or submitted electronically
6 using the Board's website. And oral and
7 written comments will be given equal weight in
8 consideration. All comments are due December
9 6, 2012.

15:07:15 10 Alan Summerville will now be taking
11 over a bit and providing a little bit more
12 information with the project.

13 MR. SUMMERVILLE: Good afternoon.
14 During the first half of the meeting we
15:07:33 15 provided information on the project. Now I
16 would like to summarize that information for
17 those of you who weren't here for the first
18 half meeting or provide a recap for those who
19 were.

15:07:43 20 The Tongue River Railroad Company's
21 principle purpose for the new line is to
22 transport low sulfur sub-bituminous coal from
23 the proposed mine sites in Rosebud and Powder
24 River Counties, including the proposed mines in
15:07:58 25 the Otter Creek area. The Tongue River

1 Railroad Company is proposing to construct and
2 operate an approximately 83-mile rail line
3 between Miles City and two ending points, one
4 near the previously planned Montco Mine near
15:08:15 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.

15:08:29 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
15:08:43 15 utility corridors; two passing sidings, one
16 near Milepost 27 and the other near Milepost
17 46; and ancillary facilities, including six
18 set-out tracks between 500 and 4000 feet in
19 length to provide for temporary storage of cars
15:09:00 20 requiring repair and for storage of maintenance
21 equipment.

22 At a minimum, the Office of
23 Environmental Analysis is considering the
24 alternatives analyzed in the Tongue River I
15:09:15 25 EIS, the Tongue River Road Alternative, the

1 Moon Creek Alternative, the Colstrip Alternative,
2 as well as the No Action Alternative.

3 As part of its alternatives
4 development process, the Office of Environmental
15:09:28 5 Analysis is determining the feasibility of
6 these and other potential routes. The Office
7 of Environmental Analysis welcomes public
8 comments on these and other potential
9 alternatives.

15:09:38 10 Alternatives will be evaluated based
11 on public and agency input, as well as
12 environmental, technical and engineering
13 considerations, including curvature and grade
14 of the rail line, and topographic features such
15:09:53 15 as steep slopes and hills, as well as factors
16 such as geology, flood plains, wetlands, rivers
17 and streams.

18 EISes can cover a wide range of
19 topics. In this particular EIS, the Office of
15:10:12 20 Environmental Analysis plans to cover
21 transportation systems, safety, land use,
22 recreation, biological resources, water
23 resources, navigation, geology and soils, air
24 quality, noise and vibration, energy resources,
15:10:30 25 socioeconomics, cultural and historic

1 resources, aesthetics and environmental justice.

2 Additional resource subject areas can
3 be added as a result of comments and
4 information received during the scoping
15:10:47 5 process. The purpose of the public scoping
6 meetings is to provide a forum in which the
7 Office of Environmental Analysis can gain the
8 public's input on potential alternatives, or
9 important impacts that may or may not be
10 currently in the Draft Scope of Study.

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

15 MR. GRAVES: Thank you, Alan. Because
16 of the setup we have here this afternoon, we've
17 got folks on the left and the right here. I'll
18 bring the microphone over to each side depending
19 on where you are, and then you can speak from
15:11:13 20 that side, so you don't have to wander around
21 up here too much and get tangled up in the
22 cords.

23 As Cathy indicated, we have a five-
24 minute limit on initial comments. What we'll
15:11:42 25 do is go through each of the people who have

1 already signed up to speak. Then after
2 everybody who signed up to speak, if anybody
3 who hasn't yet spoken would like to offer a
4 comment, we'll do that. And then after
5 everybody who has finished making comments, if
6 anybody would like to speak again who has made
7 a comment, we'll go forward and do that, and
8 then we will just continue until we are
9 finished for the afternoon.

10 The first person on the list is
11 Senator Robert Hawks.

12 SENATOR ROBERT HAWKS: Good
13 afternoon, Members of the Board. My name is
14 Robert Hawks. I serve the Senate District 33
15 from Bozeman. I'm finishing eight years of
16 service in the State Senate, and I have had
17 considerable exposure through that period to
18 the issue that you have before you, although my
19 interest or my comments will probably be more
20 directly given with regard to cultural and
21 historic fabric for the community.

22 And, I guess, the easiest way to
23 frame that for you is my grandfather's uncle
24 perhaps was the first white man to come into
25 the Tongue River Valley in 1877, and then my

1 grandfather came in a short time later, they
2 had holdings in the Upper Tongue River area,
3 and in fact we still own the family ranch,
4 small ranch, in that area. So we are
5 intimately involved with the valley and the
6 quality of life, the ranching environment that
7 has developed in this valley over those 140 --
8 125 years. A lot of people came in in the
9 1880s, I think, in the beginning.

10 Now, there was an inventory, historical
11 cultural inventory, worked on probably two to
12 three years ago by the Montana Preservation
13 Alliance, affiliated with the Historical
14 Society, State of Montana. There was discussion
15 at that time that there was enough evidence to
16 suggest that there could be a submission to the
17 National Trust as a region, a ranching region.
18 I should add, that I'm also an advisor to the
19 National Trust For Historic Preservation, and I
20 have not been informed of any application to
21 that effect. Now, I cannot tell you as to
22 whether that inventory included the Lower
23 Tongue River or just the upper portion. I
24 think the intent was to cover the valley. But
25 I don't know how far along it's come. So I

1 think there's a resource there for you, and the
2 Director of the Montana Preservation Alliance
3 is Cher Jiusto, J-i-u-s-t-o, and her offices
4 are in Helena.

15:15:07 5 Now, I'm here today not only to
6 share, if you will, this particular aspect of
7 it, but I'm here to learn, and I'm very
8 thankful for what you've presented to us so that
9 we can begin to get our arms around it. Although
10 it's been around a long time, it reinvents
11 itself as it comes back.

12 There is one overwhelming
13 characteristic that to those of us that come
14 into this Valley from the outside, and that is
15 that there is a very pleasant balance between
16 the population, the inhabitants, and the
17 environment here. They have, over those
18 hundred years, worked out a really true balance
19 with the valley and its resources and have
20 managed to survive very nicely here.

15:15:57 21 It is a delicate region with regard
22 to soils and salinity in the water and lots of
23 other drought related influences. So it isn't
24 difficult to disrupt this environment because
15:16:19 25 it does sort of hang in a delicate balance.

1 And I would suggest to you that the
2 quality of life issue is the thing that we need
3 to wrap our arms a around here to see what sort
4 of an impact this rail construction might have,
15:16:37 5 in that we have this long term cultural
6 historic fabric, if you will, to lay up against
7 short term gain that will come with the
8 building of the railroad. And that's a
9 difficult decision for anyone who has any sense
15:16:54 10 of energy needs and other things that are going
11 on, although the equation seems to be tipped
12 when you think of it being shipped out of the
13 country.

14 So I don't want to weigh in on that,
15:17:04 15 I just want to suggest that this is something
16 that should be considered in your deliberations
17 as you go forward. And I thank you very much.

18 MR. GRAVES: Next is Ben Bahr.

19 MR. BEN BAHR: Ben Bahr, B-a-h-r.

15:17:34 20 I'll just read off what I wrote up
21 here. I attended one of the meetings over in
22 Ashland, the St. Labre, regarding this Tongue
23 River Railroad. During that meeting I heard
24 many negative comments against the railroad and
15:17:57 25 coal mine. Several comments stood out, as

1 someone's mentioned, all the negative impacts
2 to the land and air, to our culture and
3 environment, the loss of agricultural property
4 et cetera. There were fully no public comments
15:18:14 5 in favor of the railroad of about a hundred
6 people.

7 Many of the people are concerned of
8 their property being affected and a liability
9 created for the cost that they will have to pay
10 for, not the railroad or the coal mine, like
15:18:28 11 the wells, grass, fire, servicing railroad
12 crossings, deaths, collisions, et cetera.

13 As far as our information that comes
14 out to the tribal membership, there's really
15:18:44 15 been a lack of it. Our tribal membership
16 haven't been fully informed of all the cultural
17 environmental impacts of this development. If
18 this occurs, you know, someone needs to step up
19 from our tribal government to address this
15:19:07 20 information to help get our people informed of
21 all the cultural and environmental impacts and
22 other impacts that are inevitable if this
23 development occurs.

24 There's many questions that arise,
15:19:25 25 like the impacts to our culture, our

1 sovereignty, our identity, self-determination.
2 The Tongue River Valley is at stake here. A
3 question of how it will impact our Class I air
4 designation, how will that be affected. Some
15:19:45 5 of our people here haven't really been consulted
6 on this. I feel like they are putting the cart
7 before the horse. The coal mine, you know,
8 like someone said, has to be a viable mine, and
9 based on the water resources there in Otter
15:20:06 10 Creek, there's no baseline data to draw off of.
11 If there was any type of problems that occur or
12 arise, you need some kind of baseline data to
13 determine who's going to pay for it. As it is,
14 it looks like the ranchers and the tribe will
15:20:23 15 be paying for that, not the coal mine or the
16 railroad.

17 So, therefore, the coal mine is
18 questionable, based on that lack of quantity of
19 water and baseline in that area.

15:20:41 20 So, also, questions about the
21 engineering problems that would be created
22 along the river if a railroad is built.
23 There's many shear walls right up to the river,
24 cliff banks. There's other questions regarding
15:20:57 25 the Indian Homestead Act, all of those old

1 homesteads that still exist and weren't
2 properly extinguished. So that definitely
3 needs to be addressed and reviewed. And water
4 rights.

15:21:14 5 I'll go on here. So with so much
6 opposition to this railroad that I see, it
7 makes it questionable. Someone was talking
8 about all of the berm, that the railroad tracks
9 will block the cattle and wildlife from
10 drinking the river water. The sheet water runs
11 off the hills and across the fields will be
12 blocked by this railroad track, so it will
13 cause erosion and redirected to flow back
14 around into the river. All the erosion that
15 happens from that.

16 Let's see here. It will also block
17 ambulances. Someone mentioned if a train is
18 running and they need to get to someone's
19 property and they are having an emergency, that
20 person may not make it if a train is going by.
21 Not to mention all the pollution and fire and
22 health problems that will increase from the
23 coal dust and transporting coal. I think
24 that's a big one.

15:22:32 25 Many of the archeological and tribal

1 cultural properties will be destroyed if this
2 railroad and coal mine is constructed.

3 All the culture and identity will be
4 negatively impacted. The Tongue River Valley
15:22:47 5 is a pristine valley with animals, fish, birds
6 and others will be negatively affected or
7 destroyed. This valley is only one of its kind
8 in the region in southeast Montana.

9 There have been old encampments that
10 were found over there. Those definitely need
15:23:06 11 to be addressed in this NEPA process, property
12 with environmental justice for the Northern
13 Cheyenne people.

14 So this NEPA process definitely needs
15 to be re-evaluated. There's been a lack of due
15:23:29 16 diligence to handle that properly, all that EIS
17 NEPA information. You know, I notice there's a
18 lot of tribal people that are against this
19 railroad and coal mine. So a lot of the ranch
15:23:54 20 families up and down the Tongue River, they are
21 also against it. But in a sense, too, these
22 ranchers across there, what do they do for us?
23 Do they allow us on to their property to look
24 at all the tribal culture property? Do they
15:24:13 25 help with employment? Do they employ us?

1 No, they don't. So there may be some benefit
2 to this railroad for other types of industry
3 besides coal. That's what I see in developing
4 that railroad. But I don't like the coal
15:24:30 5 mine. The railroad may provide some industry
6 and economic benefit for us in the long term.

7 So that's a big issue when it comes
8 to environmental and cultural impacts and
9 helping us protect Northern Cheyenne culture
10 and our environment and our homelands. This
15:24:57 11 land was ours for hundreds of years. These
12 types of developments make all of this
13 questionable.

14 So I had some time to think about is
15 this. Originally, I was really against the
15:25:22 16 railroad and the coal mine, but after I looked
17 this over quite a bit, I do see some benefits
18 into the railroad, but like the gentleman said
19 over here, you know, if it's being shipped out
15:25:39 20 of the country, then it's a negative for us.
21 They should be able to bring some economic
22 benefits for us.

23 But at this point I would say no
24 action in terms for the analysis and follow up
15:26:02 25 on environmental justice. I thank you.

1 MR. GRAVES: Next Jim Atchison.

2 MR. JIM ATCHISON: Thank you. Jim
3 Atchison, A-t-c-h-i-s-o-n.

15:26:33

4 I would like to thank the Surface
5 Transportation Board and the related
6 consultants for coming out to eastern Montana
7 this week. I know it's been a long week for
8 you. It's good to have you come out to listen
9 to some of our concerns and comments. We
10 certainly appreciate that.

15:26:41

11 For the record, I'm the Executive
12 Director of Southeastern Montana Development.
13 It's important to note that we are a regional
14 nonprofit economic development group, and do
15 whatever we can to create economic activity
16 within the four counties of Custer, Rosebud,
17 Powder River and Treasure, including the
18 Northern Cheyenne Indian Reservation in Rosebud
19 County. We have numerous tools in our tool box
20 to do that. Certainly job creation and
21 retention, but creating a tax base, improving
22 the tax base for the cities and counties is
23 also important as well. We work with not only
24 the private sector in creating those jobs, but
25 the public sector to find grants and

15:26:53

15:27:08

15:27:20

1 infrastructure improvements and things like
2 that. But we also partner with other nonprofits
3 to maximize or leverage scarce resources which
4 we have out here in eastern Montana. There's
5 never enough time, effort, or money to do what
6 we need to do. And so we partner with a lot of
7 different groups to make those things happen.

8 Our board of directors and our
9 organization is in full support of the railroad
10 and the proposed Otter Creek Coal Mine. We
11 feel that the economic benefits far outweigh
12 the perceived impacts that will occur. We all
13 understand there will be impacts that do occur,
14 but we feel that with proactive planning and
15 effective communication we can minimize those
16 impacts greatly, yet maximize the benefits
17 which will be tremendous.

18 I did testify earlier in the week and
19 I wanted to add some additional comments on
20 planning, as we feel proactive planning is
21 definitely a plus here. About a year and a
22 half ago our organization decided that with the
23 pending Otter Creek and the railroad and other
24 development within the region, pipelines, et
25 cetera, et cetera, we started the process to

1 create an internal planning position in our
2 organization. It's taken us about a year and a
3 half. We still don't have all the funding in
4 place. We are a small nonprofit, so we have to
15:28:41 5 scrape and claw and fight for every dollar we
6 can accumulate and budget. We don't have a lot
7 of outside money that comes into our coffers.
8 But about a year and a half ago we started this
9 process. We are almost there. And probably
10: 10 first of the year we will start the interviews
11 and the process to create that position.

12 This position will be tasked to help
13 all the major stakeholders within the Otter
14 Creek and the Tongue River Railroad project
15:29:06 15 come to the same people. There will be an
16 invitation to all of those groups. We feel
17 that we are probably the only regional group
18 that has a direct say in that in those four
19 counties with these projects.

15:29:18 20 That person will certainly be very
21 proactive on the process and work with those.
22 So we'll see how that goes. And hopefully we
23 can minimize those conflicts and improve the
24 communication, which we've heard all week long
15:29:32 25 is an issue.

1 Secondly, the second planning
2 component I wanted to share with the Board is
3 about earlier this year three other
4 organizations, including ours, four economic
5 development groups in eastern Montana, because
6 of the Bakken oil and gas impacts that were
7 occurring in the northeast part of the state,
8 formed the Eastern Montana Impact Coalition,
9 and that is -- we cover 16 counties from the
10 Canadian border to the Wyoming border along the
11 North Dakota-South Dakota border, and we are
12 trying to leverage those scarce resources
13 again, federal, state funding, and potentially
14 foundation funding, and any corporate funding
15 that we can scrape together to help primarily
16 with the Bakken oil and gas impacts that are
17 occurring in Culbertson and Sidney and
18 Glendive, anything east of Miles City now we
19 are seeing some ripple affects from the Bakken
20 oil and gas development. A lot of these small
21 communities and counties have no planning
22 efforts. They have no funding. Infrastructure
23 is way behind, and so it's a big challenge, and
24 we hope that once the Otter Creek development
25 is here and the railroad starts to go through,

15:29:45

15:30:00

15:30:14

15:30:27

15:30:43

1 then this position, these positions, will be
2 able to help with proactive planning. We
3 received some grant funding already. We've
4 hired one employee, a full time planner, to
5 help the coalition through that process.

6 So those are some additional planning
7 efforts I think that are proactive and we are
8 going to attempt to certainly improve the
9 communication with all the major stakeholders
10 within not only this project, but throughout
11 eastern Montana as well, including the Bakken.
12 So I wanted to make sure the Surface
13 Transportation Board heard about that and we
14 certainly can answer or give you more information
15 as this thing he evolves. And we will be
16 sending in some written comments before the
17 deadline as well, too. Thank you.

18 MR. GRAVES: Kenneth Medicine Bull.

19 MR. KENNETH MEDICINE BULL: Kenneth
20 Medicine Bull, M-e-d-i-c-i-n-e, B-u-1-1.

21 I would like to thank the Surface
22 Transportation Board for coming out here and
23 hearing our comments, pro, con, whatever. I
24 make my home over there in Birney, two miles
25 east of Birney next door to the Tongue River.

1 I call it the beautiful Tongue River Valley.

2 My people, the So'taeo'o people, were
3 here on this continent way before Columbus.
4 This is our land. My old people always talk
5 about how did the non-Indian started claiming
6 this land? Other people who weren't even
7 living here. They open this up for homesteads
8 and everything. But they never dealt with us,
9 those of us that owned this land rightfully, it
10 was God-given to us. God gave it to us. And
11 we are still here.

12 The United States government tried to
13 wipe us out. And we took care of it at the
14 battle of the Little Bighorn. Their agent,
15 George A. Custer, and his 246 cavalry came over
16 to try to wipe us out. But our scouts were
17 already ready. The Cheyenne, Arapaho, and
18 Sioux were there.

19 The So'taeo'o was already ready for
20 him. We foresaw it coming. We were ready when
21 Custer showed up. So we were out there
22 fighting Custer and his men. The Cheyennes
23 were holding our horses, and the Sioux were
24 having a duck and dive contest and the Arapaho
25 were peaking over the hill like this to see

1 what was going on. When it was all over, they
2 are the ones that got all the credit. My
3 people, the So'taeo'o people, are related to
4 the Cree people from Canada. The Cheyennes
15:34:39 5 call us the Little Tree Talkers. I wanted to
6 express that, because I didn't have enough time
7 in Ashland.

8 So we were never consulted with this
9 Tongue River Railroad or the proposed Otter
15:35:02 10 Creek coal development. There's two tribes
11 that live on this Northern Cheyenne
12 Reservation. The So'taeo'o, us, and the
13 Northern Cheyenne. We are members of the
14 Northern Cheyenne Tribe Incorporated, which is
15:35:18 15 nonhuman. It's a corporation on paper. So
16 whatever the Northern Cheyenne Tribe by their
17 representatives agreed to, to whatever they
18 agreed to to this development, the So'taeo'o
19 people were never privy to that.

15:35:42 20 So as far as I'm concerned, I'm one
21 of the Sun Dance priests for this tribe. I'm
22 considered a sacred grandfather. I stood up
23 for my people when I put up the Sun Dance, and
24 this Sun Dance represents to renew the whole
15:36:08 25 world. And I live over there where there's

1 going to be the most noise pollution, pollution
2 from the diesel, dust from the blasting that's
3 going to occur every day, and the noise from
4 the trains. The Tongue River Valley I always
15:36:36 5 say is the most beautiful Valley. We don't
6 have that today.

7 This proposed Tongue River Railroad
8 is going nowhere. It's not in the public good,
9 neither is that proposed coal mine. Coal
15:37:00 10 companies have seen a huge decline in coal
11 demand in the United States. I don't even burn
12 coal any more because the ranch smells like a
13 sewer lagoon because of the sulfur from the
14 coal. So we quit burning coal. We burn
15:37:28 15 cottonwood, which burns clean. My ranch has
16 gone green, and I think we need to look at
17 energy resources that are less dirty than coal.

18 Our country, the So'taeo'o Country,
19 started from the Black Hills all the way to
15:37:53 20 western Montana called the Crazy Mountains,
21 down into northern part of Texas. Like I said,
22 that's what the train is going to cost. Even
23 if you have a PA system like this and you are
24 talking to each other ten feet away, you're not
15:38:26 25 going to hear each other. Or we go up into

1 Canada where all the Cree people are. I don't
2 know how many Cree people there are, but they
3 are throughout Canada, west coast, all the way
4 to the east coast, all the way up north where
5 the roads run out.

6 Now, if they were here, you would see
7 this room packed full of people like me talking
8 against this. This railroad is not needed.

9 After the coal is gone, what are they going to
10 do with it? Maybe some of these junk dealers
11 will pick up the rails and sell them, I don't
12 know. As soon as there's a car broke down on
13 the road, they stop by and pick them up, take
14 them to Billings and sell it for junk iron or
15 scrap iron, whatever it is.

16 And we are going to have a lot of
17 outsiders coming in who have no idea of
18 communities like we have. I can come to Lame
19 Deer and leave my house unlocked. Nobody goes
20 over there.

21 So we need to maintain this Tongue
22 River Valley as the most beautiful Tongue River
23 Valley. Governor Schweitzer says Montana is
24 the last best place but he promotes coal. So I
25 don't know, money talks and water runs

1 downhill. We don't need to support the Asian
2 market. Once our coal is gone, we are just
3 going to be left with -- let me give you an
4 analogy. In the summertime we have a pow-wow,
15:40:36 5 a lot of visitors come over. They dance, a lot
6 of good prize money, singing contests, a lot of
7 good prize money. And then when they leave,
8 all we have is porta-potties that are full. We
9 don't want that in the Tongue River Valley.

15:41:00 10 So once, again, I want to thank you.
11 If you love your children, your spouses, your
12 in-laws, your parents, your grandparents, the
13 ones that are now gone, if you love them, deny
14 this.

15:41:27 15 MR. GRAVES: Next is Steve Brady.

16 MR. STEVE BRADY, SR.: Steve Brady,
17 B-r-a-d-y, Sr..

18 We first got involved with this
19 Tongue River Railroad officially with the
15:42:16 20 Tribe, Northern Cheyenne Tribe, a couple years
21 ago pertaining to the exploration of the
22 agreement under the National Preservation Act
23 which deals with the cultural and preservation
24 issues. Since then we've been part of the
15:42:37 25 process of the Northern Cheyenne Cultural

1 Commission as well as Conrad Fisher's office,
2 Tribal Preservation Office, and since then we
3 have been involved in this process.

4 We also have observed the change in
15:42:54 5 ownership of the Tongue River Railroad to new
6 owners, the Arch Coal, Burlington Northern
7 Santa Fe and Forrest Mars, amongst other
8 things. And there's been a series of
9 consultation meetings with at least 17 tribes
10 affected in this area.

11 But specifically for the Northern
12 Cheyenne, the Northern Cheyenne have roamed and
13 lived in this region for quite some time
14 between the Big Horn Mountains and the Black
15:43:15 15 Hills. This area was commonly known as the Elk
16 River Country. Elk River now referred to as
17 Yellowstone River. Elk River Country is also
18 now referred to as Powder River Basin.

19 The Northern Cheyenne have many
15:43:53 20 historic, cultural, and sacred sites in this
21 area, including many unmarked traditional
22 burials along either side of Tongue River. The
23 Northern Cheyenne have hunted and gathered
24 traditional foods and medicines in the Tongue
15:44:11 25 River Valley since time immemorial, and

1 continue to do so today.

2 The Northern Cheyenne have many
3 battle sites in the Powder River Basin, both
4 inter-tribal warfare and conflict with the U.S.
15:44:27 5 Cavalry, most notably the 1876 to '77 campaign.

6 By military force the Northern
7 Cheyenne were forcibly removed from here and
8 escorted to Oklahoma Indian territory, and
9 against government orders, the Northern
10 Cheyenne returned to their traditional homeland
11 here. The Northern Cheyenne Reservation was
12 established by Executive Order in 1884 and
13 1900.

14 The Northern Cheyenne Tribe also has
15 a pending request for a National Historic Trail
16 on the trail from Oklahoma back to Montana to
17 here. That is pending before our Congressional
18 representatives by Tribal Council resolution.

19 And at the behest of the military at
15:45:21 20 Fort Keogh, what is now Miles City, some of the
21 Northern Cheyenne established homesteads along
22 Otter Creek, from Otter Creek along the east
23 bank of Tongue River up to Hanging Woman, and
24 this time frame was about late 1800s, up until
15:45:38 25 about 1900. These families, these Cheyenne

1 families, were forcibly removed from their
2 homesteads for no compensation for the loss of
3 their homesteads; however, the white families
4 who had to move off the reservation, Northern
15:45:53 5 Cheyenne Reservation, were generously
6 compensated for the loss of their homesteads.

7 And this appears to be a continuing
8 pending concern for these families. And it is
9 an individual claim, it is not a tribal claim,
15:46:17 10 so collectively these families may seek support
11 from the tribal government and Interior
12 Department.

13 And this is kind of an odd time, I
14 guess, to hold these EIS proceedings. It's
15:46:35 15 kind of an awkward time because of the election
16 cycle process and changes in tribal
17 administration and tribal council.

18 I would suggest to the Surface
19 Transportation Board that you might want to
15:46:53 20 consider a liaison to work closely with the --
21 all of the tribal governments that are involved
22 in this process, and specifically the Northern
23 Cheyenne Tribe, because we are going to be so
24 acutely impacted.

15:47:07 25 Another thing to take into

1 consideration are oil spills, coal spills,
2 toxic spills into Tongue River. Keep in mind
3 there have been a couple of spills, silver tip
4 here west of Billings into Yellowstone River, I
15:47:32 5 think they are still cleaning that up, and I
6 think there might be pending litigation. And
7 the other one, the BP spill down in the gulf.
8 I think they were fined penalties recently just
9 the other day.

15:47:50 10 The Northern Cheyenne Tribe, their
11 boundary is the middle channel of Tongue River
12 by Executive Order, 1900, and, secondly, the
13 Northern Cheyenne Tribe holds a federal reserve
14 water right by act of Congress. So they have
15:48:12 15 serious concerns. And the river itself is
16 culturally and ceremonially significant.

17 And one other thing that I want to
18 cover is a cadastral central survey to
19 ascertain the specific boundaries of the
15:48:31 20 Northern Cheyenne Reservation by Executive
21 Order of 1900. At what point, if at all, does
22 the easement and right-of-way the railroad
23 intersect with the Northern Cheyenne boundary
24 along the Tongue River? So I think we need to
15:48:48 25 take a serious look at that.

1 And then one other thing that was
2 covered by Mr. Medicine Bull, is individual
3 Indian landowners, sometimes they have to fend
4 for themselves, and occasionally Interior will
15:49:03 5 step in for them or step up for them, Bureau of
6 Indian Affairs. But oftentimes tribal
7 government does not intercede or support
8 individual Indian landowners on the reservation.
9 Individual Indian landowners, they have land
10 ownership via the 1926 Northern Cheyenne
11 Allotment Act by act of Congress.

12 Thank you.

13 MR. GRAVES: Is there anyone who has
14 not yet spoken that would like to speak this
15:49:19 15 afternoon?

16 MR. WILLIAM WALKSALONG: Good
17 afternoon. My name is William Walksalong,
18 W-a-l-k-s-a-l-o-n-g. I'm the Acting Director
19 for the Natural Resources Department, Northern
15:50:18 20 Cheyenne Tribe. And I have prepared a written
21 statement and I'll just read it.

22 During the last 39 years in the
23 energy development arena, from approximately
24 1973 beginning with the Tribe's coal lease
15:50:39 25 cancellation efforts to the present, the

1 Northern Cheyenne Tribe has continued to battle
2 courageously on behalf of its people and
3 homeland, although during this time it has been
4 a legal rather than physical warfare. The
5 Tribe over time has become more sophisticated
6 in its ability to protect its sovereignty, the
7 best interests of its people, and has learned
8 to engage potentially harmful development
9 interests with prudent deliberation, even with
10 no or very little financial resources,
11 adequately participate in the National
12 Environmental Policy Act process. The proposed
13 construction and operation of the new rail
14 facilities by the Tongue River Railroad Company
15 and the potential environmental impacts must be
16 analyzed to their fullest extent. In addition,
17 the process must include the participation of
18 the Northern Cheyenne Tribe, a federally
19 recognized sovereign Indian government with
20 adjacent tribal and allotted trust lands
21 situated along a segment of all proposed
22 railroad construction alternatives.

23 At times it appears that Northern
24 Cheyenne Tribe is overmatched in its ability to
25 defend its sovereign interests and the

1 interests of the tribal membership. Now
2 numbering approximately 10,000 members, with an
3 estimated 50 percent or more residing in our
4 homeland.

15:52:08 5 It has been the Tribe's relentless
6 approach not to concede and accept any type of
7 diminishment of our tribe's sovereign rights,
8 based on the U.S. Government's trust and
9 fiduciary responsibility to our Indian nation.
15:52:25 10 Past and present tribal leaders have been
11 conscientious of the energy industry's
12 insatiable desire to extract the massive
13 sub-bituminous coal reserves on the reservation
14 and in the Otter Creek Valley. In the previous
15:52:41 15 engagements by the Tribe with energy companies
16 and federal and state regulatory agencies, the
17 Tribe has reiterated in both the administrative
18 permitting process and in state and federal
19 court jurisdiction, that state and federal
15:52:55 20 permitting agencies must comply with all
21 applicable statutes and implementing regulations
22 intended to protect the economic, environmental,
23 and cultural interests of the Tribe.

24 The Tribe has had favorable and
15:53:09 25 unfavorable outcomes and has always established

1 itself as a force to be reckoned with.

2 The comprehensive EIS process to
3 analyze potential, direct, and indirect and
4 cumulative impacts must involve the Northern
15:53:25 5 Cheyenne Tribe in the following areas:

6 Preservation transportation systems;
7 public safety law enforcement; tribal land use
8 adjacent to the proposed Tongue River Railroad
9 corridors; recreation in the Tongue River and
10 Otter Creek Valleys; the biological resources
11 associated with the proposed Tongue River
12 Railroad route and alternatives, especially
13 destruction to big game migration, waterfowl
14 and song bird nesting habitat; water resources,
15:53:39 15 with special consideration being given to the
16 Tribe's federally reserved water rights in the
17 Tongue River basin; issues that may arise
18 concerning navigability of the Tongue River;
19 geology and soils and possible damage to prime
15:54:11 20 tribal farmland, geologic formations, and
21 hydrologically sensitive soils; Class I air
22 quality designation of the Northern Cheyenne
23 Reservation Airshed; noise and vibration to our
24 tribal members; wildlife and aquatic species
15:54:30 25 living in the pathway of the proposed Tongue

1 River Railroad; Tribal energy resources yet to
2 be tapped by the tribe; socioeconomic impacts
3 of the reservation, for example, an influx of
4 transient construction workers and an increased
15:54:45 5 demand for local services of all types;
6 historic and cultural resources, especially
7 Tribal burial, religious, sacred sites and
8 historical sites in the proposed Tongue River
9 Railroad corridor; disruption of aesthetics or
10 the beauty of the Tribal land and the view-
11 shed; environmental justice issues involving
12 the Northern Cheyenne people, especially
13 documented evidence of Tribal members in the
14 Northern Cheyenne tribal government have not
15 largely benefited. For example, lower
16 unemployment rates or tax revenues from other
17 energy-related development projects adjacent to
18 the Northern Cheyenne reservation.

19 Each of these 15 categories I know
15:55:29 20 will be addressed by the lead federal agency,
21 the Surface Transportation Board. It is
22 understood by the Northern Cheyenne Tribe that
23 the Surface Transportation Board is bound by
24 presidential executive order requiring all
15:55:44 25 federal departments and agencies to adhere to

1 the United States government's trust and
2 fiduciary responsibilities to tribal nations.

3 Finally, an additional problematic
4 area identified by the Tribe is allotted and
15:56:00 5 Tribal trust acres that are now on the east
6 side of the Tongue River due to changes in the
7 mid-channel of the Tongue River. Remember, the
8 Executive Order of 1900 extended the Tribe's
9 eastern boundary to the mid-channel of the
10 Tongue River. The Tribe must have legal
15:56:13 11 clarification on this land issue because this
12 land will be in the direct path of the proposed
13 Tongue River Railroad or alternative routes to
14 the Otter Creek coal fields. The tribe lacks
15:56:27 15 the technical expertise in many of the 15
16 categories that will be addressed in the EIS.

17 Another primary concern is that
18 accessing funding resources to adequately
19 participate in the EIS process. There are many
15:56:42 20 issues that derive from the EIS process, and
21 the Tribe has made gallant efforts to
22 participate in the processes, and have the
23 potential of adversely impacting our homeland
24 and people for generations to come.

15:56:56 25 Thank you for this opportunity to

1 provide a brief summary of my office's concerns.
2 A more lengthy comment will be forthcoming as
3 we are currently in the transition of tribal
4 leadership. The president, vice president, and
5 five council members, haven't had time to
6 consult with them. I know in previous
7 processes like this, these are some of our main
8 concerns that the Tribe has expressed to
9 whatever agencies has taken the lead in the
10 EIS. They are pretty much generic, but in
11 certain portions I emphasize our special
12 interest.

13 That's all I have to say. Thank you.

14 MR. GRAVES: Is there anyone else who
15 has not yet spoken who would like to speak this
16 afternoon?

17 MR. MARK ROUNDSTONE: My name is Mark
18 Roundstone, R-o-u-n-d-s-t-o-n-e.

19 I work for the Northern Cheyenne
20 Tribe in Natural Resource. I've been working
21 there for several years. More so, I am heavily
22 involved in our cultural aspect of our Tribe.
23 Many, many times, you know, I hear population
24 and people impacts, but I'm here to speak for
25 our natural resources and our wildlife all the

1 way from vertebrates, invertebrates, clear to
2 our big game animals, and protection of them.

3 This railroad will have some severe
4 impacts on things like migration routes. Deer
15:59:02 5 migration routes, whitetail, mule deer, will be
6 heavily impacted by this railroad. Migration
7 movements of the heavy equipment, trains, that
8 will be coming through will affect a lot of the
9 aquatic life, especially the vertebrate and
10 invertebrate life that subsists on the Tongue
15:59:23 11 River. Also, there is also over 460 song birds
12 that have been documented on the Northern
13 Cheyenne side, and I believe that this will be
14 greatly impacted.

15 Also, I just wanted to come here and
16 bring the awareness people will be impacted
17 socially with transient people coming in and
18 construction people coming in. I look at the
19 impacts of the Bakken that happened to some of
16:00:13 20 those tribes in the North Dakota area, and they
21 have uncontrolled people populations that they
22 can't control. They have uncontrolled traffic.
23 Some of them things really have me worried on
24 the impacts on what happens after that
16:00:30 25 railroad, if it is put in, and when the coal

1 mining starts, the impacts to the Northern
2 Cheyenne people.

3 But I'd like to thank you for listening
4 to me these few minutes. I don't want to take
5 too much time. Thank you.

6 MR. GRAVES: Anyone else who has not
7 yet spoken this afternoon who would like to
8 offer a comment?

9 MR. CONRAD FISHER: Conrad Fisher,
10 Northern Cheyenne Tribe Historic Preservation
11 officer. C-o-n-r-a-d, F-i-s-h-e-r.

12 I appreciate Surface Transportation
13 Board for being able to come over twice to
14 ensure that most of our tribal membership on
15 the Northern Cheyenne are heard, and certainly
16 it's nice to see the tribal membership here
17 today.

18 We had a meeting early on, an informal
19 meeting, with the Surface Transportation Board,
20 just talking about different routes, the
21 alternatives, and that sort of thing. So I'm
22 talking as the tribal historic preservation
23 officer at this time, but certainly a couple of
24 points I think to make when it comes to this
25 process are very applicable, and that is we

1 have to consider the sensitivity of this
2 undertaking, and also the controversy of the
3 undertaking.

4 And in addition, we have to see if we
5 are going to set a precedent because of this
16:02:35 6 undertaking. Those are some of the, I think,
7 points that I want to be able to bring across
8 to Surface Transportation Board, and that is
9 there's been some good discussion about the
10 proposed project and the cultural landscape
16:03:01 11 here, the Powder River complex, includes the
12 Tongue River drainage area, so we are just not
13 looking at Tongue River drainage but we are
14 also, in addition, looking at the Powder River
16:03:20 15 complex area. Very colorful history in this
16 whole eastern Montana. Iconic events have
17 taken place here that go down in history.
18 General Armstrong Custer, we call him Long
19 Hair, was put away here. He was rubbed away.
16:03:41 20 Wiped away, as we call it.

21 So, you know, you look on the larger
22 scale this cultural landscape of southeastern
23 Montana, if we decide to put -- if the railroad
24 goes through, are we not setting a precedent
16:04:00 25 here? We've never had this type of proposed

1 undertaking of this magnitude coming right
2 through the heart of Indian Country, and I'm
3 speaking on behalf -- I shouldn't say on
4 behalf, but since we don't have a lot of our
5 relatives to the east and to the west, the
6 council fires of the Sioux Nation, they have
7 ancestral lands here also, and they were a very
8 big part of the history, America's history,
9 Native American history, American heritage,
10 this our heritage, not just from the Northern
11 Cheyenne perspective, but if we look at the
12 United States of America, we are looking at it
13 from that, it's a heritage. And we all, I
14 think from the a Northern Cheyenne perspective,
15 we have to consider the long-term effects,
16 that's the other thing.

17 What are the long-term effects? And
18 are we setting a precedent? Those are things
19 that we don't want here in Cheyenne Country.
20 And certainly all the discussion that has
21 occurred by all the wonderful people that have
22 made comments do apply, and Surface
23 Transportation Board needs to really consider
24 this cultural landscape. And I realize that
25 you're neutral in this, but we are humans, too.

1 You're human, and you have to make a decision,
2 but from a technical and a legal point of view,
3 I think those things really need to be
4 considered. A lot of folks just don't want to
5 have any type of railroad here.

16:05:46
6 30 seconds. I lost my train of
7 thought. So I'll quit there. Thanks a lot.
8 Appreciate it.

9 MR. GRAVES: Anyone else who has not
10 yet spoken that would look to leave a comment
11 this afternoon?

12 MR. OTTO BRAIDED HAIR, JR.: I will.
13 My name is Otto Braided Hair, Jr. O-t-t-o,
14 B-r-a-i-d-e-d, H-a-i-r.

16:06:45
15 Sitting there stewing. Pretty angry.
16 I'm very culturally oriented. My main -- one
17 of my main tasks is to protect our culture and
18 our resources. Anything cultural oriented,
19 historically oriented, that's my main task.
20 Look after it, protect it, at all cost if I
21 have to. I'm part of the traditional military
22 society, the Northern Cheyenne, Crazy Dog
23 Society. Head chief. Headman.

24 The main task is to look after any of
16:07:34
25 those elements culturally oriented, culturally

1 related. Sitting there stewing, and really
2 angry. Your destruction is being proposed. We
3 have it on the south end, we have it on the
4 west end. We have it on the north end. And
16:07:54 5 now looking at the east end over there. All
6 around us, destruction. It's going to destroy
7 our culture. That's what we've been going
8 through ever since westward expansion. Ever
9 since the coming of Columbus and so forth.
16:08:22 10 It's what our people have been going through.
11 It's enough. It's enough. I've had enough.

12 I cannot support anything that's
13 going to destroy our culture, our history, our
14 people, our identity. Cannot. And I'm asking
16:08:47 15 you not to.

16 Our identity, our ceremonies, who we
17 are, closely connected to all the environmental
18 elements, the water, the animals, the plants.
19 All them resources are getting smaller and
20 smaller. I'm asking you not to support it.
16:09:26 21 I'm against it. I can't support anything
22 that's going to destroy any of that. I cannot.
23 My respect for my ancestors, my respect for the
24 ceremonies, my respect for who they are, what
16:09:58 25 they went through. They gave their lives. You

1 may have heard some of the stories of what our
2 people went through. Some of the comments of
3 my old people that say there's blood in every
4 Creek there's been blood spilled of our people.
16:10:25 5 You can say there's a burial, a grave, in
6 almost every creek. We just didn't think it
7 was necessary to record everything, and our old
8 people didn't; didn't know there was going to
9 be such destruction, such carelessness, such
16:10:54 10 disrespect. My but my old people's blood is
11 all over this area.

12 We cannot as traditional military
13 society support something that's going to
14 destroy that. Any of the landscape, any of the
16:11:21 15 environment, we cannot. You would be destroying
16 who we are.

17 I'll do a written statement, also.
18 Thank you.

19 MR. GRAVES: Is there anyone else
16:11:51 20 here this afternoon that would like to offer a
21 comment?

22 MR. WAYLAN ROGERS: My name is Waylan
23 Rogers. W-a-y-l-a-n, R-o-g-e-r-s.

24 And I represent my family, my
16:12:09 25 community in Ashland. I grew up there. You

1 know, I'm raising my kids there. Everything I
2 know is there. You know, I talked to this
3 committee before, I spoke in front of them at
4 the casino in Ashland, and I'm going to kind of
5 do an overview, do it over again.

6 But I would always tell all my kids,
7 you know, these stories, all my stories that
8 were told to me. Stories that aren't recorded
9 in books. I can drive from my house in
10 Ashland -- actually, I can start in Birney. I
11 can start telling stories all the way to
12 Ashland, all the way to Miles City. You know,
13 my daughter pointed out, you know, we don't
14 have to ask you a question about these stories
15 because you can just keep going. You know, all
16 those, a lot of them are not recorded, you
17 know. Me and my mother are trying to write a
18 book about them. But there's so many stories
19 it's taken us a long time.

20 And, you know, I want my kids to tell
21 these stories to their kids. I want the
22 seventh generation to tell these stories. As
23 Indian people, we always talk about the seventh
24 generation, and, you know, we look out for
25 them. That is my goal to always support Otto,

1 anybody in my community, the warrior society.

2 You know, I also want to talk about
3 the noise that's going to be coming from this
4 railroad. If you ever go to Ashland, at night
5 or during the day it's one of the most peaceful
6 places you'll ever know. I lived in Denver for
7 a while, and it was noisy there. I had to
8 really get used to it. And then I worked up in
9 North Dakota right next to a railroad, and, you
10 know, that railroad was farther away from where
11 you propose to put your railroad, that railroad
12 was even farther away, and I couldn't stand it,
13 and I moved away from there because I couldn't
14 stand the noise, I couldn't sleep. I moved
15 away saying, I'm never going to live by a
16 railroad ever in my life. I just can't stand
17 it.

18 You know, that brings another point.
19 You know, engineering, I have an engineering
20 background, and one thing no one has ever
21 brought up is the phenomenon called
22 liquefaction. If anybody doesn't know what
23 that is, it's a vibrating of the ground, and
24 when you vibrate the ground, it will compress
25 more. Do you know how much liquefaction are we

1 going to get in that valley? There's never
2 been a study done with that. I know there's
3 natural compaction, but after you have a
4 million pound train on it for years on end,
5 what is that going to do to the ground?

6 You know, the farmers and ranchers
7 are going to feel this pretty bad, too. I was
8 in Ashland, I heard their concerns about the
9 water, grazing. How are they going to compensate
10 when the train hits all these livestock? How is
11 the wildlife going to fair once they start
12 hitting these -- the trains start hitting them.

13 You know, it's the destruction of our
14 land, and I had a page on Facebook explaining
15 this. You know, how much of your culture --
16 this is directed to the people that are for
17 this railroad -- how much of your culture are
18 you willing to give up? You know, that land
19 is part of us. Sweet Medicine told us that.
20 We need to take care of this land, and this is
21 not right, this can't happen.

22 If you're not going to do it for
23 yourself, do it for that generation that we
24 look after. Thank you.

25 MR. GRAVES: Is there anyone else who

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

3 Let me just ask the folks signing in,
4 if anybody would like to make a comment?

16:17:34 5 MR. TIM LAME WOMAN: Yes, I would.
6 My name is Tim Lame Woman. T-i-m, L-a-m-e
7 W-o-m-a-n, Sr..

8 I just wanted to add my comments as a
9 tribal member on this railroad issue on the
10 other end of the reservation here.

11 My concern is what we have here in
12 2012 on the Northern Cheyenne. The problem,
13 and it's proven in statistics, that this
14 property here, that this unemployment here, that
16:18:38 15 these health disparities that we have here,
16 this lack of justice that we have, lack of
17 housing, has got to stop at some point. We
18 inaugurated tribal leaders today. We continue
19 to inaugurate every two to four years.

16:18:57 20 Hopefully, one set of tribal leaders will take
21 it upon themselves to carry out their promises
22 to bring us out of those disparities. What I
23 mentioned, poverty, unemployment, health
24 disparities is all here on the Northern
16:19:14 25 Cheyenne. I work as a community advocate over

1 the years, and I've worked in the judicial
2 system here as a judge, and as an advocate. I
3 know the problems here that we are having. And,
4 you know, I used to oppose everything,
5 development. We've had many protests. The last
6 protest I was involved in was against the
7 multi-national corporation called Atlantic-
8 Richfield. We didn't have no societies back
9 then, as we do now. Our people are divided on
10 that issue. I stood against -- I and other
11 tribal members stood against tribal members who
12 were for developing ARCO, and I know who those
13 people are.

14 We had to ask for help, outside help,
15 because we didn't have no societies. We asked
16 for help, and Russell Means was one of the ones
17 who came from South Dakota to help.

18 There was a 33-year lease of our
19 Northern Cheyenne Reservation to Arco. And no
20 one stood up in protest. I was laying in a
21 gutter, when women folk asked for help. They
22 said, what are you going to do? Where is all
23 the men around here? Our reservation just got
24 sold for 33 years. You call yourself a
25 descendant of our chiefs? What are you doing

1 down there in the gutter drunk?

2 I got up on my feet and shook the
3 dust off myself and looked around, and that was
4 true. I and other tribal members took it a
5 upon ours to travel off this reservation to ask
6 for help. We brought the issue to here and we
7 protested. We had conferences. And then a
8 headman of on of our societies, and let me
9 tell you, one society does not speak for all
10 the societies. We have to come together as one
11 in one meeting. One society cannot say that
12 they speak for all of us. I'm a society
13 member, too. We have to debate this issue at
14 another meeting and come to a consensus whether
15 we are for or against it. That hasn't taken
16 place. So anybody that comes to tell you here
17 today that they represent all the societies in
18 this effort to oppose it or in favor of it is
19 wrong, because that gathering hasn't taken
20 place. Until such time we have a good society
21 meeting to talk about this railroad issue for
22 and against, that has to take place first. No
23 one headman or society can come in here and
24 tell you that they speak for the rest of us.

25 But back then there was no societies.

1 There was one society that came forward, an
2 elder named Charlie White Dirt, he was a
3 headman of the Elk Horn Scrapers. He stood up
4 on his cane over here at the pow-wow house, he
5 said, I like what you guys all have said. He
6 said, this is Northern Cheyenne homeland, this
7 is sacred ground. So from today when the sun
8 sets, my society is going to oppose Atlantic-
9 Richfield.

10 And so we began our struggle, our
11 David and Goliath struggle. We still hold the
12 rocks in our pockets today. We still have
13 pennies in our pocket. We have nothing.

14 But we still in our hearts have the
15 spirit to fight for our homeland. And it was
16 true back then that we did. Four years later,
17 four years into the 33-year contract, I was in
18 the jury box in Billings Federal Court, when
19 the Arco attorneys walked in. Alligator
20 briefcases and shoes and so forth. Our lawyer
21 kind of had a corduroy jacket on and a pony
22 tail.

23 But the Atlantic-Richfield Company
24 handed a piece of paper up to the federal judge
25 that day, I remember that. The federal judge

1 opened up the paper, and said, as of noon
2 today, Atlantic-Richfield was pulling off the
3 Northern Cheyenne.

4 Because the struggle began with the
16:24:30 5 grass roots people, that agreement didn't go
6 past four years. That's how powerful when a
7 spiritual struggle begins for one's homeland.
8 That was back in 1980s.

9 Things haven't changed. Our
16:24:56 10 governments, federal government, and it's going
11 to get worse. We are facing hard times now.
12 There are still Republicans over there whether
13 Obama is in there or not. We've got children
14 out there and elders in the community, I know
16:25:12 15 them. Some of them are my relatives. Some of
16 them are my grandchildren.

17 Poverty breeds all the problems here.
18 Suicide, everything. One day we try to think
19 that we try to have healthy families. How can
16:25:31 20 we arrive at that time, I don't know. While we
21 look around and we see others enriched, double
22 dually trucks. I asked my fellow neighbors and
23 ranchers and farmers, you know, I know how
24 ranchers and farmers live, I grew up around
16:25:54 25 that lifestyle. Didn't go into it. Went into

1 something else. Branding and breaking horses
2 and chasing cows and fixing fences and all that.

3 We asked our neighbors, do you like
4 living this way? We are your neighbor. And
16:26:16 5 you want us to speak for you on this railroad
6 about your homestead, your family. You want us
7 to preserve your lands and your family over
8 there while we live in dirt poverty here right
9 next door to you. Do you think we want to
16:26:37 10 change, too? Do you think we want progress and
11 something to get us away from poverty? I do.
12 Some of us do. So we have to talk about that
13 in today's times.

14 We don't want to be rich or anything.
16:27:02 15 We just want to be able to make sure our kids
16 don't go to bed hungry, like they are doing
17 now. We got to prevent and try to go through
18 all those disparities. And we want
19 accountability, we want transparency in our
16:27:22 20 governments that are going to as a result
21 governing us. Money wasted in our tribal
22 government, traveling and salaries and
23 everything, while we live in impoverished
24 communities. That's got to stop. It's got
16:27:35 25 to stop some way. It's going to stop.

1 One of our chief society members was
2 supposed to address the new council today.
3 Didn't even show up to address the new council.
4 How many chiefs we got in the Chief Society?
5 I seen a whole page of them one day. My family
6 belongs to that. My relatives do. I talked to
7 a chief yesterday. Go talk to those council
8 members. Tell them to work together. Get
9 something done. We're are tired of seeing them
10 arguing with each other. Go tell them that.
11 They invited you to talk. Go tell them that.
12 Tell them to work together. Get something done.
13 Address an impoverished nation here.

14 And tell them this is their last
15 chance. This is the last chance that we are
16 going to give this government. If this is what
17 they brought us to, and in the 150 years of
18 government, then we have to figure out a
19 different way to govern ourselves, because we
20 are not going to go on this way. And I asked
21 this chief, tell them that. We are giving you
22 this last chance, giving this government this
23 last chance to address these issues, what the
24 previous council should have addressed. Why
25 are these statistics still up there? Use

1 these statistics to get federal money in here.
2 And what happens? It gets embezzled. We just
3 took care of some debts. We got run up in
4 debts, and what did we do? We paid them off.
5 Millions of dollars in debts, and gave the
6 attorneys money on top of that, debts that
7 should have been turned over to the Inspector
8 General.

9 If I put some tribe in debt, I should
10 be held accountable for that debt. No, that
11 dealt was forgiven. They took care of it.
12 Are we assured that that's not going to happen
13 again, while we remain impoverished in the
14 communities? That's the question I pose today.

15 I want to speak for our people that
16 we have nothing. And now we are looking at
17 development. Is that going to be one way out
18 of this? Some of us in the community are
19 saying, well, yeah, we might as well, we got to
20 do something. We like to work, too. We'll work
21 for it. Put food on the table for our
22 families.

23 I'm an elder now. I got two sons
24 looking for work. Can't find work. 25 to 35
25 years old, too. There ain't nothing here.

1 Family members, other relatives and
2 friends, no money. Unemployment rate way up
3 there.

4 So to me, we are at a crossroads. Do
16:31:06 5 I continue to save our homeland? Do I
6 continue to try to stop or sit down and watch
7 others enrich themselves? It's not fair.
8 It's not fair. It's not right. It's not
9 reasonable. Anybody reasonable would think
16:31:32 10 reasonable. We want to try to get there.

11 Thank you.

12 MR. GRAVES: Is there anyone else
13 present today that would like to make a comment
14 on the proposed Tongue River Railroad?

16:31:53 15 We'll be here from 6 until 8 this
16 evening. We'll have an open house for the
17 first hour and then the second hour we'll open
18 comments much as we did this afternoon until we
19 are finished.

16:32:09 20 Seeing no additional comments, I'm
21 going to have Cathy say a few closing words,
22 and then we'll be adjourned.

23 MS. GLIDDEN: I just want to thank
24 everybody for coming and for all those people
16:32:19 25 that spoke today. The comments are definitely

1 going to be informing the decision, and it's
2 very important to us to hear what you have to
3 say. Thank you so much all of you who spoke.
4 Thanks so much also for having us here in this
5 space for this meeting. This is really great.

6 Again, thank you so much. We are
7 going to be here. If you want to speak to us
8 individually, we have some displays here and
9 the maps, showing different images of the
10 project, or proposed projects, and, obviously,
11 if you want to provide written comments or talk
12 to the court reporter, if you would like
13 comments, can you do that as well. And we also
14 have a comment area on our website where you
15 can provide comments. Thank you so much.
16 We'll be here again at 6 o'clock.

17 (Meeting closed.)
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CERTIFICATE OF REPORTER

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

Certified Court Reporter