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SURFACE TRANSPORTATION BOARD  
OFFICE OF ENVIRONMENTAL ANALYSIS

Re: Proposed Tongue  
River Railroad Project }

TRANSCRIPT OF PROCEEDINGS

Chief Little Wolf Capitol  
Lame Deer, MT  
November 16, 2012  
6:00 p.m.

APPEARANCES

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## P R O C E E D I N G S

1  
2 MR. GRAVES: Welcome everyone. It's  
3 just a couple minutes after 7:00 so we are  
4 going to get started with the public comment  
5 portion of the meeting. I'm going to turn  
6 microphone to Cathy Glidden from the Office of  
7 Environmental Analysis.

8 MS. GLIDDEN: Hi everybody. Thanks  
9 for coming. Really appreciate your being here,  
10 for taking the time to participate this  
11 meeting.

12 The purpose of this meeting is a  
13 public scoping meeting on the Environmental  
14 Impact Statement for the proposed Tongue River  
15 Railroad. My name is Cathy Glidden, and I'm  
16 representing the Surface Transportation Board's  
17 office of Office of Environmental Analysis, or  
18 OEA. Also seated at the table is Alan  
19 Summerville, he is with ICF International, and  
20 they are working as our project manager for the  
21 third-party consultant contractor. We also  
22 have Scott Graves, also of ICF International,  
23 again, with our third-party contractor. He's  
24 going to be serving as our meeting facilitator.

25 The Board is the federal agency

1 that's responsible for granting authority to  
2 the construction and operation of new railroads  
3 and associated facilities. On October 16,  
4 2012, the Tongue River Railroad Company filed a  
5 revised application with the Board to construct  
6 and operate a new rail from Miles City,  
7 Montana, to two end points near Ashland,  
8 Montana. And we have maps in front if you want  
9 to take a look at those. They demonstrate  
10 where things are. And up here as well.

11 The Board is the legal agency  
12 responsible for preparing the EIS, which will  
13 identify and evaluate the potential  
14 environmental impacts of the proposed action  
15 and alternatives.

16 There are four cooperating agencies  
17 working with the Board preparing the  
18 Environmental Impact Statement. The Bureau of  
19 Land Management, Army Corps of Engineers, the  
20 United States Department of Agriculture, and  
21 also the Montana DNRC is acting as the lead  
22 agency for other Montana State agencies.

23 These cooperating agencies have  
24 decision-making authority independent of the  
25 board, and are agencies from which the Tongue

1 River Railroad Company will obtain separate  
2 approvals or permits.

3 The meeting represents one of the  
4 first opportunities in the Environmental Review  
5 Process for members of the public to provide  
6 input to the Board about its environmental  
7 concerns related to the construction and  
8 operation of the proposed rail line, including  
9 the potential alternatives and their impacts.

10 Our hope is that the information you provide  
11 today will help frame our analyses and help us  
12 understand your concerns about the proposed  
13 action and the potential alternatives.

14 The public comment period will last  
15 until December 6, 2012. We will then revise  
16 the Draft Scope of Study and issue a Final  
17 Scope of Study, incorporating public comments  
18 and concerns received during the comment  
19 period. We will consider comments received  
20 when preparing the Final Scope of Study. There  
21 is additional information on the Board's  
22 Environmental Review Process at the  
23 Environmental Review Process station, which is  
24 right over here.

25 After the scope of study is finalized

1 we will begin preparing the Draft Environmental  
2 Impact Statement. The Draft EIS will affect  
3 our independent analysis of the potential  
4 environmental impact that could result from the  
5 construction and operation of the proposed rail  
6 line. The Board will then issue the Draft  
7 Environmental Impact Statement and the public  
8 will have the opportunity to read and comment  
9 on the Draft EIS during a formal public comment  
10 review period, which will include a series of  
11 public meetings similar to this one. After the  
12 Draft Environmental Impact Statement, public  
13 comment period has come to a close, it will  
14 consider all comments received and address each  
15 comment in the Final Environmental Impact  
16 Statement. The Final Environmental Impact  
17 Statement presents the final conclusions and  
18 recommendations for mitigating possible  
19 environmental effects. Issuance of the Final  
20 Environmental Impact Statement completes the  
21 Board's review process. The Board will make a  
22 Final decision on the proposed rail line  
23 construction.

24 In making its final decision the  
25 Board will consider the entire environmental

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

7 So as far as the meeting is concerned,  
8 if you've not already done so, please sign in  
9 at the table right in front there. Those that  
10 have indicated they would like to make a public  
11 comment on the Scope of Study, which will be  
12 recorded by the court reporter, will be called  
13 upon to speak in the order in which they signed  
14 in.

15 So I want to thank everyone again for  
16 being here. And we are -- we do have a lot of  
17 people tonight. So it's really important that  
18 we stick to a certain time for each person to  
19 speak. So if you come up and do speak, your  
20 comments will be limited to five minutes, so  
21 everyone, again, has an opportunity. So if you  
22 would like to provide a handwritten comment,  
23 comment forms are located right over there,  
24 written comment area, and handwritten comments  
25 are placed in the comment box. The comment box

1 is right back there, too. You can also submit  
2 them electronically on our website.

3 So oral or written comments will be  
4 given equal weight and consideration. All  
19:08:47 5 comments are due December 6, 2012.

6 Alan Summerville of the ICF  
7 International will now talk a little bit more  
8 about the project.

9 MR. SUMMERVILLE: Good evening.  
19:09:03 10 During the first half of this meeting we  
11 provided information on the project, and I'd  
12 like to summarize that information for those of  
13 you who were not here during the first half of  
14 the meeting, and provide a recap for those who  
19:09:14 15 were.

16 The Tongue River Railroad Company's  
17 principle purpose for the new rail line is to  
18 transport low sulfur sub-bituminous coal from  
19 the proposed mine sites in Rosebud and Powder  
20 River Counties, including the proposed mine in  
19:09:28 21 the Otter Creek area. The Tongue River  
22 Railroad Company is proposing to construct and  
23 operate an approximately 83-mile rail line  
24 between Miles City and two ending points, one  
19:09:42 25 near the site of the previously planned Montco



1 Mine near Ashland, and the other at the  
2 proposed Otter Creek Mine in the Otter Creek  
3 area east of Ashland.

4 Accordingly, the rail line will cross  
19:09:56 5 portions of Custer, Powder River, and Rosebud  
6 Counties.

7 The proposed route would follow the  
8 Tongue River Valley and would consist of a  
9 single track constructed of continuous-welded  
19:10:09 10 rail and include a 200 foot wide right-of-way  
11 crossing local roads, streams, trails, and  
12 utility corridors; two passing sidings, one  
13 near Milepost 27 and the other near Milepost 46  
14 and ancillary facilities including six set-out  
19:10:28 15 tracks between 500 and 4000 feet in length to  
16 provide for temporary storage of cars requiring  
17 repair and for storage of maintenance equipment.

18 At a minimum, the Office of  
19 Environmental Analysis is considering those  
20 alternatives analyzed in the Tongue River I  
19:10:41 21 EIS, the Tongue River Road Alternative, Moon  
22 Creek Alternative, the Colstrip Alternative,  
23 and the No Action Alternative.

24 As part of its alternatives  
19:10:57 25 development process, the Office of Environmental

1 Analysis is determining the feasibility of  
2 these and other potential rail routes. The  
3 Office of Environmental Analysis welcomes  
4 public comments on these and other potential  
5 alternatives.

6 Alternatives will be evaluated based  
7 on public and agency input as well as  
8 environmental, technical, and engineering  
9 considerations, including curvature and grade  
10 of the rail line and topographic features, such  
11 as steep slopes, hills, as well as factors such  
12 as geology, floodplains, wetlands, rivers and  
13 streams.

14 EISs can cover a wide range of  
15 topics. In this EIS, the Office of Environmental  
16 Analysis plans to cover transportation systems,  
17 safety, land use, recreation, biological  
18 resources, water resources, navigation, geology  
19 and soils, air quality, noise and vibration,  
20 energy resources, socioeconomic, cultural and  
21 historic resources, aesthetics, and  
22 environmental justice. Additional resource  
23 subject areas can be added as a result of  
24 comments and information received during the  
25 scoping process.

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

7           Now, at this time I'd like to turn  
8 the meeting over to Scott Graves, our  
9 facilitator, who will go over some ground  
10 rules, and then we'll take public comments.  
11 Thank you.

12           MR. GRAVES: Good evening. Just a  
13 couple of quick notes before we get started.  
14 Cathy had mentioned about a five-minute limit  
15 on comments, we'd like to adhere to that this  
16 evening. We have quite a number of people who  
17 have signed up to comment and that just out of  
18 respect and courtesy for the people coming  
19 after you, I think it's important to try to  
20 keep comments to five minutes. To help you  
21 know when your five-minute time limit is coming  
22 up, Sarah has some cards over here that has a  
23 30-second warning and then the stop talking  
24 card that just says your time is up.

25           If after everyone has commented you

1 want to extend your comments, you are more than  
2 welcome to come back and talk a second time.  
3 So we'll make sure that everybody gets a chance  
4 to say their piece tonight.

19:13:30

5 The first name is Mildred Redcherries.  
6 Is Mildred here?

7 Okay. Next is Jeannie Alderson.

19:14:05

8 MS. JEANNIE ALDERSON: Thank you. I  
9 didn't plan on going first. My name is Jeannie  
10 Alderson, and our family owns and operates a  
11 cow-calf operation near Birney, Montana. And  
12 in addition to this business, my husband and I  
13 also have our own small business. We raise and  
14 sell grass-finished beef directly to customers.  
15 And I thank you all, and folks from the Surface  
16 Transportation Board, for being here and for  
17 listening. And thank you, good neighbors, for  
18 hosting it.

19:14:20

19:14:34

19 We assume that this is a good faith  
20 effort and that you are truly going to identify  
21 and scope the scope of this devastating  
22 project, the Tongue River Railroad. We assume  
23 that you won't just rubber stamp and go ahead  
24 with the Tongue River Railroad relying on old  
25 and stale information from the 1970s and '80s.

19:14:53

1 Because we know that we are all here today  
2 because the Tongue River Railroad Company has  
3 done its work so poorly in the past. They  
4 haven't truly looked at impacts. So I  
5 appreciate that this is a really serious effort.

6 And we are also here today because  
7 they have not looked at cumulative impacts.  
8 And I think that's what I hope to speak to today.

9 And something about the Tongue River  
10 Valley and ranching in the Tongue River Valley  
11 are businesses are interconnected. You can't  
12 just look at the project area, and maybe the  
13 devastation to those ranches, without looking  
14 at the whole valley and the economics involved.  
15 What I mean by that, a ranch like ours, we are  
16 a side creek ranch. We don't irrigate. We put  
17 up some hay if we are lucky. But we depend on  
18 the ranchers in the lower end of the river for  
19 our feed and our hay. And like in our grass-  
20 finished beef business, our customers are  
21 expecting that this is locally produced and  
22 it's healthy, we know what's in it, we know  
23 where it comes from. It's also cheaper. And a  
24 great source. So if those ranches are  
25 devastated, you're affecting our ranch, too.

1 Although the route -- my ranch was crossed in  
2 the other proposed routes, but thankfully it is  
3 not now. But I'm just hoping that you look at  
4 the entire valley.

19:16:26 5 I guess the two biggest industries in  
6 Montana are agriculture and tourism. And I  
7 think we want to really look at these  
8 industries, because coal is actually kind of  
9 down there, and we don't want to devastate  
10 those industries by bringing in a new one. And  
19:16:42 11 so that's the other thing I would like to speak  
12 to.

13 If you look at the impacts of the  
14 Otter Creek Mine along with the Tongue River  
19:16:59 15 Railroad, the Tongue River Railroad is going to  
16 open the door to the whole industrialization of  
17 the whole area, and I am assuming that that is  
18 going to be considered, and what that means to  
19 all the other industries and all the other  
19:17:11 20 inhabitants and people in the area. You can't  
21 just industrialize a portion and not change  
22 everything.

23 And I guess I want to speak to  
24 tourism. I think that people come to this part  
19:17:26 25 of the state because of its natural beauty,

1 hunting and fishing, but they also come for the  
2 amazing history and culture. This area is a  
3 national treasure. I mean we have some of the  
4 most important historic sites anywhere in this  
5 country. So I guess that is really important,  
6 and it needs to be looked at for its intrinsic  
7 value and for its value to the inhabitants and  
8 to the people here, but it also needs to be  
9 looked at as its potential economic value.

10 Conservation tourism, historic and cultural  
11 tourism, wildlife tourism, these are hugely  
12 important industries, and they have huge  
13 potential that needs to be considered. I don't  
14 know how you do that, but I think looking at  
15 the potential as well and what's lost.

16 I guess I speak to that, not just  
17 sort of speculatively, but our ranch is on the  
18 Register of the Natural Historic Places. It's  
19 something my granddad and his brothers did in  
20 the depression. They added value to what they  
21 were already doing, and I have a ranch today  
22 because of that.

23 I guess there's a whole bunch more  
24 that I wanted to say but I have 30 second left.  
25 I heard a rancher say the other day, who lives

1 by a coal mine and a railroad, and he said, you  
2 know, coal companies will always talk about all  
3 they are going to bring to a place. They never  
4 talk about what they are going to take away.

19:19:03 5 And so I just ask you to really seriously look  
6 at what will be taken away by this project.

7 And I guess I ask you to look at those of us in  
8 ranching and I think in the surrounding

9 communities, we think generationally, we think  
10 down the line, you know, to our children and

11 grandchildren, and we need to be able to pass  
12 on these ranches, and we can't do it in an

13 industrial zone. So I also really urge you, if  
14 you can't look and look and see that these

19:19:39 15 other industries and other ways of life won't  
16 be harmed, that you really put forward a no

17 action no build alternative, and take that  
18 really seriously. Thank you.

19 (Applause.)

19:19:53 20 MR. GRAVES: William Wilson.

21 MR. WILLIAM WILSON: Good evening.

22 My name is William Wilson, or Possum, if you  
23 guys want to call me that. But I'd like to add  
24 to my other comments. I'm pretty sure you know  
19:20:14 25 it. I'm William Wilson, III.



1 First, I'd like to mention to you  
2 guys, the migratory birds that come through  
3 here. I live here throughout the whole year  
4 and during the summer there is a stork that  
5 comes through here and it hits water across the  
6 watersheds around here. Anyway, I'd like you  
7 guys to look into that. There are storks that  
8 come through here. Eagles, eagles that fly  
9 down, all those migratory birds and stuff like  
10 that, too. Also there's bears, bears over  
11 here, a lot of those. You don't get this far  
12 east in Montana, but you know there's bears  
13 over here. Bears, all the wildlife that comes  
14 around here, it's all connected to the trees,  
15 the animals. I want you guys to know that.  
16 It's connected. If you guys could look at that.

17 One thing, too, the socioeconomics,  
18 you know, the way we are around here. We have  
19 a pretty open mindset, and just imagine if all  
20 these people that are specialized into this  
21 specific job field, if they come here and start  
22 to make a living here, if it opens, and they  
23 interrupt our socioeconomics. I really don't  
24 want that, because a Cheyenne, the way we  
25 think, as far as future, as far as land, our

1 people, it's for everything that's good. The  
2 railroad companies make it sound good right  
3 now. They make this, it's a railroad, energy,  
4 stuff like that. That ain't good. None of  
5 that is good. Money. All for money. I want  
6 the people to know, the richest people,  
7 billionaires, the richest people, they own  
8 these companies that want to open this mine to  
9 get more money from us that live here. That  
10 ain't right. I want you guys to know that.  
11 And the Board, maybe they could take that into  
12 consideration.

13 Also, my people, sure it's going -- a  
14 railroad, what's that going to do for us? It  
15 ain't going to do anything. I know that. I  
16 live here. From what I understand, this  
17 railroad has been in the making for since 1980,  
18 1970s, since before I was born, and it's still  
19 not made. Let's try to keep it that way, I'm  
20 asking you guys.

21 Another thing maybe possibly...  
22 Let's see, here, not only that, I lost my train  
23 of thought. Excuse me.

24 Oh, yeah, that's what it is. We have  
25 Sun Dances, the largest tribal gathering along

1 that river, and at certain times we have to  
2 have it peaceful. Will the Tongue River  
3 Railroad Company stop their trains to make it  
4 peaceful for us if it opens, or the Safety  
19:22:50 5 Transportation Board? That's one thing I want  
6 you guys to take into consideration when we do  
7 have them over there.

8 Also, another thing is the burial  
9 sites. We have some real -- my people, my  
19:23:03 10 ancestors, are buried over there, people that  
11 lived here before me. Cheyennes. They live  
12 over there. That's where they are buried at.  
13 I want you guys to look into that. There are  
14 many battles along that river, that valley,  
19:23:17 15 battles. Probably you can look around over  
16 there you could find an arrowhead. You could  
17 find an Arrowhead over there.

18 All those things I want you guys to  
19 take into consideration. Like I said last  
19:23:29 20 time, I don't want this for my future, I don't  
21 want it for my people's future. It's bad for  
22 the environment, it's bad for my way of life.  
23 I want you guys to know that. Thank you.

24 (Applause.)

19:23:42 25 MR. GRAVES: Cameron Russell, Jr..

1 MR. CAMERON RUSSELL, JR.: Cameron  
2 Russell, Jr., C-a-m-e-r-o-n, R-u-s-s-e-l-l.

3 I can't really elaborate more on the  
4 points that have already been made, cultural  
5 effects, environmental effects, you already all  
6 know all that. Be kind of waste of breath, I  
7 wouldn't say that, but I don't really feel I  
8 need to elaborate more on that.

9 But another issue would be the  
10 traffic. You have a lot of semis moving  
11 through here and perhaps containing hazardous  
12 materials, you know. We don't know that. And  
13 if by some chance that this goes through and  
14 the railroad is blocking traffic, the 212 is  
15 heavily used, and there's an accident, it's  
16 bound to happen. There's a lot of semi  
17 traffic. They run on time. They have to be at  
18 a certain places. There's a lot of factors  
19 playing with that, their speed and all that.  
20 So I think if this does go through, there's  
21 going to be accidents bound to happen. If they  
22 are carrying hazardous materials by some  
23 chance, that that could be a big problem, not  
24 only to the environment but also the traffic  
25 that's behind the semis that are moving through.

1           That's another factor that you could  
2 look at as well besides all that's being said.  
3 Thank you.

4           (Applause.)

19:25:23 5           MR. GRAVES: Next is Mr. King. I  
6 sorry, I can't read the first name. Lucas  
7 King?

8           MR. LUCAS KING: Lucas King.  
9 L-u-c-a-s, K-i-n-g.

19:25:49 10          My name is Lucas king. I'm 28 years  
11 old.

12          And when you look around in here, you  
13 see in here we got rocks, and that's what's  
14 important to us. They all say it's our  
19:26:16 15 elements. Me, personally, I'm against it,  
16 because one thing really important to us is our  
17 water. It's very pure and it's the life giver,  
18 along with the sun and the earth. And this  
19 railroad, it goes along the Tongue River, and  
19:26:38 20 that's one of our very -- we depend on that  
21 river for a lot of things, and the reason I'm  
22 against it is because I've worked at a coal  
23 mine and I have people I know that I work down  
24 there with, but one thing I know is when a coal  
19:26:54 25 mine moves in and they take something out of

1 the earth, they don't put it back the way it's  
2 supposed to be put back. They put back a lot  
3 of waste and a lot of things that aren't  
4 natural. And this river, it leaches this way.  
19:27:14 5 You know, the water vessels. And it combines  
6 on our land.

7 All of that water, I know it will be  
8 polluted. I know it will be, because 20 miles  
9 that way, I've seen it, you can't drink it, you  
19:27:32 10 have to bring your own water. And we don't  
11 want to ship water from anywhere else. Because  
12 our ancestors, most people would just that  
13 displayed rock as a rock, but that's our  
14 history right there, and all of us in here, our  
19:27:52 15 grandparents, they fought for that. This is  
16 our life. It's more than money. My children,  
17 my children's children, I want them to be able  
18 to have that. You can't buy that. That's why  
19 we are here because we are telling you that we  
19:28:15 20 care, just like they did, and that's why I'm  
21 against it.

22 If you can guarantee that there's no  
23 pollution and there will be no hassle along 212  
24 like what he said, that the crime rates won't  
19:28:34 25 shoot up, suicide rate, money brings all those

1 things. It brings a lot of other things, too,  
2 but I know that for sure. If you can guarantee  
3 that our Mother Earth will stay nonpolluted,  
4 then you know what, man? I'm going to tell  
5 you, go ahead and build it. But if you can't  
6 guarantee that, then, no, I don't want it. And  
7 I am for no building anything, because  
8 everybody in here, we are from here. We are  
9 not moving anywhere. We are always going to  
10 have this. This is what our ancestors fought  
11 for. So we will always have a home. We'll  
12 always be here. And that's all I have to say.  
13 Thank you.

14 (Applause.)

15 MR. GRAVES: Next is Tom Mexican  
16 Cheyenne.

17 MR. TOM MEXICAN CHEYENNE: Tom,  
18 Mexican Cheyenne. T-o-m, M-e-x-i-c-a-n,  
19 C-h-e-y-e-n-n-e.

20 I just want to speak to you all how  
21 concerned I am about this and what it's going  
22 to do to our land. Many of our people, even  
23 young people and ceremonial people, but  
24 regardless or not, whether they are ceremonial  
25 people, they were taught and they learned from

1 their parents or grandparents about the land  
2 and how to respect it, the earth, the plants  
3 and the animals, the environment around you.  
4 And when you respect that, when you take  
5 something from it, you also give something  
6 back. We need to practice that and continue to  
7 practice that. And what this railroad here  
8 does is a lot of damage both for the  
9 environment, for the animals, the plants,  
10 pollution, and it's going to hurt us. You  
11 know, whether we are on the reservation side or  
12 on the other side where the ranchers are, we  
13 still all believe the same thing. The ranchers  
14 believe that. That's why they take care of  
15 their animals the way they do. And we go on  
16 that side for different things, too. We go on  
17 that side to pick plants and do other things.  
18 And we also hunt over there.

19 So we have a respect for the  
20 environment and the things that we live by and  
21 we try to live in harmony with what is here and  
22 why our people brought us here. And the things  
23 that they are proposing to do is all negative,  
24 it's all damaging.

25 And even now in our community we have



1 a road that goes through here, and you guys  
2 rode on that road, you don't see it in the  
3 summertime what it's like in trucks and the  
4 traffic and the disrespect the people that come  
5 through here not obeying our traffic laws,  
6 running people off the road, running into  
7 people and crashing their vehicles and damaging  
8 and injuring people's lives. It's not going to  
9 be any different when it's out there. We still  
10 won't get that kind of respect from people and  
11 it will be no respect.

12 So there's a lot at stake here for  
13 us. And you guys are here, about my age, and  
14 by the time this gets going and gets built, if  
15 it does happen, and you support that and tell  
16 your bosses that, you're not going to be here  
17 when our children are born. You're not going  
18 to see the effects of it, what it's going to do  
19 to everybody. But our children will suffer  
20 those.

21 There are so many things that  
22 railroads -- we have a tribe across here that  
23 has a railroad going right through one of their  
24 towns. And how times you hear people being  
25 killed on that, either their cars are hit,

1 because they maybe break down or something, or  
2 they don't see those wooden things that go  
3 across. And some of it may be because of  
4 alcohol use. But other times, too, you know  
5 people just commit suicide, too. They just put  
6 themselves out there, and it's not good when we  
7 have something like that coming through your  
8 community and it does damage to people's lives.

9 So this is not good for any of us.  
10 It's not good for the ranchers, it's not good  
11 for our own people. It's not good for the  
12 animals. The animals will be run over and  
13 disrespected. And the things that the damage  
14 it's going to do to the water. Those cars are  
15 going to run off, get off the road and fall  
16 into the water, the ranchers, their horses or  
17 cows are not going to be able to drink it, the  
18 wild animals are not going to be able to drink  
19 it. How long will that take and how far will  
20 it go down the river? Who's going to fix that?

21 Those are the things that we think  
22 about here. And it's all damaging to our  
23 environment and the things that we respect and  
24 that we live with. So I just really want to  
25 encourage you not to do. And don't mess with

1 the environment and the things that are here  
2 that we value. Thank you.

3 (Applause.)

4 MR. GRAVES: Next is Paul Stollenwerk.

19:34:34 5 MR. PAUL STOLLENWERK: My name is  
6 Paul Stollenwerk. P-a-u-l, S-t-o-l-l-e-n-w-e-r-k.

7 I spoke the other night when this was  
8 in Ashland and I really didn't have anything to  
9 read, and I really wasn't prepared to talk, but  
10 I guess I wrote some stuff down. Here we go.

19:34:54 11 So we live along the proposed  
12 railroad, and it does propose to go above our  
13 house. I even brought than a visual aid. This  
14 is looking out of our porch, and right there  
15 below is the creek and the hill, basically  
16 where this railroad is projected to go. And  
17 yet it doesn't touch our land.

18 So now, from what I understand,  
19 talking with neighbors, all this will go away,  
19:35:35 20 but yet it's going to be above our house. So  
21 what kind of view am I going to have now after  
22 that? And what do I get?

23 So what damages will we incur from  
24 the noise and the coal dust, the vibration,  
19:35:58 25 possible fires? What will our quiet piece of

1 land be worth after this is built, during the  
2 process and during operation? Obviously,  
3 noise.

4 And we would kind of like to know, is  
5 there just compensation for someone who is  
6 affected but doesn't own land that the railroad  
7 crosses or on?

8 And I think there's danger. Is there  
9 dangers of living below the rail line,  
10 derailments and such, being that close? I  
11 understand 200-foot right-of-way, which puts --  
12 must be pretty close to our place.

13 What about underground facilities,  
14 like the well, sewer, foundation, will they be  
15 damaged from vibration. Will there be  
16 compensation in the future? And would it be  
17 tested before and after?

18 So there, again, we are right by the  
19 creek. The creek is 30 feet from our house.  
20 Otter Creek. And, obviously, we are downstream  
21 from where this coal mine is going to be. We  
22 have wildlife that comes to our property, and,  
23 like I say, we have deer, pheasant, ducks,  
24 cranes visit our place, beaver, fish, amongst  
25 whatever else. Will this all be affected? I

1 think so.

2 The echo from trains will disrupt the  
3 valley, and it will be loud. We already have,  
4 you can tell from semis on the flats, the echo  
19:37:44 5 in the valley in Ashland, and I can just  
6 imagine what a train will be like going through  
7 there and all the way down. So what is the  
8 decibel level of a long coal train and what is  
9 the level now?

19:38:01 10 Anyone owning property on or near  
11 this railroad will be adversely affected. So  
12 what is the real projection, the real  
13 projection of trains in a 24-hour period. I  
14 see the stats, but really? What will it be?

19:38:21 15 We chose to live in the Tongue River  
16 Valley and raise our children in peace and  
17 tranquility, and would you want to change that?  
18 And the farmers, the ranchers, would be harshly  
19 affected by water, pasture issues, farmland,  
19:38:42 20 separation from farmland, separate pasture.  
21 What would be fair compensation? I don't  
22 know.

23 I got a little story, you know, when  
24 I was a kid I lived by a railroad track and I  
19:38:55 25 lived by an operating railroad track. And I

1 remember playing on the tracks. We'd take  
2 coins out there, try to tape them to the  
3 tracks, see if they get flattened down. Do you  
4 know how dangerous that is? And I sure don't  
5 want that for my children or grandchildren, or  
6 anybody else's.

7 So is there any other routes or means  
8 of transportation and options for this  
9 potential coal mine? Or is the No Action  
10 Alternative the best answer? I think the No  
11 Action is the best answer for me. Thank you.

12 (Applause.)

13 MR. GRAVES: Next is Ken Medicine  
14 Bull.

15 MR. KENNETH MEDICINE BULL: He's kind  
16 of trying to stick this mic in my mouth.

17 My name is Kenneth Medicine Bull.  
18 K-e-n-n-e-t-h, M-e-d-i-c-i-n-e, B-u-l-l.

19 I told this gentleman when I walked  
20 in, I'm back for the rest of the story.

21 I just wanted to first say that this  
22 Tongue River Railroad and the proposed Otter  
23 Creek Coal Mine is an environmental injustice  
24 issue. Buffalo is what we call that in the  
25 So'taeo'o language. It means buffalo.

1 I would like to thank all the  
2 So'taeo'o for coming out and getting up and  
3 speaking against this. For a while there I  
4 thought I was the only one, So'taeo'o getting  
5 up and talked. There was one in Ashland, and  
6 today we have young man here saying he's  
7 So'taeo'o and he's against this. I want to  
8 thank them for their participation in  
9 submitting their comments.

10 But I have a paper here that I  
11 researched. I went to the school at the  
12 University of Montana, majored in history and  
13 political science and psychology. Maintained a  
14 4 point GPA, and the reason why I'm saying  
15 that, this issue is creating emotions,  
16 negatively and positively on both sides. Some  
17 lady wrote in the place book said, let us  
18 develop this railroad, it's all going to be on  
19 the white man's land. Only the white man is  
20 smart enough to make money. We are the only  
21 ones that know how to work.

22 Over in Birney, my area, most of  
23 those ranchers use Indian labor to build their  
24 ranches, and I'm sure it's the same way down  
25 toward Ashland and on the Rosebud.

1           It shouldn't be that way. We are all  
2 Americans. We live in the same United States  
3 of America. If it's going to create dissension  
4 among us, then I don't think it should be  
5 built.

6           In the north land there was hunger.  
7 It seemed that the sacred powers had took on  
8 the people, for the animals starved, the land  
9 shriveled under the icy winds. The So'taeo'o  
10 were grateful when there was dry vegetation or  
11 one of the tribal dogs to fill the gnawing of  
12 the empty stomach. One evening they camped by  
13 a beautiful stream, the headmen went to one  
14 side and sat in a semi-circle. As the rest of  
15 the tribe moved toward the water, one of the  
16 chiefs ordered the men to pair up and to beg  
17 food from the woman they respected. One of the  
18 men who did so was a young man who possessed  
19 sacred power, and he stepped in front of the  
20 wise man, head chief of the So'taeo'o Tribe.  
21 The woman answered his request standing facing  
22 as he finished the meal. When he was done, he  
23 informed her that he had chosen to go with him  
24 to the far north. The woman was to take dogs,  
25 a travois, and camping equipment, for they

19:43:03

19:43:27

19:43:48

19:44:06

19:44:29



1 would be gone ten times of days of the sacred  
2 number 4.

3 After days of travel they saw a horse  
4 stretching before them and rising above in a  
5 great mountain. This was Black Mountain, and  
6 the older So'taeo'o today describe it as the  
7 signs from where the So'taeo'o came. A large  
8 rock stood before the mountain. When it would  
9 roll away, a passage was revealed. At the end  
10 of the passage they found themselves in the  
11 great lodge of the great black mountain.

12 What they beheld there is even today  
13 in the beauty of the Sun Dance Lodge and its  
14 altar. There the sacred powers instructed them  
15 for four days. Roaring Thunder also spoke to  
16 them of sacred things. This word is coming  
17 from the top of the mountain peak. The older  
18 So'taeo'o drawings of the scene showed a  
19 blackness of the sky surrounding the mountain.  
20 And the vividness of the light that pierces the  
21 darkness as Roaring Thunder spoke to them. He  
22 taught them that by following the sacred  
23 teachings they and their children would be  
24 blessed abundantly. As they moved back to the  
25 So'taeo'o camp, the heavenly bodies would

1 follow them. Roaring Thunder would awaken the  
2 moon, the stars and the rain. The animals  
3 would gather around the sacred mountain and  
4 would follow them. And they told them, take  
5 this horned hat to wear when he performed the  
6 ceremony I have given you and you will control  
7 the buffalo and all other animals. Put the hat  
8 on you as you go from here and the earth will  
9 bless you. And it's made from the skin of a  
10 buffalo cow's head, the horns are attached.  
11 Issawa (phonetic), the sacred hat, thus changed  
12 the So'taeo'o.

13 The whole world seemed to become new  
14 as the medicine man and the woman came from the  
15 mountain. The buffalo followed them as did the  
16 other animals. Grass was everywhere. Food was  
17 plentiful. At the end of each day the animals  
18 rested around them. When they reached the  
19 So'taeo'o camp, the medicine man, wearing the  
20 sacred hat, informed the people that they no  
21 longer need to fear hunger. He had at once  
22 ordered the ceremony to be performed exactly as  
23 the powers had taught him in the mountain.

24 When the dance was completed, the  
25 land was full of buffalo, grass was abundant.

1 So they had plenty. When the So'taeo'o people  
2 saw the holy man with his horned hat, they  
3 named him, or they honored him with the name,  
4 Red Horns.

19:48:16 5 MS. GLIDDEN: Ken, can you present us  
6 with that information, the rest of the story,  
7 afterwards?

8 MR. KENNETH MEDICINE BULL: What's  
9 that?

19:48:23 10 MS. GLIDDEN: Would you mind if we  
11 could have the rest of the story after everyone  
12 else has had the chance to speak?

13 MR. KENNETH MEDICINE BULL: Well, let  
14 me tell you. I'm telling you the So'taeo'o was  
19:48:34 15 here way before Columbus.

16 (Applause.)

17 MR. KENNETH MEDICINE BULL: I live  
18 here, and I'm going to continue to live here.  
19 You guys are going to go back tomorrow wherever  
19:48:57 20 you came from, and I think I should have the  
21 opportunity to finish what I have presented  
22 here. It will not take much longer.

23 MS. GLIDDEN: Okay.

24 MR. KENNETH MEDICINE BULL: I might  
19:49:12 25 as well say, it's stupid to have these

1 hearings, because the Tongue River Railroad  
2 owns two-thirds of the proposal. One-third is  
3 not even found, and you are rushing me. And  
4 the proposal, as submitted, is not even complete.

19:49:44 5 I've been going almost every night to  
6 these hearings, and those of us that live here,  
7 we get time limits. But if you let Tongue  
8 River Railroad come in here, you probably give  
9 him all the time in the world.

19:50:17 10 When the So'taeo'o came to buffalo  
11 hat and the Sun Dance to give the gift horns,  
12 the Cheyenne possessed the sacred arrow as well  
13 as the chief from the waters below the ground,  
14 the supernatural powers, activity, and sacred  
19:50:45 15 objects to the Cheyenne culture here.

16 And our Sun Dance priest of the  
17 So'taeo'o, when you put up a Sun Dance, you  
18 stand up for your people, and you protect them  
19 from things like this. So if you love your  
19:51:12 20 families, if you love your spouses, if you love  
21 your grandchildren, through that love I'm going  
22 to have to ask you guys to take the No Build  
23 Alternative. Keep the Tongue River Valley  
24 beautiful. This isn't in the public good any  
19:51:39 25 more. It's only going to benefit those Chinese

1 and those Asians. None of this coal is going  
2 to be burned in the United States, but, yet,  
3 the Chinese want is to make our land the  
4 sacrificial part of the United States of  
5 America, which is not right. Why should we do  
6 something for somebody that has nothing to do  
7 with the United States? How many tax dollars  
8 do the Chinese pay to the U.S. Government?  
9 Not a damn thing. So why should we do this?  
10 Thank you.

11 (Applause.)

12 MR. GRAVES: Next is James Walks Alone.

13 MR. JAMES WALKS ALONE: (Native  
14 language.) I go by that in public places.

15 My English name is James Walks Alone.  
16 I have two people up there along the wall that  
17 served as tribal presidents. This is one of my  
18 society brothers, one of the headmen of the  
19 Swift Fox. He's right what he said, we have to  
20 protect what our people are worried about. And  
21 I recognize many of my friends here, the  
22 neighbors to the southern borders on the Tongue  
23 River, to the east of the Tongue River near  
24 Ashland, and I'm glad you people from the  
25 Surface Transportation Board could come and

1 hear and listen to us. Maybe you could take  
2 back the message what our people are talking  
3 about, our neighbors, everyone that has concern  
4 for this railroad that's coming through.

19:54:20 5 Our people have been impacted for  
6 generations upon generations. Not only the  
7 Cheyenne people, but all the plains tribes in  
8 North America. And it all had to do with  
9 railroads. They cut off many of our ancestral  
19:54:43 10 migrations when we were living on the plains  
11 from Canada all the way down to the Gulf Coast,  
12 east of the Rockies, all the way to the  
13 Mississippi River. The railroad has played a  
14 big important part in our lives and how it  
19:55:01 15 impacted all of us. And it was the onset of  
16 manifest destiny for each of us, and we felt  
17 the pain of it.

18 I have lost a lot of family members  
19 with that railroad that has impacted us. I  
19:55:18 20 have witnessed a lot. I served as a tribal  
21 culture resource tech, and I'm called upon at  
22 different times through the year to go through  
23 these developmental areas throughout this  
24 region, and more recently our neighbors have  
19:55:41 25 been devastated by wild fires. As you know, we

1 had the largest wild fire in the history of  
2 Montana, and that was the Ash Creek and the  
3 Indian Creek fire. It wasn't pleasant for me  
4 to go through and view the damage there, the  
19:56:00 5 destruction of the fire. What I seen, what I  
6 know, like our young people that spoke, like  
7 these elderly gentlemen that were speaking, it  
8 had a devastating effect. That's just the wild  
9 fires. That's just the wild fires.

19:56:20 10 I see the impacts of what it done to  
11 the natural resources of our people. Homes  
12 were lost by the fires, they altered many of us  
13 livelihoods. They lost a lot of things to just  
14 that fire.

19:56:41 15 And with the construction of this  
16 railroad, I read and I looked at the different  
17 alternative routes of this proposed railroad.  
18 I always thought it was just going to go Miles  
19 City to Ashland, but I see that there are  
19:57:01 20 different routes that it's going to go.

21 And when this reservation was  
22 established, we weren't treated. This  
23 reservation was established by Executive Order  
24 by the President of the United States. A lot  
19:57:17 25 had to do with the 300, 400 Northern Cheyennes

1 that came out from Oklahoma. We were relocated  
2 in Oklahoma. My grandfather was a dog  
3 soldier, he was the rear guard in protecting  
4 the people on their epic journey home. We  
5 lost family members at Fort Robinson. There's  
6 been a lot of harm done to our people. And the  
7 railroad just enhanced it even more when they  
8 divided up all this land that we call home.  
9 Our ancestor land is part of what our neighbors  
10 are farming, raising cattle. And some of it is  
11 national forest.

12 And I understand where these people's  
13 hearts are. We came home from Oklahoma to a  
14 place where we could have a serene peaceful  
15 environment, where we could raise our children,  
16 like the young man said, where we could raise  
17 our children, to show them what we had. Not to  
18 go around, you know, bothering anybody, but  
19 just to make a life. And a railroad coming  
20 through, you know, it's going to impact us one  
21 way or another, it's going to impact us.

22 In 1974 and '75 I attended a high  
23 school up here called Colstrip. I seen the  
24 impacts of what that coal development there  
25 with the influx of people that came and gone, I



1 seen the high rate of crime, I seen the drug  
2 abuse, I seen the alcoholism, I seen all that  
3 happen, and I was just a young man. And it's  
4 kind of slowed down, but they are having  
5 problems up there. They are running out of  
6 resources, and that's that coal. We got a  
7 President of the United States talking about  
8 clean coal, but you can never have clean coal.  
9 We got Class I air in this reservation. We  
10 still maintain that Class I air. We used to  
11 have flyovers from the recently shut down Air  
12 Force base north of Forsyth. And they used to  
13 fly through our valley here and we would see  
14 these great jets flying through. We don't want  
15 that. And I hear my people talk, they don't  
16 want this railroad.

17 I walked those hills and those ridges  
18 there. And I know what they are talking about.

19 There's a lot of places in there that  
20 are very sacred and historic. We don't want to  
21 disrupt that. Like this gentleman that sat  
22 over here, he's talking about what he sees  
23 every day. He's going to be impacted by that,  
24 because he wants his children, his blood line,  
25 his blood flow for the future generations, he

1 wants them to experience the same thing he  
2 experienced growing up. And I understand  
3 there's some people up from Arch Coal for coal  
4 development. I know the economics of what this  
20:00:25 5 could bring for you guys. But what guarantees  
6 are we going to get as Northern Cheyenne people?

7 The landowners that are impacted just  
8 by the mine, what guarantees are there? Some  
9 of my friends, the McRaes over there, they had  
20:00:45 10 no choice but to give in to what they had over  
11 there. They had no choice. Either they give  
12 in or they take it. I don't like that rule.  
13 My father, he spoke against coal development  
14 because you cannot destroy Mother Earth like  
20:01:02 15 that. Mother Earth is supposed to take care of  
16 the people.

17 And I believe that. And each of us,  
18 you know, we have our own ideas and opinions.  
19 I spoke to Governor Racicot when he did the  
20:01:24 20 trade-off for the gold mine at Jardine for the  
21 Otter Creek, I'm quite familiar with all that.  
22 It was just a matter of time when all that was  
23 going to take place. And governor Schweitzer,  
24 he came to this Indian Country here, the  
20:01:43 25 Northern Cheyenne, to ask for our Indian vote,

1 and all we asked is that we have our homelands  
2 protected. That's all we ask. We asked him to  
3 protect that. We didn't say that we was going  
4 to be involved in coal development, although  
5 our tribe voted on it, but that was just a  
6 minority, just a minority. 800 voters when we  
7 have a total voting population of about 6,000.  
8 That's what I'm talking about.

9 I understand, like my dad said when  
10 he spoke at Conrad Burns' thing, he was only  
11 given two minutes, I'm lucky I got five. But  
12 the bottom line is I'm going to do and protect  
13 and be an outspoken person for our neighbors  
14 around the Tongue River and our Northern  
15 Cheyenne Tribe. And the consensus is that our  
16 people are worried about what this railroad  
17 will impact us pollution-wise. I stop and I  
18 see these rocks here, I stopped a development  
19 like that in Spring Creek Coal Mine as cultural  
20 resources. I preserved their place, that  
21 pictograph. We want to take our children to  
22 see these rocks and these pictures like this in  
23 a natural setting. We do not want to have them  
24 cut out and displayed in cases like this.  
25 That's what we did down there, down at Spring

1 Creek. We preserved a whole big rock site.

2 And they said they can do blasting  
3 and dynamite, a new technique, they are always  
4 saying that all the time, something that they  
20:03:33 5 can do, you know. So I had them install  
6 seismographic monitors so they don't disrupt  
7 that thing and deface it. That's what I'm  
8 talking about.

9 What guarantees and what assurances  
20:03:45 10 are these landowners and our people going to  
11 get? What are the guarantees? If you could  
12 come up with these guarantees like that, maybe  
13 we'll talk again. But right now, there's a  
14 concern that all this, all this natural thing  
20:04:01 15 that they have, has to be preserved. Thank  
16 you.

17 (Applause.)

18 MR. GRAVES: Jillisa Bahr? Is  
19 Jillisa Bahr here?

20 Is Mildred Redcherries here?

21 MS. MILDRED REDCHERRIES: Right here.  
22 I just wanted, I don't know what everybody has  
23 said or anything, but I mentioned this already  
24 about jurisdiction, because you know we are  
20:05:03 25 always outnumbered. We are a small tribe here.

1 We are always put to the side and overlooked.  
2 And so that's my concern is this jurisdiction.  
3 We have no jurisdiction over white people. And  
4 we are going to have a lot of them coming. And  
20:05:21 5 have no respect for us. They are going to come  
6 on to our land and do whatever they want to do.

7 And they hit our people, they can  
8 kill them, you know. I'm really afraid for  
9 what's going to happen to us.

20:05:37 10 I'm 4/4s Northern Cheyenne. There's  
11 a very few of us left. And who knows, they  
12 might marry, whatever, and it's going to thin  
13 our blood out even more. But there's a lot of  
14 issues that I'm concerned about. When all this  
20:05:55 15 comes, because this coal, nobody wanted it.  
16 They lowered the price way down, then those  
17 guys bought it. Just like he said it's going  
18 to China. How much do you have to dig to make  
19 the same profit as Colstrip? How much do you  
20:06:16 20 have to get out of there to keep it going? I  
21 mean, when I looked at it, I said, these guys,  
22 they are greedy. White people are greedy.  
23 They want money. This land, you can't -- this  
24 land, you keep forever. Whatever you buy,  
20:06:40 25 whatever you -- it breaks down. But land is

1 here forever. I don't want all this stuff, but  
2 I'm just one person, but I'm pleading with you  
3 guys. Try to understand where we are coming  
4 from.

20:07:00 5 You know, you guys are all different  
6 than us. You have different values than we do.  
7 We have different ways of thinking. I don't  
8 like the comment like, oh, they don't know how  
9 to work. They don't -- they want the  
20:07:22 10 government to do this. Well, the government  
11 has an obligation to us. They took our land.  
12 And the homesteaders came and they got it for  
13 free. And we have to come back from Oklahoma  
14 and die for this land. And then we got claims  
20:07:41 15 money, we got claims, and the government threw  
16 down their books and said, hey, these Cheyenne,  
17 we gave them these rations, we gave them these  
18 army blankets, we gave them all this, everything,  
19 provisions, everything they ever gave us they  
20:07:55 20 took it back out of our claim. So besides  
21 getting this land from Executive Order, we  
22 bought it two times: We bought it with blood  
23 and now we bought it with our claims money.  
24 Meanwhile all of Colorado, Denver, they are all  
20:08:10 25 rich. That's our land. They bought it for

1 penny an acre.

2 And maybe you guys know this history,  
3 I don't know. I just want you guys to  
4 understand, this is really important to us.  
5 They talk -- they are always talking about  
6 coal. All the time. And now look, nobody  
7 wants coal. There's that thing up there in  
8 Roundup, it keeps going down. They pick it up,  
9 and pretty soon it's gone again. So they  
10 can't even get a coal mine going over there,  
11 and it's their country over there.

12 I'm worried, there's a lot of impacts  
13 in this in the future. There's nothing good  
14 about this. There's nothing good about it.  
15 The coal is not good, it's not going to be used  
16 here. The people that ranch down there, that's  
17 how they make their life. Just like when they  
18 told Cheyenne, go over there and catch Chief  
19 Joseph. They said, nope, he lives over there,  
20 he don't come bother us here and we don't go  
21 bother him over there. But yet they made the  
22 Cheyenne go over there and capture him.

23 So you guys live your life wherever  
24 you live, and leave us alone over here. That's  
25 what I want to say.

1 (Applause.)

2 MR. GRAVES: Is Jillisa Bahr here?

3 Is there anyone who has not yet  
4 spoken tonight that would like to speak?

20:10:05

5 MS. PAULEE SMALL: Yes. Paulee

6 Small, P-a-u-l-e-e, S-m-a-l-l. Many of the  
7 people here know me and know who my family is  
8 and what we believe in. I want to share with  
9 you who I am. I've been raised by my

20:10:41

10 grandmother and my mother and my aunts and

11 uncles, and throughout my life I've been

12 stabilized with belief and faith in our

13 Cheyenne way. And when I was a child my

14 grandmother would say, one day you're going to

20:10:58

15 be a mother, and one day you're going to be a

16 wife. And she taught me many things of how to

17 live off our land. She shared our history with

18 me. She shared that historical trauma and that

19 pain, but with that pain I have strength and

20:11:17

20 stand here to share with you and to show you

21 that I'm here, my people are here, and we will

22 continue, and have for hundreds of years, and

23 will continue to fight and defend and protect

24 our home. And our home just isn't the

20:11:35

25 reservation boundaries. We go off, and we have



1 history, and we have different things that are  
2 way off the reservation. And today I stand  
3 here as a mother and as a wife, and I still do  
4 the things that she taught me, berry picking,  
5 we pick mushrooms and roots, the term hunting  
6 and gathering, we still do that today, many  
7 people. And I'm raising my son and my baby I  
8 will raise them that way. And I would like to  
9 be able to go to the river and show my son how  
10 to fish. What this means, the different trees  
11 along there. My husband is a forester and he  
12 knows a lot about the trees, the plants, and he  
13 also knows the history of what our purpose is.  
14 And he wants to share that with his son. And  
15 that's what will be affected.

16 How will that affect -- how will the  
17 pollution affect our berries that we, as a  
18 woman, I help prepare for ceremonies. We do  
19 our role in that preparation. And how will  
20 that affect our berries, our wildlife?

21 Everything we do has a purpose. Everything we  
22 use has a purpose.

23 And I look at your impact categories,  
24 and I've read the handout you have. And  
25 there's a lot of things to take into

1 consideration, but everything that you have  
2 listed, there's a human factor. And with these  
3 categories, a railroad does not benefit us in  
4 any way. It has a lot of negative impacts for  
5 us. Even though the railroad is not on our  
6 reservation, it will affect us.

7 And I want to be able to offer my son  
8 the childhood that I had. I took my grandmother  
9 years ago to the McRae family, we butchered a  
10 cow, and when they got together, they talked  
11 about stories from their childhood. They both  
12 grown up at Green Leaf. My grandmother was a  
13 Killsnight. She lived on the in the Green Leaf  
14 area, and they were children, and to think --  
15 to hear them share their stories, it made me  
16 feel good, it made me feel proud. And I want  
17 my grandchildren to feel that. When I share  
18 stories, I want them to be able to see, to be  
19 in that place to see, oh, this is where my  
20 grandmother is. This is where she, you know,  
21 experienced -- this is where this happened.  
22 And I want that for my children. I want that  
23 for generations to come. And we've been here  
24 hundreds of years and we will continue to be  
25 here. And I would really like you to seriously

1 consider the No Action Alternative. Thank you.

2 (Applause.)

3 MR. GRAVES: Is there anyone here who  
4 has not yet spoken that would like to speak?

20:15:08 5 MR. NICK GOLDER: I am Nick Golder, I  
6 live just north of the reservation here. I  
7 have a ranch there.

8 I've written down what I have to say,  
9 so I could remember to say it all.

20:15:47 10 Agriculture is the largest industry  
11 in the State of Montana. It is an industry,  
12 and an important one. Those of us involved in  
13 agriculture know too well what a disrupting  
14 catastrophe it would be to build a railroad  
20:16:03 15 through a long list of ag operations.

16 Agriculture provides food for the very people  
17 who incrementally whittle away at our ability  
18 to produce food for them.

19 We also understand the impossibility  
20:16:16 20 of trying to run an ag outfit during the  
21 building phase of the proposed railroad. As  
22 well as trying to figure out some way to run it  
23 after it's bisected by a railroad. A ranch is  
24 a unit. And it's a cohesive unit. And it  
20:16:34 25 operates in cohesion, not in separation.

1           It's one thing to build a ranch or a  
2 farm or a farm around an existing railroad, but  
3 it becomes a nightmare to restore a functioning  
4 operation after it is bisected by a railroad.  
5 This destruction of property and property  
6 rights is an affront to lawful use of private  
7 property.

8           Incredibly, all this proposed damage  
9 to American food producers is to be used to  
10 enhance the industrial strength of a nation,  
11 communist China, that we've had to keep a wary  
12 eye on for many decades. Where is the common  
13 sense in that?

14           It amazing that any American can chase  
15 dollars of coal development without considering  
16 what's happening in the larger picture. Is the  
17 immediate acquisition of money from coal worth  
18 the risk much jeopardizing the long term  
19 tranquility of Americans?

20           It may not be politically correct to  
21 mention this. I don't have anything against  
22 the Chinese people. And I hate to add to their  
23 existing respiratory and other health problems  
24 caused by the huge amount of unfiltered coal  
25 smoke that they have there. I'm glad that some

1 of the long time tension between our nation and  
2 theirs is relaxed somewhat, but it's certainly  
3 premature to trust them blindly. The  
4 leadership of China has a long history of being  
5 something less be gentle and benign.

6 This whole railroad scheme is an  
7 example of incrementally killing the goose that  
8 lays golden eggs. However, if you insist on  
9 building this ill conceived idea, I have some  
10 questions.

11 During and after construction, who  
12 would pay for the cost of trying to irrigate  
13 the fragmented field, bisected irrigation  
14 sprinkler systems, and difficult operator  
15 access during growing and harvesting crops?  
16 Since timing is very important in planting  
17 time, irrigating time and harvest time, would  
18 the operator be given freedom of timely access  
19 to perform the usual daily tasks of growing a  
20 crop? This would mean a number of crossings  
21 so the operator would have convenient access to  
22 carry on his usual irrigating, cropping, and  
23 rangeland duties.

24 In another area, will range cattle  
25 that water in the Tongue River have unlimited

1 access to water during and after construction?  
2 Cows can probably be taught to go through  
3 culverts under the railroad after it was  
4 constructed, if it was, but many calves are  
5 likely to turn back from the echo in a culvert,  
6 and not be able to get a drink unless they  
7 crawl through the fence, and that's not a very  
8 good idea on a railroad track.

9 Bridges would have less echo than  
10 culverts and might prove to be necessary to  
11 allow all the livestock to go to water.

12 These crossings would have to have  
13 individual operator input all along the ways,  
14 since each landowner, and only the landowner,  
15 would be the likely one that would have  
16 knowledge of access needs in various  
17 situations.

18 In closing I would like to point out  
19 that this railroad and its placement is a gross  
20 violation of existing property and property  
21 rights. And the cost to ag operators would go  
22 far, far beyond just the land taken out of  
23 production in the various units of agricultural  
24 operation.

25 Thank you.

1 (Applause.)

2 MR. GRAVES: I saw a hand in the back  
3 last time. Would you like to speak?

4 UNIDENTIFIED SPEAKER: This is  
5 Cheyenne Small, S-m-a-l-l. Cheyenne Small.

6 Cheyenne wanted to get up here, but  
7 it's hard to talk when it comes to something  
8 that can be so devastating to our people, to  
9 our animals and our loved ones. So we had her  
10 condense it down, and I'm going to read it for  
11 her.

12 She says, I don't want the railroad  
13 because the smoke that it lets out will go into  
14 the air and we breathe the air. The animals  
15 breathe the air, all life breathes the air.  
16 Please don't take our clean air.

17 (Applause.)

18 MR. GRAVES: Is there anyone else who  
19 has not yet spoken tonight that would like to  
20 make a comment?

21 MS. HOLLY FISHER: Holly Fisher,  
22 H-o-l-l-y, F-i-s-h-e-r.

23 First of all, I am requesting that  
24 you look at the no action. That's probably  
25 what I won't change my mind on.

1 I actually live in Missoula. I went  
2 to school at the University of Montana. My  
3 children and my husband are there right now.  
4 Every summer I bring my children back here so  
5 that they can learn to hunt and fish. Those  
6 are things that I can't show them in Missoula.  
7 All of that stuff cost money. It doesn't come  
8 free. I do let them live out there because it  
9 provides my kids good education, and that's  
10 something that I want for my children. I would  
11 like them to experience life off the  
12 reservation. But also, you know, they need to  
13 know where they come from, and they need to  
14 know why we are here. We are still Cheyenne  
15 people. We've been here for ages. And I like,  
16 you know, what off the reservation provides my  
17 children. But also they need to come back  
18 here, and this summer was the first summer that  
19 my son was able to shoot a gun and make his  
20 first kill. Along with that first kill came  
21 different, I guess, rules and things that came  
22 along with a boy making his first kill.  
23 There's things that, you know, we try to teach  
24 our kids in order to -- so that they can become  
25 men, a part of men in the Cheyenne society.

20:22:54

20:23:14

20:23:30

20:23:56

20:24:18



1 And hunting and fishing helps them to become  
2 that, helps them to become Cheyenne men. We  
3 can't show them that outside. We can't teach  
4 them how to, you know, what rules and things  
5 that you give to the spirits in order for you  
6 to show your thanks for that.

7 So that's why I bring my kids back  
8 here. My kids come back here every summer to  
9 hunt and fish and they come and berry pick.  
10 It's something that the girls do, but I do want  
11 to show my kids that.

12 When I was going to school in  
13 Missoula I went to school for anthropology, and  
14 in one of the classes that I did attend we were  
15 studying excavations. And one of the studies  
16 there was the northwest railroad here in  
17 Montana. That railroad brought in lots of  
18 different nationalities, and mainly were  
19 Chinese, Asian people, which brought opium  
20 here, and made Montana the biggest opium  
21 distribution -- distributor out of the whole  
22 United States. And it had many brothels here.  
23 They had that here. If that brought that to  
24 Montana and made a big effect in Montana, what  
25 is it going to do to our little tiny

1 reservation?

2 We already deal with meth, we already  
3 deal with alcoholism. We are trying to fight  
4 that. We are trying not to have those drugs  
5 come here and have other crimes come here. We  
6 want to try to stop those things. And having  
7 that railroad come here, we don't know what  
8 else it could bring, we don't know all the  
9 negative effects, where you guys are only  
10 looking at this stuff that you have here, and  
11 are not looking at everything outside that it  
12 could possibly bring.

13 When we lose one person in or  
14 community, it affects everybody, because we are  
15 so close. When you guys are with people out  
16 there, you don't know who they are, you don't  
17 feel that sense of loss. When we lose somebody  
18 here, it hurts all of us, and that's something  
19 that the railroad can possibly affect our  
20 people. It can bring a lot of negative effects  
21 here. And that's something that I wish that  
22 won't happen. That's why I'm asking not to  
23 have that come in. Thank you.

24 (Applause.)

25 MR. GRAVES: Yes, sir.

1 MR. BENJAMIN BAHR: My name is  
2 Benjamin Bahr. B-e-n-j-a-m-i-n, B-a-h-r.

3 I attended the Ashland Tongue River  
4 meeting and listened to many comments, negative  
5 comments, against this railroad and the coal  
6 mine. There was nearly a hundred people in  
7 there, and I'd say every one of them were  
8 against it. I spoke briefly earlier. I'll go  
9 over it again. I just want to read from what I  
10 wrote up. I see several people here that were  
11 there in Ashland, too, and they came up with  
12 some very good comments.

13 The ones that really stood out to me  
14 were the negative comments to our culture and  
15 the environment and the loss of water, land,  
16 and air, agricultural properties, the effects  
17 to the socioeconomics that the young lady was  
18 talking about and the negative conditions that  
19 it will bring are inevitable impacts if this  
20 development happens.

21 There were no public comments in  
22 favor of the railroad or coal mine. Many  
23 people are concerned with their properties  
24 being affected and liability created for them;  
25 costs they have to pay for, not the railroad or

1 coal mine, like wells, grass, fires, servicing  
2 railroad crossings, deaths, collisions, et  
3 cetera. Our tribal council has not spoken or  
4 addressed the inevitable negative impacts to  
5 our culture if this development occurs.

6 They are supposed to speak up for us  
7 to help protect our culture, identity, self-  
8 determination. The Tongue River Valley, how  
9 will our Class I air designation be affected?  
10 The So'taeo'o Nation of the Northern Cheyenne  
11 were not consulted. They are putting the cart  
12 before the horse.

13 The coal mine has to be a viable mine  
14 before the railroad is built. The coal mine is  
15 questionable because there is no baseline  
16 figures of water quantity or quality in Otter  
17 Creek, which in turn will require landowners to  
18 pay and be responsible if any problems occur.

19 Engineering problems will be created  
20 on the river if the railroad is built along the  
21 Tongue River. Many shear walls are right up to  
22 the river cliff banks.

23 Another concern is the Indian  
24 Homestead Act. Those old homesteads, you know,  
25 they were never -- they came with implied water

1 rights, which means the land would be useless  
2 without water. So those allotments have  
3 implied water rights also. That needs to be  
4 addressed in some fashion.

20:30:37 5 They weren't properly extinguished,  
6 and the state water compact did not take that  
7 into account with these implied water rights,  
8 which makes it questionable, our inalienable  
9 water rights.

20:30:53 10 This railroad is not needed with so  
11 much opposition. The tracks built on the berm  
12 will stop wildlife, cattle from accessing river  
13 water to drink. The erosion will occur when  
14 sheet water comes off the hills gets blocked  
20:31:09 15 and redirected to flow elsewhere back in the  
16 river. Ponds will develop with water on one  
17 side and grass on the other. It will block  
18 ambulances if the train is running while  
19 accessing to someone's property for  
20:31:23 20 emergencies. Pollution, fire, and health  
21 problems will increase. Many tribal cultural  
22 properties will destroyed if this railroad and  
23 coal mine is constructed. Our culture and  
24 identity will be negatively impacted.

20:31:36 25 The Tongue River Valley is a pristine

1 valley with big game animals, medicinal plants,  
2 fish, birds, and other processes will be  
3 negatively affected or destroyed. It's like  
4 the Tongue River is such high diversity, that's  
5 why the color of the water is really loaded  
6 with life.

7 This valley is the only one of its  
8 kind in southeast Montana. Tribal cultural  
9 property will be destroyed at the coal mine  
10 site. Old encampments were found right where  
11 the coal mines will be dug during a study and  
12 analysis done by the U.S. Forest Service.  
13 However, these findings may not have been  
14 included in the report sent to the department.

15 The NEPA process seriously needs to  
16 be re-evaluated with this kind lack of due  
17 diligence to protect what belongs to Cheyenne.

18 The market for coal is very poor.  
19 Technological advances in energy development  
20 will occur. We know energy is on the rise with  
21 natural gas. If this railroad and coal mine is  
22 constructed, it will not last and will be  
23 unsustainable.

24 Our children will say, those are old  
25 train tracks that used to be here. Then we are

1 back to square one, taking short term benefits  
2 instead of long term strategic planning to  
3 protect Cheyenne culture for generations.

4 The mine, railroad, and shipping  
5 ports on the west coast still are not  
6 permitted. We are completely not prepared.  
7 There is no infrastructure in place to  
8 accommodate the construction boom of people  
9 crime and housing, et cetera. This project is  
10 not for us. It's for the Asian market and  
11 corporate profiteers.

12 Employment will not happen for us,  
13 which will be for outside specialized crew  
14 members.

15 However, we have a chance, our  
16 people, to make a positive difference for  
17 people and culture. I'm for the No Action  
18 alternative.

19 Yet I think that maybe other types of  
20 energy development on the borders of the  
21 reservation would actually help protect  
22 reservation resources while providing energy,  
23 help us move in a direction of sustainable  
24 renewable energy with cost effective strategies  
25 in energy and power.

1           There were meetings that I attended.  
2           This is very important. So be here to speak up  
3           publicly, submit written comments, online  
4           written comments.

20:34:38

5           That's what I wanted to say, what I've  
6           written up. There's so many more questions, so  
7           much more that this entails. I hear the talk  
8           of the spiritual, spiritual effects and the  
9           enlightenment and how that plays a part in  
10          all of this. That's all I have. Thank you.

20:35:02

11                           (Applause.)

12          MR. GRAVES: Is there anyone else who  
13          has not yet spoken tonight that would like to  
14          speak?

20:35:22

15          MR. WAYLAN ROGERS: Waylan Rogers.

16          One observation I want to make right  
17          away is that I'm pretty upset with our elected  
18          officials, they should be here today and  
19          throughout the week helping us with this. I am  
20          pretty disappointed with them. For Ashland, I  
21          wanted Mr. Ben Bahr to represent us. He's been  
22          at every one of these meetings. And I just  
23          want to make that statement perfectly clear,  
24          it's nothing to do with you, but something with  
25          their own community, but I wanted to talk about

20:35:53

20:36:16



1 our values and money. There's a young lady,  
2 looks like she left, she made the comment we  
3 are different than you people that live off the  
4 reservation. Our values are way different.  
5 The way we see money isn't the way you see  
6 money. You know, I would spend my whole check  
7 to go to a pow-wow to be with other natives.  
8 And that's something that's ingrained in us.  
9 I'm sure all of us have done it before. I've  
10 done it many times. It's information that I  
11 wanted to share with everybody here.

12 I have a daughter, her name is Kya,  
13 and I've been telling her stories for years and  
14 years, you know, telling her what this does and  
15 why this is important. My mother has been  
16 doing the same thing. And I went to Denver  
17 with her when she was really young, and I knew  
18 this guy, and he kind of invited us to his  
19 restaurant, and he said, yeah, come on over,  
20 and I'll buy you -- I'll invite you over and  
21 you can get in, it's a really hard place to get  
22 in, it's called Elephants. And he's the cheese  
23 king of Denver. And I was telling my daughter  
24 about him because there was a big picture of  
25 him on the wall. And I said, he's really rich.

1 He has lots of money. He controls all the  
2 cheese. To her she didn't know what I was  
3 talking about.

4 And later on he comes in with his  
5 family. It was a pretty big restaurant. And  
20:38:21 6 then she said, is that him? And I said, yeah,  
7 that's him. And later on we started eating,  
8 and then she ran to the bathroom. And on her  
9 way back, she was supposed to come right over,  
20:38:41 10 but she went around and she went right up to  
11 him. And I walked over, I said, "Kya, wait."  
12 And he said, "No, go ahead. Go on." And she  
13 said, "I heard that you're rich." And he  
14 didn't know what to say.

20:38:57 15 "You know, my family is rich," she  
16 said, "we're rich in our culture." You know,  
17 to me all those values that I accumulated over  
18 the years, you know, I'm glad that I put them  
19 into her, I bring them to her the way she  
20:39:23 20 thinks, because, you know, I'm not rich. I get  
21 along from paycheck to paycheck sometimes. She  
22 knows that. She doesn't care.

23 When I was growing up, I grew up in  
24 Birney, mainly when I was real young, and I  
20:39:41 25 remember I was with my grandma, Mary Fisher,

1 her name was Holy Corn Woman, and I remember  
2 always listening to stories of her, all the  
3 stories that she would tell me every day.

4 I go to the river every morning to  
5 drink. She lived the old way. We had to go  
6 get firewood, we had to go get our own water.  
7 But, you know, I didn't know, I didn't know we  
8 were poor. You know, we were very poor when I  
9 was growing up. And so now that I'm older,  
10 money is not that important. If a railroad is  
11 built, you know, I ain't going to get that  
12 money anyway. I may work with the laborers,  
13 but that's only going to be for a little while.  
14 They are going to have another crew out there  
15 full time working. I've seen that happen  
16 before.

17 I'll make this next story real quick.  
18 Sorry. When she died, that was a pretty bad  
19 day for me. I didn't feel the way I should  
20 have felt. I was kind of numb. I was really  
21 numb. It was just words to me, she died. I  
22 didn't know that. And when my mom told me, you  
23 know, that water there, that water that flows  
24 right there, is part of our medicine, you need  
25 to go clean yourself, you need to go cover your

1 body in it, help yourself heal. And when we  
2 were growing up, she always had -- we had these  
3 pounding stones, and I remember I was so small  
4 I couldn't pick up those pounding stones. They  
5 are for cherries and pounding meat, dried meat.  
6 And I remember when I was real small she  
7 brought me one for myself, really tiny, just  
8 enough for me to grab it. And I took that down  
9 there and I found a piece of driftwood, and I  
10 put that on that driftwood, and I was going to  
11 let it go, but it started going by itself. You  
12 know, I stepped in the water and then that's  
13 when I could feel everything. And that was  
14 real. That's something that, you know, is part  
15 of me.

16 That's just two stories, short  
17 stories, of what I'm talking about. I can tell  
18 stories if we drive from Birney all the way to  
19 Miles City, I can tell stories like this all  
20 the time. My kids know these stories. And if  
21 you put a railroad there, those stories will go  
22 away. Thank you. That's all I have.

23 (Applause.)

24 MR. GRAVES: Is there anyone else who  
25 hasn't spoken that would like to speak?

1 MR. KALE MEANS: Kale Means. K-a-l-e,  
2 M-e-a-n-s.

3 What I'm really into is renewable  
4 energy and using what God gave us, light,  
5 water, the air, and use that as an energy  
6 source more than coal. Coal just seems like, I  
7 don't know, way down. Fires, pollution,  
8 railroads. Everything seems bad, in my  
9 opinion. But I'm into renewable energy, and I  
10 got my training through Henry Red Cloud, who  
11 just won a environmental award, a world award.  
12 There were 14 people out of the world who got  
13 nominated for that and he won. He's at Pine  
14 Ridge. And he has solar energy training over  
15 there for different things, water, air, solar  
16 air heaters, solar electric. And I think that  
17 should be not just our way but everybody's way  
18 to get energy.

19 And so I thought I would throw my  
20 opinion out there.

21 (Applause.)

22 MR. GRAVES: Anybody else would  
23 hasn't yet spoken tonight that would like to  
24 speak?

25 ALEXIS BONOGOFSKY: This is the last

1 time you guys have to see me for a while. My  
2 name is Alexis Bonogofsky.

3 I work for the National Wildlife  
4 Federation, but I'm here speaking as a citizen  
20:45:23 5 who hunts in this region, who has lots of  
6 friends who live here both on the reservation  
7 and off, and who deeply care about this land.  
8 And I know you guys have been sitting here for  
9 a week listening to people tell you this. And  
20:45:38 10 I think what you've heard, because I've been to  
11 most of them, I have missed a couple, but I  
12 think what you've heard is the people fiercely  
13 love this land.

14 This is not just -- people think of  
20:45:59 15 eastern Montana as a flat place, but, you know,  
16 we should sacrifice for this. We love this  
17 place. We love this land. And there's no  
18 place in this process for that. You have these  
19 categories. We don't think in categories.  
20:46:17 20 All of that is one thing to us. All of these  
21 separate things that you have don't take into  
22 consideration our ethics and morals and the  
23 value that we place here. And, therefore,  
24 because you can't categorize it, and because  
20:46:35 25 you can't place a monetary value on how much we

1 care about this place, it will be disregarded.

2 Three people will make a decision on  
3 whether or not this railroad gets a permit.

4 Three people I don't know if they've ever been  
5 here. Your guys' job is so important because  
6 you have to take what you've heard and you have  
7 to put it in a document that these people will  
8 see and they will have to make a decision off  
9 of it. And I don't see any place in this

10 document for our love for this land. How do  
11 you quantify that? How do you put that in  
12 place so people will understand that this  
13 railroad, we don't want it. People told you  
14 for five days -- there's a couple people who

15 want it, I'm sure, because they are going to  
16 get money, and they are going to get rich off  
17 it. After this week, I would look at it, if I  
18 were you guys, and say, this is stupid, we  
19 shouldn't even have to do any of that. This is  
20 a waste of money. This is a waste of taxpayer  
21 resources. This is a waste of our time. This  
22 is a waste of everything because we want what  
23 we have. We want to keep it that way.

24 And so I hope that somewhere in this  
25 document with these people, maybe they can come

1 elk hunting with us one year, maybe you can  
2 send them down here and we can show them how  
3 important this place is and all the great spots  
4 that we see wildlife. But somewhere in this  
5 document I hope that you put how much we love  
6 this land and that we will protect it.

7 I personally, no matter if I work for  
8 the National Wildlife Federation or not will  
9 fight this railroad. If I'm 85-years-old and  
10 it finally just gets thrown out the window,  
11 that will be a good day. There's nothing you  
12 can trade for this. There is no amount of  
13 money, there's nothing that is worth this to  
14 people. And that piece of paper, that big  
15 thick EIS document, all these people who get up  
16 and tell stories, and I'm sure at some point  
17 you say, I've heard that before, but this is  
18 our only chance to tell you how much we care  
19 about it. And you go back to DC or east coast  
20 or wherever, we don't have a way to communicate  
21 that with you. I'm sure Tongue River Railroad  
22 Company and Arch Coal, they get to be in front  
23 of you guys all the time. They get to have  
24 meetings. They are in constant communication.  
25 And I know you are shaking your head, but the



1 people here in this community, we can write you  
2 letters and e-mails, but it doesn't get across  
3 what is happening here. And it would just be  
4 in the best interest of the public, the public  
20:49:37 5 good, is to end this now. There's nothing good  
6 about what is happening for the public in this  
7 railroad.

8 So thank you for coming out here and  
9 listening to us, because I know it's been a  
20:49:53 10 long week for you all, and you've sat through a  
11 lot of people's testimony, so I appreciate  
12 that. And I would like to have a standing  
13 invitation for any of you to come back out to  
14 eastern Montana for something fun to do,  
20:50:07 15 including the Surface Transportation Board  
16 members as well, because I think before they  
17 make a big decision like this they should come  
18 out and see the agricultural operations and the  
19 wildlife recreation that we all enjoy. Thanks.

20 (Applause.)

21 MR. GRAVES: Is there anybody else  
22 present who hasn't spoken yet tonight that  
23 would like to speak?

24 MR. MIKE SCOTT: Mike Scott.

20:50:38 25 There was just one other thing that I

1 did want to get on the record tonight. I do  
2 think it is important that you do consider this  
3 when you're looking at the feasibility of this  
4 project.

20:50:51 5 Like Alexis, I travel around to most  
6 of these hearings now and I've heard what  
7 you've heard. And I think you have probably  
8 gotten the impression of how dear people hold  
9 this land, how important it is to them. But,  
20:51:07 10 also, how stalwart they are going to be in  
11 their defense of it. I wanted to be sure that  
12 the record did reflect that my organization,  
13 the Sierra Club, I'm sure the Northern Plains  
14 Resource Council, National Wildlife Federation,  
20:51:24 15 our Cheyenne friends, and the ranching  
16 community will fight this railroad every step  
17 of the way through all the means available to  
18 us legally. That's going to have an impact on  
19 the development of this project. We are going  
20:51:38 20 to make it expensive. We are going to make it  
21 take a long time. And I think you need to put  
22 that in your document when you consider whether  
23 or not this thing can ever get off the ground,  
24 because I'm pretty sure we'll stop it. So  
20:51:52 25 thank you.

1 (Applause.)

2 MR. GRAVES: Is there anyone else  
3 that would like to speak that hasn't spoken yet  
4 tonight?

20:52:01 5 Thank you.

6 MR. CLINT McRAE: Clint McRae.

7 C-l-i-n-t, M-c-R-a-e.

8 The Surface Transportation Board has  
9 two choices to make. One is an easy choice,  
20:52:17 10 one is the right choice. The easy choice is to  
11 permit this railroad or one of their  
12 alternatives to some point. If that's the  
13 case, then this process is a formality. And  
14 that's wrong. That's an injustice to the  
20:52:31 15 people, not only of the Cheyenne Nation, which  
16 we stand in, but the white landowners that live  
17 around here, too.

18 But the difficult decision is the  
19 second decision you can make, and that is to  
20:52:42 20 choose the No Action Alternative.

21 Alexis mentioned a bit ago that we  
22 are going to fight this. You've heard some  
23 history the last couple weeks by the Cheyenne  
24 people both here tonight and in Lame Deer. I  
20:52:56 25 think there is one thing that needs to be

1 thrown out there, too. My family has been here  
2 just a pittance compared to the Cheyennes,  
3 we've been here about 125 years, which isn't  
4 very much time, but I think that we have finally  
5 begun to realize why the Cheyenne fought so  
6 hard to come back here, because what's at stake  
7 is worth fighting for. And we will stand  
8 beside them. Thank you.

9 (Applause.)

20:53:10 10 MR. GRAVES: Is there anyone else who  
11 hasn't yet spoken tonight that would like to  
12 speak?

13 MR. MONTE MEDICINE: Well, my name is  
14 Monte Medicine.

20:54:15 15 I heard a lot of stories. I'm a  
16 workaholic. Now I'm an old man. Some say I'm  
17 still middle-aged. Yeah, I like to look at it  
18 that way. The reason why I listened, it's not  
19 only my job but it's a title I carry. I'm a  
20:55:10 20 United States Marine. My great grandfather was  
21 in the war, too. My father was in the Korean  
22 War. Myself, Iran. My son, he was in Iraq.  
23 So all along the line in my family we are  
24 military men. And it's hard to say, this war  
20:55:57 25 that happened, this Little Bighorn, the Custer

1 battle. My great, great, great grandfather,  
2 who received chiefhood, was the first one to  
3 slow down this individual, General Custer. He  
4 was the first one to slow him down or else he  
20:56:41 5 would have surprised the Cheyenne, Sioux, and  
6 Arapaho.

7 I read it in a lot of books, and  
8 today I'm proud to carry his chiefhood. I  
9 myself, I'm a ceremony man. I may look like a  
20:57:18 10 regular Marine, crazy at heart, but, yeah,  
11 that's good. But when I came home, I entered  
12 this home quietly. But for my son, there he  
13 was. I was proud of him. His grandfather was  
14 proud of him. And I heard a lot of stories,  
20:58:14 15 and I guess one thing I could say about this  
16 valley, it's a home for all of us. And it's  
17 been a good home. We fought for it. We went  
18 through thick and thin, no matter how you want  
19 to look at it. I say leave God's country  
20 alone.

21 MR. JEFF KING: Jeff King is English  
22 my name. You know, I've been coming to these  
23 meetings, I made a few, and there's been point  
24 after point, point after point after point that  
20:59:44 25 things that I didn't even consider and that I'm

1 learning about and taking into consideration.  
2 Man, you guys have your hands full. I think  
3 it's clear that you can deem this inconsistent,  
4 whatever that quote is, for the feasibility or  
5 for the betterment of the public, for the  
6 earth, for the world, and I agree with my  
7 friend Kale, who was talking about, and I think  
8 this is something that we as Cheyenne people  
9 and as people of this earth should be  
10 considering is just moving towards something  
11 better, moving towards renewable energy, moving  
12 towards in a direction where it fits with who  
13 we are. That's what we believe in. And I'm  
14 going to be fighting for that, and I'm going to  
15 be fighting for the development of that, and  
16 not the development -- or I'll be fighting  
17 against the development of this.

18 I guess that's all I really have to  
19 say. I vote for the no action way.

20 (Applause.)

21 MR. GRAVES: Anyone else present who  
22 hasn't spoken who would like to speak tonight?

23 MS. ELIZABETH BRAIDED HAIR: Thank  
24 you. Elizabeth Braided Hair.

25 I'm a full blooded Northern Cheyenne

1 woman here. I talked last time, I spoke about  
2 two issues, two things that happened. One of  
3 them was that I'm really concerned about our  
4 wildlife here, i.e. all the wildlife here. I  
5 mean I live off of that. I'm the dry meat  
6 maker in our family. These are for ceremonies,  
7 the dry meat and the berries. And my nieces  
8 talked earlier tonight, and they talked about  
9 picking mushrooms and we do the turnips. We  
10 save this all for the wintertime. We use it  
11 come springtime, we already have it for  
12 ceremonies because there's nothing growing yet.

13 I'm really concerned about our  
14 wildlife, and the railroad that will scare all  
15 our wildlife off. And all the people talked  
16 about the water. Water is very important for  
17 us. It's called water of life. It's our life.

18 And the other thing I talked about  
19 earlier, earlier this week, was my daughter and  
20 I were coming from my brother Edmund, he's my  
21 first cousin and in the Cheyenne way he's my  
22 brother, we just pulled on to the road and  
23 there was a semi coming. So we pulled off the  
24 road and I seen the white line, we were off the  
25 road. This semi came and -- he came so close

1 to us, he knocked our mirror off, and he pushed  
2 us in the ditch. He wrecked, and it was  
3 terrifying and very scary. My daughter was 13  
4 years old. And the look in her eye, you know,  
5 almost losing our lives, all the people were  
6 watching us and they heard -- you know, we  
7 could see where the teepee was where my brother  
8 was lying, and they all came over, and they  
9 were, like, all terrified because we didn't  
10 hadn't yet buried my brother, and we almost  
11 went home, too.

12 But my point is they sent -- the  
13 truck driver was a white guy, and they sent for  
14 the police in the Big Horn County, and it was  
15 another white guy. And he took the statement  
16 from the semi driver. He didn't ask for our  
17 statement. And his report was based on that  
18 white man's story. That terrifies me, because  
19 this semi, the trains that's going to be coming  
20 through, they are not going to care about us  
21 either.

22 Just the other day I was reading in  
23 the paper, somewhere in Texas, I think, they  
24 were having a parade, and one of the floats had  
25 elderly veterans, and how many were killed?



1 Was it seven or 11? And then there was  
2 children right behind, there was like cheer  
3 leaders and basketball players in the float  
4 right behind them. They seen all that. They  
5 witnessed all that. And it just sent shivers  
6 down my back thinking, what if those were our  
7 elderly veterans? We really love each other,  
8 we care for each other a lot. All I can say is  
9 I don't want this at all. And I'm saying no  
10 action.

11 Also, my children I've been telling  
12 them about this, they've been following this.  
13 They wanted to be here. They wanted to protest  
14 out there. And they said, at least let us make  
15 posters, and we don't want this. And then I  
16 have a grandson I'm raising. He's in on it.  
17 So you guys got two more generations that's  
18 going to fight you. And the only way I can  
19 say, you know, the only way I can approve this  
20 train is if Arch Coal puts it in their  
21 backyard. That's the only place it belongs.  
22 Not here, but in Arch Coal's backyard. Thank  
23 you.

24 (Applause.)

25 MR. GRAVES: Is there anyone else who

1 hasn't yet spoken tonight that would like to  
2 speak?

3 THERESA BRADY: Theresa Brady.

4 T-h-e-r-e-s-a, B-r-a-d-y.

21:06:03 5 Thank you for your time. Because  
6 what this entails is just bringing our people  
7 together and moving forward, creating harmony,  
8 unity, speaking for Mother Earth.

9 I vote against this. I vote no. So  
21:06:31 10 that's all I wanted to say.

11 (Applause.)

12 MR. GRAVES: Is there anyone here who  
13 hasn't yet spoken who would like to speak?

14 MR. WILLIAM WILSON, III: William  
21:06:54 15 Wilson, III.

16 I think Alexis said it pretty much  
17 for me, and Theresa, Elizabeth. What I was  
18 going to try to tell you guys, this is a waste  
19 of time, money, taxpayers dollars, all of this.  
21:07:10 20 All for what? Money? Capitalism? Arch Coal?  
21 People who own it are already rich. All of it,  
22 a waste of time and money. You guys could be  
23 with your families, your homes, wherever you  
24 live, your houses, Instead of sitting here  
21:07:26 25 listening to ranchers getting mad at you for

1 something that Arch Coal wants. It don't need  
2 to be. It's just a waste of time. Make a note  
3 for that for the Safety Transportation Board  
4 so they can think about that.

21:07:41 5 Second, water, water, and water.  
6 Everybody talks about water. Water this,  
7 water, all of it. Why do we talk about water?  
8 It's sacred. It's holy. It's life.

9 Scientifically, if you want to speak,  
21:07:56 10 water made the microbes, those that evolved  
11 into us, if you want to speak like that. It's  
12 all about water, too. I want the Surface  
13 Transportation Board to take note of that when  
14 they make their decision of no action or  
21:08:10 15 whatever.

16 But, you know, that's one thing, you  
17 know, is water, it's sacred. It provides life  
18 for us. It makes things grow. It provides for  
19 the agriculture, it provides for fish, all of  
21:08:21 20 that. Socioeconomics. It provides for  
21 everything. It's medicine. I want you guys to  
22 know that. Maybe they can look into the  
23 significance of that.

24 Also, coal, you know, the coal, water  
21:08:32 25 it gets filtered through it. It's proven.

1 It's an aquifer that's how it purifies, it gets  
2 clean. That's how we can drink it. Maybe they  
3 can take no action. Just let the record know  
4 that. Thanks. Good evening.

21:08:48 5 (Applause.)

6 MR. GRAVES: Anyone else who would  
7 like to speak this evening?

8 MR. TOM MEXICAN CHEYENNE: Tom  
9 Mexican Cheyenne.

21:09:11 10 A couple of things. One is kind of a  
11 story. When I grew up here, I'm a little older  
12 now, I grew up here and we had deer and we had  
13 fox and coyotes, raccoons. So those basically  
14 were the things we hunted here. I think these  
21:09:34 15 young people can probably relate to that now.  
16 But they are actually better off.

17 But today what we have here is we  
18 have elk and we have bear. We have animals  
19 here that we never had.

21:09:47 20 One time I went back to one of our  
21 elders, a man that has helped me in ceremonies,  
22 and I asked him why is it that we have these  
23 animals now? We have more people and more  
24 homes now but we have more animals that we  
21:10:04 25 didn't have when I grew up and when you were

1 growing up. But that's when all the buffalo  
2 were killed off, so we had to rely on the deer.  
3 To get elk we had to go to other places to get  
4 that. But our reservation it was just the deer  
21:10:20 5 that we lived off of. And then, of course, we  
6 turned toward the cattle, which is more  
7 destructive to our bodies today.

8 And he told me, he said, when the  
9 Cheyenne people brought the buffalo back, the  
21:10:34 10 first time we brought them back, we put up big  
11 pens, about ten-foot high, and we tried to keep  
12 those buffalo in there. And those buffalo  
13 broke out of there. But they didn't run away.  
14 They stayed here. So now we go out, go on our  
21:10:53 15 reservation, you drive around in different  
16 places, if you're lucky, you'll see buffalo and  
17 you'll see the young calves. They calved this  
18 year. They calve every other year. Beautiful  
19 animals. He we live off of those. We use them  
21:11:08 20 for our ceremonies.

21 But for some reason these buffalo  
22 don't leave here. They stay here. And he told  
23 me, he said, the buffalo, something happens in  
24 them, they radiate something, and the plants  
21:11:24 25 that we never had for a long time, the things

1 that we use for ceremonies, the things we use  
2 for doctoring, they started to come back and  
3 grow again. And he said that's the same way  
4 with the animals. So the buffalo, when they  
5 become at peace with their surroundings, start  
6 calling the other animals. And we have stories  
7 about those animals in our history and how we  
8 lived, that these animals took care of us. But  
9 we also learn how to take care of them, and  
10 that's what we need to do today.

11 Now, I want to tell you something.  
12 I'm not wishing anything on you. You know, you  
13 guys have a disaster way back there, affected a  
14 lot of people. Those kind of disasters are  
15 happening more often today. One of these days  
16 you may not have electricity over there. Do  
17 you guys know how to survive without  
18 electricity? Do you know how to survive  
19 without a car? Do you? I don't think so.

20 One of these days when that happens,  
21 and it will happen, you're going to need us.  
22 You're going to need this land, you're going to  
23 need those animals, because they are going to  
24 take care of you, just like they are taking  
25 care of us today.

1                   And that's really important to  
2                   remember to go back and tell those people with  
3                   a lot of money that can buy anything, but when  
4                   the lights are gone and the cars can't run,  
5                   where are you going to go? You're going to  
6                   come to us. You're going to come to the places  
7                   out here where there's room to live, room to  
8                   build a home, a place to get firewood, a place  
9                   to shoot a deer or an elk. But you're going to  
10                  need us to help you to learn how to use that.  
11                  These ranchers know how to do that now. They  
12                  live off their cows. They live off some of the  
13                  wild game. And that's something that's very  
14                  rare today, because look at what's happening in  
15                  this world. Look at what's happening on that  
16                  side of the nation, the country. I pray for  
17                  those people, because they have no survival  
18                  skills. And they depend so much on wealth and  
19                  money and the rich to support them. Out here  
20                  we don't. We don't need that. But you do.  
21                  So when you go back home and you talk to these  
22                  people, you tell them what I said, because  
23                  that's real. And it is going to happen one of  
24                  these days. It may not be in my lifetime or  
25                  yours, but it may be in your grandchildren's

21:13:04

21:13:24

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21:14:00

21:14:20

1 lifetime. You're going to need -- they are  
2 going to need a place to go.

3 And we're here. Thank you.

4 (Applause.)

21:14:31

5 MR. GRAVES: Anyone else?

21:14:54

6 MR. WALLACE McRAE: My name is Wally  
7 McRae. I have spoken before at these. I  
8 wasn't going to speak tonight, but some of the  
9 statements made by our neighbors, the Northern  
10 Cheyennes, have moved me to break out this  
11 book. It's a book of my poems. I'm going to  
12 give it to you people that have come out here,  
13 and you can pass it around on the airplane and  
14 read some the poems that I have written in here.  
15 And I'm going to read you one that I did about  
16 25 years ago to the ICC, and they made fun of  
17 it. It's called Our Communion.

21:15:10

21:15:41

18 He said this bread's my body  
19 He he said my blood's the wine  
20 Remember when you take it, the  
21 blood and body's mine.

21:16:00

22 Our bodies are this fertile land,  
23 this water is our blood, our plains  
24 form our union, our God's organic  
25 mud. You're blasting render our



1                   very flesh, your mine cuts our  
2                   veins, our fly blown floating  
3                   bodies lie piled upon the plains.  
4                   You load our bones on somber black  
21:16:15 5                   unit funeral cranes, or burn them  
6                   in cremation fires, Dachas of the  
7                   plains, by callus men and greedy  
8                   our deaths unsanctified, a region and  
9                   its people both being crucified.  
21:16:36 10                  Proffer up the other cheek or cries  
11                  should we subdue, say, forgive them,  
12                  Father, for they know not what they  
13                  do?    Should we ignore the specter of  
14                  this base incubus, as they debach  
21:16:55 15                  our country, do they ever think of  
16                  us?    The water is our life blood,  
17                  our bodies are the land, why can't  
18                  they comprehend this, why don't  
19                  they understand?  
21:17:12 20                  (Applause.)  
21                  MR. GRAVES:  Is there anyone else  
22                  here that evening that hasn't yet spoken that  
23                  would like to speak?  
24                  It's about 20 after 9.  I'm going to  
21:17:46 25                  turn the microphone back over to Cathy.  She'll

1 say a few closing words, and then we'll be  
2 adjourned.

3 MS. GLIDDEN: I just want to thank  
4 you all for coming here tonight and for  
21:17:57 5 speaking and providing your comments. It is  
6 really heart felt, and certainly meant a lot to  
7 me personally and certainly to the Board that  
8 you spoke. This will inform the process, you  
9 know. Any comments that you provide for the  
21:18:16 10 public record, those comments are going to  
11 inform the process. That's the whole point of  
12 this meeting and these public scoping meetings.

13 So I really want to thank you again  
14 for being here and for providing the space and  
21:18:34 15 for providing your input and your opinions  
16 about this project. Thanks very much. Have a  
17 good night.

18 (Meeting closed.)  
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CERTIFICATE OF REPORTER

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

Certified Court Reporter

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