

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

Re: Proposed Tongue
River Railroad Project }

TRANSCRIPT OF PROCEEDINGS

Charging Horse Casino
Bingo Hall
Highway 212
Lame Deer, MT
November 12, 2012
2:00 p.m.

APPEARANCES

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

RICHARD L. MATTSON, LTD.,
CERTIFIED COURT REPORTER
816 Avenue F
Billings, MT 59102
(406) 698-3163

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1 COURT REPORTER COMMENT AREA

2 MR. JOE WATERS. (Lame Deer.) As a
3 member of this tribe, and as a Cheyenne
4 speaking person, I, or we, members of the Tribe
5 that speak Cheyenne oppose this railroad. I
6 don't know, we are supposed to have this tribal
7 council and tribal president speaking for us in
8 that manner, but all they can think about is
9 their pay. And they are not members of this
10 Tribe. And that railroad, if allowed, is going
11 to really affect members that have Cheyenne
12 blood in them, affect their lives. Because
13 them people that are at them employment
14 stations will be something else other than the
15 Cheyenne. And these people will come and
16 interact with our young women, the ones that do
17 have Cheyenne blood in them. And they get
18 pregnant and having kids, they're black,
19 yellow, white, and then calling themselves
20 Cheyenne, like we have today. They are not
21 Cheyenne, like the president of our Tribe. I
22 don't know what is going on here, I'm thinking
23 about liability for the Northern Cheyenne
24 Tribe. There must be a liability involved here
25 for the Northern Cheyenne Tribe with this stuff

14:21:44

14:22:01

14:22:21

14:22:41

14:22:57

1 to be brought to us. There must be something
2 wrong here.

3 I'm a Cheyenne speaking person. But
4 this administration is a separate form of
14:23:27 5 government. None of them are Cheyenne. The
6 president of the Tribe is not a Cheyenne. The
7 Cheyenne blood Indian, and I am a Cheyenne
8 blood Indian. And I know that we got this in
9 1934 called the Indian Reorganization Act. And
10 these people are supposed to be there to
14:23:48 11 protect our interest. But none of them done
12 that this last 70 to 80 years.

13 And now wait a minute, all I know is
14 that I got a hunk of Johnny Wooden Legs,
14:24:11 15 president of the Tribe back then, was not a
16 Cheyenne. And the reason why he's my uncle is
17 because there was a white guy going around
18 getting Indian girls pregnant left and right,
19 and that is how he got to be my uncle.

14:24:28 20 So we got these kind of people
21 deciding issues for us that have don't have any
22 comprehension about what being a Cheyenne is
23 all about. We own this place, it's our home,
24 we got to take it back. What's going on? All
14:24:46 25 I know is them railroad workers can get paid

1 every two weeks and get a lot of money. The
2 ones in with no money on this Indian
3 reservation are the people with the Cheyenne
4 blood. Because we were told by our grandmas to
5 help these guys out that were having a hard
6 time. They sorry. Pathetic. Couldn't work.
7 Couldn't do nothing. Don't say nothing about
8 the jobs we've given them. We are supposed to
9 be assimilated in capitalism, not these white
10 guys. The president of the Tribe is already a
11 white guy.

12 Now, wait a minute. But I think we
13 can't allow this because nobody had really
14 spoke up for the interests of the Northern
15 Cheyenne Tribe. Get our Cheyenne that have
16 Cheyenne blood in them. Might be on the road,
17 might have got adopted. And it's a subversive
18 form of government, institutional racist rules.

19 And look at how things are. This is
20 our home. Nobody is going to be here for the
21 Tribe. No one is going to be here. People
22 think we don't have interest. Well, look who
23 they've been hiring for the last 70 years,
24 eight hours a day, 40 hours a week. We are
25 supposed to be the ones that get that.

1 Another thing. The Cheyenne language
2 is more communistic than what communism is all
3 about. We are not supposed to hurt or say
4 anything bad about somebody that's having a
5 hard time. We are supposed to help them out.
6 Look, the result, again, is people getting paid
7 eight hours a day, 40 hours a week, costing the
8 taxpayers \$58 million bucks this year.
9 Congress grab \$58 million bucks, here,
10 Cheyenne, take care of yourself with this
11 money, and look who we pay. Been going on for
12 about 60, 70 years. 1934. We are the ones all
13 our lives are gone, gone by the kids. Our kids
14 are having kids right now, I'm a grandfather
15 now. They are the ones that need a home.

16 All right.

17 *****

18 MR. MONTE MEDICINE: (Lame Deer.)

19 The main thing with this area is
20 employment. If they can bring employment here,
21 it would be welcome. But it's only for certain
22 individuals, some they chased off to find work
23 won't be permanently, we don't want them around
24 them. Or myself, I've worked with Western
25 Energy as a coal miner, and I drove various

1 equipment. Mostly I was hired as a scraper
2 operator, but I ended up driving the coal
3 haulers, bulldozers, road graders. Originally,
4 I'm an operating engineer. On the reservation
14:30:50 5 before I changed my employment I was a highway
6 patrolman. Police officer. But the main thing
7 is going to be employment.

8 Well, I guess qualifications, you
9 turn back a lot of these individuals. Just
14:31:28 10 like I was an employee on the Department of
11 Transportation for the State, was going through
12 the Crow Reservation, because I wasn't a Crow,
13 they were trying to get rid of me because I'm
14 not Crow, but Crow enrollment. All they
14:31:56 15 telling us, these employer will just take going
16 through the reservation here, which is a state
17 highway, so that stopped everything.

18 That was my comment.

19 *****

14:32:11 20 OPEN PROCEEDINGS

21
22 MR. BLODGETT: I would like to thank
23 everybody for coming this afternoon. My name is
24 Ken Blodgett, and we are conducting a public
15:01:56 25 scoping meeting on the Tongue River Railroad

1 Environmental Impact Statement for the Tongue
2 River Railroad. Seated at the table with me is
3 Alan Summerville of ICF International, the
4 project manager for our third-party contract,
15:02:15 5 and Scott Graves, also of ICF International,
6 who will be serving as our facilitator this
7 evening when we start taking public comments.

8 The Surface Transportation Board is
9 the federal agency responsible for granting
10 authority for the construction and operation of
11 new rail lines and associated facilities. On
12 October 16, 2012, the Tongue River Railroad
13 Corporation filed a revised application with
14 the Surface Transportation Board to construct a
15 rail line from Miles City, Montana, to end
16 points near Ashland, Montana. The Surface
17 Transportation Board is the lead agency
18 responsible for preparing the Environmental
19 Impact Statement which will identify and
15:03:09 20 evaluate the potential environmental impact
21 associated with the proposed action and
22 alternatives. There are four cooperating
23 agencies working with the Surface
24 Transportation Board, in the preparation of the
15:03:44 25 Environmental Impact Statement. Those four

1 agencies are the Bureau of Land Management, the
2 U.S. Army Corps of Engineers, the U.S.
3 Department of Agriculture, and Montana's
4 Department of Natural Resources and
15:03:59 5 Conservation, acting as the lead agency for other
6 Montana State agencies. These cooperating
7 agencies have decision-making authority
8 independent of the Surface Transportation Board
9 and are agencies from which the Tongue River
10 Railroad will obtain separate approvals or
11 permits.

12 This scoping meeting tonight
13 represents one of the first opportunities in
14 the environmental review process for members of
15 the public to provide input to the Surface
15:04:20 16 Transportation Board about its environmental
17 concerns related to the construction and
18 operation of the proposed rail line, including
19 potential alternatives and their impacts. Our
15:04:30 20 hope is that, through the information you
21 provide today, it will help us frame our analysis
22 and help us to understand your concerns about
23 the proposed action and the potential
24 alternatives. The scoping notice public
15:04:46 25 comment period will last until December 6,

1 2012. The Office of Environmental Analysis
2 will then revise the Draft Scope of Study, and
3 issue a Final Scope of Study, incorporating
4 public comments received during the comment
15:05:18 5 period. The Office of Environmental Analysis
6 will consider all comments received when
7 preparing Final Scope of Study. There is some
8 additional information on the Surface
9 Transportation Board's environmental review
10 process at the station located in the back of
15:05:37 11 the room.

12 After the Scope of Study is
13 finalized, the Office of Environmental Analysis
14 will begin preparing the Draft Environmental
15 Impact Statement. The Draft Environmental
15:05:49 16 Impact Statement will reflect the Office of
17 Environmental Analysis's independent analysis
18 of the potential environmental impact that
19 could result from the construction and
20 operation of the proposed rail line.
15:06:04

21 The Office of Environmental Analysis
22 will then issue the Draft Environmental Impact
23 Statement, and the public will have the
24 opportunity to read and comment on the Draft
15:06:19 25 Environmental Impact Statement during a formal

1 public comment period, during which there will
2 be a series of public meetings similar to this
3 one that we are holding here today.

4 After the Draft Environmental Impact
15:06:35 5 Statement comment period has come to a close,
6 the Office of Environmental Analysis will
7 consider all comments received and address each
8 comment in a Final Environmental Impact
9 Statement. The Final Environmental Impact
10 Statement will present the Office of
15:06:49 11 Environmental Analysis's final conclusions and
12 recommendations for mitigating possible
13 environmental effects. Issuance of the Final
14 Environmental Impact Statement will complete
15:07:04 15 the Surface Transportation Board environmental
16 review process. The board will then make a
17 final decision on the proposed rail line
18 construction. In making its final decision,
19 the board will consider the entire
15:07:18 20 environmental record, including all public
21 comments, the Draft Environmental Impact
22 Statement, the Final Environmental Impact
23 Statement, and the Office of Environmental
24 Analysis's final recommended environmental
15:07:32 25 mitigation. No project-related construction

1 may begin until the board's final decision has
2 been issued and that decision has become
3 effective.

4 If you have not already done so
15:07:46 5 tonight, I would encourage you to sign in at
6 the table located in the center of the room.
7 And those who have indicated that they would
8 like to make a public comment on the Scope of
9 Study, which will be recorded by the court
10 reporter, will be called upon to speak in the
11 order in which they signed in this evening.

12 I would like to thank you in advance
13 for your cooperation and courteousness towards
14 those who are speaking. Comments will be
15:08:03 15 limited in time so that everyone is given the
16 opportunity to speak. If you would like to
17 provide a handwritten comment, comment forms
18 are located at the public comment station, and
19 you can fill it out and slip it in the box.
15:08:17 20 You can also send comments to us through the
21 U.S. Mail, or you can submit comments
22 electronically using Surface Transportation
23 Board's website. All oral and written comments
24 will be given equal weight and consideration.
15:08:35 25 And, again, comments are due December 6, 2012.

1 At this time I would like to turn the
2 floor over to Alan Summerville of ICF, who will
3 briefly discuss more details of the project.

4 MR. SUMMERVILLE: Good afternoon. Is
15:09:12 5 that loud enough in the back?

6 During the first half of the meeting
7 we provided information on the project, and now
8 I would like to summarize that information for
9 those of you who were not at the first half of
10 the meeting, or at least provide a recap for
15:09:25 11 those who were at the meeting earlier.

12 The Tongue River Railroad Company's
13 principle purpose for the new rail line is to
14 transport low sulfur sub-bituminous coal from
15 the proposed mine sites in Rosebud and Powder
15:09:40 16 River Counties, including the proposed line in
17 the Otter Creek area.

18 The Tongue River Railroad company is
19 proposing to construct and operate an
15:09:54 20 approximately 83-mile rail line between Miles
21 City and to ending points, one near the site of
22 the previously planned Montco Mine near
23 Ashland, and the other at the proposed Otter
24 Creek Mine in the Otter Creek area near
15:10:08 25 Ashland, east of Ashland.

1 Accordingly, the rail line would
2 cross portions of Custer, Powder River and
3 Rosebud Counties. The proposed route would
4 follow the Tongue River Valley and would
5 consist of a single track constructed of
6 continuously-welded rail and include a 200-foot
7 right-of-way crossing local roads, streams,
8 trails and utility corridors; two passing
9 sidings one near Milepost 27 and the other near
10 Milepost 46; and ancillary facilities,
11 including six set-out tracks between 500 and
12 4,000 feet in length to provide for temporary
13 storage of cars requiring repair and for
14 storage and maintenance equipment.

15 At a minimum, the Office of
16 Environmental Analysis is considering those
17 alternatives analyzed in Tongue River I EIS.
18 Those include Tongue River Road alternative,
19 Moon Creek alternative, and the Colstrip
20 alternative. As part of its alternatives
21 development process, the Office of Environmental
22 Analysis is determining the feasibility of
23 these and other potential routes. The Office
24 of Environmental Analysis welcomes public
25 comments on these and other potential

1 alternatives. Alternatives will be evaluated
2 based on public input, as well as technical and
3 engineering considerations, including curvature
4 and grade of the rail line and topographic
15:11:42 5 features, such as steep slopes, hills, as well
6 as geology, floodplains, wetlands, rivers and
7 streams.

8 EISs can cover a wide range of topics
9 like biology and water resources as well as
10:12:00 10 topics such as socioeconomics and cultural and
11 historic resources. In this EIS the Office of
12 Environmental Analysis plans to cover
13 transportation systems, safety, land use,
14 recreation, biological resources, water
15:12:14 15 resources, navigation, geology and soils, air
16 quality, noise and vibration, energy resources,
17 socioeconomics, cultural and historic
18 resources, aesthetics, and environmental justice.

19 Additional resource/subject areas can
15:12:33 20 be added as a result of comments and
21 information received during the scoping process.
22 The purpose of the public scoping meeting is to
23 provide a forum in which Office of
24 Environmental Analysis can gain the public's
15:12:46 25 input, on potential alternatives, or important

1 impacts that may or may not be currently on the
2 Draft Scope of Study.

3 At this time I'd like to hand over
4 the meeting to our facilitator, Scott Graves,
15:13:01 5 who will go over some grounds rules and we will
6 begin the public comments. Thank you.

7 MR. GRAVES: Thank you, Alan.

8 My name is Scott Graves, and I am
9 with ICF. We are going to discuss this portion
10 of the meeting a couple seconds. Before we do,
15:13:14 11 a couple quick notes about the process and how
12 we will try to run it. If you want to speak
13 and haven't signed in yet with Sarah at the
14 desk, please do so. She'll get the card up to
15:13:28 15 me and make sure I can actually pronounce your
16 name. So we will try to do that.

17 When you come up, I'm going to hand
18 the microphone to you, and if you could come up
19 here that would be great. If you have trouble
15:13:42 20 walking or anything, I can come back and bring
21 the microphone back to you. So we'll make sure
22 that we accommodate everybody that way. One of
23 the reasons to come up here is really so you
24 can address Ken and Alan directly,
15:13:56 25 and also so the court reporter can see things

1 clearly.

2 One of the other things we want to do
3 is just make sure we have time for everybody to
4 speak. We have four speakers at this point in
5 time. And so we've allotted five minutes, as
6 Ken said, for each speaker. So what we would
7 like to do is go through everybody who wants to
8 speak, we'll take your five minutes, and then
9 if you have additional comments that you
10 couldn't fit into your initial five minutes, if
11 there is no one else who wants to speak, we can
12 rotate back around and you'll have additional
13 time to speak. Any questions about that?

14 Also, if you have a written comment
15 of your comments with you, you can feel free to
16 submit them in the box right here, or you can
17 leave them with our court reporter, Rich, up
18 here, and we'll make sure they get into the
19 record as well.

20 I think with that, we are ready to
21 go. So I'm going to ask if Mr. Joe Waters is
22 here. Joe, can you come up here.

23 MR. JOE WATERS: Hello. I'm a member
24 of the Tribe. I speak the Cheyenne language.
25 You get hired some people to protect our

1 interest, the Indian people, and besides
2 running us on and take away our interest. A
3 lot of things have happened close to what's
4 going on over there at times.

15:15:51 5 The TERO office, make sure that TERO
6 office come and get somebody like me. Not once
7 did they ever they come got me. And come to
8 someone like me, they look at people who are
9 working for us. Look at how far down the road
15:16:20 10 we are in this project. Based on our Class I
11 air so they could be possibly get coal across
12 the creek, the river. Wait a minute, you guys
13 fill your water from Montana, wait, I didn't
14 want that water to go. There's a lot of us
15:16:43 15 Cheyennes who speak Cheyenne didn't want this
16 water to go and didn't speak up for our
17 interest.

18 The soils they are damaging. All I
19 know they make that railroad across there,
15:16:59 20 there can be white people hired at them jobs,
21 or Mexicans. And them people are getting paid
22 every two weeks. And they get paid. That's
23 what happened. I can say, wait a minute, wait
24 a minute, how did my own John Woodenlegs get to
15:17:23 25 be a Cheyenne? There was a white guy going

1 around left and right and he had money and got
2 people drunk and get them girls pregnant. I'm
3 not proud of that. Do you want me to be proud
4 of that white blood? Wait a minute. Look at
15:17:41 5 the people we got working for us. That's where
6 we got ripped off. \$58 million bucks last year
7 of the taxpayers' money, \$58 million bucks.
8 They say here, Cheyenne, take care of yourself.
9 Look who we are paying? What's happening
15:18:01 10 here? They're figuring there's a lot to be
11 railroad. The culture, there are bunch of kids
12 runnings around here who don't have any
13 Cheyenne blood and running around calling them
14 Cheyenne. We don't need more of that if make
15:18:20 15 that railroad over there.

16 Wait a minute. What are we doing
17 here? Who made these choices? Then you go
18 got to go and say, wait a minute, we are going
19 to change this whole thing. And no business
15:18:35 20 selling my water. This is a subversive form of
21 government. In 1934 they brought it to us,
22 called it the Indian Reorganization Act. And
23 wanted to reorganize, they wanted us to turn us
24 into American to our English language and we
15:18:53 25 now speak it. But the Cheyenne language says

1 we are not supposed to be doing this. My
2 grandchildren are going to have grandchildren.
3 What are they going to be like? What's their
4 home going to be like for allowing all this
15:19:13 5 stuff to happen? Wait a minute. This is
6 America. We come and bring this on the
7 Cheyenne Tribe. Because this happened on our
8 property. They are going to sell our water and
9 our air. That coal is going way up in Canada.
15:19:50 10 They don't hold America responsible for
11 destroying that land in Canada because of this
12 coal.

13 I'm running out of time. Thank you.
14 We got to stop this railroad thing. This is
15 our home. We are Montana. We were here in
16 Montana. They have no business selling our
17 water. Look who's working for us and the job
18 they are doing.

19 MR. GRAVES: Thank you, Joe. The
15:20:32 20 next person on the list is Mr. Jeffrey
21 McDowell.

22 MR. JEFFREY McDOWELL: My name is
23 Jeff McDowell. I'm the Executive Director for
24 Two Rivers Authority in Hardin. I am basically
15:21:04 25 the economic development entity for the City of

1 Hardin and I'm here to support the Tongue River
2 Railroad. I am also a former BN track worker,
3 and I can speak with a certain degree of
4 authority, that a railroad is far less
15:21:21 5 environmentally disruptive than your basic
6 highway.

7 I can say with the continuous-welded
8 rail track, the issues of noise and vibration
9 are minimized.

10 That's basically all I have to say.

11 MR. GRAVES: Thank you. Next person
12 is Ms. Alana Buffalo Spirit. Is Alana here?

13 Let go to the next person and when
14 she gets back we can have her.

15 Next person is Clara Caufield. Did I
16 get that right?

17 MS. CLARA CAUFIELD: No.

18 My name is Clara Caufield, and I am
19 the owner and publisher of a weekly newspaper
15:22:32 20 that serves the reservation and surrounding
21 communities of Colstrip, Ashland, and we also
22 have a wide subscriber base for many people
23 providing the information to those interested.
24 I understand this is a laborious, time-
15:22:48 25 consuming process that you have to go through,

1 including all the court challenges that will
2 probably come up. But I would like to
3 encourage you to facilitate it as best you can
4 and as quick as you can.

15:23:02 5 The other thing I think is really
6 important, I'm surprised the turnout here is so
7 good because, A, it's a holiday, and, B, it's
8 always difficult to get information out to
9 people in these rural areas but I have ways to
10 can do that. People need to know what you're
11 doing. You need to keep us posted. Typically
12 you come out, get our comments, take it back,
13 goes into a black box. It shows up at sometime
14 later in a document that will be about this
15 thick, wouldn't you think? And people try to
16 wade through that. And I think what we need to
17 do is to clearly communicate with people on
18 what some of the advantages and disadvantages
19 associated with each one of the three
15:23:41 20 alternatives. Because I really think it's
21 important for you to do your job helping make
22 sense of this whole process to the average Joe,
23 including me. I'm going to try to wade through
24 this information you've handed out here, which
15:24:08 25 is kind of a task in itself, you know.

1 I invite you to utilize my paper and
2 other local papers, even the media radio
3 stations and whatnot, to let us know what
4 you're doing and what's going on in the whole
5 project as you go along.

6 I personally am a proponent of the
7 railroad and responsible energy development.
8 Doesn't do any good to dig one shovel full of
9 coal unless they can take it someplace.

10 MR. GRAVES: Is Alana Buffalo Spirit
11 yet? Not here yet?

12 Okay. Next is Mr. John Williams.

13 MR. JOHN WILLIAMS: Thank you. My
14 name is John Williams, and everybody out there
15 happy Veterans Day for all the veterans. Thank
16 you for serving.

17 When I was visiting with Elizabeth I
18 wanted to provide some information. I am the
19 Chairman of the Board of the Montana Coal
20 Board, and to that the Surface Transportation
21 Board should be aware of the fact that Montana
22 does have a board that deals with impacts, and
23 we've been in existence for the last 34 years
24 in dealing with impacts of coal development,
25 either the increase or the decrease in the coal

1 development, or the burning of coal in
2 southeastern Montana. We have for these last
3 34 years put back into the impacted area in
4 excess of \$115 million dollars. We fund
5 activities associated with impacts to local
6 government bodies, cities, towns, counties, and
7 also the Indian tribes are also eligible for
8 this funding. As a matter of fact, we
9 currently are funding, partially funding, two
10 projects in Lame Deer itself. We are funding
11 the expansion and remodeling of the grade
12 school, and we, also, have been working with
13 the Northern Cheyenne utility group on the
14 remodeling and expansion of their utility
15 office here. Those two projects have totaled
16 some almost \$500,000 that we are currently
17 involved with.

18 Our funding that is available through
19 the coal board is appropriated. It goes
20 through an appropriation process. At the end
21 of our biennium every two years we are funded
22 through the legislative process as a result of
23 the governor putting forth his budget. As
24 members of the coal board, we are appointed by
25 the governor.

1 We are at the latter part of the
2 biennium, that we will receive almost \$6
3 million dollars that goes back into coal impact
4 and communities.

15:27:40 5 A large portion of the funds that we
6 are involved with are connected into the school
7 systems. Every school in southeastern Montana
8 in coal-impacted areas has been either fully
9 funded, the schools itself, fully funded or
10 partially funded. That includes the Lame Deer
11 school, the high school, the grade school,
12 Colstrip, Ashland, Forsyth, Colstrip, Hardin,
13 every school in coal-impacted communities has
14 been funded fully or partially through the
15 process of impact funds as a result of the
16 severance tax that's collected on the sale of
17 the coal and that portion comes back into the
18 impacted communities.

15:28:18 19 We fund many infrastructure projects,
15:28:33 20 both county and cities; law enforcement, fire
21 departments, all of those types of activities.
22 You're dealing with impact categories and you
23 should be aware of the fact that Montana
24 already has a process in place where we deal
15:28:50 25 very closely with the impacted communities.

1 Ashland, Broadus, those are communities that
2 are going to be impacted with this, and we look
3 forward to that opportunity that we will have
4 to assist them on preparing themselves for the
5 development of the coal, mining the coal within
6 those respective communities.

7 Roundup is another area that we've
8 been very heavily involved with probably the
9 last four years with the Signal Peak Mine in
10 Roundup, Musselshell County. Even in Billings
11 as a result of the fact that they are in an
12 impacted area, we have funded the law
13 enforcement facilities, those type of things.

14 But my involvement this morning, or
15 this afternoon, I should say, is to let you
16 know that there is already an ongoing process
17 that deals with impacts that are created with
18 coal. So I thank you for the opportunity.

19 MR. GRAVES: Thank you. Is Alana
20 Buffalo Spirit here yet?

21 (No response.)

22 Next is representative Duane Ankney.

23 MR. DUANE ANKNEY: Thank you. Duane
24 Ankey. I live in Colstrip. Currently I'm the
25 house District Representative for District 43,

1 that takes in most of Rosebud, part of Custer,
2 all of Treasure, and a small portion of eastern
3 part of Yellowstone County.

4 This railroad, I'm a proponent of the
15:31:01 5 Tongue River Road, Tongue River Rail, and the
6 Moon Creek, I'm a proponent of that alternative
7 also.

8 I think when we deal with EISs, as
9 you already stated, they've expanded greatly
15:31:21 10 from what they were back in the '70s. The
11 socioeconomic part of your impact plays a big
12 part. We are sitting in a portion of the
13 United States that has one of the highest
14 unemployment rates in the United States right
15:31:36 15 here where you're at. I think part of the
16 study has to show the jobs. As Mr. Waters
17 spoke, sometimes those jobs don't get put out
18 there like they should, and I think that's more
19 of an administrative issue than an issue with
15:31:57 20 the rail.

21 And as John Williams said, the amount
22 of money that comes into Montana from coal
23 development, which this railroad would bring,
24 is enormous. It's a huge part of our funding
15:32:12 25 of our university system. I sat on

1 appropriations for two terms. I know exactly
2 how much coal money. You can't hardly touch a
3 dollar in a treasury in Montana without getting
4 a little bit of coal dust on your hands.

15:32:28 5 There's coal money throughout this state. We
6 have a surplus.

7 We have good unemployment rate -- or
8 good employment rate in the state, and a good
9 portion of that is due largely to our natural
10 resource development, both coal and oil and gas
11 in the northeast part of the state.

12 The other thing concerning railroads,
13 in the late '70s about a 35-mile spur was built
14 into Decker. It's built right up the Tongue
15 River, very similar to what we are looking at
16 here, with little or no environmental impact to
17 that area. I mean, the tax base that put in
18 both Wyoming and Montana was enormous. And the
19 economic from East and West Decker to Spring
20 Creek Mine are huge in Montana.

21 The employment, unfortunately, with
22 that railroad in Montana is mostly in Wyoming.
23 Most of the workers live in Wyoming. That's
24 why this route is so important to the
25 development of this mine. If it goes the way

1 that's proposed here, employment in this mine
2 will be in the State of Montana.

3 There is another possibility that
4 this thing could go south and hook into Spring
15:33:56 5 Creek, in which case the workers would pile out
6 of Wyoming.

7 As part of Montana, myself and
8 representative from Miles City have already
9 started the scoping study on highway to run
15:34:12 10 from Miles City to Ashland. Now, we've got the
11 money and paid for the scoping study. We'll
12 start on the environmental, and that's a
13 portion of this at this coming session.

14 But like I say, this route that it
15:34:31 15 goes, there is another way it can go. It can
16 go south. If it goes south, so will the jobs.

17 The other railroad that was recently
18 built within this decade is the Signal Peak
19 Railroad that goes up around Roundup, and loads
15:34:47 20 coal at the Signal Peak Mine and takes it
21 into -- it meets, I believe, a little bit west
22 of Billings where it comes on to the main BN
23 lines.

24 The other railroad built
15:35:01 25 approximately the same time as-- 30 seconds, I

1 get them signs all the time. The other
2 railroad that was built about the same time as
3 the one into Decker was a railroad built into
4 the Sarpy Creek Mine. It was built to mine the
15:35:22 5 coal that's owned by the Crow Nation. And it
6 takes the coal out of Sarpy Creek and hits the
7 main line there. Okay. I got to stop.

8 No problem with these railroads.
9 Build it.

15:35:40 10 MR. GRAVES: Thank you.

11 Is Alana Buffalo Spirit here?

12 UNIDENTIFIED SPEAKER: I think she
13 left.

14 MR. GRAVES: She may have left.

15:35:56 15 Is there anybody else present who
16 would like to speak. We are scheduled to end
17 at 4 p.m. this afternoon. So we have certainly
18 some time.

19 There's two more people? One more
15:36:08 20 person?

21 Ms. CAROL REDCHERRIES: Good
22 afternoon. My name is Carol Redcherries. I'm
23 a resident of Lame Deer.

24 I really didn't know what I was
15:36:33 25 coming to today. I didn't know the subject or

1 what was going -- if there were plans or what,
2 but I'm here. And I'm hearing some of the
3 comments. I would like to say I have a great
4 concern for all this because the impact is
5 going to knock us over here.

6 Is Rosebud County ready for the
7 impact? Unemployment, more policemen, working
8 with the roads and the use of the highways and
9 tearing up the highways, big trucks coming in
10 here. As it is, my cousin down the road up
11 here about half a mile, and she said one day
12 there was over 400 semis that went up the road
13 past her house. That's what we are going to
14 have here. Are you ready for it? Are we
15 ready for it? The impact is going to stagger
16 us, and the officials of Rosebud County are
17 going -- better sit down and start planning on
18 some of these things, the impact that they have
19 to live up to; the people that will be moving
20 in for employment.

21 The need for housing and maybe bigger
22 schools. There's a lot of things that needs
23 thinking about right now if this is going to
24 take place. I am greatly concerned about the
25 impact it's going to have here. Are we ready

1 for it? Can we handle it? Has anyone talked
2 about it? One man got up there and said he
3 works with impacts. I'm glad. We are going to
4 need him, because when this happens, there's
5 going to be a great impact here that's going to
6 change the ways of the Cheyenne. The Cheyenne
7 are going to have to change some of their ways
8 and their attitudes about all this impact
9 coming in.

10 Housing and property are subjects
11 that need to be thought about.

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

13 MR. GRAVES: Anyone else who would
14 like to speak? Can you come up here? Oh,
15 you've got a bad leg?

16 MS. DORIS MEDICINE BULL: My name is
17 Doris Medicine Bull. I grew up along the banks
18 of the Tongue River Railroad exactly where they
19 are planning to bring the Tongue River
20 Railroad. Back in the early I guess it would
21 be '90s, I was a community organizer. I don't
22 know if you guys are all the same people or
23 not, but we had a hearing at the Lame Deer
24 Catholic Church, and my son was 8 at that time.
25 And he testified before the -- what is it, the

1 department of environmental whatever. Anyway,
2 my son testified. He's 18 now. And it was
3 supposed to be started, and I grew up along the
4 Tongue River and it's been always quiet, the
15:41:32 5 land has never been touched, and you need to
6 consider that the Northern Cheyenne are not
7 prepared to be employed with the railroad
8 company. I know there is no engineers, there's
9 no one out there that can be hired because they
10 are not qualified.

11 I worked for the tribal Ed
12 department, and I did the vocational. And I
13 know our people are not prepared to be employed
14 by the railroad. So, you know, the influx of
15:42:15 15 the railroad hiring people from here would not
16 be -- I guess, they wouldn't be ready. You
17 guys got to take that into consideration. Our
18 people are going to be impacted greatly just
19 because of the railroad and then people wanting
15:42:32 20 jobs but they are not prepared to be employed
21 there, you guys really need to consider about
22 our people because they are going to be
23 suffering with all the influx of what comes
24 with the railroad, people, lack of housing,
15:42:52 25 there's not a lot of businesses here to meet

1 the influx, or people that you're going to
2 bring with the railroad. People that come from
3 the outside. As it is, have our problems here
4 with alcoholism, drug abuse. You can imagine
15:43:11 5 what's going to be brought in with this
6 railroad. You already have another railroad,
7 why can't you guys just merge it somewhere out
8 where there's already a railroad? Why make a
9 great impact here? How is it going to benefit
10 our people in the long run, our water, our
15:43:30 11 plants, you name it, everything is going to be
12 not the same once this railroad comes in.

13 If there's something that could help
14 the Northern Cheyenne along the way, it would
15 be nice. You got to consider this land, it's
15:43:49 16 not ours to destroy. Why can't we find another
17 alternative for your coal? Isn't there
18 another alternative instead of ripping it all
19 apart across here? Tell me.

15:44:13 20 We still have a future generation,
21 and we don't need it destroyed any more than it
22 has. Thank you.

23 MR. GRAVES: Thank you. Is there
24 anyone else that would like to speak this
15:44:29 25 afternoon?

1 In the back. Can you come on up here?

2 MR. DAYTON STRANGEOWL: My name is
3 Dayton Strangeowl, Sr. I always remember, these
4 people have the construction of the railroad
15:45:08 5 because I've been talking about it ever since
6 because my dad is a veteran. He was always
7 there. He's been teaching me ever since I
8 first started to help people. I've been
9 speaking to people ever since. I always talk
10 to people like this, people like in coal, oil,
11 and stuff, and people that understand what I'm
12 talking about. Talking about with the railroad
13 about Miles City and stuff and about close to
14 Ashland. Because people feel like being there
15 for each other. They are people that earned
15:45:42 16 it, earned the money stuff, and helping people
17 out with into the road.

18 We always remember we stand here in a
19 good way. I'm one of the veterans. We had the
20 same people stand and make sure the ones that
15:46:01 21 help people, help people that understand the
22 veterans.

23 And I help each other, you shake
24 their hand in a good way. You don't walk away
15:46:48 25 mad or angry or try to fight people. I always

1 remember these railroads between Ashland and
2 Broadus, and that's why we have to bring the
3 money back up to bring these things. And the
4 only things that people are talking about what
5 people learned about being careful where they
6 earn their living. Sometimes people don't
7 understand their voice. And somehow we have to
8 carry on the veterans, the veteran way, and
9 sometimes it's hard to use the comments and
10 stuff. And I try sometimes. I don't want to
11 be like a veteran, but it's hard being a
12 veteran. Veteran of America. That's what I
13 learned from my father, senior. He taught me
14 well to help people. Community has always been
15 there. These people come and they come.
16 People will understand these things and never
17 quit. These things never have been going when
18 people shake their hands. They don't walk
19 away. They don't do things that they do best.
20 They are welcome in the veteran way. That's
21 what I was taught by my captain. That's why I
22 want to be careful with other people.

23 When I was growing up and that's what
24 I learned about being careful. I grew up being
25 a veteran. I got, like, I was 27 years old, 30

1 years old, you're welcome to be with me,
2 embarrass me, being there for veterans. I
3 shake my hand and make sure that I'm there for
4 the railroad for people to talk about. Because
15:49:30 5 people learn about it, people learn about being
6 careful, talk about things like this and being
7 careful, so everybody earn their badge, earn
8 their way, earn their living.

9 I've been doing that ever since I
10 first started. I had that badge a long time.
11 I earned it. I don't play around. Don't play
12 around people. So I'm being careful what I'm
13 talking about. The railroad and the money, the
14 money to use it, money to use is what I'm
15:50:20 15 talking about. I'm talking about these people
16 on earth, the spirit in people are using it.
17 Using it in a good way. That's why I remember
18 about being careful, careful talking about,
19 people learn about this railroad right there.
15:50:41 20 I was looking at every single thing about the
21 railroad. That's the way I learn. I learn
22 here and here. That's what I learn.

23 How come these guys, I'm sorry about
24 the time, so I'll quit. Thank you for America.
15:51:28 25 Thank you for the American way.

1 MR. GRAVES: Anybody else want to
2 speak?

3 MR. MAX GUAVERA: My name is Max
4 Guavera, G-u-a-v-e-r-a.

15:52:33 5 I build roads to and from and off the
6 reservation, but I've never really seen the
7 impact of a railroad whatsoever. But I do know
8 one thing, we do have a large amount of traffic
9 coming through the reservation. It's picked up
10 15:52:54 ever since we've got these new roads put in and
11 that's since 1975. So I know what I'm talking
12 about. The impact of how the traffic comes
13 through here. Right now I'm a bus driver. I
14 see quite a bit of traffic day in and day out.
15 15:53:14 Comes to the point where this intersection
16 right down here is one of the most dangerous
17 places because of the equipment going through
18 on the reservation and going on through. The
19 impact that we have by building beautiful
20 15:53:41 roads, good, safe roads, has affected us in
21 that area in that way. I don't have any idea
22 what type of impact this is going to have on us
23 as far as the railroad. It's going to be
24 something else if we are not ready and
25 15:53:59 prepared. Just look at North Dakota, see what

1 effects it has there. Not only here, but
2 Hardin, Colstrip, Broadus.

3 When you drive a bus you can see a
4 lot of changes year in and year out. The thing
15:54:20 5 is that if we can't do it safely where
6 everybody is happy, it's a lost cause. That's
7 it.

8 MR. GRAVES: Thank you. We have
9 about a little over five minutes left until 4
10 o'clock. Is there anybody else that would like
15:54:38 11 to speak this afternoon?

12 MS. FLORENE WHITEMAN: Good
13 afternoon. My name is Florene Whiteman. I just
14 had a question. As I was listening to the
15:55:24 15 speakers, I wanted to just add a little more to
16 what they said.

17 I am a cultural surveyor. I did that
18 when they were doing the methane extraction in
19 2006, and I did see a lot of the impacts that
15:55:49 20 it did from the vibration. As I was walking,
21 there was a lot of vibration. It impacted the
22 animals. I did see not even a buzzing fly.
23 All of the above. They included cultural,
24 historical sites.

15:56:19 25 The impacts of all this are really, I

1 guess, have already been included in your EIS,
2 but I just wanted to say, as a cultural
3 surveyor, a lot of the pollution near the
4 highway near the Decker Mine, I was employed by
15:56:45 5 the Spring Creek Company, and as a result of
6 that, the dust. I know this is probably not
7 what you want to hear, but it is a reality that
8 impacts the health and that, as well as the
9 animals that we would be eating, especially, I
10 don't know, I looked at the potential railroad,
11 the track that it's going to take, right on the
12 other side of the river here are communities
13 close by. As a mother of eight children, my
14 four daughters, my four grandsons, and my two
15:57:16 15 beautiful grand-daughters, they will be
16 affected by this dust with the wind shifts.

17 Someone brought up the air quality.
18 That, also, is my concern, what will be
19 affected with the air around them. That, also,
20 will settle into the ground water. That will
15:57:59 21 also, you know, where the water flows, even if
22 like what happened here at the end of the
23 clinic here where we had it go into our drain
24 waters, and that's why they have to build a new
15:58:25 25 lagoon, because it affected the waterway works,

1 a lot of them got rare cancers, like my
2 mother-in-law. Her cancer metastasized to her
3 brain, and I think it was from there.

4 But they cover up a lot of this.
5 That company headed to Wake Island, that was
6 another one of the world's toxic waste sites.

7 And so, I guess, that's what I wanted
8 to bring up. The vibration, what effects the
9 dust pollution in the air, all of those,
10 historical sites from here all around, I feel
11 that my children and grandchildren have that
12 inherent right to, you know, to have everything
13 as is, you know. And I know that we need jobs
14 in Montana, I know the economy, but I think
15 there is like alternative ways, but like others
16 here have shared, you are already far into
17 figuring it out.

18 All right. Thank you.

19 MR. GRAVES: Thank you. So it's 4
20 o'clock, a little bit after 4. A little bit
21 before 4 o'clock on the clock right there.
22 Splitting the difference, it's about 4 o'clock.
23 Were going to be here again this evening from 6
24 until 8. So we'll have a chance to go through
25 and do the open house portion and then the

1 comment portion like we have just done this
2 afternoon.

3 So with that, Ken, would you like to
4 say some final words to close things out?

16:01:00 5 MR. BLODGETT: I would like to thank
6 everybody for coming out tonight. We really
7 appreciate all your input. We are very
8 interested in hearing from the public and what
9 your concerns are. So, please, if you haven't
16:01:17 10 given us a comment already, and you have
11 something that you would like to make us aware
12 of, submit it in writing. You can submit it
13 electronically, whatever you're comfortable
14 with. Again, this is just the early stages of
16:01:31 15 the environmental review process. But to do a
16 good job, we want to hear from everybody about
17 what your concerns are. Thank you.

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

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