

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

Re: Proposed Tongue
River Railroad Project }

TRANSCRIPT OF PROCEEDINGS

St. Labre Indian School
Ashland, MT
November 14, 2012
6:00 p.m.

APPEARANCES

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P R O C E E D I N G S

1
2 MR. BLODGETT: Good evening, and
3 thank you for attending tonight's public
4 scoping meeting on the Environmental Impact
5 Statement for the proposed Tongue River
19:00:05 6 Railroad. I am Ken Blodgett and to my right is
7 Danielle Gosselin, and we are here representing
8 the Surface Transportation Board's Office of
9 Environmental Analysis. Also seated at the
10 table with us is Alan Summerville of ICF
19:00:20 11 International, the project manager for our
12 third-party contractor team. To my left is
13 Scott Graves, also of ICF International, who
14 will serve as facilitator for our meeting this
15 evening.
19:00:41

16 The Surface Transportation Board is
17 the federal agency responsible for granting
18 authority for the construction and operation of
19 new rail lines and associated facilities. On
20 October 16, 2012, Tongue River Railroad
19:00:54 21 Corporation filed a revised application with
22 the Surface Transportation Board to construct
23 and operate a rail line from Miles City,
24 Montana, to two end points near Ashland,
19:01:13 25 Montana. The Surface Transportation Board is

1 the lead agency responsible for preparing the
2 Environmental Impact Statement which will
3 identify and evaluate the potential
4 environmental impacts associated with the
5 proposed action and alternatives.

6 There are four cooperating agencies
7 working with the Surface Transportation Board
8 in preparing the Environmental Impact
9 Statement. The Bureau of Land Management, the
10 U.S. Army Corps of Engineers, the U.S.
11 Department of Agriculture, and the Montana
12 Department of Natural Resources and
13 Conservation, which is acting as the lead
14 agency for other Montana State agencies. These
15 cooperating agencies have decision-making
16 authority independent of the Surface
17 Transportation Board, and are agencies from
18 which Tongue River Railroad will obtain
19 separate approvals or permits.

20 This scoping meeting represents one
21 of the first opportunities in the environmental
22 review process for members of the public to
23 provide input to the Surface Transportation
24 Board about its environmental concerns related
25 to the construction and operation of the

1 proposed rail line, including the potential
2 alternatives and their impacts.

3 Our hope is that the information you
4 provide tonight will help frame our analysis
19:02:44 5 and help us understand your concerns about the
6 proposed action.

7 The scoping notice public comment
8 period will last until December 6, 2012. The
9 Office of Environmental Analysis will then
19:02:59 10 revise the Draft Scoping Study and issue a
11 Final Scoping Study, incorporating public
12 comments and concerns received during the
13 comment period. The Office of Environmental
14 Analysis will consider all comments received
19:03:16 15 when preparing the Final Scoping Study. There
16 is additional information located in the back
17 of the room on the Board's environmental review
18 process with some handouts, if anybody hasn't
19 already picked one up.

19:03:31 20 After the Scope of Study is
21 finalized, the Office of Environmental Analysis
22 will begin preparing the Draft Environmental
23 Impact Statement. The Draft Environmental
24 Impact Statement will reflect the Office of
19:03:46 25 Environmental Analysis's independent analysis

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

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

24 The Board will then make a final
25 decision on the proposed rail line construction.

1 In making its final decision, the Board will
2 consider the entire environmental record,
3 including all public comments received, the
4 Draft Environmental Impact Statement, the Final
19:05:13 5 Environmental Impact Statement, and the Office
6 of Environmental Analysis's final recommended
7 environmental mitigation. No project-related
8 construction may begin until the Board's final
9 decision has been issued and the decision has
10 become effective.

11 If you haven't already done so, I
12 would encourage you to sign in at the table
13 near the entrance to the room. Those that have
14 indicated they would like to make a public
19:05:44 15 comment on the scope of study, which will be
16 recorded by the court reporter, will be called
17 upon to speak in the order in which they signed
18 in.

19 I would like to thank everybody in
20 advance for their courteousness and cooperation
21 towards those who are speaking. Comments will
22 be limited in time so that everyone is given
23 the to speak. If you would like to provide a
24 handwritten comment, there's a station at the
19:06:10 25 rear of the room where you can fill out the

1 form and drop it in the comment box. Hand
2 handwritten comments can also be sent to the
3 Surface Transportation Board, or submitted
4 electronically, using the Surface Transportation
5 Board's website.

6 Oral and written comments will be
7 given equal weight and consideration. And,
8 again, all comments are due on December 6,
9 2012.

10 I would now like to turn the floor
11 over to Alan Summerville of ICF International,
12 who will briefly discuss more details of the
13 project. Thank you.

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

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

1 the Otter Creek area.

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

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

24 At a minimum, the Office of
25 Environmental Analysis is considering those

1 alternatives analyzed in the Tongue River I
2 EIS, the Tongue River Road Alternative, the
3 Moon Creek Alternative, Colstrip Alternative,
4 and the No Action alternative.

19:09:01 5 As part of its alternatives analysis
6 development process, the Office of
7 Environmental Analysis is determining the
8 feasibility of these and other potential rail
9 routes. The Office of Environmental Analysis
10 welcomes public comments on these and other
11 potential alternatives. Alternatives will be
12 evaluated based on public and agency input, as
13 well as environmental, technical, and
14 engineering considerations, including curvature
15 and grade of the rail line, and topographical
16 features such as steep slopes, hills, as well
17 as geology, flood plains, wetlands, rivers and
18 streams.

19 EISes can cover a wide range of
19:09:51 20 topics. In this EIS the Office of Environmental
21 Analysis plans to cover transportation systems,
22 safety, land use, recreation, biological
23 resources, water resources, cultural and
24 historic resources, aesthetics, and
19:10:10 25 environmental justice. I skipped over

1 navigation, geology, soils, air quality, noise
2 and vibration, energy resources and socio-
3 economics. Additional resource subject areas
4 can be added as a result of the comments and
19:10:27 5 information received during the scoping
6 process.

7 The purpose of the public scoping
8 meetings is to provide a forum in which the
9 Office of Environmental Analysis can gain the
19:10:37 10 public's input on potential alternatives, or
11 important impacts that may or may not be
12 currently in the Draft Scope of Study.

13 At this time I'd like to hand the
14 meeting over to our facilitator, Scott Graves,
19:10:51 15 who will go over some ground rules, and we can
16 begin to hear public comments. Thank you.

17 MR. GRAVES: Good evening and
18 welcome. Thank you for being here tonight.
19 Just a couple of quick ground rules for the
19:11:07 20 process for doing comments this evening. We
21 have about nine or ten people who have
22 indicated already that they would like to give
23 public comments. And as Ken said, we are going
24 to time limit the initial set of comments to
19:11:22 25 five minutes. After everybody who has spoken

1 who wants to speak, whether you signed up or
2 volunteer from the audience tonight, after
3 everybody has spoken, if somebody wants to
4 speak again, we'll do that. So that everybody
5 will get a chance to submit all of their
6 comments.

7 When I call your name, if you could
8 come on down here. State your name and spell
9 for the court reporter that will help greatly
10 and we'll make sure we have than a accurate
11 record of your name. The first name is Walter
12 Archer.

13 MR. WALTER ARCHER: I never guessed I
14 was going to get to be first here, but I guess
15 that's what you get for coming early.

16 I am Walter Archer. I'm an rancher
17 in Powder River County about 35 miles east of
18 here. I am currently Chair of the Northern
19 Plains Resource Council. Tonight I will make
20 some brief comments from a personal perspective
21 and also from the perspective of the Northern
22 Plains Resource Council. I will submit some
23 detailed written comments later.

24 So at this time I would like you to
25 know I am not directly affected by the

1 right-of-way or the railroad. However, I think
2 the procedure that we are going through now
3 with the four possible routes is somewhat of a
4 travesty. By not pinning down where this
5 railroad wants to go, we end up pitting
6 neighbors against neighbors. I don't want it
7 on my place, why don't we run it on your place.

8 I'd also like to point out two
9 possible scenarios if this railroad is put in,
10 and I think they should be considered in an
11 EIS. First off, if the Tongue River is put in,
12 we know it opens up the possibility of the
13 Otter Creek Mine and possibly other mines in
14 the area. So it is a given we are converting
15 this ag valley and area into an industrial
16 area, and I think that has great consequences
17 to land, water, and air.

18 And if the coal developers'
19 projections are anywhere close to correct, they
20 could have huge effects on our pristine valley,
21 the Tongue River Valley, and all of
22 southeastern Montana for that fact.

23 It will devalue property, and if most
24 of this coal now being requested is going to
25 China, or the Far East, at least, why are we

1 trying to sell our coal, which is a finite
2 resource, to an economic competitor?

3 A second scenario, let's suppose the
4 Tongue River Railroad and the Otter Creek Mine
19:15:37 5 are put into operation and a few years down the
6 road the coal market dries up, because China is
7 trying to develop alternative energy, just as
8 we are. What's going to happen to the
9 infrastructure? Is there a plan as to what
10 will happen if this railroad is not needed? I
19:15:59 11 think that needs to be addressed in the EIS.

12 Actually, there's probably a third
13 scenario, and one that I prefer, and that is
14 the No Action, no railroad, which does not
19:16:22 15 require an EIS. Thank you.

16 (Applause.)

17 MR. GRAVES: Next is Beth Kaeding.

18 MS. BETH KAEDING: Thank you. My
19 name is Beth Kaeding, K-a-e-d-i-n-g.

19:16:48 20 And I'm a long time member of
21 Northern Plains, but I am here tonight speaking
22 for myself. I live in Bozeman, and I've been a
23 party of record to the Tongue River Docket for
24 practically 20 years, and I will be submitting
19:17:08 25 detailed written scoping comments by the

1 deadline, but I do want to say just a few
2 words.

3 I am a former federal NEPA compliance
4 officer, so I understand this process. I've
19:17:21 5 written numerous EAs and EISes. I've conducted
6 public meetings, and I've integrated public
7 comments from scoping and draft documents into
8 the next stage of the document, and I've
9 ensured that those documents reflect those
10 comments. And I've been an advisor to federal
19:17:37 11 agency decision-makers. So I know how
12 important involving the public in this process
13 is. And I think it's right. And I value this
14 public policy, and I thank you all very much
19:17:54 15 for being here and doing this.

16 Now, under NEPA and Council of
17 Environmental Quality regulations that
18 implement NEPA, agencies must fully consider
19 the no action alternative. Project approval is
20 not automatic. There may be, and in this case
19:18:10 21 I believe there are many, reasons that the
22 environmental and social and economic
23 consequences of this proposed action are such
24 that it should not be approved. And I hope,
19:18:28 25 and I expect, that the no action alternative is

1 fully considered in the EIS.

2 Under NEPA and CEQ regulations
3 connected and cumulative actions proposed to
4 the proposed action must be fully considered in
5 the Tongue River EIS. And I am here tonight to
6 specifically point out that the issue of coal
7 export must be in this EIS. The only purpose
8 for the Tongue River Railroad is to transport
9 Otter Creek coal to the BNSF line, and then
10 transport it to the west coast to export that
11 coal to China.

12 Of course, neither the west coast
13 ports or the Otter Creek coal mine have yet to
14 be permitted, so there's a long way to go
15 before we have a reason to build the Tongue
16 River Railroad. But there is no other reason
17 for the Tongue River Railroad beyond Otter
18 Creek, because there's no other industry here
19 that needs a rail line, and there's no other
20 viable proposed coal mines in the area. And
21 coal is fast becoming a less desirable energy
22 source. Natural gas is much cheaper. Energy
23 efficiency is even cheaper than that. And
24 renewable sustainable energy sources are
25 becoming more of the mix.

1 Finally, on November 1st, the Surface
2 Transportation Board requested that the Tongue
3 River Railroad submit a full and complete
4 application, and we firmly believe that the
5 Surface Transportation Board must leave the
6 formal scoping period open until this final
7 application is submitted and made public.
8 Without an accurate proposed project
9 description, we the public cannot fully and
10 accurately provide comments for this project in
11 the EIS. Thank you.

12 (Applause.)

13 MR. GRAVES: Henry Coffin.

14 MR. HENRY COFFIN: Thank you. My
15 name is Henry Coffin, C-o-f-f-i-n.

16 Okay. I came here tonight and I
17 asked to talk. And right now I'm against the
18 Tongue River Railroad, but I am for another
19 alternative. Maybe two alternatives.

20 I have here Constitution of the State
21 of Montana. The first sentence in the
22 preamble, We the people of Montana are grateful
23 to God.

24 Section 3, inalienable rights. All
25 persons are born free and have certain

1 inalienable rights. They include the right to
2 a clean and healthful environment, the rights
3 of pursuing life basic necessities, enjoying
4 and defending -- it says defending -- and
19:21:59 5 protecting property, and seeking their safety,
6 health, and happiness. The Constitution of the
7 State of Montana.

8 I got another proposal. Why doesn't
9 the Tongue River Railroad, Arch Coal, take
19:22:25 10 their train track north of Gillette, take it
11 right straight alongside Highway 59; go
12 straight to Montana along highway 59 to Miles
13 City; turn it south of 212 highway, because the
14 Powder River County over at Broadus have coal
19:22:52 15 mines they want to open up that Arch Coal owns,
16 too. As soon as they come across the divide
17 put that railroad track on Arch Coal property
18 and they can drive that train up in figure
19 eights if they feed need to. Leave the farmers
19:23:06 20 and ranchers on the Tongue River alone, leave
21 that Tongue River bed alone. There's no reason
22 to have a railroad. You don't see that in
23 other states going alongside of a river. You
24 see what they already did to the Yellowstone.

19:23:24 25 We don't need our way of life

1 changed. We don't need the farmers and ranchers,
2 what their irrigating system regardless what
3 side of the river they went on, then they have
4 to drill wells just to irrigate. Right now the
19:23:41 5 State of Montana with the water, to get the
6 permit for taking water off the Tongue River,
7 when they have to drill the holes, that's going
8 to disappear, too.

9 Down here in Ashland, regardless
19:23:54 10 which way, whether they went east or west side,
11 there's people down here in Ashland that's
12 going to lose their houses because it's going
13 to go right straight through it. My sister,
14 for one, and she's a widow.

19:24:07 15 The next thing. What is equal
16 payment for one acre of ground or for 10 miles
17 across some field that is irrigated? What's
18 that worth? Try to find one acre of ground up
19 in Billings to build on and it's \$75,000. Us
19:24:30 20 people down here, we don't have that kind of
21 money to go jump in some other community and
22 buy another 5, 10, 20 acres, because of what
23 they are going to devalue our land to. And
24 that goes for the Tongue River, too, the
19:24:51 25 ranchers all the way from Miles City down.

1 Thank you.

2 (Applause.)

3 MR. GRAVES: Art Hayes, Sr.

4 MR. ART HAYES: My name is Art Hayes,
5 Jr..

6 I am here on behalf of myself and the
7 Tongue River Water Users Association. I would
8 like to point out a few things about the Tongue
9 River Railroad.

10 Number one, there's never been any
11 field work done for an EIS from Ashland to
12 Miles City or to Colstrip. The old railroad
13 EIS was based on data from Decker and Montco
14 EISes. That data is old and outdated.

15 The soils below Ashland are different
16 than the soils that we were studied in those
17 EISes. The fisheries have changed. We now
18 have three species of game animals that were
19 never mentioned in the EISes. We have elk,
20 bear, and mountain lion, all of which we have a
21 season on. They are 30 years old to 40 years
22 old. They are old, outdated and stale.

23 I believe the courts have said you
24 have to study the cumulative effects of the
25 water in the Tongue River from all proposed

1 mines, both in Montana and Wyoming, and the
2 full development of coal-bed methane.

3 We now have the Youngs Creek Mine in
4 Wyoming as proposed, this will discharge
19:26:45 5 waters. Amber coal is expanding at Decker,
6 they claim that will also dump high sodium
7 water into the river. We have the Otter Creek
8 proposal. That will dump some very high sodium
9 water into our river and our irrigation.

19:27:02 10 We basically have two water systems
11 in the Tongue River drainage. Our irrigation
12 water originates in the Big Horn mountains and
13 flows into Montana clean. Our ground water is
14 highly saline due to geology. Right now we
19:27:22 15 cannot meet the standards at Miles City at the
16 beginning of the irrigation system set by the
17 Montana Board of Environmental Review for
18 salinity. We are forced to irrigate with bad
19 water. And it's going to ruin our fields.

19:27:37 20 And any other proposed mines and CBM
21 development you must consider. It's down right
22 now because of the price of natural gas, but
23 the if the price of natural gas goes up in the
24 next 40 years, as a proposed mine's life is
19:27:58 25 supposed to be, they will dump much of the

1 saline water in our river. That all has to be
2 considered in the EIS.

3 The terminus point of the old Montco
4 Mine is a joke. The Montco Mine was never a
5 viable mine. Many investors put a lot of money
6 into it. And over the years they came and
7 gone, but when the time came to produce coal,
8 they had have their mining permit, they put out
9 a contract to test burn it. No one would take
10 the contract. The Montco Mine disappeared. So
11 it's not a viable alternative for a second
12 thing because it was never a viable mine in the
13 first place.

14 The ranchers in the Tongue River
15 Valley have for 30 years lived with this cloud
16 on the title of their land. Before the EIS is
17 done the railroad must have mining permits in
18 place, and most important, mining companies
19 must be able to produce contracts and letters
20 of intent for somebody to buy this coal. All
21 we hear is speculation on the Asian market.
22 Will it develop? No, I don't think so.

23 On behalf of Tongue River Water Users
24 we will be submitting extensive comments
25 sometime before the deadline. And like was

1 pointed out, we think it should be extended
2 until the other scoping stuff is done. Thank
3 you very much.

4 (Applause.)

5 MR. GRAVES: Audrey Snodgrass.

6 MS. AUDREY SNODGRASS: My name is
7 Audrey Snodgrass, S-n-o-d-g-r-a-s-s.

8 We heard a lot of really interesting
9 things tonight. My questions are a little more
10 personal. The map that I got, the railroad is
11 going to go right across the corner of my
12 place, and unless I can put an underpass on the
13 side of a hill, that's cutting my stock off of
14 a lot of our grazing land. Also, my neighbor
15 is maybe a half a mile from where I live, and
16 the railroad is routed to go between us.

17 Now, a lot of the ground in this area
18 is clay, and with that railroad going through,
19 shaking the ground, what's that going to do to
20 my house, my buildings, my water and sewer
21 systems?

22 So I guess that's my questions. How
23 is it going to affect me personally as well as
24 everybody else.

25 (Applause.)

1 MR. GRAVES: Clint McRae.

2 MR. CLINT McRAE: Clint McRae. Good
3 evening. My name is Clint McRae.

19:31:37

4 On a continuation of my testimony for
5 he last couple of nights, one of the things I
6 want to mention is on the board in the back of
7 the room there are several topics that I think
8 our comments will fall under. I think one of
9 the ones that is really missing, and in my
10 opinion, I think is very important is
11 agricultural impacts.

19:31:48

12 There is no other group along this
13 whole route, no matter which route you look at,
14 that is impacted more than private landowners,
15 and I'm going to talk about some of those
16 agricultural impacts. I'm going to talk about
17 vehicle crossings with a series of questions.

19:31:58

18 Number one, will vehicle crossing be
19 negotiated with landowners?

19:32:10

20 Will the landowner be liable for
21 accidents or fatalities on these crossings?

22 Will the landowner be required to
23 have proof of liability insurance for the
24 crossings? And if so, how much?

19:32:21

25 Will the landowner be liable for the

1 maintenance of the crossing?

2 And will the crossings remain in
3 perpetuity, or can they be taken out at any
4 time by the railroad?

19:32:32 5 They always say never ask a question
6 that you don't know the answer to, and I know
7 the answers to these questions. The Burlington
8 Railroad, if they run this railroad, will
9 require several million dollars liability
19:32:42 10 insurance proof before they give you of a
11 crossing. You are liable for the deaths and
12 injuries on that crossing, you are liable and
13 responsible for the cleaning of that crossing,
14 whether it is snow, gravel, or whatever. If
19:32:52 15 you do not do it, they will do it themselves
16 and charge you for it. That's what they don't
17 tell you. This is a huge impact to landowners.

18 We are a member of the block
19 management program. For those of you from DC
19:33:07 20 that don't know what that is, that's a free
21 public access program. It's run by the -- it's
22 funded by the hunters of Montana. It's run by
23 the Fish, Wildlife & Parks, and the landowners,
24 like me, participate in the program. They help
19:33:21 25 me manage the hunting on our private land.

1 We are going to have to have some
2 crossings if this railroad is built along
3 Tongue River, and I am liable, I'm afraid, for
4 the fatalities or the injuries that would
5 happen on that crossing. The liability issue
6 is a huge issue for private landowners. And we
7 are talking roughly 90 miles of crossings.

8 Talk about water resources. We have
9 several water pipelines. And we usually drill
10 a well in a coulee or creek bottom and we pipe
11 that water up high on divides to graze where
12 you normally don't get water. We get a lot
13 better grazing utilization with a pipeline.
14 Depending on which route is looked at, these
15 routes cross our pipelines. And so if the
16 railroad grade would go over the top of one of
17 these pipelines and that pipe does go back and
18 starts to leak, I need to replace that, because
19 I'm not going to get water to the other side.
20 How is that going to be mitigated? Is the
21 railroad going to let me get a backhoe and dig
22 through the railroad grade and fix that line?
23 I don't think so.

24 Are they going to allow us to put a
25 sleeve in so if the pipe goes bad we can pull

1 the pipe out with a sleeve and replace it?
2 That's a possibility, but the sleeve is still
3 in.

4 If I am not allowed to fix the pipe
19:34:41 5 underneath that railroad grade, and I've got
6 four or five miles of tanks on the other side
7 of that railroad grade, I'm not going to be
8 able to graze cattle over there because I don't
9 have water any more. What is the solution?
19:34:52 10 What is the mitigation?

11 I don't know the answer to that
12 question. That's a problem. But it's
13 something you're going to have to deal with,
14 because that is my livelihood. We are going to
19:35:00 15 have water on one side and grass on the other.

16 Will the Tongue River Railroad
17 Company be required to drill me a well on the
18 other side to replace that water?

19 I also want to talk about this
19:35:16 20 document. And we talked about this the other
21 night. This is the mitigation plan that was
22 published in 1985. This is the cornerstone of
23 all mitigation for all landowners, and it's
24 what shall be done, what should be done. The
19:35:30 25 problem is it's 34 pages long and there are 174

1 "shoulds" in this document. It is not "shall,"
2 it's not "must," it's not "will," it's
3 "should." This needs to be thrown in the
4 garbage and start over again and have a true
5 foundation to build on mitigation. This is
6 almost a laughable document. I've highlighted
7 some of the pages in here of the "shoulds."
8 And it's a joke. That's what we have to rely
9 for mitigation, and that needs to be changed.

10 During the construction phase, where
11 will the work camps be located? Where will the
12 infrastructures of those camps be located, such
13 as sewer, such as parking. Where exactly will
14 the set-out tracks be located? Where will the
15 staging areas be located? How will the TRR
16 keep cattle from straying on the neighboring
17 land while the construction is taking place.
18 That's a problem because they will have to tear
19 the fence down to get to some of the areas.

20 Fire. Who is responsible for fire
21 suppression during the construction phase and
22 also during the final running of the railroad.
23 Who pays for that?

24 What measures and equipment will be
25 used by the TRR for fire suppression?

1 If the right-of-way burns, who is
2 responsible for the replacement of the fence?

3 I think you see where I'm going with
4 this. There's a lot of negative impacts of the
19:36:54 5 railroad that need to be spelled out. And
6 hopefully we have covered a lot of those
7 tonight and the last few nights, but this is a
8 major impact to my operation, it's a major
9 impact of 80 miles of ranches up and down this
19:37:07 10 river, and it needs to be dealt with. Thank
11 you.

12 (Applause.)

13 MR. GRAVES: Kenneth Kania.

14 MR. KEN KANIA: My name is Ken Kania,
19:37:37 15 K-a-n-i-a, I'm a teacher here at St. Labre.
16 I've been here some 38 years. I own a place on
17 Otter Creek about five miles above where the
18 mine is going to go in, and I had a couple of
19 concerns.

19:37:53 20 The railroad is going to cross
21 Highway 212. I'm a person that has diabetes
22 and I have heart condition. If I have to have
23 an ambulance come out to my place and there's a
24 train blocking that road, how do I get the
19:38:06 25 ambulance?

1 Another concern that I have is that
2 we have good water out at our place. Our well
3 is down about 240 feet. I'm wondering if
4 you've gotten any testing kits from the State
5 of Montana to establish what our current water
6 quality and quantity is in our homes? I
7 haven't gotten one. And if this railroad goes
8 through, it's going to get that water. It's
9 going to affect our water quality and quantity.
10 But we don't know what our quality is right
11 now, and the state doesn't know. So if I wake
12 up one morning and I find all of a sudden
13 there's a 200 or 300 percent increase in
14 arsenic in my water, how do I prove that it's
15 the railroad that did it or the mine that did
16 it, or whatever? We don't have a baseline.
17 The state needs to get busy and establish that
18 baseline for us homeowners in the Otter Creek
19 area and along this proposed railroad route.

20 That's all I have to say. Thank you.
21 (Applause.)

22 MR. GRAVES: Paul Stollenwerk.

23 MR. PAUL STOLLENWERK: My name is
24 Paul Stollenwerk, S-t-o-l-l-e-n-w-e-r-k. And I
25 plan on submitting a written comment as well.

1 I just haven't thought it all out yet, and I
2 don't even know if I'll cover it right tonight,
3 but I have concerns with maps.

4 Obviously, the maps aren't very good.
19:40:09 5 Nobody can tell exactly where it is. And I
6 talked with my neighbors, not all of them, and
7 I've heard from some of my neighbors, you know,
8 what impacts on their places.

9 I have concern because from the maps
19:40:28 10 that I see, it looks like it would be above my
11 house. But yet it will not be on my property.
12 So how -- my question is, how people like me,
13 that it does not touch my property but I'm
14 impacted by it, what voice do we have? I
19:40:50 15 would like to know some answers there.

16 We also have a creek right by our
17 house, Powder Creek is right there. And this
18 hill that's going to be carved away, the way I
19 understand it, from what I understand from Hank
19:41:07 20 Coffin, how does that impact us? During their
21 process of the removal of these great big
22 hills, how can they keep from destroying that
23 water? I don't understand it. I'd like some
24 answers.

19:41:25 25 I think there's no reason for this

1 railroad to go through. I am against it. I
2 hope that this board really takes a hard look
3 at the impacts of everything for everybody.

4 MR. GRAVES: Kenneth Medicine Bull.

19:42:10 5 MR. KENNETH MEDICINE BULL: My name
6 is Kenneth Medicine Bull.

7 I found the right page. I was going
8 to read you my political campaign speech, but
9 that's all over. Good evening.

19:43:53 10 My name is Kenneth Medicine Bull. I
11 make my home right here in the beautiful Tongue
12 River Valley. I rise to make a few remarks. I
13 am a So'taeo'o Nation here on the Northern
14 Cheyenne homeland. I want to point out that
19:44:13 15 there are two tribes that live on the Northern
16 Cheyenne homeland: The Northern Cheyenne and
17 the So'taeo'o. The So'taeo'o Nation has never
18 been consulted on this proposed rail line that
19 has been in the talking stages for the past one
19:44:31 20 hundred years. I read someplace that said coal
21 railroad line faces federal review. This was
22 not a bit surprising to me. But you know what?
23 It's about damn time. The railroad proponents
24 have proposed that this part of America is
19:45:02 25 going to reap the benefits abundantly from this

1 proposed railroad and the Otter Creek
2 development. I totally agree with them, but in
3 a different sense. This is an American
4 tragedy. All we are going to reap is the
5 health, social, and environmental impacts.
6 This is an environmental injustice issue. The
7 coal industry is poisoning people. The daily
8 blasting, the dust, the ruined water, and
9 companies buying people out are some of the
10 benefits that we can do without.

11 Coal Montana, advocates of coal
12 mining, touts on its website that 60 percent of
13 Montana's electricity is generated by coal, and
14 that Montana coal mines generated more than
15 \$123 million dollars in revenue for the State
16 of Montana, excluding federal taxes. They also
17 say that coal mining contributes nearly 5,000
18 jobs to Montanans. Actually, the coal industry
19 provides only 1,199 jobs to Montanans. The
20 coal industry has seen a huge decline in coal
21 mining in some parts of the U.S., as many
22 utilities are in favor of cleaner burning
23 natural gas. Because burning coal worsens
24 climate change.

25 Backers of the Tongue River will say

1 project will help the local economy, even
2 though no one is ready for this. A group of
3 locals organized to prepare for this project,
4 but instead of strategic planning with
5 strategic goals, they are asking an Arch Coal
6 representative for advice. He responded, I'm
7 here to open a coal mine. Anything else, we
8 are not responsible for. We are not
9 responsible for anything else but opening a
10 coal mine.

11 Another asks, how are you going to
12 get the coal out? Are you going to help the
13 Tongue River Railroad to become a reality? The
14 Arch Coal representative replied, we have
15 nothing to do with the Tongue River Railroad.
16 There are other ways to get the coal to market.

17 In the Surface Transportation Board's
18 decision on November 1, that it wants up-to-date
19 information, including more details on the
20 line's ownership structure, because of a lot of
21 changes have been made since the original
22 proposal would carry coal to the power plants
23 in the midwest for the public good. And this
24 is for the U.S., not Asian -- Asia or China or
25 anywhere else. It is not in the public good

1 any more like it was proposed. Only that is
2 good -- only that this is good for the Asians.
3 The Asians are expecting the U.S. to become an
4 Asian sacrifice area, and that we can take all
5 these damages, damages on the coasts from the
6 new ports, damages from the railroads all
7 through this great State of Montana, and
8 damages to our homeland, our ranchers, and
9 farmers as well.

10 As a Sun Dance priest of the
11 So'taeo'o Nation, we have never been consulted
12 all these plans that are going to benefit the
13 Asian. The Northern Cheyenne have agreed to
14 with the proponents. These Cheyenne people do
15 not own land and have never made a home on the
16 beautiful Tongue River Valley. We need better
17 accountability and transparency that is genuine
18 honest. What happens to the mouse when you set
19 out a baited trap? Anybody know from the STB?
20 Well, it goes after the bait, but before it
21 even takes a bite the traps snaps shut. It
22 ends the world for it.

23 Keep the beautiful Tongue River
24 Valley beautiful. Thank you. And God bless
25 America.

1 (Applause.)

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

19:51:48

5 MR. SHANE WHEELER: My name is Shane
6 Wheeler, W-h-e-e-l-e-r.

19:52:14

7 The last four or five Tongue River
8 Railroad meetings that I've been to, there has
9 not been one person who worked for the Tongue
10 River Railroad or been associated with the
11 Tongue River Railroad, and I think there needs
12 to be someone here that's with them.

19:52:28

13 Second of all, the last representative
14 we talked to, or thought he was a representative,
15 came and told us where they planned on putting
16 the railroad, and he couldn't answer one
17 question we had. He didn't even know where
18 Tongue River Railroad office was at.

19:52:45

19 We have the ranch that has land on
20 the Tongue River Valley and Otter Creek Valley.
21 The railroad is planned to go above Otter Creek
22 and will divide our place, some of our summer
23 pasture, too. And we were told that more than
24 likely they could not put an underpass in
25 there. How are we supposed to utilize the land

19:53:04

1 up on top of the hill when nothing can get to
2 water?

3 That's all I have.

4 (Applause.)

19:53:18 5 MR. GRAVES: Is there anyone else who
6 hasn't yet spoken that would like to speak?

7 MR. ROGER SPRAGUE: My name is Roger
8 Sprague, S-p-r-a-g-u-e.

9 It's unbelievable that this project
19:53:45 10 has ever gotten this far and they continue to
11 push this thing along. This project that
12 affects so many people and affects the
13 livelihood of all of southeastern Montana. I
14 have neighbors up and down the Tongue River, I
19:54:01 15 have neighbors on the route going to Colstrip,
16 including myself, I live in that area, it's
17 just unbelievable this coal is going to be
18 planning to be going to China to be burned.
19 It's just astonishing to me that this present
19:54:19 20 administration so against coal being burned in
21 the United States and the radical
22 environmentalists being so against coal being
23 burned anywhere in the United States, yet they
24 want us to send it to China where it can be
19:54:35 25 burned without any scrubbers or pollution

1 control and basically double the problems with
2 the ozone layer. It's beyond comprehension.

3 My family came to this area in 1881.
4 So I have a little history in the area, and
5 there's a lot of others here that do as well.
6 We love this land. We have nurtured this land,
7 we have cared for this land, and we treat this
8 land with a lot of respect, and we expect
9 others to do the same.

10 Prior to my family coming here, this
11 land belonged to the Native Americans. After
12 the Custer Battlefield, the battle where the
13 Indians went up the Little Bighorn, came back
14 down to the Rosebud, they came to Green Leaf
15 Creek, and that Green Leaf Creek in the last
16 part of June, if you read the book, *A Warrior*
17 *Fought Custer*, by Wooden Legs, a Cheyenne
18 warrior, you'll find that that tribe, all those
19 Cheyenne and Sioux after the defeat of General
20 Custer, came up to Green Leaf Creek and over
21 the top and down Lake Creek and up to Tongue
22 River. This is sacred area. My family was
23 here early. Did a lot of exploring around the
24 area as young men. My father talks of graves
25 they found, Indian graves in that area. I can

1 point some of them out to people if they have
2 any interest at all other than to just go over
3 the top of them. Some of them I can locate,
4 some I can't. Good neighbor Don Bradley talked
5 of finding his brother, Claude, finding a cave
6 with remains in it and war bonnets and things.
7 So this is a sacred area that should not be
8 disturbed. The whole Tongue River Valley from
9 here all the way to Miles City is an area of
10 pristine quality that should not be disturbed.

11 And I would appreciate it if you
12 would take the strongest consideration to the
13 people of this part of the State of Montana and
14 the livelihood that we represent.

15 Thank you.

16 (Applause.)

17 MR. GRAVES: Yes, sir.

18 MR. RICH FELTON: My name is Rich
19 Felton, F-e-l-t-o-n.

20 My family, we have a ranch down here
21 and run about seven, eight miles along the
22 Tongue River, and if this railroad is built,
23 it's going to divide pasture on one end and the
24 other end both. And, plus, we'll have to
25 listen to the railroad day in and day out for

1 the rest of our lives. We have a ranch in Park
2 County on the Yellowstone River, and the
3 railroad runs right through it. And it's a
4 real pain in the butt. They cause fires, they
19:57:43 5 spread weeds, kill cattle, and it's up to us to
6 fix the fence when the railroad says, you know,
7 if cattle get on the railroad and they get hit,
8 it's pretty near an act of God to get any money
9 out of them. So you got to threaten them with
19:58:03 10 a lawsuit and finally they come through with
11 some cash.

12 But what I was going to say tonight
13 has already been said by a lot of other people,
14 but I just thought I'd put in my two bits here
19:58:15 15 about dividing water, pasture, with a railroad,
16 and it just doesn't work. Thank you.

17 (Applause.)

18 MR. GRAVES: Is there anyone else who
19 has not yet spoken that would like to speak
19:58:37 20 tonight?

21 MS. KITTE COFFIN: My name is Kitte,
22 K-i-t-t-e, Coffin, C-o-f-f-i-n.

23 I have some concerns also. One of my
24 concerns is that the average decibel on the
19:59:15 25 property for sounds that I live on now, or the

1 property where I live, the average decibels for
2 sound is normally between 10 and 20. How many
3 decibels will the Tongue River Railroad raise
4 the average volume of the sounds to on my
5 property during construction and during the
6 running of the train?

7 I have an appurtenant easement from
8 my property to the East Tongue River Road right
9 now. How will the Tongue River Railroad affect
10 my access to the East Tongue River Road?

11 According to the map that was
12 included with the letter sent to me by the HDR
13 Engineering office, it appears the proposed
14 Tongue River Railroad intends to cross my
15 property a few feet behind some shop buildings
16 I currently use, and just a little farther from
17 my home, which I currently live in. How will
18 the Tongue River Railroad secure my buildings
19 and my home so they are not damaged in the
20 process of the construction of the proposed
21 Tongue River Railroad or in the passing of
22 trains over the proposed Tongue River Railroad?

23 My husband is a ham radio operator
24 with repeaters. Will you guarantee, or will
25 the Tongue River Railroad guarantee that any

1 radio wave transmissions during the proposed
2 Tongue River Railroad construction and when the
3 trains run will not intermod with the radio
4 wave frequencies assigned to my husband by the
5 FCC?

6 Common sense tells me that there will
7 be a great increase of the waves of vibration
8 felt on my property in my existing buildings,
9 in the pipes to my well, in the pipes to the
10 pump in my well several hundred feet below the
11 ground level, in the well itself, in the pipes
12 to my septic tank and drain field, the drain
13 field itself, and in my home. How will you
14 compensate me for the loss of integrity of any
15 of my existing buildings in the pipes to my
16 well and the pipes to the pump in my well
17 several hundred feet below the level of the
18 well itself to the pipes, to my septic tank and
19 drain field, the drain field itself, and in my
20 home?

21 The Montco Mine spur is included in
22 the revised application for construction and
23 operation of the proposed Tongue River Railroad
24 as terminus point number one. That spur of
25 proposed Tongue River Railroad would affect the

1 existing Noblock and McKelvey ranches. Are
2 there plans to mine the coal on the Noblock or
3 McKelvey ranches or establish the Montco Mine
4 finally?

20:02:42 5 Or is the Tongue River Railroad
6 planning to build a bridge across the Tongue
7 River to some mine on the Northern Cheyenne
8 Reservation, of which we are at this time not
9 aware of?

20:02:54 10 The majority of our 32 plus acres is
11 several hundred feet above the Tongue River.
12 HDR Engineering sent us a letter requesting our
13 permission for access to all three of our
14 tracts, which isn't very much, but they wanted
20:03:16 15 to survey all of it for the proposed Tongue
16 River Railroad. Does the Tongue River Railroad
17 intend to use the shale on our property as a
18 bed to lay their proposed Tongue River Railroad
19 tracks on?

20:03:31 20 I have another question. If they do,
21 are they going to compensate us for the sale of
22 the shale at the going rate?

23 That's about it. Thank you.

24 (Applause.)

20:03:45 25 MR. GRAVES: Anyone else who has not

1 yet spoken that would like to speak?

2 MR. BEN BAHR: My name Ben Bahr,
3 B-a-h-r. Good evening.

4 I would briefly like to make a couple
5 of notes on some things that I have regarding
6 the EIS and the NEPA process.

7 I understand how that process works,
8 and it takes a long while to get one completed.
9 I understand that there may have been a study
10 done on the Otter Creek Coal Mine with the U.S.
11 Forest Service and there was some tribal
12 cultural property discovered that were probably
13 not included in the Section 106 inventory
14 report. I would like to have that re-evaluated
15 and followed up on, some of the historical and
16 cultural impacts that will result from this
17 development of coal.

18 It's really like someone said, a
19 travesty for this region and the Tongue River
20 Valley. There's no infrastructure in place
21 here to accommodate all the influxes of people
22 and business, impacts to the water and air and
23 land.

24 Myself, I am a landowner here, too.
25 My family has been around here for hundreds of

1 years. We have been here long before
2 statehood. I have concerns over the impact to
3 the great Northern Cheyenne Nation, our
4 identity, our sovereignty, and what we stand
5 for. I would like to briefly make points on
6 that and associated impacts. Everyone
7 expressed about mitigating those impacts, but I
8 think that NEPA process and EIS should really
9 be seriously evaluated honestly. Thank you.

10 (Applause.)

11 MR. GRAVES: Would anyone else who
12 has not yet spoken tonight like to speak?

13 MR. WAYLAN ROGERS: My name Waylan
14 Rogers.

15 I would like to make this kind of
16 personal. I lived here all my life. I lived
17 about a mile down the road. And I kind of
18 wanted to answer Ms. Coffin's concern about the
19 noise. I lived up in Browning for a while, I
20 stayed there. And I lived about, oh, a couple
21 hundred feet from the railroad, and it's loud.
22 It is not quiet. They have structural problems
23 with their house because of the vibration, and
24 I stayed there until I got sick of it. They
25 are used to it. I wasn't used to it at all.

1 It was pretty annoying, really
2 annoying. And after I left from there I said,
3 you know, I never want to live by a railroad
4 ever in my life, and then here we go, you know,
5 they are trying to put one right where I live.
6 I don't know if anybody ever studied fluid
7 dynamics. We live in a valley and we will have
8 a lot of standing waves here. I mean, we can
9 hear the semi trucks on top of the flats. I
10 mean, I live ten miles away from that. We can
11 hear the semi trucks that pass with a bad tire.
12 I can feel the vibrations inside my house. We
13 are in a bad spot for a railroad. It's going
14 to be loud. You know, a lot of people want to
15 have our type of serenity in this -- in
16 Ashland. I lived in Denver, and I can get used
17 to it, but some people came to my house to come
18 visit, and they loved it here because how quiet
19 it is, how peaceful it is.

20 Another thing about where they are
21 putting the proposed line, you know, I take my
22 kids up to Miles City every once in a while,
23 and I could speak of all these cultural spots
24 all the way up there, and my daughter was
25 joking with me, you know, dad, you can talk all

1 the way to Miles City, and I can't even play on
2 my iPod. You know, there's so much stuff right
3 where they are going to put that line, I feel
4 bad they are going to do that.

20:09:34 5 Let me jump back to the noise. Who
6 remembers the saw mill? I worked there and who
7 remembers the planer that was running 24 hours
8 a day? That was so annoying to me. And I
9 thank God when that mill finally shut down
20:09:51 10 because, you know, it was nice and peaceful
11 right after that. You know, they are going to
12 put something else just as noisy, just as loud
13 here.

14 As far as me, I'm a So'taeo'o, and
20:10:10 15 our prophet, Sweet Medicine, she always said,
16 don't disturb the land, be respectful. And,
17 you know, I've always believed that. And I
18 respectfully ask that you not put this rail
19 line up. It's going to disturb everybody in
20:10:35 20 this community.

21 You know, I want to jump back to my
22 kids. You know, if they put that line through
23 there, in our culture we always think of the
24 seventh generation, are my kids going to be
20:10:51 25 able to tell the stories that I tell them? Is

1 there going just be a railroad line there. Is
2 that seventh generation going to say, you know,
3 talking about my stories or when they built
4 that railroad? Maybe by then that railroad
20:11:13 5 won't even be there any more and they'll say,
6 oh, that's used to be old railroad tracks. You
7 know, I really don't want this railroad to go
8 up. That's all I have to say. Thank you.

9 (Applause.)

20:11:43 10 MR. JEFF KING: My name is Jeff king,
11 and I guess -- well, I'm a member of the
12 Northern Cheyenne Nation. This is my home.
13 You know, even though I'm from Busby, the other
14 side, you know, this is my home, you know, and
20:12:03 15 I can drive anywhere I want and see and enjoy
16 the things that Waylan was talking about, you
17 know, going to crazy heads and going just
18 wherever.

19 And I'm worried about how the air
20 will be affected that comes over where the
20:12:21 21 development is supposed to be going on so close
22 to our reservation. For the past five years I
23 have worked in affiliation with the coal
24 industry down in Gillette, Wyoming, and you can
20:12:40 25 see, like, literally, you don't need

1 measurements or scopes or whatever to measure
2 the air pollution that's on there, that's going
3 on. I go down to the Black Thunder Mine and
4 the North Antelope Mine -- well, basically all
5 the mines, and it's really spread apart, but
6 wherever you go, it's thick smog -- not smog,
7 but dark particles, you know, and you can see
8 it. You don't need anything. There's a lot
9 of asthma in Gillette and for a lot of people
10 that didn't get it until they moved to Gillette.

11 Working in that atmosphere down there
12 I've always felt like I've been in a hostile
13 environment. It's been a really hard time.
14 Really, a lot of struggle to kind of both
15 morally, ethically, but also racially. But
16 with that aside, the moral, ethical thing is
17 what I've decided to step away from that. And
18 so for the past couple years I've been slowly,
19 or past, especially for a few months, I haven't
20 been working as much. And my boss has been
21 okay with that, because I've been working
22 with -- thinking about home and thinking about
23 the world and thinking about what's available
24 in the world and the kind of opportunities that
25 we have with technology and solar and renewable

1 energies, and that's what I want to step into.

2 And I think that this whole coal
3 development thing is stepping backwards. And
4 it's not something that we should be thinking
5 is the last thing. I think there's just so
6 many more detriments that are associated with
7 coal development than there are for positive
8 impact.

9 I have a couple concerns about
10 legally, you know, as a tribal member, I wonder
11 about there's some statistics about rape of
12 Native American women. This is something I
13 found on the internet, and coastal tribes are a
14 little bit concerned about it, and they are
15 worried about how one in three native women are
16 raped, and that's up 50 percent from the next
17 demographic. And most of the -- the greater
18 percentage of the perpetrators are non-native.
19 I mean, I see a mostly nonnative group here,
20 but no offense, that's just the statistics. I
21 think it's different for community, you know,
22 but with this coal development, it's going to
23 bring a lot of outsiders who don't respect
24 community and don't have that history. Along
25 with it, a lot of money, a lot of crime, drugs,

1 and rape, you know. I just want to -- I kind
2 of have a question if that's -- I ask that be
3 taken into consideration.

4 And, also, as far as IHS funds, the
20:16:23 5 government has legally made -- you know, this
6 goes back all the way back to the treaties, and
7 it's been respected -- the IHS, they are
8 giving, you know, it's legally entitled to be
9 there. And along with the traffic and
20:16:43 10 population influx there's going to be a lot
11 more crashes, wrecks, you know, accidents of
12 all types, and they are going to have to go to
13 the nearest hospital or clinic, in this case
14 Lane Deer, and, you know, that's completely --
20:17:05 15 I would want that. But my question is, will
16 the railroad compensate -- be able to make a
17 distinction between where those funds are going
18 and be able to compensate that from the funds
19 of IHS that are designated for tribal members?
20:17:28 20 I ask that that be taken into consideration.

21 I think that's all. Thanks.

22 (Applause.)

23 MR. GRAVES: Yes, sir.

24 MR. SAIMAK SAMSAM: My name is Saimak
20:18:03 25 Samsam. S-a-i-m-a-k, S-a-m-s-a-m.

1 I came here nine years ago after five
2 years of searching for a peaceful, pristine
3 valley such as we have here. And I could
4 never believe that one day we'll be facing the
5 choice between a railroad or the way of life
6 that people have had here for years. The
7 scoping meeting tonight requires me -- expects
8 me to comment, but I can't really comment,
9 because the scope of the project is not defined.
10 There is a railroad to nowhere. There are two
11 mines, one is not a viable mine. The other,
12 the permit has not been processed, and I
13 understand that because of the water situation
14 and the level in that valley, it may not be a
15 viable mine. So why would we spend energy and
16 resources, the government, to be pushing this
17 process that is not necessary at this point?
18 First, those mines have got to become viable
19 mines, and then we talk about railroad and
20 where the product goes. Just in general.

21 Now, on a specific how it's going to
22 affect what concerns I have, which I think a
23 lot of people here have, I will mention a few
24 of them. This valley is farmland and then
25 grazing land are the high ground. And the

1 railroad, the way it's proposed, either one of
2 them, is going to separate the farmland from
3 the hills where the grazing takes place. Both
4 cattle and wildlife, they frequent between
5 these two areas. The wildlife during the day
6 they are up in the hills and in the evening
7 they come down to graze and use the water as a
8 water source. When you put the railroad there,
9 you're going to disrupt the whole grazing and
10 their way of surviving.

11 There's a lot of value to wildlife.
12 Wildlife is the pulse of the health of a
13 society and how natural we are. Plus, it's a
14 source of revenue for ranch owners. We feed
15 the wildlife, and hunters pay to come and
16 harvest the wildlife. It would be a tremendous
17 impact when no hunter wants to come and shoot
18 deer next to a railroad. It's not enjoyable.
19 That setting is not enjoyable to them. And
20 that should be very much considered as an
21 economic impact to all the ranch owners that
22 are here in the valley.

23 And then I look at our particular
24 case, we have river right at the foot of the
25 hills, someplaces it's just a shear bluff.

1 There's no way that they could build a railroad
2 there, and I happen to be an engineer in civil
3 construction, there is no way that they can
4 build a railroad there and guarantee that they
5 are not going to have derailment in the river
6 and all the pollution and all the damage that
7 is going to ensue when that happens.

8 So I'm very much concerned of the
9 environmental effect when have derailments, and
10 they can't control it. You've seen the last
11 few years awful the big businesses, whether
12 it's in the ocean or in the gulf, accidents
13 happen, and then everyone is left with the
14 aftermath. But this can be prevented. You
15 don't need to put the railroad right where is
16 the great concentration of agriculture, human
17 habitat, and, very important to life, wildlife.

18 Then there's the fire. I'm very
19 concerned because we have fire on the average
20 once or twice a year on our ranch. And we need
21 to get to it quickly and to put it out. When
22 I'm only given access through the railroad
23 every mile or every half a mile, and it runs
24 through us four and a half miles, I cannot even
25 fight fire that may even be caused by the

1 railroad, because they do cause fires just by
2 their operation. So I'm very much concerned
3 about that, it's going to impact me fighting
4 the fire as we normally do.

20:23:08 5 Another issue, this is very erodible
6 soil that we have on these hills. Now, you
7 picture a hill coming down facing the river.
8 This water sheet flows down, sheet flows across
9 the field into the river. When you put this
20:23:28 10 railroad, which is 8 to 10 feet high, you
11 create a dam. This water can not just sheet
12 flow. You have to divert it to the next
13 coulees on either side of that area, which is
14 going to increase the volume and the erosion
20:23:42 15 where those coulees don't. And we've already
16 seen places due to rain when the coulees water
17 flow increases, how much erosion takes place.
18 Now, it's going to be done every time it rains.
19 It's not just one particular big rain, because
20:24:01 20 we are diverting all the water to those
21 culverts.

22 And then I have concern about the
23 fugitive dust from the railroad. As those
24 trains go by, with the vibration, the dust is
20:24:14 25 going to get go into the air and it's going to

1 go long distances, and people that live within
2 proximity to those rail lines, they are going
3 to be breathing it.

4 So when you put it altogether, you
5 ask yourself. Why would you pick the most
6 populated, pristine, riparian corridor and ruin
7 it so somebody can make a fast buck? It's
8 just unbelievable. I cannot believe that this
9 could actually go through without somebody
10 saying, wait a minute, there is no other
11 riparian corridor like it in southeast Montana,
12 and we should value that greatly and put such a
13 value, that a few dollars from a coal sold to
14 China is not going to sway us to ruin that
15 valley.

16 Plus socioeconomic, a lot of folks
17 tonight have addressed that. If you look at
18 North Dakota and the boom that took place
19 there. Along with it came drugs, crime, and
20 everything is. So the whole lifestyle, as a
21 lot of the folks in this valley know, it's
22 going to be gone. And I don't know how you
23 really put a dollar value on that. But I
24 expect you folks that are assigned this
25 responsibility of really looking at this,

1 assign the right value to each one of these
2 things that are going to affect thousands of
3 lives. And perhaps a good thing will come out
4 of it, and I think the only good thing is the
5 option to not put the railroad at all. But if
6 it has to go, I have suggestions from the
7 engineering standpoint, which then, I guess, at
8 a later date, if we get to that point, I will
9 address those.

10 Thank you very much.

11 (Applause.)

12 MR. GRAVES: Anyone else who has not
13 yet spoken tonight like to speak?

14 ALEXIS BONOGOFISKY: Alexis Bonogofsky.

15 I've been speaking both evenings,
16 first in Lame Deer, yesterday in Forsyth. I
17 covered a lot of wildlife impacts. I work for
18 the National Wildlife Federation, but I also
19 hunt on Rosebud Creek. And I ranch along the
20 Yellowstone River, goat ranch actually, and our
21 ranch was covered by Exxon oil and it hasn't
22 recovered from that.

23 So I'm interested in a couple of
24 things that each night I think of different
25 questions that I have. One major thing I'm

1 interested in is how much taxpayer money has
2 been spent the last 30 years trying to get this
3 railroad built.

4 The second thing is the Tongue River
20:27:27 5 Railroad Company paying for this right now, the
6 whole process, or do they just pay the
7 consultant to do the EIS?

8 Third, I'm interested in how much
9 money the citizens have spent over the last 30
20:27:39 10 years defending their property.

11 Fourth, I'm interested if there has
12 been an analysis done of the other tribes in
13 the region who should be consulted on
14 government-to-government basis. The Powder
20:27:55 15 River Basin was a place historically that
16 dozens and dozens of tribes either hunted in,
17 lived in, or moved through at some time; so
18 it's not just the Northern Cheyenne; it could
19 be Arapahoe, Ogallala, Dakota, Rosebud.

20 There's a ton of other tribes that actually
20:28:13 21 have cultural resources in this area and I
22 think an analysis needs to be done.

23 I'm also interested in how the
24 railroad would affect the Class I Airshed that
20:28:27 25 the Northern Cheyenne has.

1 And it's kind of ironic because I was
2 actually part of a program on the Northern
3 Cheyenne Tribe, we got grant money, it was
4 called Climate Showcase Community. We worked
5 with the tribe to make a lot of the tribal
6 buildings energy efficient, and the government
7 spent a quarter of a million dollars on it.
8 And it's odd to me that we are sitting here
9 with the same government who is spending money
10 trying to make things energy efficient and
11 spend money on renewable energy is now in the
12 same region promoting, or it seems to be
13 promoting massive coal development and a coal
14 train. It doesn't seem like the taxpayers
15 money is being well spent here.

16 So those are my questions tonight.
17 And I will see you all tomorrow.

18 (Applause.)

19 MR. GRAVES: Is there anyone else who
20 has not yet spoken tonight that would like to
21 speak.

22 MR. BRAD SAUER: My name is Brad
23 Sauer, S-a-u-e-r, Co-chairman of the Rosebud
24 Protective Association, one of the drainages
25 which one of the alternatives of the railroad

1 is proposed to cross.

2 I'm here this evening in the interest
3 of agricultural, which I'm involved in, and as
4 are a number of my neighbors, and a number of
5 the folks in this room. I had a little time to
6 think of some more questions today as I was
7 replacing posts that were burned by the fire
8 this summer. And so I'll start off with fire.

9 How will the railroad integrate the
10 existing wildfire operations, the fire
11 management plans of the BLM, the DNRC, the
12 county, and these plans include staffing levels
13 based on fuel conditions and ignitions, and
14 they determine what kind of resources are
15 needed and what the costs are for those
16 resources? I wonder whether the document will
17 accurately reflect current costs for these and
18 if the railroad will willingly pony up the
19 money to put on extra forces. One of the
20 things that happened this summer is due to
21 budget cuts, there weren't enough resources in
22 our area and the fires got big. Of course,
23 fuels were really receptive as well.

24 All right. So we'll move on to is
25 there an actual need for this coal? Right now

1 the Westmoreland Mine is proposing to expand
2 into Area F at Colstrip. That's approximately
3 6000 acres, and it's proposed to last for about
4 19 years of mining activity. How will
5 particularly the Colstrip alternative affect
6 the Westmoreland Mine expansion?

7 All right. Taxes. How will the
8 taxes on ag land that the railroad crosses be
9 addressed during construction while the land is
10 no longer suitable for ag but not yet fully
11 taxable as railroad property? Who will pay
12 during that time?

13 I'll go down the list here. I
14 couldn't quite get away from the environmental
15 justice end of things. I'd like to ask a full
16 consideration of environmental justice be done
17 for the Native Americans in this area and also
18 in the 1 percent of the population of the
19 United States that raises food. What I'd
20 really like to know is how this action is truly
21 compatible with industry and commerce that
22 coexist with old culture and tourism and
23 wildlife in a generally peaceful fashion, and
24 how can the impacts caused by the railroad be
25 mitigated to continue this good life we have

1 here and good commerce and productive settings.

2 Recently, I sold a house in Miles
3 City, and Miles City went through some serious
4 flood concerns, actual flood concerns, as well
5 as having to pay quite a bit of flood insurance
6 on previously uninsured structures. The Army
7 Corps of Engineers did some modeling on the
8 areas, and they determined the dike at Miles
9 City was unsuitable, essentially it was too
10 low, and then its construction methods were not
11 quite good enough. So a lot of people had to
12 pay a minimum of a thousand dollars for flood
13 insurance per household.

14 During that time the Corps did not
15 include the railroad in its modeling of how
16 flooding in the Tongue River would affect the
17 whole river valley, and particularly Miles
18 City. Now, one of the alternatives says that
19 the railroad will run on the west side of the
20 river towards Fort Keogh, and that's where the
21 water can spread out. If the railroad raises a
22 berm there it will force more water into Miles
23 City. I'm wondering if the railroad will kick
24 in money to raise the berm a little higher on
25 the dike in Miles City and mitigate that flood

1 danger?

2 So I'm hoping that you ask the Corps
3 of Engineers to fully model how the railroad
4 will affect flooding all the way down the
5 Tongue River and in the Rosebud Valley, and
6 particularly how it will affect existing
7 infrastructure such as bridges, irrigation
8 systems, et cetera.

9 And thank you to all of you coming in
10 here and sitting and writing beautifully and
11 doing a good job. Thanks very much.

12 (Applause.)

13 MR. GRAVES: Anyone else that would
14 like to speak that has not yet spoken tonight?

15 MR. MIKE SCOTT: Sorry. Mike Scott.
16 I'm here tonight on behalf of the Sierra Club.
17 I want to speak on behalf of the Sierra Club
18 but I also want to speak from the perspective
19 of a multi-generational landowner and as a big
20 game hunter.

21 I am very, very earned concerned
22 about what is going to happen with the big game
23 herds in the Tongue River Valley if this
24 railroad is constructed. I've heard time and
25 time again from ranchers who live here about

1 the migration patterns and how this works.
2 I've seen it myself as a hunter. Game go to
3 cover during the day and come to food at night.
4 They need a place to live. They need a place
5 to drink. They need a place to eat and a place
6 to calve.

7 I think this railroad will be
8 incredibly disruptive for all of those things,
9 and I think every aspect of wildlife needs to
10 be considered in the EIS.

11 I want to just talk briefly, too,
12 about where I'm from, because that's largely
13 why I do this work. Originally, I'm from
14 western North Dakota, and the area around our
15 family farm there is completely changed. The
16 community has changed. And it's probably
17 always going to be changed. Williston was
18 caught completely unprepared for this oil boom.
19 And no matter how ahead of this you think you
20 are, I'll tell you, you're not. When it comes,
21 it comes fast, it comes hard, and it will
22 change your community forever. I would ask
23 everybody in this room to strongly consider
24 what money is worth. What's quality of life
25 worth? What are your neighbors worth?

1 My family, they've been in western
2 North Dakota for over a hundred years. And
3 right now every one of them wants to leave.
4 But they don't have the money to do it.
5 Because you don't make the money. The guys who
6 come up from Oklahoma and Texas, those are the
7 guys who make money. They do well. They do.

8 That brings me to man camps. I
9 brought this issue up last night. Last night I
10 asked if it would be man camps. I got to
11 thinking about it today, it's not a question of
12 if, it's where will they be. And particularly
13 will this issue of eminent domain come up with
14 man camps? I think this is very important.

15 It's one thing to be condemned to have a
16 railroad go across you. It's a whole another
17 thing to be condemned so they can build a giant
18 portable hotel on your land and then make you
19 deal with it.

20 Also, how will the law enforcement to
21 those man camps work? The way they do it in
22 North Dakota, they say, we'll bring in our own
23 security guards. They do that because they
24 want to stop the problems before they are
25 officially reported on the record. So there

1 are assaults happening, vandalism, property
2 crimes, and their security guards intervene,
3 but it never goes into the actual crime
4 statistics.

20:38:25 5 Now, the crime statistics in Williams
6 County and McKenzie County, it would blow your
7 mind, especially since these are communities
8 that used to be 12,000 people that are now
9 trying to deal with 40,000. The official
20:38:40 10 statistics show sharp increases in sexual
11 assaults, properties crimes, violence in
12 general. And the amounts going unreported is
13 tremendous. I'll tell you right now, in
14 Williston generally women aren't going outside
20:38:55 15 past 3 o'clock in the afternoon.

16 So I would encourage everybody who is
17 questioning whether or not you want this
18 development to take a field trip up north and
19 see how much it's worked out there.

20:39:05 20 I think that's all for tonight. I'll
21 see you guys tomorrow.

22 (Applause.)

23 MR. GRAVES: Anyone else who has not
24 yet spoken that would like to speak tonight?

20:39:21 25 Are there any other comments tonight

1 then?

2 Would you like to say a few words?

3 MR. BLODGETT: I would just like to
4 thank everybody for attending tonight's public
20:39:43 5 comment meeting on the scoping notice. We
6 appreciate hearing everybody's concerns. And
7 we just want to thank you for your
8 participation.

9 There will be scoping meeting
20:40:02 10 tomorrow night in Miles City. In case
11 everybody didn't get the notice, there is
12 additional meetings scheduled for Friday night
13 in Lame Deer at the Chief Little Wolf Capital
14 Building at the same times the other meetings
20:40:20 15 this week, 2 o'clock and 6 o'clock on Friday.

16 So, again, thank you for your
17 participation.

18 (Meeting closed.)
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CERTIFICATE OF REPORTER

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

Certified Court Reporter