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PUBLIC MEETING
FOR THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE
PROPOSED TONGUE RIVER RAILROAD

COLSTRIP, MONTANA

JUNE 10, 2015

2:29 P.M. MT

Meeting 1-6.10.15

1 WEDNESDAY, JUNE 10, 2015

2 2:29 P.M. MT

3 COLSTRIP, MONTANA

4 -oOo-

5 JENNIFER PIGGOTT: Good afternoon and welcome.
6 We're going to have a brief presentation by the Surface
7 Transportation Board, and then we will move into the
8 oral comment portion of this afternoon's meeting. So
9 I'd first like to introduce from the Surface
10 Transportation Board Mr. Ken Blodgett.

11 KEN BLODGETT: Good afternoon. And thank -- I
12 would like to thank everybody for coming this afternoon
13 to today's public comment meeting on the Draft
14 Environmental Impact Statement for the proposed
15 construction and operation of the Tongue River Railroad.

16 My name is Ken Blodgett, and with me here
17 today is Danielle Gosselin, and we are here representing
18 the Surface Transportation Board's Office of
19 Environmental Analysis.

20 Also seated at the table is Alan Summerville,
21 the project manager of our third-party contracting team,
22 ICF International, and Elizabeth Diller. And Jennifer
23 Piggott will act as our facilitator this afternoon.

24 The Surface Transportation Board is the
25 federal agency responsible for the regulation of

Meeting 1-6.10.15

1 interstate surface transportation within the United
2 States and for granting authority for the construction
3 and operation of new rail lines and associated
4 facilities.

5 The board's mission is to ensure that
6 competitive, safe, and efficient transportation services
7 are provided to meet the needs of shippers, receivers,
8 and consumers. In all of its decisions, the board is
9 committed to advancing the national transportation
10 policy goals as established by Congress.

11 The Office of Environmental Analysis, or OEA,
12 is the office within the board which is responsible to
13 ensure that the board is in compliance with the
14 requirements of the National Environmental Policy Act.
15 We fulfill this responsibility through independent
16 environmental review of railroad actions, which require
17 the board's approval.

18 On October 16, 2012, the Tongue River Railroad
19 Company filed an application with the board to construct
20 and operate a rail line from Miles City, Montana, to
21 Ashland -- to two endpoints near Ashland.

22 On December 17th, 2012, Tongue River Railroad
23 filed a supplemental application in which it identified
24 its preferred alternative for the proposed line as the
25 Colstrip alternative, between Colstrip and the Ashland

Meeting 1-6.10.15

1 area.

2 The Surface Transportation Board is the lead
3 agency responsible for preparing the Draft Environmental
4 Impact Statement. Four cooperating agencies worked with
5 the board in preparing the Draft EIS: The
6 Bureau of Land Management, the Corps of Engineers, the
7 United States Department of Agriculture, and Montana
8 state agencies. These cooperating agencies all have
9 decision-making authority independent of the board and
10 are agencies from which Tongue River would obtain
11 separate approvals or permits prior to construction.

12 The purpose of today's meeting is to receive
13 comments, both oral and written, on the Draft
14 Environmental Impact Statement, which was served and
15 made available for public review and comment on
16 April 17th. The Draft Environmental Impact Statement
17 reflects our analysis of the potential environmental
18 impacts that could result from the construction and
19 operation of the proposed rail line.

20 Public involvement is an important component
21 of the environmental review process, and our hope is
22 that the comments you provide will help ensure that our
23 office fully addresses your concerns and the potential
24 environmental impacts that could result from the
25 construction and operation of the proposed line as well

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Meeting 1-6.10.15

1 as appropriate mitigation measures.

2 The Draft EIS public comment period will last
3 until August 24th, 2015. After the public comment
4 period has come to a close, we will consider all
5 comments received and address each comment in the Final
6 Environmental Impact Statement, which will present our
7 final conclusions and our final, recommended mitigation
8 measures. The board will then make a final decision on
9 the proposed rail line construction.

10 In making that decision, the board will
11 consider the entire environmental record, including all
12 comments received, the Draft EIS, the final EIS, and
13 OEA's final, recommended mitigation measures. No
14 project-related construction may begin until the board's
15 final decision has been issued and that decision has
16 become effective.

17 If you have not already done so, I would
18 encourage you to sign in at the table located at the
19 entrance to the school, the front doors of the building,
20 and those that have indicated that they would like to
21 make a public comment on the Draft EIS at this meeting,
22 which will be recorded by the court reporter, will be
23 called upon to speak in the order in which they signed
24 in.

25 If you would like to provide handwritten

Meeting 1-6.10.15

1 comment today, there's a comment area outside in the
2 open house area where you can -- there's forms and boxes
3 where you can place your comment. Comments can continue
4 to be provided in writing to the board through
5 August 24th by mailing them to us in Washington, D.C.,
6 or by visiting the tonguerivereis.com Web site and
7 filing them electronically from the Web site.

8 All oral and written comments will be given
9 equal weight and consideration. In preparing your
10 comments, we encourage you to be as detailed as possible
11 regarding the content of the Draft Environmental Impact
12 Statement.

13 That concludes my remarks and I will now turn
14 the floor over to Alan Summerville, who will provide a
15 little information on the environmental review process.

16 Thank you.

17 ALAN SUMMERVILLE: Good afternoon. During the
18 open house portion of this meeting, we provided
19 information on the environmental review process and on
20 the project. Now I'd like to take just about three
21 minutes to summarize the information for those of you
22 who weren't in the open house session or to provide a
23 recap for those who were.

24 In the meeting brochure and on the poster in
25 the other -- one of the posters in the other room,

Meeting 1-6.10.15

1 there's a figure depicting the environmental review
2 process. To initiate the scoping process, OEA issued a
3 notification of its intent to prepare an EIS to the
4 public; elected officials; federal, state, and local
5 agencies; tribal organizations; and other potentially
6 interested organizations.

7 OEA issued a Draft Scope of Study and held
8 agency and public scoping meetings to obtain comments on
9 topics that the EIS should analyze and possible
10 alternatives to the TRRC alignment. Interested agencies
11 and persons were invited to participate in the scoping
12 phase by reviewing the Draft Scope of Study, submitting
13 comments in writing, and attending scoping meetings held
14 in the project area.

15 After considering the comments received
16 through the scoping process, the board published a
17 notice of the Final Scope of Study for the EIS on
18 March 22nd, 2013.

19 Throughout the development of the Draft EIS,
20 OEA met in person and through teleconferences with
21 federal, state, and local agencies, as well as tribes.
22 OEA prepared the Draft EIS by analyzing the potential
23 environmental impacts of the proposed Tongue River
24 Railroad and the reasonable alternatives, including the
25 "No-Action" alternative.

Meeting 1-6.10.15

1 The Draft EIS also addresses the impacts of
2 trains traveling to destinations outside of the project
3 area, also known as downline impacts. Any of the build
4 alternatives could have minor to highly adverse impacts
5 on the following resources: Transportation, greenhouse
6 gases and climate change, noise, biological resources,
7 water resources, visual resources, cultural and historic
8 resources, land resources, geology and soils,
9 socioeconomics, and environmental justice. All of the
10 other resources would experience negligible impacts.

11 The Draft EIS also includes OEA's preliminary
12 recommendations for environmental mitigation. These
13 mitigation measures will be considered by the board as
14 potential conditions if the board decides to grant TRRC
15 authority to construct and operate the rail line.

16 The Draft EIS was made -- was distributed and
17 made available on April 24th to interested members of
18 the public; parties of record; elected officials;
19 tribes; and appropriate federal, state, and local
20 officials. OEA provided extensive notification through
21 various means to the project area and downline
22 communities.

23 As Ken stated, the Final EIS will consider and
24 respond to all comments received on the Draft EIS and
25 will include any appropriate changes and recommendations 8

Meeting 1-6.10.15

1 for additional mitigation measures. It will also
2 identify OEA's preferred alternative.

3 Completion of the Final EIS will be announced
4 to the public in a Notice of Availability published in
5 the Federal Register and by notification to the
6 interested parties.

7 At this time I'd like to hand the meeting over
8 to our facilitator, Jennifer Piggott, who will go over
9 some ground rules, and then we can begin to hear public
10 comments.

11 Thank you.

12 JENNIFER PIGGOTT: Great. Thank you, Alan.

13 We will now begin the oral comment portion of
14 today's meeting. Before we begin, I'd like to go over a
15 few things. If you haven't already done so, please
16 silence your phones so we don't interrupt the meeting.
17 If you would like to speak and did not sign up when you
18 arrived at the meeting, please raise your hand now so we
19 can get you registered.

20 A court reporter will transcribe your oral
21 comments for use in preparing the Final Environmental
22 Impact Statement. Please do not provide any personal
23 information in your comments that you would not want to
24 see published in the final document.

25 Please speak slowly and clearly so that the

Meeting 1-6.10.15

1 court reporter can easily record your comments. Please
2 state your full name and spell it out for the court
3 reporter and indicate if you are representing a group or
4 organization today.

5 Each speaker will be allotted three minutes.
6 You do not have to speak for the full three minutes.
7 However, when 30 seconds remains, a yellow card will be
8 raised, and a red card will be raised when the time has
9 ended. Out of respect for others, we ask that you
10 please honor your three minutes.

11 If you think you have more comments than you
12 can present in the time allotted, please make the most
13 important comments first. This time limit has been set
14 at each meeting to ensure everyone who wishes to speak
15 has a fair and equal opportunity to provide their
16 comments. If you did not get a chance to voice all of
17 your comments, you can submit them in writing. If you
18 have a written statement already prepared, you may read
19 it out loud, and we recommend you also submit it as a
20 written comment.

21 At the end of the meeting, we will invite up
22 additional speakers and anyone who did not get a chance
23 to finish their comments. Please feel free to provide
24 your comments in either written or oral form. Both
25 types of comments will be weighed equally in the final

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Meeting 1-6.10.15

1 document.

2 Finally, this portion of the public meeting
3 allows you to provide comments that will be transcribed.
4 OEA will not answer questions or respond to comments
5 during this portion of the meeting. OEA will respond to
6 comments in the Final Environmental Impact Statement.
7 This will allow as much time as possible for members of
8 the public to comment.

9 With that, our first speaker is Rosebud County
10 Commissioner Doug Martens.

11 DOUG MARTENS: Doug Martens, M-a-r-t-e-n-s,
12 Rosebud County Commissioner.

13 I guess some of the comments that I want to
14 bring up are -- have to do with the services that we
15 provide to the residents of the county. One of them is
16 fire control.

17 I read in the EIS some information that is in
18 there that looks to me like it's more of a statewide
19 collection of data rather than a local set, and I will
20 provide some localized information as to number of fires
21 that are started by the trains, and how many fires we
22 have human-caused versus natural-caused. I just think
23 some of the data that you have is -- it doesn't fit this
24 area very well. So I will provide that.

25 The access for fire engines to both sides of 11

Meeting 1-6.10.15

1 the railroad tracks is a huge issue. There's -- the
2 railroad tracks that are already in existence from
3 Colstrip to Forsyth has very limited access. There's
4 not very many crossings in it. When you get down onto
5 the main line on the river, there's a lot more
6 crossings. And if you have a crossing that's 10 miles
7 apart, or even 5 miles apart on the railroad, there may
8 be no way to get across the tracks, come along through
9 the pasture to get to the next crossing. You may end up
10 driving 15, 20 miles to get a mile away from each other.

11 I did see in the EIS that you quoted some
12 state code that it required railroads to do fire
13 prevention measures. I think that's really good and I
14 will -- in our written data that I give you, I'll give
15 you some more stuff along those lines.

16 Something else that I wanted to bring up along
17 with the fire access is the number of fires that a train
18 starts is really not a big issue. It's the number of
19 fires that we have that we can't get access to. Right
20 now our fire budget is pretty well exhausted, just from
21 the fact that we have coal seam fires all over this
22 county that started in 2012 and we're just -- they're
23 all over the place.

24 Another one I wanted to bring up was the road
25 realignment. I would like to know if we can be involved₁₂

Meeting 1-6.10.15

1 in the negotiation with the railroad when they realign
2 the county road to hopefully keep some standards and
3 maybe some -- the least amount of county road going over
4 the tracks as possible. Bridges and culverts, want to
5 make sure we get bridges and not just culverts, and weed
6 control.

7 Thank you.

8 JENNIFER PIGGOTT: Thank you for your
9 comments.

10 Our next speaker this afternoon is Rex Rogers.

11 UNIDENTIFIED SPEAKER: I couldn't hear.

12 JENNIFER PIGGOTT: Those were the only two I
13 had signed up. Would anyone else like to provide
14 comments? Commissioner, would you like to expand upon
15 your comments?

16 DOUG MARTENS: Just a little bit more. I had
17 to rush through the bridges and the culverts.

18 We hear a lot from our livestock producers,
19 bridges versus culverts. If you have a culvert, an
20 animal sees what we see. They see the big hole on this
21 side, the other end looks like a tiny little hole, and
22 they're not smart enough to realize that it gets bigger
23 as they go forward. So they look at that and they say
24 not going to go there. So we have trouble getting
25 cattle to go through culverts.

Meeting 1-6.10.15

1 Bridges, on the other hand, are much more
2 open. They don't feel like they're walking into a trap,
3 so they are more apt to go through it.

4 Weed control, I just wanted to bring that up.
5 One of the biggest problems we have with the railroad on
6 the main line is the transportation of noxious weeds
7 from other areas, other states, and like to have
8 something in place to mitigate those concerns to at
9 least control the weeds and spray for weeds, keep those
10 kind of things under control.

11 Thank you.

12 JENNIFER PIGGOTT: Thank you.

13 Sir, did you raise your hand? In the purple
14 shirt? No? Would anyone else like to make an oral
15 comment?

16 Sir?

17 WALLACE McRAE: My name is Wallace,
18 W-a-l-l-a-c-e, M-c capital R-a-e.

19 I testified in Ashland the other night and
20 there was an issue brought up, but it wasn't me there,
21 but I think that it should be stressed. And I noticed
22 in the pamphlet that you handed out today, and I'll
23 quote from it, it says, under Project Purpose and Need:
24 "TRRC seeks authority from the board to construct and
25 operate a common carrier rail line. If approved, the

Meeting 1-6.10.15

1 rail line's operator, BNSF, a common carrier, would be
2 required to provide service to any shipper upon
3 reasonable request."

4 There's an assumption here, and it's also
5 reiterated in the draft, that this will be a common
6 carrier railroad, because it hooks up with a common
7 carrier railroad.

8 One of the things as a concerned landowner
9 that we did is we went to some of the surface owners
10 north of Billings between the BNSF line or Montana Rail
11 Link line -- I'm not sure which -- and the Signal Peak
12 line, and we were interested in what experiences they
13 had faced with federal condemnation under eminent
14 domain.

15 They weren't. There was no application under
16 eminent domain for them to be a common carrier. They
17 went in there, the railroad went in there and negotiated
18 without the threat of condemnation and they got access
19 for every foot of railroad that they wanted.

20 Over 30 years, we have had nothing but
21 confrontations and constantly having the threat of
22 condemnation hanging over us. And I think -- I'm not a
23 lawyer, I'm not a judge -- but I strongly believe that
24 just because you hook up with a common carrier railroad
25 does not qualify the Tongue River Railroad as a common

Meeting 1-6.10.15

1 carrier.

2 So I hope that you would look into that very
3 carefully, because there's an assumption here that I'm
4 not necessarily convinced is true.

5 Thank you.

6 JENNIFER PIGGOTT: Thank you for your
7 comments.

8 Would anyone else like to provide an oral
9 comment this afternoon? We've got plenty of time.

10 Okay. Well, with that I want to thank all of
11 you for your participation, and I'll turn the microphone
12 back over to Ken for a few last words and closing
13 comments.

14 Ken?

15 KEN BLODGETT: Yeah, I would just like to
16 thank everybody for attending this afternoon's meeting.
17 We greatly appreciate your attendance and your interest
18 in the board's environmental review process and
19 providing input to the process.

20 Additional comments can continue to be
21 provided until August 24th, and you can either do it by
22 writing to the board or on the project Web site,
23 electronically.

24 So with that, that concludes this afternoon's
25 meeting. We'll have another meeting here this evening

16

Meeting 1-6.10.15

1 in this same location at 6:00 p.m. and two meetings
2 tomorrow in Lame Deer at 2:00 o'clock and 6:00 o'clock
3 tomorrow.

4 Thank you.

5 (Whereupon, the proceeding
6 concluded at 2:52 p.m.)

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CERTIFICATE OF REPORTER

STATE OF MONTANA)
) ss.
COUNTY OF)

I, Emily K. Niles, Certified Court Reporter,
do hereby certify:

That I reported in shorthand (Stenotype) the
proceedings had in the above-entitled matter at the
place and date indicated.

That I thereafter transcribed my said
shorthand notes into typewriting, and that the
typewritten transcript is a complete, true and accurate
transcription of my said shorthand notes to the best of
my skill and ability.

IN WITNESS WHEREOF, I have set my hand in my
office in the County of Gallatin, State of Montana, this
day of , 2015.

EMILY K. NILES, CCR #2794
Notary Public in the State of Montana
Residing in Bozeman, Montana
My Commission expires: January 16, 2019

	12:7,7	bit (1) 13:16	City (1) 3:20	conditions (1) 8:14
A	application (3) 3:19,23;15:15	Blodgett (4) 2:10,11,16;16:15	clearly (1) 9:25	confrontations (1) 15:21
access (5) 11:25;12:3,17,19; 15:18	appreciate (1) 16:17	BNSF (2) 15:1,10	climate (1) 8:6	Congress (1) 3:10
across (1) 12:8	appropriate (3) 5:1;8:19,25	Board (18) 2:7,10,24;3:8,12, 13,19;4:2,5,9;5:8,10;	close (1) 5:4	consider (3) 5:4,11;8:23
act (2) 2:23;3:14	approval (1) 3:17	Board's (5) 2:18;3:5,17;5:14; 16:18	closing (1) 16:12	consideration (1) 6:9
actions (1) 3:16	approvals (1) 4:11	both (3) 4:13;10:24;11:25	coal (1) 12:21	considered (1) 8:13
additional (3) 9:1;10:22;16:20	approved (1) 14:25	boxes (1) 6:2	code (1) 12:12	considering (1) 7:15
address (1) 5:5	April (2) 4:16;8:17	Bridges (5) 13:4,5,17,19;14:1	collection (1) 11:19	constantly (1) 15:21
addresses (2) 4:23;8:1	apt (1) 14:3	brief (1) 2:6	COLSTRIP (4) 2:3;3:25,25;12:3	construct (3) 3:19;8:15;14:24
advancing (1) 3:9	area (7) 4:1;6:1,2;7:14;8:3, 21;11:24	bring (4) 11:14;12:16,24; 14:4	coming (1) 2:12	construction (7) 2:15;3:2;4:11,18, 25;5:9,14
adverse (1) 8:4	areas (1) 14:7	brochure (1) 6:24	comment (15) 2:8,13;4:15;5:2,3, 5,21;6:1,1,3;9:13; 10:20;11:8;14:15; 16:9	constructors (1) 3:8
afternoon (7) 2:5,11,12,23;6:17; 13:10;16:9	arrived (1) 9:18	brought (1) 14:20	comments (32) 4:13,22;5:5,12;6:3, 8,10;7:8,13,15;8:24; 9:10,21,23;10:1,11, 13,16,17,23,24,25; 11:3,4,6,13;13:9,14, 15;16:7,13,20	content (1) 6:11
afternoon's (3) 2:8;16:16,24	Ashland (4) 3:21,21,25;14:19	building (1) 5:19	Commissioner (3) 11:10,12;13:14	continue (2) 6:3;16:20
agencies (7) 4:4,8,8,10;7:5,10, 21	associated (1) 3:3	Bureau (1) 4:6	committed (1) 3:9	contracting (1) 2:21
agency (3) 2:25;4:3;7:8	assumption (2) 15:4;16:3	called (1) 5:23	common (7) 14:25;15:1,5,6,16, 24,25	control (5) 11:16;13:6;14:4,9, 10
Agriculture (1) 4:7	attendance (1) 16:17	C	communities (1) 8:22	convinced (1) 16:4
Alan (4) 2:20;6:14,17;9:12	attending (2) 7:13;16:16	can (11) 6:2,3,3;9:9,19; 10:1,12,17;12:25; 16:20,21	Company (1) 3:19	cooperating (2) 4:4,8
alignment (1) 7:10	August (3) 5:3;6:5;16:21	capital (1) 14:18	competitive (1) 3:6	Corps (1) 4:6
allotted (2) 10:5,12	authority (4) 3:2;4:9;8:15;14:24	card (2) 10:7,8	Completion (1) 9:3	County (6) 11:9,12,15;12:22; 13:2,3
allow (1) 11:7	Availability (1) 9:4	carefully (1) 16:3	concerned (1) 15:8	court (4) 5:22;9:20;10:1,2
allows (1) 11:3	available (2) 4:15;8:17	carrier (7) 14:25;15:1,6,7,16, 24;16:1	concerns (2) 4:23;14:8	crossing (2) 12:6,9
along (3) 12:8,15,16	away (1) 12:10	cattle (1) 13:25	concluded (1) 17:6	crossings (2) 12:4,6
alternative (4) 3:24,25;7:25;9:2	back (1) 16:12	chance (2) 10:16,22	concludes (2) 6:13;16:24	cultural (1) 8:7
alternatives (3) 7:10,24;8:4	become (1) 5:16	change (1) 8:6	conclusions (1) 5:7	culvert (1) 13:19
amount (1) 13:3	begin (4) 5:14;9:9,13,14	changes (1) 8:25	condemnation (3) 15:13,18,22	culverts (5) 13:4,5,17,19,25
Analysis (3) 2:19;3:11;4:17	big (2) 12:18;13:20	called (1) 5:23	common (7) 14:25;15:1,5,6,16, 24,25	D
analyze (1) 7:9	bigger (1) 13:22	can (11) 6:2,3,3;9:9,19; 10:1,12,17;12:25; 16:20,21	communities (1) 8:22	Danielle (1) 2:17
analyzing (1) 7:22	biggest (1) 14:5	capital (1) 14:18	Company (1) 3:19	data (3) 11:19,23;12:14
animal (1) 13:20	Billings (1) 15:10	card (2) 10:7,8	competitive (1) 3:6	DC (1) 6:5
announced (1) 9:3	biological (1) 8:6	carefully (1) 16:3	Completion (1) 9:3	December (1)
apart (2)		carrier (7) 14:25;15:1,6,7,16, 24;16:1	concerned (1) 15:8	

3:22 decides (1) 8:14 decision (4) 5:8,10,15,15 decision-making (1) 4:9 decisions (1) 3:8 Deer (1) 17:2 Department (1) 4:7 depicting (1) 7:1 destinations (1) 8:2 detailed (1) 6:10 development (1) 7:19 Diller (1) 2:22 distributed (1) 8:16 document (2) 9:24;11:1 domain (2) 15:14,16 done (2) 5:17;9:15 doors (1) 5:19 Doug (4) 11:10,11,11;13:16 down (1) 12:4 downline (2) 8:3,21 Draft (18) 2:13;4:3,5,13,16; 5:2,12,21;6:11;7:7, 12,19,22;8:1,11,16, 24;15:5 driving (1) 12:10 During (2) 6:17;11:5	10:24;16:21 elected (2) 7:4;8:18 electronically (2) 6:7;16:23 Elizabeth (1) 2:22 else (4) 12:16;13:13;14:14; 16:8 eminent (2) 15:13,16 encourage (2) 5:18;6:10 end (3) 10:21;12:9;13:21 ended (1) 10:9 endpoints (1) 3:21 Engineers (1) 4:6 engines (1) 11:25 enough (1) 13:22 ensure (4) 3:5,13;4:22;10:14 entire (1) 5:11 entrance (1) 5:19 Environmental (23) 2:14,19;3:11,14, 16;4:3,14,16,17,21, 24;5:6,11;6:11,15,19; 7:1,23;8:9,12;9:21; 11:6;16:18 equal (2) 6:9;10:15 equally (1) 10:25 established (1) 3:10 even (1) 12:7 evening (1) 16:25 everybody (2) 2:12;16:16 everyone (1) 10:14 exhausted (1) 12:20 existence (1) 12:2 expand (1) 13:14 experience (1) 8:10 experiences (1) 15:12 extensive (1)	8:20 F faced (1) 15:13 facilitator (2) 2:23;9:8 facilities (1) 3:4 fact (1) 12:21 fair (1) 10:15 federal (6) 2:25;7:4,21;8:19; 9:5;15:13 feel (2) 10:23;14:2 few (2) 9:15;16:12 figure (1) 7:1 filed (2) 3:19,23 filing (1) 6:7 Final (14) 5:5,7,7,8,12,13,15; 7:17;8:23;9:3,21,24; 10:25;11:6 Finally (1) 11:2 finish (1) 10:23 fire (5) 11:16,25;12:12,17, 20 fires (5) 11:20,21;12:17,19, 21 first (3) 2:9;10:13;11:9 fit (1) 11:23 floor (1) 6:14 following (1) 8:5 foot (1) 15:19 form (1) 10:24 forms (1) 6:2 Forsyth (1) 12:3 forward (1) 13:23 Four (1) 4:4 free (1) 10:23	front (1) 5:19 fulfill (1) 3:15 full (2) 10:2,6 fully (1) 4:23 G gases (1) 8:6 geology (1) 8:8 gets (1) 13:22 given (1) 6:8 goals (1) 3:10 Good (4) 2:5,11;6:17;12:13 Gosselin (1) 2:17 grant (1) 8:14 granting (1) 3:2 Great (1) 9:12 greatly (1) 16:17 greenhouse (1) 8:5 ground (1) 9:9 group (1) 10:3 guess (1) 11:13 H hand (4) 9:7,18;14:1,13 handed (1) 14:22 handwritten (1) 5:25 hanging (1) 15:22 hear (3) 9:9;13:11,18 held (2) 7:7,13 help (1) 4:22 highly (1) 8:4 historic (1) 8:7 hole (2)	13:20,21 honor (1) 10:10 hook (1) 15:24 hooks (1) 15:6 hope (2) 4:21;16:2 hopefully (1) 13:2 house (3) 6:2,18,22 huge (1) 12:1 human-caused (1) 11:22 I ICF (1) 2:22 identified (1) 3:23 identify (1) 9:2 Impact (8) 2:14;4:4,14,16;5:6; 6:11;9:22;11:6 impacts (7) 4:18,24;7:23;8:1,3, 4,10 important (2) 4:20;10:13 include (1) 8:25 includes (1) 8:11 including (2) 5:11;7:24 independent (2) 3:15;4:9 initiate (1) 10:3 indicated (1) 5:20 information (6) 6:15,19,21;9:23; 11:17,20 initiate (1) 7:2 input (1) 16:19 intent (1) 7:3 interest (1) 16:17 interested (5) 7:6,10;8:17;9:6; 15:12 International (1) 2:22 interrupt (1)
E easily (1) 10:1 effective (1) 5:16 efficient (1) 3:6 EIS (18) 4:5;5:2,12,12,21; 7:3,9,17,19,22;8:1, 11,16,23,24;9:3; 11:17;12:11 either (2)				

<p>9:16 interstate (1) 3:1 into (3) 2:7;14:2;16:2 introduce (1) 2:9 invite (1) 10:21 invited (1) 7:11 involved (1) 12:25 involvement (1) 4:20 issue (3) 12:1,18;14:20 issued (3) 5:15;7:2,7</p>	<p>12:3 line (12) 3:20,24;4:19,25; 5:9;8:15;12:5;14:6, 25;15:10,11,12 lines (2) 3:3;12:15 line's (1) 15:1 Link (1) 15:11 little (3) 6:15;13:16,21 livestock (1) 13:18 local (4) 7:4,21;8:19;11:19 localized (1) 11:20 located (1) 5:18 location (1) 17:1 look (2) 13:23;16:2 looks (2) 11:18;13:21 lot (2) 12:5;13:18 loud (1) 10:19</p>	<p>5:1,8,13;8:13;9:1; 12:13 meet (1) 3:7 meeting (17) 2:8,13;4:12;5:21; 6:18,24;9:7,14,16,18; 10:14,21;11:2,5; 16:16,25,25 meetings (3) 7:8,13;17:1 members (2) 8:17;11:7 met (1) 7:20 microphone (1) 16:11 mile (1) 12:10 Miles (4) 3:20;12:6,7,10 minor (1) 8:4 minutes (4) 6:21;10:5,6,10 mission (1) 3:5 mitigate (1) 14:8 mitigation (6) 5:1,7,13;8:12,13; 9:1 MONTANA (4) 2:3;3:20;4:7;15:10 more (7) 10:11;11:18;12:5, 15;13:16;14:1,3 most (1) 10:12 move (1) 2:7 MT (1) 2:2 much (2) 11:7;14:1</p>	<p>8:10 negotiated (1) 15:17 negotiation (1) 13:1 new (1) 3:3 next (2) 12:9;13:10 night (1) 14:19 No-Action (1) 7:25 noise (1) 8:6 north (1) 15:10 notice (2) 7:17;9:4 noticed (1) 14:21 notification (3) 7:3;8:20;9:5 noxious (1) 14:6 number (3) 11:20;12:17,18</p>	<p>10:15 oral (8) 2:8;4:13;6:8;9:13, 20;10:24;14:14;16:8 order (1) 5:23 organization (1) 10:4 organizations (2) 7:5,6 others (1) 10:9 out (4) 10:2,9,19;14:22 outside (2) 6:1;8:2 over (10) 6:14;9:7,8,14; 12:21,23;13:3;15:20, 22;16:12 owners (1) 15:9</p>
<p>J</p>				<p>P</p>
<p>JENNIFER (8) 2:5,22;9:8,12;13:8, 12;14:12;16:6 judge (1) 15:23 JUNE (1) 2:1 justice (1) 8:9</p>				
<p>K</p>	<p>M</p>			
<p>keep (2) 13:2;14:9 Ken (7) 2:10,11,16;8:23; 16:12,14,15 kind (1) 14:10 known (1) 8:3</p>	<p>mailing (1) 6:5 main (2) 12:5;14:6 making (1) 5:10 Management (1) 4:6 manager (1) 2:21 many (2) 11:21;12:4 March (1) 7:18 Martens (4) 11:10,11,11;13:16 M-a-r-t-e-n-s (1) 11:11 may (4) 5:14;10:18;12:7,9 maybe (1) 13:3 M-c (1) 14:18 McRAE (1) 14:17 means (1) 8:21 measures (6)</p>	<p>MONTANA (4) 2:3;3:20;4:7;15:10 more (7) 10:11;11:18;12:5, 15;13:16;14:1,3 most (1) 10:12 move (1) 2:7 MT (1) 2:2 much (2) 11:7;14:1</p>	<p>O</p>	
<p>L</p>		<p>N</p>	<p>obtain (2) 4:10;7:8 o'clock (2) 17:2,2 October (1) 3:18 OEA (8) 3:11;7:2,7,20,22; 8:20;11:4,5 OEA's (3) 5:13;8:11;9:2 Office (4) 2:18;3:11,12;4:23 officials (3) 7:4;8:18,20 one (5) 6:25;11:15;12:24; 14:5;15:8 only (1) 13:12 onto (1) 12:4 oOo- (1) 2:4 open (4) 6:2,18,22;14:2 operate (3) 3:20;8:15;14:25 operation (4) 2:15;3:3;4:19,25 operator (1) 15:1 opportunity (1)</p>	
<p>Lame (1) 17:2 Land (2) 4:6;8:8 landowner (1) 15:8 last (2) 5:2;16:12 lawyer (1) 15:23 lead (1) 4:2 least (2) 13:3;14:9 limit (1) 10:13 limited (1)</p>				<p>pamphlet (1) 14:22 participate (1) 7:11 participation (1) 16:11 parties (2) 8:18;9:6 pasture (1) 12:9 Peak (1) 15:11 period (2) 5:2,4 permits (1) 4:11 person (1) 7:20 personal (1) 9:22 persons (1) 7:11 phase (1) 7:12 phones (1) 9:16 PIGGOTT (8) 2:5,23;9:8,12;13:8, 12;14:12;16:6 place (3) 6:3;12:23;14:8 please (8) 9:15,18,22,25;10:1, 10,12,23 plenty (1) 16:9 PM (3) 2:2;17:1,6</p>

<p>policy (2) 3:10,14</p> <p>portion (5) 2:8;6:18;9:13;11:2,5</p> <p>possible (4) 6:10;7:9;11:7;13:4</p> <p>poster (1) 6:24</p> <p>posters (1) 6:25</p> <p>potential (4) 4:17,23;7:22;8:14</p> <p>potentially (1) 7:5</p> <p>preferred (2) 3:24;9:2</p> <p>preliminary (1) 8:11</p> <p>prepare (1) 7:3</p> <p>prepared (2) 7:22;10:18</p> <p>preparing (4) 4:3,5;6:9;9:21</p> <p>present (2) 5:6;10:12</p> <p>presentation (1) 2:6</p> <p>pretty (1) 12:20</p> <p>prevention (1) 12:13</p> <p>prior (1) 4:11</p> <p>problems (1) 14:5</p> <p>proceeding (1) 17:5</p> <p>process (8) 4:21;6:15,19;7:2,2,16;16:18,19</p> <p>producers (1) 13:18</p> <p>project (7) 2:21;6:20;7:14;8:2,21;14:23;16:22</p> <p>project-related (1) 5:14</p> <p>proposed (6) 2:14;3:24;4:19,25;5:9;7:23</p> <p>provide (14) 4:22;5:25;6:14,22;9:22;10:15,23;11:3,15,20,24;13:13;15:2;16:8</p> <p>provided (5) 3:7;6:4,18;8:20;16:21</p> <p>providing (1) 16:19</p> <p>public (13)</p>	<p>2:13;4:15,20;5:2,3,21;7:4,8;8:18;9:4,9;11:2,8</p> <p>published (3) 7:16;9:4,24</p> <p>purple (1) 14:13</p> <p>purpose (2) 4:12;14:23</p> <p style="text-align: center;">Q</p> <p>qualify (1) 15:25</p> <p>quote (1) 14:23</p> <p>quoted (1) 12:11</p> <p style="text-align: center;">R</p> <p>R-a-e (1) 14:18</p> <p>rail (8) 3:3,20;4:19;5:9;8:15;14:25;15:1,10</p> <p>Railroad (16) 2:15;3:16,18,22;7:24;12:1,2,7;13:1;14:5;15:6,7,17,19,24,25</p> <p>railroads (1) 12:12</p> <p>raise (2) 9:18;14:13</p> <p>raised (2) 10:8,8</p> <p>rather (1) 11:19</p> <p>read (2) 10:18;11:17</p> <p>realign (1) 13:1</p> <p>realignment (1) 12:25</p> <p>realize (1) 13:22</p> <p>really (2) 12:13,18</p> <p>reasonable (2) 7:24;15:3</p> <p>recap (1) 6:23</p> <p>receive (1) 4:12</p> <p>received (4) 5:5,12;7:15;8:24</p> <p>receivers (1) 3:7</p> <p>recommend (1) 10:19</p> <p>recommendations (2) 8:12,25</p>	<p>recommended (2) 5:7,13</p> <p>record (3) 5:11;8:18;10:1</p> <p>recorded (1) 5:22</p> <p>red (1) 10:8</p> <p>reflects (1) 4:17</p> <p>regarding (1) 6:11</p> <p>Register (1) 9:5</p> <p>registered (1) 9:19</p> <p>regulation (1) 2:25</p> <p>reiterated (1) 15:5</p> <p>remains (1) 10:7</p> <p>remarks (1) 6:13</p> <p>reporter (4) 5:22;9:20;10:1,3</p> <p>representing (2) 2:17;10:3</p> <p>request (1) 15:3</p> <p>require (1) 3:16</p> <p>required (2) 12:12;15:2</p> <p>requirements (1) 3:14</p> <p>residents (1) 11:15</p> <p>resources (7) 8:5,6,7,7,8,8,10</p> <p>respect (1) 10:9</p> <p>respond (3) 8:24;11:4,5</p> <p>responsibility (1) 3:15</p> <p>responsible (3) 2:25;3:12;4:3</p> <p>result (2) 4:18,24</p> <p>review (7) 3:16;4:15,21;6:15,19;7:1;16:18</p> <p>reviewing (1) 7:12</p> <p>Rex (1) 13:10</p> <p>Right (1) 12:19</p> <p>River (7) 2:15;3:18,22;4:10;7:23;12:5;15:25</p> <p>road (3)</p>	<p>12:24;13:2,3</p> <p>Rogers (1) 13:10</p> <p>room (1) 6:25</p> <p>Rosebud (2) 11:9,12</p> <p>rules (1) 9:9</p> <p>rush (1) 13:17</p> <p style="text-align: center;">S</p> <p>safe (1) 3:6</p> <p>same (1) 17:1</p> <p>school (1) 5:19</p> <p>Scope (3) 7:7,12,17</p> <p>scoping (5) 7:2,8,11,13,16</p> <p>seam (1) 12:21</p> <p>seated (1) 2:20</p> <p>seconds (1) 10:7</p> <p>seeks (1) 14:24</p> <p>sees (1) 13:20</p> <p>separate (1) 4:11</p> <p>served (1) 4:14</p> <p>service (1) 15:2</p> <p>services (2) 3:6;11:14</p> <p>session (1) 6:22</p> <p>set (2) 10:13;11:19</p> <p>shipper (1) 15:2</p> <p>shippers (1) 3:7</p> <p>shirt (1) 14:14</p> <p>side (1) 13:21</p> <p>sides (1) 11:25</p> <p>sign (2) 5:18;9:17</p> <p>Signal (1) 15:11</p> <p>signed (2) 5:23;13:13</p> <p>silence (1)</p>	<p>9:16</p> <p>site (3) 6:6,7;16:22</p> <p>slowly (1) 9:25</p> <p>smart (1) 13:22</p> <p>socioeconomics (1) 8:9</p> <p>soils (1) 8:8</p> <p>speak (5) 5:23;9:17,25;10:6,14</p> <p>speaker (4) 10:5;11:9;13:10,11</p> <p>speakers (1) 10:22</p> <p>spell (1) 10:2</p> <p>spray (1) 14:9</p> <p>standards (1) 13:2</p> <p>started (2) 11:21;12:22</p> <p>starts (1) 12:18</p> <p>state (6) 4:8;7:4,21;8:19;10:2;12:12</p> <p>stated (1) 8:23</p> <p>Statement (9) 2:14;4:4,14,16;5:6;6:12;9:22;10:18;11:6</p> <p>States (3) 3:2;4:7;14:7</p> <p>statewide (1) 11:18</p> <p>stressed (1) 14:21</p> <p>strongly (1) 15:23</p> <p>Study (3) 7:7,12,17</p> <p>stuff (1) 12:15</p> <p>submit (2) 10:17,19</p> <p>submitting (1) 7:12</p> <p>summarize (1) 6:21</p> <p>Summerville (3) 2:20;6:14,17</p> <p>supplemental (1) 3:23</p> <p>sure (2) 13:5;15:11</p> <p>Surface (7) 2:6,9,18,24;3:1;4:2;15:9</p>
---	---	---	--	--

	6:13;16:11	2:5	30 (2) 10:7;15:20
T	two (3) 3:21;13:12;17:1	weren't (2) 6:22;15:15	5
table (2) 2:20;5:18	types (1) 10:25	Whereupon (1) 17:5	5 (1) 12:7
team (1) 2:21	U	wishes (1) 10:14	6
teleconferences (1) 7:20	under (4) 14:10,23;15:13,15	within (2) 3:1,12	6:00 (2) 17:1,2
testified (1) 14:19	UNIDENTIFIED (1) 13:11	without (1) 15:18	
third-party (1) 2:21	United (2) 3:1;4:7	words (1) 16:12	
threat (2) 15:18,21	up (11) 9:17;10:21;11:14; 12:9,16,24;13:13; 14:4,20;15:6,24	worked (1) 4:4	
three (4) 6:20;10:5,6,10	upon (3) 5:23;13:14;15:2	writing (4) 6:4;7:13;10:17; 16:22	
Throughout (1) 7:19	use (1) 9:21	written (6) 4:13;6:8;10:18,20, 24;12:14	
tiny (1) 13:21	V	Y	
today (4) 2:17;6:1;10:4; 14:22	various (1) 8:21	years (1) 15:20	
today's (3) 2:13;4:12;9:14	versus (2) 11:22;13:19	yellow (1) 10:7	
tomorrow (2) 17:2,3	visiting (1) 6:6	1	
Tongue (6) 2:15;3:18,22;4:10; 7:23;15:25	visual (1) 8:7	10 (2) 2:1;12:6	
tonguerivereiscom (1) 6:6	voice (1) 10:16	15 (1) 12:10	
topics (1) 7:9	W	16 (1) 3:18	
tracks (4) 12:1,2,8;13:4	walking (1) 14:2	17th (2) 3:22;4:16	
train (1) 12:17	WALLACE (2) 14:17,17	2	
trains (2) 8:2;11:21	W-a-l-l-a-c-e (1) 14:18	2:00 (1) 17:2	
transcribe (1) 9:20	Washington (1) 6:5	2:29 (1) 2:2	
transcribed (1) 11:3	water (1) 8:7	2:52 (1) 17:6	
Transportation (10) 2:7,10,18,24;3:1,6, 9:4;2;8:5;14:6	way (1) 12:8	20 (1) 12:10	
trap (1) 14:2	Web (3) 6:6,7;16:22	2012 (3) 3:18,22;12:22	
traveling (1) 8:2	WEDNESDAY (1) 2:1	2013 (1) 7:18	
tribal (1) 7:5	weed (2) 13:5;14:4	2015 (2) 2:1;5:3	
tribes (2) 7:21;8:19	weeds (3) 14:6,9,9	22nd (1) 7:18	
trouble (1) 13:24	weighed (1) 10:25	24th (4) 5:3;6:5;8:17;16:21	
TRRC (3) 7:10;8:14;14:24	weight (1) 6:9	3	
true (1) 16:4	welcome (1)		
turn (2)			