

**Meeting 2-6.10.15**

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

COLSTRIP, MONTANA

JUNE 10, 2015

6:31 P.M. MT

**Meeting 2-6.10.15**

1 WEDNESDAY, JUNE 10, 2015

2 6:31 P.M. MT

3 COLSTRIP, MONTANA

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5 JENNIFER PIGGOTT: Good evening, ladies and  
6 gentlemen. Thank you for joining us this evening. I  
7 would like to introduce Mr. Ken Blodgett, with the  
8 Surface Transportation Board, and he will provide some  
9 opening comments.

10 KEN BLODGETT: Thank you.

11 Good evening. My name is Ken Blodgett, and I  
12 would like to thank you for attending this evening's  
13 meeting -- public comment meeting on the Draft  
14 Environmental Impact Statement for the proposed  
15 construction and operation of the Tongue River Railroad.

16 With me today is Danielle Gosselin, and we are  
17 here representing the Surface Transportation Board's  
18 Office of Environmental Analysis.

19 Also seated at the table are Alan Summerville  
20 of ICF International, the project manager for our  
21 third-party contracting team, and Elizabeth Diller. And  
22 Jennifer Piggott will be serving as our facilitator this  
23 evening.

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

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1 of interstate surface transportation within the  
2 United States and for granting authority for the  
3 construction and operation of new rail lines and  
4 associated facilities. The board's mission is to ensure  
5 that competitive, safe, and efficient transportation  
6 services are provided to meet the needs of shippers,  
7 receivers, and consumers. In all of its decisions, the  
8 Surface Transportation Board is committed to advancing  
9 the national transportation policy goals established by  
10 Congress.

11 The Office of Environmental Analysis, or OEA,  
12 is the office within the board which is responsible for  
13 ensuring 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 16th, 2012, Tongue River Railroad  
19 Company filed an application with the board to construct  
20 and operate a rail line from Miles City, Montana, to two  
21 endpoints near Ashland. On December 17th, 2012, Tongue  
22 River Railroad filed a supplemental application in which  
23 it identified the Colstrip alternative as its preferred  
24 routing.

25 The board is the lead agency responsible for

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1 preparing the Draft Environmental Impact Statement.  
2 Four cooperating agencies worked with the board in  
3 preparation of the Draft Environmental Impact Statement.  
4 Those are the Bureau of Land Management, the  
5 U.S. Department of Agriculture, the Corps of Engineers,  
6 and Montana state agencies. These cooperating agencies  
7 all have decision-making authority independent of the  
8 board and are agencies from which Tongue River Railroad  
9 would need to obtain separate approvals or permits prior  
10 to construction.

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

19 Public involvement is an important component  
20 in the environmental review process. Our hope is that  
21 the comments you provide this evening will help ensure  
22 that our office fully addresses your concerns and the  
23 potential environmental impacts that could result in the  
24 construction and operation of the line, as well as  
25 appropriate mitigation measures.

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1           The Draft EIS public comment period will last  
2 until August 24th, 2015. After the public comment  
3 period has come to a close, we will consider all  
4 comments received and address each comment in the Final  
5 Environmental Impact Statement, which will present our  
6 conclusions and recommendations for mitigating possible  
7 environmental effects. Issuance of the Final EIS will  
8 complete the board's environmental review process.

9           After that, at that time the board will then  
10 make a final decision on the proposed rail line  
11 construction. In making that decision, the board will  
12 consider the entire environmental record, all comments  
13 received, the Draft Environmental Impact Statement, the  
14 Final Environmental Impact Statement, and our  
15 recommended environmental mitigation. No  
16 project-related construction may begin until the board's  
17 final decision has been issued and has become effective.

18           If you have not already done so, I would ask  
19 that you sign in at the entrance to the school building.  
20 I'm sure everybody already did that, or do it on the way  
21 out. Those who have indicated that they would like to  
22 make a public comment on the Draft Environmental Impact  
23 Statement at this meeting, which will be recorded by the  
24 court reporter, will be called upon to speak in the  
25 order in which they signed in.

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1           If you would like to provide a handwritten  
2 comment this evening, comment forms are located in the  
3 meeting room outside by the entrance to the building --  
4 to the building, and you can -- and there's a box to  
5 place your comments in.

6           Written comments may also be submitted in  
7 writing to the Surface Transportation Board in  
8 Washington, D.C., or filed electronically on the project  
9 Web site, [tonguerivereis.com](http://tonguerivereis.com). All oral and written  
10 comments will be given equal weight and consideration.  
11 In preparing your written comments, we encourage you to  
12 be as detailed as possible regarding the content of the  
13 Draft Environmental Impact Statement.

14           At this time I would like to turn the floor  
15 over to Alan Summerville, who will provide a little more  
16 information on the environmental review process.

17           Thank you.

18           ALAN SUMMERVILLE: Good evening.

19           During the open house portion of this meeting  
20 we provided information on the environmental review  
21 process and on the project. Now I'd like to take about  
22 three minutes to summarize that information for those of  
23 you who didn't have a chance to come to the open house  
24 portion and provide a recap for those of you who were  
25 there.

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1           In the meeting brochure and on one of the  
2 posters in the open house portion of the meeting, we  
3 have a figure depicting the environmental review  
4 process. To initiate the scoping process, OEA issued  
5 notification of its intent to prepare an EIS to the  
6 public; elected officials; federal, state, and local  
7 agencies; tribal organizations; and other potentially  
8 interested organizations. OEA issued a Draft Scope of  
9 Study and held agency and public meetings to obtain  
10 comments on topics that should be analyzed in the EIS  
11 and, as well, as to obtain comments on alternatives to  
12 TRRC's proposed alignment.

13           Interested agencies and persons were invited  
14 to participate in the scoping phase by reviewing the  
15 Draft Scope of Study, submitting comments in writing,  
16 and attending scoping meetings held in the project area.  
17 After considering the comments received through the  
18 scoping process, the board published a notice of Final  
19 Scope of Study for the EIS on March 22nd, 2013.

20           Throughout the development of the Draft EIS,  
21 OEA met in person or through teleconferences with  
22 federal, state, and local agencies, as well as tribes.  
23 OEA prepared the Draft EIS by analyzing the potential  
24 environmental impacts of the proposed Tongue River  
25 Railroad and the reasonable alternatives, including the

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1 "No-Action" Alternative.

2 The Draft EIS also addresses impacts of trains  
3 traveling to destinations outside the project area,  
4 which are also referred to as "downline impacts."

5 Any of the build alternatives could have minor  
6 to highly adverse impacts on the following resources:  
7 Transportation, greenhouse gases and climate change,  
8 noise, biological resources, water resources, visual  
9 resources, cultural and historic resources, land  
10 resources, geology and soils, socioeconomics, and  
11 environmental justice. All other resources would  
12 experience negligible impacts.

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

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

24 As Ken stated, the Final EIS will consider and  
25 respond to all comments received on the Draft EIS and



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1 will include any appropriate changes and recommendations  
2 for additional mitigation measures. It will also  
3 identify OEA's preferred alternative.

4 Completion of the Final EIS will be announced  
5 in the public -- to the public in a notice of  
6 availability published in the Federal Register and by  
7 notification to interested parties.

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

12 Thank you.

13 JENNIFER PIGGOTT: Thanks, Alan.

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

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

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1           Please speak slowly and clearly so that the  
2 court reporter can easily record your comments. Please  
3 state your full name and spell it out for the court  
4 reporter and indicate if you're representing a group or  
5 organization this evening.

6           Each speaker will be allotted three minutes.  
7 You do not have to speak for the full three minutes.  
8 However, when 30 seconds remains, a yellow card will be  
9 raised. And a red card will be raised when your time  
10 has ended. Out of respect for others, we ask that you  
11 please honor the three minutes. If you think you have  
12 more comments than you can present in the time allotted,  
13 please make the most important comments first. This  
14 time limit has been set at each meeting to ensure  
15 everyone who wishes to speak has a fair and equal  
16 opportunity to provide their comments.

17           If you do not get a chance to voice all of  
18 your comments, you can submit them in writing. If you  
19 have a written statement already prepared, you may read  
20 it aloud and we recommend that you also submit that  
21 written statement as a written comment.

22           If time permits at the end of the meeting, we  
23 will invite up additional speakers and allow anyone who  
24 didn't get a chance to finish their original comments.

25           Please feel free to provide comments in either<sub>10</sub>

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1 oral or written form. Both types of comments have equal  
2 weight in the final document.

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

10 I will now call up the first speaker this  
11 evening, Jayme Miller.

12 JAYME MILLER: Hello. My name's Jayme Miller,  
13 J-a-y-m-e, M-i-l-l-e-r. I live in Colstrip. I get to  
14 be first, but I guess my question or my comment to put  
15 in there is, I kind of spoke to you guys up there, is  
16 how much of the right of way of the railroad's going to  
17 be within existing right-of-ways, out into the south  
18 there, because it looks like the Colstrip alternative's  
19 already going to run through a right-of-way that goes  
20 through all that land anyways, and there's county roads  
21 and utilities in there already. And that would be my  
22 comment, or that's something I'd like to be studied.

23 And then I don't know if you guys handle  
24 possibility of getting studies on doing quiet zones in  
25 Colstrip and Ashland, where the trains are going through<sub>11</sub>

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1 those towns.

2 That's all I got. Thanks.

3 JENNIFER PIGGOTT: Thank you for your  
4 comments.

5 Our next speaker is James Mullins.

6 JAMES MULLINS: My name is James Mullins,  
7 J-a-m-e-s, M-u-l-l-i-n-s.

8 And I'm going to more or less repeat what I  
9 said, but I don't consider it repeating so much as just  
10 reiterating. Today we're here to comment on an  
11 environmental impact study, or, in layman's terms, how  
12 much damage to local people and local lands can we get  
13 by with. If you really break it down, it comes down to  
14 big company profits versus an environment, which is then  
15 played off to locals as jobs versus the environment.

16 I know all about it, and believe it or not,  
17 five years ago I was a fourth-generation underground  
18 coal miner. My grandfathers, my father, my  
19 great-grandfather all mined coal in this nation. We did  
20 so in Appalachia, underneath those beautiful mountains.  
21 But if there's one thing that my family and other  
22 families in Appalachia has learned is that the coal  
23 companies are not there to create jobs. They're there  
24 to make money, and if they can get by with busting  
25 unions, with reducing labor rights, with making

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1 environmental shortcuts, they're going to do it.  
2 They're there to make a profit. Since 2012, two-thirds  
3 of the coal miners in Appalachia or in Kentucky have  
4 been laid off. That's over 6,000 miners that have been  
5 laid off. The coal company is pulling up and running.  
6 The coal markets are soft, and if they go soft here,  
7 it's going to be the same thing all over.

8           People are talking about putting a railroad  
9 through here, and I'm sure they're saying it's going to  
10 bring jobs, it's going to bring prosperity and great  
11 economics, but I can tell you right now that it's not  
12 going to be a long-term thing. I could take you back to  
13 Appalachia and show you counties that were the biggest  
14 coal producers in this nation that now rank among the  
15 most highest in poverty. We're talking about people who  
16 have the poorest health. I had to move my family away  
17 from Appalachia because we lost our only source of clean  
18 water. The spring that my great-grandfather had dug the  
19 catch box for turned to acidic mine drainage after they  
20 came in and strip-mined behind the house.

21           You know, if you want to talk about jobs  
22 versus the environment, you got to think about that  
23 the -- the fact that those jobs aren't going to last and  
24 the environment will not last. You know, we have to be  
25 thinking about our kids here. We have to be thinking

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1 not 10 years down the road, not 20, but 30, 40, and 50,  
2 what are our grandchildren going to have, you know. If  
3 you don't have clean water and you don't have a place to  
4 live, the jobs make no sense.

5 So I think it's time that we start realizing  
6 that we can do better and that there are alternatives.  
7 You know, some people back home say there's a war on  
8 coal, that coal's all we've got. But as long as you're  
9 breathing and you can use your hands, there's  
10 alternatives.

11 Thank you.

12 JENNIFER PIGGOTT: Thank you for your  
13 comments.

14 Our next speaker this evening is Amy Seaman.

15 AMY SEAMAN: Hello. Thanks for having me.  
16 Wow, that's nice and loud. I'm here, actually,  
17 representing Montana Audubon. My name's Amy Seaman.  
18 I'm here because we have an important bird area that's  
19 been recognized by the state, by our nonprofit, by the  
20 Northern Cheyenne natural resources department. It  
21 stretches about 30 miles, starting north of Ashland and  
22 running south, primarily through the Decker and Colstrip  
23 and Terminal 1 proposals.

24 And we're here because, you know, this runs  
25 through a really, really important corridor, not only

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1 for wildlife, for sage-grouse, for over 100 species of  
2 birds, but for a very endangered habitat, which is  
3 cottonwood. We only have 4 percent of riparian habitat  
4 in our state, but that actually supports a really  
5 disproportional amount of birds, about 245 breeding  
6 species. Half of those require wetland, riparian  
7 habitat, and that's why the Tongue River was noted as a  
8 really, really important area for birds, and it's  
9 actually critical to the survival of about 21 species in  
10 our state -- state, species of concern that are  
11 dependent on riparian areas.

12 And if we look at the west, we know there's  
13 cottonwood bottomlands all over. But actually, in the  
14 west, these areas support about 60 percent of all  
15 species west of the Mississippi: Mammals, reptiles,  
16 birds, amphibians, the whole gauntlet [sic].

17 So I noticed in the EIS study, that was only  
18 about 4 percent of the study area which perfectly  
19 mirrors our state in Montana and the habitat that we  
20 have there, so I think it's a great mirror of the  
21 situation that we have in the Tongue River. That area  
22 is disproportionately valuable for wildlife, for  
23 protecting water resources.

24 You know, and the EIS notes that common  
25 species may not be very well affected, but it doesn't

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1 mention what might happen to those 21 species, at least  
2 of state concern. And they actually fall under the  
3 category of even with OEA mitigation measures and TRR  
4 voluntary measures, construction and operation of the  
5 proposed rail line would cause unavoidable impacts on  
6 wildlife.

7           They also fall under the second caveat. The  
8 impacts include lost, altered, and degraded habitat,  
9 wildlife mortality, habitat fragmentation, an increase  
10 in barriers to movement, the displacement of wildlife,  
11 and change in species composition. It does not fall  
12 under the these-will-not-be-impacted category.

13           Beyond that, I know sage-grouse were  
14 mentioned. I know very small populations were found,  
15 but we recently came together during the legislation for  
16 a really big push to get strong legislation out there.  
17 And because when there are impacts to those species,  
18 they will be felt economically by the people working the  
19 land here, trying to develop their land, trying to build  
20 their own homes, they will be impacted, and so impacts  
21 will be felt by all of the people here.

22           Also, just very quickly, you know, a coal  
23 fact: 92 percent of the methyl pollution that we  
24 have -- sorry, the mercury pollution in this state, with  
25 over 4,200 acres, 1,300 miles of impaired rivers. So



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1 thank you.

2 JENNIFER PIGGOTT: Thank you for your  
3 comments.

4 Our next speaker this evening is Wallace  
5 McRae.

6 WALLACE McRAE: My name is Wallace McRae,  
7 W-a-l-l-a-c-e, M-c capital R-a-e.

8 A long time ago, over across town here, I was  
9 in the seventh grade in junior high school, Colstrip.  
10 The high school football coach, Web Howell, taught a  
11 course there. I don't believe it's taught anymore. At  
12 least it's not called that. And I'm sure it's not  
13 taught in junior high school. It's called civics. Now  
14 it's called government, I believe.

15 And besides learning later on in high school  
16 about football, we learned about government in the  
17 seventh grade. And the main thrust of what Mr. Hall  
18 taught us is the role of government is to represent the  
19 public. I wonder if the public is going to be  
20 represented by government in this instance, as it is not  
21 so much of the time.

22 I'm a rancher, and I have concerns, and I also  
23 have concerns for our neighbors, the wage earners here  
24 in our community. My son and I counted the number of  
25 bridges between Colstrip and Nick Nichols', or the

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1 intersection with the Burlington Northern Santa Fe  
2 Railroad west of Forsyth. Nineteen different bridges  
3 there.

4 Our experience is this. Cattle will go under  
5 a bridge, but they won't go through a culvert, a  
6 concrete culvert. As far as labor concerns -- is  
7 concerned and construction is concerned, there's a lot  
8 more hours involved in putting in bridges that serve us  
9 and labor as well.

10 I talked to the people in Washington, D.C.,  
11 about this fact and said we would much prefer to have a  
12 bridge, and they said bridges now in this day and age  
13 are too expensive. My comment was, For whom? For a  
14 couple of billionaires or a few laborers and ranchers?  
15 I think we know the answer to that. I think that Warren  
16 Buffett and Forrest Mars, Jr., can probably afford to  
17 put in some bridges.

18 I tried to explain to them why a bridge was  
19 better as opposed to a culvert, and I said cows are not  
20 particularly smart, but if they look in a culvert, they  
21 know they are too big to fit in the far end. Most of  
22 those things are put in low places, making -- and fail  
23 in making a longer bank. And they said the answer to  
24 that one -- this is direct communication -- said,  
25 Cows -- cows will learn to use a culvert. My answer to 18

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1 that is, You can't teach an old cow new tricks.

2 JENNIFER PIGGOTT: Thank you for your  
3 comments.

4 Our next speaker this evening is Bill -- is it  
5 Chappel?

6 BILL CHAPPEL: Chappel.

7 JENNIFER PIGGOTT: Chappel, sorry.

8 BILL CHAPPEL: My concern -- I'm Bill Chappel,  
9 B-i-l-l, C-h-a-p-p-e-l.

10 I live here in Colstrip, and I was wondering  
11 if the sales of the coal out of Otter Creek, are they  
12 going to China?

13 UNIDENTIFIED SPEAKER: They're not going to  
14 answer you, but the answer is yes, Bill.

15 BILL CHAPPEL: Well, they don't have the  
16 environment, EPA that we do. And how low is the sulfur  
17 that we're sending them? Inevitably, those ashes, those  
18 toxins from the coal is going to end up here in the  
19 United States. And those toxic chemicals are going to  
20 affect us more than they are them.

21 Also, I would like to have the impact of the  
22 communities of Ashland, Colstrip, and Lame Deer on the  
23 population and what it's going to do to the community.  
24 You know, there's going to be a boom. Everybody says  
25 it's going to be a boom. What is the boom going to do? 19

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1 It's going to bring in more crime, riffraff, we could  
2 call it, or whatever, and my concern is the living  
3 standards of this community.

4 That's all I have to say.

5 JENNIFER PIGGOTT: Thank you for your  
6 comments.

7 Our next speaker is Rex Rogers.

8 REX ROGERS: My name is Rex Rogers, R-e-x,  
9 R-o-g-e-r-s.

10 I'm speaking today as a concerned citizen of  
11 Colstrip and a neighbor to many of those here in the  
12 room. I love the use of the word "neighbor." We have  
13 that. It's dear to me in the Colstrip area.

14 One of the main concerns, speaking to the  
15 Greenleaf spur -- spur, is the fact that it transects  
16 an area that has historically been open to public  
17 hunters for access via our block management program.  
18 We've had great history working with the landowners to  
19 manage the game animal populations in those areas. As a  
20 hunter/conservationist, I recognize how that works  
21 together.

22 If you were to limit access physically by the  
23 railroad -- by whatever access in crossings, liabilities  
24 involved with allowing crossings, I think it can have a  
25 significant impact via that direction for a physical

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1 block. We could also have a social block, due to the  
2 fact that if you anger the local landowners and bring in  
3 many other people from outside, we could be reduced in  
4 access.

5 So other ways it could impact that, I don't  
6 know. That's why we do environmental impact statements.  
7 We could either have a degradation of the game animals  
8 in the area via train accidents or we could actually  
9 have a different effect, where we would have a  
10 population that was not being controlled and we would  
11 have an overpopulation, which controlling game animal  
12 population on private land in the state of Montana is a  
13 significant issue.

14 We have big blocks of land that we're not  
15 allowed to access, and because of that we can't control  
16 game animals appropriately there. This specifically is  
17 an area that we don't have that issue with, due to the  
18 current arrangement and historical arrangement that we  
19 have hunting there.

20 For a different subject, I am concerned about  
21 the impacts. I believe the word -- you know, when  
22 people talk, there's no answer to where this coal will  
23 be used. So the answer will be either it will be  
24 used -- shipped overseas, with the results of low  
25 standards of environmental controls there, or the word

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1 "displacement" is used. "Displacement" means it is  
2 going to go to somewhere that the coal is already being  
3 produced. Those jobs will be shut down and replaced  
4 with lower-paying jobs at Arch Coal down here. That's  
5 not something that we see as a positive, and we see no  
6 net gain in that, so -- and I say "we." I say myself is  
7 who I'm speaking for. So thank you.

8 JENNIFER PIGGOTT: Thank you for your  
9 comments.

10 Our next speaker this evening is Brad Sauer.

11 BRAD SAUER: Good evening. Brad Sauer. First  
12 name B-r-a-d, second name S-a-u-e-r.

13 I would like to bring up my -- well, I phrased  
14 them in the form of questions, but I'll try to make them  
15 direct comments. A requirement of NEPA is that the  
16 existing environment must be specifically described, and  
17 I feel like you've not done due diligence in describing  
18 things like the existing use of the pastures that the  
19 different alternatives may cross, things like how many  
20 AUMs are in those pastures, how many AUMs will be lost.  
21 I mean, that's what a cow man wants to know. How many  
22 more cows -- how many cows can't I run after the  
23 railroad shows up here? And then how does that affect  
24 directly and indirectly things like local markets, you  
25 know?

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1           And then this isn't just for one year. This  
2 is for time immemorial. Most of these ranches have been  
3 in place for over 100 years, and they've adapted and  
4 been designed. They may not look like it, but most of  
5 them operate really efficiently that are still in  
6 operation.

7           The irrigated outfits on the river: Those  
8 irrigation systems are very well designed and, in fact,  
9 many of them have been subsidized by the taxpayer  
10 through programs with the USDA called EQIP programs.  
11 Many of them are under current contracts, and we're  
12 talking big money here. And so how will the different  
13 alternatives affect those current contracts? And how  
14 well they be remedied if they're disrupted?

15           Boy, I have a lot of questions here. They go  
16 on and on.

17           Will anyone have to buy hay that is currently  
18 able to raise it? And that's an indirect effect that,  
19 you know, could go on for a number of years, increasing  
20 the operational costs. Who's going to design and locate  
21 those underpasses that Wally was talking about? I hope  
22 you have Temple Grandin on retainer, because you're  
23 going to need her for the Rucker Six bunch.

24           What about that lag time that he was talking  
25 about, where you can't teach an old cow to do things?

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1 You're going to have to raise new cattle to -- that have  
2 to -- that will have to be taught to use those  
3 crossings. What about the decline in income from that  
4 period? And what about that extra time that it takes a  
5 rancher to do that? He doesn't have to do that now.  
6 How will the rancher be mitigated for that?

7 And also, please say how many jobs you're  
8 going to affect here in this town. I really like having  
9 Colstrip here. When I'm going to check my cows, I can  
10 stop and get a tank of gas or a part or something like  
11 that. It's handy, and I really don't want to see it  
12 decline anymore. We've grown accustomed to it and we  
13 have friends and neighbors here.

14 Thank you.

15 JENNIFER PIGGOTT: Thank you for your  
16 comments.

17 Our next speaker is Clint McRae.

18 CLINT McRAE: Good evening. Tonight I'm going  
19 to talk about several different things, and I'll  
20 probably go over my three minutes -- three-minute limit,  
21 but I will yield when the red card flies and reserve  
22 the -- hopefully reserve the right to close after  
23 everybody else has testified.

24 I want to talk a little bit tonight about  
25 process. I testified during the scoping hearings last

24



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1 fall, I believe it was in October, and raised several  
2 issues on how this railroad would impact our operation.  
3 This is not the first EIS process I've been through, but  
4 the scoping is designed to bring out the negative  
5 impacts should a project like this railroad go through.  
6 And we did that.

7           The process of the Draft Environmental Impact  
8 Statement is to deal with those scoping issues in the  
9 draft process, not the final, and that has changed.  
10 This is the first EIS that I've been around where the  
11 final answer to all of the questions in scoping was at  
12 the very end instead of the draft, and I have a problem  
13 with that. I think that is a NEPA violation. Why have  
14 scoping if you're not going to answer them in the draft  
15 process? It doesn't make sense.

16           I want to talk a little bit about what I  
17 raised back then. We have three water pipelines that  
18 the railroad on two different alternatives would cross.  
19 I am concerned. They're shallow lines, and they run  
20 from a well to several tanks, maybe 4 or 5, 6 miles  
21 long.

22           The pipe is 2 or 3 feet deep. It's not very  
23 deep, and I am concerned that when the -- if the  
24 railroad would be building over the top of that line,  
25 it's going to push the pipe down and there's going to be

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1 a sag in it. After the railroad would be built, we  
2 can't drain the water out of that line and it's going to  
3 freeze and break, rendering the rest of those tanks on  
4 the other side of that line useless, because I can't get  
5 water to it.

6 Is the Burlington Northern railroad going to  
7 allow me to call them up and say, I've got to shut train  
8 traffic down for a couple days while I get a backhoe and  
9 dig down through the tracks and the ties and the berm  
10 and fix that pipe? I don't think so. But I asked that  
11 question in scoping and it was not in the draft. That  
12 isn't right.

13 If we do have an impact with a pipe, is the  
14 Burlington Northern railroad or the Tongue River  
15 Railroad Company going to drill me a well on the other  
16 side at their own expense, or are they going to ignore  
17 it? That needs to be in this draft, not in the final,  
18 because somebody in Washington, D.C., makes an anonymous  
19 answer that has no idea how our operation works several  
20 thousand miles away and I don't have any way to counter  
21 that. That is wrong. That is a violation, I believe,  
22 of this process.

23 Another question I ask is how much liability  
24 does a landowner have to prove before he can negotiate a  
25 crossing. The railroad says you can negotiate a

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1 crossing anywhere you want. That's right, but the  
2 public doesn't realize that we have to have a million or  
3 so dollars of liability insurance before we even can  
4 negotiate a crossing. And what Rex was talking about  
5 was I am liable as a landowner when I negotiate that  
6 crossing if a hunter gets hurt, injured, or killed on  
7 one of those tracks. That wasn't addressed in this  
8 document.

9 Which also brings an interesting question:  
10 Will the BN negotiate with me, since I'm liable and that  
11 is my crossing? Will the BN negotiate with us about  
12 access to the railroad tracks? I don't know the answer  
13 to that question, but I think we're going to probably  
14 ask that.

15 I believe my 30 seconds is up, and I would  
16 like to close after everybody else has testified.

17 Thank you.

18 JENNIFER PIGGOTT: Thank you for your  
19 comments.

20 That was -- Mr. McRae was the last speaker we  
21 had signed up. Would anyone who has not spoken like to  
22 provide oral comments this evening?

23 Sir?

24 ROGER SPRAGUE: My name's Roger Sprague. I'm  
25 not very good at this public speaking. It's not my

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1 forte. Roger, R-o-g-e-r, S-p-r-a-g-u-e.

2 I have a lot of concerns. Among them, it's  
3 noted in your Draft Environmental Impact Statement that  
4 nine wells are going to be displaced, possibly. I have  
5 a question on that. If you're going to -- are you going  
6 to replace those wells? And if you do, what happens to  
7 the water right? Will those wells, if a new well is  
8 drilled, that if BN or whoever, Tongue River Railroad,  
9 comes in and drills a new well, replace a well of ours  
10 that has been damaged, or are we going to get our same  
11 water right?

12 Some of us, I have water rights back to 1886.  
13 Are those going to be reinstated or is it going to be a  
14 new well with a new water right? One of the reasons for  
15 my concern for this is the Government's big program now,  
16 Waters of the U.S. The U.S. Government's trying to  
17 control all the waters. They're going to make it harder  
18 and harder for us ranchers to even dig a little ditch or  
19 do anything in a stream anywhere. That's not only in  
20 the navigable waters now; it's all waters.

21 Yet, you'll let the Tongue River Railroad come  
22 in, these billionaires, displace a whole river bed, a  
23 whole -- two different creek systems, three different  
24 creek systems, so they can line their pockets? That's  
25 not right. It's just more government policy pushing

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1 down on us, making our jobs and our lives harder.

2 I didn't see anything in the impact statement  
3 anywhere that addresses stress on cattle. I don't know  
4 how livestock-oriented you people are, how much bovine  
5 sense you have, but I'm telling you that railroads will  
6 have a lot of stress impact on cattle and there's not a  
7 thing in there that I found. Of course, I haven't read  
8 the entire document yet, because I haven't had that much  
9 time. I do ranch.

10 But it will impact cattle. When we wean  
11 calves in the fall, that stress can cause major losses.  
12 There's no economic benefit there to us or cost to us.  
13 Who's going to pay those costs and who's going to settle  
14 the dust with the impact? Even if we don't have land  
15 the railroad crosses before anywhere adjacent to the  
16 area, you have trains going through, whistles blowing at  
17 crossings night after night after night, day after day  
18 like that, that's going to stress cattle and that's  
19 going to stress calves.

20 As Mr. Sauer said, Temple knows all about that  
21 stuff. She's an expert in those areas. There's nothing  
22 in there about that.

23 Cattle reproduction: Cows and bulls are not  
24 going to reproduce. Cows are not going to -- it's going  
25 to have an impact on cattle reproduction.

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1 I don't know, maybe you guys, you live in big  
2 towns and maybe it doesn't bother you and maybe you  
3 still get romantic when the whistles blow and the sirens  
4 go off and all that. Our cows aren't used to that. So  
5 we're going to see a decrease in cattle reproduction.  
6 Did you study that? Did you study that at all? Have  
7 you followed a bull around for a while? Have you  
8 studied that? You need to do that.

9 You need to know that. You need to have those  
10 answers, because you're going to cost us people dearly.  
11 Very dearly. I'm one of those ranchers that have been  
12 in the valley for over 100 years. You just can't run a  
13 horse like this. It's just not right.

14 Thank you.

15 JENNIFER PIGGOTT: Thank you for your  
16 comments.

17 ALEXIS BONOGOFISKY: Hi. My name is Alexis  
18 Bonogofsky, A-l-e-x-i-s, B as in boy, o-n-o-g-o-f-s-k-y.

19 Thank you for letting me speak again tonight.  
20 I'm just really hung up on the Amish issue. I can't get  
21 over the fact that there was only one paragraph in 4,000  
22 pages about a community who doesn't use electricity.  
23 That coal train would run either through or by -- I'm  
24 not sure anymore, if it would still run over his house  
25 or right next to his house.

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1           Regardless of that, I have a question. Did  
2 anyone ever sit down with that community and talk to  
3 them about how coal trains and that railroad would  
4 impact their life? I mean, they moved there for a  
5 reason. It's a very quiet valley. I have a feeling,  
6 although I don't know this for sure, but you could sure  
7 ask them, if this happened, would they move? My feeling  
8 is, is that the answer would be yes.

9           I don't know if you know this, but they're --  
10 a lot of the Amish are hands for the ranchers. They're  
11 really good hands and it's hard to find. So if they  
12 moved, who would the ranchers have to help when they  
13 needed branding, when they needed to move their cattle?  
14 One of these guys, Levi, his little cabin he just built,  
15 the train would run right next to his house. Did you  
16 send them a Draft EIS or do you expect them to go to the  
17 public library and read 4,000 pages when they're trying  
18 to make a living? Or the buggy, right.

19           I just think it's really imperative that I --  
20 you have to go talk to them. This is not -- I should  
21 not be speaking for them. I feel uncomfortable speaking  
22 for them. You have to go sit down and talk to them.  
23 And if you don't, maybe we'll get them an attorney.  
24 Because they deserve way more consideration than was  
25 given to them. And I hope moving forward that someone

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1 goes and sits down and asks them how this would impact  
2 their life and their community.

3 Thanks.

4 JENNIFER PIGGOTT: Thank you for your  
5 comments. Is there anyone else who has not already  
6 spoken that would like to provide oral comments this  
7 evening?

8 Mr. McRae, would you like to elaborate on your  
9 comments?

10 WALLACE McRAE: Which one?

11 I might elaborate a little on what Alexis just  
12 said. My wife wrote a check today for some of the help  
13 that we got from our Amish neighbors who live,  
14 incidentally, just across the fence from us, where the  
15 colony starts. And she wrote a check, I think, for  
16 14 days of work, which is to their benefit and also to  
17 our benefit, if they're available and we're available to  
18 pay them salaries.

19 We have a little trouble with them because  
20 they don't have Social Security numbers, and we run into  
21 problems with their accountant all the time, but we try  
22 to make it fair for them.

23 I saw a very brief mention to crossing  
24 dangers. There's no mention in there of the fact that  
25 several years ago there was a defective signal in



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1 Rosebud, Montana, wasn't working. And I had a niece and  
2 her boyfriend on a date who were killed by a coal train  
3 collision. It didn't hurt the train, but it wiped out a  
4 member of my family and the neighboring family of hers.

5 I feel like when I read the documents that  
6 I've been struggling through, it's almost like a paid  
7 advertisement for the coal companies. I read the words  
8 "low sulfur," but I don't read the words "high sodium."  
9 Are we aware of a high sodium coal that we're talking  
10 about at Otter Creek? I don't see any analyses of that.

11 I'm not sure how -- what the chemical makeup  
12 is of the sodium that they do report in there or how it  
13 compares to other places, but in the comparisons,  
14 chemical comparisons, there is no comparison between any  
15 coal in the local area here at Colstrip or Westmoreland  
16 to the Otter Creek coal, as far as sodium goes. And I  
17 don't know why, but I have my suspicions.

18 The question has come up several times: Where  
19 is the coal going to end up if the railroad is built and  
20 if the mine is developed? I will tell you, since  
21 apparently it's a kind of a secret. The Tongue River  
22 Railroad is going to get a permit for the best route  
23 that there is, which is the shortest. Well, it's not  
24 the shortest. The "No-Action" alternative is the  
25 shortest route. That will cause the least disruption.

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1           But if it's approved, when it's approved, it's  
2 going to go to the Burlington Northern main line. Is it  
3 going to go right to the upper Midwest? You know it's  
4 not. As soon as they get a permit, that coal is going  
5 to the Orient, if it goes anywhere, and you know it and  
6 you need to admit it and we all need to be informed of  
7 that fact.

8           Thank you.

9           JENNIFER PIGGOTT: Thank you for your  
10 comments.

11           Mr. McRae, would you like to elaborate on your  
12 comments?

13           CLINT McRAE: Yes, I would. Thank you.  
14 Again, Clint McRae, M-c capital R-a-e.

15           I want to talk about cattle passes. And this  
16 is something that was in Volume II, Page 22. As bluntly  
17 as I can put it, the culvert design in that section is  
18 inadequate and it's unacceptable. I don't know who  
19 designed these things, but it sure wasn't anybody that  
20 knew anything about a cow. If we're going to talk about  
21 negotiation to somebody, this is a place to start. It  
22 is absolutely unacceptable.

23           The second question I have about cattle passes  
24 that wasn't in the diagram on that page is: What is the  
25 length of those culverts? It wasn't mentioned. The

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1 reason I bring this up is because in two different areas  
2 in the Environmental Impact Statement, specifically on  
3 the Colstrip alternative, they talk about three --  
4 three, 8,500-foot set asides. Where are they? Whose  
5 place are they on? They've got maps. They know where  
6 it's at. Where is it? We don't. That isn't right.  
7 That needs to be spelled out in this document and it was  
8 not.

9           That is 5 miles of double track that some  
10 animals out there don't even know they have. And the  
11 reason I bring this up, it makes a difference on how  
12 long that culvert is. It's like Dad said: A cow will  
13 go up to the big end and say, I can fit through this  
14 end, it's nice and big. But that other end's only that  
15 big around, and I'm not going to be able to fit. And if  
16 there's two tracks there, it's going to be even longer  
17 yet, and that hole is going to be smaller. These are  
18 unacceptable. Culverts are not to be used.

19           When you go north from here to the Yellowstone  
20 River, count the many -- as many trusses as there is  
21 across the creek bottoms over there. Cattle can get  
22 through there with no problem. That's what we need.

23           I want to also talk about county road  
24 relocations. It was mentioned in one area -- I brought  
25 this up in Ashland the other night and I want to expand 35

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1 on it again. On the Colstrip alternative alone, with  
2 only 140-some acres taken out of production, the  
3 agricultural losses on those acres is \$188,960 on the  
4 Colstrip alternative alone. That equates to \$4,500 per  
5 mile per year.

6 WALLACE McRAE: Say it again.

7 CLINT McRAE: The Colstrip alternative would  
8 lose -- agricultural ground on the Colstrip alternative  
9 would lose \$188,960 per year on 140-some acres taken out  
10 of production. That's \$4,500 per mile per year.

11 Where's the mitigation in that? We don't know.

12 In addition to that, I looked at the maps that  
13 we got from the Section 106 process today. They're not  
14 in the Environmental Impact Statement. But on the  
15 cultural issues, when we got those maps, there is  
16 6 miles that -- that county road between the mouth of  
17 Lake Creek and Colstrip -- of brand-new county road.  
18 That 6 miles needs to be added to that land taken out of  
19 production, and it was not. And it's going to be a heck  
20 of a lot higher than \$188,000. I think that's a  
21 flagrant -- leaving it out of there was not -- was not a  
22 good thing to do.

23 I also want to talk a little bit about the  
24 Section 106, and this is the cultural issues. We  
25 negotiated an access agreement with ICF, who was the

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1 contractor for the cultural issues. We had neighbors of  
2 ours that personally showed ICF burial sites on their  
3 land. This is Native American, known burial sites.

4           There was not one of them that was recorded.  
5 Why? Why is that? We have a winter camp on our place  
6 that they found. It was at least twelve teepee rings.  
7 We know it was winter, because they had a hearth, rocks  
8 inside the teepee rings. This was right within the  
9 right of way of the Colstrip alternative, and they  
10 walked over the top of it and didn't even see it. They  
11 did not know what they were looking for. So the  
12 credibility of the Section 106 is in question.

13           We have the wrong township and legal  
14 description on nearly every single site they had. They  
15 also had the wrong GPS sector, which can be up to  
16 600 miles off. This is not something a responsible  
17 contractor does.

18           In closing, I want to say that all we are  
19 asking for -- and "we" being the landowners that are  
20 faced with this -- is to keep the status quo. That is  
21 your obligation to the public and to the landowners  
22 involved, and you have not done it. I don't think it's  
23 asking too much. And since it is not done in this  
24 Environmental Impact Statement process so far, I ask you  
25 again to choose the "No-Action" alternative.

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1 Thank you.

2 JENNIFER PIGGOTT: Thank you for your  
3 comments.

4 Would anyone else like to provide an oral  
5 comment or elaborate on their comments?

6 Sir?

7 ROGER SPRAGUE: I've just got a couple more  
8 comments I'd like to make. And as far as the Amish are  
9 concerned, it's just beyond belief that there's so  
10 little written about them in this report.

11 I know you guys know that they're a  
12 nonconfrontational people, so you think you can just run  
13 over them and forget about them, just they don't matter.  
14 Is that what it is? They just don't matter? Amish  
15 aren't going to fight against us. They don't hire  
16 lawyers. They don't matter. Is that your thoughts? Is  
17 that what you're going to do, just, ack, they don't  
18 matter? They're just a bunch of people that live in  
19 their own time, so they don't matter? Well, that's not  
20 true. They're good neighbors. They're very good  
21 people.

22 There are a number of those fellows that go  
23 with me and work, six -- anywhere from six to twelve of  
24 them, 45 days a year some years, working cattle and  
25 stuff. That's their income. They're good people and

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1 they do it for a lot of ranches that would not be able  
2 to get help otherwise, that kind of help, good help,  
3 help that's dependable. High school kids don't wrestle  
4 calves anymore, but the Amish do. And they'll work and  
5 they work hard and they're well-respected in this  
6 community.

7 The other thing is, I guess I'll probably  
8 catch flak for mentioning the bull comment before, but  
9 I've just got to say that the big thing about the bull  
10 in this is that this EIS study is a bunch of bull. It  
11 hasn't been thoroughly done. It hasn't been done  
12 accurately. Been a lot of things overlooked.

13 Clint said that there were things those guys  
14 didn't see. No, there's things they didn't want to see  
15 in their archeological study, things they were told not  
16 to see, because they could not have gone blindly over  
17 them otherwise.

18 Thank you.

19 JENNIFER PIGGOTT: Thank you for your  
20 comments.

21 Sir?

22 BRAD SAUER: Again, Brad Sauer, B-r-a-d,  
23 S-a-u-e-r.

24 Back to the existing condition. What kind of  
25 grazing systems are present on the ranches and how will 39

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1 the disruption in those grazing systems affect future  
2 management of the ranches? And who is your range  
3 specialist that helped you prepare that?

4           You know, I think we established that cows  
5 like privacy, but it's really important because, I mean,  
6 we live based on that conception rate and the outcome of  
7 it. Say one of the alternatives bisects a breeding  
8 pasture at the time of the year when that's going on.  
9 Will the railroad as a mitigating effort rent someone  
10 another pasture so the cattle can be undisturbed while  
11 they do it? That's a mitigation measure. It's an  
12 indirect effect, a drop in conception rates. It could  
13 easily be contested by the railroad, but everybody's  
14 going to know what happened.

15           Let's see. Oh, you forgot to add increased  
16 dollars to Agri Industries in Miles City. There's going  
17 to be more jobs for the irrigation companies when you --  
18 when somebody pays for the design and the new  
19 construction on the irrigation systems that you disrupt.

20           And you forgot to add to the workload to the  
21 NRCS staff that has to design new systems. So that's a  
22 further drain on taxpayer dollars.

23           Boy, we could keep going on, but I think you  
24 get the idea. Do some good homework here. Spend a  
25 little more time. Do your due diligence and give an



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1 accurate description of what's currently here, what  
2 could be affected directly and what could be affected  
3 indirectly on down through the years.

4 Thank you.

5 JENNIFER PIGGOTT: Thank you for your  
6 comments.

7 Would anyone else like to provide an oral  
8 comment or elaborate on their comments?

9 JAYME MILLER: I wasn't going to get up here  
10 and give a political speech like everyone else, but I do  
11 work for the railroad and I am the track inspector, and  
12 this is my beat, Colstrip. And he is correct. There is  
13 19 bridges down there.

14 I'm also the track inspector out on  
15 [indiscernible] line, and they do have cattle culverts  
16 over there, and the cattle do just fine. They move  
17 through it.

18 You also see these same cattle culverts on the  
19 highways in Montana, and you'll drive over them and,  
20 there they go, here's a cow going right underneath it.  
21 So I think it's a moot point.

22 I'll just bring up there's 36,000 miles on the  
23 BNSF Railway system. We seem to be able to coexist with  
24 ranchers and landowners everywhere else in this country.  
25 This is just another 29 miles. This isn't about the

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1 railroad. It's about the Otter Creek Coal and they're  
2 afraid it's going to go to China to get burnt over  
3 there.

4           You know, the shortest route for that coal  
5 is -- well, you guys are right on that. The other coal,  
6 the only channel come from the -- Decker. Because  
7 that's the shortest route for them. But, you know, the  
8 McRaes have been out here since the '60s or '40s.  
9 They've been against everything that goes on out here,  
10 and we've lived through it all. It's a lot of change  
11 for them, but we do have railroads already running  
12 everywhere around this country and everyone's able to  
13 coexist.

14           And I didn't mean to give a political speech,  
15 but, you know, there's a lot of guys that work for the  
16 railroad, and this is a good benefit for them, and it's  
17 not just Warren Buffett and Forrest Mars. It's people  
18 like me and those two children right there who depend on  
19 the railroad for everything they get.

20           With that, thank you.

21           JENNIFER PIGGOTT: Thank you for your  
22 comments.

23           Sir?

24           BRAD SAUER: I don't disagree with this  
25 gentleman that the cattle can use the underpasses. The 42

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1 key thing that he didn't mention is that many of the  
2 ranches that he's talking about, that where the cattle  
3 are using the underpasses came in after the railroads  
4 were already there.

5 This is a totally different situation, where  
6 the cattle will have to use -- have to learn to use  
7 things. And they will, should this happen. But it's  
8 what happens while they're doing that. And I think he  
9 can -- he and I could visit about it later and we could  
10 maybe figure out a way to do it.

11 But thanks.

12 JENNIFER PIGGOTT: Thank you for your  
13 comments, and that's Brad Sawyer.

14 Would anyone else like to elaborate on their  
15 comments?

16 JAMES MULLINS: Again, Nick Mullins or James  
17 Mullins, J-a-m-e-s, M-u-l-l-i-n-s.

18 I've been to a few of these things:  
19 Environmental impact studies, public hearings on water.  
20 And I always see the people that have to sit behind the  
21 desks to have to listen, to have to go through it time  
22 and time again. But I also realize that they're humans,  
23 they have beating hearts, they have emotions, and they  
24 have responsibility.

25 You know, I've met some wonderful people while<sub>43</sub>

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1 I've been up here, and they have some beautiful lands  
2 and some beautiful families. And I don't want to see  
3 anything happen to them like it's happened to us back  
4 home in Appalachia, if you can even call it that these  
5 days. It's a form of mythomaniac utilitarianism. It's  
6 where a select few are sacrificed for the benefit of a  
7 bunch.

8 My kids are never going to be able to drink  
9 out of that spring. They're not going to be able to  
10 live on Georges Fork without having to worry about their  
11 health. A bunch of people made a lot of money off of  
12 it. Some of the bridges in this nation were built with  
13 the steel that was produced from that coal. People was  
14 able to heat their homes. Businesses were able to build  
15 bigger businesses with cheap energy. But now the people  
16 of Appalachia are suffering.

17 It is a railroad. It is just 29 miles. But  
18 it leads to a lot more, a lot of issues that are going  
19 to affect generation after generation.

20 I was making \$72,000 a year five years ago,  
21 working in a coal mine. I could still be doing that  
22 right now. I could still be making a lot of money, and  
23 I could be giving my kids whatever they want. But  
24 that's not what they need. They need clean air and  
25 clean water. They need that safety and security. If it<sub>44</sub>

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1 comes down to it, these hands will dig a garden to feed  
2 them.

3 That's all I got to say. Thank you.

4 JENNIFER PIGGOTT: Thank you for your  
5 comments.

6 Would anyone else like to elaborate on their  
7 comments or make an oral comment?

8 AMY SEAMAN: Thank you. Again, my name's Amy  
9 Seaman. I just kind of wanted to come up partially to  
10 fix a little bit of what I said at the end there, when I  
11 was getting rushed. And that was just talking a little  
12 bit about the impairment level of our waterways that we  
13 already have in Montana.

14 I messed up in speaking that there's already  
15 1,300 miles of river in our state that are impaired due  
16 to mercury. It's typically deposited by the air. Some  
17 of you might know that. You know it gets deposited by  
18 the air, lands in the aquatic systems, which is right  
19 next to the railroad, and that's when it becomes  
20 methylmercury. That's a form that's available for  
21 everything to accumulate that's living, including us,  
22 birds, fish, and things like that.

23 In 2006, there were ten bald eagles that died  
24 from mercury poisoning, and they're found every year. I  
25 heard that there maybe was ten from 2014. And

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1 sometimes, you know, we don't see that, the actual  
2 effects right away. You don't always see a dead eagle,  
3 but -- we might see them even breeding, but it turns out  
4 that over half of the Swiss studies on osprey, half the  
5 eggs laid by birds that have some mercury contamination  
6 won't even hatch. So it may look good. If they're  
7 there, that looks great. They get counted and they're  
8 laying eggs and they're sitting on eggs, but the eggs  
9 never break -- or never hatch.

10           And this brings us back to a long time ago,  
11 when we were fighting really hard for species like  
12 osprey and bald eagles during the DDT issue. Even  
13 though their eggs were breaking, it wasn't that the  
14 birds themselves weren't there, but they weren't  
15 successfully raising young. I had no idea the same  
16 thing could possibly happen to cattle.

17           So that was really interesting to learn, just  
18 that disturbance in the breeding cycle and all these  
19 cycles that we're used to that are going to be disturbed  
20 by this. And I think, yes, we definitely can learn to  
21 live with railroads, but I think when we choose what  
22 this railroad is going to be there for, we need to think  
23 about the mercury contamination that it will bring,  
24 regardless of where the coal is burnt.

25           And one more thing on the pollution issue, and

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1 I think when we think about the fish and the wildlife  
2 being contaminated, I think about it a lot as a woman,  
3 that mercury poisoning is terrible for me if I ever want  
4 to reproduce.

5 And we already have regulations throughout the  
6 state of Montana telling us how many fish we can eat,  
7 where we can eat fish from, when -- what time of year,  
8 you know, make sure they're small fish so there's not  
9 too much mercury. I think that's the scariest prospect,  
10 thinking that we can't even live off the land in Montana  
11 when we love to do it.

12 You know, our favorite pike, maybe they're not  
13 the best to eat, but trout and walleye that are really  
14 great. But I think knowing that's an issue that will be  
15 directly increased by a railroad such as this is really  
16 important.

17 And one other thing, I believe that it was  
18 already partially said, though, is that no matter where  
19 the coal's burnt, the jet stream will continue to flow  
20 around our continent and that coal burned in Asia, the  
21 mercury can make it to Montana within a week. So we are  
22 all breathing the same air and we are all in this  
23 together.

24 And so just thank you for letting me  
25 elaborate.

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1 JENNIFER PIGGOTT: Thank you for your  
2 comments.

3 ROGER SPRAGUE: I'd just like to make a little  
4 clarification. I guess first thing is for the fellow  
5 from the railroad, we're not talking about -- we're not  
6 talking about stopping the railroad from here to  
7 Forsyth. We're not talking about stopping or  
8 eliminating that road. It's still going to be there.  
9 All the other railroads from Montana are still going to  
10 be there. Not talking about that at all.

11 What I want to say to clarify the record --  
12 again, my name is Roger Sprague, S-p-r-a-g-u-e. I am a  
13 five-generation -- fifth-generation rancher here, but I  
14 also want you to know that I'm not just a rancher. I  
15 spent 35 years in the mining industry, coal mining, most  
16 of that here in Colstrip, nine years in mine manager --  
17 mine manager of a mine in Wyoming.

18 I know how these things work. I know what big  
19 companies do to get their way on permitting. I've been  
20 there. I've been part of those meetings. I've been  
21 behind the closed-door meetings. I know what happens in  
22 closed-door meetings with regulators. I know what  
23 happens.

24 It's not good, because you're -- the  
25 regulator's job is to protect the people. The



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1 government's job is to serve and protect the people.  
2 That is your responsibility. That is what you need to  
3 do.

4 Thank you.

5 JENNIFER PIGGOTT: Thank you for your  
6 comments.

7 Would anyone else like to make an oral comment  
8 or elaborate on their comments?

9 Thank you for your comments this evening and  
10 your participation. I'll now turn it back over to Ken  
11 for his closing remarks.

12 KEN BLODGETT: I would like to thank everybody  
13 for coming to this evening's meeting. We do appreciate  
14 your attendance and your participation in the Surface  
15 Transportation Board's environmental review process.

16 Additional comments can continue to be  
17 provided in writing on the project Web site through  
18 August 24th. We have two meetings scheduled for  
19 tomorrow, in Lame Deer, at 2:00 o'clock and  
20 6:00 o'clock, and the following day in Forsyth at  
21 2:00 o'clock and 6:00 o'clock. So if we can see you at  
22 those, that would be appreciated as well.

23 Again, that concludes this meeting and, you  
24 know, we do really appreciate your attendance tonight.  
25 So thank you.

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(Whereupon, the proceeding  
concluded at 7:40 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

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