

**Meeting 2-6.9.15**

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

MILES CITY, MT

JUNE 9, 2015

6:29 P.M. MT

**Meeting 2-6.9.15**

1 TUESDAY, JUNE 9, 2015

2 6:29 P.M. MT

3 MILES CITY, MONTANA

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06:29:45 5 JENNIFER PIGGOTT: Well, good evening. Thank  
06:29:47 6 you for joining us this evening. We'll go ahead and  
06:29:50 7 start our public meeting, and we'll have a few comments.  
06:29:52 8 Then we'll move into the oral comment portion of this  
06:29:54 9 evening.

06:29:55 10 I'd like to introduce Ken Blodgett, with the  
06:29:57 11 Surface Transportation Board.

06:29:58 12 Ken?

06:29:59 13 KEN BLODGETT: Yeah. Hello. Good evening,  
06:30:00 14 everybody. My -- and I would like to thank everybody  
06:30:03 15 for coming this evening to attend the Surface  
06:30:07 16 Transportation Board's public comment meeting on the  
06:30:12 17 proposed construction and operation of the Tongue River  
06:30:16 18 Railroad and the Draft Environmental Impact Statement.

06:30:21 19 Again, my name is Ken Blodgett. With me is  
06:30:24 20 Danielle Gosselin, and we are here representing the  
06:30:28 21 Surface Transportation Board Office of Environmental  
06:30:29 22 Analysis.

06:30:32 23 Can everybody hear me now? Sorry.

06:30:35 24 Also with us at the table is Alan Summerville  
06:30:39 25 of ICF International, our -- the project manager for our 2

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06:30:45 1 third-party contracting team; Elizabeth Diller, also  
06:30:48 2 with ICF International; and Jennifer Piggott, who will  
06:30:51 3 serve as our facilitator this evening.

06:30:56 4           The Surface Transportation Board is the  
06:30:57 5 federal agency responsible for the economic regulation  
06:31:00 6 of interstate surface transportation within the  
06:31:05 7 United States and for granting authority for the  
06:31:07 8 construction and operation of new rail lines and  
06:31:11 9 associated facilities.

06:31:13 10           The board's mission is to ensure that  
06:31:16 11 competitive, efficient, and safe transportation services  
06:31:20 12 are provided to meet the needs of shippers, receivers,  
06:31:23 13 and consumers. In all of its decisions, the Surface  
06:31:28 14 Transportation Board is committed to advancing the  
06:31:31 15 national transportation policy goals established by  
06:31:34 16 Congress.

06:31:36 17           The Office of Environmental Analysis, or OEA,  
06:31:41 18 is the office which is responsible for ensuring that the  
06:31:43 19 board is in compliance with the requirements of the  
06:31:45 20 National Environmental Policy Act. We fulfill that  
06:31:50 21 responsibility through independent environmental review  
06:31:53 22 of railroad actions, which require the board's approval.

06:31:59 23           On October 16, 2012, the Tongue River Railroad  
06:32:02 24 Company filed an application with the Surface  
06:32:06 25 Transportation Board to construct and operate a rail

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06:32:09 1 line from Miles City, Montana, to two endpoints near  
06:32:13 2 Ashland. On December 17th, 2012, Tongue River Railroad  
06:32:18 3 filed a supplemental application in which it identified  
06:32:22 4 its preferred routing for the proposed line as the  
06:32:26 5 Colstrip alternative, between Colstrip and the Ashland  
06:32:29 6 area.

06:32:31 7 The Surface Transportation Board is the lead  
06:32:33 8 agency responsible for preparing the Draft Environmental  
06:32:36 9 Impact Statement. Four cooperating agencies worked with  
06:32:41 10 the board in preparing the Draft Environmental Impact  
06:32:43 11 Statement: The Bureau of Land Management, the Corps of  
06:32:48 12 Engineers, the U.S. Department of Agriculture, and  
06:32:52 13 Montana state agencies. These cooperating agencies all  
06:32:57 14 have decision-making authority independent of the board  
06:33:00 15 and are agencies from which Tongue River Railroad would  
06:33:05 16 obtain a separate approval or permit prior to  
06:33:09 17 construction.

06:33:11 18 The purpose of tonight's meeting is for the  
06:33:15 19 board to receive comments, both oral and written, on the  
06:33:19 20 Draft Environmental Impact Statement, which was served  
06:33:25 21 and made available for public review and comment on  
06:33:28 22 April 17th. The Draft Environmental Impact Statement  
06:33:30 23 reflects OEA's analysis of the potential environmental  
06:33:35 24 impacts that could result from the construction and  
06:33:38 25 operation of the proposed rail line.

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06:33:42 1           Public involvement is an important component  
06:33:45 2           in the environmental review process, and our hope is  
06:33:48 3           that the comments you provide tonight will help ensure  
06:33:51 4           that our office fully addresses your concerns and the  
06:33:56 5           potential environmental impacts that could result from  
06:33:58 6           the construction and operation of the proposed rail  
06:34:01 7           line, as well as appropriate mitigation measures.

06:34:05 8           The Draft Environmental Impact Statement  
06:34:08 9           public comment period will last until August 24th, 2015.  
06:34:13 10          After the public comment period has come to a close, OEA  
06:34:18 11          will consider all comments received and address those  
06:34:21 12          comments in the Final Environmental Impact Statement,  
06:34:22 13          which will present our final conclusions and  
06:34:28 14          recommendations for mitigating possible environmental  
06:34:32 15          effects.

06:34:33 16          The board will then make a final decision on  
06:34:35 17          the proposed rail line construction. In making that  
06:34:39 18          decision, the board will consider the entire  
06:34:42 19          environmental record, including all comments received;  
06:34:45 20          the Draft Environmental Impact Statement; the Final  
06:34:49 21          Environmental Impact Statement; and our final  
06:34:53 22          recommended environmental mitigation. No  
06:34:56 23          project-related construction may begin until the board  
06:35:00 24          has made that final decision and that decision has  
06:35:03 25          become effective.

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06:35:07 1           If you have not already done so, I would  
06:35:08 2 encourage everybody to sign in at the table located at  
06:35:12 3 the entrance to this room. Those of you who have  
06:35:15 4 indicated that you would like to make a public comment  
06:35:18 5 on the Draft Environmental Impact Statement at this  
06:35:21 6 meeting, which will be recorded by the court reporter,  
06:35:25 7 will be called upon to speak in the order in which you  
06:35:29 8 signed in.

06:35:31 9           If you would like to provide a handwritten  
06:35:34 10 comment tonight, comment forms can be located on -- over  
06:35:39 11 there in the public -- in the comment area room, and  
06:35:42 12 there's boxes that you can put your comments in tonight.

06:35:46 13           Written comments may also be mailed to the  
06:35:48 14 board at our Washington address or submitted  
06:35:53 15 electronically on the project Web site,  
06:35:55 16 [tonguerivereis.com](http://tonguerivereis.com).

06:36:00 17           All oral and written comments will be given  
06:36:03 18 equal weight and consideration. In preparing your  
06:36:07 19 written comments, we encourage you to be as detailed as  
06:36:10 20 possible regarding the content of the Draft  
06:36:14 21 Environmental Impact Statement.

06:36:16 22           That concludes my remarks this evening, and I  
06:36:19 23 would like to turn the floor over to Alan Summerville,  
06:36:21 24 who will provide a little more information on the  
06:36:24 25 environmental review process.

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06:36:26 1 Thank you.

06:36:36 2 ALAN SUMMERVILLE: Good evening. During the  
06:36:37 3 open house portion of the meeting, we provided  
06:36:40 4 information on the environmental review process and on  
06:36:42 5 the project. Now I'd like to take just about three  
06:36:46 6 minutes to summarize that information for those of you  
06:36:49 7 who weren't able to participate or come to the open  
06:36:51 8 house and to provide a recap for those of you who were  
06:36:54 9 there.

06:36:55 10 In the meeting brochure and on one of the  
06:36:58 11 posters, we have a figure depicting the environmental  
06:37:01 12 review process.

06:37:04 13 To initiate the scoping process, OEA issued  
06:37:08 14 notification of its intent to prepare an EIS to the  
06:37:11 15 public; elected officials; federal, state, and local  
06:37:15 16 agencies; tribal organizations; and other potentially  
06:37:18 17 interested organizations. OEA issued a draft scope of  
06:37:22 18 study and held agency and public meetings to obtain  
06:37:27 19 comments on topics that should be analyzed in the EIS  
06:37:30 20 and possible alternatives to the TRRC alignment.

06:37:35 21 Interested agencies and persons were invited  
06:37:37 22 to participate in the scoping phase by reviewing the  
06:37:40 23 draft scope of study, submitting comments in writing,  
06:37:43 24 and attending scoping meetings held in the project area.

06:37:47 25 After considering comments through the scoping 7

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06:37:50 1 process, the board published a notice of final scope of  
06:37:54 2 study for the EIS on March 22nd, 2013.

06:38:01 3 Throughout the development of the Draft EIS,  
06:38:04 4 OEA met in person and through teleconferences with  
06:38:06 5 federal, state, and local agencies, and tribal -- as  
06:38:10 6 well as tribes.

06:38:12 7 OEA prepared the Draft EIS by analyzing the  
06:38:14 8 potential environmental impacts of the proposed  
06:38:17 9 Tongue River Railroad and the reasonable alternatives,  
06:38:19 10 including the "No-Action" alternative.

06:38:23 11 The Draft EIS also addresses the impacts of  
06:38:25 12 trains traveling to destinations outside the project  
06:38:28 13 area, which are also referred to as "downline impacts."

06:38:34 14 Any of the build alternatives could have minor  
06:38:36 15 to highly adverse impacts on the following resources:  
06:38:40 16 Transportation, greenhouse gasses and climate change,  
06:38:44 17 noise, biological resources, water resources, visual  
06:38:48 18 resources, cultural and historical resources, land  
06:38:53 19 resources, geology and soils, socioeconomics, and  
06:38:57 20 environmental justice. All other resources would  
06:39:01 21 experience negligible impacts.

06:39:03 22 The Draft EIS also includes OEA's preliminary  
06:39:07 23 recommendations on environmental mitigation. These  
06:39:11 24 mitigation measures will be considered by the board as  
06:39:15 25 potential conditions if the board decides to grant TRRC

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06:39:19 1 authority to construct and operate the rail line.

06:39:23 2 The Draft EIS was distributed and made  
06:39:25 3 available to the public on April 24th to interested  
06:39:30 4 members of the public; parties of record; elected  
06:39:32 5 officials; tribes; and appropriate federal, state, and  
06:39:37 6 local officials.

06:39:38 7 OEA provided extensive notification through  
06:39:40 8 various means to the project area and the downline  
06:39:44 9 communities.

06:39:44 10 As Ken stated, the final EIS will consider and  
06:39:48 11 respond to all comments received on the Draft EIS and  
06:39:51 12 will include any appropriate changes and recommendations  
06:39:54 13 for additional mitigation measures. It will also  
06:39:57 14 identify OEA's preferred alternative.

06:40:01 15 Completion of the final EIS will be announced  
06:40:03 16 to the public in a Notice of Availability published in  
06:40:06 17 the Federal Register and by notification to interested  
06:40:09 18 parties.

06:40:12 19 At this time, I'd like to hand the meeting  
06:40:13 20 over to our facilitator, Jennifer Piggott, who will go  
06:40:16 21 over some ground rules, and then we can begin to hear  
06:40:19 22 public comments.

06:40:20 23 Thank you.

06:40:21 24 JENNIFER PIGGOTT: Thanks, Alan.

06:40:22 25 We'll now begin the oral comment portion of

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06:40:24 1 tonight's meeting. Before we begin, I'd like to go over  
06:40:27 2 a few things. If you haven't already done so, please  
06:40:29 3 silence your cell phones so you don't interrupt the  
06:40:31 4 meeting.

06:40:32 5 If you would like to speak and did not sign up  
06:40:34 6 when you arrived, please raise your hand, and we'll get  
06:40:36 7 you registered to speak.

06:40:42 8 A court reporter will transcribe your oral  
06:40:44 9 comments for use in preparing the Final Environmental  
06:40:46 10 Impact Statement. Please do not provide any personal  
06:40:49 11 information in your comments that you would not like to  
06:40:51 12 see published in the final document. Please speak  
06:40:53 13 slowly and clearly so that the court reporter can easily  
06:40:56 14 record your comments. Please state your full name and  
06:40:59 15 spell it out for the record and indicate if you're  
06:41:02 16 representing a group or organization this evening.

06:41:05 17 Each speaker will be allotted three minutes.  
06:41:07 18 You do not have to speak for the full three minutes;  
06:41:10 19 however, when 30 seconds remains, a yellow card will be  
06:41:12 20 raised, and a red card will be raised when your time has  
06:41:15 21 ended. Out of respect for others, we ask that you  
06:41:18 22 please honor your three minutes. If you think you have  
06:41:21 23 more comments than you can present in the time allotted,  
06:41:25 24 please make the most important comments first.

06:41:27 25 This time limit has been set at each meeting 10

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06:41:29 1 to ensure everyone who wishes to speak has a fair and  
06:41:32 2 equal opportunity to provide their comments. If you do  
06:41:36 3 not get a chance to voice all of your comments, you can  
06:41:39 4 submit them in writing.

06:41:39 5 If you have a written statement already  
06:41:41 6 prepared, you may read it aloud, and we recommend that  
06:41:42 7 you also submit it as a written comment.

06:41:45 8 If time permits, at the end of the meeting, we  
06:41:48 9 will invite up additional speakers and anyone who did  
06:41:51 10 not get a chance to finish their original comments.

06:41:54 11 Please feel free to provide your comments in  
06:41:56 12 either written or oral form. Both types of comments  
06:42:00 13 have equal weight in the final document.

06:42:02 14 Finally, this portion of the meeting will  
06:42:04 15 allow you to provide comments that will be transcribed.  
06:42:07 16 OEA will not be answering questions or respond to the  
06:42:10 17 comments during this portion of the meeting. OEA will  
06:42:12 18 respond to comments in the Final Environmental Impact  
06:42:13 19 Statement. This will allow as much time as possible for  
06:42:18 20 members of the public to comment.

06:42:20 21 I will now call up our first speaker, which is  
06:42:23 22 Wade Sikorski.

06:42:38 23 WADE SIKORSKI: My name is Wade Sikorski,  
06:42:39 24 W-a-d-e, S-i-k-o-r-s-k-i. I'm from Fallon County, about  
06:42:48 25 80 miles east of here, and I don't have a direct

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06:42:52 1 property interest in the Tongue River Railroad; however,  
06:42:55 2 I think I have a pretty substantial economic and  
06:42:59 3 environmental interest.

06:43:01 4 My family practices -- we have a ranch. We  
06:43:04 5 have a couple thousand acres of no-till farming and a  
06:43:07 6 couple -- several thousand acres of pasture land.

06:43:11 7 And environment -- global warming is already  
06:43:15 8 impacting -- substantially impacting our ranching  
06:43:17 9 operation.

06:43:19 10 When I was a child, my father -- or my family  
06:43:22 11 built a flood irrigation system, and it collects the  
06:43:24 12 water that collects on our place, and it funnels it  
06:43:28 13 through a dam and diverts it down through a series of  
06:43:31 14 dikes onto about 60 acres.

06:43:34 15 When I was a child, this irrigation system  
06:43:37 16 would flood from top to bottom almost every year. And  
06:43:41 17 usually, even in the years that it didn't, it would get  
06:43:45 18 at least halfway. Then we'd go through and drain the  
06:43:47 19 weirs and get the whole thing flooded.

06:43:50 20 And the thing is that things have changed. We  
06:43:53 21 haven't decreased the amount of precipitation we get  
06:43:56 22 usually -- not very much, a little bit, but not very  
06:43:58 23 much. But what is happening now is that this flood  
06:44:01 24 irrigation system almost never floods anymore.

06:44:04 25 My uncle is busy talking about getting a big 12

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06:44:08 1 Cat and leveling out all the dikes because they're in  
06:44:12 2 the way. We can't farm it. And so irrigated ground  
06:44:17 3 that would be fairly -- if we were going to sell the  
06:44:19 4 place, it would be a pretty substantial amount of money  
06:44:22 5 that they would pay extra for irrigable ground.

06:44:25 6 And so it's -- over my lifetime, it has  
06:44:27 7 degraded into regular farmland, and that's a very  
06:44:32 8 substantial monetary loss we have faced, due to climate  
06:44:36 9 change, already.

06:44:38 10 And, you know, the problem with EIS  
06:44:41 11 statements, I think, in general is that it doesn't  
06:44:44 12 consider the broader economic and environmental  
06:44:47 13 implications of climate change.

06:44:50 14 I mean, we're kind of looking at the -- a very  
06:44:52 15 narrow -- the EIS looks at a very narrow focus in the  
06:44:57 16 environmental impact statement. But, you know, I'm a  
06:44:59 17 hundred miles east of here, and I think that  
06:45:03 18 cumulatively, climate change is going to have a major  
06:45:07 19 impact on the way that my family is going to farm and  
06:45:10 20 ranch.

06:45:11 21 And that's a -- you know, it's a substantial  
06:45:15 22 amount of money that we have lost already. And as  
06:45:18 23 things accelerate and go into the -- as they say, we go  
06:45:24 24 into the future, it's going to get a lot worse.

06:45:26 25 So I would urge the board to simply not let

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06:45:29 1 the Tongue River go through. We can't do things like  
06:45:32 2 this anymore. It is going to harm agriculture, the  
06:45:36 3 source of our food, and we just can't do that.

06:45:38 4 Thank you.

06:45:40 5 JENNIFER PIGGOTT: Thank you for your  
06:45:41 6 comments.

06:45:41 7 Our next speaker this evening is  
06:45:42 8 Garrett Lamach.

06:45:45 9 GARRETT LAMACH: Lamach.

06:45:46 10 JENNIFER PIGGOTT: Lamach. Sorry.

06:45:51 11 GARRETT LAMACH: Good evening. My name's  
06:45:52 12 Garrett Lamach. I live here in Miles City, Montana.

06:45:57 13 I'd like to start off by saying that I would  
06:46:00 14 spend my summers as a kid working on a farm and ranch  
06:46:04 15 along the Tongue River Valley. I loved every summer  
06:46:08 16 doing it. Every fall, when I was a kid, I'd go hunting  
06:46:12 17 along the Tongue River Valley as well. I've grown quite  
06:46:16 18 fond of the valley. I enjoy the beauty. I enjoy the  
06:46:26 19 wildlife.

06:46:27 20 But over the years, access to those places has  
06:46:31 21 diminished to almost nothing. The outfitting industry,  
06:46:34 22 new and different people from all over -- from other  
06:46:37 23 states or just plain greedy businessmen from in-state  
06:46:43 24 have bought all the small family farms along the  
06:46:45 25 Tongue River Valley.

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06:46:47 1           These people don't share the same values as I  
06:46:50 2 do. Now some of them want me to support them in  
06:46:55 3 stopping the railroad.

06:46:57 4           So now it comes down to where my bread is  
06:46:59 5 buttered. I have a job in the energy industry. I love  
06:47:05 6 to hunt and fish in the valley. But I am not allowed  
06:47:10 7 access to those places anymore, so why should I support  
06:47:13 8 the farmers along the valley when they don't support me?

06:47:17 9           The energy industry, on the other hand, and  
06:47:19 10 the railroad help pay my bills. So I will support them,  
06:47:23 11 and I'm in favor of the railroad.

06:47:27 12 Thank you.

06:47:29 13           JENNIFER PIGGOTT: Thank you for your  
06:47:30 14 comments.

06:47:31 15           Our next speaker this evening is  
06:47:32 16 Deborah Hanson.

06:47:35 17           DEBORAH HANSON: My name is Deborah Hanson. I  
06:47:46 18 live in Miles City, Montana. I've been coming to these  
06:47:55 19 hearings and planning meetings since 1980. I've been  
06:47:58 20 through Tongue River I, II, III, and now IV, and I  
06:48:03 21 worked with many of the ranchers that lived up and down  
06:48:05 22 the valley. And I can tell you the stress of this  
06:48:10 23 railroad caused many of them to sell and leave and, as  
06:48:15 24 you can hear, many of those ranches have been bought  
06:48:17 25 out.

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06:48:19 1           This is a sustainable industry, however, and  
06:48:22 2           it's a big industry for all of Eastern Montana, the  
06:48:26 3           agriculture of the Tongue River Valley. This railroad  
06:48:29 4           will impact that.

06:48:33 5           I'd like to speak to the fact that  
06:48:37 6           Miles City -- let me just talk about I think it's  
06:48:40 7           Alternative I.

06:48:42 8           I don't believe that this EIS did much in the  
06:48:46 9           way of dealing with our floodplain, our floodplain  
06:48:51 10          issues, our new dike, our 500-year -- we have to build  
06:48:55 11          something for 500 years that the Army Corps of Engineers  
06:49:00 12          has pretty much put the onus on us. And this railroad  
06:49:03 13          will impact us greatly. And that was not really  
06:49:09 14          studied. That's a huge oversight.

06:49:14 15          I do believe that our Miles City Council sent  
06:49:18 16          some comments to you on how the railroad, where it hooks  
06:49:20 17          up with BN at Miles City, where there's a T going east  
06:49:25 18          and west, will in one way impact our federal fish  
06:49:31 19          hatchery, and the other way will impact our local  
06:49:34 20          spotted eagle park that we have put a lot of time and  
06:49:37 21          money in, and it has a lot of use.

06:49:40 22          And it would be fairly -- it would impact  
06:49:45 23          safety of the public, besides the fact that it would be  
06:49:48 24          noisy, and you'd have coal dust, et cetera.

06:49:53 25          Let me just talk about two more things.

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06:49:56 1           The viability of our coal, which is pretty  
06:50:01 2 much in the tank right now, they're about to be  
06:50:04 3 delisted, and there's a lot of rumors of them going  
06:50:07 4 bankrupt. And they would be the owner of the mine,  
06:50:11 5 which would be the sole reason for the Tongue River  
06:50:14 6 Railroad, which, by the way, is also partly owned by  
06:50:17 7 Arch Coal.

06:50:18 8           So it seems to me like this is something that  
06:50:22 9 we'd better consider. Since you've done your EIS, this  
06:50:28 10 has actually been going down rapidly.

06:50:31 11           We cannot compartmentalize all these things.  
06:50:36 12 Like the railroad is not really separate from coal  
06:50:38 13 mining, which isn't separate from the impacts it has on  
06:50:42 14 water and air, from the transportation problems it  
06:50:45 15 causes for all the towns all the way to the West Coast,  
06:50:48 16 the port cities that would have -- that Arch Coal also,  
06:50:52 17 by the way, owns part of one of the coal places.

06:50:56 18           So I think we need to take all that into  
06:50:58 19 account, and I support the "No-Action" alternative.  
06:51:02 20 Thank you.

06:51:04 21           JENNIFER PIGGOTT: Thank you for your  
06:51:05 22 comments.

06:51:05 23           Our next speaker this evening is Mark Fix.

06:51:16 24           MARK FIX: Hi. I'm Mark Fix, F-i-x. I'm a  
06:51:20 25 rancher and irrigator on the Tongue, about 20 miles

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06:51:23 1 southwest of Miles City. My ranch would be crossed by  
06:51:26 2 two of the proposals in the Draft Environmental Impact  
06:51:28 3 Statement and four of the alternatives.

06:51:32 4 The draft does not address how the rail line  
06:51:34 5 will affect flooding in Miles City. Miles City is  
06:51:37 6 working on an extensive rebuild of the dike protecting  
06:51:40 7 Miles City.

06:51:41 8 Will the railroad grade force water from the  
06:51:43 9 Tongue towards the dike and cause it to fail? If the  
06:51:46 10 dike needs to be modified, will the cost be paid by the  
06:51:50 11 Tongue River Railroad, or will the taxpayers of  
06:51:53 12 Miles City and Custer County have to pay for the  
06:51:55 13 improvement?

06:51:56 14 In Montana, the preferred corridor for a  
06:51:58 15 railroad is by an easement. The draft assumes that the  
06:52:01 16 right-of-way will be by fee title. I would prefer an  
06:52:04 17 easement, because then I would be paid for each  
06:52:06 18 easement.

06:52:07 19 The draft says that a power line will be built  
06:52:10 20 along the railroad grade. We should be paid for that  
06:52:13 21 easement.

06:52:14 22 The draft says that communication towers will  
06:52:16 23 be installed. Again, the landlord should be paid for  
06:52:18 24 that easement. If a fiber optic line or a pipeline is  
06:52:22 25 planned along the route, the landowner should also be

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06:52:25 1 compensated for that.

06:52:27 2 We're in a different age from the time when  
06:52:29 3 railroads were given extensive parcels of land to build  
06:52:32 4 the railroad. The preferred method now is a term called  
06:52:35 5 wheelage. The landowner should be paid for the ongoing  
06:52:38 6 intrusion on his property. Something similar to  
06:52:41 7 10 cents a ton a mile for the traffic across their land  
06:52:44 8 may be suitable. The agreement should be subject to  
06:52:48 9 inflation and should be adjusted upward over time.

06:52:51 10 I've been very happy the last few years,  
06:52:53 11 because the cloud of a permit from the Surface  
06:52:56 12 Transportation Board has been lifted from my property.  
06:52:59 13 Ever since I bought the ranch in 1991, there's been a  
06:53:02 14 permit allowing the Tongue River Railroad to build on my  
06:53:04 15 property. There is no approved railroad across my land  
06:53:07 16 now, and I would like to keep it that way.

06:53:11 17 I've not had any landman coming to my place  
06:53:13 18 trying to buy the land for a right-of-way and  
06:53:15 19 threatening me with the fact that they have eminent  
06:53:18 20 domain and can condemn my land if they have to. That  
06:53:21 21 happened several times after I bought the ranch in 1991.

06:53:24 22 If it takes another 10 or 20 years to complete  
06:53:27 23 the final EIS, that would be fine with me. The draft is  
06:53:31 24 so big, I think it may take that long to read it all.

06:53:35 25 The draft is very confusing when it comes to 19

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06:53:38 1 analyzing the different routes. It appears that a  
06:53:40 2 black-box model has been created, and that has been put  
06:53:43 3 in; results came out. It's hard to understand how this  
06:53:46 4 model works and what parameters were put into it.

06:53:49 5 I doubt that anyone that programmed the model  
06:53:51 6 obtained any guidance from a farmer or a rancher. I  
06:53:55 7 doubt that the results will protect farmers and  
06:53:57 8 ranchers.

06:53:58 9 The draft only looks at problems within the  
06:54:00 10 right-of-way. Many of our operations nearby may be  
06:54:04 11 affected by the rail line. Many of the things we do  
06:54:07 12 from day to day to run the ranch will be altered. We  
06:54:10 13 may or may not be able to modify our operation to work  
06:54:13 14 around the railroad. Places that we built -- our homes,  
06:54:17 15 our corrals, our fences -- were made to make the land  
06:54:21 16 work the best the way it is. Throwing a rail line in  
06:54:25 17 the middle of our ranch will forever alter our operation  
06:54:28 18 and the peace and tranquility that we enjoy in  
06:54:31 19 Eastern Montana.

06:54:32 20 I urge you to approve the "No-Action"  
06:54:34 21 alternative. There is no public need and necessity for  
06:54:38 22 the railroad.

06:54:39 23 Thank you.

06:54:40 24 JENNIFER PIGGOTT: Thank you for your  
06:54:40 25 comments.

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06:54:41 1 Our next speaker is Dean Seifert.

06:54:47 2 DEAN SEIFERT: I want to get the last word in.  
06:54:49 3 I want to hear what everybody else has to say.

06:54:52 4 JENNIFER PIGGOTT: Okay. Is there anyone else  
06:54:53 5 who wishes to make an oral comment this evening?

06:54:58 6 DEAN SEIFERT: Oh, you and I are on opposite  
06:55:00 7 sides, I'm sure.

06:55:04 8 GARRETT LAMACH: Would you just defer for now?

06:55:05 9 DEAN SEIFERT: For now, yes.

06:55:08 10 JENNIFER PIGGOTT: Would anyone else like to  
06:55:09 11 make an oral comment this evening?

06:55:11 12 Sir?

06:55:15 13 KEITH HALL: My name's Keith Hall. I live  
06:55:17 14 here in Miles City.

06:55:19 15 I see this railroad coming down the valley as  
06:55:23 16 a big dam in times of heavy rains. And when we get  
06:55:29 17 dammed up in this country, it tends to wash things away.

06:55:34 18 My second concern is us, as hunting and  
06:55:38 19 fishing people, are going to lose access to land because  
06:55:41 20 we're not allowed to cross the railroad's land because  
06:55:45 21 of the laws.

06:55:48 22 If it's public land, we should not be denied  
06:55:52 23 access given to somebody that wants to make money. In  
06:55:55 24 the long run, it's the money that talks. People who  
06:56:01 25 hunt and fish and enjoy the land, camping and stuff, we 21

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06:56:04 1 will be barred from access to parts of our  
06:56:07 2 recreational [sic].

06:56:09 3 Thank you.

06:56:11 4 JENNIFER PIGGOTT: Thank you for your  
06:56:12 5 comments.

06:56:13 6 Would anyone else like to make an oral comment  
06:56:15 7 this evening?

06:56:23 8 Is there anyone who's already spoken who would  
06:56:24 9 like to expand upon their comments?

06:56:38 10 Okay. No one else wants to make a comment?

06:56:45 11 All right. With that, I will --

06:56:51 12 ALAN SUMMERVILLE: He was going to comment.

06:56:53 13 JENNIFER PIGGOTT: Sir, would you like to make  
06:56:54 14 an oral comment?

06:56:55 15 DEAN SEIFERT: Not at this time, no.

06:56:59 16 JENNIFER PIGGOTT: Well, with that, I will --  
06:57:00 17 thank you for your participation, and I will turn the  
06:57:02 18 meeting back over to Ken for a few final words.

06:57:05 19 Thank you.

06:57:10 20 KEN BLODGETT: I would just like to thank  
06:57:11 21 everybody for coming to the meeting this evening. We do  
06:57:14 22 greatly appreciate your participation and your input  
06:57:18 23 into the Surface Transportation Board's environmental  
06:57:24 24 review process.

06:57:25 25 You can -- additional comments can be provided<sub>22</sub>

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06:57:29 1 through August 24th, when the comment period ends. You  
06:57:33 2 can provide them electronically, at the project Web  
06:57:36 3 site, tonguerivereis.com. You can mail them directly to  
06:57:42 4 the board at our address in Washington, D.C.

06:57:46 5 And with that, that concludes this evening's  
06:57:50 6 meeting. We'll be having meetings tomorrow in Colstrip  
06:57:54 7 at 2:00 p.m. and 6:00 p.m.

06:57:58 8 So with that, thank you again for coming, and  
06:58:02 9 we hope to hear from you.

06:58:03 10 Thanks.

06:58:04 11 (Whereupon, the proceeding  
06:58:04 12 concluded at 6:58 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.

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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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