

Meeting 1-6.8.15

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

ASHLAND, MONTANA

JUNE 8, 2015

2:00 P.M. MT

Meeting 1-6.8.15

1 MONDAY, JUNE 8, 2015

2 2:36 P.M. MT

3 ASHLAND, MONTANA

4 -oOo-

5 JENNIFER PIGGOTT: Okay. Thank you for
6 joining us this afternoon. I'd like to introduce
7 Ken Blodgett, with the Surface Transportation Board.

8 Ken?

9 KEN BLODGETT: Hello. Good afternoon. I
10 thank you for attending today the public comment meeting
11 on the Draft Environmental Impact Statement for the
12 proposed construction operation of the Tongue River
13 Railroad.

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

18 Also sitting at the table today is
19 Alan Summerville of ICF International, the project
20 manager for our third-party contracting team; and
21 Elizabeth Diller, also with ICF International; and
22 Jennifer Piggott, who will act as our facilitator this
23 afternoon.

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, efficient, and safe transportation
6 services are provided to meet the needs of shippers,
7 receivers, and consumers.

8 In all of its decisions, the Surface
9 Transportation Board is committed to advancing the
10 national transportation policy rules established by
11 Congress.

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

19 On October 16th, 2012, the Tongue River
20 Railroad Company filed an application with the
21 Surface Transportation Board to construct and operate a
22 rail line from Miles City, Montana, to two endpoints
23 near Ashland.

24 On December 17th, 2012, Tongue River Railroad
25 filed a supplemental application in which it identified

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1 its preferred routing for the proposed line as the
2 Colstrip Alternative, between Colstrip and the Ashland
3 area.

4 The Surface Transportation Board is the lead
5 agency responsible for preparing the Draft Environmental
6 Impact Statement. Four cooperating agencies worked with
7 the board in preparing the Draft EIS: The
8 Bureau of Land Management, the Corps of Engineers, the
9 U.S. Department of Agriculture, and Montana state
10 agencies.

11 These cooperative agencies have
12 decision-making authority independent of the board and
13 are agencies from which Tongue River Railroad would
14 obtain separate approvals or permits prior to
15 construction.

16 The purpose of today's meeting is for the
17 Surface Transportation Board to receive comments, both
18 oral and written, on the Draft Environmental Impact
19 Statement, which was served and made available for
20 public review and comment on April 17th. The Draft
21 Environmental Impact Statement reflects OEA's analysis
22 of the potential environmental impacts that could result
23 from the construction and operation of the proposed rail
24 line.

25 Public involvement is a very important

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1 component in the environmental review process. Our hope
2 is that the comments you provide will help to ensure
3 that our office fully addresses your concerns and the
4 potential environmental impacts that could result from
5 the construction and operation of this rail line, as
6 well as appropriate mitigation measures.

7 The Draft EIS public comment period will last
8 until August 24th, 2015. After the public comment
9 period has come to a close, our office will consider all
10 comments received and address each comment in a final
11 Environmental Impact Statement, which will present our
12 final conclusions and recommendations for mitigating
13 possible environmental impacts.

14 Issuance of the final EIS will complete the
15 board's environmental review process. The board will
16 then make a final decision on the proposed rail line
17 construction. In making that decision, the board will
18 consider the entire environmental record, including all
19 public comments, the Draft EIS, the final EIS, and OEA's
20 final recommended environmental mitigation.

21 No project-related construction may begin
22 until the board's final decision has been issued and has
23 become effective.

24 If you have not already done so, please be
25 sure to sign in at the table near the entrance to this

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1 room. Those who have indicated that they would like to
2 make a public comment on the Draft EIS at this meeting,
3 which will be recorded by the court reporter, will be
4 called upon to speak in the order in which they signed
5 in.

6 If you would like to provide a handwritten
7 comment today, comment forms are available at this side
8 of the room, and there are boxes to place your comments
9 in if you choose to do that. Written comments may also
10 be mailed to the board or submitted electronically on
11 the project Web site, which is tonguerivereis.com.

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

17 That concludes my remarks, and I'll now turn
18 the floor over to Alan Summerville, who will discuss a
19 little bit more about the environmental review process.

20 Thank you.

21 UNIDENTIFIED SPEAKER: Can I ask you to do
22 something? Turn that up a little bit? I have a hearing
23 impairment, and I can hardly understand you.

24 UNIDENTIFIED SPEAKER: I don't hear it very
25 well either.

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1 JENNIFER PIGGOTT: Just put the mic a little
2 closer, and I'll ask them to turn it up.

3 ALAN SUMMERVILLE: Good afternoon.

4 Is that better?

5 All right.

6 During the open house portion of this
7 afternoon's meeting, we provided information on the
8 environmental review process and on the project. And
9 now I'd like to take just about three minutes to
10 summarize that information for those of you who were not
11 at the open house portion and try to recap for those of
12 you who were.

13 In the meeting brochure and on one of the
14 posters, there's a figure depicting the environmental
15 review process.

16 To initiate the scoping process, OEA issued
17 notification of its intent to prepare an EIS to the
18 public; elected officials; federal, state, local
19 agencies; tribal organizations; and other potentially
20 interested organizations.

21 OEA issued a draft scope of study and held
22 public and agency meetings to attain comments on topics
23 that the EIS should analyze and possible alternatives to
24 the TRRC alignment.

25 Interested agencies and persons were invited

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1 to participate in the scoping phase by reviewing the
2 draft scope of the study, submitting comments in
3 writing, and attending scoping meetings held in the
4 project area.

5 After considering the comments received
6 through the scoping process, the board published a
7 Notice of Final Scope of Study in March 2013.

8 Throughout the development of the Draft EIS,
9 OEA met in person and through teleconferences with
10 federal, state, and local agencies, as well as tribes.
11 OEA prepared the Draft EIS by analyzing the potential
12 environmental impacts of the proposed Tongue River
13 Railroad and reasonable alternatives, including the
14 "No-Action" alternative.

15 The Draft EIS also addresses the impacts of
16 trains traveling to destinations outside the project
17 area, also known as -- referred to as "downline
18 impacts."

19 Any of the build alternatives could have minor
20 to highly adverse impacts on the following resources:
21 Transportation, greenhouse gases and climate change,
22 noise, biological resources, water resources, visual
23 resources, cultural and historic resources, land
24 resources, geology and soils, socioeconomics, and
25 environmental justice. All other resources would

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1 experience negligible impacts.

2 The Draft EIS also includes OEA's preliminary
3 recommendations for environmental mitigation. These
4 mitigation measures will be considered by the board as
5 potential conditions if the board decides to grant TRRC
6 authority to construct and operate the rail line.

7 The Draft EIS was distributed and made
8 available on April 24th to interested members of the
9 public, parties of record, elected officials, tribes,
10 and appropriate federal, state, and local officials.
11 OEA provided extensive notification through various
12 means to the project area and downline communities.

13 As Ken stated, the final EIS will consider and
14 respond to all comments received on the Draft EIS and
15 will include any appropriate changes and recommendations
16 for additional mitigation measures. It will also
17 identify OEA's preferred alternative. Completion of the
18 final EIS will be announced to the public through a
19 Notice of Availability published in the Federal Register
20 and by notification to interested parties.

21 At this time, I'd like to hand the meeting
22 over to our facilitator, Jennifer Piggott, who will go
23 over some of the ground rules, and then we can begin to
24 hear public comments.

25 Thank you.

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1 JENNIFER PIGGOTT: Great. Thanks, Alan.

2 We will now begin the oral comment portion of
3 today's meeting.

4 Before we begin, I'd like to go over just a
5 few things. If you haven't already done so, please
6 silence your cell phones so it doesn't interrupt the
7 meeting or comments, for the court reporter to hear.

8 If you'd like to speak and did not sign up
9 when you arrived at the meeting, if you would just raise
10 your hand. We're happy to get you signed up so you can
11 provide oral comments.

12 Is there anyone else who's wanting to provide
13 oral comments that hasn't already signed up?

14 UNIDENTIFIED SPEAKER: On our part, he signed
15 up. Can we both go?

16 JENNIFER PIGGOTT: Gotcha.

17 So as Ken alluded to before, a court reporter
18 will transcribe your oral comments for use in preparing
19 the Environmental Impact Statement. Please do not
20 provide any personal information in your comments that
21 you would not want to see published in the final
22 document. Please speak slowly and clearly, so that the
23 court reporter can easily record your comments. Please
24 state your full name and spell it out for the court
25 reporter and indicate if you're representing a group or 10

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1 organization.

2 Each speaker will be allotted three minutes.
3 You do not have to speak for the full three minutes;
4 however, when 30 seconds remains, a yellow card will be
5 raised, and a red card will be raised when your time has
6 ended.

7 Out of respect for others, we ask that you
8 please honor the three minutes. If you think you have
9 more comments than you can present in the time allotted,
10 please make the first -- most important comments first.
11 If you don't get a chance to voice all your comments,
12 you can submit them in writing. Again, we have comment
13 forms on the side of the room.

14 If you have a written statement already
15 prepared, you may read it out loud, and we recommend
16 that you also submit that as a written comment.

17 And at the end of the meeting, since it looks
18 as though time will permit today, if we have -- if you
19 didn't get a chance to finish your comments, we can
20 invite you back up to finish your comments.

21 Please feel free to provide comments in either
22 oral or written form. Both types of comments are given
23 the same weight in the final document.

24 Finally, this portion of the meeting allows
25 you to provide comments that will be transcribed. OEA 11

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1 will not answer questions or respond to comments during
2 the meeting. OEA will respond to comments in the final
3 Environmental Impact Statement. This will allow as much
4 time as possible for members of the public to comment.

5 I will now call up our first speaker, which is
6 Hank and Kitte Coffin.

7 HANK COFFIN: Yeah, my name is Hank Coffin.
8 One of the things I want to get back and make it plain
9 in the report of transportation, ICF, when they come up
10 to our property, they told us that there was nothing of
11 any significance on our property. That railroad line,
12 from border to border, the right-of-way is over 900 --
13 or is at 900 feet wide.

14 There was significant things up there. There
15 is a grave of a medicine man that was probably a
16 Sioux Indian. That top line up there has natural rocks
17 up there formed on it that the Sioux honored The Most
18 Living Kind God within their culture, the same thing
19 that you folks and I do when we go to church. They just
20 did it a different way.

21 The Cheyenne Nation was there too. That is
22 heritage to us. My wife on her mother's side is Sioux
23 Indian. On her father's side, my wife is Northern
24 Cheyenne. She has got the card. She is registered such
25 as the Northern Cheyenne. That is our heritage. We're 12

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1 going to lose 900 feet of that, and all that is going to
2 come out of there.

3 There was another group that come up there and
4 reviewed it, and they found all that as significant, but
5 ICF said no, there was nothing significant. I'd like to
6 have that on the record. Thank you.

7 JENNIFER PIGGOTT: Thank you for your
8 comments.

9 Our next speaker is Kitte Coffin.

10 KITTE COFFIN: My name is Kitte Coffin. I'm a
11 rural Northern Cheyenne tribal member. I also live off
12 the reservation on original Northern Cheyenne property
13 on top of the hill, which the Tongue River Railroad is
14 proposing to lay their tracks right across our property.
15 And as my husband said, that has been determined to be
16 tribal cultural property.

17 And I know I read portions of the DEIS, and in
18 one place, it said no tribal members were going to be
19 bothered, offended, or affected by any of the railroad
20 that's coming through, and I want to tell you that's a
21 big lie.

22 I am affected, and the noise is going to
23 affect me even greater. I've been diagnosed with
24 Meniere's disease. I spend a lot of time alone, because
25 sounds like this echoing in places like this, where

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1 there are large groups of people, affect me and cause me
2 to have dizzy spells that sometimes takes several days
3 to get over.

4 I do not want to see the train go across our
5 property. I don't want to hear it go across the
6 property. I don't want to feel the vibration in the
7 ground under our house and up in my knees. I have
8 better feeling in my feet for sounds than I do in my
9 ears, and I don't want to feel and go through all the
10 repercussions of having a train cross our property; not
11 to mention where they're proposing to put the train.
12 They're going to wipe out all that cultural property and
13 canyon. That can't be replaced.

14 Yesterday I sat in the canyon, and I took
15 pictures of two hawks that are nesting there, red-tailed
16 hawks.

17 I don't want to have to go somewhere else to
18 live. I usually go out and harvest herbs and berries
19 and leaves and things to make my own medicinal remedies,
20 and I don't want to have to go somewhere else. I don't
21 want to be pushed into the corner of our property.

22 I don't know -- you know, you're not just
23 affecting me. You're affecting my oldest adopted son.
24 He's a Navy Seal and is not here to protect himself, and
25 you're intending to usurp all the authority over his

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1 property.

2 You're also going to affect my sister-in-law,
3 who is in a care facility in Billings now, and you're
4 proposing to leave her with less than 25 percent of her
5 property; and both of those little corners are not
6 even -- there's no way we can rebuild anything.

7 JENNIFER PIGGOTT: Thank you for your
8 comments.

9 Our next speaker this afternoon is
10 Nancy Carrel.

11 NANCY CARREL: I don't know whether this is
12 relevant, and I don't have a specific page or anything
13 like that, but I just cannot understand how private land
14 can be condemned on the basis of eminent domain when
15 this railroad is nothing like a common carrier. It will
16 be exclusively a coal train. So how can it possibly use
17 eminent domain as a way to condemn private property? I
18 don't understand that.

19 JENNIFER PIGGOTT: Thank you for your
20 comments.

21 Our next speaker this afternoon is
22 Alaina Buffalo Spirit.

23 ALAINA BUFFALO SPIRIT: Good afternoon.

24 My name is Alaina Buffalo Spirit. I'm a
25 member of the Northern Cheyenne Tribe. I'm also a

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1 cancer survival -- survivor. English is my second
2 language, so excuse me. I speak Cheyenne fluently.

3 I grew up in the Burning Village area. At one
4 time, I sat along the Tongue River on my family's
5 homeland near the Burning Village, and my grandma,
6 Jessie Limpy, shared with me the following information:

7 She told me that on the east side of the
8 Tongue River are ancestral Cheyenne and Dakota lands.
9 Our medicines still grow along the east side of the
10 river. Our most sacred and ceremonial ancestors are
11 buried in the foothills on the east side of the river.

12 She went on to say my ancestors were offered
13 \$25, coffee, sugar, flour, and were asked to move to the
14 west side of the river; and at the end of five years,
15 they could move back to the east side.

16 And she goes, "But in those days, who's going
17 to do that, because the only mode of travel was by
18 horse-drawn wagons."

19 And to this very day, we Cheyenne people are
20 still here. We will continue to be here because I'm
21 speaking up for my grandchildren and for my
22 great-grandchild, who is coming here in December, and
23 for the seven generations ahead of me. I will speak up
24 for my grandchildren, my great-grandchildren, my
25 children's grandchildren, their great-grandchildren. I 16

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1 speak up for my family, my grandchildren, as I said, but
2 I don't speak on behalf of the Northern Cheyenne Tribe.
3 I speak as a grandmother.

4 We still practice our ceremonies. My family
5 owns land near the Burning Village. That's why I have a
6 right to speak. I have a treaty right to speak. In the
7 U.S. Constitution, Article VI says that the treaties --
8 the U.S. treaties that the government signed with Indian
9 tribes are the law of the land. That's why I have a
10 right to speak, because I have a treaty right.

11 We still practice our ceremonies along the
12 Tongue River. Are we not significant? I'm standing
13 here, alive and well. I still practice my ceremonies,
14 just as most people practice church in their buildings.
15 We do not disturb any of the churches in the
16 U.S. America. We do not disturb your cemeteries. We do
17 not take up your people.

18 I say no to the Tongue River Railroad.

19 Thank you.

20 JENNIFER PIGGOTT: That concludes the speakers
21 that we have signed up.

22 Would anyone else like to provide an oral
23 comment this afternoon?

24 ALICE ORR: You want me to say something?

25 JENNIFER PIGGOTT: Please.

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1 ALICE ORR: My name is Alice Orr, O-r-r. I
2 live in Birney, Montana.

3 I question the impact that is relevant to our
4 area instead of to the industry standards. It bothers
5 me that it's okay to have noise of 65 decibels. That
6 might be okay in Detroit, but that's not okay here.

7 KITTE COFFIN: That's right.

8 ALICE ORR: I think that all of the standards
9 are universal standards that are acceptable in urban
10 areas, and I think the standards need to be changed when
11 you're thinking of rural areas.

12 JENNIFER PIGGOTT: Thank you for your
13 comments.

14 Would anyone else like to provide a comment
15 this afternoon?

16 Okay. Ladies and gentlemen, thank you for
17 your participation.

18 I'm going to turn the microphone back over to
19 Ken, and he'll say a few last words, and then we'll be
20 adjourned.

21 KEN BLODGETT: Hi. I would just like to thank
22 everybody for attending this afternoon's meeting and for
23 providing input to the Surface Transportation Board's
24 environmental review process. We do greatly appreciate
25 all of your participation and your input.

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1 Additional comments can continue to be
2 provided until August 24th, either in writing to the
3 board in Washington or on the project Web site.

4 That concludes this afternoon's meeting.

5 We'll have another meeting here in the same
6 room at 6:00 tonight. So if there is anybody that wants
7 to come back, we'll be here. Thanks. And tomorrow in
8 Miles City. Thank you. Thank you for coming.

9 (Whereupon, the proceeding
10 concluded at 3:01 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 ability.

IN WITNESS WHEREOF, I have set my hand in my
office in the County of Gallatin, State of Montana, this
day of , 2016.

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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