

Meeting 1-6.11.15

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

LAME DEER, MONTANA

JUNE 11, 2015

2:33 P.M. MT

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1 THURSDAY, JUNE 11, 2015

2 2:33 P.M. MT

3 LAME DEER, MONTANA

4 -oOo-

5 JENNIFER PIGGOTT: Ladies and gentlemen, we'll
6 go ahead and begin.

7 Thank you for coming and participating in this
8 afternoon's meeting. I would like to introduce, from
9 the Surface Transportation Board, Mr. Ken Blodgett.

10 Ken?

11 KEN BLODGETT: Hello. My name is Ken
12 Blodgett, and I would, first of all, like to thank the
13 Northern Cheyenne for inviting us to hold our meeting
14 here today in this beautiful space. So we really do
15 appreciate that.

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

19 Also seated at the table is Alan Summerville
20 of ICF International, who is representing and the
21 project manager for our third-party contracting team at
22 ICF International.

23 I'll just speak for a few minutes and turn the
24 floor over to Cathy for a few minutes as well.

25 The Surface Transportation Board is the

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

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

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

17 On October 16th, 2012, the Tongue River
18 Railroad Company filed an application with the board to
19 construct and operate a rail line from Miles City,
20 Montana, to two endpoints near Ashland. On
21 December 17th, 2012, Tongue River Railroad filed a
22 supplemental application in which it identified its
23 preferred alternative as the Colstrip alternative,
24 between Colstrip and the Ashland area.

25 The board is the lead agency for preparing the 3

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

11 The purpose of today's meeting is for the
12 board to receive comments, both oral and written, on the
13 Draft Environmental Impact Statement, which was served
14 and made available for public review and comment on
15 April 17th. The Draft Environmental Impact Statement
16 reflects our analysis of the potential environmental
17 impacts that could result from the 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 to us today will help ensure
22 that our office fully addresses your concerns and the
23 potential environmental impacts that could result from
24 the construction and operation of the proposed railroad,
25 as well as 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 ends, OEA will consider all comments received and
4 address each comment in a Final Environmental Impact
5 Statement, which will present our final conclusions and
6 recommendations for mitigating possible environmental
7 effects. The board will then make a final decision on
8 the proposed rail line construction.

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

17 Those who have indicated that they would like
18 to make a public comment this afternoon on the Draft EIS
19 at this meeting, which will be recorded by the court
20 reporter, will be called upon to speak in the order in
21 which they signed in.

22 If you would like to provide a handwritten
23 comment today, comment forms are located behind me, and
24 there's boxes that you can write your comments and just
25 slide them into the box. Written comments may also be

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1 mailed to the Surface Transportation Board in
2 Washington, D.C., or you may submit electronic comments
3 on the project Web site at tonguerivereis.com.

4 That concludes my remarks, and I would like to
5 turn the floor over to Cathy, who would like to say a
6 few words.

7 CATHY NADALS: Yeah, hi. I just wanted to
8 thank the president of the Northern Cheyenne, Llevando
9 Fisher, and the Northern Cheyenne tribe for allowing us
10 to have this important meeting here. We very much
11 appreciate that. And we know that there's potential
12 impacts that could affect this tribe and we're very
13 much -- we're very much interested in hearing what you
14 have to say about the project and getting your comments
15 and your concerns, so that we can appropriately address
16 those.

17 So thanks so much, and here's to a wonderful
18 meeting. Thanks all for coming.

19 KEN BLODGETT: And now Alan Summerville will
20 say a few words about the environmental review process.

21 ALAN SUMMERVILLE: Good afternoon. I'll just
22 take three minutes to provide a recap of the information
23 that we had on display here for the open house part of
24 this meeting, and for those of you who weren't able to
25 make that, provide a bit of a recap.

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

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

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

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1 alternative.

2 The draft EIS also addresses the impacts of
3 trains traveling to destinations outside the project
4 area, which are also referred to as "downline impacts."
5 Any of the build alternatives could have minor to highly
6 adverse impacts on the following resources:

7 Transportation, greenhouse gases and climate change,
8 noise, biological, water, visual, cultural and
9 historical resources, and land resources, geology and
10 soils, socioeconomics, and environmental justice. All
11 other resources would experience negligible impacts.

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

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

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

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

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

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

11 Thank you.

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

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

25 Please speak slowly and clearly so that the

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

5 Out of respect for others, we ask that you
6 please limit your comments to three minutes. If you
7 think you have more comments than you can present in the
8 time allotted, please make the most important comments
9 first.

10 This time limit has been set at each meeting
11 to ensure everyone who wishes to speak has a fair and
12 equal opportunity to provide their comments. If you do
13 not get the chance to voice all of your comments, you
14 can submit them in writing. If you have a written
15 statement already prepared, you may read it aloud and we
16 also ask that you submit it as a written comment.

17 If time permits at the end of the meeting, we
18 will invite up additional speakers and also invite up
19 anyone who didn't get the chance to complete their
20 original comments.

21 Please feel free to provide comments in either
22 oral or written form. Both types of comments have equal
23 weight in the final documents.

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

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

6 I will now call up our first speaker, which is
7 Christine Valentine. And if you would please use the
8 microphone at the front of the room so everyone can
9 clearly hear you.

10 CHRISTINE VALENTINE: Thank you. My name is
11 Christine Valentine. I'm a landowner in the Birney
12 area, and I'd like to say hello to you all. Thank you
13 for coming.

14 These are my comments on the Draft EIS for
15 proposed operation and construction of the Tongue River
16 Railroad. Number 1, the route. After nearly 40 years
17 of planning and surveying, the railroad still has no
18 designated route.

19 There are ten routes outlined in the EIS and
20 still no definite plan as to where it will be. This
21 represents 40 years of abuse of landowners who are in
22 the path of the railroad and whose land could be
23 condemned.

24 Two, the market for coal is decreasing. Arch
25 Coal at present is a failing company. It is in debt and

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1 barely maintaining enough price per share to be listed
2 on the New York Stock Exchange. These are headlines
3 from regional newspapers this month. The Billings
4 Gazette, June the 9th: "Rocky Mountain Power Predicts
5 Shift From Coal." The Casper Tribune, June the 8th:
6 "Gillette Coal-Fired Power Plant Demolished, Making Way
7 For New Sources of Energy." "Peabody Energy to Lay Off
8 250 and Close the Gillette Office."

9 Also, in a recent article, The Billings
10 Gazette said that China has begun to reduce its demand
11 for coal because of air pollution problems. So foreign
12 markets for U.S. coal are dissolving and would be
13 temporary at best.

14 Why give a permit for the railroad when there
15 are no ports for export of a product? There are no
16 current official plans in place to build ports in Oregon
17 and Washington states. The mere idea of building ports
18 has met with strong resistance from residents of those
19 states, especially by the Lummi tribe, since building
20 them would violate their land rights. It may take years
21 to even get a plan for them because of the resistance
22 from landowners and residents in those states.

23 If the Tongue River Railroad is built, Arch
24 Coal would try to export Otter Creek coal to Asia. This
25 means the government would give Arch Coal the power to

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1 seize land from Montana landowners to support Asian
2 economics. Therefore, this proposed railroad is not
3 for, quote, "the public convenience and necessity,"
4 which is what is required in order for a body to get the
5 power of eminent domain and condemnation authority.
6 This plan is strictly to generate income for owners and
7 stockholders and is not in the interest of the general
8 public.

9 In summary, why would the Surface
10 Transportation Board permit a railroad that has no idea
11 of its route, that depends on coal mined by a failing
12 coal company, that would haul coal to nonexistent ports
13 on the West Coast for shipment to a country that is in
14 the process of reducing its demand for coal and is a
15 temporary market. I urge the Surface Transportation
16 Board to decide on the "No-Action" alternative.

17 Thank you.

18 JENNIFER PIGGOTT: Thank you for your
19 comments.

20 Our next speaker this afternoon is Alice Orr.

21 ALICE ORR: Hi. Can y'all hear me?

22 First of all, I want to thank you-all for
23 coming and for all the time and effort you have spent
24 with us and doing this study. It's been -- I know it's
25 been a long haul. It's a long report. It's not exactly₁₃

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1 a page-turner. But it's full of information.

2 My name is Alice Orr, O-r-r. I live in
3 Birney, Montana.

4 I want to address the "public convenience and
5 necessity" portion of the study. As I understand it, I
6 am innocent until proven guilty. I am innocent until a
7 prosecutor proves that I am guilty. And that's kind of
8 the way I see this railroad. They have come in and said
9 we're going to build this railroad and it's necessary.
10 And it's up to us to prove that it's not necessary or
11 convenient. It's not up to them.

12 So I quote from what you say in your study.
13 The EIS says: "Public convenience and necessity
14 presumes that the public will benefit from this
15 railroad."

16 I submit that the Tongue River Railroad is not
17 being built for either public convenience or necessity.

18 Quote, Chapter 2: "Because of lower
19 production and transportation costs, coal from the
20 Tongue River region would primarily displace other
21 Powder River Basin coal designed for" -- "destined" --
22 excuse me -- "for domestic markets in the upper midwest.
23 While rail traffic would increase locally near these
24 mines, rail traffic on BNSF's downline routes would not
25 change considerably."

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1 Now, this is repeated throughout the EIS. If
2 we're simply replacing coal that's already available,
3 then I would say this railroad is not necessary, and it
4 will be totally inconvenient to those existing coal
5 miners and railroad workers who will be displaced. So I
6 think the necessity and convenience are both negated and
7 I would urge the "No-Action" alternative.

8 JENNIFER PIGGOTT: Thank you for your
9 comments.

10 Our next speaker is Bruce Hunner.

11 BRUCE HUNNER: Bruce Hunner, from Hamilton,
12 Montana. The spelling's H-u-n-n-e-r.

13 And for us in the Bitterroot, the one impact
14 will probably just be coal dust, with the estimate of 20
15 to 30 trains rolling by, which I could do without. But
16 the main reason for not disallowing the construction of
17 this rail line is to avoid a floodgate of coal
18 production, which is what this rail line would be. It's
19 not to be sending agricultural products to market when
20 it's specifically for coal.

21 And the problem of global warming, despite
22 what all the right wing talk show hosts say on the
23 radio, it is happening and it is being caused, and it is
24 from fossil fuel use and burning. There are ten
25 egregious projects around the globe which are expanding 15

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1 on fossil fuel use and includes China coal expansion,
2 the increase of coal production in Australia, the
3 drilling in the Arctic of oil and gas, new coal exports
4 out of Indonesia, and the tar sands in Canada wanting
5 this Keystone XL pipeline. Directly behind the Keystone
6 pipeline proposal to develop the tar sands is the coal
7 that's in the United States.

8 The last three projects, if they're allowed to
9 go through, would put approximately 400 million tons of
10 CO2 equivalent in the atmosphere by 2020.

11 In the IPCC, which the is International Panel
12 for Climate Change, said to maintain our global
13 temperature below a 2-degree centigrade increase, we
14 would have to reduce our emissions 80 percent of 1990
15 levels by 2050. So allowing Otter Creek and Powder coal
16 to be dug up and shipped, assumedly to China, points on
17 the other side of the Pacific, it would be a phenomenal
18 impact to the tons of CO2 in the atmosphere.

19 And this is not -- these are not comments that
20 you hear from a bunch of hippies and people on the
21 fringe of our society. These are comments that have
22 been printed by 97 percent of atmospheric scientists who
23 agree that it is anthropomorphic global warming due to
24 fossil fuel burning.

25 So when you have 97 percent of any group of

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1 specialists saying that the problem is this, for this
2 reason, the prudent managers and politicians should take
3 heed and not allow, in this case, the burning of fossil
4 fuel. The prudent -- excuse me. The prudent politician
5 or manager, if it is 60 percent of specialists believe a
6 particular thing, they should take heed and set rules in
7 line to avoid that catastrophe.

8 Again, if only 60 to 70 percent of the
9 specialists, you've got to consider when you have
10 97 percent saying problems of global warming are
11 anthropomorphic and it's due to fossil fuel use, then,
12 you know, we should alter our ways and avoid the
13 expansion of coal production and shipping from the Otter
14 Creek and Powder River Basin.

15 So the project sounded like a fascinating
16 project and the rail line itself, in my opinion, the
17 rail -- build the rail line and ship nothing on it, I
18 don't see a lot of impact just by the rail line there.
19 But what the rail line is going to be used for is a big
20 problem and a long-term floodgate to coal production.
21 So avoid it, please. No alternative. Don't build it.

22 Thank you.

23 JENNIFER PIGGOTT: Thank you for your
24 comments.

25 Our next speaker this afternoon is Teddy

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1 McMakin.

2 TEDDY McMAKIN: I'm going to decline to speak.

3 JENNIFER PIGGOTT: Our next speaker is Fred
4 Small.

5 FRED SMALL: Good afternoon. My name is Fred
6 Small. I'm a tribal member here from the Lame Deer
7 area. My comments are being pretty much again
8 restricted to my tribe.

9 You know, whether you're for coal development
10 or against it, I don't think a few individuals or groups
11 have the total say on the tribe for each and every
12 tribal member. You know, I've consistently looked at
13 this coal hauled here, railroad, you know, and 20, 25
14 years ago, when this was first proposed going down the
15 Tongue River, I thought it was the craziest idea in the
16 world. The proposal of the coal [indiscernible] more
17 sense.

18 And by getting back to my tribe, if you're for
19 coal or against it, it is a vote for the people.

20 COURT REPORTER: I'm sorry, can you speak up?
21 I'm having a hard time, with the door, hearing you.
22 Speak up, please.

23 FRED SMALL: This is the most terrible place
24 in the world to speak at or hear. Let me just try to
25 talk real loud, then.

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1 As I said a little earlier, I don't think, you
2 know, whether we're -- the Northern Cheyenne tribe is
3 for coal or against coal. It's not the decision of a
4 few people or groups of people. It's a tribal decision,
5 you know. And I think, you know, that it's time that
6 the tribal council takes and put it up for a vote.

7 You know, I seen comments that were made out
8 in the proposed shipping areas out in the northwest, and
9 I see the Northern Cheyenne tribe listed as being
10 against it. I'm not aware of any actions the tribal
11 council took being against it. So a lot of people are
12 talking for this tribe that really don't have the
13 authority to talk for it. That authority resides within
14 the council and within the people as a whole.

15 And, you know, whether we do it or whether we
16 don't do it is up to all the people here that want --
17 wish to vote. And I don't think, you know, that this
18 council -- I don't see any of them here. I see a couple
19 past ones here, but, you know, half the time they're not
20 even at work anyway. Probably don't even give a shit.
21 But I think that when you get these comments for our --
22 my tribe and us tribal members here, we need to make
23 that decision.

24 Getting back to the development of the
25 railroad and today's technology, we all see cellphone

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1 use, them big bulky ones, them little tiny ones now. I
2 think technology has increased to the point where we can
3 do good coal development. Granted, we need to do
4 [indiscernible] before. We don't know the energy
5 [indiscernible]. So this tribe was looking at
6 [indiscernible]. Now it's probably about back to zero.

7 So, you know, we really need as a tribe to
8 look at where we're going to go and what we're going to
9 do, because we cannot continue on the same route we are.

10 You know, we're either going to have to tell
11 the people, no, we ain't never going to do nothing with
12 coal, and we've got that [indiscernible] if we're going
13 to be a player in this. That's my comment.

14 Thank you.

15 JENNIFER PIGGOTT: Thank you for your
16 comments.

17 Is there anyone else who hasn't already spoken
18 that would like to provide oral comments this afternoon?

19 Is there anyone that would like to elaborate
20 on the comments that they've already provided?

21 Please.

22 ED JOINER: I kind of hate for everyone to go
23 home too early, so I thought I'd talk.

24 My name is Ed Joiner, J-o-i-n-e-r, Rosebud
25 County Commissioner. I'd like to offer my comments, and

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1 I'll break them down into three aspects of the project.
2 Although we have tried to remain neutral in this issue,
3 the bottom line is we have to deal with whatever hand is
4 dealt to us. If it goes through, we must plan and make
5 all preparations we can and deal with it. If not, it
6 goes on.

7 First, the environmental issues, as stated in
8 the Environmental Impact Statement. There have been
9 many discrepancies in the plan which I have heard of.
10 Incomplete studies and misguided data seem to be the
11 norm. Since this is not one of my strengths, I will not
12 dwell on the issue, but I will say, from some of the
13 things I've read and heard, more time should have been
14 put into this.

15 Secondly, the economic and social issues, as
16 far as Rosebud County goes itself, there are very few
17 benefits to the county. Sure, there may be a few jobs,
18 but how many of these jobs will be to the local people?
19 There may be some tax base on this section of the
20 railroad that is actually in Rosebud County, but the
21 county itself will get most of the impact without the
22 benefits of increased tax base, as Powder River County
23 will get.

24 Many of our projects with the infrastructure
25 will occur. It will be increased traffic on our roads, 21

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1 which will mean more maintenance for our road crews,
2 which are already stretched out in our large county.
3 Our county has 5,027 square miles, has 1,200 miles of
4 roads, which the counties are responsible for.

5 After looking at the maps of the preferred
6 route to Colstrip, many miles of our roads will be
7 changed and altered. Many crossings will be needed to
8 accommodate the route. Crossings are difficult to
9 maintain, as there will be a cattle guard on both sides
10 and the tracks in the middle. Are there any provisions
11 to help with this extra maintenance?

12 Also, just for the basic construction and
13 alterations of the roads, it would take quite a bit of
14 work. Where would the gravel come from and the water
15 that will be needed for the project?

16 Another concern on the route is the school
17 buses that use the roads daily. Will these hinder the
18 schedule by trains being stopped on the crossings and
19 making the bus delayed for school or getting home?

20 Also, on some of these roads are emergency
21 response vehicles. It would be unfortunate if the
22 crossing would be blocked if an ambulance tries to
23 respond to an emergency call.

24 In all of our disaster plans, wildfires are a
25 main concern. We did not see where our area was the

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1 target of the study, but we were compared to eastern
2 Oregon. Our region has been devastated by fires the
3 past decade. Getting to these fires while they are
4 small due, to a quick response, is important. How are
5 we going to have access to both sides of the tracks and
6 be able to respond in a timely manner?

7 With the increased potentials of fire, is the
8 county going to have any support from the railroad to
9 handle the increased fires that the trains will cause,
10 either financially or equipment support?

11 Our other infrastructure concerns will be with
12 the influx of workers coming in. The areas around --

13 COURT REPORTER: I'm sorry, speak up. I can't
14 hear, with the door.

15 ED JOINER: Other concerns with the influx of
16 workers coming in: The areas around Otter Creek and
17 Ashland have limited areas and housing available. Where
18 would these workers stay during the major construction
19 phase? There are currently spots where water, sewer,
20 and electricity are not available for a large number of
21 workers.

22 This would add a large amount of traffic to
23 our already crowded 212 and our county roads as workers
24 travel to and from the job site.

25 Along with the infrastructure deficiencies, we₂₃

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1 have for this there would be an extra burden on our law
2 enforcement. We already have 5,027 square miles to
3 cover, and adding more people to this would be an extra
4 burden.

5 Along with the influx of workers comes the
6 social problems. Human and drug trafficking are major
7 concerns, especially near the reservation, where young
8 Native American women seem to be a major target.

9 With the geographies involved, the impacts,
10 the people would affect Rosebud County, with minimal
11 impacts to neighbor counties. Most of the people would
12 travel from various locations to the project location in
13 our county and exhaust our roads, law enforcement, and
14 other infrastructure needs.

15 As I said before, Rosebud County would have
16 nothing to gain from this, and tax base money would go
17 to Powder River County, and we would be stuck with the
18 impacts.

19 The third aspect of the project that I could
20 bring up is a human factor. People and their land are
21 being treated as numbers and not as people. The
22 Northern Cheyenne tribe, which would be impacted not
23 only by people traveling through the reservation but
24 their cultural privileges, have been neglected.

25 I heard a landowner that told the first

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1 archeologist of some of the significant grounds and
2 burial sites around his land, that they were just
3 overlooked. Later they were found to be significant.
4 These people have a rich history and have survived many
5 obstacles. Their interest in the cultural areas
6 affected have been overlooked.

7 Is there a way to go back and let them be more
8 involved in the system and take their comments and
9 concerns to heart and not just as a statistic? I've
10 heard the Northern Cheyenne tribe was only mentioned 24
11 times in the whole 4,000-page report -- 40,000 [sic].

12 Another group that's being affected and even
13 houses moved or destroyed are the Amish. The plans for
14 the railroad alternative goes right through their land,
15 and they are only mentioned once in the report. This is
16 a group of people that are a part of our county, and I
17 believe with their beliefs that they are being regarded
18 as a silent group which will not resist the move.
19 People are people.

20 The last group of people are the ranchers.
21 Some of these hard-working people have been at the same
22 ranches for many generations. Family ranches have been
23 developed and grown over many decades are now threatened
24 to be cut in half or separated by the railroad passing
25 through their land, land they have worked to improve and

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1 paid taxes on for decades. How will these people be
2 compensated for this project?

3 In talking to some of the ranchers, I found it
4 interesting, some of their concerns. For one, I never
5 knew that a cow and a calf are different when it comes
6 to walking through culverts. A cow will walk through
7 and a calf only sees the tiny hole at the end and fears
8 to go through. This makes for problems when a cow and a
9 calf become separated. The calf could die. The best
10 answer to this is to put bridges instead of culverts.
11 Is there any way to guarantee that bridges will be put
12 in at all crossings, instead of culverts, for these
13 animals?

14 Another big issue for the landowners is the
15 fact that if the crossing is on your land, you must
16 provide liability insurance at the crossings. Since
17 this will affect many new landowners with the new
18 crossings, will they be compensated for this added
19 expense they will incur with the new crossing?

20 Also, after crossings are built, the land
21 is -- the landowner is responsible for the crossing.
22 Many of these crossings would be county as well as
23 private. Will there be any provisions for helping with
24 the extra maintenance to landowners and to the county?

25 Although I cannot say I read the entire EIS

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1 for the Tongue River Railroad, I do see many
2 discrepancies to the plan, deficiencies, and problems I
3 see in the three aspects that I've mentioned:

4 Environmental, social and economic, and human factors.

5 Now we approach the end of the comment period,
6 and responses to the comment period will follow, and I
7 just wonder if the final decisions will come from the
8 people or if it will come from the big businesses.

9 Thank you.

10 JENNIFER PIGGOTT: Thank you for your
11 comments.

12 Is there anyone else who would like to provide
13 an oral comment this afternoon or elaborate on their
14 comments?

15 Ma'am?

16 ALAINA BUFFALO SPIRIT: Hi. I wasn't able to
17 sign in, but my name is Alaina Buffalo Spirit. I come
18 from the Medicine Bow family, and I am in process of
19 moving home. So my address is P.O. Box 1142 -- no,
20 1472, Lame Deer, Montana 59043.

21 I'm speaking as a tribal member and as a
22 grandmother and a future great-grandma in December. I'm
23 not speaking on behalf of the Northern Cheyenne tribe.
24 I'm speaking as a landowner.

25 I grew up along the Tongue River, 2 miles

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1 north of the current Birney village, and as a child we
2 swam in the river. Currently we still swim in the
3 river. Adults swim in the river. My concern is the
4 safety. A lot of the people go fishing. The children
5 go swimming. Very safe environment right now.
6 Peaceful.

7 I'm concerned about the noise, the pollution
8 from the coal trains, dropping coal into the river.
9 There's cattle operators along the river, and their
10 water source is from the Tongue River.

11 Right now my family, we still practice our
12 Native American church ceremonies along the river, on
13 our land. I would like our land to stay peaceful,
14 quiet, clean. I don't want the noise pollution. Right
15 now when we sit in a teepee and pray all night, it's --
16 all we hear are birds, coyotes, horses. I would like
17 for it to remain that way.

18 I don't want to see an influx of coal miners
19 that don't respect our children. I know in the Bakken
20 area, there's man camps and there's human trafficking.
21 I don't want that to happen here. I want our women to
22 also be safe. In North Dakota there's documented
23 stories in Indian Country Today where women are being
24 abducted and abused. So are children. I don't want to
25 see that here for our children.

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1 I'm concerned about the safety of our people
2 and our animals. There's cows and horses that roam
3 freely, and some of our food sources, like deer,
4 et cetera.

5 And I thank you for the time.

6 JENNIFER PIGGOTT: Thank you for your
7 comments.

8 Would anyone else like to provide an oral
9 comment this afternoon?

10 LLEVANDO FISHER: I'm going to stand right
11 here. My name's Llevando Fisher. I'm chairman of the
12 Northern Cheyenne tribe and we -- I cannot support this
13 railroad at this time, because I've got to rely on my
14 people, the Northern Cheyenne tribe.

15 If they want to develop coal on a reservation,
16 by referendum vote, they got to call for coal
17 development. If they go with coal development by the
18 Northern Cheyenne tribe, then I can support that
19 railroad. But without the vote of the Northern Cheyenne
20 people, I cannot support that railroad at this time.

21 So I just wanted that to be a matter of
22 record, and I requested for additional 120 days on this
23 environmental study, but they only granted us 60 days.
24 So that -- I wanted more time to review and analyze this
25 EIS.

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1 So with that, I'd just like that to be part of
2 the record, that I cannot support that railroad at this
3 time because of the people of the Northern Cheyenne
4 tribe have to make that determination.

5 Thank you.

6 JENNIFER PIGGOTT: Thank you for your
7 comments.

8 Is there anyone else who would like to provide
9 oral comments this evening -- or this afternoon?

10 Okay. Thank you for your comments and
11 participation. I'll turn it back over to Ken for some
12 closing remarks.

13 KEN BLODGETT: Hi. I would just like to thank
14 everybody for attending this afternoon's meeting. The
15 Surface Transportation Board does greatly appreciate all
16 your input and your participation in our environmental
17 review process.

18 We will -- if you would like to provide
19 additional comments, you may do so through August 24th,
20 in writing, to the board or at the Tongue River EIS Web
21 site, which has been set up for this project. You can
22 submit comments electronically.

23 We'll have another meeting here this evening
24 at 6:00 p.m., and additional meetings tomorrow in
25 Forsyth at 2:00 p.m. and 6:00 p.m. tomorrow.

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1 So again, thank you all for attending, and
2 that concludes this meeting. Thank you.

3 (Whereupon, the proceeding
4 concluded at 3:19 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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