



BAUMSTARK
BRAATEN Law Partners

Carrie La Seur
Attorney

carrie@baumstarkbraaten.com

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Transwestern One, Suite 219
404 North 31st Street
P.O. Box 7222
Billings, Montana 59103
Phone: 406-969-1014
Fax: 877-926-6998
www.baumstarkbraaten.com

December 23, 2015

Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: Finance Docket # 30186

To Whom It May Concern:

Enclosed are Verified Statements in support of the December 11, 2015 Motion to Dismiss filed in this docket by Northern Plains Resource Council and Rocker Six Cattle Company.

These statements come from landowners negatively affected over many years by the pendency of Tongue River Railroad Company's serial applications to this Board for authorization to condemn their property for a coal railroad. They include statements by landowners who have never before taken a public position on the railroad, such as two Amish men (David Borntreger and Levi Hochstetler) whose religion normally restricts their participation in the world beyond their community. The threat to their way of life is serious enough that they have chosen to come forward.

This is a matter of the greatest concern to the ranchers of Rosebud and Powder River Counties. We hope that you will consider their words with the same level of seriousness.

Sincerely yours,

Carrie La Seur
Attorney for Colstrip Alternative Landowners'
Group

Enclosures

December 17, 2015

My name is David Borntreger. I am a member of the Amish community on Tongue River. My property is between Tongue River and the Tongue River County Road. According to the maps, the Colstrip Alternative would pass between my house and barn on its way towards Lay Creek. The railroad would bisect our irrigated farmland, rendering much of it useless. Will the railroad pay for irrigation cut off by the railroad? This project would harm our agricultural operations. Since we do not have liability insurance, would the railroad put in crossings for us to use? We need crossings for our teams of horses used for farming and putting up hay. We would need a crossing for our school children to get to school. What impacts would a railroad do to us?

The possibility of this railroad interrupts our peace and quiet, something that we were drawn to this part of the country. We feel that this project should not carry on if there is no need for the coal. The impacts to our community are too great, and we would have been more than happy to visit with the Surface Transportation Board or their representatives, but no one has contacted or asked us about the impacts this railroad would bring us.

VERIFICATION

I, (name), hereby verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

David Borntreger
(printed name)

Dated this 17 day of December, 2015.

STB FINANCE DOCKET NO. 30186

**TONGUE RIVER RAILROAD COMPANY, INC.—RAIL
CONSTRUCTION AND OPERATION—IN CUSTER,
POWDER RIVER AND ROSEBUD COUNTIES, MT**

**VERIFIED STATEMENT OF JOE AND HELEN CURRAN IN
SUPPORT OF DISMISSAL WITH PREJUDICE OF TRRC'S
APPLICATION**

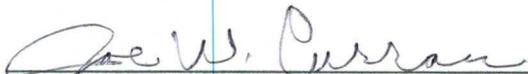
My name is Joe Curran, address 3469 Rosebud Creek Road, Forsyth, MT 59327. Our ranch is located in SEC 19 1N 43E SW1/4, SEC 25 1N 42E W1/2, SEC 26 1N 42E, SEC 24 E1/2, SE1/4, E1/2, NE1/4. Part of this land has been in the family since 1892 when my grandfather settled here. The railroad would like to cross SEC 19 which is mostly all meadowland which is right on the creek bottom. A large fill would be needed and there is not any place to get the dirt for this. Also this creek floods nearly every year and it could wash out this fill, causing a terrible amount of damage to the rest of the meadow. There is a matter of elevation here. This railroad would cross the main Rosebud Creek road, posing a hazard to traffic, and also cutting our ranch in half.

The railroad has been trying since 6-1-1977 to get permission to survey for this.

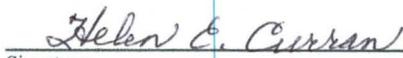
We enjoy the peace and quiet of our livelyhood. Besides, they do not need to mine that Otter Creek coal and ship it to China.

VERIFICATION

We, Joe and Helen Curran, hereby verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of our knowledge and belief.


Signature

JOE W. CURRAN
Printed name


Signature

HELEN E. CURRAN
Printed Name

Dated this 8th day of December, 2015.

December 18, 2015

My name is Levi Hochstetler. I am a member of the Amish Community on Tongue River north of Ashland. My house and property are within the Proposed right of way of Tongue River Railroads Colstrip Alternative. The proposed route would cross the total length of my property, about $\frac{3}{4}$ of a mile. If the railroad would be built, it would have a negative effect on my home, with noise and vibrations from trains, horn blasts at the crossing of the Tongue River Road which is very close to my house. I am concerned that the railroad may not build a crossing so I could continue to access the county road. If the railroad would be built, I would leave the area, as I value the peace and quiet. That is one of the reasons the Amish moved to Tongue River. If the railroad would be built, my land would be worthless. No one would be interested in buying it.

I am considering building other buildings at my homesite, and wonder if I do would I be compensated for them if I leave? I hesitate to invest too much in this property if there is a chance the railroad would be built. It is not right to have this uncertainty hanging over our heads.

Also, I have never been asked by the railroad or by ICF when they were here last summer about the impacts we would face if the railroad would be built.

Levi Hochstetler

1100 Lay Crk. Rd
Forsyth MT. 59327

Before the Surface Transportation Board

STB Finance Docket No. 30186

**Tongue River Railroad Company, Inc. - Rail Construction and Operation in
Custer, Powder River and Rosebud Counties, MT**

**Verified Statement of Scott McRae in Support of Dismissal with Prejudice of
Tongue River Railroad Company's Application**

Greetings,

My name is Scott McRae. My family has been in this area since 1882 and been fortunate enough to live, ranch and run cattle through five generations here. This may not be the most beautiful place to others, but it certainly is to me...it is home.

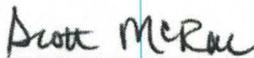
With the latest proposal (Colstrip Alternative) from TRRC, the place we reside would be affected by more than two miles of rail where it would turn north toward Colstrip from the Tongue River valley. Should the rail be built, access from the county road would necessitate crossing the railroad to access land, livestock and our home.

It doesn't appear that the true impact of this access problem was analyzed in the EIS. For instance, as proposed...four trains daily at the speed projected to run, would decrease access from our home to the county road by something like an hour and one half each day. Furthermore, as proposed, when rail traffic increases, accessing the county road from our home becomes next to impossible unless a raised crossing is constructed, which is not planned. Think of a wall constructed between your home and the street, with a door that could only be accessed for a portion of each day...that's how we'll be impacted.

This process has gone on for more than two years with several thousand dollars spent by my family to protect the land, livelihood and our home. I'm hereby requesting that you consider dismissing TRRC's application once and for all.

Verification

I, Scott McRae, hereby verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.



Scott McRae
219 McRae Sprague Road
Forsyth, Montana 59327

Dated this 14th day of December 2015.

BEFORE THE SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 30186

**TONGUE RIVER RAILROAD COMPANY, INC.—RAIL CONSTRUCTION
AND OPERATION — IN CUSTER, POWDER RIVER,
AND ROSEBUD COUNTIES, MT**

**VERIFIED STATEMENT OF JACKIE TRUSLER IN SUPPORT OF DISMISSAL
WITH PREJUDICE OF TRRC'S APPLICATION**

My name is Jackie Trusler. I am one of many ranchers who would be impacted by the proposed Tongue River Railroad, which would cross my ranch in Rosebud County, Montana. The railroad, if built, would run two lines across my land, creating an area where I could not run cattle and blocking movement of cattle. The railroad would also cut me off from water sources, increase the risk of wildfire, and diminish the scenic and wildlife value of my land, among many other negative impacts. Because of these potential impacts, the fair market value of my property is reduced.

I have suffered long-term financial damage from the long duration of review on this project, dating from the 1970s. For as long as the railroad proposal is pending, my property value will be depressed and I will have to put off business decisions because of uncertainty about whether my land will be condemned, with resulting financial losses. The review process has cost me time and money, including legal fees, for decades. Tongue River Railroad Company has never offered to reimburse me for my costs, nor has it offered any compensation for access to my land for surveys.

Thirty-five years is long enough. In light of Tongue River Railroad Company's recent request to suspend review of this project, adding even more time to the process, I ask this Board to dismiss the application with prejudice and give me back the full value of my land.

VERIFICATION

I, Jackie Trusler, hereby verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.


Jackie Trusler

Dated this 23 day of December, 2015.

BEFORE THE SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 30186

**TONGUE RIVER RAILROAD COMPANY, INC.—RAIL
CONSTRUCTION AND OPERATION—IN CUSTER, POWDER RIVER
AND ROSEBUD COUNTIES, MT**

**VERIFIED STATEMENT OF HENRY L. COFFIN IN SUPPORT
NORTHERN PLAINS RESOURCE COUNCIL AND ROCKER SIX
COMMENTS ON TRRC'S APPLICATION**

My name is Henry L. Coffin. I have lived in the Ashland area for 40 plus years and have spent 30 plus of those years on my property overlooking the Otter Creek and the Tongue River. The western border of my property is about 90 feet from the eastern bank of the Otter Creek. The proposed Tongue River Railroad according to the DEIS maps I've seen is supposed to be on my property about 90 to 100 feet of the east bank of the Otter Creek bank. My property is mostly shale. I am also aware that the valleys along the Otter Creek and the Tongue River are both considered to be alluvial. I believe the required number of feet that the proposed railroad tracks have to be from the Otter Creek is far greater than 100 feet. I'm also aware that the grade of the side of the hill on my property will have to be 60% due to the shale content in the hill. I think their DEIS rendering of where the rails will be required by law to be on my property is not correct.

I've raised eight of my children and two of my grandchildren on my land. I also represent my son, Paul Coffin, who is currently in active duty in the Navy and

also owns land about 330 feet from the Otter Creek on the east side. I also represent my sister, Barbara Stein, whose west boundary of her property is about 141 yards from the east bank of the Tongue River. All our property is just north of Ashland, MT. Most of all our property is about 350 plus feet above the Otter Creek and the Tongue River.

The proposed Tongue River Railroad and right-of-way would cut my sister's property in half rendering her property totally useless because of the steep elevation and terrain of the land. The proposed TRR and right-of-way would take all my son's land. Because of the steep elevation and rough terrain of my land the proposed TRR and right-of-way would take a considerable amount of my land, also. The proposed TRR would leave my property with no way to get to Hwy 212, in other words, land locked. I cannot afford the mandatory insurance that the proposed TRR requires for them to allow me a railroad crossing.

At this point in time if the proposed TRR goes through my property, I'm not even sure I'll have electricity or a land line telephone anymore.

Because of the proposed TRR, over the last thirty years our land has been de-valued due to the constant threat of condemnation of our property through the Eminent Domain law.

My mailing address is: PO Box 34 – Ashland, MT 59003.

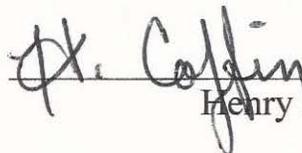
I've spent money for attorney fees, well water sampling tests, time off from work, vehicle mileage for meetings. I have a concern about how the quality and quantity of the water in the aquifer that my well draws from will be affected.

I've not upgraded any of my existing shops, built a barn, rebuilt any of my corrals nor made any improvements to my, my sister's or my son's roads into our properties; because I'm not sure how much of my land or any of their land will be left for our own use.

For years I've wanted to stand a cross up on the high point on my property and haven't because it may be in the proposed TRR right-of-way.

VERIFICATION

I, Henry L. Coffin, hereby verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.


Henry L. Coffin

Dated this 24th day of December, 2015.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

↑ ↑ ↑ TRR Right-of-way

- 1. H.L. Coffin
- 2. Paul Coffin
- 3. Barbara Stein

Proposed TRR

CERTIFICATE OF SERVICE

I certify that I have this 5th day of January, 2016, served copies of the documents hereby submitted to the Surface Transportation Board upon all parties of record in this proceeding, by U.S. Mail or E-mail.



Carrie La Seur
Attorney for Colstrip Alternative
Landowners' Group