

Surface Transportation Board (STB)

STB Finance Docket No. 30186

Tongue River Railroad Company, Inc. – Rail Construction and Operation – In Custer, Powder River, and Rosebud Counties, Montana

Revised Application for Construction and Operation Authority

The following are questions that the Surface Transportation Board must address in the Environmental Impact Statement that is being prepared for the Tongue River Railroad:

Need:

There needs to be a re-assessment of the market for the Otter Creek coal and the coal market in general.

Stakeholders/Landowners

STB needs to reassess their stakeholders and contact all original landowners before drawing scenarios of the proposed rail line. STB needs to properly notify and obtain permission from all the original homestead owners in the Otter Creek area that are descendants of the Northern Cheyenne Tribe. Have these descendants been contacted about this process? What rights do these descendants have since the Northern Cheyenne were forcibly removed from the Otter Creek area and never compensated for the land? These Northern Cheyenne homesteaders had implied water rights to the Tongue River and therefore have a say in any water degradation that comes along with the mine and rail line.

Fish, Wildlife, and Plants

A comprehensive fish, wildlife, and plant habitat analysis needs to be conducted and include current and tribal data from the Northern Cheyenne Tribe. A baseline inventory of wildlife and plant species as well as intact habitat, endangered species and habitat fragmentation projections from all roads (including the proposed highway between Miles City and Ashland), mines and rail lines that will be proposed and needs to happen along the entire route of the proposed rail line.

What methodology for this analysis will be used? What parameters are going to be included? The Northern Cheyenne Tribe must be consulted throughout the entire process.

The Northern Cheyenne have unique, threatened, and endangered species that lie within their reservation boundaries. There are key habitats for threatened and endangered species of wildlife, flora and fauna that depend and lie upon the Tongue River watershed. Therefore, habitat fragmentation will be a result from a proposed rail way.

Having a train will increase collisions with wildlife. What is the projected wildlife mortality due to train collisions and wildlife? What is the projected decrease in wildlife populations due to habitat fragmentation from roads, the rail line, mines and associated mine infrastructure?

Water Resources

Watershed Analysis must include: Wetlands, flood plains (example is the Musselshell conflict/issue), surface (streams, rivers), and underground water resources (aquifers, etc.) How will the proposed mine impact aquifers in the region? If wells dry up, who is responsible for drilling new wells? Will you do a baseline inventory of all wells and springs in the region?

Potential derailments into wetlands and riparian habitats. What is the projected impact of a coal train derailment into the Tongue River? What species will be impacted? How will it be addressed if and when it happens? How long will the river ecosystem be impacted? What are the short and long term impacts of a derailment into a river system? How will irrigators irrigate their land if the water is contaminated with coal? What is the impact of a derailment into the river on all endangered and threatened species as well as the game animals that people hunt and fish in the region? If contaminated water is ingested, either by a human or wildlife, what are the impacts to that species, short and long term?

Air Quality

The Northern Cheyenne Tribe is established as a Class I air shed. The NCT pride themselves on this being the first tribe to ever do so. How will the rail road and proposed mines in the region impact the Northern Cheyenne Tribe's Class I air shed designation?

An increase in regional haze, particulate matter, and other hazardous air pollutants (i.e., mercury, sulfur and nitrogen oxides, etc.) caused by an increase of traffic from the proposed rail road line and Otter Creek Coal mine. How will the increase in pollution caused by both the rail road line and Otter Creek mine impact the environment and human health within the region?

STB needs to assess the cumulative impacts in air quality caused by all proposed and potential coal mines and railroad developments. In addition, the STB also needs to assess the environmental and health impacts due to an increase in fugitive dust (caused by an increase in traffic, smoke, etc.) from the proposed rail road line and potential coal mines.

STB needs to also consider that Asia (China) doesn't have the environmental standards that the U.S. has in order to protect the environment and health of its citizens. This means that the air quality in the U.S. will be impacted from the burning of the fossil fuels produced by China. This means that more respiratory and bronchial illnesses will increase as a result of China burning coal resources. How is the STB planning to deal with this?

Climate Change

The STB must analyze this rail line and proposed mines impacts on global climate change. It is irrefutable that the earth is warming and it is caused by the burning of fossil fuels. If the rail line is built, it will open up Montana's vast coal fields which will lead to an exponential increase in the burning of coal. An increase in traffic and populations means that there is going to be an increase in carbon emissions. STB needs to consider both small and large scale impacts that climate change has on the projected area of interest.

Socio Economic and Demographic

The Northern Cheyenne Tribe's economy is mostly low income. It has been shown that off-reservation energy development, in the past, has actually hurt the economy on the Northern Cheyenne Reservation. Why would this time be any different?

An increase in traffic and populations means an increase in drug (i.e., methamphetamines, etc.) and alcohol use. The Northern Cheyenne Tribe and other local communities are dealing with this problem with minimal resources. What initiatives does STB propose to do to mitigate such occurrences from getting worse? What steps is STB willing to take to help with this conflict/issue? Will the STB provide financial resources to combat this problem? STB needs to conduct a social and economic assessment of those types of impacts that this project will have on the on the current population both on and off the Northern Cheyenne Reservation.

Current Land Uses

Agriculture, Cattle Operations Leasing/Grazing, reintroduction efforts for endangered species. How will this mine and rail line impact the Northern Cheyenne's efforts in reintroducing endangered species on the Reservation that include but not limited to black footed ferrets (which a culturally important species)?

How will the proposed rail road line and potential coal mines impact grazing leases on/near the Custer National Forest?

Why is Custer National Forest (which is an area designated for public use) allowing a public protected area to be used for this type of development? Isn't the duty of USDA Forest Service to protect and improve the health of all America's rural, wildland, and urban forests?

How will the proposed rail road lines and potential coal mines impact the Northern Cheyenne hunting and gathering along the Tongue River region? Will the Northern Cheyenne be compensated for the disrupted and/or destroyed plant, wildlife, and wetland habitats? What mitigative measures does the STB have in place so that this will not occur?

Noxious Weeds

This proposed rail way will bring in invasive plants which choke out native plants, shrubs, and trees. There are essential plants and trees that the Northern Cheyenne people consider sacred and are used for cultural and ceremonial purposes. What actions does the STB propose to do about invasive species brought in by the proposed rail road and potential coal mines?

How will the use of herbicides along the rail line impact the river and the aquatic species? If used, herbicide is bound to wind up in the river. What mitigative measures and actions does the STB propose to do about the impacts caused by polluting waterways that the Northern Cheyenne people depend on for various cultural and subsistence uses?

Increased Traffic

An increase in traffic caused by the proposed rail line and potential coal mines will require not only more law enforcement but in health care facilities, health care staff, emergency vehicles (i.e, ambulances, fire department, etc.) and other staff. What is the STB plan to deal with an increase in more crime, accidents, health care? What resources are or will be available to aid the Northern Cheyenne Tribe with these types of services?

Who is responsible for maintenance of roads and installation of new safety features to protect the citizens in the proposed area of interest including other surrounding affected communities?

How will our health care system and Indian Health Services be impacted by an increase in accidents? Will the Tongue River Railroad provide financial resources to the Indian Health Services budget to deal with increased care?

There will be an increase in the transportation of hazardous materials. What mitigative measures and actions will the STB do to deal with this?

Jurisdictional Issues

The Northern Cheyenne Tribe is a sovereign nation that has its own tribal government and laws. An increase in traffic and population for the proposed rail road line and potential coal mines means that there is going to be jurisdictional issues regarding violations and offenses both on and off the reservation from both non-members and tribal members. How does STB propose to deal with jurisdictional conflicts and issues?

Increased Population

An increase in population for the proposed rail road line and potential coal mines will require more law enforcement that the Northern Cheyenne Tribe has minimal to no financial resources for. Who will pay for the additional law enforcement officers on and nearby the proposed area of interest including other surrounding affected communities? How is the STB planning to deal with this?

Health Impacts

Increased traffic and population in projected area will increase fugitive dust which will cause an increase respiratory problems and illnesses (bronchial, asthma, etc.). What will be the human health impacts from increased emissions from the proposed rail line, mine and road traffic?

Increased traffic and population in projected area will increase more roadway accidents. The current road system will not sustain an increase in both traffic and population. How is the STB planning to deal with this?

Increased traffic and population in projected area will increase more roadway accidents. How is the STB planning to deal with this?

Noise & Vibration

An increase in noise and vibration in the projected area means that wildlife and their habitats will be greatly affected. The Northern Cheyenne Tribe depends on wildlife like ungulates (deer and elk) not only for ceremonial uses but for subsistence use as well. This will also directly affect the economic and social value of the recreational hunting in the projected area as well.

What is the current decibel level on the Northern Cheyenne Reservation, in each community, and what are the projected changes to that decibel level? How will that affect humans and wildlife?

How will the noise and vibration affect the fish raised in the Miles City Fish Hatchery? New studies need to be done with the new information on how many trains would be using the rail line and projected for the life of the rail line and mines.

Aesthetics

The area of the projected site has a lot historical significance and value to the local farmers, ranchers, tribal members, and others.

How will this rail line and mines impact hunting, fishing and recreational tourism in the valley? What is the baseline data that you will be using and how will you measure it?

Cultural & Historical Resources

STB needs to consider a complete archaeological survey of cultural artifacts and historic properties which needs to be appropriately conducted and include the Northern Cheyenne Tribes cultural experts (i.e., Tribal Historic Preservation Officer, cultural experts). There are historical sites within the projected area of interest, what is STB going to do in order to protect such artifacts and sites?

Who Benefits from the use of local resources?

Why are raw goods like coal being subsidized to benefit a foreign country such as China? No locals will benefit thereby, leaving the locals with the impacts and clean-up. The proposed rail road line and potential coal mines will alter, lost and/or destroyed. What guarantees are left after the resources have been removed from the proposed rail road line and potential coal mines?

Feasible Option?

Is this proposal really a feasible option? What are the long-term impacts? What are the short-term impacts? What are the cumulative impacts? Is this really a feasible option? What considerations does STB have for reasonable and feasible alternative(s)? What is STB's real interest? Who does STB represent? Is it TRRC? The Coal Mining Company? Who? Is a no action an option for STB?

Coordination

Like other tribes, the Northern Cheyenne Tribe has different and unique perceptions that are often misunderstood by others. Does STB know that? Does STB truly want to coordinate and create partnerships for a better understanding of the proposed rail way?

The propose rail road and potential coal mines will impede on extremely valuable cultural and natural resources including the life ways of the Northern Cheyenne people and all the surrounding communities of the proposed areas in and near Montana, South Dakota, Wyoming, Idaho, and Washington states.

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