

First off, in looking over the draft EIS, there are many issues that need to be revisited. The main reason being that studies and reports used to support were over 20 years old and some of the studies cited were not even conducted in this country, let alone the territory where railway is being proposed. Even studies done within the last ten years are out of date with the rapidly changing climate, new technology to gather data, old equipment under pressure of new demands (train derailments and explosions) and shifting markets and societal priorities and many other factors.

There is also the issue of using studies conducted by proponents of the railroad, not independent studies. There should be current studies conducted (not sole or even partial reliance on existing data) on the affected areas (cumulative) by independent entities.

Secondly, for the most part, the draft EIS appears to only have looked at “direct” impact, meaning they looked only at those impacts for the immediate area and for short-term effects. As a Federal entity, the Board should be looking at impacts starting at the extraction point through to where the product is consumed. Powder River Basin coal will have devastating impacts on Indian and non-Indian communities throughout the Northwest. There are even proposals moving eastward across the northern mid-west to destinations in Europe. Couple that on top of Bakken oil and Canadian oil and gas pipelines and ports, you are heading for disaster by not evaluating the whole project.

The purpose of the NEPA EIS is to “identify and evaluate the potential environmental impacts associated with the proposed action and alternatives . . . “ but the crux of this report does not study the impacts, but concentrates its efforts on “mitigating” inadequately studied and represented

environmental and social data.

Oh, and by the way, there is no such thing as “temporary” impacts cited in Chapter 9 on Water. Once a habitat is destroyed or even disturbed, it will never be the same again and humankind is not smart enough to put back what the Creator created as it was created.

This leaves this draft EIS wholly inadequate, inaccurate and puts the validity of the draft EIS in grave doubt.

Coal as an energy source is being challenged throughout the U.S. and the rest of the world. Currently coal companies are scrambling and running near bankruptcy because of low demand, high competition and heavy opposition. Before the Board approves such a project, be sure there'll be the market and facilities to support it. These things are not there and their future is tenuous at best.

This project along with proposed Otter Creek coal mining is not being developed to support U.S. needs. Its sole purpose is to supply a dirty fossil fuel to countries in Asia (namely China) and Europe for them to consume with any benefits going only to the proponents and developers. There is no substantial direct benefit to the American public demonstrated and a direct threat to the environmental and social destruction here at home and the advancement of global climate change.

Also, the drafters of the EIS, assume that if Otter Creek and Tongue River are developed, other fossil fuel extraction projects would cease and the net impacts would be offset. False assumption supported by the fact that other operations are gearing up, too.

Socioeconomic section did a fine job out laying out all the “positive” socioeconomic issues by focusing on the increase of jobs, housing and revenues. Jobs and housing are temporary. Revenues are always inflated and any references to the increased need of public services is limited. Loss to existing communities of their livelihoods was underscored. How do you adequately compensate a rancher or farmer for land taken out of production for the rest of eternity? Under eminent domain guidelines, it’s the value of the land after it’s destroyed, at or well below market value. How is this “just” compensation?

How do you compensate for the quality and quantity of wildlife (and provide the ecological balance of the areas) and domesticated livestock that provide food sources to the local communities and communities beyond? Give them a lifetime pass to food banks and food stamps?

How about the added expense to existing communities who will need to adjust their livelihoods and survival around the proposed railroad and any development as a result (e.g. ranch lands being split, wildlife being reduced because of habitat destruction)?

The moral implications of disrupting and destroying human and natural communities who have existed for literally centuries and continue to thrive on the lands and waters are ignored utterly. How does a body justify this destruction of countless lives and communities all for the sake of a handful of people who have the wealth and resources to take what they want?

Finally, in the report there are the numerous statements about consulting with local Tribes affected. In fact, the demographic charts show that much of the lands impacted

by the proposed rail and coal-mining projects are impacting higher percentages of Indian communities than non-Indian. On September 21, 2015, the Northern Cheyenne Tribal Council voted unanimously to oppose the rail project. The EIS records show that for Lane Deer, nearly 94% of the population is American Indian – and they're saying "no" as have many other Tribes and Nations already. In fact, going back to the first point made, Northwest Indian Tribes are also saying "no" about any developments that would take coal, oil or any other fossil fuel, from inland through their sacred lands and waters. As a member agency of the federal treaty rights and other Native rights are supposed to take high priority, If not top precedence in considering these kinds of projects.