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Idaho Conservation League

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June 9, 2015

Ken Blodgett
Surface Transportation Board
395 E. Street S.W.
Washington, D.C. 20423

RE: Docket No. 30186

Dear Mr. Blodgett,

Thank you for extending the comment period on the Tongue River Railroad DEIS. I will be submitting comments on behalf of the Idaho Conservation League in August.

In the meantime, I wanted to provide you with some comments made by individuals in Sandpoint, Idaho, who are concerned about the potential for additional coal trains traversing their community in the event the Tongue River Railroad is built. Enclosed is a transcript from a citizens hearing we convened where some individuals chose to provide their comments orally.

Thank you for considering these comments.

Regards,

Susan Drumheller
North Idaho Associate
Idaho Conservation League
P.O. Box 2308
Sandpoint, ID 83864

CITIZENS HEARING

MAY 11, 2015

SANDPOINT, IDAHO

ORIGINAL

RE: PROPOSED TONGUE RIVER RAILROAD
DRAFT ENVIRONMENTAL IMPACT STATEMENT

DOCKET NO. 30186

BEFORE THE FEDERAL SURFACE TRANSPORTATION BOARD

REPORTED BY:

PATRICIA L. PULLO, CSR
Notary Public



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1 P R O C E E D I N G S

2 TAKEN MAY 11, 2015, AT 6:30 P.M.

3 MS. DRUMHELLER: My name is Susan Drumheller,
4 and I am with the Idaho Conservation League's
5 Sandpoint, Idaho, field office. We're meeting in the
6 Sandpoint Community Hall in Sandpoint, Idaho, to
7 consider the Tongue River Railroad Company's proposal
8 to construct and operate a 42-mile rail line between
9 Colstrip, Montana, and the Ashland and Otter Creek
10 areas of Montana. The Surface Transportation Board's
11 Office of Environmental Analysis and the cooperating
12 agencies have prepared a Draft Environmental Impact
13 Statement which analyzed the environmental impacts that
14 could occur if TRRC were to construct and operate the
15 proposed rail line.

16 Of the ten public meetings being held, none
17 are planned in the down-line communities west of the
18 proposed railroads. Therefore, we have called this
19 meeting in order to collect oral comments from
20 concerned citizens regarding the proposed Tongue River
21 Railroad. We have Patty Pullo, a court reporter from
22 M & M Court Reporting of Coeur d'Alene, Idaho, to
23 record these comments.

24 So now we will begin taking comments on
25 Docket No. 30186 before the federal Surface

1 Transportation Board. And so I'd like to go ahead and
2 invite you to come up and make a comment. Gary lifted
3 a finger. Gary Payton.

4 And could you also please state your name,
5 where you live, and then please spell your name for
6 Patty. Thank you.

7 MR. PAYTON: We have the experience in
8 commenting on just a variety of oil and coal activities
9 here in the Inland Northwest. So part of this is by
10 way of model. Typically, when we're at a State or a
11 federally organized hearing, we're allowed between two
12 and three minutes. So this is my report that can be
13 submitted both written -- it will give you a feel for
14 one person's approach to this issue.

15 My name is Gary Payton, a citizen of Bonner
16 County, Idaho, the county whose county seat is
17 Sandpoint, at the top of the rail funnel running to
18 Spokane, Washington, and points west. I urge the
19 Surface Transportation Board to choose the no-action
20 alternative for the current Draft Environmental Impact
21 Statement.

22 My reasons are straightforward. First, the
23 STB is preparing this draft, ignoring the request to
24 have a formal hearing in North Idaho to hear the
25 concerns of elected officials and the public. The STB

1 has chosen not to take into account the views of the
2 Bonner County Commissioners, the City of Sandpoint, our
3 state senator and the voices of those persons most
4 affected by expanded coal train traffic through our
5 region.

6 Had you held a formal hearing, you would have
7 heard major concerns about the added delays at at-grade
8 crossings along the Montana Rail Link, delays in
9 conducting regular business and commerce and delays in
10 response times with EMS crews. You would have seen the
11 circumstances in our Ponder Point neighborhood, a
12 neighborhood with many aging retirees who in an
13 emergency situation would experience unacceptable
14 delays in getting to hospital or of an ambulance coming
15 to them.

16 You would have heard the voices of a mother
17 in Hope, Idaho, who moved her family because of the
18 increased diesel fumes wafting up the hillside from
19 idling engines near Lake Pend Oreille and making her
20 child's asthma worse. You would have heard from a
21 realtor who lost a lucrative home sale because the
22 buyer could not accept news of more coal trains and the
23 impact on the quality of life.

24 Secondly, the STB process is flawed in
25 looking at downline community impact when you only take

1 into account new coal trains from the proposed Otter
2 Creek Mine. We are the community with a baseline of 60
3 trains per day. In fact, it is the cumulative impact
4 of more trains that is of greatest concern. We face
5 more train traffic as BNSF moves explosive Bakken crude
6 in unit trains to terminals and refineries in
7 Washington. We face more coal traffic as Albertan tar
8 sands moves on the Union Pacific line. Now we face the
9 additional impact of even more coal trains moving from
10 the Powder River Basin to British Columbia or future
11 terminals in Washington.

12 Third, the STB process can allow for
13 mitigation of the costs of improved rail crossings.
14 Only when you hear from local officials can you sense
15 the urgent need for the railroad to assume far greater
16 financial responsibility for needed improvements. Five
17 percent won't cut it. Rail companies gain the profits;
18 Bonner County citizens assume the risk and the tax
19 burden.

20 I urge you to choose the no-action
21 alternative for this Draft EIS. Leave it in the
22 ground.

23 MS. DRUMHELLER: Thank you, Gary.

24 Yeah, I meant to mention that we're trying to
25 keep our comments to about three minutes because that's

1 typically what they do at a public hearing.

2 Let's see. Is there somebody else who would
3 like to make a comment?

4 Okay. Great. Thank you.

5 I think we also -- there was somebody who --
6 do we have anybody on the sign-up sheet who -- most --
7 most people said no, which was kind of disappointing to
8 me. But you can change your mind; you can still get up
9 and make a comment. And you don't -- Gary's a hard act
10 to follow.

11 MR. COLLIER: I'm William Collier,
12 C-o-l-l-i-e-r. And I live right here in Sandpoint,
13 This may not even be an appropriate question. But I
14 would just like to ask a very simple question to every
15 decision-maker all the way up the line to the ultimate
16 decision-maker and to the ultimate decision. And the
17 simple question is: Where are your grandchildren going
18 to live?

19 MS. DRUMHELLER: Thank you.

20 MR. BARCKLAY: My name is Rod Barcklay,
21 B-a-r-c-k-l-a-y. And I live in Sandpoint, Idaho,

22 How do I start? This is insanity. This is
23 absolute insanity, in my mind. The Earth is dying, and
24 very few of us actually recognize it. I'm amazed
25 that -- I would expect that the venue would have

1 been -- maybe been the Event Center where maybe we
2 could get 300 people in. I don't see this as a large
3 group. I'm sorry. Sorry to be a downer on that. But
4 the Earth is dying.

5 So what I want to say -- I only have a minute
6 left -- is that Gary Payton covered everything
7 basically that I wanted to say. The trains are coming
8 along the Kootenai River. They're coming along the
9 Clark Fork River. And when -- if there's a spill, it's
10 going to be disastrous.

11 We have a -- you know, we have a funnel here
12 and all the trains are coming through. I live 300
13 yards from the tracks. It's constant. There's
14 probably an average of one train every half hour.

15 I used to live up on Baldy Mountain Road. I
16 lived there for three and a half years. You come down
17 and you try to cross to go into town, and the trains
18 are rightfully going slow. So they're safe. So the
19 trains are going about 35 miles an hour, but I think
20 I've seen them going ten miles an hour. And you sit
21 there and you wait and you wait and wait. And
22 sometimes they just stop.

23 And so I'm concerned about infrastructure.
24 I'm concerned about commerce. I'm concerned about
25 people, you know, trying to move cement, for instance,

1 or some other product to and fro across these tracks
2 and having to wait for more than four or five minutes,
3 maybe sometimes ten minutes. Ambulance -- ambulances,
4 police. People when they call police and it's -- it --
5 it's public safety. All of these issues need to be
6 considered.

7 And I, of course, agree that the -- if the
8 coal companies want to make a profit, then they should
9 pay for the infrastructure, period. I don't even think
10 it should have to come out of my tax money.

11 I could go on and on and on with this. But
12 it sounds like we have a problem. We need to solve it.

13 This is going over to China. The coal is
14 going to China. A lot of this coal is dirty coal, from
15 my understanding. It's coal that we can't burn in this
16 country -- or not -- because we have environmental
17 safeguards. We're going to be breathing that -- you
18 know, the effluent from China.

19 What I've read is that they're building one
20 power plant every week in China -- I mean every
21 month -- sorry -- every month. So that's like 52 new
22 power plants in China every year. Those pollutants
23 come here.

24 The chart that we saw just a little -- just
25 an hour ago showed we've passed 400 parts per million.

1 This is unprecedented. This hasn't happened for
2 hundreds of thousands, maybe millions of years, that
3 we've had that many parts per million in our
4 atmosphere, causing greenhouse effect and causing
5 climate change.

6 So thank you for hearing me.

7 MS. DRUMHELLER: All right. Thank you.

8 Anybody else like to get up and make a
9 comment? Please. Okay.

10 MR. HUSSEY: David Hussey, H-u-s-s-e-y, from
11 Bonner County, Idaho,

12 So happy to see all you here tonight. I'm
13 with the Waterkeeper organization as a board member.
14 But I'm only speaking as a private citizen now because
15 I live east of town and in a location that has a
16 railroad siding as well as a main line. And trains are
17 constantly these days parked waiting for trains in the
18 opposite direction to pass. I've seen near misses with
19 cars because trains didn't wait the required time for
20 them to -- for the traffic to pass before the trains
21 take off and start running on the tracks.

22 I've timed the trains. The coal trains
23 especially lumber through over a hundred cars at a
24 time. If it's seven to ten minutes for an aid car to
25 come to my house or one of my more elderly neighbors'

1 who may have suffered some catastrophic medical event,
2 they're not going to make it. I'm hear to tell you
3 they won't make it. A heart attack victim wouldn't
4 make it. There's not enough time. So that's a primary
5 issue.

6 Another primary issue is, of course, what we
7 saw in the film about the increased asthma that's being
8 caused by not burning of coal but just the dust coming
9 from the trains. All throughout our nation, the
10 increase in asthma, especially in young people, but in
11 all -- people of all generations has increased
12 tremendously.

13 The threat to our waterways here is
14 unprecedented. We've got oil -- two types of oil.
15 We've got coal. Any of these things that are dumped
16 into our lake in a derailment -- and if you read the
17 papers regularly or are in touch with media, you know
18 that derailments are happening every week of the year.
19 And they're not just simple derailments; these are
20 catastrophic. These change people's lives forever.

21 There are so many communities throughout the
22 United States that will never heal, in Canada as well.
23 These communities have -- they've lost Lac Megantic in
24 Quebec. Forty-seven people died. It's a community
25 very much like Sandpoint. This -- these coal trains

1 exploded, destroyed half of the downtown community.
2 People were running for their lives. People didn't
3 make it. I mean, it is a nightmare. And this is going
4 on all across this corridor. And we're at one of the
5 epicenters here.

6 So for me this is a very dramatic issue. And
7 this is something that is worth rebellion. I mean, I
8 might sound seditious, but our -- our government is
9 selling off everything of our country and our world
10 to -- for what? So that we will have no future for our
11 future generations. The Native Americans talk about
12 the seven generations, keeping our land safe for not
13 just our people but all of the animals.

14 Who will speak for the wildlife? Who will
15 speak for our waters? Someone has to speak for them.
16 That's us. Thank you.

17 MS. DRUMHELLER: All right. Oh, great. Come
18 on up.

19 MS. MORGAN: I'm Tracy Morgan, T-r-a-c-y
20 M-o-r-g-a-n. I'm from Spokane.

21 So there's a couple key points. I'm going to
22 talk to the Transportation Board first. So why would
23 someone from Spokane drive up here to talk to you guys?
24 Well, the one thing I wanted to remind everybody about
25 here -- you probably don't need reminding -- is that

1 you had an earthquake not so long ago. And this
2 actually could impact the railway. And I'm pretty darn
3 sure none of these rails have been retrofitted or
4 fitted for earthquake hazards. So this is the kind of
5 thing you need to think about when you're writing your
6 comment cards.

7 I'm from Spokane, so they might disqualify
8 me. So feel free to add that comment to your comments.
9 And if the railroad is not -- does not have integrity,
10 you know, the chance or likelihood of an accident or
11 spill, something of that sort, is going to go way up.
12 And frankly, I'm worried they haven't even checked it
13 after the last earthquake.

14 So you're in a large earthquake area. I'm a
15 geologist, by the way. And so this is really something
16 that's quite important all along the rail, not just in
17 Sandpoint.

18 Another is I go up and visit a friend in
19 Clark Fork frequently. And she is 94. And her
20 hospital is here, and her doctors. So if there's any
21 kind of delay, not just from the rail itself but the
22 traffic that's backing up from the rail, which
23 interferes with other lanes, which I've experienced
24 already just getting to and from her house -- you know,
25 when you're 94, as you said, minutes, seconds are

1 really important.

2 And in Spokane we had a very disturbing
3 incident that was -- that happened when the plane
4 crashed in the Spokane River. You're nodding your
5 head. The two men -- they -- they landed in the river
6 right next to the police academy. A train was going
7 by, I think it was a coal train, and stopped the divers
8 from getting to the men underwater for I think it was
9 12 to 20 minutes, somewhere in there. And so we'll
10 never really know if they could have been resuscitated,
11 once they had been taken out of the water, in a timely
12 manner. So this is the kind of thing it's really --
13 it's real. It's not, you know, kind of a theoretical
14 thing.

15 So when you're filling out your -- when
16 you're filling out your comments, since I have
17 background in how to fill out comments for an
18 Environmental Impact Statement, make sure you say that
19 part about no action. And really think about anything
20 that bothers you about this process because they will
21 have to take it seriously.

22 I've also been in the natural resource
23 management field for quite a while, since 1982 or '83,
24 somewhere in there. So the thing about extraction and
25 use of fossil fuels for the climate is that not only

1 will it affect the biosphere, it's going to affect the
2 lithosphere as well. I mean, we already see those
3 kinds of problems with fracking and large removal of
4 overburden from the crust, how small earthquake forms
5 can happen. But when ice sheets melt, water is
6 redistributed onto the oceanic crust which stokes the
7 whole tectonic system of the earth. And we're going to
8 have more earthquakes. There's really no way around
9 it. And I thought, well, what if I'm wrong about this?
10 So I wrote people at MIT and Stanford and, guess what,
11 they agreed with me. A very sobering moment.

12 So feel free to steal whatever I said or look
13 it up, write it down and you have -- you can have a big
14 impact being where you are in this whole process.

15 MS. DRUMHELLER: Actually, because this is a
16 federal action, everybody's voice counts, you know. I
17 mean, you could live anywhere in the country and it's
18 completely legit. And you live downline, too, in
19 Spokane.

20 Anybody else care to make a comment? The
21 floor is open. Come on up.

22 MR. RAMSEY: Jim Ramsey, R-a-m-s-e-y. I live
23 in Kootenai, but I have a Sandpoint address. And I see
24 some neighbors here who have a similar problem that I
25 do.

1 We live east of town, and we live on the
2 Montana Link railroad, which is where all the coal is
3 coming through. Most of the oil goes north down
4 through Bonners Ferry. But we get all the coal trains.
5 And it's a situation we have only one access road to
6 get into our development. And sometimes the trains
7 cause delays of 15 to 20 minutes, which, you know,
8 emergency responders would have a terrible time getting
9 in. And we talked about trying to build another access
10 road, and the railroad has said, well, that would be
11 way too expensive.

12 Anyway, a while back I wrote a letter to
13 Warren Buffett, who owns the railroad. Of course, I
14 didn't hear from him. Somebody else I talked to had
15 also written a letter and got a letter saying the next
16 letter you will be getting is from our lawyers. So in
17 other words, don't write him or they'll sue you.

18 So anyway, I'm very concerned about all the
19 factors that were brought up by the previous people,
20 including the pollution in China, how it's going to
21 come back and affect us all and all of our lives. And
22 so I hope we can all work toward trying to stop this
23 latest development.

24 MS. DRUMHELLER: Anybody else?

25 MR. KENNALY: I'm Andrew Kennaly,

1 K-e-n-n-a-l-y. And I live in Bonner County. And thank
2 you all for your comments, especially Gary Payton.
3 Very concise and articulate and reflective of my own.
4 I thought it was just a movie tonight. So I wasn't
5 ready to talk like Gary.

6 But when we had the earthquake and that loud
7 noise, the first thing I did was go outside and look
8 for the plume from the fireball because I thought it
9 was an oil train that blew up. That was my initial
10 response. And as I reflect on that, I think how sad
11 that that is such a real possibility that that would be
12 a response. Thankfully it wasn't a plume and it was
13 not a major earthquake. But it did shut the rail lines
14 down for quite some time while they checked things out.
15 And supposedly they didn't find anything. And then the
16 trains made up for lost time.

17 I'm the pastor of First Presbyterian Church
18 in Sandpoint, which is located in the blast zone
19 downtown for coal train -- or oil trains rather. And I
20 see them as related issues. Coal trains and oil
21 trains, it's all carbon leaving someplace, going
22 somewhere else in order to burn and then all the
23 climate side effects.

24 Two things that I reflect on. One from
25 Psalm -- I think it's Psalm 46. The Earth is the

1 Lord's and all that is in it. And so for me this is a
2 stewardship issue, that we're caretakers and all that
3 is in the Earth is there because of a larger Creator, a
4 larger opportunity for a deeper relationship. Is this
5 really how we want to treat Chinese people?

6 And I don't think the systems that are
7 involved are concerned about someone dying of a heart
8 attack. I don't think the systems are concerned about
9 people missing out on a business meeting and missing
10 out on a real estate thing. Because I think the
11 systems involved have much bigger pockets, and greed
12 itself is the core issue.

13 So from a church perspective, we've just
14 became a member of the Presbyterian Earth Care
15 Congregations Ministry. So I'm trying to encourage
16 people to become active, become mindful of our call to
17 be good stewards and appreciative of the gifts that
18 we've been given. So thank you for the film makers who
19 put that in pictures of what we've been given and what
20 that looks like, both in terms of geography and in
21 terms of relationship and tribal heritage and
22 connections that go into the past and into the future.

23 It seems like there was something else I was
24 going to say, but I don't want to ramble too much. So
25 thank you for the opportunity here.

1 MS. DRUMHELLER: Thank you. Kim.

2 MS. MARSHALL: Kimberly Marshall,
3 M-a-r-s-h-a-l-l, Sandpoint, Idaho,

4 One of my favorite quotes from Einstein is
5 the way we can never solve a problem with the same
6 thinking that created it. Trying to look at just this
7 railroad section all by itself with blinders on, where
8 we are not seeing that inner connection to the greater
9 whole, means we can't make the right decision. But as
10 soon as we think about the impact in the greater whole
11 of that coal, wherever it would be burned, we have to
12 see the cost and see that that cost is completely
13 unacceptable. I strongly urge no action -- the
14 no-action option; leave the coal in the ground.

15 For here, we have a number of issues. I
16 would ask the people making this decision not just to
17 Google Sandpoint but to come here. And it would be a
18 beautiful visit. We've been voted the most beautiful
19 small town in America.

20 We don't have just a couple of rail lines
21 running through; it is as if our town has a spiderweb
22 of rail lines on top of it. And to try to figure out a
23 route without a rail line in the way is often not
24 possible. The number of trains that are now lined up
25 waiting on the tracks has gone up exponentially. It's

1 amazing. Almost every day you see a place where the
2 trains are already backed up here. We already have
3 more trains than we have tracks for. It's not working
4 now.

5 So I would ask that if this is even
6 considered to go through that the rail lines cover a
7 hundred percent of the cost, any new piece needs to
8 have access, taxpayers should carry zero burden there,
9 and this not just be looked at in relation to Powder
10 River. We have other issues. We have the oil trains
11 coming through, Balkans (sic). We have the tar sand
12 coming through. So this can't just be looked at as a
13 singular item because it's not. That's not how the
14 world works. It's not how things exist.

15 So, one, leave it -- do the no-option; leave
16 it in the ground. Two, we cannot take more trains
17 here. Three, we have a collective number of trains
18 that it's not just this issue. And then finally, from
19 a global perspective, coal burned anywhere affects the
20 entire planet. No place is any more sacred or special
21 than any other. Our place is pretty darn special. But
22 I'm sure wherever your grandkids live is special too.
23 And that coal will damage your grandkids as much as it
24 will ours.

25 Take the no-action; leave it in the ground.

1 MS. DRUMHELLER: Okay. Who's next?

2 MR. KENNALY: Andrew Kennaly. And I forgot
3 earlier to say take no action. So I'm adding to my
4 comment. Take no action. Thank you.

5 MS. DRUMHELLER: And Rod Barcklay wanted to
6 say the same thing.

7 MR. BARCKLAY: Rod Barcklay. I wanted to
8 just say that I want the no action.

9 MS. DRUMHELLER: All right. So anybody else?
10 Well, okay. I guess this -- oh, wait. Yes,
11 Dave?

12 MR. HUSSEY: Same thing for me, David Hussey.
13 No action from the Surface Transportation Board. I
14 forgot to mention that. I appreciate it.

15 MS. DRUMHELLER: Okay.

16 MS. MORGAN: And if I wasn't clear, Tracy
17 Morgan, no action.

18 MR. RAMSEY: Same with me. Jim Ramsey. No
19 action.

20 MS. DRUMHELLER: All right. Well, if no one
21 else wants to get up and speak, I want to conclude this
22 citizen's hearing on the Tongue River Railroad DEIS.
23 Thank you, everyone, for coming.

24 (Whereupon, the citizens hearing was
25 adjourned at 7:00 p.m.)

REPORTER'S CERTIFICATE

I, Patricia L. Pullo, Certified Shorthand
Reporter, do hereby certify:

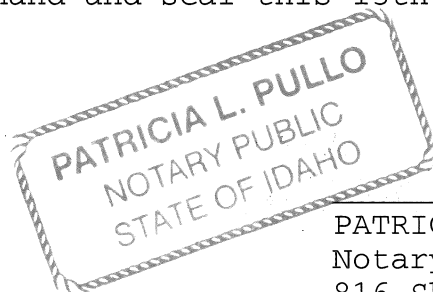
That the foregoing proceedings were taken
before me at the time and place therein set forth;

That the statements made were recorded
stenographically by me and were thereafter transcribed
by me or under my direction;

That the foregoing is a true and correct
record of all statements given, to the best of my
ability;

That I am not a relative or employee of any
attorney or of any of the parties, nor am I financially
interested in the action.

IN WITNESS WHEREOF, I have hereunto set my
hand and seal this 15th day of May, 2015.



Patricia L. Pullo

PATRICIA L. PULLO, C.S.R. #697
Notary Public
816 Sherman Avenue, Suite 7
Coeur d'Alene, ID 83814

My Commission Expires 11/13/2018.

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ability 21:11
 absolute 6:23
 academy 13:6
 accept 4:22
 access 15:5,9 19:8
 accident 12:10
 account 4:1 5:1
 act 6:9
 action 13:19 14:16
 18:13 20:3,4,8,13,17
 20:19 21:14
 active 17:16
 activities 3:8
 add 12:8
 added 4:7
 adding 20:3
 additional 5:9
 address 14:23
 adjourned 20:25
 affect 14:1,1 15:21
 agencies 2:12
 aging 4:12
 ago 8:25 12:1
 agree 8:7
 agreed 14:11
 ahead 3:1
 aid 9:24
 Albertan 5:7
 allow 5:12
 allowed 3:11
 alternative 3:20 5:21
 amazed 6:24
 amazing 19:1
 ambulance 4:14 8:3
 ambulances 8:3
 America 18:19
 Americans 11:11
 Analysis 2:11
 analyzed 2:13
 Andrew 15:25 20:2
 animals 11:13
 anybody 6:6 9:8 14:20
 15:24 20:9
 anyway 15:12,18
 appreciate 20:14
 appreciative 17:17
 approach 3:14
 appropriate 6:13
 area 12:14
 areas 2:10
 articulate 16:3
 Ashland 2:9
 assume 5:15,18
 asthma 4:20 10:7,10
 atmosphere 9:4
 attack 10:3 17:8
 attorney 21:13
 at-grade 4:7
 Avenue 21:20
 average 7:14

B

back 15:12,21
 backed 19:2
 background 13:17
 backing 12:22
 Bakken 5:5
 Baldy 7:15
 Balkans 19:11
 Barcklay 6:20,20 20:5
 20:7,7

baseline 5:2
 basically 7:7
 Basin 5:10
 beautiful 18:18,18
 best 21:10
 big 14:13
 bigger 17:11
 biosphere 14:1
 blast 16:18
 blew 16:9
 blinders 18:7
 BNSF 5:5
 board 1:13 3:1,19 9:13
 11:22 20:13
 Board's 2:10
 Bonner 3:15 4:2 5:18
 9:11 16:1
 Bonners 15:4
 bothers 13:20
 breathing 8:17
 British 5:10
 brought 15:19
 Buffett 15:13
 build 15:9
 building 8:19
 burden 5:19 19:8
 burn 8:15 16:22
 burned 18:11 19:19
 burning 10:8
 business 4:9 17:9
 buyer 4:22
 B-a-r-c-k-l-a-y 6:21

C

C 2:1
 call 8:4 17:16
 called 2:18
 Canada 10:22
 car 9:24
 carbon 16:21
 cards 12:6
 care 14:20 17:14
 caretakers 17:2
 carry 19:8
 cars 9:19,23
 catastrophic 10:1,20
 cause 15:7
 caused 10:8
 causing 9:4,4
 cement 7:25
 Center 7:1
 CERTIFICATE 21:1
 Certified 21:2
 certify 21:3
 chance 12:10
 change 6:8 9:5 10:20
 chart 8:24
 checked 12:12 16:14
 child's 4:20
 China 8:13,14,18,20,22
 15:20
 Chinese 17:5
 choose 3:19 5:20
 chosen 4:1
 church 16:17 17:13
 circumstances 4:11
 citizen 3:15 9:14
 citizens 1:2 2:20 5:18
 20:24
 citizen's 20:22
 City 4:2
 Clark 7:9 12:19

clear 20:16
 climate 9:5 13:25
 16:23
 coal 3:8 4:4,22 5:1,7,9
 8:8,13,14,14,15 9:22
 10:8,15,25 13:7 15:2
 15:4 16:19,20 18:11
 18:14 19:19,23
 Coeur 2:22 21:21
 collect 2:19
 collective 19:17
 Collier 6:11,11
 Colstrip 2:9
 Columbia 5:10
 come 3:2 7:16 8:10,23
 9:25 11:17 14:21
 15:21 18:17
 coming 4:14 7:7,8,12
 10:8 15:3 19:11,12
 20:23
 comment 3:2 6:3,9 9:9
 12:6,8 14:20 20:4
 commenting 3:8
 comments 2:19,23,24
 5:25 12:8 13:16,17
 16:2
 commerce 4:9 7:24
 Commission 21:22
 Commissioners 4:2
 communities 2:17
 10:21,23
 community 2:6 4:25
 5:2 10:24 11:1
 companies 5:17 8:8
 Company's 2:7
 completely 14:18
 18:12
 concern 5:4
 concerned 2:20 7:23
 7:24,24 15:18 17:7,8
 concerns 3:25 4:7
 concise 16:3
 conclude 20:21
 conducting 4:9
 Congregations 17:15
 connection 18:8
 connections 17:22
 Conservation 2:4
 consider 2:7
 considered 8:6 19:6
 constant 7:13
 constantly 9:17
 construct 2:8,14
 cooperating 2:11
 core 17:12
 correct 21:9
 corridor 11:4
 cost 18:12,12 19:7
 costs 5:13
 country 8:16 11:9
 14:17
 counts 14:16
 county 3:16,16,16 4:2
 5:18 9:11 16:1
 couple 11:21 18:20
 course 8:7 10:6 15:13
 court 2:21,22
 cover 19:6
 covered 7:6
 crashed 13:4
 created 18:6
 Creator 17:3

Creek 2:9 5:2
 crews 4:10
 cross 7:17
 crossings 4:8 5:13
 crude 5:5
 crust 14:4,6
 CSR 1:21
 cumulative 5:3
 current 3:20
 cut 5:17
 C-o-l-l-i-e-r 6:12
 C.S.R 21:19

D

D 2:1
 damage 19:23
 darn 12:2 19:21
 Dave 20:11
 David 9:10 20:12
 day 5:3 19:1 21:16
 days 9:17
 decision 6:16 18:9,16
 decision-maker 6:15
 6:16
 deeper 17:4
 DEIS 20:22
 delay 12:21
 delays 4:7,8,9,14 15:7
 derailment 10:16
 derailments 10:18,19
 destroyed 11:1
 development 15:6,23
 died 10:24
 diesel 4:18
 direction 9:18 21:8
 dirty 8:14
 disappointing 6:7
 disastrous 7:10
 disqualify 12:7
 disturbing 13:2
 divers 13:7
 Docket 1:12 2:25
 doctors 12:20
 downer 7:3
 downline 4:25 14:18
 downtown 11:1 16:19
 down-line 2:17
 draft 1:9 2:12 3:20,23
 5:21
 dramatic 11:6
 drive 11:23
 Drumheller 2:3,3 5:23
 6:19 9:7 11:17 14:15
 15:24 18:1 20:1,5,9
 20:15,20
 dumped 10:15
 dust 10:8
 dying 6:23 7:4 17:7
 d'Alene 2:22 21:21

E

E 2:1,1
 earlier 20:3
 earth 6:23 7:4 14:7
 16:25 17:3,14
 earthquake 12:1,4,13
 12:14 14:4 16:6,13
 earthquakes 14:8
 east 9:15 15:1
 effect 9:4
 effects 16:23
 effluent 8:18

Einstein 18:4
 EIS 5:21
 elderly 9:25
 elected 3:25
 emergency 4:13 15:8
 employee 21:12
 EMS 4:10
 encourage 17:15
 engines 4:19
 entire 19:20
 environmental 1:9
 2:11,12,13 3:20 8:16
 13:18
 epicenters 11:5
 especially 9:23 10:10
 16:2
 estate 17:10
 event 7:1 10:1
 everybody 11:24
 everybody's 14:16
 exist 19:14
 expanded 4:4
 expect 6:25
 expensive 15:11
 experience 3:7 4:13
 experienced 12:23
 Expires 21:22
 exploded 11:1
 explosive 5:5
 exponentially 18:25
 extraction 13:24

F

face 5:4,7,8
 fact 5:3
 factors 15:19
 family 4:17
 far 5:15
 favorite 18:4
 federal 1:13 2:25
 14:16
 federally 3:11
 feel 3:13 12:8 14:12
 Ferry 15:4
 field 2:5 13:23
 figure 18:22
 fill 13:17
 filling 13:15,16
 film 10:7 17:18
 finally 19:18
 financial 5:16
 financially 21:13
 find 16:15
 finger 3:3
 fireball 16:8
 first 3:22 11:22 16:7
 16:17
 fitted 12:4
 five 5:16 8:2
 flawed 4:24
 floor 14:21
 follow 6:10
 foregoing 21:4,9
 forever 10:20
 forgot 20:2,14
 Fork 7:9 12:19
 formal 3:24 4:6
 forms 14:4
 forth 21:5
 Forty-seven 10:24
 fossil 13:25
 four 8:2

fracking 14:3
 frankly 12:12
 free 12:8 14:12
 frequently 12:19
 friend 12:18
 fro 8:1
 fuels 13:25
 fumes 4:18
 funnel 3:17 7:11
 future 5:10 11:10,11
 17:22

G

G 2:1
 gain 5:17
 Gary 3:2,3,15 5:23 7:6
 16:2,5
 Gary's 6:9
 generations 10:11
 11:11,12
 geography 17:20
 geologist 12:15
 getting 4:14 12:24
 13:8 15:8,16
 gifts 17:17
 give 3:13
 given 17:18,19 21:10
 global 19:19
 go 3:1 7:17 8:11 12:11
 12:18 16:7 17:22
 19:6
 goes 15:3
 going 6:17 7:10,18,19
 7:20 8:13,14,17 10:2
 11:3,21 12:11 13:6
 14:1,7 15:20 16:21
 17:24
 good 17:17
 Google 18:17
 government 11:8
 grandchildren 6:17
 grandkids 19:22,23
 great 6:4 11:17
 greater 5:15 18:8,10
 greatest 5:4
 greed 17:11
 greenhouse 9:4
 ground 5:22 18:14
 19:16,25
 group 7:3
 guess 14:10 20:10
 guys 11:23

H

half 7:14,16 11:1
 Hall 2:6
 hand 21:16
 happen 14:5
 happened 9:1 13:3
 happening 10:18
 happy 9:12
 hard 6:9
 hazards 12:4
 head 13:5
 heal 10:22
 hear 3:24 5:14 10:2
 15:14
 heard 4:7,16,20
 hearing 1:2 3:11,24
 4:6 6:1 9:6 20:22,24
 heart 10:3 17:7
 held 2:16 4:6

hereunto 21:15
 heritage 17:21
 hillside 4:18
 home 4:21
 hope 4:17 15:22
 hospital 4:14 12:20
 hour 7:14,19,20 8:25
 house 9:25 12:24
 hundred 9:23 19:7
 hundreds 9:2
 Hussey 9:10,10 20:12
 20:12
 H-u-s-s-e-y 9:10

I

ice 14:5
 ID 21:21
 Idaho 1:4 2:4,5,6,22
 3:16,24 4:17 6:21
 9:11 18:3
 idling 4:19
 ignoring 3:23
 impact 1:9 2:12 3:20
 4:23,25 5:3,9 12:2
 13:18 14:14 18:10
 impacts 2:13
 important 12:16 13:1
 improved 5:13
 improvements 5:16
 incident 13:3
 including 15:20
 increase 10:10
 increased 4:18 10:7,11
 infrastructure 7:23
 8:9
 initial 16:9
 Inland 3:9
 inner 18:8
 insanity 6:22,23
 instance 7:25
 integrity 12:9
 interested 21:14
 interferes 12:23
 invite 3:2
 involved 17:7,11
 issue 3:14 10:5,6 11:6
 17:2,12 19:18
 issues 8:5 16:20 18:15
 19:10
 item 19:13

J

Jim 14:22 20:18

K

keep 5:25
 keeping 11:12
 Kennaly 15:25,25 20:2
 20:2
 key 11:21
 Kim 18:1
 Kimberly 18:2
 kind 6:7 12:4,21 13:12
 13:13
 kinds 14:3
 know 7:11,25 8:18
 10:17 12:10,24
 13:10,13 14:16 15:7
 Kootenai 7:8 14:23
 K-e-n-n-a-l-y 16:1

L

L 1:21 21:2,19
 Lac 10:23
 lake 4:19 10:16
 land 11:12
 landed 13:5
 lanes 12:23
 large 7:2 12:14 14:3
 larger 17:3,4
 latest 15:23
 lawyers 15:16
 League's 2:4
 leave 5:21 18:14 19:15
 19:15,25
 leaving 16:21
 left 7:6
 legit 14:18
 letter 15:12,15,15,16
 Let's 6:2
 life 4:23
 lifted 3:2
 likelihood 12:10
 line 2:8,15 5:8 6:15
 9:16 18:23
 lined 18:24
 lines 16:13 18:20,22
 19:6
 Link 4:8 15:2
 lithosphere 14:2
 little 8:24
 live 3:5 6:12,18,21
 7:12,15 9:15 14:17
 14:18,22 15:1,1 16:1
 19:22
 lived 7:16
 lives 10:20 11:2 15:21
 local 5:14
 located 16:18
 location 9:15
 long 12:1
 look 14:12 16:7 18:6
 looked 19:9,12
 looking 4:25
 looks 17:20
 Lord's 17:1
 lost 4:21 10:23 16:16
 lot 8:14
 loud 16:6
 lucrative 4:21
 lumber 9:23

M

M 2:22,22
 main 9:16
 major 4:7 16:13
 makers 17:18
 making 4:19 18:16
 management 13:23
 manner 13:12
 Marshall 18:2,2
 mean 8:20 11:3,7 14:2
 14:17
 means 18:9
 meant 5:24
 media 10:17
 medical 10:1
 meeting 2:5,19 17:9
 meetings 2:16
 Megantic 10:23
 melt 14:5
 member 9:13 17:14
 men 13:5,8
 mention 5:24 20:14

miles 7:19,20
 million 8:25 9:3
 millions 9:2
 mind 6:8,23
 mindful 17:16
 Mine 5:2
 Ministry 17:15
 minute 7:5
 minutes 3:12 5:25 8:2
 8:3 9:24 12:25 13:9
 15:7
 misses 9:18
 missing 17:9,9
 MIT 14:10
 mitigation 5:13
 model 3:10
 moment 14:11
 money 8:10
 Montana 2:9,10 4:8
 15:2
 month 8:21,21
 Morgan 11:19,19
 20:16,17
 mother 4:16
 Mountain 7:15
 move 7:25
 moved 4:17
 moves 5:5,8
 movie 16:4
 moving 5:9
 M-a-r-s-h-a-l-l 18:3
 M-o-r-g-a-n 11:20

N

N 2:1
 name 2:3 3:4,5,15
 6:20
 nation 10:9
 Native 11:11
 natural 13:22
 near 4:19 9:18
 need 5:15 8:5,12 11:25
 12:5
 needed 5:16
 needs 19:7
 neighborhood 4:11,12
 neighbors 9:25 14:24
 never 10:22 13:10
 18:5
 new 5:1 8:21 19:7
 news 4:22
 nightmare 11:3
 nodding 13:4
 noise 16:7
 north 3:24 15:3
 Northwest 3:9
 Notary 1:22 21:20
 no-action 3:19 5:20
 18:14 19:25
 no-option 19:15
 number 18:15,24
 19:17

O

O 2:1
 occur 2:14
 oceanic 14:6
 office 2:5,11
 officials 3:25 5:14
 oh 11:17 20:10
 oil 3:8 10:14,14 15:3
 16:9,19,20 19:10

okay 6:4 9:9 20:1,10
 20:15
 once 13:11
 open 14:21
 operate 2:8,14
 opportunity 17:4,25
 opposite 9:18
 option 18:14
 oral 2:19
 order 2:19 16:22
 Oreille 4:19
 organization 9:13
 organized 3:11
 Otter 2:9 5:1
 outside 16:7
 overburden 14:4
 owns 15:13

P

P 2:1
 Pacific 5:8
 papers 10:17
 parked 9:17
 part 3:9 13:19
 parties 21:13
 parts 8:25 9:3
 pass 9:18,20
 passed 8:25
 pastor 16:17
 Patricia 1:21 21:2,19
 Patty 2:21 3:6
 pay 8:9
 Payton 3:3,7,15 7:6
 16:2
 Pend 4:19
 people 6:7 7:2,25 8:4
 10:10,11,24 11:2,2
 11:13 14:10 15:19
 17:5,9,16 18:16
 people's 10:20
 percent 5:17 19:7
 period 8:9
 persons 4:3
 person's 3:14
 perspective 17:13
 19:19
 pictures 17:19
 piece 19:7
 place 19:1,20,21 21:5
 plane 13:3
 planet 19:20
 planned 2:17
 plant 8:20
 plants 8:22
 please 3:4,5 9:9
 plume 16:8,12
 pockets 17:11
 Point 4:11
 points 3:18 11:21
 police 8:4,4 13:6
 pollutants 8:22
 pollution 15:20
 Ponder 4:11
 possibility 16:11
 possible 18:24
 Powder 5:10 19:9
 power 8:20,22
 prepared 2:12
 preparing 3:23
 Presbyterian 16:17
 17:14
 pretty 12:2 19:21

previous 15:19
 primary 10:4,6
 private 9:14
 probably 7:14 11:25
 problem 8:12 14:24
 18:5
 problems 14:3
 proceedings 21:4
 process 4:24 5:12
 13:20 14:14
 product 8:1
 profit 8:8
 profits 5:17
 proposal 2:7
 proposed 1:8 2:15,18
 2:20 5:1
 Psalm 16:25,25
 public 1:22 2:16 3:25
 6:1 8:5 21:20
 Pullo 1:21 2:21 21:2
 21:19
 put 17:19
 p.m 2:2 20:25

Q

quality 4:23
 Quebec 10:24
 question 6:13,14,17
 quite 12:16 13:23
 16:14
 quotes 18:4

R

R 2:1
 rail 2:8,15 3:17 4:8
 5:13,17 12:16,21,22
 16:13 18:20,22,23
 19:6
 railroad 1:8 2:7,21
 5:15 9:16 12:9 15:2
 15:10,13 18:7 20:22
 railroads 2:18
 rails 12:3
 railway 12:2
 ramble 17:24
 Ramsey 14:22,22
 20:18,18
 read 8:19 10:16
 ready 16:5
 real 13:13 16:11 17:10
 really 12:15 13:1,10,12
 13:19 14:8 17:5
 realtor 4:21
 reasons 3:22
 rebellion 11:7
 recognize 6:24
 record 2:23 21:10
 recorded 21:6
 redistributed 14:6
 refineries 5:6
 reflect 16:10,24
 reflective 16:3
 regarding 2:20
 region 4:5
 regular 4:9
 regularly 10:17
 related 16:20
 relation 19:9
 relationship 17:4,21
 relative 21:12
 remind 11:24
 reminding 11:25

removal 14:3
 report 3:12
 REPORTED 1:20
 reporter 2:21 21:3
 REPORTER'S 21:1
 Reporting 2:22
 request 3:23
 required 9:19
 resource 13:22
 responders 15:8
 response 4:10 16:10
 16:12
 responsibility 5:16
 resuscitated 13:10
 retirees 4:12
 retrofitted 12:3
 right 6:12 9:7 11:17
 13:6 18:9 20:9,20
 rightfully 7:18
 risk 5:18
 river 1:8 2:7,20 5:10
 7:8,9 13:4,5 19:10
 20:22
 road 7:15 15:5,10
 Rod 6:20 20:5,7
 route 18:23
 running 3:17 9:21 11:2
 18:21
 R-a-m-s-e-y 14:22

S

S 2:1
 sacred 19:20
 sad 16:10
 safe 7:18 11:12
 safeguards 8:17
 safety 8:5
 sale 4:21
 sand 19:11
 Sandpoint 1:4 2:5,6,6
 3:17 4:2 6:12,21
 10:25 12:17 14:23
 16:18 18:3,17
 sands 5:8
 saw 8:24 10:7
 saying 15:15
 seal 21:16
 seat 3:16
 Secondly 4:24
 seconds 12:25
 section 18:7
 seditious 11:8
 see 6:2 7:2 9:12 14:2
 14:23 16:20 18:12
 18:12 19:1
 seeing 18:8
 seen 4:10 7:20 9:18
 selling 11:9
 senator 4:3
 sense 5:14
 seriously 13:21
 set 21:5,15
 seven 9:24 11:12
 sheet 6:6
 sheets 14:5
 Sherman 21:20
 Shorthand 21:2
 showed 8:25
 shut 16:13
 sic 19:11
 side 16:23
 siding 9:16

sign-up 6:6
 similar 14:24
 simple 6:14,17 10:19
 singular 19:13
 sit 7:20
 situation 4:13 15:5
 slow 7:18
 small 14:4 18:19
 sobering 14:11
 solve 8:12 18:5
 somebody 6:2,5 15:14
 someplace 16:21
 soon 18:10
 sorry 7:3,3 8:21
 sort 12:11
 sound 11:8
 sounds 8:12
 speak 11:14,15,15
 20:21
 speaking 9:14
 special 19:20,21,22
 spell 3:5
 spiderweb 18:21
 spill 7:9 12:11
 Spokane 3:18 11:20,23
 12:7 13:2,4 14:19
 Stanford 14:10
 start 6:22 9:21
 state 3:4,10 4:3
 Statement 1:9 2:13
 3:21 13:18
 statements 21:6,10
 States 10:22
 STB 3:23,25 4:24 5:12
 steal 14:12
 stenographically 21:7
 stewards 17:17
 stewardship 17:2
 stokes 14:6
 stop 7:22 15:22
 stopped 13:7
 straightforward 3:22
 strongly 18:13
 submitted 3:13
 sue 15:17
 suffered 10:1
 Suite 21:20
 supposedly 16:15
 sure 12:3 13:18 19:22
 Surface 1:13 2:10,25
 3:19 20:13
 Susan 2:3
 system 14:7
 systems 17:6,8,11

T

take 4:1,25 9:21 13:21
 19:16,25 20:3,4
 taken 2:2 13:11 21:4
 talk 11:11,22,23 16:5
 talked 15:9,14
 tar 5:7 19:11
 tax 5:18 8:10
 taxpayers 19:8
 tectonic 14:7
 tell 10:2
 ten 2:16 7:20 8:3 9:24
 terminals 5:6,11
 terms 17:20,21
 terrible 15:8
 thank 3:6 5:23 6:4,19
 9:6,7 11:16 16:1

17:18,25 18:1 20:4
 20:23
 Thankfully 16:12
 theoretical 13:13
 thing 11:24 12:5 13:12
 13:14,24 16:7 17:10
 20:6,12
 things 10:15 16:14,24
 19:14
 think 6:5 7:19 8:9 12:5
 13:7,8,19 16:10,25
 17:6,8,10 18:10
 thinking 18:6
 Third 5:12
 thought 14:9 16:4,8
 thousands 9:2
 threat 10:13
 three 3:12 5:25 7:16
 19:17
 time 9:19,24 10:4 15:8
 16:14,16 21:5
 timed 9:22
 timely 13:11
 times 4:10
 Tongue 1:8 2:7,20
 20:22
 tonight 9:12 16:4
 top 3:17 18:22
 touch 10:17
 town 7:17 9:15 15:1
 18:19,21
 tracks 7:13 8:1 9:21
 18:25 19:3
 Tracy 11:19 20:16
 traffic 4:4 5:5,7 9:20
 12:22
 train 4:4 5:5 7:14 13:6
 13:7 16:9,19
 trains 4:22 5:1,3,4,6,9
 7:7,12,17,19 9:16,17
 9:19,20,22,22 10:9
 10:25 15:4,6 16:16
 16:19,20,21 18:24
 19:2,3,10,16,17
 transcribed 21:7
 Transportation 1:13
 2:10 3:1,19 11:22
 20:13
 treat 17:5
 tremendously 10:12
 tribal 17:21
 TRRC 2:14
 true 21:9
 try 7:17 18:22
 trying 5:24 7:25 15:9
 15:22 17:15 18:6
 two 3:11 10:14 13:5
 16:24 19:16
 types 10:14
 typically 3:10 6:1
 T-r-a-c-y 11:19

U

ultimate 6:15,16
 unacceptable 4:13
 18:13
 understanding 8:15
 underwater 13:8
 Union 5:8
 unit 5:6
 United 10:22
 unprecedented 9:1

10:14
 urge 3:18 5:20 18:13
 urgent 5:15
 use 13:25

V

variety 3:8
 venue 6:25
 victim 10:3
 views 4:1
 visit 12:18 18:18
 voice 14:16
 voices 4:3,16
 voted 18:18

W

wafting 4:18
 wait 7:21,21,21 8:2
 9:19 20:10
 waiting 9:17 18:25
 want 7:5 8:8 17:5,24
 20:8,21
 wanted 7:7 11:24 20:5
 20:7
 wants 20:21
 Warren 15:13
 Washington 3:18 5:7
 5:11
 wasn't 16:4,12 20:16
 water 13:11 14:5
 Waterkeeper 9:13
 waters 11:15
 waterways 10:13
 way 3:10 6:15 12:11
 12:15 14:8 15:11
 18:5,23
 week 8:20 10:18
 west 2:17 3:18
 we'll 13:9
 we're 2:5 3:10,11 5:24
 8:17 11:4 14:7 17:2
 we've 8:25 9:3 10:14
 10:15 17:13,18,19
 18:18
 WHEREOF 21:15
 wildlife 11:14
 William 6:11
 WITNESS 21:15
 words 15:17
 work 15:22
 working 19:3
 works 19:14
 world 11:9 19:14
 worried 12:12
 worse 4:20
 worth 11:7
 wouldn't 10:3
 write 14:13 15:17
 writing 12:5
 written 3:13 15:15
 wrong 14:9
 wrote 14:10 15:12

Y

yards 7:13
 Yeah 5:24
 year 8:22 10:18
 years 7:16 9:2
 young 10:10

Z

zero 19:8

zone 16:18

#

#697 21:19

1

11 1:3 2:2

11/13/2018 21:22

12 13:9

15 15:7

15th 21:16

1982 13:23

2

20 13:9 15:7

2015 1:3 2:2 21:16

3

300 7:2,12

30186 1:12 2:25

35 7:19

4

400 8:25

42-mile 2:8

46 16:25

5

52 8:21

6

6:30 2:2

60 5:2

7

7 21:20

7:00 20:25

8

816 21:20

83 13:23

83814 21:21

9

94 12:19,25