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David H. Coburn
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036

Thomas Hanou
HDR Engineering
1715 South Reserve Street
Missoula, MT 59801

Chris Moelter
ICF International
615 SW Alder Street
Suite 200
Portland, OR 97205

Victoria Rutson
Director
Office of Environmental Analysis
Surface Transport Board
395 E Street SW
Washington, DC 20423

Re: Right of entry to private land along proposed Tongue River Railroad routes

Dear Mr. Coburn, Mr. Hanou, Mr. Moelter, and Ms. Rutson:

Landowners Kurt Baumgartner; Henry and Kitte Coffin; Joe and Helen Curran; Joseph W. Hanna Trust; Highland Rim Properties, Inc.; Rocker Six Cattle Company; and Trusler Inc. (together the "Landowners") have retained our firm to represent them in matters related to the proposed Tongue River Railroad (the "Railroad").

Recent correspondence from HDR Engineering ("HDR") to landowners along the proposed "Colstrip Alternative" route for the Railroad continues to seek permission to enter private land for reasons related to Railroad siting, from Landowners who have previously communicated their refusal to allow any such entry. It also appears that, from time to time, individuals identified as employees of HDR have entered without permission on private land along the Colstrip Alternative, including private land adjacent to an easement held by the county for public roads, gravely damaging any good will that may have existed among the Landowners toward HDR and Tongue River Railroad Company ("TRRC"). Further correspondence from the Surface Transport Board ("STB") indicates that STB, ICF International ("ICF"), or their

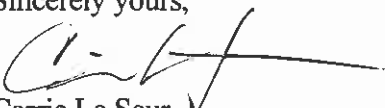
agents or affiliates plan to seek additional entry to the Landowners' property for purposes of siting the Railroad.

On my clients' behalf, I hereby notify you that HDR, ICF, STB, TRRC, and their agents and affiliates (together the "Developers") are not licensed, invited, or otherwise privileged to enter upon the Landowners' land, per Montana Code Annotated ("MCA") 45-6-201 and 45-6-203. This denial of entry includes land across which the county holds an easement for public roads. Any departure by the Developers from the surface of such roads onto the Landowners' private property will be considered an act of criminal trespass.

Pursuant to MCA 70-16-111, my clients also hereby deny any entry request for a professional surveyor employed for purposes of siting the Railroad, now and in the future. None of the entities that have requested or propose to request entry onto my clients' land are authorized by MCA 70-30-110 to conduct surveys on private land, because none of the entities is the state or its agent. There is also no ruling or order in place establishing that the proposed use of the various proposed Railroad routes is a public use, so MCA 70-30-110 does not apply.

Any entry upon the Landowners' property for any reason by the Developers, from this point forward, will therefore be considered criminal trespass and the Landowners will press charges. Any damage done by the Developers while trespassing will be considered criminal mischief, per MCA 45-6-101, and the Landowners will press charges. Please direct any further communications for Mr. Baumgartner; Mr. and Mrs. Curran; Mr. and Mrs. Coffin; Joseph W. Hanna Trust; Highland Rim Properties, Inc.; Rocker Six Cattle Company; or Trusler Inc., regarding the Railroad, to me.

Sincerely yours,



Carrie La Seur