

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

Re: Proposed Tongue
River Railroad Project }

TRANSCRIPT OF PROCEEDINGS

Chief Little Wolf Capitol
Lame Deer, MT
November 16, 2012
6:00 p.m.

APPEARANCES

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P R O C E E D I N G S

1
2 MR. GRAVES: Welcome everyone. It's
3 just a couple minutes after 7:00 so we are
4 going to get started with the public comment
19:03:07 5 portion of the meeting. I'm going to turn
6 microphone to Cathy Glidden from the Office of
7 Environmental Analysis.

8 MS. GLIDDEN: Hi everybody. Thanks
9 for coming. Really appreciate your being here,
19:03:21 10 for taking the time to participate this
11 meeting.

12 The purpose of this meeting is a
13 public scoping meeting on the Environmental
14 Impact Statement for the proposed Tongue River
19:03:34 15 Railroad. My name is Cathy Glidden, and I'm
16 representing the Surface Transportation Board's
17 office of Office of Environmental Analysis, or
18 OEA. Also seated at the table is Alan
19 Summerville, he is with ICF International, and
19:03:49 20 they are working as our project manager for the
21 third-party consultant contractor. We also
22 have Scott Graves, also of ICF International,
23 again, with our third-party contractor. He's
24 going to be serving as our meeting facilitator.

19:04:05 25 The Board is the federal agency

1 that's responsible for granting authority to
2 the construction and operation of new railroads
3 and associated facilities. On October 16,
4 2012, the Tongue River Railroad Company filed a
5 revised application with the Board to construct
6 and operate a new rail from Miles City,
7 Montana, to two end points near Ashland,
8 Montana. And we have maps in front if you want
9 to take a look at those. They demonstrate
10 where things are. And up here as well.

11 The Board is the legal agency
12 responsible for preparing the EIS, which will
13 identify and evaluate the potential
14 environmental impacts of the proposed action
15 and alternatives.

16 There are four cooperating agencies
17 working with the Board preparing the
18 Environmental Impact Statement. The Bureau of
19 Land Management, Army Corps of Engineers, the
20 United States Department of Agriculture, and
21 also the Montana DNRC is acting as the lead
22 agency for other Montana State agencies.

23 These cooperating agencies have
24 decision-making authority independent of the
25 board, and are agencies from which the Tongue

1 River Railroad Company will obtain separate
2 approvals or permits.

3 The meeting represents one of the
4 first opportunities in the Environmental Review
19:05:26 5 Process for members of the public to provide
6 input to the Board about its environmental
7 concerns related to the construction and
8 operation of the proposed rail line, including
9 the potential alternatives and their impacts.

19:05:36 10 Our hope is that the information you provide
11 today will help frame our analyses and help us
12 understand your concerns about the proposed
13 action and the potential alternatives.

14 The public comment period will last
19:05:50 15 until December 6, 2012. We will then revise
16 the Draft Scope of Study and issue a Final
17 Scope of Study, incorporating public comments
18 and concerns received during the comment
19 period. We will consider comments received
19:06:04 20 when preparing the Final Scope of Study. There
21 is additional information on the Board's
22 Environmental Review Process at the
23 Environmental Review Process station, which is
24 right over here.

19:06:15 25 After the scope of study is finalized

1 we will begin preparing the Draft Environmental
2 Impact Statement. The Draft EIS will affect
3 our independent analysis of the potential
4 environmental impact that could result from the
5 construction and operation of the proposed rail
6 line. The Board will then issue the Draft
7 Environmental Impact Statement and the public
8 will have the opportunity to read and comment
9 on the Draft EIS during a formal public comment
10 review period, which will include a series of
11 public meetings similar to this one. After the
12 Draft Environmental Impact Statement, public
13 comment period has come to a close, it will
14 consider all comments received and address each
15 comment in the Final Environmental Impact
16 Statement. The Final Environmental Impact
17 Statement presents the final conclusions and
18 recommendations for mitigating possible
19 environmental effects. Issuance of the Final
20 Environmental Impact Statement completes the
21 Board's review process. The Board will make a
22 Final decision on the proposed rail line
23 construction.

24 In making its final decision the
25 Board will consider the entire environmental

1 record, including all public comments, the
2 Draft EIS, the Final EIS, and final recommended
3 environmental mitigation. No project-related
4 construction may begin until the Board's Final
5 decision has been issued and has become
6 effective.

7 So as far as the meeting is concerned,
8 if you've not already done so, please sign in
9 at the table right in front there. Those that
10 have indicated they would like to make a public
11 comment on the Scope of Study, which will be
12 recorded by the court reporter, will be called
13 upon to speak in the order in which they signed
14 in.

15 So I want to thank everyone again for
16 being here. And we are -- we do have a lot of
17 people tonight. So it's really important that
18 we stick to a certain time for each person to
19 speak. So if you come up and do speak, your
20 comments will be limited to five minutes, so
21 everyone, again, has an opportunity. So if you
22 would like to provide a handwritten comment,
23 comment forms are located right over there,
24 written comment area, and handwritten comments
25 are placed in the comment box. The comment box

1 is right back there, too. You can also submit
2 them electronically on our website.

3 So oral or written comments will be
4 given equal weight and consideration. All
19:08:47 5 comments are due December 6, 2012.

6 Alan Summerville of the ICF
7 International will now talk a little bit more
8 about the project.

9 MR. SUMMERVILLE: Good evening.
19:09:03 10 During the first half of this meeting we
11 provided information on the project, and I'd
12 like to summarize that information for those of
13 you who were not here during the first half of
14 the meeting, and provide a recap for those who
19:09:14 15 were.

16 The Tongue River Railroad Company's
17 principle purpose for the new rail line is to
18 transport low sulfur sub-bituminous coal from
19 the proposed mine sites in Rosebud and Powder
20 River Counties, including the proposed mine in
19:09:28 21 the Otter Creek area. The Tongue River
22 Railroad Company is proposing to construct and
23 operate an approximately 83-mile rail line
24 between Miles City and two ending points, one
19:09:42 25 near the site of the previously planned Montco

1 Mine near Ashland, and the other at the
2 proposed Otter Creek Mine in the Otter Creek
3 area east of Ashland.

4 Accordingly, the rail line will cross
19:09:56 5 portions of Custer, Powder River, and Rosebud
6 Counties.

7 The proposed route would follow the
8 Tongue River Valley and would consist of a
9 single track constructed of continuous-welded
19:10:09 10 rail and include a 200 foot wide right-of-way
11 crossing local roads, streams, trails, and
12 utility corridors; two passing sidings, one
13 near Milepost 27 and the other near Milepost 46
14 and ancillary facilities including six set-out
19:10:28 15 tracks between 500 and 4000 feet in length to
16 provide for temporary storage of cars requiring
17 repair and for storage of maintenance equipment.

18 At a minimum, the Office of
19 Environmental Analysis is considering those
19:10:41 20 alternatives analyzed in the Tongue River I
21 EIS, the Tongue River Road Alternative, Moon
22 Creek Alternative, the Colstrip Alternative,
23 and the No Action Alternative.

24 As part of its alternatives
19:10:57 25 development process, the Office of Environmental

1 Analysis is determining the feasibility of
2 these and other potential rail routes. The
3 Office of Environmental Analysis welcomes
4 public comments on these and other potential
5 alternatives.

6 Alternatives will be evaluated based
7 on public and agency input as well as
8 environmental, technical, and engineering
9 considerations, including curvature and grade
10 of the rail line and topographic features, such
11 as steep slopes, hills, as well as factors such
12 as geology, floodplains, wetlands, rivers and
13 streams.

14 EISs can cover a wide range of
15 topics. In this EIS, the Office of Environmental
16 Analysis plans to cover transportation systems,
17 safety, land use, recreation, biological
18 resources, water resources, navigation, geology
19 and soils, air quality, noise and vibration,
20 energy resources, socioeconomic, cultural and
21 historic resources, aesthetics, and
22 environmental justice. Additional resource
23 subject areas can be added as a result of
24 comments and information received during the
25 scoping process.

1 The purpose of the public scoping
2 meetings is to provide a forum in which the
3 Office of Environmental Analysis can gain the
4 public's input on potential alternatives, or
5 important impacts that may or may not currently
6 be in the Draft Scope of Study.

7 Now, at this time I'd like to turn
8 the meeting over to Scott Graves, our
9 facilitator, who will go over some ground
10 rules, and then we'll take public comments.
11 Thank you.

12 MR. GRAVES: Good evening. Just a
13 couple of quick notes before we get started.
14 Cathy had mentioned about a five-minute limit
15 on comments, we'd like to adhere to that this
16 evening. We have quite a number of people who
17 have signed up to comment and that just out of
18 respect and courtesy for the people coming
19 after you, I think it's important to try to
20 keep comments to five minutes. To help you
21 know when your five-minute time limit is coming
22 up, Sarah has some cards over here that has a
23 30-second warning and then the stop talking
24 card that just says your time is up.

25 If after everyone has commented you

1 want to extend your comments, you are more than
2 welcome to come back and talk a second time.
3 So we'll make sure that everybody gets a chance
4 to say their piece tonight.

19:13:30

5 The first name is Mildred Redcherries.
6 Is Mildred here?

7 Okay. Next is Jeannie Alderson.

19:14:05

8 MS. JEANNIE ALDERSON: Thank you. I
9 didn't plan on going first. My name is Jeannie
10 Alderson, and our family owns and operates a
11 cow-calf operation near Birney, Montana. And
12 in addition to this business, my husband and I
13 also have our own small business. We raise and
14 sell grass-finished beef directly to customers.
15 And I thank you all, and folks from the Surface
16 Transportation Board, for being here and for
17 listening. And thank you, good neighbors, for
18 hosting it.

19:14:20

19:14:34

19 We assume that this is a good faith
20 effort and that you are truly going to identify
21 and scope the scope of this devastating
22 project, the Tongue River Railroad. We assume
23 that you won't just rubber stamp and go ahead
24 with the Tongue River Railroad relying on old
25 and stale information from the 1970s and '80s.

19:14:53

1 Because we know that we are all here today
2 because the Tongue River Railroad Company has
3 done its work so poorly in the past. They
4 haven't truly looked at impacts. So I
5 appreciate that this is a really serious effort.

6 And we are also here today because
7 they have not looked at cumulative impacts.
8 And I think that's what I hope to speak to today.

9 And something about the Tongue River
10 Valley and ranching in the Tongue River Valley
11 are businesses are interconnected. You can't
12 just look at the project area, and maybe the
13 devastation to those ranches, without looking
14 at the whole valley and the economics involved.
15 What I mean by that, a ranch like ours, we are
16 a side creek ranch. We don't irrigate. We put
17 up some hay if we are lucky. But we depend on
18 the ranchers in the lower end of the river for
19 our feed and our hay. And like in our grass-
20 finished beef business, our customers are
21 expecting that this is locally produced and
22 it's healthy, we know what's in it, we know
23 where it comes from. It's also cheaper. And a
24 great source. So if those ranches are
25 devastated, you're affecting our ranch, too.

1 Although the route -- my ranch was crossed in
2 the other proposed routes, but thankfully it is
3 not now. But I'm just hoping that you look at
4 the entire valley.

19:16:26 5 I guess the two biggest industries in
6 Montana are agriculture and tourism. And I
7 think we want to really look at these
8 industries, because coal is actually kind of
9 down there, and we don't want to devastate
10 those industries by bringing in a new one. And
19:16:42 11 so that's the other thing I would like to speak
12 to.

13 If you look at the impacts of the
14 Otter Creek Mine along with the Tongue River
19:16:59 15 Railroad, the Tongue River Railroad is going to
16 open the door to the whole industrialization of
17 the whole area, and I am assuming that that is
18 going to be considered, and what that means to
19 all the other industries and all the other
19:17:11 20 inhabitants and people in the area. You can't
21 just industrialize a portion and not change
22 everything.

23 And I guess I want to speak to
24 tourism. I think that people come to this part
19:17:26 25 of the state because of its natural beauty,

1 hunting and fishing, but they also come for the
2 amazing history and culture. This area is a
3 national treasure. I mean we have some of the
4 most important historic sites anywhere in this
5 country. So I guess that is really important,
6 and it needs to be looked at for its intrinsic
7 value and for its value to the inhabitants and
8 to the people here, but it also needs to be
9 looked at as its potential economic value.

10 Conservation tourism, historic and cultural
11 tourism, wildlife tourism, these are hugely
12 important industries, and they have huge
13 potential that needs to be considered. I don't
14 know how you do that, but I think looking at
15 the potential as well and what's lost.

16 I guess I speak to that, not just
17 sort of speculatively, but our ranch is on the
18 Register of the Natural Historic Places. It's
19 something my granddad and his brothers did in
20 the depression. They added value to what they
21 were already doing, and I have a ranch today
22 because of that.

23 I guess there's a whole bunch more
24 that I wanted to say but I have 30 second left.
25 I heard a rancher say the other day, who lives

1 by a coal mine and a railroad, and he said, you
2 know, coal companies will always talk about all
3 they are going to bring to a place. They never
4 talk about what they are going to take away.

19:19:03 5 And so I just ask you to really seriously look
6 at what will be taken away by this project.

7 And I guess I ask you to look at those of us in
8 ranching and I think in the surrounding

9 communities, we think generationally, we think

19:19:22 10 down the line, you know, to our children and

11 grandchildren, and we need to be able to pass

12 on these ranches, and we can't do it in an

13 industrial zone. So I also really urge you, if

14 you can't look and look and see that these

19:19:39 15 other industries and other ways of life won't

16 be harmed, that you really put forward a no

17 action no build alternative, and take that

18 really seriously. Thank you.

19 (Applause.)

19:19:53 20 MR. GRAVES: William Wilson.

21 MR. WILLIAM WILSON: Good evening.

22 My name is William Wilson, or Possum, if you

23 guys want to call me that. But I'd like to add

24 to my other comments. I'm pretty sure you know

19:20:14 25 it. I'm William Wilson, III.

1 First, I'd like to mention to you
2 guys, the migratory birds that come through
3 here. I live here throughout the whole year
4 and during the summer there is a stork that
5 comes through here and it hits water across the
6 watersheds around here. Anyway, I'd like you
7 guys to look into that. There are storks that
8 come through here. Eagles, eagles that fly
9 down, all those migratory birds and stuff like
10 that, too. Also there's bears, bears over
11 here, a lot of those. You don't get this far
12 east in Montana, but you know there's bears
13 over here. Bears, all the wildlife that comes
14 around here, it's all connected to the trees,
15 the animals. I want you guys to know that.
16 It's connected. If you guys could look at that.

17 One thing, too, the socioeconomics,
18 you know, the way we are around here. We have
19 a pretty open mindset, and just imagine if all
20 these people that are specialized into this
21 specific job field, if they come here and start
22 to make a living here, if it opens, and they
23 interrupt our socioeconomics. I really don't
24 want that, because a Cheyenne, the way we
25 think, as far as future, as far as land, our

1 people, it's for everything that's good. The
2 railroad companies make it sound good right
3 now. They make this, it's a railroad, energy,
4 stuff like that. That ain't good. None of
5 that is good. Money. All for money. I want
6 the people to know, the richest people,
7 billionaires, the richest people, they own
8 these companies that want to open this mine to
9 get more money from us that live here. That
10 ain't right. I want you guys to know that.
11 And the Board, maybe they could take that into
12 consideration.

13 Also, my people, sure it's going -- a
14 railroad, what's that going to do for us? It
15 ain't going to do anything. I know that. I
16 live here. From what I understand, this
17 railroad has been in the making for since 1980,
18 1970s, since before I was born, and it's still
19 not made. Let's try to keep it that way, I'm
20 asking you guys.

21 Another thing maybe possibly...
22 Let's see, here, not only that, I lost my train
23 of thought. Excuse me.

24 Oh, yeah, that's what it is. We have
25 Sun Dances, the largest tribal gathering along

1 that river, and at certain times we have to
2 have it peaceful. Will the Tongue River
3 Railroad Company stop their trains to make it
4 peaceful for us if it opens, or the Safety
5 Transportation Board? That's one thing I want
6 you guys to take into consideration when we do
7 have them over there.

8 Also, another thing is the burial
9 sites. We have some real -- my people, my
10 ancestors, are buried over there, people that
11 lived here before me. Cheyennes. They live
12 over there. That's where they are buried at.
13 I want you guys to look into that. There are
14 many battles along that river, that valley,
15 battles. Probably you can look around over
16 there you could find an arrowhead. You could
17 find an Arrowhead over there.

18 All those things I want you guys to
19 take into consideration. Like I said last
20 time, I don't want this for my future, I don't
21 want it for my people's future. It's bad for
22 the environment, it's bad for my way of life.
23 I want you guys to know that. Thank you.

24 (Applause.)

25 MR. GRAVES: Cameron Russell, Jr..

1 MR. CAMERON RUSSELL, JR.: Cameron
2 Russell, Jr., C-a-m-e-r-o-n, R-u-s-s-e-l-l.

3 I can't really elaborate more on the
4 points that have already been made, cultural
5 effects, environmental effects, you already all
6 know all that. Be kind of waste of breath, I
7 wouldn't say that, but I don't really feel I
8 need to elaborate more on that.

9 But another issue would be the
10 traffic. You have a lot of semis moving
11 through here and perhaps containing hazardous
12 materials, you know. We don't know that. And
13 if by some chance that this goes through and
14 the railroad is blocking traffic, the 212 is
15 heavily used, and there's an accident, it's
16 bound to happen. There's a lot of semi
17 traffic. They run on time. They have to be at
18 a certain places. There's a lot of factors
19 playing with that, their speed and all that.
20 So I think if this does go through, there's
21 going to be accidents bound to happen. If they
22 are carrying hazardous materials by some
23 chance, that that could be a big problem, not
24 only to the environment but also the traffic
25 that's behind the semis that are moving through.

1 That's another factor that you could
2 look at as well besides all that's being said.
3 Thank you.

4 (Applause.)

19:25:23 5 MR. GRAVES: Next is Mr. King. I
6 sorry, I can't read the first name. Lucas
7 King?

8 MR. LUCAS KING: Lucas King.
9 L-u-c-a-s, K-i-n-g.

19:25:49 10 My name is Lucas king. I'm 28 years
11 old.

12 And when you look around in here, you
13 see in here we got rocks, and that's what's
14 important to us. They all say it's our
19:26:16 15 elements. Me, personally, I'm against it,
16 because one thing really important to us is our
17 water. It's very pure and it's the life giver,
18 along with the sun and the earth. And this
19 railroad, it goes along the Tongue River, and
19:26:38 20 that's one of our very -- we depend on that
21 river for a lot of things, and the reason I'm
22 against it is because I've worked at a coal
23 mine and I have people I know that I work down
24 there with, but one thing I know is when a coal
19:26:54 25 mine moves in and they take something out of

1 the earth, they don't put it back the way it's
2 supposed to be put back. They put back a lot
3 of waste and a lot of things that aren't
4 natural. And this river, it leaches this way.
5 You know, the water vessels. And it combines
6 on our land.

7 All of that water, I know it will be
8 polluted. I know it will be, because 20 miles
9 that way, I've seen it, you can't drink it, you
10 have to bring your own water. And we don't
11 want to ship water from anywhere else. Because
12 our ancestors, most people would just that
13 displayed rock as a rock, but that's our
14 history right there, and all of us in here, our
15 grandparents, they fought for that. This is
16 our life. It's more than money. My children,
17 my children's children, I want them to be able
18 to have that. You can't buy that. That's why
19 we are here because we are telling you that we
20 care, just like they did, and that's why I'm
21 against it.

22 If you can guarantee that there's no
23 pollution and there will be no hassle along 212
24 like what he said, that the crime rates won't
25 shoot up, suicide rate, money brings all those

1 things. It brings a lot of other things, too,
2 but I know that for sure. If you can guarantee
3 that our Mother Earth will stay nonpolluted,
4 then you know what, man? I'm going to tell
5 you, go ahead and build it. But if you can't
6 guarantee that, then, no, I don't want it. And
7 I am for no building anything, because
8 everybody in here, we are from here. We are
9 not moving anywhere. We are always going to
10 have this. This is what our ancestors fought
11 for. So we will always have a home. We'll
12 always be here. And that's all I have to say.
13 Thank you.

14 (Applause.)

15 MR. GRAVES: Next is Tom Mexican
16 Cheyenne.

17 MR. TOM MEXICAN CHEYENNE: Tom,
18 Mexican Cheyenne. T-o-m, M-e-x-i-c-a-n,
19 C-h-e-y-e-n-n-e.

20 I just want to speak to you all how
21 concerned I am about this and what it's going
22 to do to our land. Many of our people, even
23 young people and ceremonial people, but
24 regardless or not, whether they are ceremonial
25 people, they were taught and they learned from

1 their parents or grandparents about the land
2 and how to respect it, the earth, the plants
3 and the animals, the environment around you.
4 And when you respect that, when you take
5 something from it, you also give something
6 back. We need to practice that and continue to
7 practice that. And what this railroad here
8 does is a lot of damage both for the
9 environment, for the animals, the plants,
10 pollution, and it's going to hurt us. You
11 know, whether we are on the reservation side or
12 on the other side where the ranchers are, we
13 still all believe the same thing. The ranchers
14 believe that. That's why they take care of
15 their animals the way they do. And we go on
16 that side for different things, too. We go on
17 that side to pick plants and do other things.
18 And we also hunt over there.

19 So we have a respect for the
20 environment and the things that we live by and
21 we try to live in harmony with what is here and
22 why our people brought us here. And the things
23 that they are proposing to do is all negative,
24 it's all damaging.

25 And even now in our community we have

1 a road that goes through here, and you guys
2 rode on that road, you don't see it in the
3 summertime what it's like in trucks and the
4 traffic and the disrespect the people that come
5 through here not obeying our traffic laws,
6 running people off the road, running into
7 people and crashing their vehicles and damaging
8 and injuring people's lives. It's not going to
9 be any different when it's out there. We still
10 won't get that kind of respect from people and
11 it will be no respect.

12 So there's a lot at stake here for
13 us. And you guys are here, about my age, and
14 by the time this gets going and gets built, if
15 it does happen, and you support that and tell
16 your bosses that, you're not going to be here
17 when our children are born. You're not going
18 to see the effects of it, what it's going to do
19 to everybody. But our children will suffer
20 those.

21 There are so many things that
22 railroads -- we have a tribe across here that
23 has a railroad going right through one of their
24 towns. And how times you hear people being
25 killed on that, either their cars are hit,

1 because they maybe break down or something, or
2 they don't see those wooden things that go
3 across. And some of it may be because of
4 alcohol use. But other times, too, you know
5 people just commit suicide, too. They just put
6 themselves out there, and it's not good when we
7 have something like that coming through your
8 community and it does damage to people's lives.

9 So this is not good for any of us.
10 It's not good for the ranchers, it's not good
11 for our own people. It's not good for the
12 animals. The animals will be run over and
13 disrespected. And the things that the damage
14 it's going to do to the water. Those cars are
15 going to run off, get off the road and fall
16 into the water, the ranchers, their horses or
17 cows are not going to be able to drink it, the
18 wild animals are not going to be able to drink
19 it. How long will that take and how far will
20 it go down the river? Who's going to fix that?

21 Those are the things that we think
22 about here. And it's all damaging to our
23 environment and the things that we respect and
24 that we live with. So I just really want to
25 encourage you not to do. And don't mess with

1 the environment and the things that are here
2 that we value. Thank you.

3 (Applause.)

4 MR. GRAVES: Next is Paul Stollenwerk.

19:34:34 5 MR. PAUL STOLLENWERK: My name is
6 Paul Stollenwerk. P-a-u-l, S-t-o-l-l-e-n-w-e-r-k.

7 I spoke the other night when this was
8 in Ashland and I really didn't have anything to
9 read, and I really wasn't prepared to talk, but
10 I guess I wrote some stuff down. Here we go.

19:34:54 11 So we live along the proposed
12 railroad, and it does propose to go above our
13 house. I even brought than a visual aid. This
14 is looking out of our porch, and right there
15 below is the creek and the hill, basically
16 where this railroad is projected to go. And
17 yet it doesn't touch our land.

18 So now, from what I understand,
19 talking with neighbors, all this will go away,
20 but yet it's going to be above our house. So
19:35:35 21 what kind of view am I going to have now after
22 that? And what do I get?

23 So what damages will we incur from
24 the noise and the coal dust, the vibration,
19:35:58 25 possible fires? What will our quiet piece of

1 land be worth after this is built, during the
2 process and during operation? Obviously,
3 noise.

4 And we would kind of like to know, is
5 there just compensation for someone who is
6 affected but doesn't own land that the railroad
7 crosses or on?

8 And I think there's danger. Is there
9 dangers of living below the rail line,
10 derailments and such, being that close? I
11 understand 200-foot right-of-way, which puts --
12 must be pretty close to our place.

13 What about underground facilities,
14 like the well, sewer, foundation, will they be
15 damaged from vibration. Will there be
16 compensation in the future? And would it be
17 tested before and after?

18 So there, again, we are right by the
19 creek. The creek is 30 feet from our house.
20 Otter Creek. And, obviously, we are downstream
21 from where this coal mine is going to be. We
22 have wildlife that comes to our property, and,
23 like I say, we have deer, pheasant, ducks,
24 cranes visit our place, beaver, fish, amongst
25 whatever else. Will this all be affected? I

1 think so.

2 The echo from trains will disrupt the
3 valley, and it will be loud. We already have,
4 you can tell from semis on the flats, the echo
19:37:44 5 in the valley in Ashland, and I can just
6 imagine what a train will be like going through
7 there and all the way down. So what is the
8 decibel level of a long coal train and what is
9 the level now?

19:38:01 10 Anyone owning property on or near
11 this railroad will be adversely affected. So
12 what is the real projection, the real
13 projection of trains in a 24-hour period. I
14 see the stats, but really? What will it be?

19:38:21 15 We chose to live in the Tongue River
16 Valley and raise our children in peace and
17 tranquility, and would you want to change that?
18 And the farmers, the ranchers, would be harshly
19 affected by water, pasture issues, farmland,
19:38:42 20 separation from farmland, separate pasture.
21 What would be fair compensation? I don't
22 know.

23 I got a little story, you know, when
24 I was a kid I lived by a railroad track and I
19:38:55 25 lived by an operating railroad track. And I

1 remember playing on the tracks. We'd take
2 coins out there, try to tape them to the
3 tracks, see if they get flattened down. Do you
4 know how dangerous that is? And I sure don't
5 want that for my children or grandchildren, or
6 anybody else's.

7 So is there any other routes or means
8 of transportation and options for this
9 potential coal mine? Or is the No Action
10 Alternative the best answer? I think the No
11 Action is the best answer for me. Thank you.

12 (Applause.)

13 MR. GRAVES: Next is Ken Medicine
14 Bull.

15 MR. KENNETH MEDICINE BULL: He's kind
16 of trying to stick this mic in my mouth.

17 My name is Kenneth Medicine Bull.
18 K-e-n-n-e-t-h, M-e-d-i-c-i-n-e, B-u-l-l.

19 I told this gentleman when I walked
20 in, I'm back for the rest of the story.

21 I just wanted to first say that this
22 Tongue River Railroad and the proposed Otter
23 Creek Coal Mine is an environmental injustice
24 issue. Buffalo is what we call that in the
25 So'taeo'o language. It means buffalo.

1 I would like to thank all the
2 So'taeo'o for coming out and getting up and
3 speaking against this. For a while there I
4 thought I was the only one, So'taeo'o getting
5 up and talked. There was one in Ashland, and
6 today we have young man here saying he's
7 So'taeo'o and he's against this. I want to
8 thank them for their participation in
9 submitting their comments.

10 But I have a paper here that I
11 researched. I went to the school at the
12 University of Montana, majored in history and
13 political science and psychology. Maintained a
14 4 point GPA, and the reason why I'm saying
15 that, this issue is creating emotions,
16 negatively and positively on both sides. Some
17 lady wrote in the place book said, let us
18 develop this railroad, it's all going to be on
19 the white man's land. Only the white man is
20 smart enough to make money. We are the only
21 ones that know how to work.

22 Over in Birney, my area, most of
23 those ranchers use Indian labor to build their
24 ranches, and I'm sure it's the same way down
25 toward Ashland and on the Rosebud.

1 It shouldn't be that way. We are all
2 Americans. We live in the same United States
3 of America. If it's going to create dissension
4 among us, then I don't think it should be
5 built.

6 In the north land there was hunger.
7 It seemed that the sacred powers had took on
8 the people, for the animals starved, the land
9 shriveled under the icy winds. The So'taeo'o
10 were grateful when there was dry vegetation or
11 one of the tribal dogs to fill the gnawing of
12 the empty stomach. One evening they camped by
13 a beautiful stream, the headmen went to one
14 side and sat in a semi-circle. As the rest of
15 the tribe moved toward the water, one of the
16 chiefs ordered the men to pair up and to beg
17 food from the woman they respected. One of the
18 men who did so was a young man who possessed
19 sacred power, and he stepped in front of the
20 wise man, head chief of the So'taeo'o Tribe.
21 The woman answered his request standing facing
22 as he finished the meal. When he was done, he
23 informed her that he had chosen to go with him
24 to the far north. The woman was to take dogs,
25 a travois, and camping equipment, for they

1 would be gone ten times of days of the sacred
2 number 4.

3 After days of travel they saw a horse
4 stretching before them and rising above in a
5 great mountain. This was Black Mountain, and
6 the older So'taeo'o today describe it as the
7 signs from where the So'taeo'o came. A large
8 rock stood before the mountain. When it would
9 roll away, a passage was revealed. At the end
10 of the passage they found themselves in the
11 great lodge of the great black mountain.

12 What they beheld there is even today
13 in the beauty of the Sun Dance Lodge and its
14 altar. There the sacred powers instructed them
15 for four days. Roaring Thunder also spoke to
16 them of sacred things. This word is coming
17 from the top of the mountain peak. The older
18 So'taeo'o drawings of the scene showed a
19 blackness of the sky surrounding the mountain.
20 And the vividness of the light that pierces the
21 darkness as Roaring Thunder spoke to them. He
22 taught them that by following the sacred
23 teachings they and their children would be
24 blessed abundantly. As they moved back to the
25 So'taeo'o camp, the heavenly bodies would

1 follow them. Roaring Thunder would awaken the
2 moon, the stars and the rain. The animals
3 would gather around the sacred mountain and
4 would follow them. And they told them, take
5 this horned hat to wear when he performed the
6 ceremony I have given you and you will control
7 the buffalo and all other animals. Put the hat
8 on you as you go from here and the earth will
9 bless you. And it's made from the skin of a
10 buffalo cow's head, the horns are attached.
11 Issawa (phonetic), the sacred hat, thus changed
12 the So'taeo'o.

13 The whole world seemed to become new
14 as the medicine man and the woman came from the
15 mountain. The buffalo followed them as did the
16 other animals. Grass was everywhere. Food was
17 plentiful. At the end of each day the animals
18 rested around them. When they reached the
19 So'taeo'o camp, the medicine man, wearing the
20 sacred hat, informed the people that they no
21 longer need to fear hunger. He had at once
22 ordered the ceremony to be performed exactly as
23 the powers had taught him in the mountain.

24 When the dance was completed, the
25 land was full of buffalo, grass was abundant.

1 So they had plenty. When the So'taeo'o people
2 saw the holy man with his horned hat, they
3 named him, or they honored him with the name,
4 Red Horns.

19:48:16 5 MS. GLIDDEN: Ken, can you present us
6 with that information, the rest of the story,
7 afterwards?

8 MR. KENNETH MEDICINE BULL: What's
9 that?

19:48:23 10 MS. GLIDDEN: Would you mind if we
11 could have the rest of the story after everyone
12 else has had the chance to speak?

13 MR. KENNETH MEDICINE BULL: Well, let
14 me tell you. I'm telling you the So'taeo'o was
19:48:34 15 here way before Columbus.

16 (Applause.)

17 MR. KENNETH MEDICINE BULL: I live
18 here, and I'm going to continue to live here.
19 You guys are going to go back tomorrow wherever
19:48:57 20 you came from, and I think I should have the
21 opportunity to finish what I have presented
22 here. It will not take much longer.

23 MS. GLIDDEN: Okay.

24 MR. KENNETH MEDICINE BULL: I might
19:49:12 25 as well say, it's stupid to have these

1 hearings, because the Tongue River Railroad
2 owns two-thirds of the proposal. One-third is
3 not even found, and you are rushing me. And
4 the proposal, as submitted, is not even complete.

19:49:44 5 I've been going almost every night to
6 these hearings, and those of us that live here,
7 we get time limits. But if you let Tongue
8 River Railroad come in here, you probably give
9 him all the time in the world.

19:50:17 10 When the So'taeo'o came to buffalo
11 hat and the Sun Dance to give the gift horns,
12 the Cheyenne possessed the sacred arrow as well
13 as the chief from the waters below the ground,
14 the supernatural powers, activity, and sacred
19:50:45 15 objects to the Cheyenne culture hero.

16 And our Sun Dance priest of the
17 So'taeo'o, when you put up a Sun Dance, you
18 stand up for your people, and you protect them
19 from things like this. So if you love your
19:51:12 20 families, if you love your spouses, if you love
21 your grandchildren, through that love I'm going
22 to have to ask you guys to take the No Build
23 Alternative. Keep the Tongue River Valley
24 beautiful. This isn't in the public good any
19:51:39 25 more. It's only going to benefit those Chinese

1 and those Asians. None of this coal is going
2 to be burned in the United States, but, yet,
3 the Chinese want is to make our land the
4 sacrificial part of the United States of
5 America, which is not right. Why should we do
6 something for somebody that has nothing to do
7 with the United States? How many tax dollars
8 do the Chinese pay to the U.S. Government?
9 Not a damn thing. So why should we do this?
10 Thank you.

11 (Applause.)

12 MR. GRAVES: Next is James Walks Alone.

13 MR. JAMES WALKS ALONE: (Native
14 language.) I go by that in public places.

15 My English name is James Walks Alone.
16 I have two people up there along the wall that
17 served as tribal presidents. This is one of my
18 society brothers, one of the headmen of the
19 Swift Fox. He's right what he said, we have to
20 protect what our people are worried about. And
21 I recognize many of my friends here, the
22 neighbors to the southern borders on the Tongue
23 River, to the east of the Tongue River near
24 Ashland, and I'm glad you people from the
25 Surface Transportation Board could come and

1 hear and listen to us. Maybe you could take
2 back the message what our people are talking
3 about, our neighbors, everyone that has concern
4 for this railroad that's coming through.

19:54:20 5 Our people have been impacted for
6 generations upon generations. Not only the
7 Cheyenne people, but all the plains tribes in
8 North America. And it all had to do with
9 railroads. They cut off many of our ancestral
19:54:43 10 migrations when we were living on the plains
11 from Canada all the way down to the Gulf Coast,
12 east of the Rockies, all the way to the
13 Mississippi River. The railroad has played a
14 big important part in our lives and how it
19:55:01 15 impacted all of us. And it was the onset of
16 manifest destiny for each of us, and we felt
17 the pain of it.

18 I have lost a lot of family members
19 with that railroad that has impacted us. I
20 have witnessed a lot. I served as a tribal
21 culture resource tech, and I'm called upon at
22 different times through the year to go through
23 these developmental areas throughout this
24 region, and more recently our neighbors have
19:55:41 25 been devastated by wild fires. As you know, we

1 had the largest wild fire in the history of
2 Montana, and that was the Ash Creek and the
3 Indian Creek fire. It wasn't pleasant for me
4 to go through and view the damage there, the
19:56:00 5 destruction of the fire. What I seen, what I
6 know, like our young people that spoke, like
7 these elderly gentlemen that were speaking, it
8 had a devastating effect. That's just the wild
9 fires. That's just the wild fires.

19:56:20 10 I see the impacts of what it done to
11 the natural resources of our people. Homes
12 were lost by the fires, they altered many of us
13 livelihoods. They lost a lot of things to just
14 that fire.

19:56:41 15 And with the construction of this
16 railroad, I read and I looked at the different
17 alternative routes of this proposed railroad.
18 I always thought it was just going to go Miles
19 City to Ashland, but I see that there are
19:57:01 20 different routes that it's going to go.

21 And when this reservation was
22 established, we weren't treated. This
23 reservation was established by Executive Order
24 by the President of the United States. A lot
19:57:17 25 had to do with the 300, 400 Northern Cheyennes

1 that came out from Oklahoma. We were relocated
2 in Oklahoma. My grandfather was a dog
3 soldier, he was the rear guard in protecting
4 the people on their epic journey home. We
19:57:40 5 lost family members at Fort Robinson. There's
6 been a lot of harm done to our people. And the
7 railroad just enhanced it even more when they
8 divided up all this land that we call home.
9 Our ancestor land is part of what our neighbors
19:57:59 10 are farming, raising cattle. And some of it is
11 national forest.

12 And I understand where these people's
13 hearts are. We came home from Oklahoma to a
14 place where we could have a serene peaceful
19:58:18 15 environment, where we could raise our children,
16 like the young man said, where we could raise
17 our children, to show them what we had. Not to
18 go around, you know, bothering anybody, but
19 just to make a life. And a railroad coming
19:58:33 20 through, you know, it's going to impact us one
21 way or another, it's going to impact us.

22 In 1974 and '75 I attended a high
23 school up here called Colstrip. I seen the
24 impacts of what that coal development there
19:58:52 25 with the influx of people that came and gone, I

1 seen the high rate of crime, I seen the drug
2 abuse, I seen the alcoholism, I seen all that
3 happen, and I was just a young man. And it's
4 kind of slowed down, but they are having
5 problems up there. They are running out of
6 resources, and that's that coal. We got a
7 President of the United States talking about
8 clean coal, but you can never have clean coal.
9 We got Class I air in this reservation. We
10 still maintain that Class I air. We used to
11 have flyovers from the recently shut down Air
12 Force base north of Forsyth. And they used to
13 fly through our valley here and we would see
14 these great jets flying through. We don't want
15 that. And I hear my people talk, they don't
16 want this railroad.

17 I walked those hills and those ridges
18 there. And I know what they are talking about.

19 There's a lot of places in there that
20 are very sacred and historic. We don't want to
21 disrupt that. Like this gentleman that sat
22 over here, he's talking about what he sees
23 every day. He's going to be impacted by that,
24 because he wants his children, his blood line,
25 his blood flow for the future generations, he

1 wants them to experience the same thing he
2 experienced growing up. And I understand
3 there's some people up from Arch Coal for coal
4 development. I know the economics of what this
5 could bring for you guys. But what guarantees
6 are we going to get as Northern Cheyenne people?

7 The landowners that are impacted just
8 by the mine, what guarantees are there? Some
9 of my friends, the McRaes over there, they had
10 no choice but to give in to what they had over
11 there. They had no choice. Either they give
12 in or they take it. I don't like that rule.
13 My father, he spoke against coal development
14 because you cannot destroy Mother Earth like
15 that. Mother Earth is supposed to take care of
16 the people.

17 And I believe that. And each of us,
18 you know, we have our own ideas and opinions.
19 I spoke to Governor Racicot when he did the
20 trade-off for the gold mine at Jardine for the
21 Otter Creek, I'm quite familiar with all that.
22 It was just a matter of time when all that was
23 going to take place. And governor Schweitzer,
24 he came to this Indian Country here, the
25 Northern Cheyenne, to ask for our Indian vote,

1 and all we asked is that we have our homelands
2 protected. That's all we ask. We asked him to
3 protect that. We didn't say that we was going
4 to be involved in coal development, although
5 our tribe voted on it, but that was just a
6 minority, just a minority. 800 voters when we
7 have a total voting population of about 6,000.
8 That's what I'm talking about.

9 I understand, like my dad said when
10 he spoke at Conrad Burns' thing, he was only
11 given two minutes, I'm lucky I got five. But
12 the bottom line is I'm going to do and protect
13 and be an outspoken person for our neighbors
14 around the Tongue River and our Northern
15 Cheyenne Tribe. And the consensus is that our
16 people are worried about what this railroad
17 will impact us pollution-wise. I stop and I
18 see these rocks here, I stopped a development
19 like that in Spring Creek Coal Mine as cultural
20 resources. I preserved their place, that
21 pictograph. We want to take our children to
22 see these rocks and these pictures like this in
23 a natural setting. We do not want to have them
24 cut out and displayed in cases like this.
25 That's what we did down there, down at Spring

1 Creek. We preserved a whole big rock site.

2 And they said they can do blasting
3 and dynamite, a new technique, they are always
4 saying that all the time, something that they
5 can do, you know. So I had them install
6 seismographic monitors so they don't disrupt
7 that thing and deface it. That's what I'm
8 talking about.

9 What guarantees and what assurances
10 are these landowners and our people going to
11 get? What are the guarantees? If you could
12 come up with these guarantees like that, maybe
13 we'll talk again. But right now, there's a
14 concern that all this, all this natural thing
15 that they have, has to be preserved. Thank
16 you.

17 (Applause.)

18 MR. GRAVES: Jillisa Bahr? Is
19 Jillisa Bahr here?

20 Is Mildred Redcherries here?

21 MS. MILDRED REDCHERRIES: Right here.
22 I just wanted, I don't know what everybody has
23 said or anything, but I mentioned this already
24 about jurisdiction, because you know we are
25 always outnumbered. We are a small tribe here.

1 We are always put to the side and overlooked.
2 And so that's my concern is this jurisdiction.
3 We have no jurisdiction over white people. And
4 we are going to have a lot of them coming. And
5 have no respect for us. They are going to come
6 on to our land and do whatever they want to do.

7 And they hit our people, they can
8 kill them, you know. I'm really afraid for
9 what's going to happen to us.

10 I'm 4/4s Northern Cheyenne. There's
11 a very few of us left. And who knows, they
12 might marry, whatever, and it's going to thin
13 our blood out even more. But there's a lot of
14 issues that I'm concerned about. When all this
15 comes, because this coal, nobody wanted it.

16 They lowered the price way down, then those
17 guys bought it. Just like he said it's going
18 to China. How much do you have to dig to make
19 the same profit as Colstrip? How much do you
20 have to get out of there to keep it going? I
21 mean, when I looked at it, I said, these guys,
22 they are greedy. White people are greedy.
23 They want money. This land, you can't -- this
24 land, you keep forever. Whatever you buy,
25 whatever you -- it breaks down. But land is

1 here forever. I don't want all this stuff, but
2 I'm just one person, but I'm pleading with you
3 guys. Try to understand where we are coming
4 from.

20:07:00 5 You know, you guys are all different
6 than us. You have different values than we do.
7 We have different ways of thinking. I don't
8 like the comment like, oh, they don't know how
9 to work. They don't -- they want the
20:07:22 10 government to do this. Well, the government
11 has an obligation to us. They took our land.
12 And the homesteaders came and they got it for
13 free. And we have to come back from Oklahoma
14 and die for this land. And then we got claims
20:07:41 15 money, we got claims, and the government threw
16 down their books and said, hey, these Cheyenne,
17 we gave them these rations, we gave them these
18 army blankets, we gave them all this, everything,
19 provisions, everything they ever gave us they
20:07:55 20 took it back out of our claim. So besides
21 getting this land from Executive Order, we
22 bought it two times: We bought it with blood
23 and now we bought it with our claims money.
24 Meanwhile all of Colorado, Denver, they are all
20:08:10 25 rich. That's our land. They bought it for

1 penny an acre.

2 And maybe you guys know this history,
3 I don't know. I just want you guys to
4 understand, this is really important to us.
5 They talk -- they are always talking about
6 coal. All the time. And now look, nobody
7 wants coal. There's that thing up there in
8 Roundup, it keeps going down. They pick it up,
9 and pretty soon it's gone again. So they
10 can't even get a coal mine going over there,
11 and it's their country over there.

12 I'm worried, there's a lot of impacts
13 in this in the future. There's nothing good
14 about this. There's nothing good about it.
15 The coal is not good, it's not going to be used
16 here. The people that ranch down there, that's
17 how they make their life. Just like when they
18 told Cheyenne, go over there and catch Chief
19 Joseph. They said, nope, he lives over there,
20 he don't come bother us here and we don't go
21 bother him over there. But yet they made the
22 Cheyenne go over there and capture him.

23 So you guys live your life wherever
24 you live, and leave us alone over here. That's
25 what I want to say.

(Applause.)

MR. GRAVES: Is Jillisa Bahr here?

Is there anyone who has not yet spoken tonight that would like to speak?

MS. PAULEE SMALL: Yes. Paulee Small, P-a-u-l-e-e, S-m-a-l-l. Many of the people here know me and know who my family is and what we believe in. I want to share with you who I am. I've been raised by my grandmother and my mother and my aunts and uncles, and throughout my life I've been stabilized with belief and faith in our Cheyenne way. And when I was a child my grandmother would say, one day you're going to be a mother, and one day you're going to be a wife. And she taught me many things of how to live off our land. She shared our history with me. She shared that historical trauma and that pain, but with that pain I have strength and stand here to share with you and to show you that I'm here, my people are here, and we will continue, and have for hundreds of years, and will continue to fight and defend and protect our home. And our home just isn't the reservation boundaries. We go off, and we have

1 history, and we have different things that are
2 way off the reservation. And today I stand
3 here as a mother and as a wife, and I still do
4 the things that she taught me, berry picking,
20:12:06 5 we pick mushrooms and roots, the term hunting
6 and gathering, we still do that today, many
7 people. And I'm raising my son and my baby I
8 will raise them that way. And I would like to
9 be able to go to the river and show my son how
20:12:25 10 to fish. What this means, the different trees
11 along there. My husband is a forester and he
12 knows a lot about the trees, the plants, and he
13 also knows the history of what our purpose is.
14 And he wants to share that with his son. And
20:12:46 15 that's what will be affected.

16 How will that affect -- how will the
17 pollution affect our berries that we, as a
18 woman, I help prepare for ceremonies. We do
19 our role in that preparation. And how will
20:13:02 20 that affect our berries, our wildlife?
21 Everything we do has a purpose. Everything we
22 use has a purpose.

23 And I look at your impact categories,
24 and I've read the handout you have. And
20:13:20 25 there's a lot of things to take into

1 consideration, but everything that you have
2 listed, there's a human factor. And with these
3 categories, a railroad does not benefit us in
4 any way. It has a lot of negative impacts for
5 us. Even though the railroad is not on our
6 reservation, it will affect us.

7 And I want to be able to offer my son
8 the childhood that I had. I took my grandmother
9 years ago to the McRae family, we butchered a
10 cow, and when they got together, they talked
11 about stories from their childhood. They both
12 grown up at Green Leaf. My grandmother was a
13 Killsnight. She lived on the in the Green Leaf
14 area, and they were children, and to think --
15 to hear them share their stories, it made me
16 feel good, it made me feel proud. And I want
17 my grandchildren to feel that. When I share
18 stories, I want them to be able to see, to be
19 in that place to see, oh, this is where my
20 grandmother is. This is where she, you know,
21 experienced -- this is where this happened.
22 And I want that for my children. I want that
23 for generations to come. And we've been here
24 hundreds of years and we will continue to be
25 here. And I would really like you to seriously

1 consider the No Action Alternative. Thank you.

2 (Applause.)

3 MR. GRAVES: Is there anyone here who
4 has not yet spoken that would like to speak?

20:15:08 5 MR. NICK GOLDER: I am Nick Golder, I
6 live just north of the reservation here. I
7 have a ranch there.

8 I've written down what I have to say,
9 so I could remember to say it all.

20:15:47 10 Agriculture is the largest industry
11 in the State of Montana. It is an industry,
12 and an important one. Those of us involved in
13 agriculture know too well what a disrupting
14 catastrophe it would be to build a railroad
20:16:03 15 through a long list of ag operations.

16 Agriculture provides food for the very people
17 who incrementally whittle away at our ability
18 to produce food for them.

19 We also understand the impossibility
20:16:16 20 of trying to run an ag outfit during the
21 building phase of the proposed railroad. As
22 well as trying to figure out some way to run it
23 after it's bisected by a railroad. A ranch is
24 a unit. And it's a cohesive unit. And it
20:16:34 25 operates in cohesion, not in separation.

1 It's one thing to build a ranch or a
2 farm or a farm around an existing railroad, but
3 it becomes a nightmare to restore a functioning
4 operation after it is bisected by a railroad.
5 This destruction of property and property
6 rights is an affront to lawful use of private
7 property.

8 Incredibly, all this proposed damage
9 to American food producers is to be used to
10 enhance the industrial strength of a nation,
11 communist China, that we've had to keep a wary
12 eye on for many decades. Where is the common
13 sense in that?

14 It amazing that any American can chase
15 dollars of coal development without considering
16 what's happening in the larger picture. Is the
17 immediate acquisition of money from coal worth
18 the risk much jeopardizing the long term
19 tranquility of Americans?

20 It may not be politically correct to
21 mention this. I don't have anything against
22 the Chinese people. And I hate to add to their
23 existing respiratory and other health problems
24 caused by the huge amount of unfiltered coal
25 smoke that they have there. I'm glad that some

1 of the long time tension between our nation and
2 theirs is relaxed somewhat, but it's certainly
3 premature to trust them blindly. The
4 leadership of China has a long history of being
5 something less be gentle and benign.

6 This whole railroad scheme is an
7 example of incrementally killing the goose that
8 lays golden eggs. However, if you insist on
9 building this ill conceived idea, I have some
10 questions.

11 During and after construction, who
12 would pay for the cost of trying to irrigate
13 the fragmented field, bisected irrigation
14 sprinkler systems, and difficult operator
15 access during growing and harvesting crops?
16 Since timing is very important in planting
17 time, irrigating time and harvest time, would
18 the operator be given freedom of timely access
19 to perform the usual daily tasks of growing a
20 crop? This would mean a number of crossings
21 so the operator would have convenient access to
22 carry on his usual irrigating, cropping, and
23 rangeland duties.

24 In another area, will range cattle
25 that water in the Tongue River have unlimited

1 access to water during and after construction?
2 Cows can probably be taught to go through
3 culverts under the railroad after it was
4 constructed, if it was, but many calves are
5 likely to turn back from the echo in a culvert,
6 and not be able to get a drink unless they
7 crawl through the fence, and that's not a very
8 good idea on a railroad track.

9 Bridges would have less echo than
10 culverts and might prove to be necessary to
11 allow all the livestock to go to water.

12 These crossings would have to have
13 individual operator input all along the ways,
14 since each landowner, and only the landowner,
15 would be the likely one that would have
16 knowledge of access needs in various
17 situations.

18 In closing I would like to point out
19 that this railroad and its placement is a gross
20 violation of existing property and property
21 rights. And the cost to ag operators would go
22 far, far beyond just the land taken out of
23 production in the various units of agricultural
24 operation.

25 Thank you.

(Applause.)

MR. GRAVES: I saw a hand in the back last time. Would you like to speak?

UNIDENTIFIED SPEAKER: This is Cheyenne Small, S-m-a-l-l. Cheyenne Small.

Cheyenne wanted to get up here, but it's hard to talk when it comes to something that can be so devastating to our people, to our animals and our loved ones. So we had her condense it down, and I'm going to read it for her.

She says, I don't want the railroad because the smoke that it lets out will go into the air and we breathe the air. The animals breathe the air, all life breathes the air. Please don't take our clean air.

(Applause.)

MR. GRAVES: Is there anyone else who has not yet spoken tonight that would like to make a comment?

MS. HOLLY FISHER: Holly Fisher, H-o-l-l-y, F-i-s-h-e-r.

First of all, I am requesting that you look at the no action. That's probably what I won't change my mind on.

1 I actually live in Missoula. I went
2 to school at the University of Montana. My
3 children and my husband are there right now.
4 Every summer I bring my children back here so
5 that they can learn to hunt and fish. Those
6 are things that I can't show them in Missoula.
7 All of that stuff cost money. It doesn't come
8 free. I do let them live out there because it
9 provides my kids good education, and that's
10 something that I want for my children. I would
11 like them to experience life off the
12 reservation. But also, you know, they need to
13 know where they come from, and they need to
14 know why we are here. We are still Cheyenne
15 people. We've been here for ages. And I like,
16 you know, what off the reservation provides my
17 children. But also they need to come back
18 here, and this summer was the first summer that
19 my son was able to shoot a gun and make his
20 first kill. Along with that first kill came
21 different, I guess, rules and things that came
22 along with a boy making his first kill.
23 There's things that, you know, we try to teach
24 our kids in order to -- so that they can become
25 men, a part of men in the Cheyenne society.

1 And hunting and fishing helps them to become
2 that, helps them to become Cheyenne men. We
3 can't show them that outside. We can't teach
4 them how to, you know, what rules and things
5 that you give to the spirits in order for you
6 to show your thanks for that.

7 So that's why I bring my kids back
8 here. My kids come back here every summer to
9 hunt and fish and they come and berry pick.
10 It's something that the girls do, but I do want
11 to show my kids that.

12 When I was going to school in
13 Missoula I went to school for anthropology, and
14 in one of the classes that I did attend we were
15 studying excavations. And one of the studies
16 there was the northwest railroad here in
17 Montana. That railroad brought in lots of
18 different nationalities, and mainly were
19 Chinese, Asian people, which brought opium
20 here, and made Montana the biggest opium
21 distribution -- distributor out of the whole
22 United States. And it had many brothels here.
23 They had that here. If that brought that to
24 Montana and made a big effect in Montana, what
25 is it going to do to our little tiny

1 reservation?

2 We already deal with meth, we already
3 deal with alcoholism. We are trying to fight
4 that. We are trying not to have those drugs
5 come here and have other crimes come here. We
6 want to try to stop those things. And having
7 that railroad come here, we don't know what
8 else it could bring, we don't know all the
9 negative effects, where you guys are only
10 looking at this stuff that you have here, and
11 are not looking at everything outside that it
12 could possibly bring.

13 When we lose one person in or
14 community, it affects everybody, because we are
15 so close. When you guys are with people out
16 there, you don't know who they are, you don't
17 feel that sense of loss. When we lose somebody
18 here, it hurts all of us, and that's something
19 that the railroad can possibly affect our
20 people. It can bring a lot of negative effects
21 here. And that's something that I wish that
22 won't happen. That's why I'm asking not to
23 have that come in. Thank you.

24 (Applause.)

25 MR. GRAVES: Yes, sir.

1 MR. BENJAMIN BAHR: My name is
2 Benjamin Bahr. B-e-n-j-a-m-i-n, B-a-h-r.

3 I attended the Ashland Tongue River
4 meeting and listened to many comments, negative
5 comments, against this railroad and the coal
6 mine. There was nearly a hundred people in
7 there, and I'd say every one of them were
8 against it. I spoke briefly earlier. I'll go
9 over it again. I just want to read from what I
10 wrote up. I see several people here that were
11 there in Ashland, too, and they came up with
12 some very good comments.

13 The ones that really stood out to me
14 were the negative comments to our culture and
15 the environment and the loss of water, land,
16 and air, agricultural properties, the effects
17 to the socioeconomics that the young lady was
18 talking about and the negative conditions that
19 it will bring are inevitable impacts if this
20 development happens.

21 There were no public comments in
22 favor of the railroad or coal mine. Many
23 people are concerned with their properties
24 being affected and liability created for them;
25 costs they have to pay for, not the railroad or

1 coal mine, like wells, grass, fires, servicing
2 railroad crossings, deaths, collisions, et
3 cetera. Our tribal council has not spoken or
4 addressed the inevitable negative impacts to
5 our culture if this development occurs.

6 They are supposed to speak up for us
7 to help protect our culture, identity, self-
8 determination. The Tongue River Valley, how
9 will our Class I air designation be affected?
10 The So'taeo'o Nation of the Northern Cheyenne
11 were not consulted. They are putting the cart
12 before the horse.

13 The coal mine has to be a viable mine
14 before the railroad is built. The coal mine is
15 questionable because there is no baseline
16 figures of water quantity or quality in Otter
17 Creek, which in turn will require landowners to
18 pay and be responsible if any problems occur.

19 Engineering problems will be created
20 on the river if the railroad is built along the
21 Tongue River. Many shear walls are right up to
22 the river cliff banks.

23 Another concern is the Indian
24 Homestead Act. Those old homesteads, you know,
25 they were never -- they came with implied water

1 rights, which means the land would be useless
2 without water. So those allotments have
3 implied water rights also. That needs to be
4 addressed in some fashion.

20:30:37 5 They weren't properly extinguished,
6 and the state water compact did not take that
7 into account with these implied water rights,
8 which makes it questionable, our inalienable
9 water rights.

20:30:53 10 This railroad is not needed with so
11 much opposition. The tracks built on the berm
12 will stop wildlife, cattle from accessing river
13 water to drink. The erosion will occur when
14 sheet water comes off the hills gets blocked
20:31:09 15 and redirected to flow elsewhere back in the
16 river. Ponds will develop with water on one
17 side and grass on the other. It will block
18 ambulances if the train is running while
19 accessing to someone's property for
20:31:23 20 emergencies. Pollution, fire, and health
21 problems will increase. Many tribal cultural
22 properties will destroyed if this railroad and
23 coal mine is constructed. Our culture and
24 identity will be negatively impacted.

20:31:36 25 The Tongue River Valley is a pristine

1 valley with big game animals, medicinal plants,
2 fish, birds, and other processes will be
3 negatively affected or destroyed. It's like
4 the Tongue River is such high diversity, that's
5 why the color of the water is really loaded
6 with life.

7 This valley is the only one of its
8 kind in southeast Montana. Tribal cultural
9 property will be destroyed at the coal mine
10 site. Old encampments were found right where
11 the coal mines will be dug during a study and
12 analysis done by the U.S. Forest Service.
13 However, these findings may not have been
14 included in the report sent to the department.

15 The NEPA process seriously needs to
16 be re-evaluated with this kind lack of due
17 diligence to protect what belongs to Cheyenne.

18 The market for coal is very poor.
19 Technological advances in energy development
20 will occur. We know energy is on the rise with
21 natural gas. If this railroad and coal mine is
22 constructed, it will not last and will be
23 unsustainable.

24 Our children will say, those are old
25 train tracks that used to be here. Then we are

1 back to square one, taking short term benefits
2 instead of long term strategic planning to
3 protect Cheyenne culture for generations.

4 The mine, railroad, and shipping
5 ports on the west coast still are not
6 permitted. We are completely not prepared.
7 There is no infrastructure in place to
8 accommodate the construction boom of people
9 crime and housing, et cetera. This project is
10 not for us. It's for the Asian market and
11 corporate profiteers.

12 Employment will not happen for us,
13 which will be for outside specialized crew
14 members.

15 However, we have a chance, our
16 people, to make a positive difference for
17 people and culture. I'm for the No Action
18 alternative.

19 Yet I think that maybe other types of
20 energy development on the borders of the
21 reservation would actually help protect
22 reservation resources while providing energy,
23 help us move in a direction of sustainable
24 renewable energy with cost effective strategies
25 in energy and power.

1 There were meetings that I attended.
2 This is very important. So be here to speak up
3 publicly, submit written comments, online
4 written comments.

20:34:38 5 That's what I wanted to say, what I've
6 written up. There's so many more questions, so
7 much more that this entails. I hear the talk
8 of the spiritual, spiritual effects and the
9 enlightenment and how that plays a part in
20:35:02 10 all of this. That's all I have. Thank you.

11 (Applause.)

12 MR. GRAVES: Is there anyone else who
13 has not yet spoken tonight that would like to
14 speak?

20:35:22 15 MR. WAYLAN ROGERS: Waylan Rogers.

16 One observation I want to make right
17 away is that I'm pretty upset with our elected
18 officials, they should be here today and
19 throughout the week helping us with this. I am
20:35:53 20 pretty disappointed with them. For Ashland, I
21 wanted Mr. Ben Bahr to represent us. He's been
22 at every one of these meetings. And I just
23 want to make that statement perfectly clear,
24 it's nothing to do with you, but something with
20:36:16 25 their own community, but I wanted to talk about

1 our values and money. There's a young lady,
2 looks like she left, she made the comment we
3 are different than you people that live off the
4 reservation. Our values are way different.

20:36:44 5 The way we see money isn't the way you see
6 money. You know, I would spend my whole check
7 to go to a pow-wow to be with other natives.
8 And that's something that's ingrained in us.
9 I'm sure all of us have done it before. I've
20:37:05 10 done it many times. It's information that I
11 wanted to share with everybody here.

12 I have a daughter, her name is Kya,
13 and I've been telling her stories for years and
14 years, you know, telling her what this does and
20:37:27 15 why this is important. My mother has been
16 doing the same thing. And I went to Denver
17 with her when she was really young, and I knew
18 this guy, and he kind of invited us to his
19 restaurant, and he said, yeah, come on over,
20:37:49 20 and I'll buy you -- I'll invite you over and
21 you can get in, it's a really hard place to get
22 in, it's called Elephants. And he's the cheese
23 king of Denver. And I was telling my daughter
24 about him because there was a big picture of
20:38:05 25 him on the wall. And I said, he's really rich.

1 He has lots of money. He controls all the
2 cheese. To her she didn't know what I was
3 talking about.

4 And later on he comes in with his
5 family. It was a pretty big restaurant. And
6 then she said, is that him? And I said, yeah,
7 that's him. And later on we started eating,
8 and then she ran to the bathroom. And on her
9 way back, she was supposed to come right over,
10 but she went around and she went right up to
11 him. And I walked over, I said, "Kya, wait."
12 And he said, "No, go ahead. Go on." And she
13 said, "I heard that you're rich." And he
14 didn't know what to say.

15 "You know, my family is rich," she
16 said, "we're rich in our culture." You know,
17 to me all those values that I accumulated over
18 the years, you know, I'm glad that I put them
19 into her, I bring them to her the way she
20 thinks, because, you know, I'm not rich. I get
21 along from paycheck to paycheck sometimes. She
22 knows that. She doesn't care.

23 When I was growing up, I grew up in
24 Birney, mainly when I was real young, and I
25 remember I was with my grandma, Mary Fisher,

1 her name was Holy Corn Woman, and I remember
2 always listening to stories of her, all the
3 stories that she would tell me every day.

4 I go to the river every morning to
20:40:13 5 drink. She lived the old way. We had to go
6 get firewood, we had to go get our own water.
7 But, you know, I didn't know, I didn't know we
8 were poor. You know, we were very poor when I
9 was growing up. And so now that I'm older,
20:40:41 10 money is not that important. If a railroad is
11 built, you know, I ain't going to get that
12 money anyway. I may work with the laborers,
13 but that's only going to be for a little while.
14 They are going to have another crew out there
20:40:56 15 full time working. I've seen that happen
16 before.

17 I'll make this next story real quick.
18 Sorry. When she died, that was a pretty bad
19 day for me. I didn't feel the way I should
20:41:20 20 have felt. I was kind of numb. I was really
21 numb. It was just words to me, she died. I
22 didn't know that. And when my mom told me, you
23 know, that water there, that water that flows
24 right there, is part of our medicine, you need
20:41:40 25 to go clean yourself, you need to go cover your

1 body in it, help yourself heal. And when we
2 were growing up, she always had -- we had these
3 pounding stones, and I remember I was so small
4 I couldn't pick up those pounding stones. They
5 are for cherries and pounding meat, dried meat.
6 And I remember when I was real small she
7 brought me one for myself, really tiny, just
8 enough for me to grab it. And I took that down
9 there and I found a piece of driftwood, and I
10 put that on that driftwood, and I was going to
11 let it go, but it started going by itself. You
12 know, I stepped in the water and then that's
13 when I could feel everything. And that was
14 real. That's something that, you know, is part
15 of me.

16 That's just two stories, short
17 stories, of what I'm talking about. I can tell
18 stories if we drive from Birney all the way to
19 Miles City, I can tell stories like this all
20 the time. My kids know these stories. And if
21 you put a railroad there, those stories will go
22 away. Thank you. That's all I have.

23 (Applause.)

24 MR. GRAVES: Is there anyone else who
25 hasn't spoken that would like to speak?

1 MR. KALE MEANS: Kale Means. K-a-l-e,
2 M-e-a-n-s.

3 What I'm really into is renewable
4 energy and using what God gave us, light,
5 water, the air, and use that as an energy
6 source more than coal. Coal just seems like, I
7 don't know, way down. Fires, pollution,
8 railroads. Everything seems bad, in my
9 opinion. But I'm into renewable energy, and I
10 got my training through Henry Red Cloud, who
11 just won a environmental award, a world award.
12 There were 14 people out of the world who got
13 nominated for that and he won. He's at Pine
14 Ridge. And he has solar energy training over
15 there for different things, water, air, solar
16 air heaters, solar electric. And I think that
17 should be not just our way but everybody's way
18 to get energy.

19 And so I thought I would throw my
20 opinion out there.

21 (Applause.)

22 MR. GRAVES: Anybody else would
23 hasn't yet spoken tonight that would like to
24 speak?

25 ALEXIS BONOGOFISKY: This is the last

1 time you guys have to see me for a while. My
2 name is Alexis Bonogofsky.

3 I work for the National Wildlife
4 Federation, but I'm here speaking as a citizen
20:45:23 5 who hunts in this region, who has lots of
6 friends who live here both on the reservation
7 and off, and who deeply care about this land.
8 And I know you guys have been sitting here for
9 a week listening to people tell you this. And
20:45:38 10 I think what you've heard, because I've been to
11 most of them, I have missed a couple, but I
12 think what you've heard is the people fiercely
13 love this land.

14 This is not just -- people think of
20:45:59 15 eastern Montana as a flat place, but, you know,
16 we should sacrifice for this. We love this
17 place. We love this land. And there's no
18 place in this process for that. You have these
19 categories. We don't think in categories.
20:46:17 20 All of that is one thing to us. All of these
21 separate things that you have don't take into
22 consideration our ethics and morals and the
23 value that we place here. And, therefore,
24 because you can't categorize it, and because
20:46:35 25 you can't place a monetary value on how much we

1 care about this place, it will be disregarded.

2 Three people will make a decision on
3 whether or not this railroad gets a permit.

4 Three people I don't know if they've ever been
5 here. Your guys' job is so important because
6 you have to take what you've heard and you have
7 to put it in a document that these people will
8 see and they will have to make a decision off
9 of it. And I don't see any place in this

10 document for our love for this land. How do

11 you quantify that? How do you put that in
12 place so people will understand that this

13 railroad, we don't want it. People told you
14 for five days -- there's a couple people who

15 want it, I'm sure, because they are going to
16 get money, and they are going to get rich off
17 it. After this week, I would look at it, if I

18 were you guys, and say, this is stupid, we
19 shouldn't even have to do any of that. This is

20 a waste of money. This is a waste of taxpayer
21 resources. This is a waste of our time. This
22 is a waste of everything because we want what
23 we have. We want to keep it that way.

24 And so I hope that somewhere in this
25 document with these people, maybe they can come

1 elk hunting with us one year, maybe you can
2 send them down here and we can show them how
3 important this place is and all the great spots
4 that we see wildlife. But somewhere in this
5 document I hope that you put how much we love
6 this land and that we will protect it.

7 I personally, no matter if I work for
8 the National Wildlife Federation or not will
9 fight this railroad. If I'm 85-years-old and
10 it finally just gets thrown out the window,
11 that will be a good day. There's nothing you
12 can trade for this. There is no amount of
13 money, there's nothing that is worth this to
14 people. And that piece of paper, that big
15 thick EIS document, all these people who get up
16 and tell stories, and I'm sure at some point
17 you say, I've heard that before, but this is
18 our only chance to tell you how much we care
19 about it. And you go back to DC or east coast
20 or wherever, we don't have a way to communicate
21 that with you. I'm sure Tongue River Railroad
22 Company and Arch Coal, they get to be in front
23 of you guys all the time. They get to have
24 meetings. They are in constant communication.
25 And I know you are shaking your head, but the

1 people here in this community, we can write you
2 letters and e-mails, but it doesn't get across
3 what is happening here. And it would just be
4 in the best interest of the public, the public
20:49:37 5 good, is to end this now. There's nothing good
6 about what is happening for the public in this
7 railroad.

8 So thank you for coming out here and
9 listening to us, because I know it's been a
20:49:53 10 long week for you all, and you've sat through a
11 lot of people's testimony, so I appreciate
12 that. And I would like to have a standing
13 invitation for any of you to come back out to
14 eastern Montana for something fun to do,
20:50:07 15 including the Surface Transportation Board
16 members as well, because I think before they
17 make a big decision like this they should come
18 out and see the agricultural operations and the
19 wildlife recreation that we all enjoy. Thanks.

20 (Applause.)

21 MR. GRAVES: Is there anybody else
22 present who hasn't spoken yet tonight that
23 would like to speak?

24 MR. MIKE SCOTT: Mike Scott.

20:50:38 25 There was just one other thing that I

1 did want to get on the record tonight. I do
2 think it is important that you do consider this
3 when you're looking at the feasibility of this
4 project.

20:50:51 5 Like Alexis, I travel around to most
6 of these hearings now and I've heard what
7 you've heard. And I think you have probably
8 gotten the impression of how dear people hold
9 this land, how important it is to them. But,
20:51:07 10 also, how stalwart they are going to be in
11 their defense of it. I wanted to be sure that
12 the record did reflect that my organization,
13 the Sierra Club, I'm sure the Northern Plains
14 Resource Council, National Wildlife Federation,
20:51:24 15 our Cheyenne friends, and the ranching
16 community will fight this railroad every step
17 of the way through all the means available to
18 us legally. That's going to have an impact on
19 the development of this project. We are going
20:51:38 20 to make it expensive. We are going to make it
21 take a long time. And I think you need to put
22 that in your document when you consider whether
23 or not this thing can ever get off the ground,
24 because I'm pretty sure we'll stop it. So
20:51:52 25 thank you.

(Applause.)

MR. GRAVES: Is there anyone else that would like to speak that hasn't spoken yet tonight?

Thank you.

MR. CLINT McRAE: Clint McRae.
C-l-i-n-t, M-c-R-a-e.

The Surface Transportation Board has two choices to make. One is an easy choice, one is the right choice. The easy choice is to permit this railroad or one of their alternatives to some point. If that's the case, then this process is a formality. And that's wrong. That's an injustice to the people, not only of the Cheyenne Nation, which we stand in, but the white landowners that live around here, too.

But the difficult decision is the second decision you can make, and that is to choose the No Action Alternative.

Alexis mentioned a bit ago that we are going to fight this. You've heard some history the last couple weeks by the Cheyenne people both here tonight and in Lame Deer. I think there is one thing that needs to be

1 thrown out there, too. My family has been here
2 just a pittance compared to the Cheyennes,
3 we've been here about 125 years, which isn't
4 very much time, but I think that we have finally
5 begun to realize why the Cheyenne fought so
6 hard to come back here, because what's at stake
7 is worth fighting for. And we will stand
8 beside them. Thank you.

9 (Applause.)

10 MR. GRAVES: Is there anyone else who
11 hasn't yet spoken tonight that would like to
12 speak?

13 MR. MONTE MEDICINE: Well, my name is
14 Monte Medicine.

15 I heard a lot of stories. I'm a
16 workaholic. Now I'm an old man. Some say I'm
17 still middle-aged. Yeah, I like to look at it
18 that way. The reason why I listened, it's not
19 only my job but it's a title I carry. I'm a
20 United States Marine. My great grandfather was
21 in the war, too. My father was in the Korean
22 War. Myself, Iran. My son, he was in Iraq.
23 So all along the line in my family we are
24 military men. And it's hard to say, this war
25 that happened, this Little Bighorn, the Custer

1 battle. My great, great, great grandfather,
2 who received chiefhood, was the first one to
3 slow down this individual, General Custer. He
4 was the first one to slow him down or else he
5 would have surprised the Cheyenne, Sioux, and
6 Arapaho.

7 I read it in a lot of books, and
8 today I'm proud to carry his chiefhood. I
9 myself, I'm a ceremony man. I may look like a
10 regular Marine, crazy at heart, but, yeah,
11 that's good. But when I came home, I entered
12 this home quietly. But for my son, there he
13 was. I was proud of him. His grandfather was
14 proud of him. And I heard a lot of stories,
15 and I guess one thing I could say about this
16 valley, it's a home for all of us. And it's
17 been a good home. We fought for it. We went
18 through thick and thin, no matter how you want
19 to look at it. I say leave God's country
20 alone.

21 MR. JEFF KING: Jeff King is English
22 my name. You know, I've been coming to these
23 meetings, I made a few, and there's been point
24 after point, point after point after point that
25 things that I didn't even consider and that I'm

1 learning about and taking into consideration.
2 Man, you guys have your hands full. I think
3 it's clear that you can deem this inconsistent,
4 whatever that quote is, for the feasibility or
5 for the betterment of the public, for the
6 earth, for the world, and I agree with my
7 friend Kale, who was talking about, and I think
8 this is something that we as Cheyenne people
9 and as people of this earth should be
10 considering is just moving towards something
11 better, moving towards renewable energy, moving
12 towards in a direction where it fits with who
13 we are. That's what we believe in. And I'm
14 going to be fighting for that, and I'm going to
15 be fighting for the development of that, and
16 not the development -- or I'll be fighting
17 against the development of this.

18 I guess that's all I really have to
19 say. I vote for the no action way.

20 (Applause.)

21 MR. GRAVES: Anyone else present who
22 hasn't spoken who would like to speak tonight?

23 MS. ELIZABETH BRAIDED HAIR: Thank
24 you. Elizabeth Braided Hair.

25 I'm a full blooded Northern Cheyenne

1 woman here. I talked last time, I spoke about
2 two issues, two things that happened. One of
3 them was that I'm really concerned about our
4 wildlife here, i.e. all the wildlife here. I
5 mean I live off of that. I'm the dry meat
6 maker in our family. These are for ceremonies,
7 the dry meat and the berries. And my nieces
8 talked earlier tonight, and they talked about
9 picking mushrooms and we do the turnips. We
10 save this all for the wintertime. We use it
11 come springtime, we already have it for
12 ceremonies because there's nothing growing yet.

13 I'm really concerned about our
14 wildlife, and the railroad that will scare all
15 our wildlife off. And all the people talked
16 about the water. Water is very important for
17 us. It's called water of life. It's our life.

18 And the other thing I talked about
19 earlier, earlier this week, was my daughter and
20 I were coming from my brother Edmund, he's my
21 first cousin and in the Cheyenne way he's my
22 brother, we just pulled on to the road and
23 there was a semi coming. So we pulled off the
24 road and I seen the white line, we were off the
25 road. This semi came and -- he came so close

1 to us, he knocked our mirror off, and he pushed
2 us in the ditch. He wrecked, and it was
3 terrifying and very scary. My daughter was 13
4 years old. And the look in her eye, you know,
5 almost losing our lives, all the people were
6 watching us and they heard -- you know, we
7 could see where the teepee was where my brother
8 was lying, and they all came over, and they
9 were, like, all terrified because we didn't
10 hadn't yet buried my brother, and we almost
11 went home, too.

12 But my point is they sent -- the
13 truck driver was a white guy, and they sent for
14 the police in the Big Horn County, and it was
15 another white guy. And he took the statement
16 from the semi driver. He didn't ask for our
17 statement. And his report was based on that
18 white man's story. That terrifies me, because
19 this semi, the trains that's going to be coming
20 through, they are not going to care about us
21 either.

22 Just the other day I was reading in
23 the paper, somewhere in Texas, I think, they
24 were having a parade, and one of the floats had
25 elderly veterans, and how many were killed?

1 Was it seven or 11? And then there was
2 children right behind, there was like cheer
3 leaders and basketball players in the float
4 right behind them. They seen all that. They
5 witnessed all that. And it just sent shivers
6 down my back thinking, what if those were our
7 elderly veterans? We really love each other,
8 we care for each other a lot. All I can say is
9 I don't want this at all. And I'm saying no
10 action.

11 Also, my children I've been telling
12 them about this, they've been following this.
13 They wanted to be here. They wanted to protest
14 out there. And they said, at least let us make
15 posters, and we don't want this. And then I
16 have a grandson I'm raising. He's in on it.
17 So you guys got two more generations that's
18 going to fight you. And the only way I can
19 say, you know, the only way I can approve this
20 train is if Arch Coal puts it in their
21 backyard. That's the only place it belongs.
22 Not here, but in Arch Coal's backyard. Thank
23 you.

24 (Applause.)

25 MR. GRAVES: Is there anyone else who

1 hasn't yet spoken tonight that would like to
2 speak?

3 THERESA BRADY: Theresa Brady.
4 T-h-e-r-e-s-a, B-r-a-d-y.

21:06:03 5 Thank you for your time. Because
6 what this entails is just bringing our people
7 together and moving forward, creating harmony,
8 unity, speaking for Mother Earth.

9 I vote against this. I vote no. So
21:06:31 10 that's all I wanted to say.

11 (Applause.)

12 MR. GRAVES: Is there anyone here who
13 hasn't yet spoken who would like to speak?

14 MR. WILLIAM WILSON, III: William
21:06:54 15 Wilson, III.

16 I think Alexis said it pretty much
17 for me, and Theresa, Elizabeth. What I was
18 going to try to tell you guys, this is a waste
19 of time, money, taxpayers dollars, all of this.
21:07:10 20 All for what? Money? Capitalism? Arch Coal?
21 People who own it are already rich. All of it,
22 a waste of time and money. You guys could be
23 with your families, your homes, wherever you
24 live, your houses, Instead of sitting here
21:07:26 25 listening to ranchers getting mad at you for

1 something that Arch Coal wants. It don't need
2 to be. It's just a waste of time. Make a note
3 for that for the Safety Transportation Board
4 so they can think about that.

21:07:41 5 Second, water, water, and water.
6 Everybody talks about water. Water this,
7 water, all of it. Why do we talk about water?
8 It's sacred. It's holy. It's life.

9 Scientifically, if you want to speak,
21:07:56 10 water made the microbes, those that evolved
11 into us, if you want to speak like that. It's
12 all about water, too. I want the Surface
13 Transportation Board to take note of that when
14 they make their decision of no action or
21:08:10 15 whatever.

16 But, you know, that's one thing, you
17 know, is water, it's sacred. It provides life
18 for us. It makes things grow. It provides for
19 the agriculture, it provides for fish, all of
21:08:21 20 that. Socioeconomics. It provides for
21 everything. It's medicine. I want you guys to
22 know that. Maybe they can look into the
23 significance of that.

24 Also, coal, you know, the coal, water
21:08:32 25 it gets filtered through it. It's proven.

1 It's an aquifer that's how it purifies, it gets
2 clean. That's how we can drink it. Maybe they
3 can take no action. Just let the record know
4 that. Thanks. Good evening.

21:08:48

5 (Applause.)

6 MR. GRAVES: Anyone else who would
7 like to speak this evening?

8 MR. TOM MEXICAN CHEYENNE: Tom
9 Mexican Cheyenne.

21:09:11

10 A couple of things. One is kind of a
11 story. When I grew up here, I'm a little older
12 now, I grew up here and we had deer and we had
13 fox and coyotes, raccoons. So those basically
14 were the things we hunted here. I think these
15 young people can probably relate to that now.
16 But they are actually better off.

21:09:34

17 But today what we have here is we
18 have elk and we have bear. We have animals
19 here that we never had.

21:09:47

20 One time I went back to one of our
21 elders, a man that has helped me in ceremonies,
22 and I asked him why is it that we have these
23 animals now? We have more people and more
24 homes now but we have more animals that we
25 didn't have when I grew up and when you were

21:10:04

1 growing up. But that's when all the buffalo
2 were killed off, so we had to rely on the deer.
3 To get elk we had to go to other places to get
4 that. But our reservation it was just the deer
5 that we lived off of. And then, of course, we
6 turned toward the cattle, which is more
7 destructive to our bodies today.

8 And he told me, he said, when the
9 Cheyenne people brought the buffalo back, the
10 first time we brought them back, we put up big
11 pens, about ten-foot high, and we tried to keep
12 those buffalo in there. And those buffalo
13 broke out of there. But they didn't run away.
14 They stayed here. So now we go out, go on our
15 reservation, you drive around in different
16 places, if you're lucky, you'll see buffalo and
17 you'll see the young calves. They calved this
18 year. They calve every other year. Beautiful
19 animals. He we live off of those. We use them
20 for our ceremonies.

21 But for some reason these buffalo
22 don't leave here. They stay here. And he told
23 me, he said, the buffalo, something happens in
24 them, they radiate something, and the plants
25 that we never had for a long time, the things

1 that we use for ceremonies, the things we use
2 for doctoring, they started to come back and
3 grow again. And he said that's the same way
4 with the animals. So the buffalo, when they
5 become at peace with their surroundings, start
6 calling the other animals. And we have stories
7 about those animals in our history and how we
8 lived, that these animals took care of us. But
9 we also learn how to take care of them, and
10 that's what we need to do today.

11 Now, I want to tell you something.
12 I'm not wishing anything on you. You know, you
13 guys have a disaster way back there, affected a
14 lot of people. Those kind of disasters are
15 happening more often today. One of these days
16 you may not have electricity over there. Do
17 you guys know how to survive without
18 electricity? Do you know how to survive
19 without a car? Do you? I don't think so.

20 One of these days when that happens,
21 and it will happen, you're going to need us.
22 You're going to need this land, you're going to
23 need those animals, because they are going to
24 take care of you, just like they are taking
25 care of us today.

1 And that's really important to
2 remember to go back and tell those people with
3 a lot of money that can buy anything, but when
4 the lights are gone and the cars can't run,
21:13:04 5 where are you going to go? You're going to
6 come to us. You're going to come to the places
7 out here where there's room to live, room to
8 build a home, a place to get firewood, a place
9 to shoot a deer or an elk. But you're going to
21:13:24 10 need us to help you to learn how to use that.
11 These ranchers know how to do that now. They
12 live off their cows. They live off some of the
13 wild game. And that's something that's very
14 rare today, because look at what's happening in
21:13:40 15 this world. Look at what's happening on that
16 side of the nation, the country. I pray for
17 those people, because they have no survival
18 skills. And they depend so much on wealth and
19 money and the rich to support them. Out here
21:14:00 20 we don't. We don't need that. But you do.
21 So when you go back home and you talk to these
22 people, you tell them what I said, because
23 that's real. And it is going to happen one of
24 these days. It may not be in my lifetime or
21:14:20 25 yours, but it may be in your grandchildren's

1 lifetime. You're going to need -- they are
2 going to need a place to go.

3 And we're here. Thank you.

4 (Applause.)

21:14:31

5 MR. GRAVES: Anyone else?

21:14:54

6 MR. WALLACE McRAE: My name is Wally
7 McRae. I have spoken before at these. I
8 wasn't going to speak tonight, but some of the
9 statements made by our neighbors, the Northern
10 Cheyennes, have moved me to break out this
11 book. It's a book of my poems. I'm going to
12 give it to you people that have come out here,
13 and you can pass it around on the airplane and
14 read some the poems that I have written in here.
21:15:10 15 And I'm going to read you one that I did about
16 25 years ago to the ICC, and they made fun of
17 it. It's called Our Communion.

21:15:41

18 He said this bread's my body
19 He he said my blood's the wine
20 Remember when you take it, the
21 blood and body's mine.

21:16:00

22 Our bodies are this fertile land,
23 this water is our blood, our plains
24 form our union, our God's organic
25 mud. You're blasting render our

1 very flesh, your mine cuts our
2 veins, our fly blown floating
3 bodies lie piled upon the plains.
4 You load our bones on somber black
21:16:15 5 unit funeral cranes, or burn them
6 in cremation fires, Dachas of the
7 plains, by callus men and greedy
8 our deaths unsanctified, a region and
9 its people both being crucified.
21:16:36 10 Proffer up the other cheek or cries
11 should we subdue, say, forgive them,
12 Father, for they know not what they
13 do? Should we ignore the specter of
14 this base incubus, as they debauch
21:16:55 15 our country, do they ever think of
16 us? The water is our life blood,
17 our bodies are the land, why can't
18 they comprehend this, why don't
19 they understand?
21:17:12 20 (Applause.)
21 MR. GRAVES: Is there anyone else
22 here that evening that hasn't yet spoken that
23 would like to speak?
24 It's about 20 after 9. I'm going to
21:17:46 25 turn the microphone back over to Cathy. She'll

1 say a few closing words, and then we'll be
2 adjourned.

3 MS. GLIDDEN: I just want to thank
4 you all for coming here tonight and for
21:17:57 5 speaking and providing your comments. It is
6 really heart felt, and certainly meant a lot to
7 me personally and certainly to the Board that
8 you spoke. This will inform the process, you
9 know. Any comments that you provide for the
21:18:16 10 public record, those comments are going to
11 inform the process. That's the whole point of
12 this meeting and these public scoping meetings.

13 So I really want to thank you again
14 for being here and for providing the space and
21:18:34 15 for providing your input and your opinions
16 about this project. Thanks very much. Have a
17 good night.

18 (Meeting closed.)
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CERTIFICATE OF REPORTER

I, Richard L. Mattson, Certified Court Reporter, hereby certify the foregoing transcript of proceedings to be a true and correct transcript of the proceedings contained therein.

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