

EI - 19125

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Box 505
Bones Brothers Ranch
Birney, MT. 59012

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

DOCKET NO. FD 30186

Dear Mr. Blodgett,

Thank you for this opportunity to again address the proposed Tongue River Railroad project. After an almost 30 year process for permitting this railway, we are again at "ground zero" with this application to begin to assess the impacts this project will bring to the Tongue River valley. After 30 years, one thing remains the same; there is still no market for this coal and no purpose for this railway. The no action alternative is the correct choice for the Surface Transportation Board for numerous reasons. The Moon Creek, Tongue River Road, and Colstrip alternatives were already rejected in the Tongue River I Environmental Impact Statement for various reasons. The Preferred route goes through the world's only pallid sturgeon hatchery and further threatens the city of Miles City from increased flooding damage. It also adversely impacts farmers, ranchers, wildlife, water and air quality, increases wildfires and devalues the quality of life and property values of the residents of the valley.

The revised application submitted by the TRRC, Inc. lacks critical data, which would be useful in determining a proper route for this railway. Most importantly, and it has been the problem for the past 30 years, is that no one is interested in burning the coal which comes from this area. The speculative Montco Mine, the original justification for Tongue River 1, never sold a shovelful of coal. The proposed Otter Creek mine is also very speculative. Lawsuits, high opening and operating costs, low value, high-sodium coal with limited marketability, thin coal seams and deep overburden and depressed markets make opening a new mine uncompetitive in the world coal market. Without a market for the coal at the proposed terminus points, this is a railroad to nowhere without a purpose. Where will the coal go? Will it just pile up in Miles City? This is why after 30 years TRRC, Inc. hasn't built its railroad and the NO- Action alternative would be the best decision at this point. The "purpose and need" for this railroad should be apparent after all this time, but the public obviously doesn't need this project very badly or it would have already been built. The Surface Transportation Board gave the TRRC permits for TRR II and TRR III and claimed that there was a purpose and need for these rail lines. Subsequently, in 2012, the TRRC, Inc. requested that these permits be retired. The Surface

Transportation Board granted this request. There was obviously no purpose or need for these routes and they never should have been approved. I would think that you folks at the Surface Transportation Board would be a little perturbed at TRRC, Inc.; after 30 years of giving them permits to build a railroad, only for them to keep coming back with this change and that revision to a scheme that has never had any merit. I know that the residents whose property and livelihoods this rail line would affect are getting very tired of trying to convince you that this railway isn't needed or wanted by a vast majority of the local populace. You have heard this in the testimony you had the privilege to witness at the scoping hearings.

The application claims that there are around 20 years of minable coal deposits at the proposed Otter Creek Mine (Verified statement of Mike Rowlands, president of Otter Creek Coal). This is where one terminus of the proposed rail way ends; the other terminus is to an alluvial valley floor mine no longer suitable for mining (Montco Mine). Is it prudent to build a railroad for a 20-year life span? What will become of the railway *right of way* after mining is complete (20 years)? Exhibit E page 7 of the application "Associated Discontinuance or Abandonments" states "The TRRC construction application does not contemplate any discontinuance of service or abandonments." What mitigation measures will the STB place on the TRRC to make sure that TRRC doesn't abandon the project mid-construction because there is no market for the coal? What mitigation measures will the STB put forward to ensure that landowners are not left with an abandoned right of way through their properties, which some one else owns if the recoverable coal is mined out and then the project is abandoned? If eminent domain is given for this project, landowners should be given the option of leasing rights of way to the railroad rather than relinquishing title to the right of way, since this project will have such a short lifetime, if it is ever built. It would be unfair not to require adequate bonding for clean up and reclamation of this railway given the speculative nature of this proposal. It seems very irresponsible and reckless of the STB to even consider permitting a project that has such a speculative and short-term purpose.

Landowners have already lived with this project hovering over their heads and clouding the titles to their land for thirty years. They should be assured that their ranching and livelihoods would be restored to original condition should the rail project fail or be abandoned. As landowners crossed by previous Tongue River II and Tongue River III permits that have now been retired, we understand the difficulty of trying to plan for the future of a ranching operation while trying to accommodate a proposed railroad. Property values are negatively affected by permitted railroads through your property should you decide to sell. When they never materialize, the relief is great, but the past angst and stress cannot be compensated for. Maybe you don't realize that for these 30 years we have hosted numerous fundraisers, donated time and money for legal and educational purposes, attended hearings, and written letters to you and many others trying to defeat this affront to our property and values. We have watched our community become divided over this issue and in some instances it has strained family relations beyond

repair. Please do not permit this rail way without doing a more thorough EIS than was done for the previous Tongue River Railroad applications.

Please enact a timeline to build this project should you decide to move forward with this ill-advised project. There was a timeline enacted by the Surface Transportation Board for the Tongue River II project in 1996 for a 3-year completion date.

Unfortunately, the Surface Transportation Board did not follow through with this important deadline and our ranching operations and long-term planning were inconvenienced by this indecision. Please do not continue to let this project keep interfering with the residents of this valley who have not asked for this invasion. A little consideration for these people and the decisions that they need to make would be tactful, especially since their property is threatened with eminent domain and for some landowners has been for 30 years. Already some landowners have been sent threatening letters from the TRRC and have been lied to by their representatives. Recently, surveying crews for the railroad have pressed the limits of western courtesy, as well. The Surface Transportation Board is the only entity that can fairly police the actions of the TRRC, Inc. during the engineering, right of way acquisition, construction, and operational phases of this railway development. Remember that landowners deserve the most consideration, since they are the "sacrificial lambs" in this project. They will only suffer damages, while the railroad will profit at their expense.

The Miles City Fish Hatchery is the only pallid sturgeon hatchery in the world. Surely the railroad right of way can be moved further from the Tongue River to avoid the associated vibration and spillage issues that are inherent to any rail way. Moving the line away from the river will, also, lessen the damage the right of way will cause the residents of Miles City during flood events. If indeed the coal is destined for Asia via west coast terminals, the TRRC should be happy to avoid these harmful impacts by turning west away from the river a few miles south of Miles City. This alternative routing would lessen complications for the city and the hatchery and would avoid the sharp turns which now are planned right on Fish Hatchery property. Eliminating these sharp turns will enhance the probability that derailments and spills do not take place near the hatchery, river, or community.

Wherever the trainloads of coal are bound, citizens along the existing connecting lines will, also, be affected by increased train traffic. The safety and health of these people will be threatened by coal dust, diesel fumes, spills, accidents, and noise. Their property values will be further eroded, too. Cities and town along the route will need to gear up for the changes increased coal train traffic will bring. Who will pay for the upgrades to crossings, overpasses, and other infrastructure needed to accommodate this increased traffic?

Other cumulative impacts that should be addressed in the project area include coalbed methane development, increased oil drilling, and the proposed coal mines and their associated impacts on the water, air and surrounding communities. Health and emergency services such as fire, police and ambulance are already

overwhelmed in many areas. As Chairman of the Birney School District #3 Board our school will need to provide service and an education to transient children of construction workers. This will be hard to plan for in a school which presently has only 8 children and 1 teacher for the entire elementary school. Will impact aid money be provided to our district by the railroad to help address these increased needs?

It is time for the Surface Transportation Board to take its duties to the citizens just as importantly as its duties to the industry, which it serves. Should this application be approved, please set a timeline that respects all of the people involved. Please require mitigation measures that address individual concerns and respect the livelihoods of all inhabitants of the valley. Sacrificing our valley for a multinational company to pillage so that their shareholders make money, if sanctioned by you, should be done with the utmost respect for those who have to live with the consequences. There seems to be no legitimate way to mitigate the costly damage of this project. Thank you for the opportunity to persuade you to deny this application. Sincerely.

Terry Punt

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