Ken Blodgett

Surface Transportation Board

395 E. Street SW

Washington DC 20423-0001

Dear Mr. Blodgett,

The Tongue River Railroad (TRR) has been hanging over our heads for years. If the railroad were needed it would have been built years ago. The prospect of the TRR being built is no longer a need and necessity. We manage our farms and ranches quite nicely without railroad service on the Tongue River. We haul our cattle to Miles City to the sales barn to sell and we sell our grain to a local business that pellets feed and they use the grain in their pellets. We buy our groceries in Miles City and get most of our necessities there. We have no need for a railroad to provide us with services. If this had been 100 years ago, we would have looked forward to having train service to do business. The railroad is weaning itself from public service. They only want to haul large commodities and they do not cater to their customers that try to use the railroad for shipping. They have to jump high hurdles to get them to haul commodities for them. Many times if a carload comes into town it must be offloaded in 24 hours. The railroad does not serve as it used to. I understand that the old Milwaukee line used to stop and pick up cans of cream along the route a few miles from Miles City and haul them into town for the farmers and ranchers. Those days are long gone. Miles City used to have Amtrak service and it no longer has passenger service. Why should we need a railroad on the Tongue River? I kept a Miles City Star article dated October 16, 2007. I ran a copy of it and included it for you. It talked about how in August 6, 1910 the TRR would be built. There is no need for the TRR and it should not be built.

I believe that you should keep the scoping process open longer. The final application has changed the route. Most of the comments I am providing have to do with the original approved route. We need additional time to formulate how the TRR may affect the people on the new route. You may need to reopen the scoping process again to discuss the new route. Most of the people on the new route did not even attend the scoping hearings and most of them are not parties of record. The final application did not include more maps about the alternative routes proposed in this scoping notice. I would like to see more details about the Moon Creek alternative, because I believe it crosses my property, but I cannot tell from the map that was included with the scoping notice.

The Tongue River Road alternative does not make any sense at all. Why would it make a sudden left turn, cross the Tongue River and then go East and cross Highway 59 and then turn and come back and cross highway 59 again? Then it crosses Pumpkin Creek, where a bridge would be required. There was a big rain event in 2011 and there was more water coming down Pumpkin Creek then was in the Tongue River. It does not appear that a serious attempt was made to find a good route following the Tongue River Road.

I believe that the details of the purchase of the TRR should be made public. I believe that large sums of money were paid to purchase the TRR and the new owners will not consider the alternative routes. Ife. If the Surface Transportation Board chooses a different alternative, will the TRR accept that alternative? The scoping process should be held open until the Environmental Impact Statement (EIS) is complete for the Otter Creek mine. That is the only reason for the existence of the TRR and the Otter Creek mine may never be developed.

I mentioned in Miles City that the original route would cross 3 miles of my ranch and create a wall that would keep my cattle from getting to the river for water. I have included a disk with several photographs showing where the route is proposed across my place. I have also included photos showing ice jam flooding on my ranch. I have also tried to explain where the water has been in ice jam floods that have been bigger than the one in my photographs. I also sent you photos showing where the hills sloughed from all the rainfall in 2011. Some of them occurred where the original route was proposed across my place. I have also included photos of the runoff backed up behind a dam on the Helm property. This is Wolf Creek. The water backs up onto my property and the dam created by the railroad berm would also back up water onto my property. It may back up water farther than the existing dam.

The Board should look carefully at global climate change. I heard of a new phenomenon that is attributable to climate change. They refer to the action as global climate wierding. They have seen the weather be exceptionally wet one year and exceptionally dry the next. That is the way it has been in Montana. In 2011 we had record setting rainfall. In 2012 we have gotten very little rain and lots of fires. What will our future hold if we continue to burn coal and increase global climate change? Another aspect of wierding is the intensity of storms is increasing. We have a saying here and that is, "It isn't nice to fool with Mother Nature." I think we need to heed that advice.

I am trying to get copies of Miles City Star articles that I showed Ken Blodgett when he was here. The first one is a special edition dated July 1, 2005. It was a derailment in downtown Miles City. It shows the devastation that can happen if a train derails in Miles City. Another article is dated August 6, 2012. It was a derailment near Plevna and an alcohol car exploded. This demonstrates how trains can start fires. Another article is dated February 26, 2010. I could not get this article, but I did manage to get a copy of the flood map from the City Planner. It shows maps of the floodplain near Miles City and the Miles City Fish hatchery. I believe there are flood maps for the rest of the Tongue River Valley and they should be reviewed for the EIS.

In conclusion the Board needs to consider all the cumulative impacts that could happen. Miles City was overrun with many people that were working on a pipeline in SE Montana. They came and stayed for about 6 months and then left. All the lodging was used and some of the people that come to hunt on my block management land could not find lodging. The Keystone XL pipeline is proposed and we could see impacts from that construction in the future. The North Dakota area is seeing massive development of oil and gas development in the formations there. Horizontal drilling is taking place and hydro fracturing is taking place. The North Dakota area is overrun with people and the small communities cannot handle the infrastructure requirements. The roads are getting destroyed. There are no homes

available for the onslaught of people. The schools cannot handle all the people. This development may proceed from the Bakken into the Heath formation in Montana. The combination of oil and gas development, pipeline development, coalbed methane development, development in the old oil and gas field near Broadus and other potential projects need to all be taken into account. In addition to these developments, there are new wind farms being proposed as well. A new hydrogeneration system may be installed in the Tongue River Dam. All of these projects need to be examined. In addition to these projects the state is looking at paving the Tongue River Road. The board needs to look at that as well. They have done estimates of what it will cost to pave the Tongue River Road. This could be used to contemplate how much additional cost would be required to build a road on the West side of the Tongue River near Miles City. As I told you in Miles City, there are no roads to fight fires or stop weeds from spreading from Miles City to the Brandenberg Bridge. Only a few miles of road are present near the Moon Creek road. Once the Board looks at all the impacts that will be caused it should be obvious that the no action alternative is the only logical alternative.

I had prepared most of the previous comments before the new application was submitted. The new application is looking at a new route to Colstrip and according to the maps provided to landowners it does not match the Colstrip route that was shown at the scoping hearings.

The original Colstrip alternative would not have crossed the Amish community. The new application will cross the Amish. The Amish may not participate in this process. They do not have access to internet and their traditions and customs may not allow their voices to be heard. The railroad will devastate the Amish Community and they may not be able to continue with the railroad present. This is another reason to choose the no action alternative.

In the history of the TRR they have traditionally only called for culverts where the railroad grade crosses small streams. The application and the scoping maps did not say anything about a bridge across Rosebud Creek. Rosebud Creek was very large in 2011 with all the rain. Flooding occurred along many residences on Rosebud Creek. The railroad will back up even more water during a flood event and may cause more damage to residences near the railroad grade. There are beavers on Rosebud Creek and I have seen beavers dam up culverts on a road near Ekalaka, Montana when I grew up. The dam created almost washed the road out and luckily the dam was broken up before the road washed out. I could see beavers damming up culverts on the railroad grade where it crosses Rosebud Creek.

The fact that the new route is going to Colstrip indicates that Arch intends to obtain workers from the existing coal mines at Colstrip. Will the coal mines at Colstrip be shut down if Otter Creek and the Tongue River Railroad are built? Will the road from Colstrip to Otter Creek be paved to allow easier access for workers commuting from Colstrip? Will additional right of way be needed for a new road?

Where are the sidings and set out tracks going to be on the new route?

There is still no need for the railroad to go to Terminus point number one and that should be eliminated. If there are plans to mine coal and use Terminus point one then TRR needs to explain how much coal will be mined and where it will be mined.

The fact that TRR is now applying for a new route makes it clear that they intend to send the coal to China and Asia. Sending coal to China and Asia is not in the public interest and therefore the no action alternative should be chosen.

Sincerely,

Mark Fix 1-8-13

Mark Fix

Photo Log

23 thru 27 Photos of high water coming down Wolf Creek in the spring of 2011. This is where the TRR is proposed across the Helm property.

252 This is a photo of my ranch from the gumbo butte across the river.

253 This is a photo of the area below the butte that the railroad is proposed. The railroad grade would roughly parallel the dirt road I have for this section.

254 This is a view of the Tongue River as it heads upstream from my place.

255 This is a view upstream from the butte. The notch in the hill to the right of the center is where the TRR is proposed. If you follow the ridge to the left of the photo, the original route of the TRR was proposed just to the left of the ridge.

256 This is a view of the ranch again. Note the irrigated fields across the river in the right of the photo.

257 This is a view of the proposed route of the TRR. It is almost a straight line across my place. The notch in the hill is where the TRR is proposed and it would come to the place where I am standing taking this photo.

258 This is a photo that is a continuation of the last photo. I turned around and took a photo of the route down the river. The route would go around the hill that you see in the center of the photo. That hill would be on the Helm property.

259 This is a photo looking down from the route to show how high this is above the lower grade.

260 This is a photo again looking down from the butte. I have seen water covering most of this area during ice jam floods in the past. The water extended a little beyond the dead tree just to the left of the road and came over to the base of the butte.

262 This is a view of the butte from the lower level. I was standing on top of this butte for the previous photos.

263 This is a photo of my irrigated grain field. The notch in the upper center of the photo is where the TRR is proposed.

264 This is a photo of my private bridge across the Tongue. Note the small shack in front of the bridge. This is a USGS gaging station known as the Tongue above T&Y. It was taken off line a couple of years ago due to loss of funding. It measured water quality and flow.

265 This is another shot of the bridge. Notice that it has no supports under it. The bridges uses a counterbalance design that eliminates supports in the river. The old bridge that was on the ranch before was taken out by ice jam flooding. The supports were pushed out by the ice.

266 This is a view of the bridge decking. The department of Fish Wildlife and Parks helped me get new decking for this bridge. The state had surplus timbers that were 6 inches thick, 17 inches wide and 20 feet long. I got the decking by signing up for a 3 year contract in the Block Management program with the Fish Wildlife and Parks.

267 This is view of the side of the bridge showing that it has no supports in the river. You can also see the small weight hanging down that is the mechanism for manually measuring the gage height of the river.

268 This is another view of the bridge.

312 This is a view of ice jam flooding upstream from my bridge in the spring of 2011.

313 This is another view of the ice jam flooding. Note the fence posts and the post with the yellow bucket on top of it. The post with the bucket is a power supply for my garden irrigation pump.

314 This is another view of the ice jam flooding closer to my house.

315 This is a closeup view of the previous photo.

316 thru 320 This is a view of the flood waters going up an old river channel below my house.

321 This is a view of the pond above the road that went to the old bridge.

322 This is the road that the water had to go upstream over to fill the pond in photo 321. The water is starting to flow back downstream in this photo.

323 Closeup of photo 322.

324 Ice jam flooding below my bridge.

325 Another view of ice jam flooding below my bridge. Note the Helm farm in the background.

326 View of the water going back into the trees across the river downstream from my bridge.

327 thru 329 View of ice jam flooding upstream from my bridge.

330 View of ice jam flooding upstream from my bridge. Photo taken about a quarter mile upstream from where I cross the bridge.

331 View of ice jam flooding looking upstream from the previous photo. Note how the ice stays solid and the water level starts raising before the ice breaks up and jams.

332 Closeup view of the water across the river near the previous photo.

333 View of flooding a little further up the river.

334 Closeup view across the river.

335 View about another half mile upstream. Ice starting to break up.

336 thru 339 View upstream of ice starting to break up.

340 thru 341 View of the river from the top of the butte during the ice jam.

342 thru 344 View of the river downstream from the bridge as the ice is starting to go out and the water level is subsiding.

345 thru 347 View of the river upstream from the bridge after the ice has gone out. Note the ice on the banks.

348 thru 356 View of the ice left on the banks when the ice goes out.

404 View of sluffing from the large amount of rainfall in 2011. The gumbo butte sluffed some here.

405 Sluffing of the butte. TRR proposed just to the right of the tall point.

406 Erosion on Circle Creek from the heavy rainfall.

408 thru 419 Sluffing from the heavy rains in 2011. This is the area that the TRR was originally proposed and is shown as the approved route on the TRR application aerial photos.

420 thru 425 These are photos of the river just upstream from my bridge and shows the river full of water in the summer of 2011.

426 thru 431 This shows the erosion to my road after the river started to go down from its peak flow.

432 thru 434 These photos show how full the river was above my bridge.

488 thru 491 These are photos of the beautiful fall colors of the trees in the chokecherry grove about a half mile above my bridge. The road in some of these photos used to go straight along the chokecherries, but the river has eroded and I must now go around the chokecherry grove.



































































































































































































NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where Base Flood Elevations (BFEs) and/or floodways have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The projection used in the preparation of this map was Universal Transverse Mercator (UTM) zone 13. The horizontal datum was NAD83, GRS1980 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at http://www.ngs.noaa.gov/ or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, NNGS12
National Geodetic Survey
SSMC- 3, #9202
1315 East- West Highway
Silver Spring, MD 20910- 3282

To obtain current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713- 3242, or visit its website at http://www.ngs.noaa.gov/.

Base map information shown on this FIRM was provided in digital format by the United States Department of Agriculture. This information was photogrammetrically compiled from Digital Orthophoto Quarter Quadrangles at a scale of 1:40,000, dated 2005 or later as a part of the National Agriculture Imagery Program.

This map reflects more detailed and up- to- date stream channel configurations than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de- annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed Map Index for an overview map of the county showing the layout of map panels, community map repository addresses, and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

Contact the FEMA Map Service Center at 1- 800- 358- 9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1- 800- 358- 9620 and its website at http://www.msc.fema.gov/.

If you have questions about this map or questions concerning the National Flood Insurance Program in general, please call 1- 877- **FEMA MAP** (1- 877- 336- 2627) or visit the FEMA website at http://www.fema.gov/.



LEGEND

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

- ZONE A — No Base Flood Elevations determined.
- ZONE AE — Base Flood Elevations determined.
- ZONE AH — Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO — Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR — Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE A99 — Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V — Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE — Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

- ZONE X — Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

- ZONE X — Areas determined to be outside the 0.2% annual chance floodplain.
- ZONE D — Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

- 1% annual chance floodplain boundary
- 0.2% annual chance floodplain boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
- 513 — Base Flood Elevation line and value; elevation in feet*
- (EL 987) — Base Flood Elevation value where uniform within zone; elevation in feet*

* Referenced to the North American Vertical Datum of 1988 (NAVD 88)

- A — A — Cross section line
- 23 — 23 — Transect line
- 97°07'30", 32°22'30" — Geographic coordinates referenced to the North American Datum of 1983 (NAD 83)
- 4275000mN — 1000-meter Universal Transverse Mercator grid ticks, zone 13
- 6000000 M — 2000-foot grid ticks: Montana State Plane coordinate system, (FIPSZONE 2900), Lambert Conformal Conic
- DX5510 — Bench mark (see explanation in Notes to Users section of this FIRM panel)
- M1.5 — River Mile

MAP REPOSITORIES
Refer to Map Repositories list on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1- 800- 638- 6620.

MAP SCALE 1" = 500'

250 0 500 1000 FEET

150 0 150 300 METERS

PANEL 0663D

FIRM

FLOOD INSURANCE RATE MAP

CUSTER COUNTY, MONTANA AND INCORPORATED AREAS

PANEL 663 OF 2275
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
CUSTER COUNTY	300147	0663	D
MILES CITY, CITY OF	300014	0663	D

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
30017C0663D

EFFECTIVE DATE

Federal Emergency Management Agency

NATIONAL FLOOD INSURANCE PROGRAM

Miles City STAR

Monday, August 6, 2012 | Miles City, Montana | 75 cents

Critical fire conditions forecast in MT

BILLINGS (AP) — Frequent lightning strikes, gusting winds and temperatures in the 90s were forecast Monday for much of Montana, with authorities warning the turbulent conditions could whip up wildfires that have burned more than 400 square miles in the past week.

Red flag warnings were in effect for southwest, central and parts of southeast Montana. More than 2,000 firefighters and other personnel were trying to make gains on major blazes ahead of the change in weather.

Wind gusts up to 40 mph were expected to hit southeastern Montana's Rosebud Creek complex of fires, which includes six blazes that have burned a combined 260 square miles.

One of those blazes, the Chalky Creek Fire burning near Lame Deer, was largely uncontained as firefighting crews continued to work at the edge of town. No evacuations were in place. Spokeswoman Marilyn Krause said restrictions on U.S. Highway 212 were possible later in the day.

Two houses and two outbuildings have been destroyed. and dozens of homes remained threatened by the Rosebud Creek fires.

The nearby Sarpy Hills ing almost 130 square miles, including two homes and 12 outbuildings. Thirty homes were considered threatened. However, a perimeter line around the fire was holding and there appeared to be no immediate danger, fire spokeswoman Cindy Super said.

In north central Montana near Augusta, 48 cabins and vacation homes remained under evacuation from the 24-squre-mile Elbow Pass fire complex. Authorities were concentrating on stopping any expansion of the fire on its northeast side along the Benchmark Canyon corridor, spokeswoman Kathy Thompson said.

Crews could be pulled from the rocky ridges at the leading edge of the blaze if weather conditions deteriorated, she said.

The spate of new fires in recent days has pushed Montana above 900 square miles burned so far in 2012. That's well over the state's 10-year

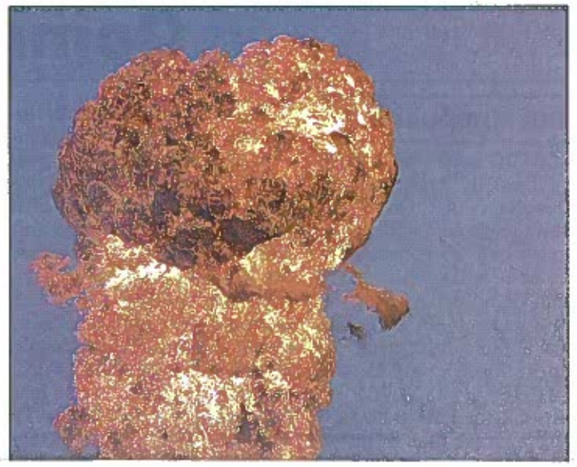
■ Area fire update:
More resources brought in to battle Rosebud Fire Complex
- see page 3



Photo courtesy of Chuck Lee

ABOVE: A Plevna volunteer fire truck works the edge of the fire Sunday afternoon as rail cars blaze away, too hot to work near, in the background.

RIGHT: As crews work to contain the fire Sunday afternoon, one of the rail cars filled with denatured alcohol explodes into a giant ball of flames.



Train derails near Plevna,

Indian Reservation was 65 percent contained after burning three times the amount of land that burned last year.

More fishing restrictions for drought not likely

HELENA, Mont. (AP) — Fishing restrictions due to drought will remain in place on three Montana trout streams for the foreseeable future, but state fisheries officials are cautiously optimistic that they won't need to make any other closures.

Fish, Wildlife and Parks officials last month imposed "hoot-owl" restrictions on the Smith, Dearborn and Sun rivers, meaning that fishing isn't allowed on those central Montana streams in the afternoons and evenings, when the water temperatures are too high.



Drought

Trout prefer temperatures in the mid-50s, and when it rises, oxygen becomes depleted and the fish become stressed. FWP closes streams to fishing when water temperatures reach at least 73 degrees for three consecutive days. Temperatures above the mid-70s can kill trout.

A few days after Montana restricted fishing on those three rivers, Yellowstone National Park did the same for parts of three rivers within its boundaries: the Gibbon, Firehole and Madison rivers. The temperatures in parts of those rivers were ranging into the high 70s, park officials said.

Anglers have compared this year's drought to conditions in 2007, when parts of the Yellowstone River were closed to fishing for a month or longer. But now, the Yellowstone River and many other rivers in Montana have temperatures in the high 60s and have not gotten higher, said FWP fisheries chief Bruce Rich.

"That's good," he told FWP commissioners in a drought update Thursday.

No other rivers are on tap this week to be closed to fishing, and with the days now shortening, they could escape further restrictions for the rest of the season, barring unexpectedly harsh weather conditions, he said.

Fishing guide Jim Stein of CrossCurrents of Helena said the Smith and Dearborn rivers are usually shallow this time of year and fishing is generally slow, anyway. But he is glad to see the restrictions as a way to protect the fish in those rivers.

Stein said he would direct anglers to the Missouri or Blackfoot rivers rather than to a stream feeling the effects of drought.

He said there's no reason to hurt a phenomenal river. "Maybe you should have been here a month ago or maybe you should come back in the fall," Stein said.

Craig Matthews, owner of Blue Ribbon Flies in West Yellowstone, said he also would normally be directing anglers to other rivers than the Firehole and Madison rivers in Yellowstone National Park at this time of year.

"Generally, after July 4th, they warm up to where they're not good fishing anyway. We point people elsewhere," he said.

Other park rivers are just reaching the right temperature for fishing, such as the Slough, Lamar and Soda Butte rivers.

"We're really straightforward about that, we say there are better options," Matthews said.

cars explode

By ELAINE FORMAN
Star Staff Writer



Photo courtesy of Mary Higgins

A BNSF train derailed as it was traveling westbound, two miles west of Plevna, near mile marker 68 Sunday afternoon. The derailment led to large explosions from the cargo of denatured alcohol, but no one was hurt, according to Fallon County Disaster and Emergency Services Director Chuck Lee.

Flames went 70 feet into the air as rail cars burned through the night, Burlington Northern Santa Fe spokesman Gus Melonas told the Associated Press.

"It was a chain reaction of one car catching fire and another car catching fire as well," Melonas said.

Fifteen cars derailed, and 16 caught on fire.

The derailed cars were part of a 106-car train headed to Laurel from Aberdeen, S.D. It was traveling about 23 mph at the time of the derailment, Melonas said.

At that location, the train tracks were about one-half to three-fourths of a mile north of Highway 12.

There were no homes close enough to be threatened by the explosions or fire, so no one was evacuated, Lee said.

The highway was closed immediately and the traffic was rerouted to Hay Creek Road, then Pine Creek Road, then Sandstone Road (for those traveling east). Highway 12 reopened midday Monday.

See "Derail," page 5

Govs may not have say in health care markets

WASHINGTON (AP) — Republican governors who've balked at creating new private insurance markets under President Barack Obama's health care overhaul may end up getting stuck with the very thing they're trying to avoid.

Unless Mitt Romney wins in November, states that haven't set up the required insurance could find Washington calling the shots on some insurance issues the states traditionally manage, from handling consumer complaints to regulating plans that will serve many citizens.



It could turn into a political debacle for those who dug in to fight what they decry as "Obamacare."

"You're kind of rolling the dice if you think (Obama's health care law) will go away," said Kansas Insurance Commissioner Sandy Praeger, a Republican. If Romney can't make good on his vow to repeal the overhaul, "you are just giving up a lot of authority."

The law envisioned that states would run the new markets, called exchanges, with federal control as a fallback only. But the fallback now looks as if it will become the standard option in about half the states — at least initially.

It would happen through something called the federal exchange, humming along largely under the radar on a tight development schedule overseen by the Health and Human Services Department in Washington.

Exchanges are new online markets in which individual consumers and small businesses will shop for health insurance among competing private plans. The Supreme Court's health care decision left both state exchanges and the federal option in place.

The exchanges are supposed to demystify the process of buying health insurance, allowing consumers to make apples-to-apples comparisons. Consumers will also be able to find out if they're eligible for new federal subsidies to help pay premiums, or if they qualify for expanded Medicaid.

See "Health," page 5

Syrian PM joins rebel side in latest blow to Assad

BEIRUT (AP) — Syria's prime minister defected on Monday, evidence that the widening cracks in President Bashar's Assad's regime have reached the highest echelons of government.

Riad Hijab — who planned the break for months, according to an aide — is the highest-level political figure to switch sides and is certain to encourage rebels after a string of military and diplomatic figures abandoned the regime. A Jordanian official and a rebel spokesman said he fled to Jordan.

Ahmad Kassim, a senior official with the Free Syrian Army, initially said Hijab defected along with three other ministers but later said only two other ministers had left. There has been no confirmation, however, from Syria or any other source on other ministers defecting.

A senior U.S. official said the defection is more evidence that the Assad regime "is crumbling." The official, traveling with U.S. Secretary of State Hillary Clinton in Johannesburg, urged other senior members of the government and military to break with Assad.

The Syrian regime has suffered a series of significant setbacks over the past month that point to a loosening of its grip on the country.

Four of the president's top security aides were killed in a rebel bombing of state security headquarters in the capital Damascus on July 18, including the defense minister and Assad's brother in law. There has been a steady stream of high-level defections from diplomats to generals. And the regime has been unable to fully subdue rebel challenges in the two major cities, Damascus and Aleppo.

weather forecast

TUESDAY

96/65
Partly cloudy skies. Hot. High 96F. Winds WNW at 15 to 25 mph.

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Derail

Continued from page 1

People had to stay a minimum of a half mile away during the fire.

"There is nothing that can be done but stay at a safe range and let it burn. ... You'd be nuts to go in there," Lee said.

Tanker cars carried denatured alcohol, which is a fuel additive. Lee said the beauty of this fire is that it is like burning gasoline or lighter fluid, which just burns itself out and doesn't endanger people, like ammonia or chlorine.

Crews intend to remove the damaged cars and replace about 1,100 feet of track and ties. The line, used by eight to 10 trains a day, could reopen as soon as Wednesday. Some trains were being rerouted.

Lee believed the fire began when the metal grinding caused sparks. The fire then probably caused the tankers to leak and caused the explosions.

Lee said nine cars exploded in at least five separate blasts. He said the first explosion was like watching "a disaster flick," and the fourth one was also big.

"One tank is still on fire this morning," he said.

He said the derailment occurred in an area surrounded by stubble field. The fire headed east toward Ismay. Firefighters stopped it, and then it went west and southwest. One explosion caused the fire to jump the highway.

Firefighters from Plevna, Baker, Carter County, Wibaux County and the North Dakota communities of Marmarth and Rhame kept grassfires from spreading.

Lee had high praise for the firefighters, who were "out there saving our community and not making a stinking dime."

Also responding to the scene was the Fallon County Sheriff's Office (which handled traffic control), BNSF, Montana Department of Transportation, two Montana Highway Patrol troopers and the Fallon County Ambulance Service.

Lee said firefighters also had to respond to a 300-acre grass fire seven miles east of the derailment.

To add to the excitement for Fallon County, a mountain lion entered a home in Baker Sunday morning.

Health

Continued from page 1

It's all supposed to work in real time, or close to it, like online travel services. Open enrollment would start a little over a year from now, on Oct. 1, 2013, with coverage kicking in the following Jan. 1.

Eventually more than 25 million people are expected to get coverage through exchanges, including many who were previously uninsured. As exchanges get more customers, competition among insurance plans could help keep costs in check.

But only 14 states and Washington, D.C., have adopted plans for their own exchanges: California, Colorado, Connecticut, Hawaii, Maryland, Massachusetts, Nevada, New York, Oregon, Rhode Island, Utah, Vermont, Washington and West Virginia. Some could still backtrack.

Kentucky and Minnesota are pushing forward with their own exchanges, and others may be able to partner with the federal government. States face a Jan. 1, 2013 deadline for Washington to sign off on their plans.

Meanwhile, the federal exchange is advancing.

HHS contractors are working feverishly to design and test computer systems that would make the federal exchange come alive. It's a top priority

"I think the pressure is on them to deliver, and I fully expect they will," said Jon Kingsdale, who was the founding director of the nation's first health insurance exchange, created under then-Gov. Romney's health care overhaul in Massachusetts.

Now a consultant to states, Kingsdale says he expects the federal exchange to look very much like the one already operating in his home state.

There will be a website, and you'll be able to put in your ZIP code and get a list of available health plans. There will be a section where you can find out if you qualify for subsidies, or whether you might need to look at Medicaid. There will be cost calculators to allow you to compare different levels of coverage: platinum, gold, silver and bronze. There will be tools that allow you to see if your doctor or hospital is with a particular plan.

In an interview, HHS official Hash said the government is undaunted by the prospect of running exchanges in half the states or more.

"What we are talking about building here is a system that is really using 21st century

ing to reach new customers.

The government has awarded two big technology contracts for exchanges. Virginia-based CGI Federal Inc. is building the federal exchange. Maryland-based Quality Software Services Inc. is building what's called the federal data services hub, an electronic back office that will be used by the federal exchange and state exchanges to verify identity, income, citizenship and legal residence.

Running the data hub will involve securely checking sensitive personal information held by agencies such as the Social Security Administration,

> *"What we are talking about building here is a system that is really using 21st century technology, and it's not dependent like in the past on bricks and mortar or how many (federal employees) you have."*
>
> *-HHS official Mike Hash*

Kansas insurance commissioner. "It would have much more of a federal flavor than a Kansas flavor."

Praeger wants Kansas to have a state-run exchange, but GOP Gov. Sam Brownback and Republican state legislators are opposed. If opponents prevail, the state will have a federal exchange.

But conservatives are raising yet another argument in hopes of shutting down federal exchanges.

Led by Cato Institute economist Michael Cannon, several opponents say the letter of the complex law precludes the government from subsidizing coverage through the federal exchange. They say the law allows only tax credits to help consumers pay premiums in state exchanges, not the federal exchange, and that's the way Congress intended it. If states don't set up exchanges, that would starve the health care overhaul of money and cause it to unravel, they contend.

But the IRS and two nonpartisan congressional units — the Congressional Budget Office and the Joint Committee on Taxation — conducted their own analyses and concluded that subsidies are available in both types of exchanges, federal and state-run. Senate Finance Committee Chairman Max Baucus, D-Mont.,

Wyo. wolf hunt unlikely to stop problem animals

JACKSON, Wyo. (AP) — Wyoming's first-ever regulated wolf hunt — slated to kick off in about two months — probably won't reduce the intensity of a wolf-reduction program now run by the U.S. Fish and Wildlife Service.

Assuming the predator is removed from Endangered Species Act protection as planned, the Wyoming Game and Fish Department's hunt will target 52 animals, about 22 percent of the state's wolf population.

About 10 percent more of Wyoming's wolf population, estimated at 240, lives in "predator zones" where they can be killed at any time without a license.

Because wolf hunting is a crapshoot compared with the targeted killings of wolves that eat sheep and cattle, U.S. Fish and Wildlife Service wolf manager Mike Jimenez doesn't see his job getting any easier. Last time Wyoming took control of wolves — before a court overturned the transfer of authority — he moved under the auspices of the state.

Aerial gunning, often aided by radio-collared wolves, is "not at all comparable" to "shoot-on-sight" permits or hunts, Jimenez said.

"We have helicopters, we trap, we call them in on the ground," Jimenez said. "It's not a fair hunt by any stretch. It's a livestock-control action that helps to minimize conflict."

The Fish and Wildlife Service's issuance of "shoot-on-sight" permits to ranchers who are losing livestock to wolves illustrates the futility of targeting problem wolves when armed with little more than a rifle. In Idaho, more than 32,000 tags were sold and just 255 wolves were taken. That's less than a 1 percent success rate, despite the fact that the season was extended and ended up running for eight months.

When trapping is allowed, the success rates are much better, Jimenez said. Almost a quarter of Idaho's 526 wolf-trapping tags were filled last year, he said.

On the other side of the coin, the Fish and Wildlife Service's removal program in Wyoming has proven remarkably effective.

In 2011, 36 wolves were killed to reduce livestock depredation. Through July 27, 19 wolves have been removed this year, Jimenez said.

The program has grown more efficient over the years as well, Wyoming Wolf Program status reports show.

Despite an increase of more than 200 percent in wolf population, Jimenez and Wildlife Services, an arm of the U.S. Department of Agriculture, have had to remove fewer animals over the past decade. From 2003 to 2007, an average of 39 wolves a year were killed due to depredation, but the average fell to just 34 a year from 2008 to 2012.

Comparing the same two periods, cattle losses fell abruptly, from 68 head to 27 head. Sheep depredation rose significantly, from 21 a year to 60 a year, but that's been due mostly to one or two wolves killing dozens of animals, Jimenez said.

Jimenez attributes the program's successes to quicker, more surgical and preventative removals.

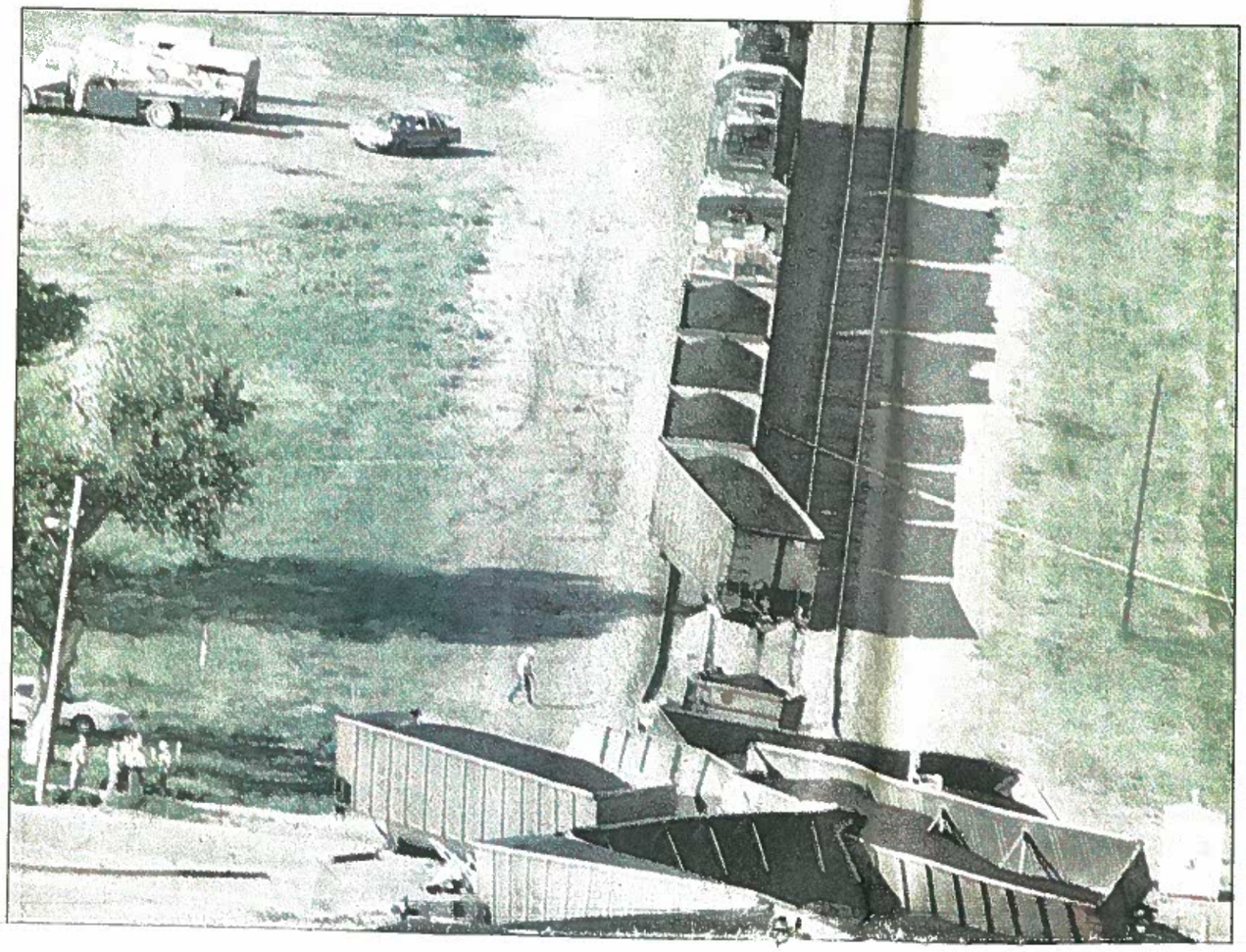
"We have a tight policy

Miles City STAR

Friday, July 1, 2005 Miles City, Montana 75 cents

Special Edition:

DERAILED



Train tangled on Tenth

Train service expected to resume Saturday; Tenth Street to open by mid-week

By Star Staff Writers

Part of a coal train crumpled at the Tenth Street crossing in Miles City, derailing or damaging 10 to 12 cars. No one was injured.

The accident happened at about 3:40 p.m. The BNSF Railway Co. cars, formerly Burlington Northern Santa Fe Railway Co., that remained standing blocked three guard arms and warning lights were smashed.

Four cars were virtually emptied of their coal, and the contents of a fifth were partially spilled, Power said.

According to BNSF spokesman Gus Melonas, crews will work through the night to clear the tracks and hope to reopen the tracks sometime Saturday.

other crossings to the west of Tenth Street. The blockage trapped some people in Spotted Eagle Recreation Area.

Four locomotives arrived shortly after 6 p.m. from the west to remove the undamaged cars. The intention, according Miles City Police Chief Lissa Power, was to pull the undamaged cars to a siding on the Fort Keogh Flats to open some crossings.

All the crossings, expect Tenth, were open by 7:45 p.m.

The derailed coal train, originating from the Black Thunder Mine in Wyoming and bound for Superior, Wis., consisted of 123 loaded cars pulled by four locomotives. The fourth coal car behind the locomotives for some reason lost its rear truck, or set of wheels.

With the end of the coal car dragging, the track was extensively damaged, with rails twisted and ties broken. The following cars derailed as they encountered the track disruption, piling up on each other, some of them crumpling and overturning. Some of the derailed cars remained upright.

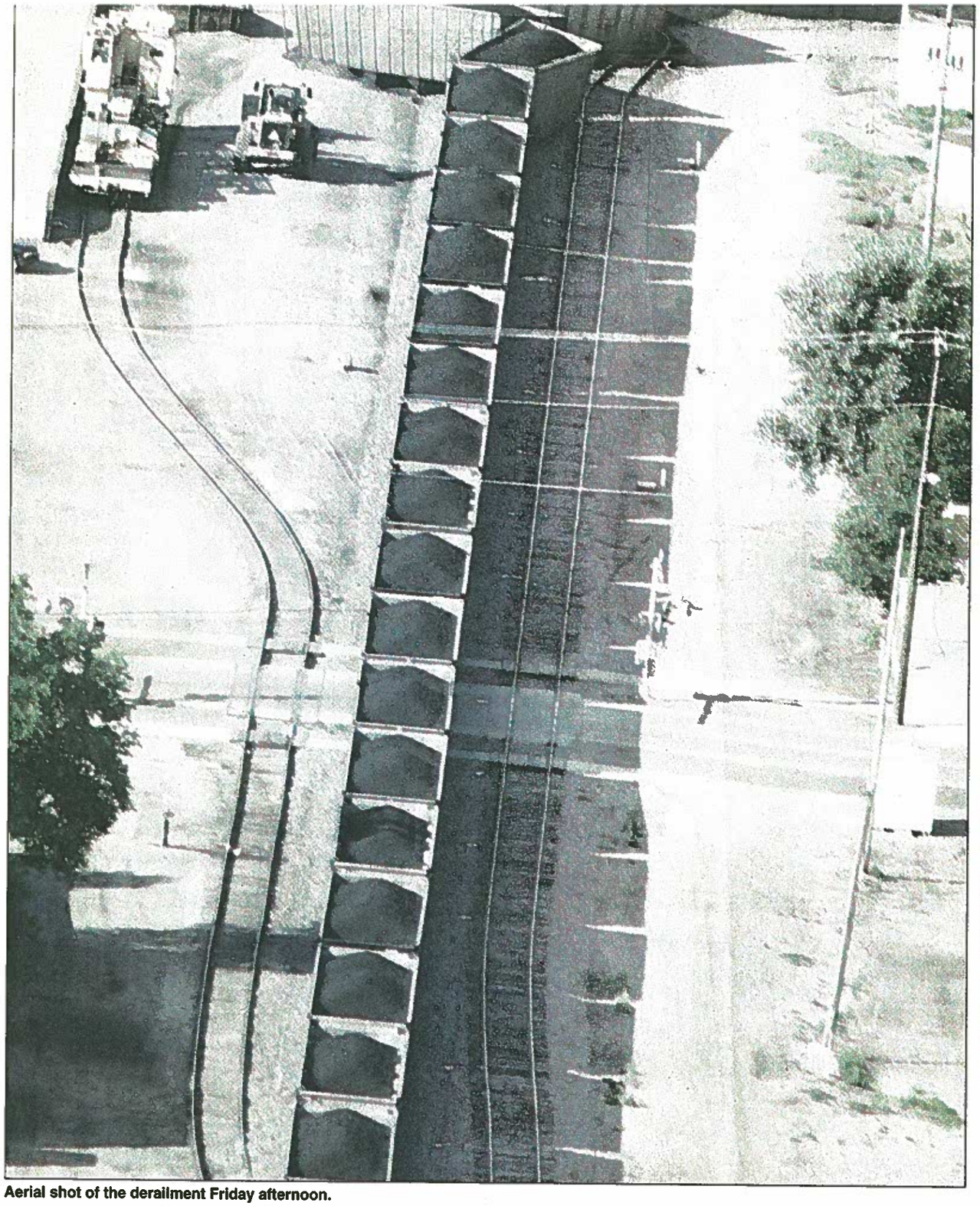
The railroad crossing Barth said he has been told that big railroad equipment will be on site by 8:30 p.m., adding that work will go on under lights that will make the area look like a night baseball game.

Barth said he expects that the Tenth Street crossing will remain closed until Tuesday or Wednesday, with the Eighth Street crossing as the alternative truck route, designated by temporary signs.

He said he was told that the tracks are expected to reopen early Saturday evening.

Police extended their afternoon and evening shifts, barricading the site and guarding the site, Power said, adding that BNSF crews are expected to work around the clock for a couple days to deal with the damage.

In addition to the BNSF crews, public agencies involved in the mishap include the Miles City Police Department, Custer County Sheriff's Officer, Montana Highway Patrol, Montana Department of Transportation, the Miles City Fire and Rescue Department, and the Miles City Engineering and Operations Department.



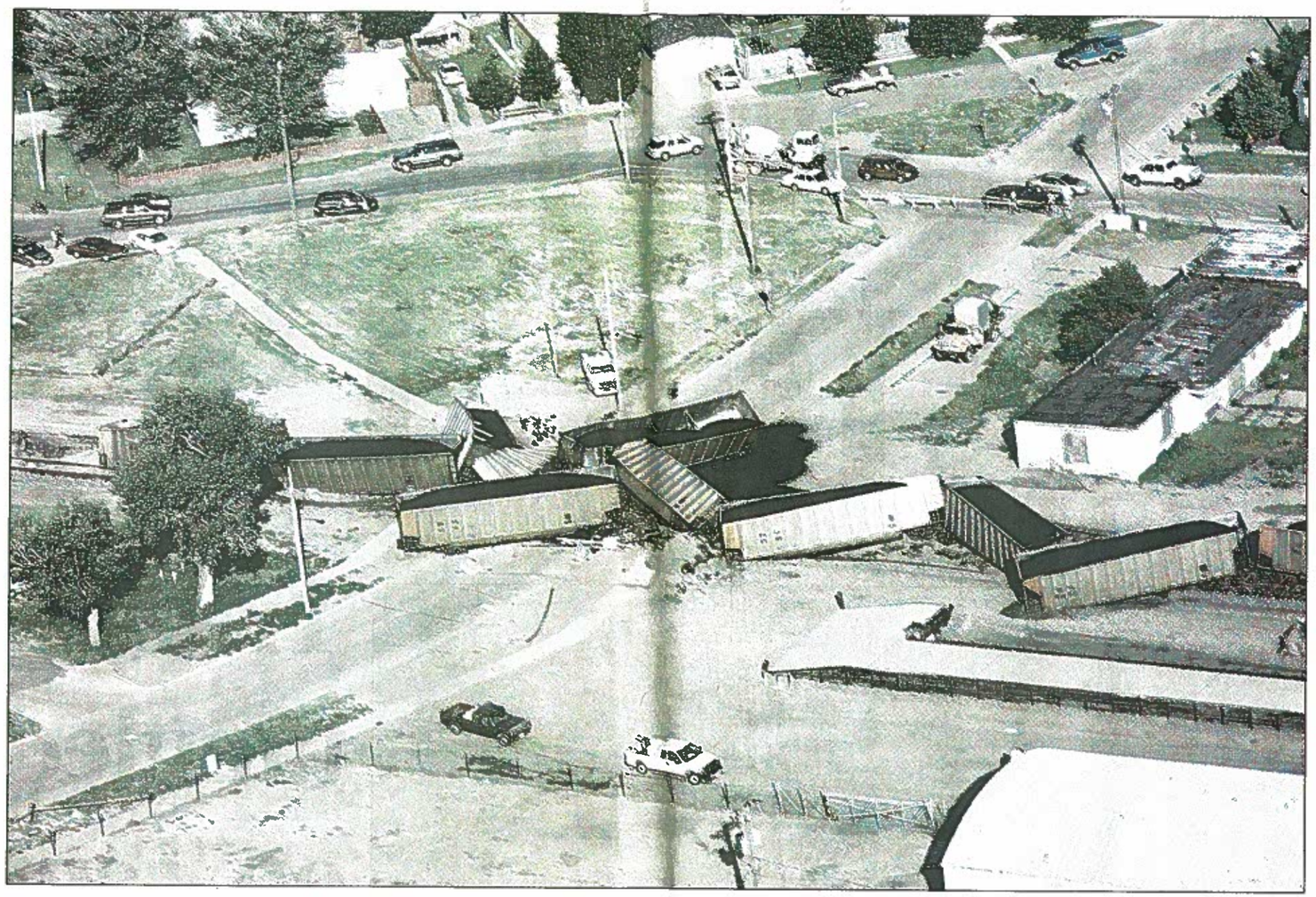
Aerial shot of the derailment Friday afternoon.

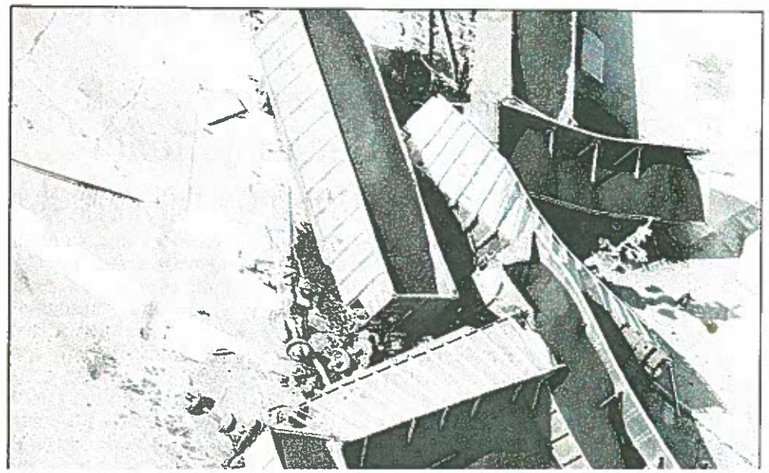


A Montana Highway Patrol officer comes on the scene to help.

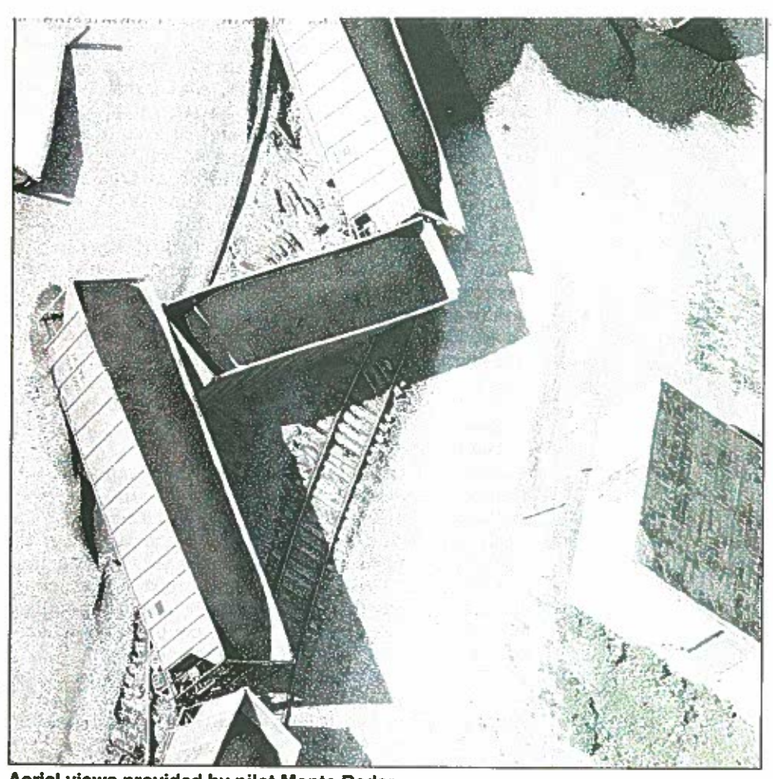
Star photos by Steve Allison

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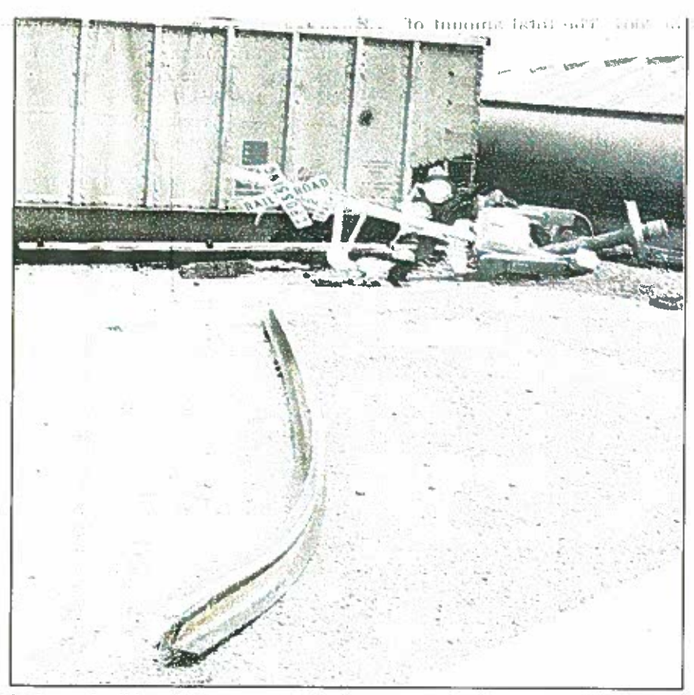








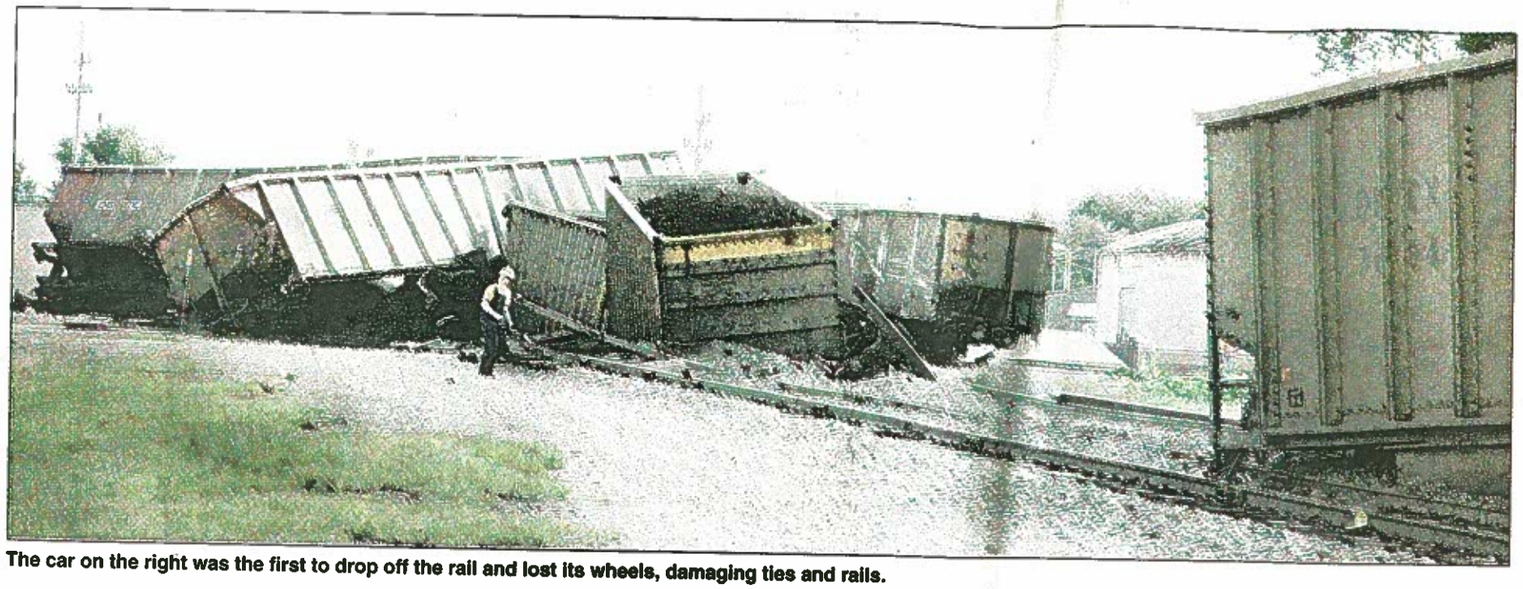
Aerial views provided by pilot Monte Reder.



A piece of rail lays in the street.

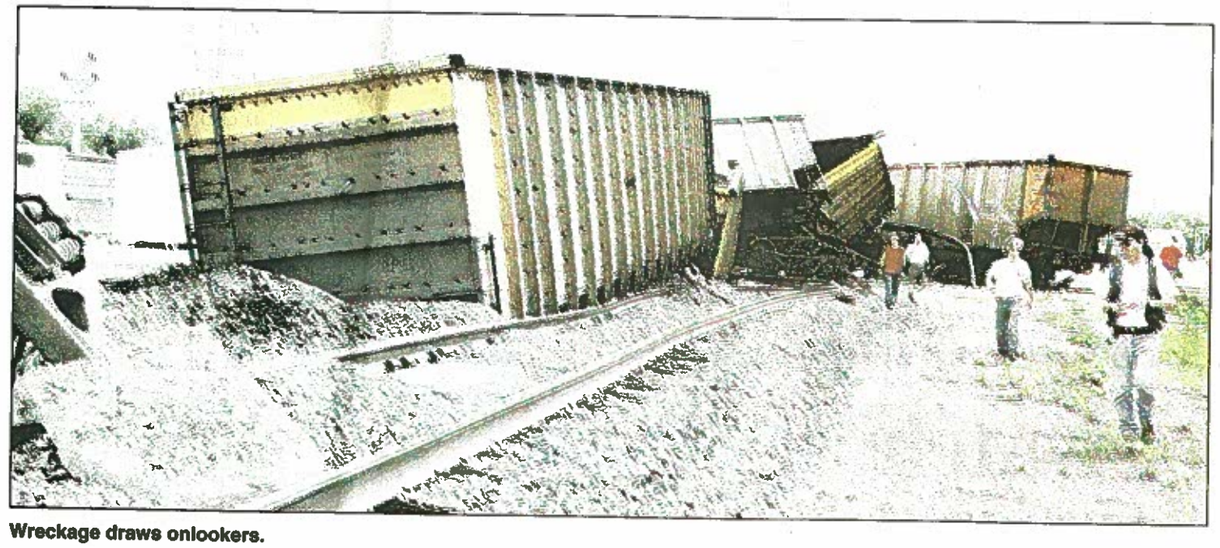


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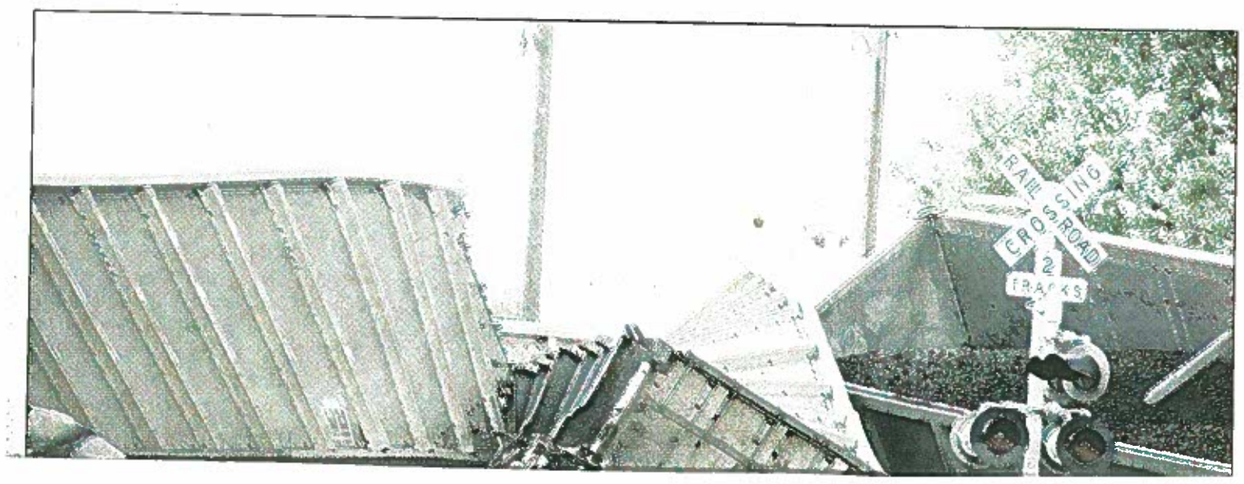


The car on the right was the first to drop off the rail and lost its wheels, damaging ties and rails.

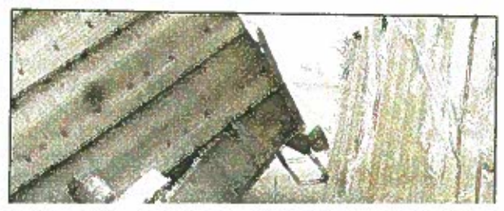
Derailment assessment, & clean up begins



Wreckage draws onlookers.

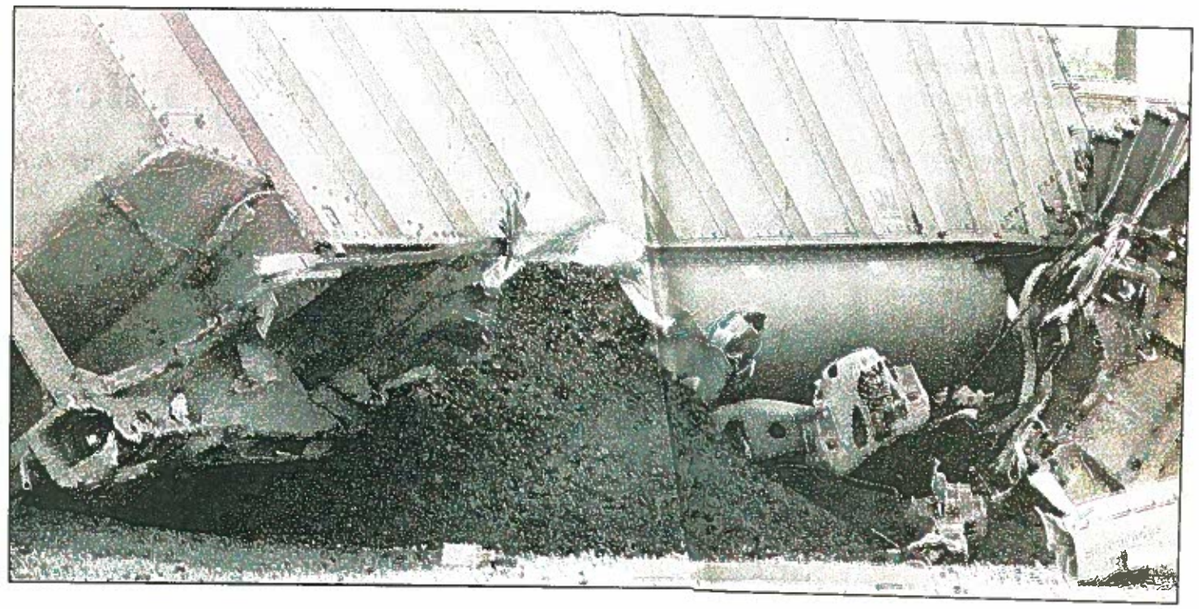


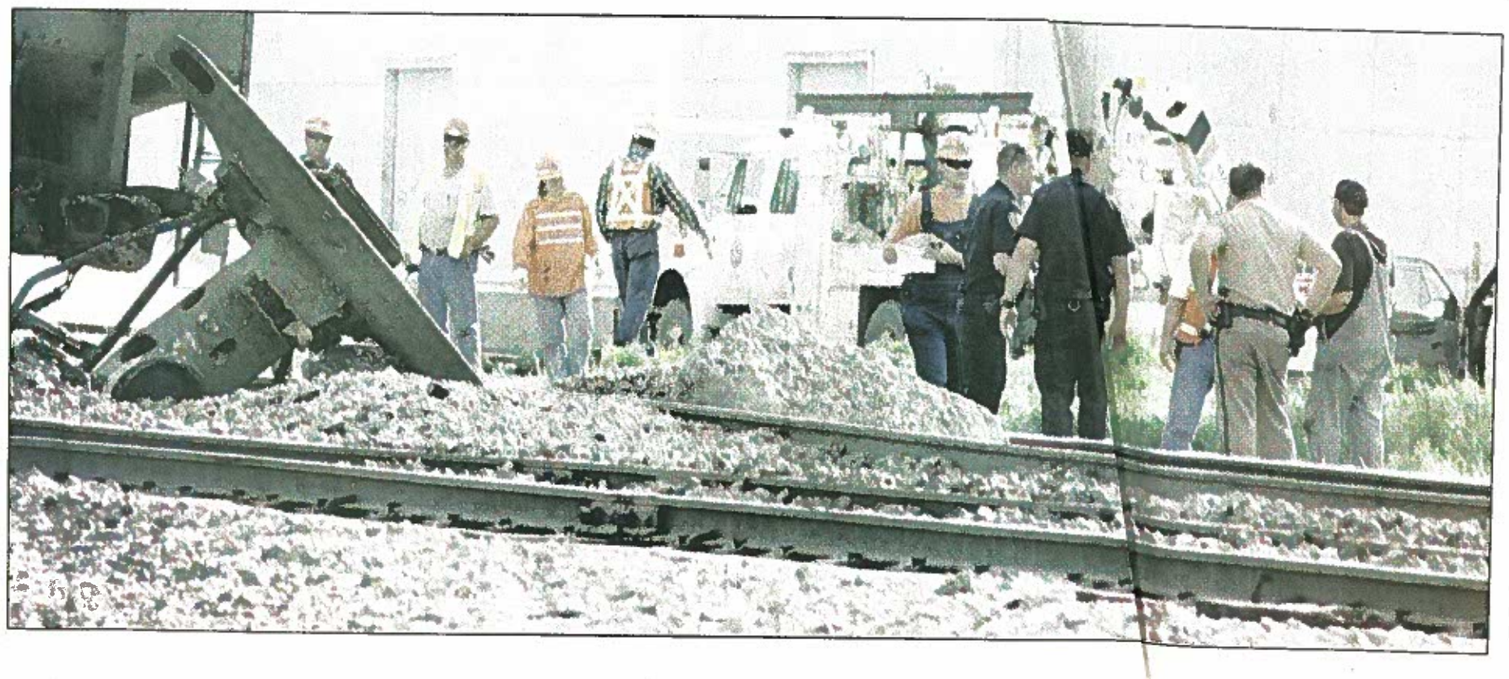
Star photos by Steve Allison





Cars litter the scene twisted, torn and scarred.





Emergency workers made up of railroad, law enforcement and firefighters have a conference after looking over the scene.