1. CALL TO ORDER
   Commissioners Present: Commissioner (Chair) Bill Carey, Commissioner Jean Curtiss, Commissioner Nicole Rowley

   Staff Present: Jamie Erbacher, CAPS

2. PLEDGE OF ALLEGIANCE

3. PUBLIC ANNOUNCEMENTS
   Proclamation: National Public Safety Telecommunications Week, April 12-18, 2015
   Commissioner Rowley read the Proclamation.

4. ROUTINE ADMINISTRATIVE ACTIONS
   Current Claims List ~ $993,001.66

   Executive Session:
   Commissioner Curtiss made motion that the Board of County Commissioners approve the Current Claims List in the amount of $993,001.66. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

5. CONSIDERATION
   Buildings for Lease or Rent (15267 Mullan Road)
   Jamie Erbacher gave staff report.
   This is a proposal from Frenchtown Valley View Trailer Court, represented by George Sherwood, to add four (4) new mini warehouse buildings. They will include three (3) 5x5 units, thirty four (34) 10x10 units, twenty three (23) 10x15 units, forty three (43) 10x20 units for a total of 103 storage units. It’s located at 15267 Mullan Road, south of the Frenchtown exit off of Mullan Road. They are currently served by Frenchtown Rural Fire, as well as the Sheriff’s Department. The river is to the west and it’s outside of the floodplain. The
property is unzoned and the reason for the buildings for lease or rent review being triggered is that there are at least four (4) buildings with more than thirty (30) units in the buildings, that’s what’s triggering this review for buildings for lease or rent. Access will maintain off of Mullan Road and an approach permit has been applied for through the county for an address. This is not going to affect the access that’s currently into the mobile home park. We did not receive any other substantial comments from neighboring property owners or any other agencies. They are not proposing an office with this development so additional septic’s are not proposed or required. We are recommending approval of the development, based on the three (3) conditions provided above. Essentially to apply for a land use permit that will maintain substantial compliance with the plans that the applicant submitted, and that they apply for the building permits and for the structures themselves, as well as any fences over eight (8) feet tall and that they obtain the approach permit with the Department of Transportation.

Public Comment
None

Executive Session
Commissioner Curtiss: Jamie, attached talks about the fencing but that’s all part of the proposal and then the conditions we don’t have to refer…

Jamie Erbacher: Right. I had talked to Tim about that, Tim Worley, my Supervisor; I said do we make this a condition? He said rather than having it as a condition, since it’s something that the developer was proposing, we’ll make it a check off item that we’ll just check for prior to issuance of the permits.

Motion:
Commissioner Curtiss made motion that the Board of County Commissioners approve the Buildings for Lease or Rent Project at 15267 Mullan Road based on the Findings and Fact in the Staff Report, subject to the Conditions of Approval as listed. Commissioner Rowley second the motion. The motion carried a vote of 3-0.

6. PUBLIC COMMENT
Tongue River Railroad – Coal Trains
Jeff Smith, co-chair of 350 Missoula: We are a local affiliate of 350.org which is an international organization founded by Bill McKibben. Our neighbor refers to what scientist call the safest limit of carbon (CO2) in our atmosphere. Beyond 350 PPM, in other words, there’s permanent damage to the life support systems of this planet. For the past 800,000 years, in fact, CO2 has remained between 260-280 PPM. Two (2) years ago when a group of us meet for the first time as 350 Missoula, we’re just ordinary citizens who got together with an interest in bringing awareness about the changes in our climate. When we got together March 2013 for the first time, the readings from the top of the Mauna Loa observatory in Hawaii widened, something that the earth system research laboratory has done continuously since 1956. When we met for the first time the readings hit 400 PPM ~ 50 PPM above the limit beyond which permanent damage to the support system to the planet kicked in. We’re now averaging 390 PPM. Our mission is to encourage the substation of carbon pollution and to replace polluting industries with a 100% renewal global energy system based on wind, water and solar power. We believe that we have the
technology and the money and the people to be able to make this great transition. It’s only a grass roots movement of ordinary citizens and their local representatives that are gonna drive this great transition. And the stakes couldn’t be higher. Montana has a choice, we can either remain “The Last Best Place” or we can stay silent and complicit in allowing us to become The Last Great Sacrifice. Later this month the Federal Surface Transportation Board will come out with a draft Environmental Impact Statement on the Tongue River Railroad, which is a brand new spur line from Utter Creek to Miles City. It runs about 60 miles along the Tongue River. This agency must consider the accumulative effects of the railroad, which will link the proposed Otter Creek Coalmine, the largest coalmine ever proposed from Montana. And as Tom Power, the retired Congress from the University of Montana has shown, there is no domestic market for this coal. All of it will be exported to Asia. Missoula is the final point for increased rail traffic going to the west coast, from eastern Montana and Wyoming. In Missoula County citizens have the right to know the consequences, the environmental impacts, the accumulative effects of the coal industries massive plan expansion. Moreover, the State of Washington has already committed to doing the right thing, a thorough state wide analysis of the environmental safety and health effects of this graphic expansion of the coal fuel mining consideration. In only makes sense to us, in Missoula County, to join this effort. We are urging the Board of Missoula County Commissioners to acknowledge the health and safety in climate change impacts on our community and all the communities in Missoula County near the railroad. We are asking YOU in light of the massive expansion of railroad coal shipment, through our beloved Missoula, which will result from this new railroad, to request the Federal Surface Transportation Board hold a public hearing in Missoula County as part of its Environmental Impact process. Respectively, we have a letter and a draft Resolution for you to consider. Already the Missoula City Council and the Missoula delegation to the Montana Legislature have sent such a letter and the Surface Transportation Board is already noticed what it caused “the intense interest of Montana Communities in this issue.” It only makes sense for the Missoula County Commissioners to lead the way. My colleague, Nick Engelfried, is here to talk about the health effects of expanded coal development in export through Missoula County. Kate Campbell will talk about the safety issues. After Cate speaks I would like to briefly reinforce what the latest intergovernmental panel and climate change says about coal.

**Nick Engelfried showed PPT Presentation.** Missoula is kind of unique among most of the communities that are along this proposed rail route. If the Tongue River rail route goes through, that Jeff was talking about, it’s going to result in more coal trains accessing the existing rail line that Montana Rail Link maintains, and passing through many, many communities, including Missoula. One of the unique things about Missoula is that we have an industrial yard here in town, not only is it in town, its’ right in the middle of residential and commercial areas, so there’s a lot of people living next to that facility and small businesses. It has a direct effect on people’s health. As you can see in the picture near the rail yard here in town, from Scott Street Bridge, you can see there’s some cleaning going on in the rail yard and a cloud of black dust rising up. Hard to tell if it’s coal dust or a mix of diesel particulate, probably it’s a combination of both, but this is the kind of thing that goes on at this railroad. Dust is wafting right over to our residential areas near that part of town. The time line for this, as Jeff mentioned, the Surface Transportation Board, which is a Federal body that’s going to decide if the Tongue River Railroad moves forward or not, they’re expected to announced the public comment period on the draft environmental impact statement for this project right towards the end of this month. There’s always the possibility that something will come up and delay it, but at this point, it looks like that’s most
likely going to happen. Then, when they make that announcement for the public comment period they will also announce where they will hold public hearings as part of that. So if we want to get a public hearing in Missoula, we've got to get that request in before that announcement comes out. Because once it comes out it's sort of too late, they will have decided where the hearings will be already. We're hoping that the commission could pass a Resolution or send a letter, whatever you think is the best way to do it, similar to what the City of Missoula has done and what several of the Missoula Legislatures have done, requesting that the Surface Transportation Board hold a public hearing here in town. To be most effective that would need to happen in the next 2-3 weeks before this announcement comes out.

Cate Campbell: The four (4) safety considerations I want to talk about are the increased number of trains per day, the delayed emergency response, at grade train vehicle crossing accidents and potential explosions of volatile Bakkan oil tank cars in populated areas.

~According to a report called heavy traffic ahead, in three (3) years we could see up to 36 trains per day, this could be divided between a high line and a low line, there're not telling the point or origin and when it's going to hit Sandpoint. But we're going to see a major increase in train traffic. In the case of Bakkan oil, car loads are up 4,000% in the last six (6) years. The DOT has predicted there will be an average of 10 derailments per year nationally.

~Coal trains are currently 125 cars or a mile and ¼ long, but when port facilities are updated these trains are projected to grow to a 150 cars long.

~The more at grade crossing you have, the more likely you'll have accidents of trains.

~The DOT has the authority to impose rules on oil trains design and speed, which would reduce the risk of them leaking and exploding when they derail or crash. New regulations have been introduced but these rules will be implemented later this year and would still take years to phase in. DOT currently requires flammable gases, such as propane, to be shipped in pressurized rail tankers. Oil, on the other hand, is transported in unpressurized cars, but North Dakota’s oil can fall into both categories. A stricter speed limit is one crucial reform that has not been addressed.

Jeff Smith: We hope that you can help us encourage this great transition by passing a Resolution in favor of the public hearing in Missoula County and sending a letter to the Surface Transportation Board on our behalf.

Jim Lewis, Chief Information Officer for Montana Rail Link: I would like to take the opportunity to share some facts about Montana Rail Link and what we do. Over the past couple year's rail traffic safety and public health have been a highlight and it's a concern by the Sierra Club, Northern Plains Resource Council and numerous Community Councils across our system which we serve. We take these concerns very seriously and we've adopted a pro-active approach in responding to these concerns. At the heart of this debate are global issues regarding climate change and third world development. I can't speak to climate change, I can’t speak to what China does, I can't speak to what happens in these other counties. But what I can share with you is what Montana Rail Link does. It seems railroads have been targeted as a means to localize the issues with citizens and communities regarding the shipment of coal or crude traffic or whatever it may be. First and foremost, Montana Rail Link is committed to the safety of our employees, the general public and our customers. We work closely with state and local leaders and emergency responders across our network to ensure that communities understand how we
operate and are prepared in the event of an incident. An example, MRL provides community based first responder training free of charge and has emergency response equipment staged across our rail link. We pride ourselves on being a safe company and will continue to strive to be accident free.

MRL also prides itself in being an incident free leader conducting our operations in the most environmental sound matter possible. The public may not be aware that a freight train moves a ton of freight an average of 457 miles on a single gallon of fuel. One single train will take 400 trucks off of the highway. We’ve installed auxiliary power units and we’ve actually partnered with the City of Missoula and Missoula County to do that on locomotives across our system. All of this has resulted in lower emissions and improved fuel efficiency and we continue to invest in new technology, new locomotives and be the most fuel efficient, hopefully, railroad in the country.

Coal dust is often sighted as a concern with the shipments of coal. There’s been numerous health concerns expressed regarding coal dust and diesel fuels, MRL continues to apply the best available technology when applying all air quality regulations. In 2012, members of the Missoula City Council asked the Health Department to assess the air quality impact of locomotive emissions of coal dust in the Missoula air shed. Samples were taken and sent to an independent lab for testing and the Director of Environmental Health at the Missoula County Health Department determined that, “in the case of Montana Rail Link and coal dust. There’s no indication that they are violating any standard ambient or emission, nor is there any indication that coal dust is a source of any significant contribution that ambient PM10 or PM2.5 in the Missoula air shed.” This is a quote from June 29, 2012.

Another point that was discussed is more traffic; especially the study that was conducted called “Heavy Traffic Ahead”. When that study first came out, it was projected that there was substantial for an additional 60 coal trains a day. The author of that study, the study was completed for the Northern Plains Resource Council, didn’t contact the Montana Rail Link or BMSL to talk about our capacity and what we could handle. After the first study came out, then came out a revised study called “Heavy Traffic Still Ahead” that called for 36 trains per day. This, in our estimation, is still way too high. Right now Montana Rail Link uses 17.8 trains on a daily bases through Missoula, and of that, three (3) are loaded coal and three (3) are empty. We don’t have the capacity to handle that volume.

As far as crossing delays, we work very closely with emergency responders, both the Police Department, Fire Department in Missoula and across the communities that we service, to let them know when crossings are blocked. We have never, in our history, had a report of loss of life or loss of property due to a railroad crossing. Obviously, that’s our goal.

We pride ourselves in being a good neighbor in Missoula and in Missoula County. Montana Rail Link employs 1200 employees across the State, 300 of those employees are in the Missoula area. We feel like we operate a safe railroad.

Chair Carey: How does MRL get its product, does it bid on it? How does that work?

Jim Lewis: We don’t bid on it; it’s a common carrier obligation. We’re only required by the Federal Government to haul any product that a shipper wants to give to us. Whatever it is, we’ll take it.

Chair Carey: So when you talk about capacity, I heard you say that you’ll reach capacity before we get to 60 trains a day?
Nick Englefried: Oh yes. Our best estimation is that, this is with investing hundreds of millions of dollars, that we feel like we could get in the 25-30 range, and as I mentioned we're at 17.8 right now. But that would be max, unless we were able to push another tunnel through the Continental Divide or something like that. We're expecting that we'll see growth in intermodal, growth in general merchandise and we'll see growth in grain, before we see growth in coal.

Commissioner Curtiss: What is your organization's scientific base to say there's all kinds of coal dust that are bothering our health here?

Nick Englefried: We don't have scientific bases to prove that, at this point. All we have are these anecdotal concerns that have been raised.

Commissioner Curtiss: To be clear; I sat on the Board of Health in 2012 and there doesn't seem to be any methodology out there to study.

Commissioner Rowley: How is 350 PPM determined as a safe level?

Nick Englefried: My understanding is that 350 Parts Per Million (PPM) carbon dioxide and one of the first folks to really publicize this.

Commissioner Rowley: I appreciate Mr. Lewis' comments and I was wondering if you are opposed to a public hearing?

Jim Lewis: Montana Rail Links not the only game in town, we're only 900 miles of a rather large national network. As far as the coal dust, I can tell you that we're not only standing behind the study that was conducted in Missoula in 2012, but across our entire railroad, East of Billings to Sandpoint, Idaho. We have never had any health issues reported by our employees that are out every day working on those tracks, in our history. We've never found any evidence of coal dust in our paths.

As far as the question if we oppose a public hearing, no, by all means let's discuss it and determine what's best for the communities. Let's keep the talk on course, let's keep the discussion about global climate change, which I think is really what these groups are after.

7. OTHER BUSINESS
None

8. RECESS
Being no further business to come before the Board, The Commissioners are in recess at 3:03.