

**Environmental Impact Statement for the Tongue River Railroad
Docket No. FD 30186**

National Historic Preservation Act, Section 106 Teleconference

May 13, 2013

DRAFT Meeting Summary

Attendees: (Note: Please see meeting agenda for list of invited parties)

800.2(a) Surface Transportation Board, Office of Environmental Analysis, Lead Agency Official

Catherine Nadals	Office of Environmental Analysis
Ken Blodgett	Office of Environmental Analysis
Danielle Gosselin	Office of Environmental Analysis

Other Federal Agencies

Joel Ames	Army Corps of Engineers
Matt McCullor	Army Corps of Engineers
Todd Tillinger	Army Corps of Engineers
Erica Jones	Department of Agriculture, Agriculture Research Station - Stoneville, MS
Mickey McGuire	Department of Agriculture, Agriculture Research Station - Fort Collins, CO

800.2(b) Advisory Council on Historic Preservation

Najah Duvall-Gabriel	Advisory Council on Historic Preservation
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800.2(c) Consulting Parties

800.2(c)(1) MT SHPO

Stan Wilmoth	Montana State Historic Preservation Office
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800.2(c) (2) (ii) Indian Tribes, off Tribal lands

Mary Wilson	Standing Rock Sioux
Dianne Desrosiers	Sisseton-Wahpeton Oyate Sioux

800.2(c) (3) Representatives of Local Governments

Lisa Axline	Montana Department of Natural Resources and Conservation
Jean Riley	Montana Department of Transportation

800.2 (c) (4) Applicants for Federal assistance, permits, licenses, or other approvals

Matt Jones	BNSF
David Coburn	Steptoe & Johnson, Attorney for Tongue River Railroad Company
Doug Dorsey	Hansen Professional Services, Consultant to Tongue River Railroad Company
Jamie Hamm	Transystems, Consultant to Tongue River Railroad Company

800.2(c) (5) Additional Consulting Parties

Amy Cole	National Trust for Historic Preservation
Betsy Merritt	National Trust for Historic Preservation
Chere Jiusto	Montana Preservation Alliance

ICF International, Third-Party Contractor to the Surface Transportation Board

Colleen Davis	ICF International
Alisa Reynolds	ICF International
Mark Robinson	ICF International
Richard Starzak	ICF International
Alan Summerville	ICF International

Cathy Nadals of the Surface Transportation Board’s Office of Environmental Analysis (OEA) welcomed participants to the call. Ms. Nadals thanked the Northern Cheyenne for the hospitality and generosity shown during the April 16-18 meeting hosted in Lame Deer, Motana. She explained that Day 1 of the meeting opened with a ceremony and drumming, followed by the presentation of gifts. The President and Vice President of the Northern Cheyenne attended, along with Sioux Tribes, the Crow Tribe, federal agencies, members of the Northern Cheyenne tribal council, and students from the local high school. Transcripts from the meeting have been distributed. Day 2 of the meeting involved a tour. During the tour, landowner Clint McRae spoke about impacts to his property and Conrad Fisher provided some historic background on the Northern Cheyenne. Tour participants also spoke to another private land owner, Hank Coffin, in the Ashland area. Additionally, tour participants viewed property owned by a member of the Amish community and spoke with the owner. Representatives of the Tongue River Railroad departed the tour during the portion that traversed Clint McRae’s land and rejoined it at the intersection of Tongue River Road and Greenleaf Road. Some tribes were unable to attend the meeting because of inclement weather and dangerous road conditions for travel. The tribes caucused on Day 3 and presented their concerns, which are shared in the meeting transcripts.

Ken Blodgett of OEA provided an update on the National Environmental Policy Act (NEPA) process. He reported that he attended portions of the Section 106 consulting meeting in Lame Deer, which he judged to be successful. During this April trip to the project area, he also met with others including Northern Cheyenne environmental staff. Mr. Blodgett obtained referrals and contact details for individuals knowledgeable in several resources area useful to the environmental review. He toured the alternatives, and met with landowners regarding impacts to their property. Overall, the meetings were productive.

Mr. Blodgett suggested that teleconference participants refer to the project website, www.tonguerivereis.com for useful Google maps and .kmz files. OEA received a response to its second request for information from Tongue River Railroad Company, Inc., which is posted on the website. Included in this response is information regarding right-of-ways and stream crossings. The process of obtaining land access continues, to date, access to 45% of the acreage has been obtained. Aerial survey work is almost finished. Ground surveys, which includes verification of the aerial survey

work is continuing. The coal market analysis is continuing, including potential transportation routes. Mr. Blodgett invited question on the NEPA process.

Rick Starzak reviewed next steps based on the April in-person consultation meeting. These include updating the methodology to address concerns heard during the meeting and planning for the fieldwork season in starting in mid-June and scheduled to conclude in August. The current methodology involves two phases of analysis. Phase 1 is focused on gathering enough information to compare alternatives for the draft Environmental Impact Statement. During this phase, no ground disturbance or testing is contemplated. Should the Surface Transportation Board license an alternative, Phase 2 would involve more detailed study of the licensed alternative, guided by a Programmatic Agreement. The project team will be contacting all tribes that offered to assist with field work. Mr. Starzak invited questions.

Matt McCullor requested a list of the tribes that have been invited to participate in field work and asked when field survey would occur. Rick Starzak replied that field survey was schedule to begin in mid-June and explained that the project team is coordinating its field work to include participation of tribal representatives. Cathy Nadals agreed to send a list of the tribes to Mr. McCullor.

Cathy Nadals invited questions and promised to be in touch with tribes regarding the schedule for field work.