

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

**National Historic Preservation Act, Section 106 Teleconference**

**July 8, 2013**

**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

**Other Federal Agencies**

Joel Ames	Army Corps of Engineers
Matt McCullor	Army Corps of Engineers
Todd Tillinger	Army Corps of Engineers
Doug Melton	Bureau of Land Management
Mickey McGuire	United States Department of Agriculture, Agriculture Research Station - Fort Collins, CO

**800.2(c) Consulting Parties**

**800.2(c)(2)(ii) Indian Tribes, off Tribal lands**

William Walksalong	Northern Cheyenne
Dianne Desrosier	Sisseton Wahpeton Oyate
Andrew Wiley	Cheyenne and Arapaho

**800.2(c)(3) Representatives of Local Governments**

Lisa Axline	Montana Department of Natural Resources and Conservation (DNRC)
-------------	---

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

David Coburn	Steptoe & Johnson, Attorney for Applicant
Doug Dorsey	Hansen Professional Services, Consultant to Applicant
Matt Jones	BNSF
Derin Warren	BNSF

**800.2(c)(5) Additional Consulting Parties**

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

Olivia Stockman	Northern Plains Resource Council
-----------------	----------------------------------

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

Colleen Davis	ICF International
Elizabeth Diller	ICF International
Patrick Maley	ICF International
Richard Starzak	ICF International
Alisa Reynolds	ICF International

Ken Blodgett, Office of Environmental Analysis (OEA), reported that no new decisions have been issued by the Surface Transportation Board (Board) since the last call in June. There have been three filings related to transportation merits during this period. On June 10, Minnesota Power filed in support of the construction and operation of the Tongue River Railroad. On June 25, the Tongue River Railroad Company (TRRC) filed a reply to Northern Plains Resource Council (NPRC) and Rocker Six Cattle Company’s June 5 request for a revised procedural schedule and to allow discovery. On July 2, NPRC and Rocker Six filed to clarify and reaffirm the request for a discovery schedule. Mr. Blodgett continued by discussing the fieldwork effort. He informed the teleconference participants that attempts to gain property access are continuing. Access stands at approximately 45 percent by acreage and is not expected to change. Field surveys for wetlands are complete. Field surveys for wildlife and fisheries will be completed by the end of July. Noise surveys are scheduled to take place towards the end of July. These surveys are in addition to the cultural resources surveys to be discussed on this call. In summary, the environmental review process is moving forward. Mr. Blodgett invited questions.

Cathy Nadals, OEA, provided an update on the cultural resources surveys scheduled in support of the National Environmental Policy Act (NEPA) analysis. Ms. Nadals explained the first of four survey teams will begin on July 15. Most of the consulting party tribes will be represented on one of the four teams. Rick Starzak, ICF, summarized the make-up of the teams and tribal participation. The Northern Cheyenne are represented on all four teams (Teams A-D). Team A also includes representatives from the Yankton Sioux, the Fort Peck Assiniboine, and the Northern Arapaho tribes. Team B includes representatives from the Three Affiliated Tribes (Mandan, Hidatsa, and Arikara), the Rosebud Sioux, and the Oglala Sioux tribes. Team C includes representatives from the Crow, Standing Rock, and Turtle Mountain Chippewa tribes. Team D includes representatives from the Crow Creek Sioux, Cheyenne and Arapaho, and Sisseton-Wahpeton Oyate tribes. This represents a good distribution among survey teams. The survey supports the NEPA analysis and a more detailed analysis will be performed if an alternative is licensed. The scope of work describing the field work methodology was distributed to the tribal participants. Mr. Starzak invited questions.

Joel Ames, Army Corps of Engineers (Corps), asked who the point of contact is for the Yankton Sioux. Rick Starzak replied that it is currently Stephanie Cournoyer.

Matt McCullor, Corps, asked how the tribal representatives were assigned to teams. Cathy Nadals replied that assignments were made based on the preference of the tribes and their availability. Rick

Starzak added that assignments were heavily dependent on availability with some tribes having availability for all four teams and others only being available for one. Mr. McCullor wanted to be sure that the tribes were consulted about their preferences. Mr. Starzak and Ms. Nadals confirmed that the tribes were.

Dianne Desrosier, Sisseton Wahpeton Oyate, asked whether a schedule has been prepared. Ms. Desrosier stated that Sisseton Wahpeton Oyate is available to participate on the last team. Rick Starzak replied that Sisseton Wahpeton Oyate is scheduled for Team D. Mr. Starzak asked for the name of the field tech assigned by the tribe. Ms. Desrosier promised to provide the name.

Cathy Nadals stated that the field work is ready to begin. Dianne Desrosier asked if the tribal response to the field work participation invitations was good and whether all the team slots are filled. Mr. Starzak replied that all 12 slots are filled.

Matt McCullor asked what discoveries are anticipated. Alisa Reynolds, ICF, responded she expects the teams to find lithic scatters and sacred/sensitive Native American sites. She clarified that the methodology provides for recording sites without evaluating them. Teams will be noting locations with GPS and general information will be recorded to support the environmental analysis. Rick Starzak noted that the field crews will have the benefit of pre-mapping of already recorded or known sites. Mr. McCullor asked whether petroglyphs and/or pictographs will be recorded in a special way. Ms. Reynolds responded that such sites will be recorded in accordance with the wishes of the tribal representatives with respect to the amount of detail. Ms. Nadals added that the feedback she has received to date suggests that most tribes want sites to be recorded and want the State Historic Preservation Office (SHPO) to be aware of the sites. Ms. Nadals informed the teleconference participants that formal National Register evaluations will not occur during this phase but will if an alternative is license.

Chere Jiusto, Montana Preservation Alliance, asked whether the SHPO site forms were obtained and whether recorded sites were pre-mapped. Ms. Reynolds replied that a records search was performed and the sites pre-mapped.

Dianne Desrosier asked whether it would be possible to obtain maps in advance. Ms. Reynolds replied that she would coordinate with Ms. Desrosier to provide mapping information. William Walksalong, Northern Cheyenne, requested maps as well. Ms. Nadals agreed to provide shape files.

Cathy Nadals invited questions.

Dianne Desrosier asked how the teams are structured. Ms. Reynolds responded that each team is led by an experienced crew chief. At the beginning of each day, the crew chief will explain the plan for the day and discuss anticipated discoveries. Ms. Nadals added that the survey methodology is explained in the scope of work that was sent out.