

**Tongue River Railroad Environmental Impact Statement**

**Docket No. FD 30186**

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

**August 11, 2014**

**DRAFT Teleconference Summary**

**Invitees: Please see meeting agenda for list of invited parties.**

**Attendees:**

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

Cathy Nadals	Office of Environmental Analysis
Ken Blodgett	Office of Environmental Analysis

**Other Federal Agencies**

Shannon Johnson	U.S. Army Corps of Engineers
Matt McCullor	U.S. Army Corps of Engineers
Erica Jones	U.S. Department of Agriculture, Agricultural Research Station – Stoneville, MS
Amy Bontrager	U.S. Department of Agriculture

**800.2(b) Advisory Council on Historic Preservation**

Najah Duvall-Gabriel	Advisory Council on Historic Preservation
Charlene Vaughn	Advisory Council on Historic Preservation

**800.2(c) Consulting Parties**

**800.2(c) (1) Montana State Historic Preservation Office**

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

Conrad Fisher	Northern Cheyenne Tribe
Steve Brady	Northern Cheyenne Tribe
Jerry Rowland	Northern Cheyenne Tribe

Roger Killsnight	Northern Cheyenne Tribe
Andrew Wiley	Cheyenne & Arapaho

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

Jean Riley	Montana Department of Transportation
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**800.2(c) (4) Applicants for Federal assistance, permits, licenses, or other approvals**

David Coburn	Steptoe and Johnson, Attorney for Applicant
Barbara Ranf	Burlington Northern Santa Fe
Derin Warren	Burlington Northern Santa Fe
Dan Hadley	Mission Engineering, Consultant to Applicant
Jamie Hamm	TranSystems, Consultant to Applicant

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

Betsy Merritt	National Trust for Historic Preservation
Alexis Bonogofsky	National Wildlife Federation
Mike Scott	Sierra Club

**800.2(d) The Public**

Clint McRae	Landowner
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**800.4(a) (3) Other Parties Likely to Have Knowledge or Concerns with Historic Properties**

Alexis Bonogofsky	National Wildlife Federation
Shane Newman	Northern Plains Resource Council

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

Elizabeth Diller	ICF International
Rick Starzak	ICF International
Alisa Reynolds	ICF International
Sarah Mello	ICF International

**Agenda:**

- 1) Introductions
- 2) Status of Environmental Impact Statement
- 3) Discuss any concerns about edits made to Whereas Clauses
- 4) Begin discussion of Stipulations

Rick Starzak of ICF International thanked all participants for joining and explained that this teleconference would cover any additional comments on the whereas clauses and open the discussion on the stipulations of the Programmatic Agreement (PA). After introductions, Ken Blodgett of the Surface Transportation Board's (Board or STB) Office of Environmental Analysis (OEA) gave an update on

the Draft Environmental Impact Statement (EIS). The resource area chapters of the Draft EIS are in various stages of production. Consultation with cooperating agencies is ongoing and there have been no new formal filings or Board decisions on this docket since the last Section 106 monthly teleconference. The Applicant's response to the sixth information request and BNSF's supplemental response to the fifth information request were both received on August 8, 2014 and can be viewed on the website for the Tongue River Railroad EIS and the Environmental Correspondence section of the Board's website.

Mr. Starzak asked if any of the participants had comments or concerns pertaining to the updated whereas clauses. The most current version of the whereas clauses is dated July 31, 2014 and has been shared with consulting parties via email. Mr. Starzak said that consulting parties were more than welcome to send in additional comments at this time.

Moving onto the next agenda item, Mr. Starzak explained that the stipulations of the PA would outline procedures for the processes necessary to complete the Section 106 process if an alternative is licensed. Mr. Starzak asked if any participants had suggestions for procedures or processes that should be included in the stipulations.

Clint McRea, landowner, mentioned that a few participants had comments due to this being an unfamiliar topic for them. Mr. McRea suggested that perhaps the process of how landowners can see the site reports for their property should be included in the stipulations. He had raised this issue in a previous teleconference and wanted an update on the status of the survey information. Ms. Nadals said that information would be shared with landowners in phases. Mr. Starzak explained that the Cultural Resources team was busy pulling together information to provide the Colstrip landowners with maps of sites and spreadsheet tables summarizing what was identified at each site. Detailed site records are in progress and will need to go through the State Historic Preservation Officer (SHPO), who will assign Smithsonian Numbers, before they can be shared with the landowners. Mr. McRea asked for a general timeline for when the landowners would receive the detailed site records. Alisa Reynolds, ICF International, estimated that the detailed site records would be complete in October but that landowners would receive the summarized information with site maps sometime this month.

Mr. McRea asked if any of this information was being sent to the Applicant and, if so, were they on the same timeline to receive it as the landowners. Mr. Starzak explained that if the Applicant wished to see this information, they will need to request access to it from the SHPO. Ms. Nadals explained further that the only recipients of site information would be the landowners who required access to the results in their land entry agreements for cultural resources surveys.

Betsy Merritt of the National Trust for Historic Preservation said that one of the things she hopes to see in the PA is a discussion or description of how the Board will take into account the impacts on historic properties in its alternative selection process. She wants to be sure that the information that has been gathered on cultural resources will be fully considered by the Board during its decision process. Ms. Nadals agreed and assured Ms. Merritt that the Board will be looking closely at the impacts to cultural resources in the EIS which informs their decision. Ms. Merritt said that the PA should explain how this process will occur. Ms. Nadals asked if Ms. Merritt would consider drafting example language that STB

could incorporate into the stipulations. Ms. Merritt agreed to think about examples for how this has been handled in the past. Following that future discussion, Ms. Nadals said that OEA will draft an explanation of the process to share with Ms. Merritt.



Mike Scott of the Sierra Club noted that during the last Section 106 teleconference concerns about access roads were raised and he hoped to get an update on that topic. Mr. Starzak said that an information request was sent to the Applicant inquiring about any new access roads that the Applicant planned to construct in order to access the right-of-way. David Coburn, Steptoe and Johnson, explained that the Applicant's Response to this information request had been sent to OEA. The Applicant is not planning to construct any new access roads other than the road that would run parallel to the track, within the right-of-way. Were an alternative approved, access to that parallel road would be provided through existing roads. Mr. Scott asked if any maps were attached to the Applicant's response to the information request. Mr. Coburn responded that no maps were attached. This can be viewed on the website for the Tongue River Railroad EIS and STB's Environmental Correspondence website.

Jean Riley, Montana Department of Transportation, asked Ms. Nadals to have Mr. Blodgett call her for a separate conversation. Mr. Starzak informed the group that the next Section 106 teleconference would be held on September 8, 2014 but if anyone has comments or concerns that they wish to voice before then, they are more than welcome to call or email Mr. Starzak or Ms. Nadals. Ms. Nadals thanked the participants and ended the teleconference.