

Tongue River Railroad Environmental Impact Statement

Docket No. FD 30186

National Historic Preservation Act, Section 106 Teleconference

September 8, 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

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

Other Federal Agencies

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
Doug Melton	Bureau of Land Management – Miles City, MT

800.2(b) Advisory Council on Historic Preservation

Charlene Vaughn	Advisory Council on Historic Preservation
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800.2(c) Consulting Parties

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

Stan Wilmoth	Montana State Historic Preservation Office
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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

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

David Coburn	Steptoe and Johnson, Attorney for Applicant
Barbara Ranf	BNSF
Matt Jones	BNSF
Derin Warren	BNSF
Dan Hadley	Mission Engineering, Consultant to Applicant
Doug Dorsey	Hansen Professional Services, Consultant to Applicant
Jamie Hamm	TranSystems, Consultant to Applicant

800.2(c) (5) Additional Consulting Parties

Betsy Merritt	National Trust for Historic Preservation
Amy Cole	National Trust for Historic Preservation

800.2(d) The Public

Clint McRae	Landowner
Carrie La Seur	Representative for Colstrip Landowners

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

Beth Kaeding	Northern Plains Resource Council
Svein Newman	Northern Plains Resource Council
Mike Scott	Sierra Club
Alexis Bonogofsky	National Wildlife Federation

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

Alan Summerville	ICF International
Rick Starzak	ICF International
Mark Robinson	ICF International
Alisa Reynolds	ICF International
Sarah Mello	ICF International

Agenda:

1. NEPA Update - Ken Blodgett
2. Draft Stipulations: Overview - Rick Starzak
3. NEPA/Section 106 Timeline - Rick Starzak
4. Unfinished Business - Cathy Nadals
5. Other - Cathy Nadals

Catherine Nadals thanked all participants for joining, noted the agenda items, and explained that this teleconference would focus on any comments participants had on the stipulation language from the Programmatic Agreement (PA). She noted that Vicki Rutson would be unable to join the call.

After introductions, Ken Blodgett gave an update on the Draft Environmental Impact Statement (DEIS) process. He noted that there were no new filings or decisions since last month's call, but that the STB received a response to its sixth's information request regarding the cost of alternatives on August 29th. This was posted on the Board's web site and Environmental Correspondence Tracking (ECT). He said updates had been made to the project air modeling protocol that has been shared with the EPA. He added that the resource area chapters of the DEIS are in various stages of production and the Biological Assessment is in the process of being transmitted to the U.S Fish and Wildlife Service.

Alexis Bonogofsky of the National Wildlife Federation asked Mr. Blodgett which department from the U.S. Fish and Wildlife Service would receive the Biological Assessment for review. Mr. Blodgett responded that he would verify the recipient's office and email Ms. Bonogofsky separately with an answer. He said the office was located in Montana.

Ms. Nadals explained that the stipulations shared with all consulting parties in an August 28th email, and again on the day of the call, contained only light edits. This was to ensure that no major changes were made without the express input of the consulting parties. She stated that she added a "whereas clause" to address comments made by Betsy Merritt during the last Section 106 teleconference.

Rick Starzak added that the stipulations had been edited based on the 2011 PA. He explained how the stipulations would be updated based on comments received from the ACHP. He asked the consulting parties to review the stipulations and reviewed the process that had been set up to complete work on the PA (identification, evaluation, effect assessment and treatments). He noted that excavation is not the only treatment option that is being considered under the PA but that it includes avoidance and other options. He stressed that data recovery would be the last option. He mentioned how the ACHP comments would be addressed and inserted into the current version of the PA. He stressed that comments from consulting parties will help the STB significantly in updating the PA. Mr. Starzak then briefly described the components of the PA.

Ms. Nadals mentioned that OEA had received comments on the stipulations from ACHP on September 3rd. Charlene Vaughn explained that the comments had also been sent to all consulting parties just prior to the Section 106 teleconference. Ms. Nadals noted that she had not seen them prior to the call, but thanked her for sending them. She then asked participants if there were any other consulting parties that wished to offer comments on the stipulations. Ms. Nadals noted that they had made changes to the PA to update consideration of tribal sites of significance that may not be eligible for listing on the National Register and had made other changes to make it fit the current project. David Coburn mentioned that the applicant would be submitting comments on the stipulations soon. Conrad Fisher said that the Tribe would most likely be submitting comments on both the stipulations and the "whereas clauses" by the next Section 106 teleconference, after reviewing the comments from ACHP. Ms. Nadals

thanked the Northern Cheyenne Tribe for their input and clarified that they will be submitting both comments on the additional whereas clause as well as the stipulations.

Mr. Starzak asked if all had received the timeline which was attached to the call reminder along with the agenda, stipulations and whereas clauses. During the last Section 106 teleconference, Clint McRae asked for a timeline detailing how the Section 106 process relates to the NEPA process. Mr. McRae thanked OEA for the timeline that had been developed, indicating that it was very helpful.

His one concern was that he had not yet received the site reports for his property and didn't feel comfortable commenting on the "whereas clauses" and stipulations until seeing that information. Catherine Nadals noted that summaries of the sites had been mailed on Friday to all the landowners. Alisa Reynolds, ICF International, explained that the initial site information for those landowners with land entry agreements should be arriving after 3:30 p.m. that day. Mr. McRae asked if this information would be separate from the final site report. She stated that the packages included an overview of resources found on the property, maps, tables of resources, and a description of terminology. The final site reports will need to go to the SHPO first and will then be shared with the landowners.

Mr. McRae asked when landowners can expect final site reports. Ms. Reynolds estimated that they would be complete by the end of the month at which point ICF International will share them with the SHPO and then the landowners with land entry agreements. Mr. McRae said that the landowners were expecting the data. Rick Starzak mentioned that it would take some time to prepare the more detailed information to the landowners. Mr. McRae asked if the applicant had received any of the site information yet and Mr. Starzak said that the applicant had not received this information.

Mr. Starzak asked participants about any additional unfinished business. Catherine Nadals asked if there were any other comments. No further questions were raised from participants. Ms. Nadals thanked everyone for attending the teleconference and reminded them that comments from consulting parties are a critical part of the process.