

Tongue River Railroad Environmental Impact Statement

Docket No. FD 30186

National Historic Preservation Act, Section 106 Teleconference

December 8, 2014

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	Surface Transportation Board
Danielle Gosselin	Surface Transportation Board
Barbara Miller	Surface Transportation Board

Other Federal Agencies

Erica Jones	U.S. Department of Agriculture, Agricultural Research Station – Stoneville, MS
Mark Petersen	U.S. Department of Agriculture
Matt McCullor	U.S. Army Corps of Engineers
Joel Ames	U.S. Army Corps of Engineers
Shannon Johnson	U.S. Army Corps of Engineers
Doug Melton	Bureau of Land Management – Miles City, MT

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

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

Andrew Wiley	Cheyenne & Arapaho
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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
Doug Dorsey	Hansen Professional Services, Consultant to Applicant
Dan Hadley	Mission Engineering, Consultant to Applicant
Jamie Hamm	TranSystems, Consultant to Applicant
Barbara Ranf	BNSF
Matt Jones	BNSF

800.2(c) (5) Additional Consulting Parties

Betsy Merritt	National Trust for Historic Preservation
Amy Cole	National Trust for Historic Preservation
Mike Scott	Sierra Club
Carrie La Seur	Representative for Colstrip Landowners
Alexis Bonogofsky	National Wildlife Federation
Beth Kaeding	Northern Plains Resource Council
Svein Newman	Northern Plains Resource Council
Chere Jiusto	Montana Preservation Alliance

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

Clint McRae	Landowner
Mark Fix	Landowner

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

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

Agenda:

1. Update on NEPA process
2. Summary of Section 106 PA Updates
3. Schedule for comments on the draft PA

Cathy Nadals thanked all participants for joining the last scheduled Section 106 Teleconference and extended her gratitude to all consulting parties who had participated in the process.

After introductions, Danielle Gosselin gave an update on the Draft Environmental Impact Statement (DEIS) process. She explained that there was a decision dated November 21, 2014 regarding NPRC supplement, and a filing posted November 25, 2014, from TRRC regarding the proposed procedural schedule. Ms. Gosselin said that OEA continues to work hard preparing all resource areas for the DEIS with the target publication date of spring 2015.

Ms. Nadals asked Rick Starzak to provide a summary of Section 106 PA updates. Mr. Starzak explained that the Outlook invitation for this meeting contained two versions of the draft PA: one containing tracked changes and comments and one clean version. These two documents were also distributed to consulting parties via email.

Mr. Starzak provided a timeline for the development of the draft PA starting with the meeting in Billings, MT where the draft PA from 2011 was used as a template for new revisions. Revisions resulting from that meeting were then distributed in August for review and comment.

OEA received a series of letters from ACHP and other consulting parties regarding changes and edits to the draft PA. These included a September 8, 2014 letter from the ACHP providing guidance and example PA templates.

Mr. Starzak clarified that OEA is preparing a single process PA that articulates how it is complying with Section 106 within two phases. The first phase is currently ongoing; the second phase would begin only if the Board licenses a build alternative and the Applicant decides to move forward with the project.

Mr. Starzak explained that a working group of consulting parties was established. Seven meetings took place during which the draft PA was edited and comments addressed. That effort is reflected in the various versions of the draft PA that have been circulated to the rest of the consulting parties after every working group teleconference.

Ms. Nadals explained the schedule for comments on the draft PA. She noted that OEA was not expecting comments during the call (since they had little time to review the sent version), but that additional comments from consulting parties were anticipated. She said that a matrix containing comments received on the PA thus far and how those comments have been addressed would be distributed to consulting parties on December 19, 2014. The Matrix is available on Tongue River EIS Website. Ms. Nadals asked that all consulting parties who wished to comment on the draft PA, submit comments prior to January 16, 2015. She explained that the resulting draft PA would be attached to the Draft EIS for comment. Of the two documents distributed for this teleconference, Mr. Starzak asked that consulting parties use the clean version when submitting comments and tracked changes. The marked version was sent simply to allow consulting parties to see what had changed in the document.

Ms. Nadals said that the November 28, 2014 letter from OEA to ACHP included a focused matrix specific to ACHP comments with links to related documents.

Carrie La Seur informed OEA that the Colstrip Landowner Group would like to receive the field notes taken during surveys. Alisa Reynolds explained that those would not typically be shared as they are hand-written and very rough. Ms. La Seur insisted and explained that the land-entry agreements specified that the landowners receive all data recovered during surveys. Ms. Nadals mentioned that the field notes would be the same information included in the site forms and that the hand-written notes may include typos etc. Ms. Reynolds explained that the site forms were created using the field notes and the mapping results and are far more detailed and informative than the field notes. Barbara Miller, from STB's Office of General Counsel, said that they would review the agreement as well as what data was presented to the landowners to make a determination about whether the agreement includes the field notes.

Mark Fix asked if other landowners could request to see the site forms. Mr. Starzak explained that the forms were with the Montana SHPO for Smithsonian numbers and it was not OEA's intention to distribute them to all landowners for all alternatives, only those with land-entry agreements. Charlene Vaughn mentioned that OEA should clarify which landowners would receive the information and how it will be distributed.

Mr. Fix asked if the confidential information on tribal sites had been shared with the tribes. Ms. Reynolds responded in the affirmative.

Ms. La Seur asked if information had been sent out on the qualifications of the archaeologists who participated in the surveys. Mr. Starzak explained that the information would be included in the Draft EIS and that all archaeologists on the survey teams met the Secretary of the Interior's Professional Qualifications Standards. He noted that the survey team also included an equal number of tribal representatives to identify tribal sites. Ms. La Seur asked if the Draft EIS would include resumes with specific qualifications or simply an overall statement. Mr. Starzak was unsure.

Mr. Fix asked if the site forms had been shared with the State and BLM. He asked if he can coordinate with the State and BLM for that data from land that he leases from both entities. Doug Melton responded that BLM had not seen the site forms. Mark Robinson explained that the Colstrip Landowners' site forms were done first and that BLM and the State will be receiving the site forms as soon as the Montana SHPO had assigned Smithsonian numbers to the first set. Mike Scott asked if the comment period on the draft PA would close on January 16, 2014. Ms. Nadals said that was correct and that the consulting parties could also use the Draft EIS comment period to submit comments. Mr. Scott asked if OEA intended to have another face-to-face meeting with the THPOs. Ms. Nadals responded that OEA did not intend to have another meeting specifically with the Tribes. The option of having another face-to-face meeting with all of the consulting parties was discussed; however, due to the progress and exceptional feedback OEA had received from the working group, there was no intention for hosting another in-person meeting.

Mr. Fix asked for further clarification on two phases of the process PA. Mr. Starzak explained that the Section 106 regulations allow OEA to phase the Section 106 analysis. The first phase described in the draft PA was done during the review of alternatives and there are attachments showing the results of that work. If the Board licenses a build alternative it would trigger the second phase of work focusing on any licensed alternative.

Mr. Fix asked if that second phase would take place after the Final EIS and Mr. Starzak responded that this was correct. He also clarified that phase two would not be triggered if the No-Action alternative was selected or if the Applicant decided not to construct a licensed build alternative. To further explain, Ms. Nadals said that phase one refers to work completed during the NEPA alternatives analysis and phase two lays out the process to be followed if the Board selects (and the applicant intends to construct) a build alternative.

Ms. Vaughn asked if phase two included additional consultation with consulting parties. Ms. Nadals said, "Yes." She thanked Ms. Vaughn for the question and all participants for their help throughout. She then ended the meeting and wished everyone Happy Holidays.