

**TONGUE RIVER RAILROAD EIS
(FD 30186)**

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

**RECORD OF COMMUNICATION BETWEEN THIRD
PARTY CONSULTANTS AND SECTION 106 PARTIES**

Date: 5/23/2013

Approximate Time (indicate time zone): 9:00-9:45 AM PST

Communication Type: telephone

Location: Los Angeles, CA

Name/Organization: Richard Starzak, ICF International

Subject: TRRR-NHPA Section 106, monthly calls and draft preliminary methodology

Participants:

Name	Organization	Participation Method (phone, in-person)
Stan Wilmoth	Montana SHPO	Phone, teleconference
Richard Starzak	ICF	Phone, teleconference
Mark Robinson	ICF	Phone, teleconference
Alisa Reynolds	ICF	Phone, teleconference
Colleen Davis	ICF	Phone, teleconference

Notes: The subject was to discuss the current proposed NEPA/Post-license phasing of the identification of historic properties for compliance with Section 106. The NEPA phase would involve the identification of likely historic properties for the purpose of comparing alternatives, not to determine National Register eligibility and request SHPO concurrence. The Post-license phase would be governed by the procedures in a Section 106 Programmatic Agreement (PA). The PA would be developed during the NEPA phase.

Archaeological sites and objects: For the NEPA phase, Stan is amenable to using a short Montana CRIS form, with six-seven required fields—essentially one page and a map. He will get a copy from Damon (SHPO data manager), double check what the data system needs.

For site data, Stan would like at a minimum:

- Count of surface features and type
- Site boundaries
- Notation of temporally diagnostic artifacts
- Does not require evaluations of archaeological resources
- Wants visible extents of archaeological resources and basic types identified

- Wants to go with common typology of “tipi rings” even though some tribes do not agree they are tipi rings
- Fine with data collection on iPad, but forms will be submitted hard copy and electronic (w/ shapefiles)

Stan suggested including time for field training (tailgate style) with Native Americans regarding safety and identification requirements/protocols

Properties of religious and cultural significance to tribes: Stan suggests we record sacred and traditional property locations only down to the quarter section, for confidentiality. A single data point somewhere in the quarter section would be allright to preserve confidentiality.

Stan suggests ICF conduct safety training and minimal archaeology training if we have tribal field techs without field school or tribal training, likes idea of teaming these techs with more experienced individuals in the field.

Programmatic Agreement: For Section 106, Stan wants a PA in place before the ROD. Stated that he wants no concurrence requests for properties that will not be adversely affected and are not in the chosen alternative for construction, if any. Rick said the Draft PA would be published in the Draft EIS, then negotiated between the Draft and Final EIS and fully executed before the Board’s decision.

- Wants full Montana CRIS forms in the Post-license PA Phase
- Suggested simply recording quadrant (rather than point) if possible TCPs are identified by tribes
- Recognizes need to say something about possible TCPs as planning tool
- Additional work/ATP at PA stage

Built environment-buildings, structures, etc.: Stan is in broad agreement with phased approach to identification of buildings, structures, districts, etc.

- Agreement that field survey effort at this stage should preliminarily identify potential resources which will allow comparison of alternatives for NEPA EIS.
- Does not want to see determinations of eligibility at the NEPA stage. Prefers that concurrence be requested later in context of work under PA when an alternative is licensed.
- Open to idea of using multiple property approach to documenting eligible properties, basing it on existing MPDF that is currently in draft form.
- Recommended using “short” Montana forms to record basic information with preliminary eligibility assessment at the NEPA phase.

Follow-up Required: Yes, Rick needs to send the draft methodology to Stan for review after OEA has completed its review. Needs to be in hard copy and sent to Stan.