

Tongue River Railroad Environmental Impact Statement

Docket No. FD 30186

National Historic Preservation Act, Section 106 Teleconference

November 10, 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

Vicki Rutson	Office of Environmental Analysis
Catherine Nadals	Office of Environmental Analysis
Ken Blodgett	Office of Environmental Analysis

Other Federal Agencies

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

800.2(b) Advisory Council on Historic Preservation

Najah Duvall-Gabriel	Advisory Council on Historic Preservation
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800.2(c) Consulting Parties

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

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

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

800.2(c) (5) Additional Consulting Parties

Betsy Merritt	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

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

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

Agenda:

1. Introductions
2. NEPA Updates: Ken Blodgett
3. Status of PA Development: Vicki Rutson
4. Timing of Site Forms: Vicki Rutson
5. Other

Vicki Rutson thanked all participants for joining, noted the agenda items, and explained that this teleconference would focus on providing consulting parties with a status update on the Draft Programmatic Agreement (PA). 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. He said that OEA continues to work hard preparing all resource areas for the DEIS with the target publication date of spring 2015.

Ms. Rutson acknowledged that OEA's method of addressing comments from consulting parties had resulted in a lack of communication and feedback to those commenting. She wanted the consulting parties to know that all comments are taken seriously and are greatly appreciated. Ms. Rutson explained that OEA had been adding comments and tracked changes to each part of the PA discussed thus far and combined them into a single document. This was distributed to consulting parties prior to the call. OEA has also taken Najah Duvall-Gabriel's advice and created a PA comment tracking Matrix. Ms. Rutson explained that the PA Matrix will have the date and form of correspondence, who the commenter was, a summary of the communication, and how OEA has addressed this comment or why OEA has chosen not to address it. This document is being developed now and Ms. Rutson promised consulting parties that they would receive this PA Matrix by Friday, November 21, 2014.

Ms. Duvall-Gabriel said that this sounded great and that this Matrix should be very helpful in moving the PA process forward. Ms. Rutson agreed and thanked Ms. Duvall-Gabriel again for the advice. She asked that once this Matrix is distributed, that consulting parties think about any comments they may have on the content or format. Ms. Rutson also said that OEA was not currently asking for additional comments on the PA as it would be unfair to ask for more comments when, as Carrie La Seur had pointed out, consulting parties were unsure of how their previous comments had been addressed. Ms. La Seur thanked Ms. Rutson for that and mentioned that it is also important that consulting parties receive documents earlier, allowing enough time to properly review them prior to the Section 106 Monthly Teleconference.

Before discussing the site forms, Rick Starzak noted that consulting parties should recognize that this combined PA document is a work in progress. OEA has been re-working it to reflect the September 8 letter and example process PAs provided by the Advisory Council. This has only been done through Stipulation VI.

Mr. Starzak said that the site forms were submitted to the Montana SHPO last week to be assigned Smithsonian numbers. As soon as that is complete OEA will be sending them to the consulting parties with land entry agreements. Clint McRae asked if there was a time estimate on when the Colstrip landowners would receive the site forms. Alisa Reynolds responded that the time frame needed for the Montana SHPO's process is unknown but once they have Smithsonian numbers it should be a very quick process to scan and distribute to landowners. Ms. Reynolds estimated that the SHPO may need a few weeks to complete this process. Since Mr. Stan Wilmoth was not on the teleconference to respond, Ms. Reynolds said that she would call her contact at Montana SHPO to see if he could work in batches to finish the Colstrip Landowners' site forms first.

Mr. McRae expressed his frustration that he has been requesting this information since providing land access for surveys last spring and the site forms were not shared in a "timely manner" as requested. Mr. Starzak noted that OEA created tables and maps to provide to the Landowners promptly but that detailed site forms are much more complex and require more time. Mr. McRae said that the land entry agreement requested the site forms be delivered in a timely manner, not simply summary tables and maps. He officially requested that Landowners receive the site forms at the same time as the SHPO. Mr. Starzak explained that without the Smithsonian number from SHPO, these forms are still drafts and cannot be considered official. The SHPO review is another quality check and OEA wanted to make sure Landowners were receiving final versions containing quality information. Ms. Rutson said that she would call Montana SHPO and see if Ms. Reynold's contact would be amenable to OEA sharing the site forms with Landowners prior to the Smithsonian numbers being assigned and stamping the forms as DRAFTS. Alexis Bonogofsky asked why it was necessary for the site reports to receive Smithsonian numbers prior to distribution. She asked if there was a law or regulation requiring this step. Ms. Reynolds responded that it is always the procedure for handling these site forms to have them reviewed by SHPO. Prior to that step, they are not generally shared with anybody.

Mark Fix explained that some ranchers lease land from the State and BLM. He asked whether site forms for leased land would be shared directly with the Landowner or if it would first be sent to the State or

BLM. Lisa Axline said that she would ask their archaeologist about this process. Ms. Rutson said that OEA would contact Doug Melton with BLM to see what their process is for this.

OEA will be sending consulting parties a follow up email including:

1. BLM's response regarding their process for site forms on leased land and
2. Montana SHPO's response about sharing DRAFT site forms or prioritizing the Smithsonian numbers for the Colstrip site forms.

Ms. Rutson said that the next Section 106 Teleconference, if needed, would be held on December 8, 2014. She thanked all participants for joining and ended the call.