

**Draft Whereas Clauses for Tongue River Railroad PA**

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Cc: Theodore Hunt, Evelyn Kitay, "Starzak, Richard", "Summerville,
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Dear Consulting Party,

I have attached proposed "whereas clauses" to begin our development of a programmatic agreement (PA) for the Tongue River Railroad Construction project. I have attached a PDF file of the document as well as a Word version to assist you in your review. We have developed these draft clauses based on comments from tribes and other consulting parties that attended our February meeting in Billings, MT, and those made during our monthly calls. We are now requesting input from all consulting parties on the beginning PA clauses.

We are focusing on just the PA whereas clauses at this time as we believe they are critical in establishing the meaning, intent and legal basis of the PA document itself. Once we agree to the whereas clauses, we can begin work on the heart of the PA including the stipulations, identification plan, mitigation measures and other components that we develop as a group.

Please let me know if you have any questions or comments. Thanks so much for taking the time to assist us in the development of a project PA.

All the best,

-Cathy

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