

**Update on Tongue River PA Process - Next Steps**

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Hello All,

This is an update to you all regarding steps that we have recently taken in regards to revising the existing Programmatic Agreement (PA) for the Tongue River Railroad Project. We also are seeking your feedback at this time regarding our planned next steps for revising the PA to ensure that we are all in agreement regarding how we should move forward from this point onward.

Steps Recently Taken

- We have invited the Department of Interior's National Historic Landmarks Program (NHL) to act as a consulting party to the PA. As you know, this is a required step due to the designation of the Wolf Mountain Battlefield to the NHL. (We have sent hard copies of this letter to you; also attached below as EO-1560).
- We have invited 16 additional tribes to act as section 106 consulting parties and participate in the PA process to ensure that all tribes that may have an interest in this project are appropriately included. Our expanded list of tribes is based on input from the Northern Cheyenne Tribe, land maps, and internal research. (Copies of the letters that we sent to the tribes are attached below).

Proposed Next Steps

As you know, we have limited time in which to finalize a revised PA for this project. The PA Extension that was executed only provides us until September 1, 2011 to execute a new PA. Therefore, we propose the following as a means to assemble any comments and revise a PA that appropriately incorporates the combined concerns of the existing and new section 106 consulting parties, as well as members of the public:

- 1) Inform the public of the re-opening of the PA process through issuance of a Federal Register notice;
- 2) Invite comment from the current and newly designated consulting parties regarding proposed changes to the PA (we will send a Word version of the existing PA document that can be redlined);
- 3) Incorporate the combined comments into a new PA that would then be circulated to all consulting parties for comment;
- 4) Provide for public involvement / comment of the Draft PA.

It may be necessary to hold a video conference or face-to-face meeting (sometime in March) in order to come to an agreement on a revised PA. This will depend on the number and type of comments that we receive. In the event such a meeting is needed, please let us know of your preference for either meeting format.

Please let us know as soon as possible if you do not agree with the proposed steps outlined above. We will assume your concurrence if we do not receive feedback from you by January 14, 2011. Any comments or concerns that you have regarding our next steps should be direct to either Kenneth Blodgett at blodgettk@stb.dot.gov, (202-245-0305) or me at gliddenc@stb.dot.gov (202-245-0293).

All the best and Happy New Year!

-Cathy

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tribal invitation letters.pdf



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