



EI- 18499
KB

Re: PA
dlanders to: Kenneth.Blodgett

03/17/2011 08:55 AM

From: dlanders@blm.gov
To: Kenneth.Blodgett@stb.dot.gov

History: This message has been replied to.

1 attachment



PAcomments.3.16.2011.docx

Here are the PA comments from the Miles City Field Office and the Montana State Office. I will send a letter with the comments too so we have an official record.

(See attached file: PAcomments.3.16.2011.docx)

Montana BLM Comments
Tongue River Railroad Programmatic Agreement
March 2011

Comments we made by the following staff members:

Gary Smith, Montana/Dakotas Cultural Resources Program Lead, Montana State Office
 Mark Sant, Montana/Dakotas Tribal Coordinator, Montana State Office
 Doug Melton, Lead Archaeologist, Minerals/Nonrenewable Resources, Miles City Field Office
 William Hubbell, Archaeologist, Minerals/Nonrenewable Resources, Miles City Field Office

BLM's specific Comments are:

Page 1: Whereas Clause 1: It may prove useful to identify what the Board is the Lead Agency for.

Page 1. Whereas Clauses 2 and 3: BLM recommends not including the Northern Plains Resource Council (NPRC) in the same clause as Native American Groups. BLM would point out the NPRC does not have the same trust relationship as Native American groups do with the Federal government.

Since the PA was prepared in 2005, many Native American Groups have formed Tribal Historic Preservation Offices. We would suggest enlarging the tribes identified in Whereas Clause 3 to include those that have ties to the Powder River Basin in Montana. We suggest expanding the tribes contacted to include the Lower Brule Tribe, Fort Peck Tribes, Standing Rock Sioux, and Cheyenne River Sioux Tribes in South Dakota, Montana, and North Dakota. We suspect that other tribes in North and South Dakota beyond those identified above may also want to participate in this agreement.

Page 2: Whereas Clauses 7 and 8: The PA notes a 1,500-foot area was examined for the Class I.

It is unclear from the footnote attached whether the 1,500-foot area was carried through all the documents listed. Given the dates of some of the documents that are now over 20 years old, BLM would encourage the Board to have the Class I updated to current standards. We are aware of documents such as the BLM's Landscape Level I Overview for the High Potential Coal Bed Methane Area in the Northern Powder River Basin (2006), the Class I Overview of Cultural and Paleontological Resources for Eastern Montana (2006), the Ethnographic Overview of Southeast Montana (2002), and An Ethnohistorical Overview of the Powder River Basin (2001) that were not used in the 2005 version of the PA. We would suggest incorporating these references into an updated Class I. The Montana Preservation Alliance's Tongue River Digital Archive should also be consulted as part of the PA Identification Plan. BLM would also suggest that the updated Class I consider cultural landscapes as well as specific sites and historic districts. In particular, there is a need to evaluate the Tongue River Valley as an Ethnographic Landscape.

BLM would also encourage the 1,500-foot corridor to be expanded to one mile since this might assist the Board in identifying potential historic properties where setting may be an issue with railroad construction.

BLM would also point out that referencing the Class I documents in an EIS is not the same as providing the actual Class I documents as included in the Whereas Clause. BLM requests copies of any updated Class I Reviews of the proposed railroad and ancillary facilities.

Page 2: Stipulation Ia: Identification Plan: BLM suggests that a definition of the APE be moved from the Identification Plan to this section. It is difficult to tell from the PA what the actual APE will be. There are several places where it says the APE will include 20 feet on either side of the railway fence, but does not specify what the space between the fences will be. It is also unclear if the inventory would be done before the fences are constructed. We would also point out that the APE for the project should be large enough to incorporate any extra workspace beyond the usual ROW necessary for railroad construction.

Page 3, Stipulation Ia: While we encourage a Class III inventory to be conducted, BLM is concerned that if the Class III will only be performed on only those segments where access has been granted, it may preclude coming up with mitigation alternatives other than excavation for historic properties in unsurveyed portions of the line. This also would apply to Stipulation VI.

Page 3, Stipulation Ie.1: Throughout this and other sections of the PA, there is a 15 working day turnaround for comments on reports received from the Board. BLM feels in some instances, this may not be enough time to adequately address concerns raised in reviews of the documents.

Page 5: Stipulation III: Treatment Plan (for Eligible Resources-Native American and Non-Native American): Since much of the PA revision is being generated due to the listing of the Wolf Mountains/Battle Butte as a National Historic Landmark, BLM suggests adding a subsection to this stipulation of the PA that deals with the Wolf Mountain/Battle Butte NHL. Minimally, any treatment plan for the battlefield should outline what measures have been taken to avoid impacts to the NHL.

Page 7: Stipulation V: Review of Data Recovery Reports: BLM's concern here is that some specialized analyses from data recovery may delay completion of a final report for data recovery. BLM has found that it is not unusual for over a year to elapse between the actual data recovery fieldwork and receipt of the final data recovery report. This stipulation should make some provision for this, since it may delay preparation of a final report for the entire project (Stipulation XIII).

Page 8: Stipulation VII. Changes in ROW/Other Ancillary Areas: BLM suggests that any changes to the ROW or previously unexamined ancillary areas incorporate sufficient area to allow for minor adjustments. What ancillary areas are to be included should be spelled out in Attachment A of the PA.

Page 12: Stipulation XII: Public Participation: BLM is concerned how the Board will satisfy the second portion of this stipulation when making modified versions of reports available to the public and the general route of the railroad is also known.

Attachment A:

Page A-2 Identification and Evaluation: Footnote. BLM notes that the landscape level overview has been completed. Copies are available from the Miles City Field Office. We also note that the geoarchaeological and predictive modeling was not funded and therefore this was not completed.

Since the windshield inventory is listed at a mile from the approved alignment, as we have suggested, BLM would like to see the Class I expanded out to the same distance. In order to make an informed decision, BLM would point out that it would need the Class I Inventory results before the final combined report was produced. BLM would also encourage the use of GIS applications as part of the Class I to assist in identifying direct and indirect effects.

Page A-3 Class III Inventory: Activities 3 and 4. BLM suggests that it might prove wiser to complete the geomorphological survey of the route before beginning pedestrian inventory since it would assist in identifying areas that may need closer scrutiny and eliminate some other areas from inventory consideration. Essentially BLM suggests switching the order of Activities 3 and 4.

We would also like to see a clause adding the use of GPS units that meet BLM requirements to this section and that resulting shapefiles be made available to agencies and SHPO.

Page A-10-11: Minimal Field Recording Standards: Given the widespread use of digital format for photographs, is it necessary to specify black and white photographs in the two subsections.

If the Board has questions, please feel free to contact Miles City Field Office, Lead Archaeologist Doug Melton at (406) 233-2847.