

From: Jenkins, Paul C (Chris) NWS [<mailto:Paul.C.Jenkins@usace.army.mil>]
Sent: Thursday, January 15, 2015 9:13 AM
To: Starzak, Richard
Subject: RE: Section 106 Call for Tongue River Railroad Construction Project (FD 30186) (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Richard,
Would you please remove the reference to the 800 regulations from the Corps paragraph as suggested below. This is necessary given the ongoing controversy the Corps is having with the ACHP and SHPOs over the use of the 800 regs and the Corps' Appendix C regs. We either have to have both regs mentioned or neither. Neither is easier and causes less consternation with ACHP and SHPO.

Todd Tillinger and Matt McCullor plan to be on the call but won't bring this up at that time.

Thanks

Other Federal Agencies

1. USACE: The United States Army Corps of Engineers (Corps or USACE) has regulatory responsibility under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Any permitting action would be considered a federal undertaking and require the Corps to comply with NHPA. The Corps acknowledges STB as the lead agency responsible for Section 106 compliance in fulfilling our collective responsibilities under Section 106 of the NHPA. The Corps will review STB Section 106 compliance documents to ensure they are acceptable to meet the Corps' Section 106 compliance responsibilities.

Chris Jenkins
Cultural Resource Program Manager
Tribal Relations Specialist
Regulatory Branch
Seattle District, USACE
P.O. Box 3755
Seattle WA 98124
(206) 764-6941
paul.c.jenkins@usace.army.mil

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