

**Environmental Impact Statement for the Tongue River Railroad
Docket No. FD 30186**

National Historic Preservation Act, Section 106 Teleconference

June 10, 2013

DRAFT Meeting Summary

Attendees: (Note: Please see meeting agenda for list of invited parties)

800.2(a) Surface Transportation Board, Office of Environmental Analysis, Lead Agency Official

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| Catherine Nadals | Office of Environmental Analysis |
| Ken Blodgett | Office of Environmental Analysis |
| Danielle Gosselin | Office of Environmental Analysis |

Other Federal Agencies

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| Matt McCullor | Army Corps of Engineers |
| Todd Tillinger | Army Corps of Engineers |
| Doug Melton | Bureau of Land Management |
| Mark Peterson | Department of Agriculture, Agriculture Research Station - Miles City, MT |
| Philip Smith | Department of Agriculture, Agriculture Research Station - College Station, TX |
| Sheila Parker | Department of Agriculture, Agriculture Research Station - Stoneville, MS |
| Mickey McGuire | Department of Agriculture, Agriculture Research Station - Fort Collins, CO |

800.2(b) Advisory Council on Historic Preservation

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| Najah Duvall-Gabriel | Advisory Council on Historic Preservation |
| Charlene Dwin Vaughn | Advisory Council on Historic Preservation |

800.2(c) Consulting Parties

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

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| Shannon Spang | Northern Cheyenne |
| Joe Walksalong | Northern Cheyenne |
| Waste'Win Young | Standing Rock |
| Darlene Conrad | Northern Arapaho |

800.2(c) (3) Representatives of Local Governments

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| 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

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| Doug Dorsey | Hansen Professional Services, Consultant to Tongue River Railroad Company |
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| Dan Hadley | Mission Engineering, Consultant to Tongue River Railroad Company |
| Cynthia Taub | Steptoe and Johnson, Attorney for Tongue River Railroad Company |

800.2(c) (5) Additional Consulting Parties

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| Betsy Merritt | National Trust for Historic Preservation |
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800.4(a) (3) Other parties likely to have knowledge or concerns with historic properties

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| Shane Newman | Northern Plains Resource Council |
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ICF International, Third-Party Contractor to the Surface Transportation Board

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| Colleen Davis | ICF International |
| Alisa Reynolds | ICF International |
| Mark Robinson | ICF International |
| Richard Starzak | ICF International |
| Alan Summerville | ICF International |

Ken Blodgett provided an update on the overall National Environmental Policy Act (NEPA) process. He reported that no new Surface Transportation Board (STB) decisions have been served since the last teleconference. On June 5, Northern Plains Resource Council and Rocker Six ranch filed a petition on transportation merits petitioning STB to revise its procedural schedule. On June 7, Tongue River Railroad Company filed its comments on the transportation merits. Both documents are available at www.tonguerivereis.com. With regard to land access for the purposes of conducting fieldwork, access is still at approximately 45%. Efforts to gain more access are ongoing. Work on the coal market analysis, transportation routes, and various assumptions going into modeling continue. Field work is ongoing. The biological team is currently working on nocturnal and breeding bird surveys. Fisheries and water resources/wetlands fieldwork are proceeding.

Shannon Spang requested a schedule and expressed a desire to accompany field crews on wetlands survey work. Ken Blodgett welcomed her participation. Alan Summerville promised to be in contact with her to coordinate this.

Cathy Nadals reported that she sent an email message to tribal representatives requesting their involvement in the cultural survey work. Surveys are scheduled to begin July 15th.

Rick Starzak described the upcoming survey work. He said that it will be organized using four teams (A-D) starting in mid-July and ending in September. The teams will include four tribal members, four ICF archaeologists and a crew chief. Outreach to the tribes has begun to determine which tribes want to send representatives. A teleconference is scheduled for June 17 to discuss field work. All tribes are invited to participate in the call.

The teams are scheduled back-to-back with each crew working eight field days with two days for travel. The goal is to gather information regarding cultural resources within areas where STB has been granted access for the purposes of comparing the alternatives. No detailed determinations of eligibility will be made during the NEPA analysis. However, a Programmatic Agreement (PA) will be developed pursuant to Section 106 to stipulate measures to mitigate impacts to historic properties once (or if) the Board

licenses an alternative. The PA will also include a process for phased identification and evaluation work and will address tribal concerns.

Alisa Reynolds explained that the June 17th call will provide more detail for the tribal representatives that are interested in participating in field work. The methodology involves systematically covering as much land as possible within areas where STB has been granted access. The crew will carry walkie-talkies for communication and iPads to record resources.

Historic built resources will also be recorded during the summer field season. This assessment will be conducted by several ICF staff members and is separate from the archaeological field work.

Charlene Dwin Vaughn commended Cathy Nadals and Rick Starzak for developing a scope of work that is inclusive and for allowing tribes to identify concerns early in the process. She noted that their inclusion will allow tribes to flag important sites. Ms. Vaughn reminded OEA and its consultants about the new handbook providing guidelines for integrating Section 106 and NEPA processes in order to avoid redundancies. (The handbook is entitled, *NEPA and NHPA: A Handbook for Integrating NEPA and Section 106*, and was recently released by the Advisory Council and CEQ.). Cathy Nadals responded that she had read the document and found it very helpful and informative. Ms. Nadals explained that the scope and methodology for this project were developed, in part, using ideas and recommendations in the guidance document. Charlene Dwin Vaughn reiterated that OEA is to be commended for bringing the tribes into the process at an early stage to allow them to identify issues of interest to them. Ms. Nadals explained that OEA's goal was to involve the tribes early in process and even before the Section 106 undertaking has been defined.

Cathy Nadals invited questions. Ms. Nadals stated that ICF has produced a good schedule for the summer surveys. After the field work, OEA will proceed to developing a PA that will guide completion of the Section 106 process. Rick Starzak explained that the framework for the PA will begin immediately but that its content will be partly informed by data that emerges from the field work. Tribal input will also be critical.

Cathy Nadals invited new participants to identify themselves.

Waste'Win Young shared that some tribal representatives were not available for this teleconference because they were participating in a webinar hosted by the EPA. Ms. Young stated that she recently spoke to Alisa Reynolds about participating in field surveys. Ms. Reynolds stated that material from a work plan provided by Ms. Young had been incorporated in the field work methodology. Rick Starzak repeated that a teleconference to discuss field work and tribal participation was scheduled for June 17.

Cathy Nadals asked if anyone had anything to add and promised to distribute the methodology and schedule. Ms. Nadals summarized that field work will focus on the alternatives analysis, will begin July 15, and consist of four teams of eight including ICF archeological staff and tribal representatives.

Cathy Nadals and Rick Starzak asked that participants contact either of them with any questions or concerns.