

**Tongue River Railroad Environmental Impact Statement
Docket No. FD 30186
Historic Preservation Monthly Conference Call
August 12, 2013
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

Ken Blodgett	Office of Environmental Analysis
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Other Federal Agencies

Doug Melton	Bureau of Land Management
Mark Peterson	Department of Agriculture, Agricultural Research Station – Miles City, MT

800.2(b) Advisory Council on Historic Preservation

Najah Duvall-Gabriel	Advisory Council on Historic Preservation
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800.2(c) Consulting Parties

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

Vanessa Braided Hair	Northern Cheyenne, Otter Creek Homestead Descendants
Tamara St. John	Sisseton Wahpeton Oyate
Jim Whitted	Sisseton Wahpeton Oyate
Andrew Wiley	Cheyenne and Arapaho
Steve Vance	Cheyenne River Sioux
Darlene Conrad	Northern Arapaho

800.2(c)(3) Representatives of Local Governments

Lisa Axline	Montana Department of Natural Resources and Conservation (DNRC)
Jean Riley	Montana Department of Transportation (DOT)

800.2(c)(4) Applicants for Federal assistance, permits, licenses, or other approvals

David Coburn	Steptoe & Johnson, Attorney for Applicant
Doug Dorsey	Hansen Professional Services, Consultant to Applicant
Dan Hadley	Mission Engineering, Consultant to Applicant
Jamie Hamm	TranSystems, Consultant to Applicant
Derin Warren	BNSF, Applicant

800.2(c)(5) Additional Consulting Parties

Svein Newman	Northern Plains Resource Council
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Maggie Zaback	Northern Plains Resource Council
Alexis Bonogofsky	National Wildlife Federation
Mike Scott	Sierra Club

ICF International, Third-Party Contractor to the Surface Transportation Board

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

Rick Starzak, ICF, opened the teleconference and asked Ken Blodgett of the Office of Environmental Analysis (OEA) to provide an update on the National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS) process.

Ken Blodgett provided an update on filings and decisions. On July 17th, the Tongue River Railroad Company (TRRC) requested an extension to file a response to Northern Plains Resource Council’s (NPRC) and Rucker 6’s July 2 filing. The Surface Transportation Board (Board) granted TRRC’s request on July 18th. On August 9th, TRRC filed its response. Mr. Blodgett explained that the subject of these filings was merit based, to clarify the record, respond to new evidence, and reaffirm the request for a discovery schedule. TRRC’s August 9th filing opposed NPRC’s motion. Mr. Blodgett informed the meeting participants that the filings would be available on the Board’s website.

Ken Blodgett provided a field work status update. Wildlife field work is mostly complete with the exception of the bat migration surveys. Fisheries and wetlands field work surveys are complete. Noise field work measuring ambient noise levels was completed at the beginning of August. Aesthetics field work will finish this week. Cultural resources field work, which will be discussed later in the teleconference, is ongoing.

Rick Starzak provided an update on the cultural resources fieldwork. Four sessions of field work were scheduled (Team A, B, C, and D). To date, two sessions have been completed. Team C is travelling today to complete the third session. Mr. Starzak stated that the objective of the field work is to gather information in order to compare alternatives. National register determinations of eligibility will not be made at this time. Tribal archeologists and cultural resource experts have been joining the ICF archeologists in the field. Team A included representatives from Northern Cheyenne, Yankton Sioux, Fort Peck Assiniboine, and Northern Arapaho tribes. Team B included representative from Northern Cheyenne, Three Affiliated Tribes, Oglala Sioux, and Rosebud Sioux. Team C included representatives from the Northern Cheyenne, Crow, Standing Rock Sioux, and Yankton Sioux tribes. Team D will include staff from the Cheyenne and Arapaho, Northern Cheyenne, Crow Creek Sioux, Turtle Mountain Chippewa, and Sisseton Wahpeton Oyate tribes.

Mark Robinson, ICF, summarized the archeological field work to date. The field crews are finding more sites than originally anticipated. In two field survey sessions, 30 miles of observation have been completed. Approximately 49 pre-contact sites and 20 historical archeological sites have been found thus far. These numbers may change if combining adjacent sites is warranted. The field crews have been working together well. Mr. Robinson continued by explaining how the field surveys have been conducted. An ICF crew member walks the center line of the study area with a GPS enabled iPad and another ICF crew member walks on the outside boundary of the study area with a Trimble (GPS). This ensures that the crews track their locations correctly. Crew members disperse along the line at regular intervals and move forward together. If a crew member finds a resource that he or she wants to record, the crew member with the iPad takes a GPS point and records comments.

Alisa Reynolds, ICF, summarized the types of resources being found. She explained that the vast majority of pre-contact sites (approx. 80%) have been lithic scatters. The archeological crews have not found many historic era resources. For example, each crew found one or two foundations for fences or bridges. A few large pre-contact sites have been found. The team is still assessing how to categorize the sites. Small sites in proximity to one another might be brought together as one site. The ICF and tribal crew members have worked together very well. Tribal crew members have identified sites that might otherwise have been missed.

Rick Starzak invited questions on the archeological and religious/cultural site surveys.

Doug Dorsey, Hansen Professional Services, asked which alternatives have been surveyed to date. Mark Robinson explained that the field work started in Miles City, proceeded through Fort Keogh, and then moved down to the junction with Moon Creek and Moon Creek. They are working on the Colstrip alternative now, but do not have much access. Rick Starzak added that due to high fire danger along the Ashland East variation, that area was not surveyed.

Steve Vance, Cheyenne River Sioux, asked how the field survey results are being treated and shared. Mark Robinson replied that results are not being shared at this time. The discovery information has not gone out to the tribes yet. Mr. Vance asked how much of the information is being shared with the tribes. Cheyenne River tribe does not have a representative on any of the field crews but would still like to be aware of the information gathered. Jim Whitted, Sisseton Wahpeton Oyate, offered that Sisseton Wahpeton also did not have a representative on the crews to date and he would like to have access to the information gathered.

Steve Vance asked how the sites were being treated and Jim Whitted asked about testing. Mr. Robinson replied that sites are only being noted and locations mapped, not tested. No ground disturbing activity is occurring. He added that it is good to discuss an appropriate information distribution method so that the information can be shared, but kept confidential.

Jim Whitted asked if any rock art had been discovered. Mark Robinson replied that two petroglyphs had been found. One had been previously recorded and one was a new discovery. The new discovery is approximately the size of a sheet of plywood.

David Coburn, Steptoe & Johnson, asked how the team intends to extrapolate information for areas where field crews had no access. Rick Starzak responded that this topic will be discussed with OEA in the coming weeks but is not yet established. The goal is to compare the alternatives fairly evenly in the absence of field survey results. Mr. Coburn offered that not all types of land are the same and that some topography is more likely to have resources based on geomorphology.

Alexis Bonogofsky, National Wildlife Federation, stated that she was not previously aware that the Colstrip alternative was not accessible to field crews. She believed that the Clint McRae of the Rocker Six Cattle Company was going to make his land accessible and that Mr. McRae has neither seen nor spoken to anyone regarding access to his land. Rick Starzak explained that Mr. McRae's attorney had sent a letter preventing access to his land and to that of other property owners in the area. Ms. Bonogofsky stated that Mr. McRae would permit tribal representatives to survey his land. She asked for confirmation that tribal surveys conducted without ICF staff would not be included in the EIS analysis.

Rick Starzak continued by informing the teleconference participants that the built environment field work is complete. The built environment approach focused on consultations with property owners, visual survey, and field verifications. The study area for built environment is larger than for archeological resources to account for visual impacts. Team A surveyed from July 16 - July 23. The resources examined included farmhouses, barns, sheds, private bridges across the river, road traces, windmills, wells, a hogback pasture, roads, railroad bridges, fish hatchery, fairgrounds, and stagecoach route. Chris Hetzel stated that Team B's approach and findings were largely the same. Their discoveries included homesteads, some of which were intact. In many cases, ranchers or land managers pointed out these resources to field crews. Along the Decker alternative, the majority of resources were homesteads.

Rick Starzak explained that the analytical focus for built environment is now on filling in the gaps where access was not granted. In remote places that the archeologists are surveying, they will note and photograph built resources, then provide that information to the architectural historians. The team is contemplating setting up meetings or interviews to fill-in information gaps in places where access was not granted. Individuals or organizations active in the area, including historians and local historical societies, may have information about historic built environment that was not included in the records search. This would also inform the more detailed analysis of a licensed alternative in the future.

Rick Starzak summarized the tribal participation for the Team C field crew which begins work on August 10th. Team C includes representatives of the Northern Cheyenne, Crow, Standing Rock Sioux, and Yankton Sioux tribes. Team D will include Cheyenne and Arapaho, Northern Cheyenne, Crow Creek Sioux, Turtle Mountain Chippewa, and Sisseton Wahpeton Oyate tribes.

Rick Starzak invited questions.

David Coburn asked about the location of the stagecoach route and NS railroad alignment. Rick Starzak clarified that the alignment was graded but never built. The stagecoach route was pointed out by a landowner. Doug Melton, Bureau of Land Management, explained that the graded railroad area is between Ashland and Birney. Mark Robinson offered that there may be no physical evidence of the

stagecoach route along the Tongue River. Mr. Starzak suggested that a historic map might be uncovered that identifies its location. Chris Hetzel stated that Team B noted two railroad lines on the Colstrip alternative on the power plant property including a double rail line. David Coburn asked whether survey was happening in that location. Mr. Hetzel replied that the alignment goes into the power plant.

Rick Starzak invited questions.

Rick Starzak invited Steve Vance to submit ideas regarding how best to share information gathered among all the tribes. Steve Vance stated that reviewing discovery information is necessary in order for the tribes to provide meaningful comments. Mr. Vance said that Dana Dupris has been his tribe's representative for this project and that he is trying to get caught up on its status.

Jim Whitted recommended a consultation meeting with the tribes, including a site visit of the more significant sites with the Tribal Historic Preservation Officers. This would allow the tribes to gain first-hand knowledge of sites and give them an opportunity to gain consensus regarding their significance.

Steve Vance stated that he feels Seven Council Fires (Sioux) can represent Lakota interests in the area. He will reserve judgment.

Rick Starzak stated that Cathy Nadals, OEA, has discussed holding another consulting party meeting in 2014 which might be a good time to gather together and discuss. That meeting is not yet scheduled.

Rick Starzak invited final questions and stated that another call is scheduled for September.