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*Preserving America's Heritage*

– Public and Media Advisory –

## **Public Invited to Comment on the Effects to Historic Properties of the Permit to Drill in Lewis and Clark National Forest**

**WHAT:** On September 2, 2015, the Advisory Council on Historic Preservation (ACHP) will offer a public meeting in Choteau, Montana, to receive stakeholder and public comment on the effects on the proposed release of the currently suspended Permit to Drill to historic properties in the Lewis and Clark National Forest and Blackfeet Reservation, Montana.

On July 7, 2015, the Blackfeet Tribal Historic Preservation Officer terminated consultation under Section 106 of the National Historic Preservation Act (NHPA) regarding the Permit to Drill. The ACHP is required to issue advisory comments to the Secretary of Agriculture on or before September 21, 2015. In order to assist us in preparing these comments, the ACHP will host a public meeting to solicit comments from concerned and interested citizens on the proposed release of the current suspended Permit to Drill.

**BACKGROUND:** The U.S. Department of Agriculture, Forest Service (FS) is in the final stages of review of a currently suspended Permit to Drill a single exploratory (wildcat) oil and gas well in the Lewis and Clark National Forest. The project also includes 5.7 miles of new road construction, 0.3 miles of road re-construction, a temporary bridge across the Two Medicine River, and a 4-acre drill pad. Once constructed, the well would require periodic access and maintenance. Should the well prove productive, it is reasonably foreseeable that the applicant/ leaseholder, Solenex LLC, would apply for a permit to extend its drilling and extraction within its leasehold.

As part of that review process, the FS must comply with Section 106 of the NHPA and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800), which require that federal agencies take into account the effects to historic properties of any undertaking they sponsor, permit, or assist, and provide the ACHP with a reasonable opportunity to comment on the undertaking. Agencies meet this requirement by following the process in the regulations. The Section 106 process seeks to accommodate historic preservation concerns with the needs of undertakings through consultation among the federal agency official; State Historic Preservation Officer; Tribal Historic Preservation Officer (when the undertaking or affected historic property is on tribal lands); federally recognized Indian tribes that attach religious and cultural significance to affected historic properties; the applicant for the federal permit, license, or approval; local government officials; and others with an interest in the effects of the undertaking on historic properties. The goal of consultation is to identify historic properties affected by the undertaking, to assess the undertaking's effects to them, and to seek ways to avoid, minimize, or mitigate adverse effects. Typically, when a historic property may be adversely affected by an undertaking, the Section 106 process is concluded when an agreement resolving the adverse effects is executed by the consulting parties.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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The proposed oil and gas development of this area has been controversial from the initial lease in 1981. The Blackfeet Tribe of the Blackfeet Reservation of Montana, other stakeholders, and members of the public have expressed concerns that the proposed oil and gas development would irrevocably adversely affect the Badger-Two Medicine Traditional Cultural District, a historic property of religious and cultural significance to the Indian tribe. On July 7, 2015, the Blackfeet Tribal Historic Preservation Officer terminated the Section 106 consultation because he felt further consultation to reach an agreement was unlikely to be productive. In accordance with the Section 106 regulations, the ACHP must provide its formal written comments to the Secretary of Agriculture on or before September 21, 2015. Once the Secretary of Agriculture considers the ACHP comments in reaching a final decision on the undertaking, and responds to the comments, the FS will have concluded the Section 106 process in accordance with the regulations and Section 110(l) of the NHPA. The head of the agency must provide a summary of the decision that contains a rationale for the agency's decision and evidence of consideration of the ACHP's comments to the ACHP and all Section 106 consulting parties, and notify the public of its availability.

**WHO:** Under its Section 106 responsibilities, the ACHP has convened a five-member panel to receive testimony from the FS, the Section 106 consulting parties, other stakeholders, and the public in preparation of its final comments on this undertaking. The ACHP panel will conduct a public meeting to provide such parties the opportunity to address the ACHP on the undertaking's effects to historic properties and any measures to avoid, minimize, or mitigate adverse effects to those properties. Interested parties may also submit written comments via mail and e-mail (see below). Please note that the purpose of the Section 106 review and this public meeting is to address exclusively the historic preservation aspects of the Permit to Drill for oil and gas, and not other environmental issues.

**WHEN:** September 2, 2015, from 3 p.m. to 6 p.m. at the Stage Stop Inn, 1005 Main Ave. North, Choteau, Montana. For driving directions see <http://www.stagestopinn.com/contact.php>. In the event that weather precludes the panel from meeting, the meeting may be rescheduled.

**HOW:** Due to the high level of public interest in this case, priority for speaking at the public meeting will be given first to the designated representative of the FS, the Blackfeet Tribe, the Montana State Historic Preservation Officer, and Solenex LLC, and then to those who notify the ACHP of their desire to speak in advance of the meeting. Please provide the speaker's name and the organization the speaker officially represents (if any).

Send e-mails to: [106permittedrill@achp.gov](mailto:106permittedrill@achp.gov)  
 Fax information to: (202) 517-6381  
 Mail registrations to: Ms. Katry Harris  
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Speakers other than the specifically mentioned ones, above, will be taken in order of registration, and each will have prescribed time limits. People who have not preregistered will be allowed to speak as time permits.

**WRITTEN COMMENTS:** The ACHP welcomes written comments from any party. Written comments may be sent to the above e-mail address, fax number, or mailing address. All comments submitted by 5 p.m. (Eastern Time), September 4, 2015, will be part of the public record and reviewed by the ACHP prior to the finalization and transmittal of its formal comments.

**ABOUT THE ACHP:** The ACHP promotes the preservation, enhancement, and sustainable use of our nation's diverse historic resources, and advises the President and the Congress on national historic

preservation policy. It also provides a forum for influencing federal activities, programs, and policies that impact historic properties. See [www.achp.gov](http://www.achp.gov) for more information.

For more specific information on the Section 106 process and the role of the ACHP, please see <http://www.achp.gov/docs/citizens-guide-2015.pdf>. For more information on this case, e-mail [106permittedrill@achp.gov](mailto:106permittedrill@achp.gov).

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