



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

July 10, 2023

Alan Tabachnick
Federal Preservation Officer
Surface Transportation Board
395 East Street Southwest
Washington, DC, 20423

RE: Brightline West – Las Vegas To Victor Valley Project (formerly known as XpressWest High-Speed Passenger Train Project) San Bernardino County, California, and Clark County, Nevada Continuing Consultation – Transmittal of Revised Final Programmatic Agreement

Dear Mr. Tabachnick:

The Federal Railroad Administration (FRA) appreciates your continued participation in the ongoing consultation for the Brightline West – Las Vegas to Victor Valley Project (Project) pursuant to Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108). FRA determined pursuant to 36 CFR 800.5(d)(2) that the Project will result in an adverse effect to historic properties and developed a Programmatic Agreement (PA) in accordance with 36 CFR 800.14(b) to resolve adverse effects caused by the Project.

FRA is providing you with the Revised Final PA (also referred to as the Draft 4 PA), its attachments including the Revised Final Historic Properties Treatment Plan (Revised Final HPTP) (also referred to as the Draft 4 HPTP), and comment matrixes. FRA intends to advance the PA to execution by FRA, the Advisory Council on Historic Preservation (ACHP), the California State Historic Preservation Officer (CA SHPO), and the Nevada State Historic Preservation Officer (NV SHPO).

In order to provide a clear and transparent administrative record, FRA is providing the following to your office:

- *Brightline West – Las Vegas to Victor Valley – Revised Final Programmatic Agreement with all Attachments, including the Revised Final Historic Properties Treatment Plan and Appendices (Clean version, PDF file) (Enclosure 1)*
- *Brightline West – Las Vegas to Victor Valley – Revised Final Programmatic Agreement (Track changed version, Word document) (Enclosure 2)*

- *Brightline West – Las Vegas to Victor Valley – Revised Final Historic Properties Treatment Plan (Track changed version, Word document) (Enclosure 3)*
- *Brightline West – Las Vegas to Victor Valley –Programmatic Agreement Comment Response Matrix (PDF file) (Enclosure 4)*
- *Brightline West – Las Vegas to Victor Valley – Historic Properties Treatment Plan Comment Response Matrix (PDF file) (Enclosure 5)*

The purpose of this letter is to provide you with: 1) the Revised Final PA and attachments, including the Revised Final HPTP (Enclosure 1); 2) the Revised Final PA showing track changes from the Draft 3 PA to the Draft 4 PA (Enclosure 2); 3) The Revised Final HPTP showing track changes from the Draft 3 HPTP to the Draft 4 HPTP (Enclosure 3); 4) the comment matrixes for both the Draft 3 PA (Enclosure 4) and the Draft 3 HPTP (Enclosure 5); 5) Summary of Consulting Party review; and 6) Request an expedited review of the Revised Final PA and attachments before FRA circulates the PA for execution by the CA SHPO, the NV SHPO, and the ACHP.

Summary of Consulting Party Review and Consultation

FRA conducted extensive consultation with Signatories, Invited Signatories, Consulting Tribes, and Consulting Parties (hereinafter referred to as Consulting Parties) on previous drafts of the PA. Previous consultation for the Project and Draft 1 and Draft 2 of the PA was detailed in the consultation later for the Draft 3 PA in our letter to you dated May 5, 2023.

On May 5, 2023, FRA distributed the Draft 3 PA and attachments, including the Draft 3 HPTP and their associated comment matrixes and requested an expedited 15 calendar day review. That transmittal of the Draft 3 PA and attachments included clean and track changes Microsoft Word versions of the PA and HPTP, Adobe PDF versions of the clean versions of the PA and HPTP and their attachments, and the comment matrixes for Draft 1 and Draft 2 of the PA and HPTP. FRA simultaneously sent these documents to the Consulting Parties. All materials, minus confidential attachments, were also posted to the EGNYTE site.

FRA received comments from Consulting Parties regarding the Draft 3 PA and Draft 3 HPTP in May and June 2023. FRA carefully considered all comments from Consulting Parties and met one-on-one with several Consulting Parties. In order to address several comments from the CA SHPO and the ACHP regarding reporting and consultation during the resolution of adverse effects and in consideration of the sequencing of construction efforts scheduled to begin in January 2024, FRA provided notification in a letter dated June 22, 2023, that exploratory archaeological fieldwork would begin in July prior to the execution of the PA. FRA further notified Consulting Parties that they could expect a revised PA and associated attachments in July. FRA documented the changes from the Draft 3 PA and Draft 3 HPTP to the Revised Final PA and attachments, including the Revised Final HPTP (Enclosure 1) in Word format with track changes (Enclosures 2 and 3), as well as in the comment matrixes that respond to all comments received from Consulting Parties from review of the Draft 3 PA and Draft 3 HPTP (Enclosures 4 and 5). Please note the Revised Final HPTP is Attachment 5 to the PA and the

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remaining attachments to the Revised Final PA did not undergo significant revision from the most recent formal review. Changes to the attachments to the Revised Final PA included updating the attachment cover sheets and updating Attachment 6, Principal Contacts, with changes to Consulting Party contacts. As a result of these minimal edits, there are not track changes versions of the other PA attachments transmitted with this consultation. FRA will simultaneously send these documents to the Consulting Parties. All materials, minus confidential attachments, have also been posted to the [EGNYTE](#) site.

Request for Expedited Review

FRA has carefully considered all comments received on the previous three drafts of the PA and attachments, as well as from consultation meetings and Workshop Meetings with Consulting Parties. The Revised Final PA with all attachments (Enclosure 1), including the Revised Final HPTP with its own appendices, are attached to this letter. Enclosure 1 is the document FRA intends to circulate for execution by FRA, the ACHP, the CA SHPO, and the NV SHPO. You are an Invited Signatory to the PA.

Due to the accelerated nature of the Project, and the need to progress efforts to resolve adverse effects in advance of Project construction, FRA requests you respond within 15 calendar days by the close of business on July 24, 2023, with indication of your willingness to sign the PA as an Invited Signatory and identification of the appropriate signee and signature block. Should you have any questions, or if we can assist you during this time period, please contact either Matthew Mielke, Project Manager, at 202-536-8157 or matthew.mielke@dot.gov or myself, at 279-977-2508 or melissa.ivie@dot.gov. Thank you for your continued participation in this process. We look forward to continuing to work with you on this Project.

Sincerely,



Melissa Ivie
Deputy Federal Preservation Officer
Federal Railroad Administration

Enclosures:

1. *Brightline West – Las Vegas to Victor Valley – Revised Final Programmatic Agreement with all Attachments, including the Revised Final Historic Properties Treatment Plan and Appendices (Clean version, PDF file) (Enclosure 1)*
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5. *Brightline West – Las Vegas to Victor Valley – Historic Properties Treatment Plan
Comment Response Matrix (PDF file) (Enclosure 5)*

Cc: Matthew Mielke, FRA
Melissa Ivie, FRA
Kimberly Demuth, HNTB
Micah Hale, Dudek
Danielle Gosselin, STB
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