

EO-1681



FW: Alaska RR, Port MacKenzie Extension, PA signature pages, references, etc.

Starzak, Richard to: tracie.krauthoefer@alaska.gov

12/20/2010 01:44 PM

Cc: "David.Navecky@stb.dot.gov", "doug.gasek@alaska.gov",
"Summerville, Alan"

From: "Starzak, Richard" <RStarzak@icfi.com>
To: "tracie.krauthoefer@alaska.gov" <tracie.krauthoefer@alaska.gov>
Cc: "David.Navecky@stb.dot.gov" <David.Navecky@stb.dot.gov>, "doug.gasek@alaska.gov" <doug.gasek@alaska.gov>, "Summerville, Alan" <ASummerville@icfi.com>

1 attachment



signature pages, references, and attachments.docx

Hi Tracie,

Attached for your review are the signature pages and final sections of the PA, with the ID Plan and Plan for Tribal Consultation deleted as we discussed earlier. Again, we thank you so much for your cooperation in getting this PA moved to the next stage.

Hope you had a nice weekend.

Rick

RICHARD STARZAK | Senior Architectural Historian/Technical Director | 213.627-5376 x 222 |
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ICF INTERNATIONAL | 811 W. 7th Street, Suite 800, Los Angeles, CA 90017 | 213 627-6853 (f) or 213 840-7480 (m)

In January, ICF Jones & Stokes became ICF International.

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APPENDIX J
DRAFT PROGRAMMATIC AGREEMENT
SIGNATURES, ETC. REVISED DRAFT 12-20-2010

J.1 Signatories

J.1.1 Participating Signatories

Surface Transportation Board

By: _____ Date: _____
Victoria Rutson, ~~Chief, Section~~ Director, Office of Environmental Analysis

Advisory Council on Historic Preservation

By: _____ Date: _____
John M. Fowler, Executive Director

Alaska State Historic Preservation Officer

By: _____ Date: _____
Judith E. Bittner, State Historic Preservation Officer

Cooperating Federal Agencies

Federal Railroad Administration

By: _____ Date: _____
Mark Yachmetz, Associate Administrator for Railroad Development

J.1.2 Invited Signatories

Tribes

Knik Tribal Council

By: _____ Date: _____
Jack Alcorn, Executive Director

Applicant

Alaska Railroad Corporation

By: _____ Date: _____
~~Patrick K. Gamble~~ Christopher Asdnesen, President and Chief Executive Officer

J.1.3 Concurring Parties

Tribes

Chickaloon Village Traditional Council

By: _____ Date: _____
Gary Harrison, Chief

Native Village of Eklutna

By: _____ Date: _____
Dorothy Cook, President

Native Village of Tyonck

Comment [151]: October 10, Jennifer Harrison failed to say CVTC would support anything the KTC puts up at the Oct. 21 meeting. As of 12/17/2010 still not clear if CVTC wants to sign the PA.

By: _____ Date: _____
Frank Standifer, President

Alaska Native Organizations

Cook Inlet Region, Inc.

By: _____ Date: _____
Margaret L. Brown, President and Chief Executive Officer

Eklutna, Inc.

By: _____ Date: _____
Curtis McQueen, Chief Executive Officer

Knikatu, Inc.

By: _____ Date: _____
Raymond Theodore, President

Agencies

State of Alaska, Department of Natural Resources

By: _____ Date: _____
Director, Division of Mining, Land, and Water

Matanuska-Susitna Borough Historical Commission

By: _____ Date: _____

Fran Seager-Boss, Cultural Resources Specialist

Dog Sledding Groups

Happy Trails Kennels

By: _____ Date: _____
Martin Buser

Willow Dog Mushers Association

By: _____ Date: _____
Erin McLamon, President

J.2 References

ADNR, OHA (Alaska Department of Natural Resources, Office of History and Archaeology). Not dated. Alaska Heritage Resources Survey. Anchorage, AK: Database on File with State Office of History and Archaeology.

ADNR, OHA. Not dated. Citations Database. Anchorage, AK: Database on file with State Office of History and Archaeology.

ADNR, OHA. 2003a. Determination of Eligibility. Historic Preservation Series Number 7.

ADNR, OHA. 2003b. Review and Compliance Program Guidelines for Section 106 Consultation with the State Historic Preservation Office. Historic Preservation Series Number 8.

ADNR, OHA. 2004. SURF Database. Anchorage, AK: On file with State Office of History and Archaeology.

HDR Alaska, Inc. and TNH-Hanson, LLC. 2008. Preliminary Environmental and Alternatives Report for the Port MacKenzie Rail Extension Project. 4 Volumes. Prepared for the Matanuska-Susitna Borough and the Alaska Railroad Corporation, Anchorage, AK.

NPS (National Park Service). Not dated. Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines [As Amended and Annotated], Secretary of the Interior's Standards for Archeological Documentation. Online at http://www.cr.nps.gov/local-law/arch_stnds_7.htm

NPS (National Park Service). Not dated. National Register of Historic Places. Online at: <http://www.cr.nps.gov/nr/nrlist.htm>

NPS. 1997. How to Apply the National Register Criteria for Evaluation. National Register Bulletin 15. U.S. Department of the Interior, National Park Service, National Register, History and Education. Online at: <http://www.cr.nps.gov/nr/publications/bulletins/nrb15/>

Parker, P. L., and T. F. King. 1998. Guidelines for Evaluating and Documenting Traditional Cultural Properties. National Register Bulletin (revised). U.S. Department of the Interior, National Park Service, National Register, History and Education, National Register of Historic Places.

SRB&A. 2008. Port MacKenzie Rail Extension Project Report of 2008 Cultural Resources Fieldwork. Prepared for Surface Transportation Board. Washington, DC.

SRB&A. 2010. Port MacKenzie Rail Extension Project Report of 2009 Cultural Resources Fieldwork. Prepared for Surface Transportation Board. Washington, DC.

J.3 Glossary of Terms and Acronyms

Adverse Effect: When an undertaking may alter, directly or indirectly, the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects may include reasonably foreseeable effects caused by the Undertaking that may occur later in time, be farther removed in distance, or be cumulative.

Area of Potential Effects: The Area of Potential Effects (APE) means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the Undertaking. Determination of the APE may take into account the professional standards, guidance, and research of both the historic properties and railroad design professions.

Borrow Area(s): An excavated area where material has been or will be dug for use as fill at another location.

Consulting Parties: Consulting parties include the SHPO, Indian tribes, representatives of local governments, applicants for Federal assistance, permits, licenses and other approvals, and certain individuals and organizations with a demonstrated interest in the Undertaking.

Cultural Resource: any tangible or observable evidence of past human activity, regardless of significance, found in direct association with a geographic location, including tangible properties possessing intangible traditional cultural values.

Curation: The preservation of material remains that are excavated or removed during a survey, excavation, or other study of a prehistoric or historic resource, and associated records that are prepared or assembled in connection with the survey, excavation or other study.

Days: Calendar days.

Eligible for the National Register of Historic Places: In order to be eligible for the National Register the property must have been either formally determined as such in accordance with regulations of the Secretary of the Interior and/or meet the National Register criteria.

Federal Agency(s): Any Federal entity with a statutory obligation to fulfill the requirements of Section 106 who has jurisdiction over an undertaking and takes legal and financial responsibility for Section 106 compliance in accordance with 36 CFR 800 Subpart B. The Federal Agency(s) has approval authority for the Undertaking and can commit the Federal agency to take appropriate action for a specific undertaking as a result of Section 106 compliance.

Historic Property: Any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian Tribe and that meet the National Register criteria.

Human Remains: The physical remains of a human body.

ID Plan: Identification Plan Entitled *Cultural Resources Work Plan: Proposed Port MacKenzie Rail Extensions Project, Port MacKenzie to Willow, Alaska STB Finance Docket No. 35095* (ID Plan) approved by the SHPO with comment on July 23, 2008.

Indian Tribe: As presently defined in 36 CFR 800.16(m), an Indian Tribe, band, nation, or other organized group or community, including a federally-recognized Native Village, Regional Corporation or Village Corporation, as those terms are defined in Section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Keeper of the National Register: The Keeper is the individual who has been delegated the authority by the National Park Service (NPS) to list properties and determine their eligibility for the National Register. The Keeper may further delegate this authority as he or she deems appropriate.

NAGPRA: Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et. seq.).

National Register: The National Register means the National Register of Historic Places maintained by the Secretary of the Interior.

National Register Criteria: National Register criteria means the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR 60). The National Register of Historic Places criteria are listed below:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship and feeling and:

- that are associated with the events that have made a significant contribution to the broad patterns of our history; or
- that are associated with the lives of persons significant in our past; or
- that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- that yielded, or may be likely to yield, information on prehistory or history.

Criteria considerations: ordinarily cemeteries, birthplaces, or graves of historical figures; properties owned by religious institutions or used for religious purposes; structures that have been moved from their original locations, commemorative in nature; and properties that have achieved their significance within the past 50 years shall not be considered eligible for the National Register of Historic Places (36 CFR 60.4).

NRHP: National Register of Historic Places.

DPA: Draft Programmatic Agreement.

SHPO: State Historic Preservation Officer.

Site: Site definition is different for each state but is generally defined by Willey and Phillips (1958:18), as any reasonably definable spatial unit that contains features or is fairly continuously covered with artifacts that are indicative of an occupation 50 years or older. A site may be defined as "a spatial cluster of cultural features, or items, or both" (Binford 1972:46). These definitions apply to both prehistoric and historic sites. Archaeological context may be defined by the inclusion of any of the following: soil staining, associated fire-cracked rock, ceramics, features, or a concentration of materials within a reasonably defined spatial boundary.

STB: Surface Transportation Board.

Traditional Cultural Properties: A Traditional Cultural Property can be defined generally as an object, site, landscape feature, or other form of feature that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that communities' history, and (b) are important in maintaining the continuing cultural identity of the community. For additional information, reference Parker and King, 1995.

Treatment Plan: A proposal for the mitigation of effects upon any historic property that a project would affect. It can include data recovery, documentation, restoration or other measures.

Undertaking: An undertaking is a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency. This includes those carried out by or on behalf of a Federal agency, those carried out with Federal financial assistance, those requiring a Federal permit, license or approval, and those subject to state or local regulation pursuant to a delegation or approval by a Federal agency. For this PA, the Undertaking refers to the STB's review of an application for the construction and operation of a rail line by the ARRC, extending its existing system between the Matanuska-Susitna Borough and a point between Wasilla and north of Willow, Alaska.

ATTACHMENT A

PLAN OF ACTION FOR THE TREATMENT OF UNANTICIPATED DISCOVERY OF HUMAN REMAINS, GRAVES AND HISTORIC PROPERTIES

A.1. Human Remains and Graves

The Native American Graves Protection and Repatriation Act (NAGPRA) regulations (43 CFR 10), do not apply to the Undertaking because it would not occur on Federal lands. The following steps must be taken if human remains, or suspected human remains, are discovered:

1. Should human burials be encountered, work will be stopped at once in the locality and the STB, the SHPO and the Alaska State Troopers (AST) shall be contacted immediately. See below for contact numbers.
2. If the human remains appear recent in the judgment of the archaeologists, the STB shall defer to the opinion of the AST and Alaska State Medical Examiner (Alaska SME) for a determination of whether the remains are of a forensic nature and /or subject to criminal investigation.
3. If the racial identity of the human remains is in question, a physical anthropologist experienced in the analysis of human remains shall examine them. The physical anthropologist shall document, analyze, and photograph the remains so that an independent assessment of racial identity can be made. The physical anthropologist shall be afforded no more than 30 days time to conduct his or her analysis.
4. If the human remains are on Federal land and determined to be of Native American origin, the STB will follow NAGPRA regulations and procedures set forth in 43 CFR 10. If the human remains are not Native American, and a determination has been made by the AST and Alaska SME that a death investigation is not warranted, then the STB in consultation with the Alaska SME, will attempt to identify, locate and inform descendants of the deceased. If the human remains are to be moved, then the STB shall obtain any required permits from the Alaska State Bureau of Vital Statistics, and reinter the remains in a designated area.
5. The ARRC Project Manager should contact the following people or agencies within 24 hours of uncovering the remains (notification should include available information regarding the nature and extent of the remains and an accurate and precise location including GPS coordinates):

A. State Historic Preservation Officer (SHPO)

Judith Bittner
State Historic Preservation Officer
Alaska Department of Natural Resources
550 W. 7th Ave., Suite 1310
Anchorage, AK 99501-3565
Phone: (907) 269-8721
Fax: (907) 269-8908

B. Federal agency official in charge

Victoria Rutson
~~Chief, Section~~ Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423
Phone: (202) 245-0295
Fax: (202) 245-0454

C. The appropriate land managing agency contact for the relevant parcel

D. The responsible Native representative for the area of discovery

Dorothy Cook
President
Native Village of Eklutna
26339 Eklutna Village Road
Chugiak, Alaska 99567
Phone: 907-688-6020
Fax: 907-688-6021

Curtis McQueen
Chief Executive Officer
Eklutna, Incorporated
16515 Centerfield Dr., Suite 201
Eagle River, AK 99577
Phone: 907-696-2828
Fax: 907-696-2845

Debra Call
Knik Tribal Council President
PO Box 871565
Wasilla, Alaska 99687-1565
Phone: 907-373-7991
Fax: 907-373-2161
dcall@kniktribe.org
dcall@alaskanative.net

Delia Call
Knik Tribal Council Secretary Treasurer
PO Box 871565
Wasilla, Alaska 99687-1565
Phone: 907-373-7991
Fax: 907-373-2161

Jack Alcorn
Executive Director
Knik Tribal Council
PO Box 871565
Wasilla, Alaska 99687-1565
Phone: 907-373-7991
Fax: 907-373-2161

Raymond Theodore
President
Knikatnu, Incorporated
P.O. Box 872130
Wasilla, Alaska 99687-2130
Phone: 907-376-2845
Fax: 907-376-2847

~~Angela Sandstrom~~ Frank Standifer
President
Native Village of Tyonek
PO Box 82009
Tyonek, Alaska 99682-0009
Phone: 907-583-2201
Fax: 907-583-2442

Gary Harrison
Chief
Chickaloon Village Traditional Council
P.O. Box 1105
Chickaloon, AK 99674-1105
Phone: 907-745-0707
Fax: 907-745-0709

Donita Hensley Michacolene Stephan
President
Tyonek Native Corporation
1689 C St., Suite 219
Anchorage, AK 99501-5131
Phone: 907-272-0707
Fax: 907-274-7125

Edith Baller
President
Chickaloon-Moose Creek Native Association, Inc.
P.O. Box 875046
Wasilla, AK 99687
Phone: 907-373-1145
Fax: 907-373-1004

Gloria O'Niell
President and Chief Executive Officer
Cook Inlet Tribal Council
3600 San Jeronimo Dr.
Anchorage, AK 99508
Phone: 907-793-3600
Fax: 907-793-3602

Margaret L. Brown
President and Chief Executive Officer
Cook Inlet Region, Inc. (CIRI)
2525 C Street, Suite 500
PO Box 93330
Anchorage, AK 99509-3330
907 274-8638

E. The Alaska State Troopers

Communications Center Manager
Phone: (907) 451-5100
Fax: (907) 451-5165

6. The ARRC Project Manager should contact the following people, though not necessarily within the first 24 hours:

A. Alaska State Medical Examiner's Office

Dr. Katherine Raven, Chief Medical Examiner
Phone: (907) 334-2200
Fax: (907) 334-2216
Email: Stanton.kessler@alaska.gov

Kenneth Cramer, Death Investigator
Phone: (907) 334-2200
Fax: (907) 334-2216
Email: Kenneth.Cramer@alaska.gov

B. Alaska Bureau of Vital Statistics

Phillip Mitchell, Chief
Phone: (907) 465-8643
Fax: (907) 465-3618
Email: Phillip.Mitchell@alaska.gov

Janet Shea
Phone: (907) 465-8608
Fax: (907) 465-4689
Email: Janet L Shea janet.brown@alaska.gov

Aaron Leggett
Dena'ina Cultural Historian
Alaska Native Heritage Center
8800 Heritage Center Drive
Anchorage, Alaska 99504
Phone: 907-330-8000
Fax: 907-330-8030
info@alaskanative.net

Margaret L. Brown
President and Chief Executive Officer
Cook Inlet Region, Inc.
2525 C Street, Suite 500
P.O. Box 93330
Anchorage, Alaska 99509-3330
Phone: 907-274-8638
Fax: 907-263-5183

Fran Seager-Boss
Matanuska Susitna Borough Historic Commission
Matanuska Susitna Borough
Cultural Resources Specialist
350 East Dahlia Avenue
Palmer, Alaska 99645
fseagerboss@matsugov.us

A.2. Plan for Unanticipated Discoveries

Historic properties may be encountered above ground and below ground during work on the Undertaking, and might include historic and prehistoric materials as well as Traditional Cultural Properties. In the event that cultural materials are discovered, this plan shall be followed, and implemented in compliance with the National Historic Preservation Act (NHPA) of 1966, as amended (16 U.S.C. § 470) as well as implementing regulations (36 CFR 800).

If archaeological or historic materials are encountered the following series of steps must be followed:

1. Stop all work in the immediate vicinity of any historic properties or suspected cultural resources.
2. Mark the area in which the resources are located, as well as a minimum buffer area with a radius of 20 meters surrounding them. This buffer area may be larger if there is the possibility of more resources in the area or in the case of slopes or cut banks where ongoing work may impact the site. Make sure that all cultural materials are protected from possible impacts while contacting the appropriate parties¹.
3. ARRC's Project Manager should contact the people or agencies in the previous list at A.1(6)(a) through (e) within 24 hours of discovering the resources.

Notification of unanticipated discoveries should include available information regarding the nature and extent of the historic properties and an accurate and precise location including GPS coordinates.

The discovery shall be investigated by a professional meeting the appropriate qualification standards, such as a consulting archaeologist, no longer than seventy-two (72) hours from discovery. The STB, the SHPO, ARRC and land managing agency (as appropriate) shall consult, by telephone or other means, on the nature of the discovery and whether any additional investigation is warranted. The STB shall contact the appropriate Tribal representative if necessary. A decision shall be provided to ARRC within five (5) working days. If the parties agree that the discovery is not significant, verbal authorization to proceed may be given by the SHPO, and the SHPO shall provide written confirmation to the parties within five (5) working days. A report of the investigation shall be provided by the investigator, following the guidelines for Monitoring described in Stipulation VII. If additional investigation is agreed to, the guidelines for Additional Investigations described in Stipulation III.B. shall be followed, unless modified evaluation and reporting are agreed to.

A.3. Tribes and Alaska Native Organization Contact List

Federally Recognized Tribes and Tribal Groups

¹ Options for protecting the cultural resources include: covering with a tarp or other protection from the elements; shoring up cut banks or trench walls so that no further exposure occurs, making sure that no water will collect on or around the site.

Gary Harrison, Chief
Chickaloon Village Traditional Council

Send information to:
Jennifer Harrion, Executive Director
P.O. Box 1105
Chickaloon, AK 99674-1105
Phone: 907-745-0707
Fax: 907-745-0709

Dorothy Cook, President
Native Village of Eklutna
26339 Eklutna Village Road
Chugiak, Alaska 99567
Phone: 907-688-6020
Fax: 907-688-6021

Debra Call, President
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Fax: 907-373-2161
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Delia Call, Secretary Treasurer
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Jack Alcorn, Executive Director
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Quentin Simeion
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Frank Standifer~~Angela Sandstol~~, President
Native Village of Tyonek
PO Box 82009
Tyonek, Alaska 99682-0009
Phone: 907-583-2201
Fax: 907-583-2442

Alaska Native Corporations

Curtis McQueen, Chief Executive Officer
Eklutna, Incorporated
16515 Centerfield Dr., Suite 201
Eagle River, AK 99577
Phone: 907-696-2828
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Raymond Theodore
Knikatu, Incorporated
P.O. Box 872130
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Phone: 907-376-2845
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Michaelene Stephan~~Donita Hensley~~, President
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1689 C St., Suite 219
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Phone: 907-272-0707
Fax: 907-274-7125

Edith Baller, President
Chickaloon-Moose Creek Native Association, Inc.
P.O. Box 875046
Wasilla, AK 99687
Phone: 907-373-1145
Fax: 907-373-1004

Gloria O'Niell, President and Chief Executive Officer
Cook Inlet Tribal Council
3600 San Jeronimo Dr.
Anchorage, AK 99508
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Fax: 907-793-3602

Margaret L. Brown, President and Chief Executive Officer
Cook Inlet Region, Inc.
2525 C Street, Suite 500
P.O. Box 93330
Anchorage, Alaska 99509-3330
Phone: 907-274-8638
Fax: 907-263-5183

Kim Cunningham
Director, Land and Resources
Cook Inlet Region, Inc. (CIRI)
2525 C Street, Suite 500
PO Box 93330
Anchorage, AK 99509-3330
907 274-8638

Other Organizations

Aaron Leggett, Dena'ina Cultural Historian
Alaska Native Heritage Center
8800 Heritage Center Drive
Anchorage, Alaska 99504
Phone: 907-330-8000
Fax: 907-330-8030
info@alaskanative.net