

EO-1664



October 21, 2010 meeting minutes

Starzak, Richard to: Najah Duvall-Gabriel, Krauthoefer, Tracie A (DNR)

11/29/2010 05:48 PM

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1 attachment



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Hi Najah and Tracie,

Attached are the meeting minutes for October 21, 2010. Please let me know if you have any comments and if you've had a chance to review the proposed outline for revisions to the PA.

Thanks, and I hope you had a wonderful holiday.

Rick

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**Surface Transportation Board
Office of Environmental Analysis**

**Programmatic Agreement Meeting for the Port MacKenzie Rail Extension
1:30 pm, Department of Natural Resources Building, Anchorage, Alaska
October 21, 2010**

Attendees:

Dave Navecky, Surface Transportation Board (STB) Office of Environmental Analysis (OEA)
Judith Bittner, Alaska State Historic Preservation Officer (SHPO)
Doug Gasek, SHPO-Office of History and Archaeology (OHA)
Tracie Krauthoefer, SHPO-OHA
Charlene Dwin Vaughn, Advisory Council on Historic Preservation (ACHP)
Najah Duvall-Gabriel, ACHP
Debra Call, Knik Tribal Council (KTC)
Richard Porter, KTC
Jim Arnesen, Eklutna, Incorporated
Fran Seager-Boss, Matanuska Susitna Borough (MSB) Historic Preservation Commission
Cindi Bettin, Cook Inlet Region, Inc. (CIRI)
Erin McLarnon, Willow Dog Musers Association
Martin Buser, Happy Trails Kennels
Chas St. George, Iditarod Trail Committee
Margaret Heaven, Wasilla Knik Historical Society
Lesli Schick, Alaska Department of Natural Resources (DNR)
Brian Lindamood, Alaska Railroad Corporation (ARRC)
Stephen Braund, Stephen R. Braund & Associates (SRBA)
Alan Summerville, ICF International (ICF)
Richard Starzak, ICF

Meeting Notes:

Dave Navecky – STB:

- Introduced himself and provided background on the STB.
- The Alaska Railroad and the MSB are interested in constructing a new rail line to provide service to Port MacKenzie through a connection to the railroad's existing main line somewhere between Wasilla and Willow.
- The railroad's request to the STB triggered several federally mandated processes that must be undertaken before the STB can give approval to a project; two of these are the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA).
- NEPA requires that STB prepare an Environmental Impact Statement (EIS). The purpose of the EIS is to identify and disclose the potential environmental impacts of the proposed

rail line and therefore, enable the STB to consider those impacts when making a licensing decision. During the EIS process, the STB identified 12 build alternatives, or routes for the proposed rail line.

- The EIS process is nearing completion which will consist of the STB issuing a Final EIS.
- Under Section 106 of the NHPA, the STB is required to consider the effects of the proposed rail line on historic properties while consulting with other parties interested in those historic properties and potential project impacts. Section 106 outlines a process to (1) identify historic properties that could be affected by the project, (2) assess those effects, and (3) review opportunities to avoid, minimize or mitigate any adverse effects.
- The Section 106 Process will not be completed with the Final EIS. A Programmatic Agreement (PA), as permitted under Section 106 regulations, will be used. This PA will be signed by the STB, ACHP, SHPO, railroad, and other interested parties.
- A draft of the PA has been prepared, and was initially distributed with the Draft EIS in March of this year.
- This meeting is being held to continue the dialogue under the Section 106 process, and to receive comments on the current draft of the PA.

Judith Bittner – SHPO:

- Explained the role of SHPO and Section 106 process.
- SHPO wants to understand what values and concerns to historic properties are most important to those affected.
- EIS, which is NEPA process, considers a lot broader concerns and environmental resources than section 106, which focuses on historic properties.
- As the Federal agency makes its decision, not all things are known, so there is a process to know what historic properties are and who wants to be consulted. Make sure that is incorporated clearly in the PA.
- Little evaluation has been done, but there has been lots of identification. Learn what kind of historic properties may be out there and sites that may be eligible. The challenge is intersecting linear features and railroad and lots of trails.
- The state is here to listen and to get sense of issues and to represent those interests.

Najah Duvall-Gabriel – ACHP:

- First objective is to get an understanding of how STB would like to coordinate the section 106 review process.
- Role of ACHP is to ensure that the outcome of the consultation and PA is such that appropriate procedures will be followed.
- Second objective is to get a sense of what interested parties are interested in joining the consultation and what their concerns are. Having a sense of what interested parties are concerned about will inform development of PA.

- Third objective is to hear comments of those attending the meeting so comments can be considered in the PA agreement.
- ACHP has a national perspective when it comes to STB projects; they add value to consultation.
- ACHP has a national perspective on historic properties and how they relate to similar properties in other parts of the country.

Charlene Dwin Vaughn – ACHP:

- Make sure that long term complex undertaking is properly vetted with the public and ACHP is informed.
- Allow STB to be as thorough and focused as possible on process and tailor to railroad line.

Richard Starzak - ICF:

- Explained the purpose of a PA and how the ACHP's regulations have special provisions for projects with multiple corridors, like the Port MacKenzie Rail Extension.
- ACHP's regulations allow STB to phase identification of properties for National Register eligibility. Final details may be done after the PA is signed.
- ACHP's regulations allow STB to phase the application of effects until after the evaluation of historic properties is done.
- Purpose of PA sets the procedures and consulting parties to complete the evaluation of historic properties and find ways to avoid, mitigate, or minimize effects.

Stephen Braund – SRB&A:

- Presented results of Iditarod Dog Sledding Cultural Landscape research.

Richard Starzak – ICF:

- STB can't come up with information without consulting parties' help:
 - What is most important in terms of historical significance?
 - What features best convey historic significance?
 - What is the best way to minimize harm to contributing features?

Judith Bittner – SHPO:

- In SRB&A report, the trails and kennels and properties are already identified. See if something is missing.
- What is it about trails and dog mushing that is most important to maintain?
- What is being threatened in terms of dog mushing activities and recreation? Is it the trails, the open view, the connectivity? What is most important that is threatened so we know how to mitigate?

Erin McLarnon – Willow Dog Mushers Association:

- Trails have lots of mileage and need multiple passages.
- Connectivity is very important.
- Can't do same ten-mile loop over and over.
- Can't have one route under or over the rail that filters many dog teams and snowmachines into one area.
- Need multiple passages.

Judith Bittner – SHPO:

- Where are those passages?
- Which are critical and cannot be combined?
- Which ones are really important?

Martin Buser – Happy Trails Kennels:

- Example of traditional users being displaced (e.g., evolution of cut trail, gravel road over trail, and then paved road displacing original dog mushers).
- Would like to see Borough and statewide and nationwide efforts that make amends any time traditional users are displaced.
- Don't need paved trails.
- Regional trail use should be considered.

Chas St. George – Iditarod Trail Committee:

- Iditarod Trail Committee Board is interested in the past and in the future.
- Because past practices didn't have to make amends, it will be difficult to adjudicate the Iditarod Trail.
- For the future, need trails that can be used to train and grow the next generation of dog sledders and K9 athletes.

Charlene Dwin Vaughn – ACHP:

- PA makes no reference or consideration of traditional cultural property.
- Have heard comments about tradition and lifestyle and nothing about ethnographers and integrating Alaska cultural history and how it might relate.
- Wants to know if this is an intentional omission or something ICF intends to get back to.

Richard Starzak – ICF:

- ICF will take into account anything that is a gap and needs to be addressed.
- The 2009 annual report has lots of background on traditional uses.
- The PA was drafted before the 2009 annual report was prepared.

Charlene Dwin Vaughn – ACHP:

- Informing those reports and studies is very important to Native Alaskans and long-term attachment.

Martin Buser – Happy Trails Kennels:

- Trails through crossings need at least 100 feet of lead-in into curves because the eyes of the lead dog are separated by more than 100 feet from the musher (e.g., the length of 2 school buses).

Judith Bittner – SHPO:

- Do trails have dedicated right-of-way?
- Are they adjudicated?
- What is the general sense of land status of the exact right-of-way?
- What is the general knowledge of legal protection?

Erin McLarnon – Willow Dog Mushers Association:

- West Gateway has 100 percent easements on the trail.

Chase Saint George – Iditarod Trail Committee:

- Beyond Knik there are challenges with property owners.
- Mat-Su Borough is working with the state and has come up with resolutions with property owners.

Richard Starzak – ICF:

- As the PA is developed, there will be opportunities to consult.

Doug Gasek – SHPO-OHA:

- Time frame for comments?

Richard Starzak – ICF:

- The time frame is soon; especially in the next week or two.
- The next draft of the PA is also open for comments.

Richard Porter – KTC:

- How would STB like to see comments on the PA? Annotated comments?

Richard Starzak – ICF:

- Comments would be accepted however it is easiest for consulting parties.

Stephen Braund – SRB&A:

- Presented results of Dena'ina Cultural Landscape research.

Richard Starzak – ICF:

- SRB&A completed a lot of work with Dena'ina descendants.
- We need your help to see what is most important out there. How best to minimize harm.

Debra Call – KTC:

- Introduced herself and family history in study area (in English and Dena'ina).
- Shares concerns of mushers and ties to the land.
- Described struggles to preserve culture including: moose potlatch, Cottonwood Creek village, and graveyard along Iditarod Trail.
- Wants an opportunity to work with the railroad.
- Wants to be part of the curation for artifacts collected as part of rail line surveys.
- Wants training to recognize the artifacts.
- Wants to provide consultation.
- Only have 50 people left in tribe.
- Wants to work to protect what is important.
- The Dena'ina are here, know where the sites are located, and are passionate about where they come from and have been here for long time.
- Have stories telling Dena'ina why this is their home and know where those important areas are located.
- Their history makes them as unique as Hawaii.
- Committed to Dena'ina cause.

Richard Porter – KTC:

- Explained family history and role with KTC.
- KTC looks at process and PA.
- KTC understands STB responsibilities and consultation under section 106.
- Would like to see the process take Dena'ina passion and move to PA.
- The U.S. Government and KTC will have consultation procedures (e.g., government to government).

Richard Starzak – ICF:

- Only Dena'ina know the value of these resources and how important they are.
- The National Register criteria are technical and STB needs Dena'ina help to truly understand significance.

Richard Porter – KTC:

- Lack of funding to enter into consultation procedures.
- MOA would be helpful.

Judith Bittner – SHPO:

- Discussed EIS and section 106.
- Lots of recreation, hunting, fishing, and trapping practices and displacement of practice is one of the NEPA requirements of looking at socio-economic actions on land and what is affected and displaced.
- STB and SHPO to look at how tribes' concerns can be addressed in environmental documents.
- Mitigated by different authorities.
- Section 106 deals with historic properties.
- STB can address concerns in response to the EIS and consultation under section 106.

Debra Call – KTC:

- Described her subsistence practices in study area.
- Wants to know how amends are made for loss of their subsistence area due to development in Mat-Su.
- Going through consultation process to raise awareness of what Dena'ina are doing. Uncertain of the outcome.

Judith Bittner – SHPO:

- Acknowledged cumulative impacts of development.
- Works with borough government for land use and plans.
- Understands what values are important.
- What losses are being impacted and realized cumulatively?
- Important at state level to hear what is important so that it can be incorporated into a decision document.

Debra Call – KTC:

- Who decides?

Judith Bittner – SHPO:

- In section 106, the Federal agencies decide.
- Consulting parties try to influence and the Federal agency takes into account all information.
- Incorporates the values of the locals.

- Consultation is to reach an agreement. NEPA takes comments. NEPA does not have consultation. Section 106 is narrowly focused.
- PA defers decisions to the future and is process-oriented.
- What decisions made and what is historic and what is not.

Richard Starzak – ICF:

- Any additional comments about the Dena'ina landscape or others?

Leslie Schick – DNR-SCRO:

- The Iditarod Dog Sledding Cultural Landscape contributing trails do not all match legally recognized trails.
- How is conflict in trail numbers going to be addressed?

Alan Summerville – ICF:

- OEA defined official trails as those that are legally recognized. Some historic trails are legally recognized and some are not.

Dave Navecky – STB:

- The report of 2009 field activities was not contained in the Draft EIS issued in March.
- SRB&A's report was finalized after the Draft EIS.

Stephen Braund – SRB&A:

- SRB&A found contributing trails that were not official.

Leslie Schick – DNR-SCRO:

- Concerned regarding multiple uses of trails (freight, hunting, recreation)
- Try to not combine multiple uses in one crossing.

Margaret Heaven – Wasilla Knik Historical Society:

- Is the Mat-Su Borough involved in the planning regarding cultural resources?

Alan Summerville – ICF:

- Met with Mat-Su trails department.
- Collected trails information from a number of different sources.

Richard Starzak – ICF:

- How can we develop the PA and go forward?
- STB needs consulting parties' communication to help them understand fully.

Richard Porter – KTC:

- Who should changes be sent to?

Richard Starzak – ICF:

- I would be the best contact.

Fran Seager Boss – MSB:

- Mat-Su Borough is working with tribal groups to identify sites and landscape.
- Would like to see that cooperation continue and Mat-Su Borough would like to be part of that with the railroad.
- Good to identify more of the uses of the landscape and work with tribes on that.

Tracy Krauthoefer – SHPO-OHA:

- Thanked everyone for coming and dialoguing.
- Looking forward to receiving more comments and concerns and ideas.

Doug Gasek – SHPO-OHA:

- Useful to hear concerns and help SHPO-OHA construct a more developed PA that takes in considerations and concerns.
- Specific suggestions heard for the PA:
 - Curatorial assistance to the KTC
 - Training KTC individuals to recognize artifacts
 - Conducting more interviews
 - Training KTC individuals in conducting interviews
 - Maintain connectivity for dog sled trails
 - Keep long distance dog sled loop trails intact
 - Multiple railroad crossings

Dave Navecky – STB:

- Thanked everyone for coming.
- Has ideas for PA and mitigation for trails.
- Working group that can form with trail users.
 - Locating Trails.
 - Design of trail crossings.

Martin Buser – Happy Trails Kennels:

- Would assist in working group.
- Need common sense with Alaska compared to Federal sense.
- Don't need paved bottom in culverts in the middle of nowhere.
- Don't need lighted culverts.

Erin McLarnon – Willow Dog Mushers Association:

- Working group is a good idea.
- Work with local users.
- Invite participants to visit kennels and go in study area by dog team or snowmachine.

Richard Starzak – ICF:

- Doug Gasek outlined next steps.
- Once we know alignment, figure out how to make it work best.

Cindy Bettman – CIRI:

- Concerned that the Dena'ina were second on meeting agenda.
- Thought dog mushing seemed to take the report focus.

Richard Starzak – ICF:

- First draft of agenda had Dena'ina first but later reversed to give Dena'ina discussion more time in the schedule for the meeting.