



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

EO-1334

Office of Economics, Environmental Analysis and Administration

February 27, 2009

Judith Bittner
State Historic Preservation Officer
Alaska Office of History and Archaeology
550 West 7th Ave., Suite 1310
Anchorage, AK 99501-3565

Re: STB Finance Docket No. 34658, The Alaska Railroad Corporation – Petition for Exemption to Construct and Operate a Rail Line Between North Pole and Delta Junction, Alaska

Dear Ms. Bittner:

As you know, the Board's Section of Environmental Analysis (SEA) has preliminarily determined that the above-referenced project may have an effect on historic properties on or eligible for inclusion on the National Register for Historic Places. Accordingly, SEA initiated the consultation process, pursuant to Section 800.14(b) of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), with the Alaska State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (ACHP), as well as the Federal agencies cooperating in the preparation of the Environmental Impact Statement (EIS) for this case.

SEA has reviewed your latest letter dated November 21, 2008, and the purpose of this letter is to respond to your comments in anticipation of our scheduled meeting/conference call with you on March 6, 2009. In addition to discussing your comments and our initial responses, we would also like to discuss with you the Programmatic Agreement for this proceeding. As you recall, we submitted a working draft of the Programmatic Agreement (PA) to your office for review on October 31, 2008 and we are interested in hearing your thoughts on the working draft of the PA.

On November 12, 2008, SEA also invited the ACHP to join in the consultation, and on November 24, 2008, ACHP agreed to participate. SEA will invite the ACHP to join in our March 6, 2009 meeting/conference call to review the comments and responses and address potential revisions or execution of the working draft PA.

Comments and Responses

In your letter dated November 21, 2008, you concurred with the eligibility of seven of the ten prehistoric lithic sites SEA determined eligible for the National Register of Historic Places (NRHP) under criterion D in our letter dated October 10, 2008. Further analysis and treatment of the sites would be undertaken through the stipulations of the PA, once it is fully executed. You did not concur, however, with SEA's findings on three of the sites, XBD-336, XBD-340 and XBD-342, recommending instead that they be evaluated as a historic district. SEA, however, notes that your letters dated September 24, 2007 and July 16, 2008, indicated you were in agreement that these three sites were eligible for the NRHP. After discussion with our consultant, Northern Land Use Research (NLUR), while we do not oppose a district concept, SEA would prefer to treat these sites as presumed NRHP eligible and study them further under the stipulations of the PA, and only if they would be affected by a selected alternative.

Regarding the agricultural landscape near Delta Junction and Eielson Air Force Base, we would like to discuss your comments about "indirect effect" and "close proximity" further during the meeting/conference call, so that we may understand the scope of the identification effort and complete any necessary evaluation under the provisions of the PA. As you may recall, only one of the alternatives would directly affect the agricultural landscape.

Regarding the Trans Alaska Pipeline System (TAPS), you asked that it be evaluated for NRHP eligibility prior to an assessment of effects. While SEA has no objection to whether or not TAPS is considered NRHP eligible, TAPS is several hundred miles long and the undertaking would only cross the pipeline at one of two locations – both of which TAPS is underground. Given that the undertaking would not physically disturb TAPS in any way, and at the potential crossing locations TAPS would not be visually sensitive to changes on the surface, SEA concludes that there is not enough potential for effect to justify the cost of evaluating a linear resource of that length. Perhaps that responsibility falls under the jurisdiction of a different Federal agency that regulates the operation or lease of TAPS, and the cost of any NRHP eligibility study may more appropriately be borne by the company or companies who directly profit from the operation of TAPS.

Regarding the historic cabins and other features in the Area of Potential Effect (APE) for various alternatives in the Salchaket area, in 2006 you were in basic agreement with NLUR's findings. The site is a large historic Athabascan village, which quite likely is eligible as a historic district under several criteria, and also possibly as a Traditional Cultural Property. In subsequent meetings and correspondence, the consensus has been that more extensive research would be conducted under the provisions of the PA, and only if that specific alternative were selected.

We look forward to discussing these matters during our March 6, 2009 meeting/conference call. Thank you for your continued cooperation in this case. If you have any questions, please do not hesitate to contact Dave Navecky, SEA's Project Manager, at 202-245-0294, or Alan Summerville, ICF's Project Manager, at 703-934-3616.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with the first name "Victoria" written in a larger, more prominent script than the last name "Rutson".

Victoria Rutson
Chief
Section of Environmental Analysis

cc: ACHP