

EI - 17932
Rec'd 12/1/08

Preserving America's Heritage

November 24, 2008

Ms. Victoria Rutson
Chief
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

Ref: *Proposed Alaska Railroad Corporation construction and operation of rail line
STB Finance Docket No. 34658
Between North Pole and Delta Junction, Alaska*

Dear Ms. Rutson:

On November 13, 2008, the Advisory Council on Historic Preservation (ACHP) received your notification of adverse effect for the referenced undertaking that was submitted in accordance with Section 800.6(a)(1) of our regulations, "Protection of Historic Properties" (36 CFR Part 800). In response to this notification, ACHP will participate in consultation to develop a Programmatic Agreement (PA) for the proposed rail line between North Pole and Delta Junction, Alaska. Our decision to participate in this consultation is based on the *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, contained within our regulations. The criteria are met for this proposed undertaking because it may present important questions of policy or interpretation. Our decision to enter participation is also in response to recent legislation, the Federal Railroad Safety Improvement Act (Public Law 110-432), which directs the ACHP to work with the Secretary of Transportation, the Alaska State Historic Preservation Officer (SHPO), and the Alaska Railroad Corporation to expedite historic preservation reviews for safety-related projects, a directive to which this undertaking relates. Section 800.6(a)(1)(iii) of our regulations requires that we notify the head of the agency of our decision to participate in consultation. A copy of our letter to the Chairman is enclosed.

We appreciate receiving survey information detailing the Surface Transportation Board's (STB) effort to identify historic properties for this undertaking. In order for the ACHP to fully participate in consultation, we request that the STB provide the following additional information. This information is the background documentation outlined in §800.11(e) of our regulations.

- Correspondence provided by the Alaska SHPO about STB's determinations related to the identification and evaluation of historic properties;
- The procedure and schedule through which STB will solicit the views of Native Alaskans about properties of religious and cultural significance to them;
- A summary of other consulting parties identified and invited to participate in the Section 106 review;

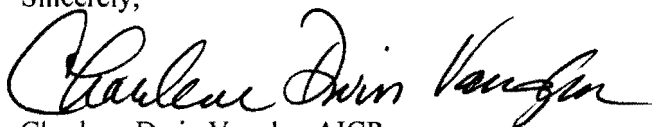
ADVISORY COUNCIL ON HISTORIC PRESERVATION

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- Measures proposed by STB to involve the public in the development of a PA for this undertaking;
- The status of drafting stipulations in the PA to complete identification and evaluation, assess effects, and develop treatment and/or mitigation measures.

We look forward to receiving this additional information and working with STB and other consulting parties to develop a PA. Should you have any questions, please do not hesitate to contact Blythe Semmer at (202) 606-8552 or via email at bsemmer@achp.gov.

Sincerely,

A handwritten signature in black ink, reading "Charlene Dwin Vaughn". The signature is fluid and cursive, with the first name "Charlene" being the most prominent.

Charlene Dwin Vaughn, AICP
Assistant Director
Office of Federal Agency Programs
Federal Permitting, Licensing and Assistance Section

enclosure