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bcc

Subject Section 106 process for the DesertXpress High-Speed
Passenger Train project

History: This message has been replied to.

To: CA SHPO
NV SHPO
ACHP
EIS Working Group
DesertXpress Enterprises Inc.

As lead agency, the Federal Railroad Administration (FRA) met last week with staff from the Advisory Council on Historic Preservation (ACHP) to discuss the Section 106 process for the DesertXpress High-Speed Passenger Train project. FRA most recently circulated an early draft programmatic agreement for this project on November 13th, 2008 to all parties, including the ACHP. As a result of the meeting, FRA is considering the use of 36 CFR § 800.8(c), "Use of the NEPA process for section 106 purposes". This provision seems to be well matched to the phased Section 106 process that is being pursued for this project, which is expected to rely upon a programmatic agreement regarding completion of recordation, determinations of eligibility and effect, and treatment plans.

As such, before FRA officially notifies the California State Historic Preservation Officer (SHPO), Nevada SHPO and ACHP that 800.8(c) will be used, we will hold a teleconference later this week to provide a forum to hear your comments and any concerns regarding this Section 106 approach.

The proposed conference call is on **Friday, December 5th at 11:30 AM EST (8:30 AM PST)**. Please reply to Mr. John Cook of CirclePoint regarding your availability [j.cook@circlepoint.com]. We anticipate the call will be less than one hour long.

The call in number will be (800) 444-9007 - pass code 915 825 0342

If this time proves unworkable, our alternate time for the call is on Thursday, December 4th between 11 AM and 1 PM EST (8 and 10 AM PST).

Should you have any questions in advance, please feel free to contact FRA or CirclePoint:

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Thank you for your cooperation.

Sincerely,

David Valenstein

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EI - 16195

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