



File copy
EI-18806

Preserving America's Heritage

March 7, 2011

David Navecky
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

Ref: *Draft Programmatic Agreement for the construction of a rail line to Port MacKenzie, Alaska*

Dear Mr. Navecky:

The Advisory Council on Historic Preservation (ACHP) has reviewed the final draft of the Programmatic Agreement (PA) for the proposed construction of a rail line to Port MacKenzie, Alaska, provided to consulting parties by the Surface Transportation Board (STB) on February 10, 2011. As a follow up to the teleconference of February 24, 2011, we submit the following comments for STB's consideration:

- Consulting parties, particularly Native Alaskan organizations and individuals, need to be provided an opportunity to participate in the development of future agreements, review work carried out under the PA, and participate in the resolution of disputes that arise;
- The procedures for determining the final area of potential effect needs to be outlined in the PA, including involvement of consulting parties in the determination process;
- More detailed information is needed under Stipulation III (Tribal Coordination) regarding how tribal coordination will be carried out.
- Considering the issues regarding the funding and timing of this project, there needs to be a stipulation regarding contingencies should funding or timing issues arise;
- The duration stipulation needs to be re-written to allow STB and the SHPO to extend the agreement once five years have elapsed and consulting parties are notified; and
- There needs to be a summary of acronyms used throughout the PA.

Once STB addresses these comments and those submitted by consulting parties, we request that STB schedule a teleconference to review the revisions to the PA before it is circulated in final to signatories and consulting parties. If you have any questions or concerns, please contact Najah Duvall-Gabriel at (202) 606-8585, or via email at ngabriel@achp.gov.

Sincerely,

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

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov