

E1- 17989



"Starzak, Richard"
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11/24/2009 07:36 PM

To <David.Navecky@stb.dot.gov>

cc <bsemmer@achp.gov>, "Summerville, Alan"
<ASummerville@icfi.com>, "Bauer, David"
<DBauer@icfi.com>

bcc

Subject FW: Northern Rail Ext

FYI, we just received comments from Judy and Stefanie (attached for your reference). I will incorporate these, and send out a clean version of the PA to you all.

Rick

Richard Starzak
Senior Architectural Historian/Principal

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From: Ludwig, Stefanie L (DNR) [<mailto:stefanie.ludwig@alaska.gov>]

Sent: Tuesday, November 24, 2009 4:33 PM

To: Starzak, Richard

Subject: Northern Rail Ext

Richard,

Here are few last comments.

Stefanie

From: bizhub@alaska.gov [<mailto:bizhub@alaska.gov>]

Sent: Tuesday, November 24, 2009 4:26 PM

To: Ludwig, Stefanie L (DNR)

Subject: Message from KMBT_C353



SKMBT_C35309112416250.pdf

surveyed in 2006-2007.

2. Portions of any alternative or alignment for which ARRC has received authority from STB to construct and operate that were not surveyed during the 2006-2007 investigations, such as portions of the Salchaket Village that were not surveyed due to the presence of private property and native allotments, and historic farming landscapes.
3. Previously identified sites within the surveyed APE, and along the alignments that may receive authorization from STB to construct and operate, which require additional evaluation to establish boundaries and/or to ~~assess~~ determine the effects of the Undertaking.

but no determination
of site boundaries

B. Additional identification and evaluation efforts shall follow the administrative and consultation procedures established in the ACCP and PTC, as described in Stipulations I.D., III, and IV.C. through IV.F. Additional identification and evaluation shall conform with Federal and state guidelines for fieldwork in Alaska, be compatible with previous investigations for this Undertaking, follow the *Site Location Model and Survey Strategy for Cultural Resources in the Alaska Railroad Northern Rail Extension Project Area (ID Plan)* approved by SHPO on September 5, 2006, (Attachment D) and may include a phased approach to testing and evaluation. Based on consultation between STB and SHPO on April 5 and May 9, 2006, the ground survey ~~is~~ was defined as the minimum level of effort to meet Level II (Evaluation Phase) survey requirements by the SHPO (i.e., gathering sufficient data for a determination of eligibility to the National Register). ~~The Evaluation Phase at the survey level has been superseded by the procedure in Stipulation IV.E.~~ Additional archaeological survey work will follow the ID Plan's model in terms of determining the method of survey to be employed in various areas of the APE.

The ID Plan has been
superseded by procedures
in IV.E. in regards to determination of level of effort

- C. Should any non-archaeological properties be identified in the APE for the alternative licensed by the STB, the STB shall ensure that a historian or architectural historian who meets the Secretary of the Interior's Professional Qualifications Standards shall consult with SHPO and ARRC to establish the level of effort necessary to determine whether that property meets National Register criteria. Following consultation and ~~a~~ Agreement upon the level of effort, STB shall make a reasonable and good faith effort to carry out the evaluation, and, prior to the initiation of construction of the Undertaking, shall submit that determination to SHPO for review and concurrence, and shall distribute copies of the determination to all parties to this Agreement. The consultation, review, and concurrence for non-archaeological properties shall be coordinated with the reports submitted for the relevant segment(s) of the alternative licensed by the STB that are prepared for archaeological sites in accordance with Stipulations IV.D. through IV.H.
- D. The responsible agency(ies) identified in Stipulation I.C. shall evaluate properties identified in the APE according to the level of effort described in the ID Plan

Survey method
(aerial or pedestrian)

already developed and prepare a Cultural Resources Survey Report (CRSR) for each segment(s) of the alternative licensed by STB, if any. The CRSR will describe each located ~~property resource~~, and the ~~property site's~~ known content and context. The CRSR will also indicate which archaeological ~~sites/resources~~ present in the Project APE can be evaluated at the Phase I survey level as not eligible for the National Register, and present a justification for these evaluations. ~~Properties/Cultural resources~~ evaluated as not eligible at the Phase I level will not require further testing and evaluation. The CRSR shall also identify areas of sensitivity where monitoring shall occur during construction, even though no historic properties have been identified in those areas. The CRSR shall include a summary of all previous CRSRs prepared for this Undertaking, and make recommendations for the sequence and schedule for preparing additional CRSRs.

and provide S. 106 review status of remainder of segments in selected alternative.

properties
→

E. Additionally, for each segment(s) of the alternative licensed by STB that contains identified ~~cultural resources~~, if any, for which eligibility cannot be determined at the Phase I level, a Level II Testing and Evaluation Plan (TEP) shall be prepared. ~~In practice, for simplicity of document review, the TEP document may be combined with the CRSR.~~ The TEP shall include the initial survey results and the proposed scope of archaeological testing efforts to establish the boundaries of historic properties located through archaeological survey per the ID Plan. The TEP will also describe for each located resource or type of resource procedures for site testing and evaluation for eligibility to the National Register. Usually, these testing procedures will follow standard archaeological practices, for example, shovel probe grids, excavation units, trenching. Testing will focus on assessing the extent, depth, artifact content, features, and integrity of each archaeological resource. The CRSR/TEP shall be distributed to all parties to this Agreement, and the comments of those parties, including SHPO and Indian Tribes, ~~shall~~ be taken into consideration before detailed evaluation testing takes place. SHPO concurrence will be required for the Phase II TEP and for sites evaluated as not eligible at the Phase I level; if SHPO does not concur with a finding the site is not eligible, an additional TEP document will be prepared for these resources.

SHPO

F. After the TEP is ~~carried out~~ executed, the responsible agency(ies) identified in Stipulation I.C. shall prepare a Phase II Testing and Evaluation Report (TER) for each segment(s) that includes the results of testing and evaluation of archaeological sites that would be directly affected by construction of the alternative licensed by STB. The responsible agency(ies) shall distribute the ~~TER(s) to all consulting parties to this Agreement, who shall have a 30-day review and comment period.~~ Comments shall address the adequacy of the Evaluation Phase assessments and provide their recommendations for determination of eligibility based on National Register criteria (36 CFR 60.4). Based on the comments received, the responsible agency(ies) may revise the TER(s) or may conduct additional Evaluation Phase surveys or testing or both. Any revised Final TER shall be submitted by the responsible agency(ies) ~~to all consulting parties to this Agreement for a second 15-day review.~~ If any

SHPO

reviewing party has an objection to the Final TER(s), they shall notify the responsible agency(ies) within 15 days of receiving the reports for review or the Final TER(s) shall be considered complete. ~~All determinations of National Register eligibility shall take into account the professional standards, guidance, and research of both the cultural resources and railroad design professions, including the Secretary of the Interior's Professional Qualifications Standards (48 FR 44734-44737).~~

G. If after full review by the Invited Signatories, Tribes, and SHPO, no historic properties were identified within the APE for a specific segment, and the results of the TER for that segment have been accepted by all reviewing parties, then construction of the proposed project in this segment may be allowed by STB upon concurrence by SHPO with a finding of no historic properties affected for that segment.

H. If the studies result in the identification of properties that are eligible for the National Register, the responsible agency(ies) shall assess adverse effects in accordance with 36 CFR 800.5 and distribute a Finding of Effect Report for each segment(s) where historic properties were identified within the APE. The Finding of Effect Report(s) shall describe the assessment of potential adverse effects to historic properties that would result from the construction or operation of the project, and identify mitigation measures that would eliminate or minimize effects to be incorporated into the design and construction documents of the Undertaking. ~~Consistent with 36 C.F.R. § 800.4(d)(1), STB may determine that there are historic properties within the APE, but that the Undertaking will have no effect on them.~~ *SHPO* The responsible agency(ies) shall distribute the Finding of Effect Report(s) to all consulting parties to this Agreement, who shall have a 30-day review and comment period. STB, as lead agency, shall ensure that comments are responded to prior to finalizing the Finding of Effect Report(s) for submission to SHPO for final review and concurrence. The SHPO shall have an additional 30 days for review and concurrence with the findings in the Finding of Effect Report(s).

I. Consistent with 36 C.F.R. § 800.4(d)(1), STB may determine that there are historic properties within the APE, but that the Undertaking will have no effect on them. If after full review by the consulting parties to this Agreement, no historic properties would be affected within the APE for a specific segment, and the results of the Finding of Effect Report for that segment have been accepted by all reviewing parties, then construction of the proposed project in this segment may be allowed by STB upon concurrence by SHPO with a finding of no historic properties affected for that segment.

V. Treatment of Historic Properties:

A. Any design changes, modifications, and refinements of the Undertaking shall endeavor to avoid impacts to historic properties.