

El- 18599



RE: Port MacKenzie - Final Draft for ACHP, SHPO and ARRC Review

Dave Navecky, Najah Duvall-Gabriel,
Charlene Vaughn to: Judith E. Bittner, Doug Gasek, Summer Rickman, Vicki.Rutson, hotchkinb, Kusske
Cc: "Summerville, Alan", "Bauer, David", "Richard Starzak" 03/31/2011 03:00 PM

From: "Charlene Vaughn" <cvaughn@achp.gov>
To: "Dave Navecky" <david.navecky@stb.dot.gov>, "Najah Duvall-Gabriel" <ngabriel@achp.gov>, "Judith E. Bittner" <judy.bittner@alaska.gov>, "Doug Gasek" <doug.gasek@alaska.gov>, "Summer Rickman" <summer.rickman@alaska.gov>, <Vicki.Rutson@stb.dot.gov>,
Cc: "Summerville, Alan" <ASummerville@icfi.com>, "Bauer, David" <DBauer@icfi.com>, "Richard Starzak" <rstarzak@icfi.com>

All,

The language in the MOA which allows other agencies to fulfill their Section 106 compliance responsibilities for activities related to the undertaking needs to be set forth in a stipulation. Please add a new section to the MOA that outlines this arrangement and makes it easy to locate for subsequent agencies.

Thanks,

Charlene Vaughn

-----Original Message-----

From: David.Navecky@stb.dot.gov [mailto:David.Navecky@stb.dot.gov]
Sent: Thursday, March 31, 2011 2:29 PM
To: Charlene Vaughn; Najah Duvall-Gabriel; Judith E. Bittner; Doug Gasek; Summer Rickman; Vicki.Rutson@stb.dot.gov; hotchkinb@akrr.com; Kusske Floyd, Kathryn; johnson.jay@DORSEY.com
Cc: Summerville, Alan; Bauer, David; Richard Starzak
Subject: Port MacKenzie - Final Draft for ACHP, SHPO and ARRC Review

Folks -

Please find attached the Final Draft Programmatic Agreement for the proposed Port MacKenzie rail extension. If you concur with this Final Draft, it will be circulated to all the Parties to the Agreement for signature. I will be happy to address any comments you may have prior to circulation.

I would like to have your concurrence that the Agreement is ready to be circulated for signature, or receive any comments, by close-of-business, Tuesday, April 5, 2011.

Today's Final Draft Agreement incorporates comments that were made during last week's conference call of the Parties (see attached meeting notes).

To assist in your review of the attachment Final Draft Agreement, I would like to highlight the following changes:

WHEREAS CLAUSES

The Knik Tribal Council (KTC) no longer has the authority to terminate the Agreement.

Language has been added to highlight the importance of the project area to the Dena'ina people. I provided the revised language to Richard Porter (Executive Director of KTC) for review and comment on Monday, March 28. I have not yet heard back from Richard and have been unable to reach him by phone or email. I'll continue my efforts to contact Richard and will inform you of any comments I receive. A new clause has been added to provide the STB with an option to retain a third-party contractor at ARRC expense. The MSB will remain a consulting party.

STIPULATIONS

Stipulation II.D has been added to clarify that the final APE will be determined after the STB issues a license and the U.S. Army Corps of Engineers has issued a Section 404 permit under the Clean Water Act. In a March 28, 2011 email to all the parties, Barb Hotchkin, ARRC, provided some revised language for Stipulation III.A, Development of a Working Group. I have edited Barb's suggestions to clarify and strengthen the STB's and SHPO's oversight roles. In Stipulation VI, Curation, I have added language to clarify and strengthen the STB's and SHPO's oversight roles. During the last week's conference call, Doug Gasek, SHPO's office, suggested that Stipulation VI.E be revised to cite state statutory requirements concerning artifact ownership. Please provide a citation or language if you would like it included in the Agreement.

Thanks for your continued support and cooperation. If you have any questions, please feel free to call or email.

Dave Navecky
202-245-0294

(See attached file: 3-31-2011_draft_clean version.docx) (See attached file: SHPO and STB 03-23-11 PA Meeting Notes.docx)