

EI - 18600



Port MacKenzie Programmatic Agreement

johnson.jay to: David.Navecky

Cc: egray, fseagerboss, kusske.floyd.kathryn

04/05/2011 02:41 PM

History: This message has been forwarded.

Dave,

I am writing to submit one comment from the Matanuska-Susitna Borough (MSB) on the revisions to the Programmatic Agreement that you circulated on March 31.

During our last telephone conference on the Programmatic Agreement, you indicated that only the Alaska Railroad Corporation properly had authority to terminate the agreement as an invited signatory. The representative of the Knik Tribal Council, which was listed on the draft agreement as an invited signatory, stated that the tribe was willing to waive its right to terminate the agreement. The revised agreement reflects this change, retaining the tribe as an invited signatory but specifying that it does not have the right to terminate the agreement.

Because the project is being constructed within the Borough, and because the Borough is providing significant funding as a sponsor of the project, MSB believes that it should have the same status under the agreement as the Knik Tribal Council. Accordingly, MSB requests that the final Programmatic Agreement include MSB as an invited signatory, while at the same time specifying that MSB does not have authority to terminate the agreement.

If you have any questions about this request, please do not hesitate to contact me.

Regards,

Jay

Jay C. Johnson
Of Counsel

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