

E0-2625



Re: Petition to construct and operate rail line extension to Port Canaveral, FL.
PROJECT UPDATE 

David Navecky to: Emman Spain

05/01/2015 02:55 PM

Mr. Spain -

Thank you for your reply late last year regarding the Canaveral Port Authority's proposal to construct and operate a rail line extension to Port Canaveral, in Brevard County, FL. My agency, the Surface Transportation Board, is still finalizing the scope of study for the Environmental Impact Statement (EIS), but should have it completed in a couple of months. We will then be in a position to begin the appropriate field work including archaeological surveys. As requested, I will keep you informed about the project and will pass on requested materials for review when available. Also as requested, these materials will be provided by email, or if attachments are too large to email, we will delivery them to you on disc.

Last year, we also inquired about the Muscogee Nation's interest in formal government-to-government consultations regarding this proposed project (see attached letters). Your email reply did not address this topic. Is the Muscogee Nation interested in that level of consultations at this time? Or perhaps your interest in formal consultation will depend on the outcome of the archaeological surveys and your review of those surveys and other project-related materials. If that is the case, I would be happy to continue keeping you informed and providing you with the requested materials for review, and we can formalize the consultation process at a later date, upon your request if the Muscogee Nation determines that would be appropriate.

If you would like a refresher about this project in general, I would be happy to speak with you over the phone. It has been some time since you have heard from us and I was hesitant to "cold call" you before sending this email update. We have also created a project-specific website to keep interested parties informed about the project and my agency's environmental review process. That website can be found here:

<http://www.portcanaveralraileis.com/>

Feel free to call or email me with any questions. My direct phone number is provided below.

Thank you very much for your time.

Respectfully,

Dave

Dave Navecky
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423
202-245-0294

www.stb.dot.gov



Muscogee (Creek) Nation Letters Oct 2014.pdf

Emman Spain

Mr. Navecky, The Muscogee Nation is interested...

11/10/2014 05:49:53 PM

From: Emman Spain <ESpain@MCN-NSN.gov>
To: "david.navecky@stb.dot.gov" <david.navecky@stb.dot.gov>
Date: 11/10/2014 05:49 PM
Subject: Petition to construct and operate rail line exrtension to Port Canaveral, FL.

Mr. Navecky,

The Muscogee Nation is interested in this project and would like to be kept informed. Please send all archaeological surveys and maps for the project area and proposed construction plans to us for review. Email or disc are preferred. Thank you.

Emman Spain, THPO
Cultural Preservation Office
Muscogee (Creek) Nation
P. O. Box 580
Okmulgee, OK 74447
espain@mcn-nsn.gov
(918) 732-7678



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

October 27, 2014

A.D. Ellis, Principal Chief
Muscogee (Creek) Nation of Oklahoma
PO Box 580
Okmulgee, OK 74447

Re: Docket No. FD 35852, Canaveral Port Authority — Petition to Construct and Operate a Rail Line Extension to Port Canaveral, Florida: Government-to-Government Consultation

Dear A.D. Ellis:

The purpose of this letter is to initiate formal government-to-government consultations with the Muscogee (Creek) Nation of Oklahoma regarding the above-referenced project.

The Canaveral Port Authority (CPA) plans to file a request with the Surface Transportation Board (Board) pursuant to 49 U.S.C. § 10502 for authority to construct and operate approximately 11 miles of new rail line to Port Canaveral (Port) in Brevard County, Florida. The proposed Port Canaveral Rail Extension (PCRE) would also utilize approximately 17 miles of existing rail line at the National Aeronautics and Space Administration's (NASA) John F. Kennedy Space Center (KSC) to make a connection with a main line of the Florida East Coast Railway. The proposed PCRE would provide the Port with direct access to freight rail service. The new rail line would begin near the Port's North Cargo Area, extend west across the Banana River, enter KSC on Merritt Island south of Kars Park, and then turn north through KSC grounds where it would connect with KSC's existing rail line. The decision facing the Board whether or not to authorize the construction and operation of the new rail line is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations at 36 C.F.R. Part 800. The Office of Environmental Analysis (OEA) is the office within the Board responsible for preparing the appropriate documentation for compliance with the National Environmental Policy Act (NEPA) as well as NHPA Section 106. For your reference, Attachment A to this letter includes a map of the project area including CPA's proposed alignments.

The Board is now interested in knowing your tribe's interest to consult with us regarding the broader range of impacts assessed under NEPA including those to tribal lands and resources such as plant gathering areas and religious sites.

If you have any questions or would like to discuss the project in more detail please contact Dave Navecky of my staff at 202-245-0294 (david.navecky@stb.dot.gov). Information on this project is also available on a Board-sponsored project website at www.portcanaveralraileis.com and on the Board's website at www.stb.dot.gov, by placing your

cursor on the “Environmental Matters” button, then clicking on the “Key Cases” button in the drop down menu and then selecting “Port Canaveral Rail Extension.” I respectfully request that you respond to Dave Navecky of my staff at your earliest convenience. We look forward to hearing from you.

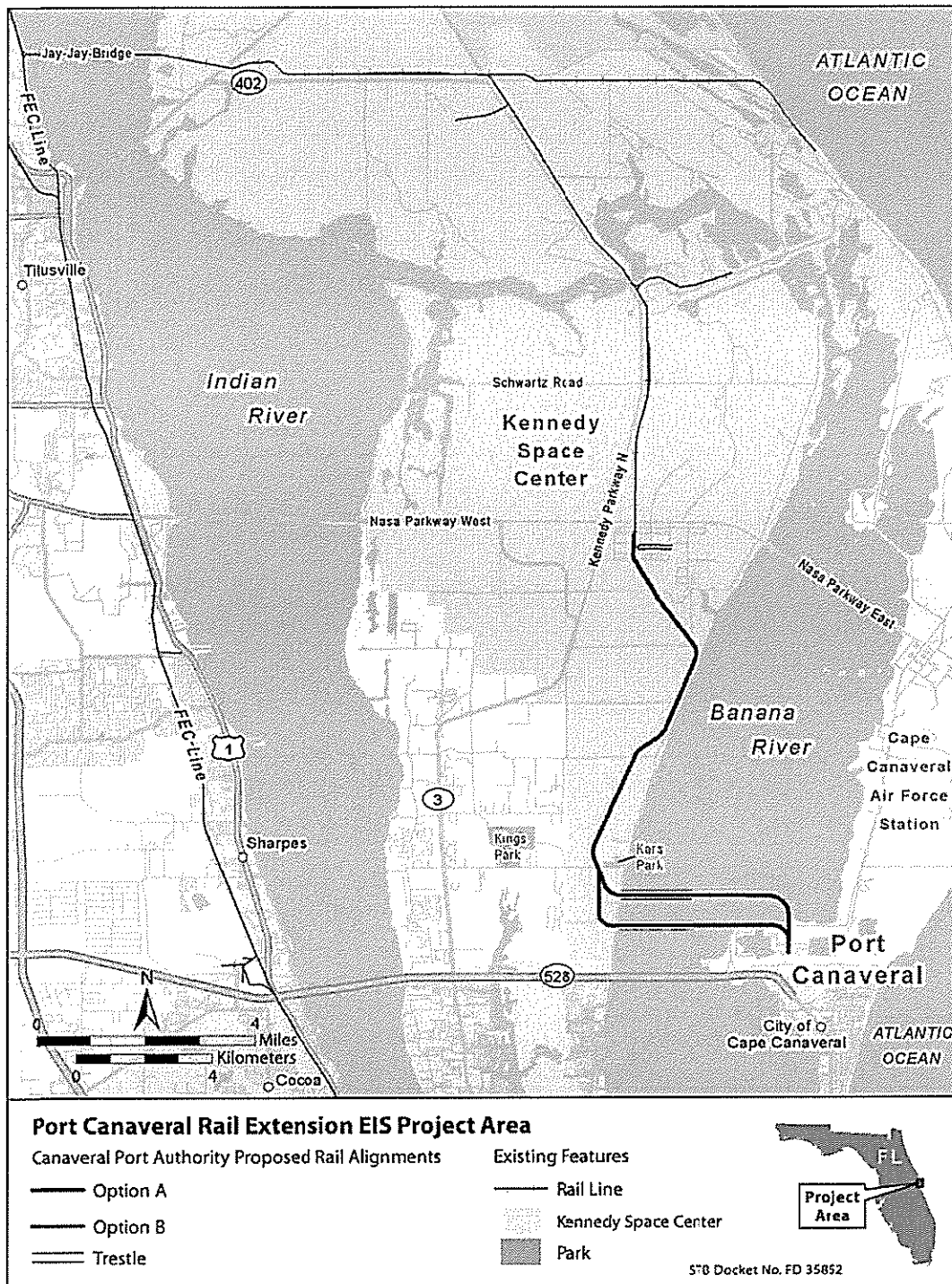
Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with a large initial 'V' and 'R'.

Victoria Rutson
Director
Office of Environmental Analysis

Enclosure: Map of the project area including CPA's proposed alignments
cc: THPO

ATTACHMENT A: MAP OF PROJECT AREA and PROPOSED ALIGNMENTS





SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Environmental Analysis

October 27, 2014

Emman Spain, Tribal Historic Preservation Officer
Muscogee (Creek) Nation of Oklahoma
PO Box 580
Okmulgee, OK 74447

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Sincerely,

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Victoria Rutson
Director
Office of Environmental Analysis

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cc: THPO

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